JOURNAL

OF THE

SENATE

OF THE

STATE OF CALIFORNIA;

AT THEIR

FIRST SESSION

BEGUN AND HELD AT PUEBLA DE SAN JOSÉ, ON THE FIFTEENTH DAY OF DECEMBER, 1849.

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JOURNAL OF THE SENATE.

SENATE OF CALIFORNIA.

PUEBLO DE SAN JOSÉ,

Saturday, December 15, 1849.

In accordance with the provisions of the ninth section of the Schedule of the Constitution, ratified by the people of California, on the thirteenth of November, A.D. 1849, the Senate assembled this day, when the following gentlemen appeared as Senators elect:—

From	San Diego,	E. Kirby Chamberlin.
„	San José,	W. R. Bassham.
„	San Francisco,	Nathaniel Bennett.
„	Sonoma,	Jonas Spect.
„	Sacramento,	E. O. Crosby, John Bidwell.

On motion of Mr. Bennett, Mr. Chamberlin was elected President *pro tem.*, and Mr. Bidwell, Temporary Secretary.

A quorum of members not being present, on motion of Mr. Bassham the Senate adjourned to 11 o'clock A.M., on Monday, 17th instant.

E. Kirby Chamberlin,
President *pro tempore* of the Senate.

J. Bidwell, Secretary *pro tem.*

The President *pro tem.* rose and addressed the Senate as follows:—

Senators,

I cannot command language to express to you my gratitude for the unexpected and unmerited honor conferred upon me. I had hoped that your choice might have fallen upon some Senator more familiar with parliamentary rules than myself. Such, however, has not been your decision, and I shall endeavor to discharge the duties of the

to the best of my humble ability, trusting to the kindness of more experienced members to put me right should I go astray. Again, gentlemen, accept my thanks for this distinguished token of your respect.

IN SENATE.

MONDAY, *December* 17, 1849.

Pursuant to adjournment, the Senate assembled at 11 A.M., Hon. E. K. Chamberlin in the Chair.

The journal of Saturday was read by Hon. John Bidwell, temporary Secretary, and approved.

A quorum being present, on motion of Mr. Douglass, the Senate proceeded to the election of President *pro tempore*, when Mr. Chamberlin of San Diego and Los Angelos district received eight votes, and Mr. Crosby of the Sacramento district five votes. Mr. Chamberlin having a majority of all the votes of Senators present, was declared to be duly elected.

On motion of Mr. Crosby the Senate proceeded to the election of Secretary, when Mr. G. Frank Lemon received six votes, J. F. Howe seven votes, and Mr. Howe was declared to be duly elected.

On motion of Mr. Hope, the Senate proceeded to the election of an Assistant Secretary, when Mr. A. W. Luckett received six votes, Mr. Dexter one vote, Mr. Charles A. Leake two votes, Mr. Peter O. Miner one vote, Mr. Wm. B. Olds two votes, Mr. Henry Sharp one vote; and neither gentleman having a majority of the votes of Senators present,

On motion, the Senate proceeded to a second ballot, the names of Messrs. Dexter, Leake, Miner, and Sharp, having been withdrawn, when Mr. Luckett received six votes, Mr. Olds seven votes, and Mr. Olds was declared to be duly elected.

On motion of Mr. Bidwell, the Senate proceeded to the election of Sergeant-at-Arms, when Cornelius Sullivan received three votes, Thomas J. Austin ten votes, and Mr. Austin was declared to be duly elected.

On motion of Mr. Green, the Senate proceeded to the election of Doorkeeper, when Henry Ackley received four votes, Robert Driscol one vote, Eugene Russell eight votes, and Mr. Russell was declared to be duly elected.

On motion of Mr. Green, the Senate proceeded to the election of Enrolling Clerk, when A. W. Luckett received nine votes, Charles A. Leake two votes, Bela Dexter one vote, and M. Luckett was declared to be duly elected.

On motion of Mr. Woodworth, the Senate proceeded to the election of Engrossing Clerk, when Charles A. Leake received five votes, Bela Dexter seven votes, and Mr. Dexter was declared to be duly elected.

The President *pro tempore* laid before the Senate the following communication from the Secretary of State:—

STATE DEP'T OF CALIFORNIA,
MONTEREY, *December 12th*, 1849.

SIR,—I have the honor to transmit herewith a copy of the abstract of the return of the votes given at the election held on the 13th of November last; and also the original returns of said election.

Very respectfully
Your obedient servant,
H. W. HALLECK,
Brevet Capt. and Secretary of State.

To the Honorable
The President of the Senate.

On motion of Mr. Woodworth, a committee, consisting of Messrs. Woodworth, Green, and Crosby, was appointed to examine the returns of the election of Senators, as communicated by the Secretary of State.

Mr. Woodworth, Chairman of the committee, subsequently made a report, recommending that the letter attached to the communication of the Secretary of State, from the district of Sonoma, be read as the report of the Board of Canvassers, in accordance with section sixth of the schedule of the Constitution; and that the Secretary read also the returns for the Senate from the different districts, as they appear upon the general report.

On motion, the report was received and adopted, and the Secretary proceeded to read the returns, from which it appeared that the votes for the several candidates for Senators in the several districts were as follows:—

San Diego and Los Angelos.

San Diego :

E. K. Chamberlin	224
A. W. Hope	57
M. Pedrorena	38
J. Temple	25
Scattering	2

Los Angelos :

A. W. Hope	235
E. K. Chamberlin	96
M. Pedrorena	87
E. Corronel	92
J. Temple	151
Scattering	2

Santa Barbara and San Luis Obispo.

Santa Barbara :

P. de la Guerra	155
W. G. Dana	25
Scattering	2

San Luis Obispo :

W. G. Dana	44

Monterey.

S. E. Woodworth	252
J. McLean	44
J. Ramirez	27
W. H. McKee	37
Scattering	5

San José.

W. R. Bassham	544

San Francisco.

G. B. Post	1606
N. Bennett	1592
H. R. Bowie	1076
J. A. Brinsmade	1064
Scattering	821

Sonoma.

M. G. Vallejó	199
J. P. Walker	168
S. Cooper	49
Jonas Spect	149
Scattering	58

Sacramento.

John Bidwell	3674
M. Morrison	2171
T. J. Green	2512
E. O. Crosby	2608
H. E. Robinson	2429
G. A. Grant	1687
H. Bigelow	1407
C. E. Pickett	904

San Joaquin.

D. F. Douglass	2587
B. S. Lippincott	2425
T. L. Vermule	2273
Nelson Taylor	1755
H. A. Lyons	1541

On motion of Mr. Crosby, it was

Resolved, That a committee of three be appointed by the President to receive any further returns and proofs of the election of Senators to this body, with power to send for persons and papers; and that the committee be requested to report as early as practicable.

The President appointed, as the committee under this resolution, Messrs. Crosby, Hope, and Bennett.

On motion of Mr. Crosby, it was

Resolved, That a list be made up from the official returns of the State Canvassers, of the Senators elect from each district (leaving out the District of Sonoma); and that such Senators as are present take and subscribe the required oath of office.

In compliance with this resolution, the following list of Senators elect from the several districts was accordingly prepared by the Secretary, and the oath prescribed by the Constitution was administered by the

Chief Justice of the Supreme Court to all therein named, except Messrs. Robinson and Vermule, who were absent in consequence of sickness :—

San Diego and Los Angelos:
E. Kirby Chamberlin.
A. W. Hope.
Santa Barbara and San Luis Obispo :
Pablo de la Guerra.
Monterey—S. E. Woodworth.
San José—W. R. Bassham.
San Francisco—Nathaniel Bennett.
G. B. Post.
Sonoma—
Sacramento—John Bidwell.
E. O. Crosby.
T. J. Green.
H. E. Robinson.
San Joaquin—D. F. Douglass.
B. S. Lippincott.
Nelson Taylor.
T. A. Vermule.

On motion of Mr. Douglass, the votes by which the several officers of the Senate had been elected, were confirmed.

Mr. Bassham moved a reconsideration of the vote just taken, confirming the action of the Senate in regard to the election of officers. The motion was decided in the negative.

On motion of Mr. Green it was

Resolved, That a committee be appointed to inform the Assembly that the Senate have organized by the election of E. K. Chamberlin, President *pro tempore;* James F. Howe, Secretary; Wm. B. Olds, Assistant Secretary; Bela Dexter, Engrossing Clerk; A. W. Luckett, Enrolling Clerk; Thomas S. Austin, Sergeant-at-Arms; and Eugene F. Russell, Doorkeeper; and that they are now ready to proceed to business.

The President appointed, as the committee, Messrs. Green and Lippincott.

On motion of Mr. Douglass, the Senate took a recess until half-past 3 P.M.

AFTERNOON SESSION.

On motion of Mr. Bennett, it was

Resolved, That the Secretary of the Senate be, and is hereby authorized, to procure two large journals, and two memorandum books, for his use in keeping the Records of this body, and five reams of letter paper, five reams of foolscap paper, with a sufficient supply of pens, ink, wafers, quills, sealing wax, blotting paper, and penknives, for the use of the members of the Senate and its officers.

On motion of Mr. Woodworth, the Sergeant-at-Arms was directed to make the necessary provision for lighting the hall and other necessary arrangements for evening sessions.

Mr. Post submitted the following resolution, which was adopted:—

Resolved (if the Assembly concur), That a committee of two from the Senate, and two from the House of Assembly, be appointed to wait upon the Governor elect, and notify him that the two Houses of the Legislature are duly organized, and that they are ready to proceed to the inauguration of the Governor at such time as shall suit his convenience.

Resolved (if the Assembly concur), That the two Houses meet in the Assembly Chamber on Tuesday the 18th instant, at 3 o'clock in the afternoon, to receive the Governor and Lieut. Governor, and proceed with their inauguration.

The President appointed, as the committee in the above resolution, on the part of the Senate, Messrs. Post and Bassham.

Mr. Bennett submitted the following resolution, which was adopted:—

Resolved, That a committee of three be appointed to prepare and report to the Senate, a draft of rules for the government of the Senate, —that such committee be, and are hereby, authorized to employ, at the expense of the State, clerks sufficient in number to make a fair copy of such rules for each member of the Senate, and for each of its officers; and that said committee report to the Senate, at the opening of the Session on Wednesday next.

The President appointed as the committee, Messrs. Bennett, Green, and Douglass.

Mr. Douglass submitted the following resolution, which was adopted:—

Resolved, That the Parliamentary "Rules" laid down in Jefferson's Manual shall be the rules of this Senate until otherwise determined.

Mr. Bennett submitted a resolution, for the appointment of Padre Pineyro, as Chaplain of the Senate during the present Session.

Mr. Crosby moved to amend the resolution, by striking out all after the word " Resolved," and inserting that the clergymen of San José be requested to determine among themselves who, and on what days, they will each officiate as chaplain to the Senate of this State during its present Session; and that a committee of two be appointed by the President to make such request.

Mr. de la Guerra moved to amend the amendment, by inserting after the words San José the words " and Santa Clara," which amendment was accepted by Mr. Crosby, the amendment of Mr. Crosby was agreed to, and, thus amended, the resolution of Mr. Bennett was adopted.

The President appointed, as the committee, Messrs. Crosby and De la Guerra.

Mr. Hope submitted the following resolution, which was adopted:—

Resolved, That the Sergeant-at-Arms be authorized to make suitable provision with tables, desks, &c., for the accommodation of the Enrolling and Engrossing Clerks of the Senate, and that the Secretary be also directed to use such measures as will best afford security and protection for the Records of this body.

A message was received from the Assembly by Mr. Tharp, Clerk thereof, as follows:

MR. PRESIDENT—

I am directed to inform the Senate that the House of Assembly have convened and formed a quorum, elected the Hon. Thomas J. White, Speaker, E. H. Tharp, Principal Clerk, Fred. H. Sanford, Assistant Clerk, Aaron Dolin, Enrolling Clerk, C. Mitchell, Engrossing Clerk, Samuel Haston, Sergeant-at-Arms, John Warrington, Doorkeeper, and that they are now ready to proceed to Legislative business.

On motion of Mr. Bidwell, the Senate proceeded to the election of Page, and Robert Driscol received thirteen votes, and was declared elected.

Mr. Green submitted the following resolution, which was adopted:

Resolved, That a committee of two, on the part of the Senate, be appointed in conjunction with such committee as the Assembly may appoint, to wait upon His Excellency Governor Riley, and inform him of

the organization of the Legislature, and that they are ready to receive any communication which he may desire to make.

The President appointed as the committee, Messrs. Green and Lippincott.

On motion of Mr. Bennett, the vote by which the Senate adopted the resolution of Mr. Post, in reference to the inauguration of the Governor and Lieutenant Governor, was reconsidered.

On motion of Mr. Green, the words "Tuesday, at 3 P.M.," were stricken out, and the words "Wednesday, at 12 M.," substituted.

Mr. Woodworth submitted the following resolution, which was adopted:

Resolved, That under the direction of the President of this body, suitable accommodations be prepared, on the floor of the Senate, for the reporters of the press.

On motion of Mr. Crosby, the Senate then adjourned to 11 o'clock tomorrow.

E. KIRBY CHAMBERLIN,
President *pro tempore* of the Senate.

J. F. HOWE, Secretary of the Senate.

IN SENATE.

TUESDAY, *December* 18, 1849.

The Senate assembled pursuant to adjournment.

The journal of Monday was read, amended, and approved.

Mr. Bennett, from the Select Committee on Rules and Orders, made a report, accompanied by a code of rules, and moved the adoption, by the Senate, of the rules so reported.

The report having been read by the Secretary, Mr. Green moved to amend the twenty-eighth rule, by striking out the words "the division of counties and towns," and inserting in lieu thereof, the words "counties and county boundaries."

Mr. Bidwell moved that the vote on the adoption of the rules be taken on each rule separately.

Mr. Bidwell's motion was decided in the negative, six Senators voting in the affirmative, six in the negative, and the President giving the casting vote in the negative.

The question recurring on the adoption of the rules, as amended, it was decided in the negative, Yeas five, Nays seven.

Mr. Crosby moved that the report be received, for the consideration of the Senate, but the President decided the motion to be not in order.

A message was received from the Assembly by Mr. Sharp, its chief clerk, as follows:

MR. PRESIDENT—

The House of Assembly have agreed to a resolution, requesting both branches of the Legislature to convene in the House of Assembly at 12 o'clock M., for the purpose of ascertaining and counting the votes for Governor and Lieutenant Governor, to which they desire the concurrence of the Senate.

On motion of Mr. Bennett, the Senate concurred in the resolution of the Assembly, of which the Secretary was directed to notify that body.

Mr. Bennett submitted the following resolution, which was adopted:—

Resolved (if the Assembly concur), That Col. Allen, the General Post-office Agent for California, be, and he is hereby, requested to establish a daily mail line between San José and San Francisco.

IN CONVENTION.

The two Houses met in Convention, pursuant to the joint resolution this day adopted, when, on motion, Mr. Bassham on the part of the Senate, and Mr. Voorhies on the part of the Assembly, with the Secretary of the Senate and Clerk of the House, proceeded to an examination of the abstract of the Board of Canvassers presented by the Secretary of State, and of the original returns of the election accompanying the same, for the purpose of ascertaining the aggregate number of votes polled in the State, at the recent election for Governor, Lieutenant Governor, and Members of Congress.

The result of such examination was reported to be as follows:—

RECAPITULATION.

For Governor.

Peter H. Burnett received in the District of

San Joaquin,	928
Sacramento,	2408

Sonoma,	424
San Francisco,	1925
San José,	517
Monterey,	181
Santa Barbara,	1
Los Angelos,	157
San Diego,	93
	6716

W. Scott Sherwood received in the District of

San Joaquin,	418
Sacramento,	1923
Sonoma,	128
San Francisco,	69
San José,	36
Monterey,	152
San Luis Obispo,	45
Santa Barbara,	183
Los Angelos,	86
San Diego,	148
	3188

J. W. Geary,	1475
John A. Sutter,	2201
Wm. M. Stewart,	619

Lieutenant Governor.

John McDougall,	7374
R. Roman,	2368
Francis J. Lippitt,	1060
J. B. Frisbie,	1558
A. M. Alwin,	802
P. de la Guerra,	129
P. H. Burnett,	157

Congress.

G. W. Wright,	5451
Edward Gilbert,	5100

Rodman M. Price,	4040
P. A. Morse,	2066
Lewis Dent,	2029
E. J. C. Kewen,	1806
Wm. M. Sheppard,	1773
W. E. Shannon,	1327
Peter Halstead,	593
L. W. Hastings,	215
P. B. Reading,	171
W. H. Russell,	92
K. H. Dimmick,	41
J. Thompson,	86

And the President of the Senate, as presiding officer of the Convention, declared accordingly, that Peter H. Burnett, having received for Governor a majority of votes over any other person, was duly elected Governor for the term of two years: that John M'Dougall, having received for Lieutenant Governor a majority of votes over any other person, was duly elected Lieutenant Governor; and that George W. Wright and Edward Gilbert, having each received for Members of Congress a majority of votes over any other two persons, were duly elected Members of Congress.

And then, the two Houses separated.

In Senate, on motion of Mr. Green, the vote by which the joint resolution was yesterday adopted, fixing Wednesday, the 19th inst., as the day for the inauguration of the Governor and Lieutenant Governor, was reconsidered.

Mr. Green moved to amend the resolution, by substituting "Thursday at 12 M.," for "Wednesday at 12 M."

Mr. Crosby moved to amend the amendment, by substituting "Friday at 12 M.," for "Thursday at 12 M."

Mr. Crosby's amendment was accepted by Mr. Green.

Mr. Green's amendment, as amended, was agreed to; and thus amended, the resolution was adopted.

On motion of Mr. Crosby, it was

Resolved, That a Committee of three be appointed, to secure suitable and proper rooms, furnished and prepared, for the use of the Senate, during the present session.

The President *pro tem.* appointed Senators Crosby, Lippincott, and De La Guerra.

On motion of Mr. Douglas, the Senate adjourned to 10 o'clock A. M., to-morrow.

E. KIRBY CHAMBERLIN,
President *pro tempore* of the Senate.

J. F. HOWE, Secretary of the Senate.

IN SENATE.

WEDNESDAY, *December* 19, 1849.

The Senate assembled, pursuant to adjournment.

The Journal of Tuesday was read and approved.

A message was received from the Assembly, informing the Senate that that body had passed a resolution, that the two branches of the Legislature convene in the House of Assembly, on Wednesday the 19th instant, at 11 o'clock A. M., and proceed to the election of United States Senators.

On motion of Mr. Crosby, the resolution was amended, so as to read Thursday the 20th instant, at 12 M., and, thus amended, was concurred in.

On motion of Mr. Hope, the vote by which the Senate yesterday rejected the rules reported from the Committee on Rules and Orders, was reconsidered, and they were, after debate, adopted.

Mr. Green, from the Joint Commitee appointed to wait on his Excellency Governor Riley, and inform him of the organization of the Legislature, and that they were ready to receive any communications which he might desire to make, reported, that the committee had performed the duties assigned them, and had received a verbal reply from Governor Riley, that he was ready to turn over, on the inauguration of the Governor elect, the government, and the books, papers, &c., connected therewith.

Mr. Woodworth submitted the following resolutions:—

Resolved, That the Secretary of this body be directed to furnish a copy of the daily proceedings of the Senate, for publication in the "Alta California;" and he is hereby authorized to employ such extra assistance as may be required for that purpose.

On motion of Mr. Green, said resolution was amended, by inserting after the words "Alta California," the words "until a public press shall

be established at the seat of government, and thus amended, the resolution was adopted; Ayes six, Nays four."

On motion of Mr. Douglass, the Senate took a recess until 3 P. M.

AFTERNOON SESSION.

Mr. Crosby, from the special committee, to whom had been referred the subject of the election of senator from Sonoma district, made a report recommending that "Jonas Spect be received as the Senator elect from Sonoma, and be entitled to be sworn, and take his seat as such Senator from Sonoma district, until a messenger can be sent to get his official certificate, as to the exact number of votes polled and returned to him from Larkin's Ranch," which report was accepted, and, after debate, was unanimously adopted: whereupon Mr. Spect was duly qualified, and took his seat. (See Appendix A.)

The following message was received from the Assembly, by the Clerk of that body:

MR. PRESIDENT—

I am directed by the House to inform the Senate, that they have concurred in their resolution appointing a joint committee to wait upon the Governor elect, and notify him that the two Houses of the Legislature are duly organized, and that they are ready to proceed to the inauguration of the Governor at such time as shall suit his convenience.

Also, That they have concurred in the resolution appointing a joint committee to wait upon his Excellency Governor Riley, informing him of the organization of both Houses of the Legislature; and that they are now ready to receive any communication that he may desire to make; and that they have appointed, on the part of the House, Messrs. Cornwall and Tingley to wait upon Governor Burnett, and Messrs. Randolph and Bigler to wait upon Governor Riley.

Also, That they have concurred in the resolution of the Senate requesting Colonel Allen, the General Post-office Agent for California, to establish a daily mail line from San José to San Francisco.

Also, That they have concurred in the Senate's amendment to the resolution of the House, requesting the Senate to meet in the hall of the House of Assembly on to-morrow, Thursday, the 20th inst., at 12 o'clock, to proceed to the election of two United States Senators.

They have also concurred in the resolution of the Senate in relation

to the inauguration of the Governor elect, by amending the same, and inserting this day at four o'clock P.M., in lieu of Friday the 21st inst. at 12 o'clock.

Mr. Woodworth moved to amend the last paragraph of the message by striking out "this day at 4 o'clock P.M.," and inserting instead thereof "10 o'clock A.M. of the 20th inst."

After debate, on motion of Mr. Douglass, the message was laid on the table; Ayes eight, Nays not counted.

On motion of Mr. Green it was

Resolved, That the Sergeant-at-Arms be instructed to make out certificates for the mileage of the members of the Senate, and that he apply to Governor Riley to disburse the same. The resolution was unanimously adopted.

On motion of Mr. Lippincott the Senate adjourned to 10 o'clock A.M., to-morrow.

E. KIRBY CHAMBERLIN,
President *pro tempore* of the Senate.

J. F. HOWE, Secretary of the Senate.

IN SENATE.

THURSDAY, *December* 20, 1840.

The Senate assembled, pursuant to adjournment.

The journal of Wednesday was read and approved.

On motion of Mr. Lippincott, James Branham was appointed Page in place of Robert Driscol.

On motion of Mr. Crosby, the resolution fixing the day and hour for proceeding to an election of United States Senators was taken from the table; and on motion of Mr. Green, the amendment of the Assembly was further amended by substituting "1 P.M., of Thursday, 20th inst.," for "Wednesday, 4 P.M., 19th inst." Thus amended, the amendment of the House was concurred in.

Mr. Crosby, from the select committee appointed to obtain suitable apartments for the sessions of the Senate, reported, verbally, that the committee had not yet been able to procure rooms, and were not prepared to make a final report.

Mr. Green submitted the following resolution :—

Resolved, That Governor Riley be requested to inform the Senate whether he is authorized to pay any, and if any, what portion of the expenses of this Legislature up to the time of the installation of the new State Government. Also, whether he is authorized to turn over to the new State Government any money, or money securities, and if any, what probable amount.

And the question being taken thereon, it was decided in the negative.

Mr. Bennett submitted the following joint resolutions :—

Resolved, if the Assembly concur, That in proceeding to the election of two United States Senators, in pursuance of the requirements of the Constitution, each member of the Senate and Assembly shall, as his name is called by the Secretary or Clerk, rise in his place, and vote for two persons as United States Senators; and that if, upon such voting, any person or persons shall receive a majority of votes, he or they shall be declared duly elected.

Resolved, if the Assembly concur, That if, upon such first voting, no person shall receive a majority of votes, the two Houses shall forthwith proceed to a second voting in the same manner as prescribed above, and shall continue to repeat the voting until some one person shall receive a majority of votes.

Resolved, if the Assembly concur, That if, upon any voting, it shall be found that one, and but one person, shall have received a majority of votes, the two Houses shall forthwith proceed to vote in the same manner above prescribed, for one person as United States Senator; and when in such case any person shall receive a majority of votes, he shall be declared duly elected.

Mr. Green moved to amend the resolutions, by inserting at the close thereof the following :—

Provided, That these resolutions shall not preclude the Senate, or the House, from withdrawing at any time after the first vote.

The amendment was accepted by Mr. Bennett, and thus amended the resolutions were adopted.

On motion of Mr. Green, the Senate took a recess until half past eleven A. M.

On re-assembling, a message was received from the Assembly by Mr. Tharp, its clerk, informing the Senate that they had concurred in the amendment of the Senate to the resolution of the House relative to

the inauguration of Governor and Lieutenant Governor; and that they had refused to concur in the resolutions of the Senate relative to the mode of voting for and electing the United States Senators. Also, that the House had passed a resolution inviting the Senate to attend at twelve o'clock M. this day (Thursday) in the Hall of the House of Assembly, to proceed to the election of two United States Senators, and that seats had been provided for them on the right of the Speaker's chair.

On motion of Mr. Green, the Senate declined this invitation of the Assembly, of which the Secretary was directed to notify the House forthwith.

Mr. Bidwell moved that the Senate proceed at twelve M. to the election of United States Senators, in accordance with the joint resolution already adopted by the two Houses.

Mr. Green moved to amend the motion of Mr. Bidwell, by substituting therefor the following resolution:—

Resolved, That (the House of Assembly concurring) the Legislature will proceed to the election of two United States Senators, at three o'clock this day, each House voting in its own Hall; and that each House appoint a committee of tellers to compare the votes after each balloting, and report respectively.

The amendment was agreed to, and the resolution adopted.

A message was received from the Assembly, informing the Senate that that body had non-concurred in the preceding resolution, and asked a Committee of Conference, upon which they had appointed, on their part, Messrs. Walthal, Ogier, and Randolph.

On motion, the resolution of the Assembly requesting the appointment of a Committee of Conference was concurred in, and Messrs. Bennett, Douglass, and Bidwell were appointed as the committee on the part of the Senate.

Mr. Crosby submitted the following resolution, which was adopted:—

Resolved, That the Committee of Conference on the part of the Senate be, and it is hereby instructed to insist upon the observance of the resolutions adopted by the Senate and rejected by the Assembly; and in the event that the said resolutions are not observed in governing both Houses, on their meeting, and on the joint votes, that said Committee be, and it is hereby instructed so to arrange the election of Senators to the United States Senate, that the two Houses shall vote in their respective places of meeting.

The hour of one having arrived, the Senate proceeded to the Assembly Room for the inauguration of the Governor elect.

IN CONVENTION.

The President of the Senate presided as the President of the Convention. Hon. Peter H. Burnett, Governor elect, was introduced, the oath of office was administered to him by Chief Justice Dimmick, a copy thereof subscribed by the Governor elect, and ordered to be deposited in the office of the Secretary of State, when the presiding officer of the Convention declared that Peter H. Burnett was duly installed into office as Governor of California, for the term of two years. The Governor delivered his inaugural address, when the President announced that the business for which they had assembled having been completed, the Convention was dissolved.

In Senate, Hon. John McDougall, Lieutenant Governor elect, was introduced, and the oath prescribed by the Constitution was administered to him by Chief Justice Dimmick, and duly subscribed, when he assumed the Chair as President of the Senate, and addressed the Senate as follows:—

GENTLEMEN OF THE SENATE,

In assuming the post assigned me by the voluntary suffrages of the people of California, you will allow me to say, that I much distrust my ability to discharge the duties under the Constitution, which they have so kindly imposed upon me. As the presiding officer of this body, from the want of experience in parliamentary affairs, I may often have occasion to invoke your friendly aid and courteous forbearance. This I am confident, from the high character you sustain in your respective districts, will be extended to me. In the adjustment of the various questions which will be submitted to your decision, differences of opinion will no doubt exist; and when freedom of debate is tolerated, these differences may produce excitement, and sometimes disturb the harmony of your councils. Coming from various sections of the Republic and thrown together in a legislative body for the first time, it is not to be expected that we will be able to forego our prejudices or change the opinions which have "grown with our growth, and strengthened with our strength;" but I trust we are all actuated by an earnest desire to advance the interest and promote the prosperity of this our new State.

Whilst we cherish our own sentiments, let us not forget to treat courteously and kindly those who may differ with us; and, above all, may our deliberations be characterized by that order and decorum so essential to sound legislation.

You are called upon to adopt a system of laws, which, whilst it gives the amplest security to persons and property, will extend the blessings of civil and political liberty to all who may choose to come within our limits. You are to form a state, which, I trust, will ere long be one of the brightest stars in the federal union. Although far from our native States, we have lost none of our attachment to that Union. Let the General Government admit California into the confederacy, and extend to her the right hand of fellowship, and she will be the last to disturb its peace and tranquillity—the last to abandon it. A little more than a year has elapsed since we became a portion of the federal union; and in that time we see, as the result of American liberty and the science of American government, a state springing up on the shores of the Pacific, with all the elements of greatness and good government, that would add credit to one venerated by example and the sanctity of age.

In looking at the rich and varied resources of our state, which are now being developed—its proximity to countries heretofore but little known in our commercial relations, we can but feebly contemplate the high position, in our relations with the world, in which the enterprise and industry of our people will soon place us; and to you, gentlemen, the high power is intrusted of establishing such laws as our new position to the world demands, and to which all eyes are looking with a regardful eye.

GENTLEMEN OF THE SENATE:

Allow me to return to you, and through you to the people of our state, my unfeigned thanks for the distinguished honor they have so kindly imposed on me. It shall be my constant aim to merit the confidence so generously bestowed.

JOHN MCDOUGALL.

PUEBLO DE SAN JOSÉ, December 20th, 1849.

Mr. Bennett, from the Committee of Conference of the two Houses, in reference to the election of United States Senators, made a report accompanied by the following resolutions, which were adopted on the part of the Senate:—

Resolved, That in proceeding to the election of two United States Senators, in pursuance of the requirements of the Constitution, each member of the Senate and of the Assembly shall, as his name is called by the Secretary or Clerk, rise in his place and vote for two persons as United States Senators; and that if, upon such voting, any person or persons shall receive a majority of the whole number of votes cast, he or they shall be declared duly elected.

Resolved, That if, upon such first voting, no person shall receive a majority of the whole number of votes cast, the two Houses shall forthwith proceed to a second voting in the same manner as prescribed above, and shall continue to repeat the voting until some one person shall receive a majority of the whole number of votes cast.

Resolved, That if, upon such voting, it shall be found that only one person shall have received a majority of the whole number of votes cast, the two Houses shall then forthwith proceed to vote, in the manner above prescribed, for one person as United States Senator; and when, in such case, any person shall receive a majority of the whole number of votes cast, he shall be declared duly elected: Provided, that at any time after the votes shall have been counted, and before the two Houses shall proceed to take another vote, either House may retire; and in such case no further voting shall take place until the two Houses shall re-assemble, but both Houses shall in good faith continue the proceedings as here prescribed, at all convenient hours, until the election of two United States Senators shall be completed.

On motion of Mr. Crosby, it was resolved that the President of the Senate be authorized to appoint the Standing Committees provided by the twenty-eighth rule of the Senate, and that he be requested to announce the same at eleven o'clock to-morrow.

On motion of Mr. Spect, the Senate took a recess until four P.M.

AFTERNOON SESSION.

A message was received from the Assembly, informing the Senate that they had concurred in the report of the Conference Committee in reference to the hour and mode of proceeding to the election of United States Senators.

Mr. Crosby gave notice that he would to-morrow bring in a resolution for the appointment of a joint committee to wait on ex-Governor Riley, and ascertain whether he has any civil fund to turn over to the

state authorities, and that he be requested to turn over such fund, if any.

On motion of Mr. Spect, it was resolved that a Standing Committee on Public Buildings and Capitol Grounds be appointed by the President.

The hour of five P.M. having arrived, the Senate proceeded to the Assembly Chamber, in accordance with the joint resolutions of the two Houses in relation to the election of United States Senators.

IN CONVENTION.

The two Houses proceeded to the election of two United States Senators, Hon. John McDougall, President of the Senate, presiding as President of the Convention. Mr. Lippincott was appointed Teller on the part of the Senate, and Mr. Voorhies on the part of the Assembly. The names of the Senators were called by the Secretary of the Senate, and those of the members of Assembly by the Clerk of that body, each member voting *viva voce*, and for two Senators, when the Tellers announced, as the result of the first joint vote of the two Houses, that—

John C. Fremont had received	. .	29 votes.
William M. Gwinn, "	. . .	22 "
H. W. Halleck, "	. . .	12 "
Thos. J. Henly, "	. . .	11 "
Thos. Butler King, "	. . .	10 "
J. W. Geary, "	. . .	5 "
Robt. Semple, "	. . .	3 "

Whereupon, John C. Fremont having received a majority of all the votes given, was declared by the presiding officer of the Convention to be duly elected to the office of United States Senator.

The Convention then proceeded, in the same manner, to a second vote, when the Tellers reported that—

William M. Gwinn had received	. .	22 votes.
H. W. Halleck, "	. . .	14 "
Thos. J. Henly, "	. . .	7 "
Thos. Butler King, "	. . .	2 "
Robert Semple, "	. . .	1 "

No candidate having received a majority of the votes of members present, the Convention proceeded to a third joint vote in like manner, when the Tellers reported that—

William M. Gwinn had received	. .	24 votes.
H. W. Halleck,	" . . .	18 "
Thos. J. Henly,	" . . .	3 "
Thos. Butler King,	" . . .	1 "
J. W. Geary,	" . . .	1 "

And William M. Gwinn, having received a majority of all the votes given, was also declared by the President of the Convention to be duly elected United States Senator.

MEMORANDUM OF VOTES FOR UNITED STATES SENATORS.

	First Ballot.		Second Ballot	Third Ballot.
Bassham, .	Fremont	Gwinn	Gwinn	Gwinn
Bennett, . .	Fremont	Henly	Henly	Halleck
Bidwell, . .	Fremont	Semple	Halleck	Halleck
Chamberlin, .	Gwinn	Geary	Gwinn	Gwinn
Crosby, . .	Fremont	Gwinn	Gwinn	Gwinn
De la Guerra,	Fremont	Halleck	Halleck	Halleck
Douglass, .	Fremont	Gwinn	Gwinn	Gwinn
Greene, . .	Gwinn	Semple	Gwinn	Gwinn
Hope, . .	Fremont	Halleck	Halleck	Halleck
Lippincott, .	Fremont	Gwinn	Gwinn	Gwinn
Post, . .	Fremont	Henly	Henly	Geary
Robinson, .	absent		absent	absent
Spect, . .	Fremont	Semple	Halleck	Halleck
Taylor, . .	Fremont	Geary	Halleck	Halleck
Vermule, .	absent		absent	absent
Woodworth, .	Fremont	Halleck	Halleck	Halleck
Aram, . .	Fremont	Gwinn	Gwinn	Gwinn
Baldwin, .	Gwinn	King	Gwinn	Gwinn
Bigler, . .	Geary	Henly	Henly	Henly
Brackett, .	Fremont	King	King	Gwinn
Bradford, .	Fremont	Geary	Semple	Halleck

	First Ballot		Second Ballot.	Third Ballot
Brown, . .	Gwinn	King	Gwinn	Gwinn
Cardwell, .	Henly	Halleck	Halleck	Halleck
Cornwall, .	absent		absent	Halleck
Crittenden, .	Halleck	Gwinn	Gwinn	Gwinn
Corey, . .	Fremont	Gwinn	Gwinn	Gwinn
Covarubias, .	Fremont,	Halleck	Halleck	Halleck
Creaner, .	King	Gwinn	Gwinn	Gwinn
Gray, . .	Fremont	Halleck	Halleck	Halleck
Heath, . .	Fremont	Gwinn	Gwinn	Gwinn
Hughes, . .	King	Henly	Henly	Henly
McKinstry, .	Fremont	Gwinn	Gwinn	Gwinn
Martin, . .	Fremont	Halleck	Halleck	Halleck
Moore, . .	Gwinn	King	Gwinn	Gwinn
Moorehead, .	King	Gwinn	Gwinn	Gwinn
Ogier, . .	King	Gwinn	Gwinn	Gwinn
Patterson, .	Fremont	Halleck	Halleck	Halleck
Perlee, . .	Fremont	Halleck	Halleck	Halleck
Randolph, .	Fremont	Henly	Halleck	Halleck
Stevens, . .	absent		absent	absent
Stewart, . .	absent		absent	absent
Stowell, . .	Fremont	Gwinn	Gwinn	Gwinn
Scott, . .	Fremont	Halleck	Halleck	Halleck
Tefft, . .	Fremont	Halleck	Halleck	Halleck
Tingley, . .	King	Henly	Henly	Henly
Van Benschoten,	absent		absent	absent
Van Voorhies, .	Fremont	Gwinn	Gwinn	Gwinn
Witherby, .	Geary	Gwinn	Gwinn	Gwinn
Walthall, .	Henly	King	King	King
Williams, .	Geary	Henly	Henly	Gwinn
Watson, .	Gwinn	Fremont	Gwinn	Gwinn
White, . .	Henly	Gwinn	Gwinn	Gwinn

RECAPITULATION.

First Ballot.

Fremont received 29 votes.
Gwinn " 22 "
Halleck " 12 "

Henly	received	11	votes,
King	"	10	"
Geary	"	5	"
Semple	"	3	" —46 votes cast.

Second Ballot.

Gwinn	received	22	votes.
Halleck	"	14	"
Henly	"	7	"
King	"	2	"
Semple	"	1	" —46 votes cast.

Third Ballot.

Gwinn	received	24	votes.
Halleck	"	18	"
Henly	"	3	"
King	"	1	"
Geary	"	1	" —47 votes cast.

And then the President of the Convention announced that the business for which they had assembled having been completed, the Convention was dissolved.

In SENATE, on motion of Mr. Crosby, it was resolved that the daily hour of meeting shall hereafter be 11 P. M., until otherwise ordered.

On motion of Mr. Taylor, the Senate adjourned.

JOHN MACDOUGALL,
Lieutenant Governor and President of the Senate.

J. F. HOWE, Secretary of the Senate.

IN SENATE.

FRIDAY, *December* 21, 1849.

The Senate met, pursuant to adjournment.

The journal of Thursday was read and approved.

A message was received from the Assembly, informing the Senate that they had passed a resolution appointing a committee of two on the part of the House, to act in conjunction with a similar committee on the part of the Senate, to wait upon the Governor to inform

him that the two Houses are organized, and ready to receive any communication he may have to make, in which they asked the concurrence of the Senate, and had appointed Messrs. Voorhies and Cardwell as such committee on their part.

On motion of Mr. Green, the Senate concurred in this resolution of the House, and the President appointed as the committee on the part of the Senate, Messrs. Green and Douglass.

Mr. Crosby, from the special committee to whom was referred the subject of providing suitable and proper rooms for the use of the Senate, made a report in writing, which was read, accepted, and on motion was ordered to lie on the table for further consideration. (See Appendix B. No. 2.)

The President laid before the Senate a message from the Governor, as follows :—

SAN JOSE, *December* 20, 1849.

TO THE SENATE,

The undersigned hereby nominates William V. Voorhies to the office of Secretary of State.

PETER H. BURNETT,
Governor of California.

The Senate proceeded to the immediate consideration of the message, when, on motion of Mr. Taylor, the nomination of Mr. Voorhies, as Secretary of State, was confirmed.

Mr. Green submitted the following resolution, which was read, and, on motion, ordered to lie on the table :—

Resolved, That the Committee upon Counties and County-Boundaries be instructed to report, at the earliest possible day, a bill laying off the state into counties, and designating the seats of justice for each county, conditioned that, at twelve months from the passage of the Act, a majority of the voters of each county may change such designated seat of justice.

On motion of Mr. Woodworth, it was resolved that a standing committee be appointed, on public lands and mission claims.

Mr. Post submitted the following resolution, which was ordered to lie on the table :—

Resolved (if the Assembly concur), That this day, Friday, 21st inst., at 3 o'clock, P.M., we will go into joint meeting for the purpose of elect-

ing a Comptroller, Treasurer, Attorney General, and Surveyor General, as prescribed in the 20th section of Article 5th of the Constitution, and also, for the election of a State Printer.

Mr. Douglass submitted the following joint resolution :—

Resolved (if the Assembly concur), That our Senators in Congress be, and they are hereby instructed, and our Representatives be requested to urge upon Congress the passage of a law, to have the fund collected upon imports, by order of the military authorities in California, paid into the Treasury of this State, for the purpose of defraying the expenses of the State government.

On motion of Mr. Green, the resolution was amended by adding thereto the following: "and also such other moneys as may have been collected from the people of California, up to the admission of the State of California into the Union, by the United States Congress."

The amendment was agreed to, and, thus amended, the resolution was adopted.

The President announced the following, as the standing committees provided for by the 28th Rule.

1. On Claims: Messrs Post, Bassham, Taylor.
2. On Finance: Messrs. Green, Post, Douglass.
3. On the Judiciary: Messrs. Crosby, Bennett, Vermule.
4. On the Militia: Messrs. Taylor, Douglass, Bassham, Spect.
5. On Counties and County Boundaries: Messrs. De la Guerra, Green, Bidwell, Lippincott.
6. On Privileges and Elections: Messrs. Chamberlin, Bennett, and Vermule.
7. On Engrossed Bills: Messrs. Bennett and Robinson.
8. On the State Library: Messrs. Hope, Bidwell, and Robinson.
9. On Public Printing: Messrs. Woodworth, Chamberlin, Spect.
10. On Public Buildings: Messrs. Lippincott, Crosby, De la Guerra.

The President laid before the Senate a communication from Colonel R. T. P. Allen, special agent of the Post-office department for California and Oregon, in reply to the joint resolution of the two Houses, requesting the establishment of a daily mail line between San José and San Francisco, stating that he would do what he could, consistently with his duties to the general government, to further the wishes of the Legislature in the premises.

Mr. Woodworth gave notice that he would, on to-morrow, or at some future day, introduce a bill to provide for the removal of the Capital to Monterey.

Mr. Chamberlin submitted the following :—

Resolved, That the Sergeant-at-Arms be directed to procure —— copies of the "Tri-Weekly Californian," for the President, and a like number for such members of the Senate, until such time as a public press shall be established at the seat of Government; and also, to make arrangements for receiving and forwarding for the members of the Senate, all communications through the mails.

On motion of Mr. Crosby, the blank was filled with the word "*Twelve*," and then the resolution was adopted.

A message was received from the House, informing the Senate that they had passed a resolution to proceed, on Saturday the 22d instant, to the election of a Comptroller, Treasurer, and Attorney General, in which they asked the concurrence of the Senate.

On motion of Mr. Spect, the resolution was amended, so as to include the election of State Printer.

On motion of Mr. Crosby, the resolution was further amended, so as to include the election of Surveyor General.

On motion of Mr. Green, the resolution was further amended, so as to include the election of Justices of the Supreme Court.

On motion of Mr. Bidwell, the resolution was further amended, by inserting at "one P.M.," as the hour at which the two Houses will proceed to the election.

And thus amended, the resolution was adopted.

On motion of Mr. Crosby, the vote by which the Senate yesterday rejected the resolution submitted by Mr. Green, requesting Governor Riley to inform the Senate whether he is authorized to pay any, and if any, what portion of the expenses of this Legislature, up to the time of the installation of the new State Government, and also, whether he is authorized to turn over to the new State Government any money, or money securities, and if any, what probable amount,—was reconsidered.

On motion of Mr. Crosby, the resolution was so amended as to make the same a joint resolution, and, thus amended, was adopted.

Mr. Green submitted the following resolution, which, on his own motion, was laid on the table for future consideration :—

Resolved, That the Senate proceed to draw lots, as provided in the 6th section of the 4th Article of the Constitution.

Mr. Woodworth submitted the following resolution :—

Resolved, That the certified copies of the Constitution of the State of California, required by the 12th section of the Schedule to be furnished to the Senators and Representatives to the Congress of the United States, shall be immediately prepared by the Engrossing Clerk, and that he be authorized to employ such assistance as may be necessary to complete the same at the earliest day.

On motion of Mr. Crosby, the resolution was amended by inserting the words " under the direction of the Secretary of the Senate," after the words " Engrossing Clerk," which amendment was accepted by Mr. Woodworth ; and, thus amended, the resolution was adopted.

The President announced, as the standing committee on public lands and mission claims, Messrs. Woodworth, Lippincott, and Hope.

On motion of Mr. Taylor, it was resolved that a standing committee on Public Schools be appointed ; and the President appointed as such committee Messrs. Taylor, Hope, and Bassham.

Mr. Bidwell submitted the following joint resolution, which was adopted :—

Resolved (if the Assembly concur), That a committee of three, on the part of the Senate, be appointed to meet and co-operate with a similar committee on the part of the Assembly, to draft a set of joint rules for the government of both Houses, to be reported as soon as convenient to each House respectively, for adoption.

The President appointed, as such committee on the part of the Senate, Messrs. Bidwell, Bennett, and Chamberlin.

The following annual message from the Governor was received by the hand of William V. Voorhies, Esq., Secretary of State, and, on motion, was read by the Secretary, and ordered to be inserted at length on the journals of the Senate :—

GOVERNOR'S MESSAGE.

GENTLEMEN OF THE SENATE AND ASSEMBLY :—

The circumstances under which you have assembled are most new, interesting, and extraordinary—demanding our devout gratitude to the Supreme Being, the Creator and Father of us all !

You compose the first Legislature of the first free American State organized upon the distant shores of the Pacific. How rapid, astonishing, and unexampled have been the changes in California ! Twenty

months ago California was inhabited by a sparse population—a pastoral people—deriving their main sustenance from their flocks and herds, and a scanty cultivation of the soil—their trade and business limited, and their principal exports consisting of hides and tallow. Within that short period has been made the discovery of the rich, extensive, and exhaustless gold mines of California ; and how great already have been its effects! The trade and business of the country have been revolutionized and reversed—the population increased beyond all expectation —commerce extended—our ports filled with shipping from every nation and clime—our commercial cities have sprung up as if by enchantment —our beautiful bays and placid streams now navigated by the power of steam : and amidst all this unprecedented bustle and excitement, the energetic, intrepid, and sensible people of California have framed a constitution for our new State—the Pacific Star.

You have assembled as the representatives of the people to put the State Government into practical operation ; and the duty you have before you is a sublime but difficult task, requiring great unanimity, vigor, and wisdom in your councils.

The first question you have to determine is, whether you will proceed at once with the general business of legislation, or await the action of Congress upon the question of our admission into the Union. The convention which formed the Constitution under which you have assembled, and the people who have ratified it with so great unanimity, have settled that question for themselves ; but they have not settled it for you or for me. The same oath that you and I have taken to support the Constitution of California, also obliges us to support the Constitution of the United States ; and when the provisions of the two instruments conflict, the Constitution of our common country must prevail. That great instrument which now governs more than twenty millions of inhabitants, and links in one common destiny thirty States, and is to govern the hundred millions that will soon succeed us, and the many free States yet to be, must claim our purest affections, and our first and highest duty. If, then, it would be inconsistent with the just rights of the United States, for you to proceed to put the state government into full operation, before she be formally admitted into the Union, you should, without hesitation, forbear, and leave our people still to suffer on, rather than violate one single principle of the great fundamental law of the land.

But I apprehend there can exist no well founded objection to the proposition, that you have the right to proceed at once to put the State machine into full and practical operation. The Federal Government is one of LIMITED, DELEGATED POWERS, and although supreme within its appropriate sphere, yet outside that sphere, and in reference to the reserved powers of the States or the people, it has nothing to do. So far as their reserved powers are concerned, the States are independent of the general government, of each other, and of the whole world. The exercise of the powers conferred by the Constitution of California can in no way interfere with the rights of the United States, as they only assume to regulate our own internal, social, and business relations with each other.

Perhaps it may be satisfactory to refer to a few examples to be found in the Constitutions of some of the new States. In the Constitution of Missouri, adopted on the nineteenth day of July, eighteen hundred and twenty, there is a provision that an election shall be held throughout the State, on the fourth Monday of August of the same year, for a Governor, Lieutenant Governor, Member of Congress, Members of the Legislature, and other officers. The Legislature were required to meet on the third Monday of September, and to pass laws of a permanent character, at their first session. It is well known that the state was not admitted into the Union upon her first application; but in the meantime, so far as I am enabled to state from information, having no access to the records of the state, the state government was put into successful operation. Her Members of Congress were not permitted to take their seats, and she was excluded from all voice in the National Legislature; but so far as her mere internal regulations were concerned she had the same rights BEFORE that she had AFTER her admission.

In the Constitution of Michigan, adopted in convention, begun and held on the 11th day of May, 1835, it is provided that an election be held for Governor, Lieutenant Governor, members of the Legislature, and a representative in Congress, on the first Monday of October, of the same year, and the first meeting of the Legislature was held on the first Monday of November, 1835. In that year Congress was not in session after the 4th day of March until the first Monday of December following, so that the state government of Michigan was in full operation before application could be made to Congress for her admission into the Union.

These reasons and precedents would seem to leave no doubt of your right to proceed at once with the great business of Legislation, so imperiously demanded by the destitute and confused condition of the country; and I would therefore most earnestly recommend you to set about the great and difficult task before you, without hesitation or delay.

Among the first and most important of your duties, besides the local legislation necessary for the state, will be the adoption of a civil and criminal code of law for her government. This is an object of supreme importance; and it is the more so from the consideration that the action of the first Legislature will hardly be disturbed by any succeeding one. What shall be done NOW cannot be touched or changed HEREAFTER, but at great cost and inconvenience. The new State of California is now in a position to adopt the most improved and enlightened code of law to be found in any of the States. The science of law is not yet fully perfected, and admits of some improvement, and in our new position we can readily adopt all the improvements that the researches and experience of others have made. I have given the subject my most careful attention for some years past; and as the result of my own convictions, I recommend the adoption of the following codes, so far as they are applicable to the condition of the State, and not modified by the Constitution or the acts of the Legislature.

1. The definition of crimes and misdemeanors contained in the Common Law of England.
2. The English Law of Evidence.
3. The English Commercial Law.
4. The Civil Code of the State of Louisiana.
5. The Louisiana Code of Practice.

These codes, it is thought, would combine the best features of both the civil and the common law, and at the same time omit the most objectionable portions of each. The civil code of Louisiana was compiled by the most able of American jurists—contains the most extensive and valuable references to authorities—has undergone no material changes for the last twenty years—and for its simplicity, brevity, beauty, accuracy, and equity, is perhaps unequalled.

Its provisions almost entirely relate to general subjects, not local, and would be quite applicable to the condition and circumstances of the State. The civil law, the basis of the Louisiana civil code, aside from its mere political maxims, and so far only as it assumes to regulate the

intercourse of men with each other, is a system of the most refined, enlarged, and enlightened principles of equity and justice. So great a portion of the cases that will arise in our courts, for some years to come, must be decided by the principles of the civil law, that the study of its leading features will be forced upon our judges and members of the bar. The civil code of Louisiana being a mere condensation of the most valuable portions of the civil law, would greatly lessen the labors of our jurists and practitioners; and from the simplicity and yet comprehensive nature of its provisions, a general knowledge of the leading principles of the law might the more readily be diffused among the people. A sufficient number of copies of both the civil code and the code of practice could be procured in New Orleans at a much less cost than they could be published here.

The grave and delicate subject of revenue is one to which I would call your particular attention. From the best estimate I have been enabled to make, the current expenses of the State Government for the first year will reach half a million of dollars; but most probably will exceed that sum. This large amount can be raised only in two modes —either by loan or by taxation. The first of these modes is objectionable on many accounts. The high rate of interest, which money so readily commands in the markets of California, would prevent the State from negotiating a loan, except at such exorbitant rates as would be ruinous to her future prosperity. There can be no policy, perhaps, more injurious to our young State, before her credit is established or her resources developed, than that system of borrowing which has proved so disastrous to so many new States. As between individuals, it is exceedingly doubtful whether the credit system, upon the whole, has produced most good or most evil; and the objection applies, with much greater force, to organized States or communities. There is something wrong in principle in the very idea of entailing our burdens upon posterity. When a State borrows money to construct some great and permanent improvement, and leaves future generations to pay the debt, she also leaves them the work itself, as some sort of compensation. The violation of principle consists in the PRESENT generation assuming to act for and to bind the next without their consent. But the case is still worse, when a State borrows money to defray the ordinary expenses of her civil administration; because she bequeathes a debt to posterity, without any means to pay it. It would be similar to the

case of a father borrowing money for his own purposes during his life, and expending the same upon objects transitory in their character, and, when he makes his will, to put in a clause that his children shall pay the debt, while, at the same time, he leaves them nothing to pay with.

The only available and just mode of procuring the indispensable means of supporting the State government is by a system of direct taxation: the most fair, simple, and just mode of taxation ever resorted to. The people then know distinctly what the blessings of government cost them, and which is the more desirable, a plain republican government, administered upon economical principles, or a more extravagant system of expenditure; and, if they should not be willing to pay enough to carry on an economical government, it would at once solve the great problem whether they are capable of self-government or not. The people of California may be safely trusted upon this subject; for there are no people more able and willing to pay the just taxes necessary to support the government than they. What property they have commands a high and ready price, paid in the precious metals; and labor meets such ample reward, that no healthy man can complain of poverty. The law protects every man in his person and property. For the protection it gives his person he ought to pay a capitation or poll tax; and for the protection it gives his property, he ought of right to pay a tax in proportion to its amount and value.

I recommend, therefore, the imposition of a poll tax, and a tax upon real and personal property in proportion to its value. I also recommend that provisions be made that no individual who shall refuse to pay his taxes, being able, when they shall be legally demanded, shall be permitted to bring a civil suit in any court in this State for the period of one year, and not then until all arrearages are paid. This may seem a harsh measure, but it is not. The honest individual who pays his taxes will not feel it, and he who wishes to evade the payment of the just dues of the State, OUGHT TO FEEL IT. There are some individuals in California who intend to remain here only while they extract her gold, and enjoy the protection of her laws, and who would willingly return without paying anything. This is particularly the case with respect to the great mass of foreigners in the country. In remote sections of the State it may be very difficult to enforce the collection of the revenue by levy and sale. Many individuals, perfectly able to pay,

would find means to avoid the collector. But the silent and sure operation of the provision I recommend would insure the collection of the revenue promptly, and with but little expense. There are few men who would, by their OWN VOLUNTARY ACT, exclude themselves from the courts of justice.

I recommend that the collectors be authorized to receive the taxes in California gold, at the usual rate of sixteen dollars per ounce Troy.

Were the State revenue to be collected in coin, it would greatly increase the demand already so great for the Custom House, and would thus operate still more injuriously upon the laboring miner; besides, it would be almost impossible for persons in the mines to provide themselves with the coin. I would also recommend that the revenue law be so framed as to require the Collector to go around with the Assessor; otherwise one half the revenue, in some districts, would be lost, in consequence of the frequent change of residence.

The operation of a reasonable and sound system of taxation upon the agricultural resources of the country would be most decidedly beneficial in a very short period. Most of the fine agricultural lands of California are now in the hands of a few persons, who suffer them to remain wild and uncultivated. A few months ago, when the population was small, and the wants of the community few and simple, the natural pasturage of the country, with a limited cultivation of the soil, was ample for all the purposes of life; but, under the changed circumstances, when our country teems with people who must be fed, and when the population is so rapidly augmenting, it is unreasonable, if not impossible, that the country should remain in a state of nature.

No country can safely depend upon an uncertain foreign supply of the first necessaries of life. Such a supply would be subject to all the vicissitudes of war or peace, would never be regular, and prices would always be fluctuating, either extravagantly high, or so low as to discourage importation. The provisions themselves are generally stale and unwholesome, and, no doubt, one half the disease suffered in the country has arisen from this prolific source. When those who own such immense tracts of rich, fertile, and beautiful lands, now in a state of nature, producing no rents or profits, shall have to pay taxes upon them in proportion to their value, they will find it their interest to sell out portions to those who will cultivate them; thus encouraging the agricultural industry of the country, and, at the same time, greatly

increasing the value of the portions not sold. In the last fifteen months the number of cattle in the country has been rapidly decreasing, while our population has increased in the same ratio. Fresh meats are indispensable to our health, and cannot be imported; and, if this state of things should continue only a few years longer, the increased expense of living will be so great that mining and other kinds of business must cease to be profitable. The Constitution makes it the duty of the Legislature to encourage agriculture—that first and noblest of all industrial pursuits; but I am not aware of any other means, at present, within your power than those I have suggested.

That portion of our people resident in California before its cession to the United States, have not been accustomed to a system of direct taxation; and being the principal owners of the landed property of the country, may not at first understand the justice or necessity of the revenue system our Constitution and condition make it indispensable for you to adopt. The Mexican government derived no revenue from California, except that produced by a high tariff upon imports. These taxes were paid by the people in the shape of extravagant prices for the merchandise they purchased. But this portion of our people will soon learn that, under our system, the federal government can alone levy duties upon imports—that the State cannot do so, and has only left to her a resort to a system of direct taxation to raise those means indispensable to the very existence of the government itself. They will also see that our Constitution establishes the just principle that all property shall be taxed in proportion to its value; and that the Legislature has no power or right either to favor or oppress any class of persons, but must look to the property itself, in whose hands soever it may be found. They will also learn that the same American manufactures, upon which they were accustomed to pay such high duties, now come into our ports duty free, and that they are compensated for the direct taxes they pay in the increased value of their property, and the decreased prices of the merchandise they consume.

It has been as truly as beautifully said, that a wise legislator adapts his action to circumstances. These he cannot create or remove, he can only conform to things he cannot control. He must take mankind and society as he finds them, not as he would make them. He may so shape his laws as to produce a gradual improvement, but he cannot expect at once to reverse or overcome even the prejudices of a community.

Our Constitution has wisely prohibited slavery within the State; so that the people of California are once and for ever free from this great social and political evil. But the Constitution has made no provision in reference to the settlement of free people of color within our limits, but has left the Legislature to adopt such legislation upon this delicate and important subject, as may be deemed most essential to the happiness of our people. The Constitution excludes this class of persons from the right of suffrage, and from all offices of honor or profit under the State.

For some years past I have given this subject my most serious and candid attention; and I most cheerfully lay before you the result of my own reflections. There is, in my opinion, but one of two consistent courses to take in reference to this class of population; either to admit them to the full and free enjoyment of all the privileges guaranteed by the Constitution to others, or exclude them from the State. If we permit them to settle in our State, under existing circumstances, we consign them, by our own institutions, and the usages of our own society, to a subordinate and degraded position, which is in itself but a species of slavery. They would be placed in a situation where they would have no efficient motives for moral or intellectual improvement, but must remain in our midst, sensible of their degradation, unhappy themselves, enemies to the institutions and the society whose usages have placed them there, and for ever fit teachers in all the schools of ignorance, vice, and idleness.

Our position upon the Pacific, our commercial and mineral attractions, would bring swarms of this population to our shores. Already we have almost every variety of the human race among us—a heterogeneous mass of human beings, of every language and of every hue. That period is rapidly approaching, when the natural increase of population in the States east of the Rocky Mountains will render Slave labor of little or no value, and when investments in that species of property will cease to be remunerative. If measures are not early taken by this State, slaves will be manumitted in the slave States, and contracts made with them to labor as hirelings for a given number of years, and they will be brought to California in great numbers. Our State is now in a position to take an efficient stand upon the subject. A few years' delay will make it almost, if not quite, impossible, to do that which can be so easily accomplished now. If California will take a decided stand now, and firmly maintain it, a few years' experience will demonstrate

the practical utility of the measure. That weak and sickly sympathy—that misplaced mercy, that would hesitate to adopt a salutary measure to-day, but would suffer all the inevitable consequences of to-morrow, may consider the policy I propose as harsh in its character; but if it is calculated to produce the greatest good to the greatest number, it is the best humanity. It could be no favor, and no kindness, to permit that class of population to settle in the State under such humiliating conditions, although they might think otherwise; while it would be a most serious injury to us. We have certainly the right to prevent any class of population from settling in our State, that we may deem injurious to our society. Had they been born here, and had acquired rights in consequence, I should not recommend any measure to expel them. They are not now here, except a few in comparison with the numbers that would be here; and the object is to keep them out. I therefore call your most serious attention to this subject, believing it to be one of the first importance.

The Constitution provides that the sessions of the Legislature shall be annual on the first Monday of January. It also provides that the members of the Legislature shall be chosen on the Tuesday next after the first Monday in November, unless otherwise ordered by the Legislature. The Legislature at its first session is required to appoint a Comptroller Treasurer, Attorney General, Surveyor General, three Justices of the Supreme Court, and Judges of the District Courts; but Judges of the County Courts, Clerk of the Supreme Court, District Attorneys, Sheriffs, Coroners, Assessors, Collectors, Justices of the Peace, and other officers, must be elected by the people.

These officers are most important, and the government cannot be put into operation without them. The question then arises, will the Legislature make provision for the election of these officers at as early a day as practicable, or shall their election be deferred to the general election in November next? I would most respectfully recommend that a general election be held throughout the State for these officers at the earliest convenient period.

It will be necessary to pass a general act in reference to the Judiciary. I recommend that a criminal court be established for the city of San Francisco, and also one for the city of Sacramento. The business of these cities is so great that it becomes necessary to separate the civil and criminal jurisdiction, and place them in separate and distinct courts.

I would call your attention to the thirty-seventh section of the fourth Article, and to the fourth section of the eleventh Article of the Constitution, having reference to the "organization of cities and incorporated villages," and the establishing "a system of county and town governments throughout the State." The objects contemplated in these two sections are very important to the peace, beauty, and health of our commercial cities. Great distress and inconvenience have already been experienced by the inhabitants of our growing towns for want of some efficient system of city government; and until some general and comprehensive system can be adopted, applicable to all places in the State having a certain number of inhabitants, there will be no permanent improvement in the present unfortunate condition of things.

I have now suggested to you, gentlemen, such of the more important measures I have thought it my duty to recommend, and the limits of a message would allow; but there are many other and important subjects to which only a very brief allusion can be made. It will be necessary to pass an act in reference to crimes and misdemeanors, affixing such punishment to each as may be in just proportion to the offence, and in the power of the State to inflict, under existing circumstances. It would also be highly useful to pass an act to prevent the desertion of seamen from merchant vessels visiting our ports. By the laws of all civilized countries the contracts of seamen are regarded as peculiarly sacred, and are therefore rigidly and specially enforced.

I would also recommend the establishment of an inspection for provisions at San Francisco, that our people may not hereafter suffer so great losses from the purchase of injured or spoiled provisions.

It will be necessary to divide the State into counties—to determine the number of justices of the peace—to make provision for the acknowledgment and registration of deeds and the registration of the separate property of the wife, and to protect from forced sale a certain portion of the homestead and other property, of all heads of families. It will also be necessary to make provision for the early construction of suitable public buildings, such as will answer for the present purposes, and may be useful for public offices hereafter.

You have before you a great amount of labor, and you will have to assume great and weighty responsibilities. The first legislators of a new State, under ordinary circumstances, have a difficult duty to discharge. But our position upon the Pacific ocean, the relation we bear

to the other States of the Union, and to the civilized and semi-civilized world, impose upon us peculiar responsibilities. We have to develope the great resources of our new country. Our commercial advantages are greater than our mineral, great as these are. The latter will supply us the necessary capital to build our commercial cities and to carry on the most extended commerce.

We shall soon be in close commercial intercourse with the teeming population of the old world. The rich and cheap productions of Asia are already pouring into our ports, and a few years will give us the wholesale trade of the entire Northwest coast. We have a new community to organize—a new State to build up. We have also to create and sustain a reputation in the face of the misconceptions of our character that are entertained elsewhere. But we have the most ample and the most excellent materials out of which to construct a great community and a great State. The emigration to this country from the States east of the Rocky Mountains, consists of their most energetic, enterprising, and intelligent population; while the timid and the idle, who had neither the energy nor the means to get here, were left to remain at home.

Ether a brilliant destiny awaits California, or one the most sordid and degraded. She will be marked by strong and decided characteristics. Much will depend upon her early legislation. To confine her expenditures within due bounds, to keep the young State out of debt, and to make her punctual and just in all her engagements, are some of the sure and certain means to advance and secure her prosperity. I hope we may be able to build up for her a reputation that will bear the just criticisms of the sensible, fair, and candid of all parties, as well as the vindictive assaults of her enemies, and the errors and indiscretions of her friends. In all your efforts to accomplish this great object, you may depend upon my most cordial co-operation in all such measures as I can conscientiously approve. And now, relying with sincere but humble confidence upon the favor and protection of the Supreme Ruler, who governs nations as well as individuals, I subscribe myself,

Your fellow-citizen,

PETER H. BURNETT.

The following resolution was submitted by Mr. Green, and adopted:—

Resolved, That one thousand copies in the English and five hundred

in the Spanish language of the Governor's Message, be printed for the use of the Senate; Also, that five hundred additional copies in English be printed for our Senators and Representatives in Congress, to be laid before the President of the United States and each member of the United States Congress.

On motion of Mr. Green, it was

Resolved, That such portions of the Governor's Message as refer to the duties of the Standing Committees, be respectively referred to said committees.

On motion of Mr. Bassham, the Report of the committee appointed to prepare suitable rooms for the accommodation of the Senate was taken up, and, on motion of Mr. Green, was adopted.

Mr. Bidwell submitted the following resolution:—

Resolved, That the Senate accept of the lower room of the house designated the State House, and furnished by the people of San José, provided the same be completed by Monday, the 24th inst., in the manner set forth by the Select Committee on Rooms, and that the committee on the part of the People of San José be informed of the acceptance.

On motion of Mr. Green, the resolution was amended by inserting, "Tuesday, 25th inst.," instead of "Monday, 24th inst.," and thus amended, the resolution was adopted.

On motion of Mr. Taylor, the Senate took a recess until three o'clock P.M.

AFTERNOON SESSION.

The President announced that the Sergeant-at-Arms had called on Governor Riley, in accordance with the resolution of the Senate, to disburse the certificates of mileage of the members of the Senate, and was informed by Governor Riley that he had no funds for that purpose.

On motion of Mr. Crosby, it was

Resolved, That a committee of three be appointed, to act in conjunction with a similar committee on the part of the Assembly, to carry into effect the resolution of Mr. Green, this day adopted, in reference to any funds belonging to the State, and now in the hands of Governor Riley. The President appointed as such committee, on the part of the Senate, Messrs. Green, Crosby, and Bennett.

On motion of Mr. Bennett, it was

Resolved, That this Committee communicate with Governor Riley in writing.

Mr. Spect submitted the following resolution :—

Resolved, That the Standing Committee on counties and county boundaries be so filled as to contain one member from each district.

Objection being made to the consideration of the resolution at this time, it was laid over.

Mr. Green submitted the following joint resolution, which being objected to, was laid over :—

Resolved, By the Senate (the House of Assembly concurring), that Governor Peter H. Burnett be, and is hereby, authorized to employ a private Secretary, and that the sum of $, per annum, be appropriated therefor ; and also that the sum of $, per annum, be allowed the Governor to employ a messenger.

On motion of Mr. Crosby it was ordered, that when the Senate adjourn, it adjourn to 10 o'clock A.M. to-morrow.

On motion of Mr. Crosby the Senate adjourned.

JOHN MCDOUGALL,
Lieut. Governor, and President of the Senate.

J. F. HOWE, Secretary of the Senate.

IN SENATE.

SATURDAY, *December* 22, 1849.

The Senate met, pursuant to adjournment.

The journal of Friday was read and approved.

The President laid before the Senate a letter from Col. J. D. Stevenson, presenting to the State of California a copy of the Natural History of the State of New York, and copies of reports upon the Common Schools and Agriculture of that State, made to its Legislature, of which he respectfully requested the acceptance, as a contribution for the promotion of education in California, and the establishment of a State Library.

On motion of Mr. Bennett, it was

Resolved, That the State of California, through its Senate, accept the donation of Col. Jonathan D. Stevenson, to this State, of a copy of the " Natural History of New York," together with copies of reports upon Common Schools and Agriculture of said State, presented by him to the State, and that the thanks of the Senate and the State be, and they are hereby, returned to Col. Stevenson for his munificent donation.

Resolved, That the Senate regard this act of Col. Stevenson, as another proof of the deep interest which he feels in the prosperity and improvement of this State, and in addition to the many difficult and important services rendered by him at the head of his gallant band of officers and soldiers, at an early stage of the settlement of this country, increases still more the great debt of gratitude which this State owes to him and them, and which she will not fail in due time faithfully to discharge.

Resolved, That a copy of these resolutions be presented to Col. Stevenson by the Secretary of the Senate.

And the question being taken on the resolutions, they were adopted unanimously.

A message was received from the Assembly, informing the Senate that they had concurred in the amendments of the Senate to the resolution of the House in relation to the election of Comptroller, Treasurer, &c., except so much thereof as relates to the election of State Printer, in which they had non-concurred. Also, that they had concurred in the resolutions of the Senate, appointing a Joint Committee to report joint rules for the government of both Houses, and had appointed, as a committee on their part, Messrs. Tingley, Randolph, and Hughes.

A message in writing was received from the Governor, by the hand of Wm. V. Voorhies, Esq., Secretary of State, which, on motion of Mr. Crosby, was read, and, on motion of Mr. Green, was ordered to be entered at length on the journals of the Senate. The message was as follows:—

SAN JOSÉ, *December* 22, 1849.

GENTLEMEN OF THE SENATE AND ASSEMBLY,

I take pleasure in placing before you, the two accompanying Proclamations issued by the late Governor Riley, and respectfully suggest that a convenient number be printed for distribution.

It has been my happiness to have long known Governor Riley; and I can say, in all sincerity and candor, that there does not exist, in my opinion, a more ardent and devoted friend of his country, or one who has served her more faithfully; and I desire to put on record this humble testimony to the character and services of one, who has done so much for the people of California, and enjoys so fully their confidence and esteem.

PETER H. BURNETT.

PROCLAMATION.

To the People of California.

It having been ascertained by the official canvass, that the Constitution submitted to the people on the 13th day of November was ratified by the almost unanimous vote of the electors of this State:

Now Therefore, I, Bennet Riley, Brevet Brigadier General U. S. Army, and Governor of California, do hereby proclaim and declare the said Constitution to be ordained and established as the Constitution of the State of California.

Given at Monterey, California, this 12th day of December, 1849.

(Signed) B. RILEY,

Bvt Brig. Gen. U. S. A. and Governor of California.

By the Governor,

H. W. HALLECK, Bvt. Capt. and Sec'y of State.

PROCLAMATION.

To the People of California.

A new Executive having been elected and installed into office, in accordance with the provisions of the Constitution of the State, the undersigned hereby resigns his powers as Governor of California. In thus dissolving his official connexion with the people of this country, he would tender to them his most heartfelt thanks for their many kind attentions, and for the uniform support which they have given to the measures of his Administration. The principal object of all his wishes is now accomplished; the people have a government of their own choice; one, which, under the favor of Divine Providence, will secure their own prosperity and happiness, and the permanent welfare of the new state.

Given at San José, California, this 20th day of December, A.D. 1849

(Signed) B. RILEY,

Bvt. Brig. Gen. U. S. A. and Governor of California.

By the Governor,

H. W. HALLECK, Bvt. Capt. and Sec'y of State.

On motion of Mr. Green, the message of the House in reference to the election of Treasurer, State Printer, &c., was taken up, when, on motion of Mr. Douglass, the Senate seceded from its amendment pro-

viding for the election of a State Printer, of which the Secretary was directed to notify the Assembly.

On motion of Mr. Douglass, the Senate took a recess until half past 12 o'clock.

On re-assembling, a message was received from the Assembly, informing the Senate that they had passed a joint resolution—

That the Secretary of State be authorized and empowered to provide a suitable room for his office for the safe keeping of the public records and archives of the State, and the transaction of such official business as may be brought before him, the expenses of the same to be paid out of the State Treasury.

Also, that they had passed a joint resolution in relation to the public printing, a copy of which is herewith transmitted, and in which they asked the concurrence of the Senate.

Also, that they had non-concurred in the joint resolution of the Senate, for the appointment of a Committee to wait upon ex-Governor Riley to ascertain whether he is authorized to pay over certain moneys to defray the expenses of the Legislature, &c.

Be it Resolved, by the Senate and House of Assembly of the State of California, That the Printing Committee in each House be and are hereby empowered to receive sealed proposals for executing the public printing and binding of this State for the term of one year, and that the said printing shall be given to him or them who shall offer to execute it on the most favorable terms for the State.

Resolved further, That the said Printing Committee shall require from the successful bidder for the said public printing and binding, a bond in the sum of five thousand dollars' security, payable to the Governor of the State, for the faithful discharge of the contract, to remain in full force and effect for twelve months, from and after the date of the bond.

Resolved further, That five days after the passage of this resolution shall be given for the reception of proposals for performing the said public printing and binding, and one week shall be allowed for the said contractor for the getting of his press to this place; and in the event of his failing so to do, he shall forfeit his contract, unless good cause be shown to the Committee, that the delay was unavoidable.

Also, that they have referred the joint resolution of the Senate relative to instructing and requesting our Senators and Representatives in Congress to urge the passage of a law to refund to the State of Califor-

nia, certain moneys collected as duties on imports, up to the time of her admission into the Union by the Congress of the United States, to a special committee to act in conjunction with a similar committee on the part of the Senate.

Also, that they have passed a joint resolution that a committee of five be appointed on the part of the House of Assembly, to meet a similar committee on the part of the Senate, to draft resolutions expressive of the sense of the Legislature of California on the subject of free mining; the titles to land of the State of California; and the right of the State of California, in preference to all other claimants, to such moneys as may have been collected in the State of California from imports, or may hereafter be collected from that source, prior to the admission of California as a member of the Confederacy, in which they asked the concurrence of the Senate, and that Messrs. Randolph, McKinstry, Hughes, Moorehead, and Stephens, had been appointed as the Committee on their part.

On motion of Mr. Green, the several portions of the message were considered separately.

The resolution in reference to the procurement of a suitable room for the Secretary of State was concurred in.

The resolution in relation to the receiving of sealed proposals for the execution of the public printing was ordered, on motion of Mr. Green, to lie on the table.

On motion of Mr. Crosby, that portion of the message of the House which announces the reference to a special committee of the joint resolution of the Senate instructing our Senators and requesting our representatives in Congress in relation to the collection in California of duties on imports, was ordered to lie on the table for further consideration; and also the resolution of the House for the appointment of a joint committee to draft resolutions expressive of the sense of the Legislature on the subject of free miners, land titles, and moneys collected on imports in California.

On motion of Mr. Douglass, that portion of the message which announces the non-concurrence of the House in the resolution of the Senate, for the appointment of a joint committee to correspond with Governor Riley in reference to any moneys belonging to the State which he may have in his possession, was ordered to lie on the table for future consideration.

The hour of 1 P.M. having arrived, the Senate proceeded to the

Assembly Chamber to meet the Assembly in Convention, in accordance with the joint resolution of the two Houses.

IN CONVENTION.

Hon. John McDougall, President of the Senate, presided as President of the Convention, and announced the objects of the Convention, and appointed as Teller, on the part of the Senate, Mr. Bassham. The Speaker of the Assembly appointed as Teller on the part of that body, Mr. Crittenden.

The presiding officer of the Convention announced that the first business would be the election of a State Treasurer.

Mr. Bidwell nominated Mr. J. D. Hoppe.

Mr. Cornwall nominated Mr. S. W. Haight.

Mr. Moorehead nominated Mr. R. Roman.

The Secretary of the Senate proceeded to call the names of Senators, and the Clerk of the House, the names of members of the Assembly, each member voting *vivâ voce*, as his name was called, when the Tellers reported the result to be as follows:—

Whole number of votes,	. . .	46
Necessary to a choice,	. . . .	24
Of which J. D. Hoppe	received . .	11 votes.
S. W. Haight	„ . .	17 „
R. Roman .	„ . .	17 „
R. H. Sinton .	„ . .	1 „
		46

Those who voted for Mr. Hoppe were—Messrs. Bidwell, Crosby, De la Guerra, and Spect, of the Senate; Messrs. Aram, Brown, Corey, Covarubias, Scott, Tefft, and Walthall, of the Assembly—11.

Those who voted for Mr. Haight were—Messrs. Bassham, Bennett, Hope, Lippincott, Post, Taylor, and Woodworth of the Senate; Messrs. Cardwell, Cornwall, Hughes, McKinstry, Martin, Patterson, Pur Lee, Tingley, Williams, and Witherby, of the Assembly—17.

Those who voted for Mr. Roman were—Messrs. Chamberlin, Douglass, and Green, of the Senate; Messrs. Baldwin, Bradford, Bigler, Crittenden, Creaner, Gray, Heath, Moore, Moorehead, Ogier, Stevens, Stowell, Watson, and White, of the Assembly—17.

Mr. Randolph of the Assembly voted for Mr. Sinton—1.

No person having a majority of all the votes cast, the Convention, in

like manner as before, proceeded to a second vote, when the Tellers reported the result to be as follows :—

Whole number,	. . . .	46
Necessary to a choice,	. . .	24
Of which Mr. Hoppe	received . .	3 votes.
Mr. Haight	„ . .	18 „
Mr. Roman	„ . .	24 „
Thos. J. Roach	„ . .	1 „
		46

Those who voted for Mr. Hoppe were—Messrs. Bidwell, of the Senate; and Aram and Tingley, of the Assembly—3.

Those who voted for Mr. Haight were—Messrs. Bassham, Bennett, Crosby, De la Guerra, Hope, Lippincott, Post, Taylor, and Woodworth, of the Senate; and Cardwell, Cornwall, Covarubias, Hughes, McKinstry. Martin, Patterson, Williams, and Witherby, of the Assembly—18.

Those who voted for Mr. Roman were—Messrs. Chamberlin, Douglass, Green, and Spect, of the Senate; and Baldwin, Bradford, Bigler, Brown, Crittenden, Corey, Creaner, Gray, Heath, Moore, Moorehead, Ogier, Pur Lee, Stevens, Stowell, Scott, Tingley, Walthall, Watson, and White, of the Assembly—24.

Mr. Randolph, of the Assembly, voted for Mr. Roach—1.

And the presiding officer of the Convention declared, that Richard Roman, having received a majority of all the votes cast, was duly elected Treasurer for two years, and until his successor should be duly elected and qualified.

The Convention then proceeded in like manner to the election of Comptroller.

Mr. Heath nominated Mr. T. M. Kewes.

Mr. Moorehead nominated Mr. John S. Houston.

The tellers reported the result to be as follows :—

Whole number of votes	. . . . .	47
Necessary to a choice	. . . . .	24
Of which Mr. Kewes received	. . . .	17 votes
Mr. Houston	. . . . .	29
John Bigler	. . . . .	1
		47 votes

Those who voted for Mr. Kewes were—Messrs. Bennett, De la Guerra, Hope, Lippincott, Post, Spect, Taylor, and Woodworth, of the Senate; and Covarubias, Heath, Martin, Ogier, Patterson, Randolph, Stowell, Scott, and Tefft, of the Assembly—17.

Those who voted for Mr. Houston were—Messrs. Bassham, Bidwell, Chamberlin, Crosby, Douglass, and Green, of the Senate; and Aram, Baldwin, Brackett, Bradford, Bigler, Brown, Cardwell, Cornwall, Crittenden, Corey, Gray, Hughes, McKinstry, Moore, Moorehead, Pur Lee, Stevens, Tingley, Walthall, Watson, Williams, Witherby, and White, of the Assembly—29.

Mr. Creaner, of the Assembly, voted for Mr. Bigler—1.

And the President of the Convention declared, that John S. Houston, having received a majority of all the votes cast, was duly elected Comptroller for two years, and until his successor was duly elected and qualified.

The Convention then, in like manner, proceeded to the election of Attorney General, when

Mr. Woodworth nominated Charles T. Botts.

Mr. Tingley nominated E. J. C. Kewen.

And the Tellers reported the result to be as follows:—

Whole number of votes	47
Necessary to a choice	24
Of which Mr. Botts received	23 votes
Mr. Kewen	24
	47 votes.

Those who voted for Mr. Botts were—Messrs. Bassham, Bennett, Bidwell, Crosby, De la Guerra, Hope, Lippincott, Post, Taylor, and Woodworth, of the Senate; and Brown, Cornwall, Covarubias, Gray, Heath, Hughes, Martin, Patterson, Pur Lee, Randolph, Scott, Tefft, and Witherby, of the Assembly—23.

Those who voted for Mr. Kewen were—Messrs. Chamberlin, Douglass, Green, and Spect, of the Senate; and Aram, Baldwin, Brackett, Bradford, Bigler, Cardwell, Crittenden, Corey, Creaner, McKinstry, Moore, Moorehead, Ogier, Stevens, Stowell, Tingley, Walthall, Watson, Williams, and White, of the Assembly—24.

And the President of the Convention declared, that E. J. C. Kewen,

having received a majority of all the votes cast, was duly elected Attorney General for two years, and until his successor was duly elected and qualified.

The Convention then, in like manner, proceeded to the election of Surveyor General, when

Mr. Crosby nominated Mr. Wm. M. Eddy.

Mr. Chamberlin nominated Mr. Charles J. Whiting.

Mr. Stowell nominated Mr. O. P. Sutton.

And the Tellers reported the result to be as follows :—

Whole number of votes	. . . . .	46
Necessary to a choice	. . . . .	24
Of which Mr. Eddy received	. . . .	15 votes
Mr. Whiting	. . . . .	16
Mr. Sutton	. . . . .	14
Mr. Norris	. . . . .	1
		46

Those who voted for Mr. Eddy, were—Messrs. Bassham, Bennett, Bidwell, Crosby, De la Guerra, Post, Spect, and Woodworth, of the Senate; and Baldwin, Bradford, Corey, Gray, Patterson, Pur Lee, and Williamson, of the Assembly—15.

Those who voted for Mr. Whiting were—Messrs. Chamberlin, Hope, and Lippincott, of the Senate; and Brackett, Cornwall, Crittenden, Covarubias, Creaner, Hughes, McKinstry, Martin, Ogier, Randolph, Scott, Tefft, and Witherby, of the Assembly—16.

Those who voted for Mr. Sutton were—Messrs. Douglass, Green, and Taylor, of the Senate; and Aram, Bigler, Brown, Cardwell, Moore, Stevens, Stowell, Tingley, Walthall, Watson, and White, of the Assembly—14.

Mr. Heath, of the Assembly, voted for Mr. Norris—1.

No person having a majority of all the votes cast, the Convention proceeded, in like manner, to a second vote, and the Tellers reported the result to be as follows :—

Whole number of votes	. . . .	47
Necessary to a choice	. . . . .	24

Of which Mr. Eddy received 15 votes.
Mr. Whiting " 27 "
Mr. Sutton " 4 "
Mr. Bassham " 1 "
47

Those who voted for Mr. Eddy were—Messrs. Bassham, Bennett, Bidwell, Crosby, De la Guerra, Post, Spect, Taylor, and Woodworth, of the Senate; and Baldwin, Bradford, Bigler, Gray, Patterson, and Pur Lee, of the Assembly—15.

Those who voted for Mr. Whiting were—Messrs. Chamberlin, Douglass, Green, Hope, and Lippincott, of the Senate; and Aram, Brackett, Brown, Cornwall, Crittenden, Corey, Covarubias, Creaner, Hughes, McKinstry, Martin, Moorehead, Ogier, Randolph, Stevens, Scott, Tefft, Tingley, Walthall, Watson, Witherby, and White, of the Assembly—27.

Those who voted for Mr. Sutton were—Messrs. Heath, Moore, Stowell, and Williams, of the Assembly—4.

Mr. Cardwell, of the Assembly, voted for Mr. Bassham—1.

And the President of the Convention declared, that Charles J. Whiting, having received a majority of all the votes cast, was duly elected Surveyor General for two years, and until his successor should be duly elected and qualified.

The Convention then, in like manner, proceeded to the election of Chief Justice of the Supreme Court, when

Mr. Bigler nominated S. C. Hastings,
Mr. Bassham " Horace Hawes.

And the Tellers reported the result to be as follows:—

Whole number of votes . . . 46
Necessary to a choice, ... 24
Of which Mr. Hastings received 44 votes.
Mr. Hawes " 2 "
46

Those who voted for Mr. Hastings were—Messrs. Bidwell, Chamberlin, Crosby, De la Guerra, Douglass, Green, Hope, Lippincott, Post, Spect, Taylor, and Woodworth, of the Senate; and Aram, Baldwin, Brackett, Bradford, Bigler, Brown, Cardwell, Cornwall, Crittenden, Corey, Covarubias, Creaner, Gray, Heath, Hughes, McKinstry, Martin, Moore,

Moorehead, Ogier, Patterson, Pur Lee, Randolph, Stevens, Stowell, Scott, Tefft, Tingley, Walthall, Watson, Williams, and White, of the Assembly—44.

Those who voted for Mr. Hawes were—Messrs. Bassham of the Senate, and Witherby of the Assembly—2.

And the President declared, that S. C. Hastings, having received a majority of all the votes cast, was duly elected Chief of the Supreme Court, for such period as shall be prescribed by the Legislature, and until his successor shall have been duly qualified.

The Convention then, in like manner, proceeded to the election of an Associate Justice of the Supreme Court, when

Mr. Cornwall nominated Nathaniel Bennett,
Mr. Taylor " Henry A. Lyons,
Mr. Moore " H. K. Dimmick.

And the Tellers reported the result to be as follows:—

Whole number of votes, ... 46
Necessary to a choice, ... 24
Of which Mr. Bennett received 15 votes.
Mr. Lyons " 24 "
Mr. Dimmick " 7 "

Those who voted for Mr. Bennett were—Messrs. Bassham, Chamberlin, Crosby, De la Guerra, Hope, Post, Spect, and Woodworth, of the Senate; and Bradford, Cornwall, Corey, Gray, Hughes, Patterson, and Randolph, of the Assembly—15.

Those who voted for Mr. Lyons were—Messrs. Bidwell, Douglass, Green, Lippincott, and Taylor, of the Senate; and Baldwin, Bigler, Crittenden, Covarubias, Creaner, Heath, McKinstry, Martin, Moore, Moorehead, Ogier, Stevens, Stowell, Scott, Tefft, Tingley, Williams, Witherby, and White, of the Assembly—24.

Those who voted for Mr. Dimmick were—Messrs. Aram, Brackett, Brown, Cardwell, Pur Lee, Walthall, and Watson, of the Assembly—7.

And the President declared, that Henry A. Lyons, having received a majority of all the votes cast, was duly elected an Associate Justice of the Supreme Court, for such term as shall be prescribed by the Legislature, and until his successor shall be duly qualified.

The Convention then proceeded to the election of a Second Associate Justice of the Supreme Court, when

Mr. Randolph nominated Mr. Nathaniel Bennett,
Mr. Moorehead " Mr. H. K. Dimmick,
Mr. Williams " Mr. W. B. Almond.

And the Tellers reported the result to be as follows:—

Whole number of votes, ...	46
Necessary to a choice, ...	24
Of which Mr. Bennett received	23 votes.
Mr. Dimmick "	10 "
Mr. Almond "	13 "
	46

Those who voted for Mr. Bennett were—Messrs. Bassham, Chamberlin, De la Guerra, Green, Hope, Post, and Woodworth, of the Senate; and Baldwin, Bradford, Bigler, Cornwall, Crittenden, Covarubias, Gray, Heath, Hughes, Martin, Patterson, Pur Lee, Randolph, Scott, Tefft, and Watson—23.

Those who voted for Mr. Dimmick were—Messrs. Crosby, Spect, and Taylor, of the Senate; and Aram, Brackett, Cardwell, Moore, Moorehead, Walthall, and White, of the Assembly—10.

Those who voted for Mr. Almond were—Messrs. Bidwell, Douglass, and Lippincott, of the Senate; and Brown, Corey, Creaner, McKinstry, Ogier, Stevens, Stowell, Tingley, Williams, and Witherby, of the Assembly—13.

No person having received a majority of all the votes cast, the Convention, in like manner, proceeded to a second vote, the result of which the Tellers reported to be as follows:—

Whole number of votes, . . .	46
Necessary to a choice, ...	24
Of which Mr. Bennett received	27 votes,
Mr. Dimmick "	4 "
Mr. Almond "	15 "
	46

Those who voted for Mr. Bennett were—Messrs. Bassham, Chamberlin, Crosby, De la Guerra, Green, Hope, Post, Spect, and Woodworth, of the Senate; and Baldwin, Bradford, Bigler, Cornwall, Crittenden, Covarubias, Gray, Heath, Hughes, Martin, Patterson, Pur Lee, Randolph, Scott, Tefft, Watson, Witherby, and White, of the Assembly—27.

Those who voted for Mr. Almond were—Messrs. Bidwell, Douglass, Lippincott, and Taylor, of the Senate; and Aram, Brown, Cardwell, Corey, Creaner, M'Kinstry, Ogier, Stevens, Stowell, Tingley, and Williams, of the Assembly—15.

Those who voted for Mr. Dimmick were—Messrs. Brackett, Moore, Moorehead, and Walthall, of the Assembly—4.

And the President declared that Nathaniel Bennett, having received a majority of all the votes cast, was duly elected an Associate Justice of the Supreme Court, for such term as the Legislature shall prescribe, and until his successor shall have been duly qualified.

And then the President announced that the business for which they had assembled having been completed, the Convention was dissolved.

Mr. Moore rose and stated that he had, by mistake, voted for Mr. Kewen, instead of Mr. Botts, for Attorney General, and desired now to change his vote. The President decided that the result having been announced, and Mr. Kewen declared duly elected, it was now too late to make the correction.

In Senate, a quorum not being present, on motion of Mr. Spect, a call of the House was ordered, when, a quorum appearing, on motion of the same Senator, further proceedings under the call were dispensed with.

The President laid before the Senate a communication from H. W. Halleck, late Secretary of State, inclosing additional returns of the election from Sonoma District, which, on motion of Mr. Green, were referred to the Select Committee on Contested Elections. (See Appendix A.)

On motion of Mr. Taylor, it was ordered, that when the Senate adjourn, it adjourn to twelve o'clock M., on Monday.

On motion of Mr. Green, adjourned.

JOHN MCDOUGALL,

Lieutenant Governor and President of the Senate.

J. F. HOWE, Secretary of the Senate.

IN SENATE.

MONDAY, *December* 24, 1849.

The Senate met, pursuant to adjournment.

The Journal of Saturday was read and approved.

Mr. Robinson, Senator elect, from Sacramento, introduced by Mr. Crosby, was qualified, and took his seat.

Mr. Woodworth, from the Committee on Public Printing, made a report in writing, which was read and adopted. (See Appendix BB.)

Mr. Crosby, from the Select Committee to whom was referred the additional returns from Sonoma District, made a report in writing, from which it appeared M. J. Vallejó, instead of Mr. Spect, was duly elected Senator from that district.

On motion of Mr. Chamberlin, the report was adopted. (See Appendix A.)

The President read a communication from the Hon. G. B. Post, asking leave of absence for six months, which, on motion of Mr. Crosby, was granted.

The President laid before the Senate a communication from Hon. Nathaniel Bennett, resigning his seat as a member of the Senate from San Francisco.

Mr. Green rose and presented to the Senate a late edition of the Constitutions of the United States, Dana's Mineralogy, Fremont's Geographical Memoir and Map, and the Mier Expedition; also, in the name of his daughter, Esther Ellery, a copy of "The Holy Bible."

On motion of Mr. Crosby, it was

Resolved, That the books and map presented to the Senate by Hon. Thomas J. Green, Senator from Sacramento, and the one presented by him on behalf of his daughter, Esther Ellery, be accepted with the thanks of the Senate, and that the Secretary be directed to send a copy of this resolution to the donors.

On motion of Mr. Woodworth, the resolutions of the Assembly, in relation to the public printing, were taken from the table.

On motion of Mr. Woodworth, the third resolution was amended, by striking out "five days," as the required period within which proposals may be received for the execution of the public printing and binding, and inserting instead thereof, "two days."

On motion of Mr. Woodworth, the same resolution was further amended, by striking out "one week," as the time allowed for the contractor to get his press to this place, inserting instead thereof, "thirteen days."

Mr. Woodworth moved to amend the first resolution, by striking out "one year," as the period of the contract, and inserting "two years;" but the motion was decided in the negative—Ayes four, Noes seven.

On motion of Mr. Crosby, the second resolution was amended by striking out $5000, as the security required, for the faithful discharge

of the contract, and inserting instead thereof, "$10,000," and thus amended, the resolutions were passed.

On motion of Mr. Taylor, the Senate took a recess until 3 o'clock P.M.

AFTERNOON SESSION.

A message was received from the Assembly, by Mr. Tharp, its clerk, informing the Senate that they had passed a joint resolution, entitled a "Joint resolution to authorize the Governor to appoint pilots for the ports and harbors of the State of California." The resolution was laid on the table.

Mr. Crosby moved that when the Senate adjourn, it adjourn till Wednesday at 11 A.M.

Mr. Green moved to amend, by inserting Thursday at 12 M, instead of Wednesday at 11 A.M., which was decided in the affirmative, and thus amended, the motion was adopted.

On motion of Mr. Crosby, the Senate adjourned.

JOHN MCDOUGALL,
Lieut. Governor and President of the Senate.

J. F. HOWE, Secretary of the Senate.

IN SENATE.

THURSDAY, *December* 27, 1849.

The Senate met, pursuant to adjournment; the Hon. Mr. Chamberlin, President *pro tem.*, in the chair.

The journal of Monday was read and approved.

On motion of Mr. Robinson, leave of absence, for six days, was granted to Mr. Green of Sacramento.

Hon. M. J. Vallejó, Senator elect from Sonoma, was introduced by Mr. de la Guerra, was duly qualified, and took his seat.

On motion of Mr. Crosby, Mr. Woodworth of Monterey had leave of absence for six days.

On motion of Mr. Bidwell, the President of the Senate, Hon. John McDougall, had leave of absence for six days.

Mr. Bidwell, from the Joint Committee on Rules, made a report in writing, being "Joint Rules and Orders of the Senate and Assembly,"

which, on motion of Mr. Crosby, was received, and laid on the table, for consideration.

Mr. Crosby, from the Committee on Rooms, for the suitable accommodation of the Senate, made a verbal report, that the Committee of Citizens of San José, owing to the weather, and the difficulty in procuring the necessary labor during the Christmas holidays, had not been able to complete the rooms conditionally accepted by the Senate, at the time specified, to wit, Thursday last; but that, excepting the small tables for the Senators, and the desk for the Secretary, the rooms would be ready for the reception of the Senate to-morrow (Friday), at the usual hour of meeting. The Committee of Citizens, therefore, asked the indulgence of the Senate until that time, and that they would use the same tables now used until the desks intended for their permanent convenience shall have been completed.

On motion, the report was received, and ordered to lie on the table.

Mr. Crosby, from the select committee, to whom was referred the resolution of the Senate requesting the clergy of San José and Santa Clara to open the daily sittings of the Senate with prayer, made a report, that the committee had performed the duty assigned, that the Clergy so referred to in the resolution, had expressed their willingness to comply with the request of the Senate, and that one of their number would attend, on Friday the 28th instant, to open the Session of that day with the customary exercises.

On motion of Mr. Hope, the report was received and adopted.

On motion of Mr. Hope, it was

Ordered, That when the Senate adjourn, it adjourn to 10 A.M. to-morrow, then to meet in the New Hall, prepared by the Committee of the Citizens of San José.

Mr. Bassham moved to amend by inserting 11 A.M., instead of 10 A.M., which amendment was accepted by Mr. Hope, and thus amended, the motion was agreed to.

On motion of Mr. Douglass, the joint resolution of the Assembly, entitled "A joint resolution to authorize the Governor to appoint pilots for the ports and harbors of the State of California," was taken up and read the second time.

The rules having been suspended, and the question being on ordering the bill to a third reading,

Mr. Crosby moved to amend the title, so as to make it conform to

the requisitions of the first section of Article four of the Constitution, by striking out of the first section the words "Be it *resolved* by the Senate and House of Assembly of the State of California," and inserting instead thereof the words, "The people of the State of California, represented in Senate and Assembly, do enact as follows," and the amendment was adopted.

Mr. Robinson moved to strike out "*eight* dollars" in the fourth section, and insert instead thereof, "*five* dollars," when,

On motion of Mr. Douglass, the bill and amendments were referred to the Judiciary Committee, with instructions to report on Monday the 31st inst.

On motion of Mr. Crosby, the Secretary was directed to have, as early as practicable, sixteen copies of the Governor's Annual Message prepared for the use of the members of the Senate.

On motion of Mr. Douglass, adjourned.

E. KIRBY CHAMBERLIN,
President *pro tempore* of the Senate.

J. F. HOWE, Secretary of the Senate.

IN SENATE.

FRIDAY, *December* 28, 1849.

The Senate met, pursuant to adjournment.

Prayer by Rev. Mr. Briarly.

The journal of Thursday was read and approved.

Mr. Hope, from the Committee on the State Library, made a report in writing, recommending that the Sergeant-at-Arms be directed to procure a book-case for the safe-keeping of the public books presented to, or procured by order of the Senate, to be placed in the Senate Chamber: that the same officer be authorized to act as Librarian; and that the Committee be authorized to turn over to his charge such books as may now be in its possession; and that all future donations of books, or maps, obtained in any other manner, be also turned over to the charge of the Librarian, or such other person as may be discharging the duties of that office at the time such donation is made, or books obtained. (See Appendix CC.)

On motion of Mr. Crosby the report was received, and the question

being on its adoption, it was amended on motion of Mr. Crosby, by substituting "Secretary of the Senate" for "Sergeant-at-Arms," wherever the words occur in the report; and thus amended, it was adopted.

The President *pro tem.* appointed Mr. Robinson as a member of the Standing Committee on the Judiciary, in place of Mr. Bennett, who has resigned his seat in the Senate: Mr. Crosby as a member of the Standing Committee on Privileges and Elections, in place of Mr. Bennett: Mr. Vallejó, as a member of the Standing Committee of Engrossed Bills, in place of Mr. Bennett, and as a member of the Committee on the Militia, in place of Mr. Spect: and Mr. Bassham, as a member of the committee on Public Printing, in place of Mr. Spect.

On motion of Mr. Bidwell, the report of the Joint Committee on the Joint Rules and Orders of the Senate and Assembly, was taken up and adopted. (See Appendix D.)

On motion of Mr. Douglass, it was ordered, that when the Senate adjourn, it adjourn to Monday at 12 M.

On motion of Mr. Douglass adjourned.

E. KIRBY CHAMBERLIN,
President *pro tempore* of the Senate.

J. F. HOWE, Secretary to the Senate.

IN SENATE.

MONDAY, *December* 31, 1849.

The Senate met, pursuant to adjournment; Hon. E. K. Chamberlin. President *pro tem.* in the chair.

Prayer by Rev. Mr. Douglass.

The journal of Friday was read and approved.

Mr. Crosby, from the Committee on the Judiciary, to whom was referred the "joint resolution" from the House, "to authorize the Governor to appoint Pilots for the Ports and Harbors of the State of California," made a report in writing, accompanied by a bill, as a substitute for the original joint resolution, entitled "An Act in relation to the Appointment of Pilots for the different Ports and Harbors of California." (See Appendix PP.)

On motion of Mr. Taylor, the report was accepted, and the bill was read the first time.

On motion of Mr. Crosby, the rules were suspended, and the bill was read a second time.

A message was received from the Assembly, informing the Senate that they had passed an " Act authorizing a loan of money, to pay the immediate demands on the Treasury, until a permanent fund can be raised for that purpose ;" also, that they had concurred in the " Joint Rules and Orders of the Senate and Assembly," reported by the Joint Committee on that subject.

The Loan Bill from the House was read the first time.

Mr. Crosby moved that the rules be suspended, so as to give the bill its second reading.

Objection being made by Mr. de la Guerra, the bill was laid over, under the rules.

On motion of Mr. Crosby, it was ordered that six copies of the Pilot Bill be prepared, under the direction of the Secretary, for the use of the Senate.

On motion of Mr. Douglass, it was

Ordered, That six copies of the Loan Bill be prepared, under the direction of the Secretary, for the use of the Senate.

On motion of Mr. Crosby, it was

Ordered, That sixteen copies of the " Joint Rules and Orders of the Senate and Assembly," be prepared, under the direction of the Secretary, for the use of the Senate.

On motion of Mr. Douglass, it was

Resolved, That a Standing Committee on Roads and Fences be appointed ; and the President appointed, as such committee, Messrs. Douglass, Vallejó, and Robinson.

Mr. Douglass submitted a resolution for the appointment of a Standing Committee on Weights and Measures.

Mr. Crosby moved to amend the resolution, by striking out all after the word *Resolved*, and inserting therefor " that a Standing Committee on Commerce and Navigation be appointed by the President of the Senate."

The amendment was accepted by Mr. Douglass, and, thus amended, the resolution was adopted.

On motion of Mr. Crosby, it was

Resolved, That the Standing Committee on Printing be instructed to report, by Wednesday, the 2d day of January, a bill creating the office of State Printer.

On motion of Mr. Taylor, it was

Ordered, That when the Senate adjourn, it adjourn to Wednesday next, at 11 A.M.

On motion of Mr. Crosby, adjourned.

E. KIRBY CHAMBERLIN,
President *pro tempore* of the Senate.

J. F. HOWE, Secretary of the Senate.

IN SENATE.

WEDNESDAY, *January* 2, 1850.

The Senate met, pursuant to adjournment.

Prayer by Rev. Mr. Briarly.

The journal of Monday was read and approved.

Mr. Chamberlin, from the Committee on Printing (Mr. Douglass, of San Joaquin, acting temporarily as presiding officer of the Senate), made a report in writing, accompanied by a bill entitled "An act to create the office of State Printer, and define his duties." (Appendix C.)

On motion of Mr. Crosby, the report was accepted, and the bill had its first reading.

On motion of Mr. Bidwell, the bill was read the second time, and amended so as to make the State Printer elective by and under the control of the Legislature.

On motion of Mr. Crosby, the bill was further amended by striking out "&c." in the first section, and inserting after the words "State government," the words "and all other work required of the State Printer by law."

On motion of Mr. Lippincott, the blank in the bill was filled with the word "Ten."

On motion of Mr. Robinson, an additional section was adopted, requiring the Attorney General, in case of a forfeiture of the bond required from the State Printer, to proceed and collect the amount thereof, to be deposited with the Treasurer for the benefit of the State.

And thus amended, the rules, on motion of Mr. Chamberlin, having been suspended for that purpose, the bill was ordered to be engrossed and was read the third time, passed, and sent to the Assembly for concurrence.

On motion of Mr. Robinson, the bill entitled "An act in relation to

the Appointment of Pilots for the different Ports and Harbors of California," being a substitute, reported by the Judiciary Committee, for the Joint Resolution of the House on the same subject, was taken up, and read the second time.

Mr. Taylor moved a substitute for the first section, providing for a Board of Examiners—the examination by such Board of all applicants previous to their appointment by the Governor—and requiring the appointment by the Governor of the persons recommended by the Board as best qualified to act as pilots.

After debate, the motion was decided in the negative.

On motion of Mr. Crosby, the bill was amended, by striking out the words "Be it enacted that," whenever they occur at the commencement of the several sections.

On motion, the rules were suspended, and the bill, as amended, was ordered to be engrossed, and was read the third time, passed, and sent to the House for concurrence.

On motion, the bill from the Assembly to authorize "a loan of money to pay the immediate demands on the Treasury, until a permanent fund can be obtained for that purpose," was taken up, and read the second time.

On motion of Mr. Robinson, the bill was amended by striking out, in the first and second sections, the word "fifteenth," and inserting therefor the words "twenty-fifth."

On motion of Mr. Crosby, the bill was further amended by striking out, at the commencement of each section, the words, "Be it enacted," or "Be it further enacted."

On motion of Mr. Crosby, the rules were suspended, and the bill, as amended, was read the third time, passed, and returned to the House for concurrence in the amendments.

On motion of Mr. Lippincott, it was

Resolved, That when the Senate adjourn, it adjourn to 11 A.M., to-morrow.

On motion of Mr. Chamberlin, adjourned.

E. KIRBY CHAMBERLIN,
President *pro tempore* of the Senate.

J. F. HOWE, Secretary of the Senate.

IN SENATE.

THURSDAY, *January* 3, 1850.

The Senate met, pursuant to adjournment; Hon. John McDougall, Lieutenant Governor, in the Chair.

Prayer by Rev. Mr. Briarly.

The journal of Wednesday was read and approved.

Mr. Lippincott gave notice that he would, on to-morrow, introduce a bill "for the Protection and Extension of Commerce, Agriculture, Religion, and Learning."

Mr. Bidwell gave notice that the Committee on Counties and County Boundaries would, on to-morrow, be prepared to make a report in writing on that subject.

The President announced, as the standing committee on Commerce and Navigation, Messrs. Douglass, Chamberlin, and Robinson.

Mr. Douglass introduced a bill entitled "An act to declare the San Joaquin river a navigable stream," which was twice read (the rules having been suspended for that purpose), and, on motion of Mr. Crosby, was referred to the Committee on Commerce and Navigation.

Mr. Douglass introduced a bill, entitled "An act to declare the Mockelume river a navigable stream," which was twice read (the rules having been suspended for that purpose), and, on motion of Mr. Crosby, was referred to the Committee on Commerce and Navigation.

Mr. Douglass introduced a bill entitled "An act declaring the Tuolume river a navigable stream," which was read the first time, and laid over under the rules.

On motion of Mr. Crosby, it was

Resolved, That all bills, resolutions, or other communications relating to or affecting the navigation and commerce of coastwise or inland waters of this State, be referred to the Standing Committee on Commerce and Navigation.

On motion of Mr. Chamberlin, it was

Resolved, That the Senate will, on to-morrow, proceed to determine, agreeably to the Constitution, who are to serve for one and who for two years.

Mr. Taylor submitted the following joint resolution, which was read, and laid over under the rules:

WHEREAS, It has become evident to persons coming to this State by land viâ New Mexico, and is the general opinion of those who have

been engaged in the survey and explorations of the country lying between this State and New Mexico, that there is a more practicable and better wagon road than has been generally travelled heretofore, which will shorten the distance some hundreds of miles. Therefore,

Resolved (the Assembly concurring), That the Representatives from this State in Congress be, and are hereby instructed, to recommend to the General Government an immediate and accurate survey of an old road, said to exist between the northern part of New Mexico and the Eastern extremity of the Great Tulan Valley; also, that they recommend the establishment of Military Posts along the road for the protection of immigrants coming to and returning from this State, against the warlike Indians that infest this route.

Resolved (the Assembly concurring), That our Representatives in Congress be further instructed to use every honorable exertion in bringing to perfection the contemplated Atlantic and Pacific Railroad to this country; and that the Legislature now convened, and in session at San José, do most heartily concur, and will by their aid and assistance further the enterprise of said railroad, it being in their opinion both feasible and practicable.

On motion of Mr. Crosby, the Senate resolved itself into a committee of the whole, Mr. Crosby in the chair; and, after some time spent therein, the committee rose, and the Chairman thereof reported, that the committee had had under consideration, agreeably to order, the Governor's Annual Message, and had referred the various subjects therein contained to the appropriate standing committees, in which they asked the concurrence of the Senate, to wit:—

1st. So much of the said Message as relates to the admission of the State of California into the Union, and to the adoption of a civil and criminal code of law, they had referred to the Committee on the Judiciary.

2d. So much of the succeeding portion of the Message as refers to the subject of revenue, to taxation, to the negotiation of a loan, and to the agricultural resources of the country, to the Committee on Finance.

3d. So much of the Message as refers to the settlement of free people of color within the limits of the State, to the Committee on the Judiciary.

4th. So much of the Message as relates to the election of Comptroller, Treasurer, Attorney General, Surveyor General, Justices of the

Supreme Court, Clerk of the Supreme Court, Judges of the District and County Courts, District Attorneys, Sheriffs, Coroners, Assessors, Collectors, Justices of the Peace, and other officers, to the Committee on Privileges and Elections.

5th. So much of the Message as refers to the establishment of Criminal Courts in the cities of Sacramento and San Francisco, be referred to the Committee on the Judiciary.

6th. So much of the Message as relates to the organization of cities and incorporated villages, and the establishment of a system of county and town governments, to the Committee on Counties and County Boundaries.

7th. So much of the Message as relates to the punishments for crimes and misdemeanors, be referred to the Committee on the Judiciary.

8th. So much of the Message as relates to the desertion of seamen from merchant vessels visiting our ports, and to the inspection of provisions at San Francisco, to the Committee on Commerce and Navigation.

9th. So much of the Message as relates to the division of the State into Counties, and determining the number of Justices of the Peace, be referred to the Committee on Counties and County Boundaries.

10th. So much of the Message as relates to the registration of deeds, the registration of the wife's separate property, and the protection from forced sale of a portion of the homestead and other property of all heads of families, to the Committee on the Judiciary.

11th. So much of the Message as relates to the early construction of suitable public buildings, to the Committee on Public Buildings and Grounds.

12th. So much of the Message as relates to the commercial position and prospects of California, to the Committee on Commerce and Navigation.

13th. The concluding paragraph of the Message, to the Committee on Finance.

On motion of Mr. Robinson, the report of the committee of the whole was received and concurred in.

A message was received from the Assembly by Mr. Tharp, its clerk, informing the Senate that they had concurred in their amendments to the "Bill authorizing a loan to pay the immediate demands on the Treasury until a permanent fund can be raised for that purpose."

Also, that they had passed a "joint resolution concerning the Public Archives."

Also, a joint resolution, classifying the Justices of the Supreme Court, in which they asked the concurrence of the Senate.

The Joint Resolution from the House, "classifying the Justices of the Supreme Court," was read the first time, and, on motion of Mr. Crosby, was referred to the Committee on the Judiciary, with instructions to report to-morrow.

The Joint Resolution from the House, "concerning the Public Archives," was read the first time, and on motion of Mr. Crosby, referred to the Committee on the Judiciary, with instructions to report to-morrow.

Mr. Douglass submitted the following:—

Resolved, That the Clerk heretofore employed to transcribe the journals of the Senate, be ordered not to transcribe again for the Alta California.

Mr. Chamberlin moved to amend the resolution, by striking out all after the word "Resolved," and inserting therefor, "That the Senate refuse hereafter, at the expense of the State, to furnish a daily copy of their journal for the Alta California."

The proposed amendment was accepted by Mr. Douglass, and, thus amended, the resolution was adopted.

On motion of Mr. Crosby, it was

Resolved, That a standing rule be added to the Rules and Orders of the Senate, fixing the hour for the meeting of the Senate at eleven o'clock of each day (Sundays excepted), and that in case any other hour is named it shall be applicable only to one day, and shall not affect this rule beyond the day named for a different hour of meeting.

On motion of Mr. Taylor, it was

Resolved, That the Sergeant-at-Arms be authorized to procure a stove for this Senate Chamber.

On motion of Mr. Crosby, it was

Ordered, That the Standing Committee on Engrossed Bills be changed to a Joint Standing Committee on Enrolled Bills, as provided by the seventh joint rule of the Senate and Assembly.

On motion of Mr. Taylor, the Senate adjourned.

JOHN MCDOUGALL,
Lieut. Governor and President of the Senate.

J. F. HOWE, Secretary of the Senate.

IN SENATE.

FRIDAY, *January* 4, 1850.

The Senate met, pursuant to adjournment.

Prayer by Rev. Mr. Douglass.

The journal of Thursday read and approved.

Mr. Crosby presented the petition of William E. Taylor, praying compensation for services performed as "Judge of the election for State officers," held at the Bull's Head Precinct, in Sacramento City, on the 13th November, 1849, which was read, and laid on the table.

Mr. Crosby, from the Judiciary Committee, to whom was referred the "Joint Resolution" of the Assembly "concerning the Public Archives," reported the same with amendments, changing the form of the bill from that of a "Joint Resolution" to that of an "Act." The bill was read the second time, on motion of Mr. Robinson; was amended, by inserting the words "civil and military," after the word "political," in the first section; and thus amended (the rules having been suspended for that purpose), was read the third time, passed, and sent to the House for concurrence in the amendments.

Mr. Crosby, from the Judiciary Committee, to whom was referred the "Joint Resolution" from the Assembly, "classifying the Justices of the Supreme Court," reported the same with amendments, changing the form of the bill from that of a "Joint Resolution" to that of an "Act." The bill was read the second time, when, after debate, it was, on motion of Mr. Taylor, recommitted to the Committee on the Judiciary.

On motion of Mr. Chamberlin, the Senate proceeded, agreeably to the resolution yesterday adopted, and in accordance with the sixth section of the fourth Article of the Constitution, to a classification of the Senators elected to the present Legislature, so as to determine the seats of whom shall be vacated at the expiration of the first year.

On motion of Mr. Chamberlin, it was

Resolved, That in determining by lot the classification of Senators, the course of proceeding shall be by districts, as follows:—

1st. To determine the lot of the Senators from San Diego and Los Angeles District, the Secretary shall put into the box two tickets, one having upon it, "for one year," the other, "for two years," which ticket shall be drawn by said Senators, and the result shall determine the class to which each one belongs.

2d. The classification of the members of the district of San Francisco

shall be determined in like manner, as shall that of Sacramento and San Joaquin, except that in the latter districts two tickets, having "for one year," and two, "for two years," shall be placed in the box.

3d. For the districts of San José, Monterey, Sonoma, and Santa Barbara, the classification shall be made by one drawing, as in the districts represented by four members.

4th. The President shall appoint substitutes to draw for the absent Senators.

The Secretary reported the result of each drawing to be as follows :—

1st. *San Diego and Los Angeles District.*

Mr. Chamberlin drew one year.

Mr. Hope drew two years.

2d. *San Francisco District.*

Mr. Post (Mr. Bassham acting as his substitute, by appointment of the President, Mr. Post being absent) drew two years.

For the vacancy, Mr. Taylor (by appointment of the President) drew one year.

3d. *Sacramento District.*

Mr. Crosby drew two years.

Mr. Robinson drew one year.

Mr. Bidwell drew one year.

Mr. Green (Mr. Vallejó acting as his substitute, in his absence, by appointment of the President) drew two years.

4th. *San Joaquin District.*

Mr. Douglass drew two years.

Mr. Lippincott drew two years.

Mr. Taylor drew one year.

Mr. Vermeule (Mr. Robinson, in his absence, by appointment of the President, as his substitute) drew one year.

5th. *Santa Barbara and San Luis Obispo, Monterey, Sonoma, and San José Districts.*

Mr. Bassham drew one year.

Mr. Woodworth (Mr. Douglass, in his absence, acting by appointment of the President as his substitute) drew two years.

Mr. Vallejó drew one year.
Mr. de la Guerra drew two years.

The following, therefore, were declared by the President to be the Senators of the first class, whose seats will be vacated at the expiration of the first year, in accordance with the provisions of Section 6 of Article 4 of the Constitution:—

San Diego and Los Angeles District.
E. Kirby Chamberlin.

San José District.
W. R. Bassham.

Sonoma District.
M. J. Vallejó.

San Francisco District.
Vacancy (to be filled by a new election).

Sacramento District.
J. Bidwell.
H. E. Robinson.

San Joaquin District.
Nelson Taylor.
T. A. Vermeule.

And the following were declared to be the Senators of the second class, whose term of service will expire at the expiration of two years:—

San Diego and Los Angeles District.
A. W. Hope.

Santa Barbara and San Luis Obispo District.
Pablo de la Guerra.

Monterey District.
S. E. Woodworth.

San Francisco District.
G. B. Post.

Sacramento District.
E. O. Crosby.
T. J. Green.

San Joaquin District.
D. F. Douglass.
B. S. Lippincott.

The bill entitled "An Act declaring the Tuoleme river, a navigable stream," was taken up, read the second time, and referred to the Committee on Commerce and Navigation.

The joint resolution yesterday submitted by Mr. Taylor, instructing our Representatives in Congress to urge upon the general government the importance of an immediate survey of an old road said to exist between the northern part of New Mexico and the eastern extremity of the Great Tulare Valley, the establishment of military forts for the protection of immigrants, and the early completion of the Atlantic and Pacific Railroads, was taken up.

Mr. Lippincott moved an amendment, so as to make the resolution read "our Representatives be, and are hereby requested, and our Senators instructed," &c., which was adopted.

Mr. Bidwell moved to amend, so as to memorialize Congress on the subjects embraced in the resolution, instead of "instructing our Representatives and requesting our Senators" in reference thereto.

Mr. Taylor moved to amend the amendment, so as to provide that "Congress be memorialized, our Representatives requested, and our Senators instructed," &c., which was agreed to, and the amendment thus amended, was then rejected.

On motion of Mr. Taylor, the resolution and amendment were referred to a Special Committee, consisting of Messrs. Hope, Taylor, and Robinson.

A message was received from the Assembly informing the Senate that they had passed "An Act, entitled an Act concerning the office of Comptroller."

Also, that they had passed a "bill authorizing the Secretary of State,

Comptroller, Treasurer, Surveyor General, and Attorney General, to rent offices and procure the necessary furniture of their respective offices,"—in which they asked the concurrence of the Senate.

Also, they had appointed, as the Joint Committee on enrolled bills, on their part, Messrs. Bradford and Stowell.

The bills referred to in this message from the Assembly, were severally read the first time, and ordered to a second reading to-morrow.

Mr. de la Guerra, from the Committee on Counties and County Boundaries, made a report in writing, which, on motion of Mr. Taylor, was received and read, and on motion of Mr. Crosby, referred to the committee of the whole, and made the special order for to-morrow. (See Appendix E.).

On motion of Mr. Robinson, it was

Resolved, That the Chairman of the Judiciary Committee be, and is hereby authorized to employ a Clerk to assist said committee in transcribing the actions of said committee into the forms of reports.

On motion of Mr. Douglass, adjourned.

JOHN MCDOUGALL,

Lieut. Governor and President of the Senate.

J. F. HOWE, Secretary of the Senate.

IN SENATE.

SATURDAY, *January* 5, 1850.

The Senate met, pursuant to adjournment.

Prayer by Rev. Mr. Douglass.

Journal of Friday was read and approved.

Mr. Douglass, from the Committee on Commerce and Navigation, to whom was referred the bill entitled, "An Act to declare the San Joaquin river a navigable stream," the bill entitled "An Act to declare the Mockelume river a navigable stream," and the bill entitled "An Act to declare the Tuoleme river a navigable stream," reported the same, without amendments, and after debate, they were, on motion of Mr. Lippincott, severally recommitted to the same committee.

On motion of Mr. Crosby, it was

Resolved, That the Committee on Commerce and Navigation be instructed to report a bill establishing a Marine Hospital at San Francisco,

and also to make proper quarantine regulations at the different ports and harbors of California.

A message was received from the Assembly, by their Clerk, Mr. Tharp, informing the Senate that they had passed, with amendments, the bill entitled, "An Act in relation to the appointment of Pilots for the different Ports and Harbors of California."

Also, with amendments, the Senate bill entitled, "An Act to create the Office of State Printer."

Also, that they had passed bills, entitled, "An Act concerning the office of State Treasurer," and "An Act concerning the office of Attorney-General," in which they asked the concurrence of the Senate.

Also, that they had concurred in the amendments of the Senate to the joint resolution of the Assembly "concerning the Public Archives."

The amendments of the Assembly to the bill "in relation to the appointment of Pilots for the different Ports and Harbors of California." and to the bill "creating the office of State Printer," were read and concurred in, and, as amended, the bills were ordered to be enrolled.

The bill from the Assembly, entitled, "An Act concerning the office of State Treasurer," was read, and, on motion of Mr. Crosby, it was laid on the table, and the Secretary directed to furnish twelve copies thereof for the use of the Senate.

The bill from the Assembly, entitled, "An Act concerning the office of Attorney General," was read, and, on motion of Mr. Crosby, was laid on the table, and the Secretary directed to furnish twelve copies thereof for the use of the Senate.

Mr. Robinson, from the Joint Committee on Enrolled Bills, reported that the committee had carefully examined bills originating in the Assembly, entitled, "A Joint Resolution concerning the Public Archives," and "An Act authorizing a loan of money to pay the immediate demands on the Treasury, until a permanent fund can be raised for that purpose;" and had found each correctly enrolled.

On motion of Mr. Crosby, it was

Resolved, That the Committee on Commerce and Navigation be instructed to report a general pilot law for all the ports and harbors of California.

On motion of Mr. Taylor, amended at the suggestion of Mr. Bidwell, it was

Resolved, That the Committee on Commerce and Navigation be in-

structed to report bills declaring navigable all the rivers within the State of California, which ought, in the opinion of said committee, to be so considered.

On motion of Mr. Crosby (the rules having been suspended for that purpose), the petition of William E. Taylor was taken up, and referred to the Committee on Claims.

On motion, the Senate resolved itself into Committee of the Whole, Mr. Hope in the Chair, and after some time spent therein, the committee rose, and the Chairman thereof reported, that, agreeably to order, the committee had had under consideration the Report of the Standing Committee on Counties and County Boundaries, designating the names, boundaries, &c., of the several counties to be created by law, agreeably to the provisions of the Constitution, and without coming to any resolution therein, had instructed him to report progress, and ask leave for the committee to sit again.

On motion, the report was accepted, and leave granted accordingly.

On motion, the Senate adjourned.

JOHN MCDOUGALL,
Lieutenant Governor and President of the Senate.

J. F. HOWE, Secretary of the Senate.

IN SENATE.

MONDAY, *January*, 7, 1850.

The Senate met, pursuant to adjournment.

Prayer by Rev. Mr. Douglass.

Journal of Saturday read and approved.

Mr. Douglass, from the Committee on Commerce and Navigation, to whom were referred the bills declaring the San Joaquin, Mockelume, and Tuoleme rivers navigable, reported the same without amendment, and they were severally read the second time, and ordered to be engrossed and read a third time to-morrow.

Mr. Douglass, from the Committee on Commerce and Navigation, reported a bill, entitled "An Act declaring the Cayoto river a navigable stream," which was read the first time, and ordered to a second reading to-morrow.

Mr. Hope, from the Special Committee, to whom was referred the

joint resolution respecting the survey of a road between California and New Mexico, reported the same in an amended form, which was read, and ordered to a second reading to-morrow.

Mr. Chamberlin introduced a joint resolution, instructing our Senators and requesting our Representatives in Congress to use their influence to procure the passage of a law making San Diego and Monterey ports of entry; and that they also be requested to call the early attention of Congress to the importance of improving the San Diego harbor, by constructing a dam across the San Diego river, a short distance above the town, thereby turning it into its original channel and False Bay; which was read the first time and ordered to a second reading to-morrow.

Mr. Hope introduced a joint resolution, instructing our Senators and requesting our Representatives in Congress to use their most earnest endeavors, and urge upon the General Government the propriety of making the Port of San Pedro a port of entry; which was read the first time, and ordered to a second reading on to-morrow.

Mr. Robinson introduced a joint resolution, instructing and requesting our Senators and Representatives in Congress, to recommend to the General Government the passage of a law at the present Session of Congress to declare the Port of Sacramento City a port of entry; which was read a first time, and ordered to a second reading to-morrow.

On motion of Mr. Lippincott, it was

Resolved, That the rooms, passages, and buildings set apart for the use of the Senate, be under the control and direction of the President of the Senate.

On motion of Mr. Lippincott, amended on motion of Mr. Crosby, it was

Resolved, That the Secretary, Sergeant-at-Arms, and Doorkeeper, under the direction of the President of the Senate, be authorized to procure all the necessary furniture for the use of the Senate and the Committee Rooms, and for other purposes; also, to employ such number of additional clerks as the wants of the Senate may from time to time demand.

On motion of Mr. Chamberlin, it was

Resolved, That the Special Committee on Rooms be instructed to procure a comfortable room or rooms for the use of the Senator from San. Joaquin (the Hon. F. L. Vermeule), who is now suffering from

severe sickness in Ohio city, until such Senator shall be restored to health.

Mr. Lippincott submitted a joint resolution of thanks to Capt. John A. Sutter and Col. Isaac Williams, and expressive of the sense of this Legislature in regard to an early settlement of the California claims; which was read the first time, and ordered to a second reading to-morrow.

Bill from the Assembly to authorize the Secretary of State, Comptroller, Treasurer, Surveyor General, and Attorney General, to rent offices and procure the necessary furniture for the same, was read the second time and referred to a select committee, consisting of Messrs. Crosby, Chamberlin, and Lippincott, with instructions to request from said officers a list or statement of such furniture, books, and other things as they may deem necessary.

Bill from the Assembly, entitled "An Act concerning the office of Comptroller," was read the second time, amended on motion of Mr. Hope, by the insertion of an additional section as section 15, and making the original section 15 read as section 16, and thus amended, the bill was ordered to a third reading to-morrow.

A Bill from the Assembly, entitled "An Act concerning the office of State Treasurer," was read the second time, and amended, on motion of Mr. Crosby, by inserting the word "law" after the word "by" and before the word "to," in the eleventh line of section ninth, and by inserting the word "by" before the word "law" in the last line of section tenth; and thus amended, the bill was ordered to a third reading to-morrow.

A Bill from the House, entitled "An Act concerning the office of Attorney General," was read the second time; amended, on motion of Mr. Chamberlin, by inserting in section third, after the words "Surveyor General," the words "State Printer, Trustees or Commissioners of any State Hospital or Asylum;" and thus amended, was, on motion of Mr. Bidwell, referred to a Select Committee, consisting of Messrs. Bidwell, Crosby, and Chamberlin.

Mr. Robinson, from the Joint Committee on Enrolled Bills, reported that the committee, on Saturday the 5th instant, presented to the Governor for his signature, the Act entitled "An Act authorizing a loan of money to pay the immediate demands on the Treasury, until a perma-

nent fund can be raised for that purpose," and the Bill entitled "An Act concerning the Public Archives."

Mr. Robinson, from the same committee, reported that they had carefully examined, and compared with the engrossed bill, the Act entitled "An Act to create the office of State Printer and define his duties," and the Act entitled "An Act in relation to the appointment of Pilots in the different Ports and Harbors of California," and had found the same to be correctly enrolled.

On motion of Mr. Robinson, the Joint Resolution to authorize the Governor to employ a private Secretary was taken from the table, read the second time, and ordered to a third reading to-morrow.

Mr. Crosby moved that the Senate do now resolve itself into a Committee of the Whole, on the Constitution, but the motion was decided in the negative.

On motion of Mr. de la Guerra, the Senate resolved itself into a Committee of the Whole, Mr. Hope in the chair, and after some time spent therein, the committee rose, and the Chairman thereof reported that the committee had again had under consideration the Report of the Standing Committee on Counties and County Boundaries, and without coming to any resolution thereon, had instructed him to report progress, and ask leave for the committee to sit again on Friday next, 11th instant.

On motion of Mr. Chamberlin, it was

Resolved, That twelve copies of the report of the Committee on Counties and County Boundaries be furnished, for the use of the Senate, and that the Surveyor General be requested to furnish twelve maps, based upon the report of the Committee, for the use of the Senate.

The Secretary of the Senate presented to the Committee on Enrolled Bills, Acts, certified by him to have originated in the Senate, entitled "An Act in relation to the appointment of Pilots in the different Ports and Harbors of California," and "An Act to create the office of State Printer, and define his duties."

On motion of Mr. Crosby, the Senate adjourned.

JOHN MCDOUGALL,

Lieutenant Governor and President of the Senate.

J. F. HOWE, Secretary of the Senate.

IN SENATE.

TUESDAY, *January* 8, 1850.

The Senate assembled, pursuant to adjournment.

Prayer by Rev. Mr. Douglass.

Journal of Monday was read and approved.

Mr. Douglass, from the Committee on Commerce and Navigation, reported a bill entitled "An Act to declare the Sacramento river a navigable stream," which was read the first time, and ordered to the second reading on to-morrow.

A message was received from the Governor by the hand of William V. Voorhies, Esq., Secretary of State, informing the Senate, that he had this day signed the bill entitled "An Act in relation to the appointment of Pilots for the different Ports and Harbors of California," and also the bill entitled "An Act to create the office of State Printer and define his duties."

Mr. Bidwell, from the Select Committee, to whom was referred the bill entitled "An Act concerning the office of Attorney General," reported the same with sundry amendments, which were concurred in, and, as amended, was read the third time (the rules having been suspended for that purpose), passed, and returned to the House for concurrence in the amendments.

On motion of Mr. Chamberlin, the Select Committee on Rooms was authorized and instructed to rent, at the expense of the Senate, suitable rooms for the accommodation of Mr. Vermule, a Senator of this body, agreeably to the resolution yesterday adopted.

The Bill entitled "An Act to declare the San Joaquin river a navigable stream," was read the third time and passed.

Also the bill entitled "An Act to declare the Tuoleme river a navigable stream;" and the bill entitled "An Act to declare the Mockelume river a navigable stream."

Also bills from the House entitled "An Act concerning the office of State Treasurer," and "An Act concerning the office of Comptroller."

Also the joint resolution of the Senate "to authorize the Governor to employ a private Secretary."

The Bill entitled "An Act declaring the Cayota river a navigable stream," was read the second time, amended on motion of Mr. Bassham, by inserting "San José" instead of "Cayota," wherever it occurs in the

bill, and then on motion of Mr. Robinson was recommitted to the Committee on Commerce and Navigation.

Joint resolution instructing and requesting our Senators and Representatives in Congress in relation to the Port of San Pedro, was read the first time, and ordered to a third reading to-morrow.

Joint resolution instructing and requesting our Senators and Representatives in Congress in relation to the Ports of San Diego and Monterey, was read the second time, amended on motion of Mr. Chamberlin, by inserting after "Monterey" the words "Santa Barbara and San Luis Obispo," and, thus amended, was ordered to a third reading to-morrow.

Joint resolution instructing and requesting our Senators and Representatives in Congress in relation to the Port of Sacramento, was read the second time, amended on motion of Mr. Taylor, by inserting "and Stockton" after "Sacramento City," and, thus amended, was ordered to a third reading to-morrow.

Joint resolution concerning the survey of a road between California and New Mexico, was read the second time, and ordered to the third reading to-morrow.

Joint resolution of thanks to John A. Sutter, Isaac Williams, and others, was read the second time, and on motion of Mr. de la Guerra, was referred to a select committee, consisting of Messrs. de la Guerra, Bidwell, and Chamberlin.

A message was received from the Assembly, informing the Senate that on yesterday the Governor notified the House that he had signed bills, originating in the House, entitled "An Act authorizing a loan of money to pay the immediate demands on the Treasury, until a permanent fund can be raised for that purpose;" and "An Act concerning the Public Archives."

Mr. Bassham, on leave, introduced a joint resolution, that both branches of the Legislature will meet in Convention, in the hall of the Assembly, to-morrow at 12 o'clock M., and proceed to the election of State Printer, in accordance with the act creating the office of State Printer, approved January 8th, 1850, which was read, adopted, and sent to the House for concurrence.

On motion of Mr. Taylor, the Senate adjourned.

JOHN MCDOUGALL,

Lieutenant Governor and President of the Senate.

J. F. HOWE, Secretary of the Senate.

IN SENATE.

WEDNESDAY, *January* 9, 1850.

The Senate assembled, pursuant to adjournment.

Prayer by Rev. Mr. Briarly.

A quorum not being present, on motion of Mr. Douglass, a call of the House was ordered, when Messrs. Bidwell, Chamberlin, Douglass, Hope, Robinson, Vallejo, and Taylor, answered to their names.

The names of the absentees, Messrs. Bassham, Crosby, De la Guerra, Green, Lippincott, Post, and Woodworth, were again called.

On motion of Mr. Chamberlin, Mr. Bassham was excused on account of sickness.

On motion of Mr. Hope, Mr. de la Guerra was excused for the same reason.

On motion of Mr. Taylor, Mr. Lippincott was also excused for the same reason.

The Sergeant-at-Arms was ordered to close the doors, and having been furnished with a list of the names of the absentees not excused, was directed to compel their attendance.

The Sergeant-at-Arms subsequently came in with Mr. Crosby, and reported that he was the only Senator to be found, whose name was upon the list of absentees furnished him; the others, Messrs. Green, Post, and Woodworth, being absent from the city.

On motion of Mr. Douglass, Mr. Crosby was discharged from custody.

Mr. Crosby rose and addressed the Senate as follows:

MR. PRESIDENT—

It is due to myself to state to you, and the Senate, that my absence at roll-call this morning (January 9th) from my seat in the Senate was caused by my being then engaged in procuring a room, with suitable accommodation, for the Hon. Mr. Vermeule, a Senator from San Joaquin, now afflicted with sickness. It will be remembered that a resolution passed this Senate, directing a committee, of which I am chairman, to procure such room and accommodation for Mr. Vermule; and in the discharge of this duty, which I conceived to be an imperative and pressing one, I was, therefore, delayed from arriving in the Senate room at the precise hour of the meeting. At the time I was waited upon by the Sergeant-at-Arms of the Senate, I was delivering to

Mr. Vermeule the result of my efforts to secure a room for him, as directed by the resolution, and was on my way to the Senate Chamber.

It is proper I should further say (and I believe every Senator will bear witness, who has been in attendance since the 15th day of December last, the day fixed by the Constitution for the meeting of the Legislature), that I have, with no exception, been always present at the opening of each day's session, and have uniformly remained until the Senate adjourned.

This constant attendance at the daily sessions of the Senate should fully exculpate me from any censure from my constituents, or any implied censure of the Senate by causing my arrest, as they have been pleased to call the notice given me by the Sergeant-at-Arms on my way to the Senate Chamber this morning.

On motion of Mr. Taylor, it was ordered that Mr. Crosby have leave to enter in writing, his excuse for being absent, at length on the journal.

It appearing that but eight Senators were now present, Mr. Crosby insisted that the Senate could not constitutionally proceed to business, as, by an express provision of the Constitution, it consists of sixteen members, the presence of nine of which would be necessary to constitute a quorum.

The President decided, in accordance with a previous decision of the Senate, that eight Senators constituted a quorum, the whole number now being only fifteen, in consequence of the resignation of Mr. Bennett, of San Francisco.

From this decision Mr. Crosby appealed, and the question being, "Shall the decision of the Chair stand as the judgment of the Senate?" it was decided in the negative, Ayes three, Noes five.

Mr. Crosby moved that Mr. Woodworth, one of the absentees, be excused, as his absence was understood to be caused by business of an urgent character, requiring his personal attendance, but the motion was decided in the negative.

On motion of Mr. Douglass, the President was authorized to despatch a special messenger to compel the attendance of the absentees, Messrs. Post, Green, and Woodworth.

On motion of Mr. Douglass the Senate adjourned.

JOHN MCDOUGALL,

Lieutenant Governor and President of the Senate.

J. F. HOWE, Secretary of the Senate.

[SENATE JOURNAL.]

IN SENATE.

THURSDAY, *January* 10, 1850.

The Senate assembled, pursuant to adjournment.

Prayer by Rev. Mr. Briarly.

Journals of Tuesday and Wednesday read and approved.

Mr. Bidwell, from the Select Committee, to whom was referred the Joint Resolution of thanks to Capt. John A. Sutter, Col. Isaac Williams, and others, reported a substitute therefor, and it was read the first time and ordered to a second reading to-morrow.

A message was received from the Assembly, informing the Senate that they had concurred in the Joint Resolution of the Senate, providing for the election of State Printer, with an amendment, substituting "the 10th instant, at 12 o'clock M." for "the 9th instant, at 12 o'clock M."

On motion of Mr. Chamberlin, the amendment was concurred in.

The President laid before the Senate a message from the Governor, and, on motion, the Senate proceeded to the consideration of the Executive business.

A message was received from the Assembly, by Mr. Tingley, a member of that body, inviting the Senate "to attend, instanter, in the Hall of the House, to proceed to the election of State Printer,"

Whereupon, on motion of Mr. Chamberlin, the Senate proceeded to the Hall of the Assembly, for the object specified in the message.

Mr. Chamberlin, as Teller on the part of the Senate.

Mr. Tingley was appointed Teller on the part of the Assembly.

Mr. Lippincott nominated for State Printer.

Mr. H. H. Robinson, of the firm of Marcy, Robb & Robinson, and the Secretary of the Senate and Clerk of the Assembly, proceeded to call the rolls of the respective Houses, each member voting *vivâ voce*, when the Tellers reported the result to be as follows:—

Whole number of votes, ...	34
Necessary to a choice, ...	18

Of which Henry H. Robinson had 34 votes.

Those who voted for Mr. Robinson were—Messrs. Bassham, Bidwell, Chamberlin, Crosby, De la Guerra, Douglass, Hope, Lippincott, Robinson, Vallejó, and Taylor, of the Senate; Messrs. Brackett, Bradford, Bigler, Brown, Cardwell, Crittenden, Corey, Covarubias, Creaner, Gray, Hughes, McKinstry, Moore, Moorehead, Patterson, Randolph, Stewart,

Stowell, Scott, Tefft, Tingley, Walthall, Watson, and Witherby, of the Assembly—34.

The President accordingly declared that H. H. Robinson was duly elected State Printer for the term of two years, and until his successor shall have been duly elected and qualified.

Whereupon the President declared the Convention adjourned *sine die*, and the Senate returned to the Senate Chamber.

The Joint Resolution in relation to the Port of San Pedro, was read the third time, and, on motion of Mr. Bassham, was referred to a Select Committee, consisting of Messrs. Bassham, Robinson, Hope, and Chamberlin, with instructions.

The Joint Resolution relative to the Ports of Monterey, San Diego, Santa Barbara, and San Luis Obispo, was read the third time, and, on motion of Mr. Bidwell, referred to the same committee, with instructions to include these and the Port of San Pedro, all in one bill.

The Joint Resolution relative to the Port of Sacramento City, was read the third time, and, on motion of Mr. Crosby, amended on motion of Mr. Hope, was referred to the same committee with instructions to "report such information as they may be able to collect, in relation to including other places in California, in such resolution, as ports of entry."

The Joint Resolution in relation to the survey of a road between New Mexico and California, was read the third time, and, on motion of Mr. Crosby, was laid on the table.

The bill, entitled "An Act to declare the Sacramento River a Navigable Stream," was read the second time, and ordered to a third reading to-morrow.

On motion of Mr. de la Guerra, the Senate adjourned.

JOHN MCDOUGALL,
Lieut. Governor and President of the Senate.

J. F. HOWE, Secretary of the Senate.

IN SENATE.

FRIDAY, *January* 11, 1850.

The Senate assembled, pursuant to adjournment.

Prayer by Rev. Mr. Douglass.

The Journal of Thursday was read and approved.

Mr. Hope gave notice that he would, on Monday, or on some future

day, ask leave to bring in a bill, granting a special charter to the city of Los Angeles.

The joint resolution of thanks to Capt. John A. Sutter was read a second time, and ordered to a third reading to-morrow.

Mr. Lippincott introduced the Hon. Thomas L. Vermeule, a Senator elect from San Joaquin District, and he was duly qualified, and took his seat.

On motion of Mr. Chamberlin, the consideration of the special order of the day, being the Report of the Committee on Counties and County Boundaries, was postponed, and it was made the special order for Monday next, the 14th instant.

Mr. Bidwell gave notice that he would, on Monday next, or as soon thereafter as practicable, ask leave to bring in a bill, to prohibit the obstruction of those streams which have been, or may hereafter be, declared navigable.

On motion of Mr. Hope, the Report and Joint Resolution, relating to the survey of a road between New Mexico and California, was taken from the table, and read the third time.

Mr. Vermeule, by unanimous consent, moved to amend so as to make the resolution read, that "our Senators in Congress be instructed, and our Representatives requested," &c., which amendment was adopted; when, on motion of Mr. Hope, the resolution was referred to a special committee, consisting of Messrs. Hope, Vermeule, and Crosby.

On motion of Mr. Robinson, the Senate adjourned.

JOHN MCDOUGALL,
Lieutenant Governor and President of the Senate.

J. F. HOWE, Secretary of the Senate.

IN SENATE.

SATURDAY, *January* 12, 1850.

The Senate assembled, pursuant to adjournment.

Prayer by Rev. Mr. Briarly.

The Journal of Friday was read and approved.

Mr. Crosby, from the Committee on the Judiciary, to whom was re-committed the bill from the Assembly, entitled "A Joint Resolution, classifying the Justices of the Supreme Court," reported the same, as

heretofore amended by the same committee, and, thus amended, the bill was read the second time, and ordered to a third reading to-morrow.

Mr. Douglass, from the Committee on Commerce and Navigation, reported a bill, entitled "An Act declaring the Sonoma, Napa, Petuluma, and Suisun rivers navigable streams," which was read the first time, and ordered to a second reading to-morrow.

Mr. Bassham, from the Select Committee to whom were referred the several Joint Resolutions, in relation to the Ports of Sacramento City, San Diego, San Pedro, Santa Barbara, San Luis Obispo, and Monterey, made a report in writing, accompanied by a Joint Resolution, as a substitute for the original Joint Resolutions so referred, which was read the first time, and ordered to a second reading to-morrow.

Mr. Chamberlin, from the Committee on Printing, reported a bill, entitled "An Act to create the office of State Translator," which was read the first time, and ordered to a second reading to-morrow.

Mr. Chamberlin submitted a resolution which was adopted, directing the Sergeant-at-Arms to keep an account of the postage of each Senator, and pay the amount of the same, at the end of each current quarter, out of the contingent fund of the Senate.

The President laid before the Senate the following communication from the State Printer :—

SAN JOSÉ, *January* 11, 1850.

MR. PRESIDENT OF THE SENATE,

Will please announce for the information of members, and in behalf of the State Printer, that a portion of our materials will be in readiness to-morrow morning for the execution of such orders as may be given by either branch of the Legislature.

Very respectfully,

H. H. ROBINSON.

The bill [No. 7] entitled "An Act to declare the Sacramento river a navigable stream," was read the third time, and passed.

The Joint Resolution [No. 8] entitled "A Joint Resolution of thanks to Capt. John A. Sutter," was read the third time, and passed.

Mr. Robinson submitted the following resolution, which was read, and objection being made to its consideration to-day, it was ordered to be laid over, under the rules :—

Resolved, That a fair and correct copy of all joint resolutions and acts passed by the Senate, and which have become laws, shall be made and handed to the State Printer for publication.

On motion of Mr. Hope, it was

Ordered, That the original Standing Committee on engrossed bills, consisting of Messrs. Robinson and Vallejó, which was changed to a Joint Committee on enrolled bills, be also directed to act as a Committee on engrossed bills.

Mr. Douglass, from the Committee on Commerce and Navigation (on leave), reported a bill entitled "An Act to declare the San José de Guadalupe a navigable stream," which was read the first time, and ordered to a second reading to-morrow.

On motion of Mr. Crosby, the Senate adjourned.

JOHN MCDOUGALL,
Lieut. Governor, and President of the Senate.

J. F. HOWE, Secretary of the Senate.

IN SENATE.

MONDAY, *January* 14, 1850.

The Senate assembled, pursuant to adjournment.

Prayer by Rev. Mr. Douglass.

The journal of Saturday was read and approved.

A message was received from the Assembly, informing the Senate that the Governor had notified the Assembly that, on the fifth instant, he had approved and signed the following bills, to wit:—

"An Act concerning the public Archives."

"An Act authorizing a loan of money to pay the immediate demands on the Treasury, until a permanent fund can be raised for that purpose."

Also, that the House had, on the tenth inst., elected the Hon. John Bigler, Speaker *pro tem.*, during the absence of the Speaker.

Also, that they had passed a bill entitled "An Act concerning the office of Secretary of State."

Also, "An Act fixing the time for acts and joint resolutions to take effect."

Also, a "Preamble and Joint Resolutions on the subject of aiding emigrants to the State of California, by the overland route."

The bills from the House entitled "An Act concerning the office of Secretary of State," "An Act fixing the time for acts and joint resolutions to take effect," and the "Joint Resolutions on the subject of aiding emigrants to the State of California," were severally read the first time, and were ordered to a second reading to-morrow.

On motion of Mr. Chamberlin, it was

Resolved, That the Secretary be instructed to pay the Surveyor General the amount he may have expended for the hire of clerks in making the maps ordered by a resolution of the Senate, adopted 7th inst.

Mr. Douglass submitted the following resolution, to which objection being made, it was laid over, under the rules:

Resolved, That the resolution adopted by the Senate on the 21st day of December ultimo, ordering the printing of one thousand copies in English, and five hundred copies in Spanish, of the Governor's message; also, five hundred copies for the use of the President and Congress of the United States, be, and the same is hereby, rescinded.

Mr. Hope, on leave, agreeably to previous notice, introduced a bill, entitled, "An Act to incorporate the city of Los Angeles," which was read the first time, and ordered to a second reading to-morrow.

The joint resolution of the House, as amended by the Committee on the Judiciary of the Senate, classifying the Justices of the Supreme Court, was read the third time, passed, and returned to the Assembly. for concurrence in the amendments.

Senate bill, entitled, "An Act declaring the Sonoma, Napa, Petaluma, and Suisun rivers, navigable streams," was read the second time, and ordered to a third reading to-morrow.

Senate bill, entitled, "An Act declaring the San José de Guadalupe river a navigable stream," was read the second time, and ordered to a third reading to-morrow.

Senate bill, entitled, "An Act to create the office of State Translator," was read the second time, and ordered to the third reading to-morrow.

Joint resolution of Senate, entitled, "A Joint Resolution instructing our Senators in Congress, and requesting our Representatives, in relation to the Ports of San Diego, San Pedro, Monterey, Stockton, Sacramento City, and Vernon," was read the second time, amended, on motion of

Mr. Vallejó, by inserting "Benicia" after "Vernon," and, thus amended, was ordered to a third reading to-morrow.

The resolution yesterday submitted by Mr. Robinson, in relation to the printing of the Senate, was taken up, and amended, on motion of the same Senator, by striking out all after the word "Resolved," and inserting instead thereof, "That the Secretary of the Senate furnish the State Printer with a correct copy of the Rules and Orders of the Senate, Joint Rules of the Senate and Assembly, Standing and Joint Committees; and direct one hundred copies of each to be printed for the use of the Senate. Also, that after the introduction and reception of any bill or joint resolution by the Senate, he furnish the State Printer with a copy thereof, and direct the printing of sixty-five copies for the use of the Senate and Assembly. Also, that it shall be the duty of the Secretary of the Senate to furnish the State Printer with all matters ordered to be printed, which are not otherwise specially ordered."

On motion of Mr. Chamberlin, the resolution was amended, by striking out the words "sixty-five," after the words "the printing of," and inserting, instead thereof, the words "one hundred;" and, thus amended, the resolution was adopted.

On motion of Mr. Chamberlin, the concluding clause of the 31st Standing Rule of the Senate was stricken out.

On motion of Mr. Douglass, the Senate resolved itself into Committee of the Whole, Mr. Hope in the Chair; and after some time spent therein, the committee rose, and the Chairman thereof reported, that the Committee, agreeably to order, had again had under consideration the Report of the Standing Committee on Counties and County Boundaries, and, without coming to any resolution thereon, had instructed him to report progress, and ask leave for the committee to sit again.

On motion, the report was accepted, and leave was granted.

On motion of Mr. Robinson, so much of the Report of the Standing Committee as relates to the boundaries of Sacramento, Sutter, Bute, and Reading Counties, was referred to the Sacramento Delegation.

On motion of Mr. Woodworth, so much of the same report as relates to the dividing line between San José and Monterey counties, was referred to the Senatorial Delegation from those districts.

On motion of Mr. Douglass, so much of the same report as relates to the Counties of Sonoma, Benicia, and Fremont, was referred to the Sonoma Delegation.

On motion of Mr. Taylor, so much of the same report as refers to the

counties of San Joaquin, Oro, Mariposa, and Mount Diablo, was referred to the San Joaquin Delegation.

On motion of Mr. Chamberlin, so much of the same report as refers to the boundaries between San Diego and Los Angeles Counties, was referred to the delegation from those districts.

On motion of Mr. Bidwell, it was

Ordered, That the committees to whom the several portions of the same report had been referred, be directed to report to-morrow.

Mr. Crosby, from the Judiciary Committee, reported, on leave, a bill, entitled, "An Act to organize the Supreme Court of California," which was read the first time, and ordered to a second reading to-morrow. (See Appendix DD.)

Mr. Lippincott, on motion of Mr. Taylor, was granted leave of absence for two weeks.

On motion of Mr. Bidwell, the Senate adjourned.

JOHN MCDOUGALL,
Lieutenant Governor and President of the Senate.

J. F. HOWE, Secretary of the Senate.

IN SENATE.

TUESDAY, *January* 15, 1850.

The Senate assembled, pursuant to adjournment.

Prayer by Rev. Mr. Briarly.

The Journal of Monday was read and approved.

A Message was received from the Assembly, informing the Senate that they had concurred in the amendments of the Senate to House Bill, entitled, "An Act concerning the office of Comptroller."

Also, that they had concurred in amendments of the Senate to the enacting clause, and to the 8th and 9th sections of House Bill, entitled, "An Act concerning the office of Attorney General," and had refused to concur in their amendments to the 2d, 3d, and 6th sections of the same bill.

Also, that they had refused to concur in the amendments of the Senate to House Bill, entitled, "An Act concerning the office of State Treasurer."

Also, that they had refused to concur in the amendments of the

Senate to the joint resolution of the House, classifying the Justices of the Supreme Court.

Mr. Chamberlin, from the delegation to whom had been referred so much of the Report on Counties and County Boundaries as refers to the Boundaries between San Diego and Los Angeles counties, made a report in writing, which was accepted.

Mr. Robinson, from the delegation to whom had been referred so much of the same Report as relates to the boundaries of Sacramento, Sutter, Bute, and Reading counties, made a report in writing, which was accepted.

Mr. Vermeule, from the delegation to whom had been referred so much of the same Report, as relates to the counties of San Joaquin, Oro, Mariposa, and Mount Diablo counties, made a report in writing, which was accepted.

Mr. Vallejó, from the delegation to whom had been referred so much of the same Report as relates to the counties of Sonoma, Benicia, and Fremont, made a report in writing, which was accepted.

Mr. Woodworth, from the delegation to whom had been referred so much of the same Report as relates to the dividing line between San José and Monterey counties, made a report in writing, which was accepted.

On motion of Mr. Douglass, the Reports from the Sonoma and Sacramento Delegations were referred back to the same Delegations, with instructions.

On motion of Mr. Vermeule, the Reports from the Monterey, San José, San Joaquin, San Diego, and Los Angeles Delegations, were referred to the Committee on Counties and County Boundaries, with instructions to adopt the amendments suggested in the various Reports, and report a bill in conformity therewith.

On motion of Mr. Hope, it was ordered, that the Committee to whom had been referred the Joint Resolution relative to the New Mexico and California road, be instructed to report to-morrow morning.

Mr. Chamberlin submitted Joint Resolutions, instructing our Senators and requesting our Representatives in reference to the charts, which were read the first time, when, on motion of Mr. Douglass, the Rules were suspended, and they were read the second and third times, and passed.

The bill, entitled "An Act declaring the Napa, Sonoma, Petaluma, and Suisun Rivers, Navigable Streams," was read a third time and passed.

The bill, entitled "An Act to create the office of Translator," was read the third time and passed.

The bill, entitled "An Act declaring the San José de Guadalupe River a Navigable Stream," was read the third time and passed.

The Joint Resolutions, entitled "Joint Resolutions instructing and requesting our Senators and Representatives in Congress in relation to the Ports of San Diego, San Pedro, Monterey, Stockton, Sacramento City, Vernon, and Benicia, was read the third time, and the question being on its passage, it was decided in the negative.

Bill, entitled "An Act to Incorporate the City of Los Angeles," was read the second time, and laid on the table.

On motion of Mr. Bidwell, it was ordered that a Standing Committee on Corporations be appointed (the rules having been suspended for that purpose); and the President appointed as such Committee, Messrs. Bidwell, Hope, Vermeule, and Vallejó.

The bill, entitled "An Act to organize the Supreme Court," was read the second time, and, on motion of Mr. Chamberlin, was made the Special Order for Thursday, the 17th instant.

Bill from the Assembly, entitled "An Act fixing Time for Acts and Joint Resolutions to take effect," was read the second time, and ordered to a third reading to-morrow.

Joint Resolutions from the Assembly "on the subject of Aiding Emigrants to the State of California by the Overland Route," was read a second time, and ordered for a third reading to-morrow.

Bill from the Assembly, entitled "An Act concerning the office of Secretary of State," was read the second time.

The Resolution yesterday submitted by Mr. Douglass, to rescind the Resolution of the Senate, of the 21st December, in relation to the Printing of the Governor's Annual Message in English and Spanish, was taken up, and the question being on its adoption, it was decided in the negative.

Mr. Woodworth gave notice that he would, on Monday next, ask leave to introduce a bill providing for the appointment of a Health Officer at each port in the State.

On motion of Mr. Robinson, the Senate adjourned.

JOHN MCDOUGALL,
Lieutenant Governor and President of the Senate.

J. F. HOWE,
Secretary of the Senate.

IN SENATE.

WEDNESDAY, *January* 16, 1850.

The Senate assembled, pursuant to adjournment.

Prayer by Rev. Mr. Douglass.

The Journal of yesterday was read and approved.

The President laid before the Senate the petition of A. A. Hecox, and 141 other citizens of Santa Cruz, in reference to the report of the Committee of the Senate on Counties and County Boundaries, protesting against the attaching to, or including in, the county of Monterey, the district of Santa Cruz, and praying that a county may be granted to them, known and styled as the county of Santa Cruz; which petition was read, and referred to the Committee on Counties and County Boundaries.

Also, the petition, in Spanish, of Juan Perez, and nineteen other Californians of the same district, to the same effect, which was referred to the same committee.

Mr. Robinson, from the Committee on Engrossed Bills, reported that the committee had examined bills, entitled "An Act, declaring the San José de Guadalupe River, a navigable stream,"—"An Act declaring the Sonoma, Napa, Petaluma, and Suisun Rivers, navigable streams,"—"An Act to create the office of Translator,"—and "A Joint Resolution instructing our Senators, and requesting our Representatives in Congress, in reference to the Mails," and had found each to be correctly engrossed.

Bill from the Assembly, entitled "An Act fixing the time for Acts and Joint Resolutions to take effect," was read the third time, and passed.

Bill from the Assembly, entitled "An Act concerning the office of Secretary of State," was read the third time, and passed.

On motion of Mr. Chamberlin, the "Preamble and Joint Resolutions of the Assembly, on the subject of aiding emigrants to the State of California, by the overland route," was read the third time, and referred to a select committee, consisting of Messrs. Vermeule, Chamberlin, Bidwell, and De la Guerra.

On motion of Mr. Vermeule, Senate bill, entitled "An Act to incorporate the City of Los Angeles," was taken from the table, and referred to the Committee on Corporations.

The message from the Assembly, yesterday received, was taken up, and the Senate receded from their amendment to the second and sixth sections of the bill, entitled "An Act concerning the office of Attorney General," and insisted upon their amendment to the third section of the same bill. The Senate also insisted upon their amendments to the ninth and tenth sections of the bill, entitled "An Act concerning the office of State Treasurer." The Senate also insisted upon their amendment to the joint resolution, entitled "A Joint Resolution classifying the Justices of the Supreme Court."

A message was received from the Assembly, informing the Senate that they had concurred in the joint resolutions of the Senate, entitled "A Joint Resolution of thanks to Captain John A. Sutter." Also, that they had passed a bill, entitled "An Act concerning the official bonds of officers." Also, that they had passed a bill, entitled "An Act to provide for the incorporation of Towns."

Mr. Vermeule, from the committee to whom had been referred the joint resolution "concerning the survey of a road between California and New Mexico," made a report in writing, from the majority of the committee. Mr. Hope submitted a minority report from the same committee.

On motion of Mr. Chamberlin, the reports were accepted, and the rules having been suspended, the joint resolution was read the third time. The question being on its passage, the yeas and nays were demanded by three Senators (Messrs. Douglass, Taylor, and Hope), and resulted as follows:—

Ayes: Messrs. Chamberlin, Douglass, Hope, and Taylor—4.

Nays: Messrs. Bassham, Bidwell, Crosby, Robinson, Vallejó, Vermeule, and Woodworth—7.

So the question was decided in the negative.

On motion of Mr. Crosby, the Senate adjourned.

JOHN MCDOUGALL,
Lieut. Governor and President of the Senate.

J. F. HOWE, Secretary of the Senate.

IN SENATE.

THURSDAY, *January* 17, 1850.

The Senate assembled, pursuant to adjournment.

Prayer by Rev. Mr. Douglass.

The Journal was read and approved.

Mr. Vermeule, from the Select Committee to whom had been referred the resolutions from the Assembly, entitled "A Preamble and Joint Resolutions, on the subject of aiding emigrants to the State of California, by the overland route," made a report in writing, with amendments to the joint resolutions.

On motion of Mr. Chamberlin, the Report was accepted, the amendments were concurred in, and the resolutions, as amended, were read the second time, and ordered to be printed.

Mr. Robinson, from the Committee on Enrolled Bills, reported in writing, that the committee had examined the "Joint Resolution of Thanks to Captain John A. Sutter," and had found it to be correctly enrolled.

Mr. Woodworth submitted a joint resolution (No. 11), entitled "A Joint Resolution relating to the Port and Harbor of Monterey," which was received, and laid over under the rules.

Senate Bill (No. 13), entitled "An Act to organize the Supreme Court," was taken up, read a second time; and, on motion of Mr. Robinson, was re-committed to the Committee on the Judiciary.

On motion of Mr. Douglass, it was

Resolved, That the State Printer be required to obtain the Constitution from the office of Secretary of State, and have one hundred copies printed for the use of the Senate.

The Message of the Assembly, yesterday received, informing the Senate that they had passed bills, originating in that body, entitled "An Act concerning the official bonds of officers," and "An Act to provide

for the incorporation of towns," was taken up, and each bill was read the first time, and ordered to a second reading.

On motion of Mr. Chamberlin, the Senate adjourned.

JOHN MCDOUGALL,
Lieutenant Governor and President of the Senate.

J. F. HOWE, Secretary of the Senate.

IN SENATE.

FRIDAY, *January* 18, 1850.

The Senate assembled, pursuant to adjournment.

Prayer by Rev. Mr. Douglass.

The Journal of Thursday was read and approved.

Mr. Crosby, from the Committee on the Judiciary, to whom had been recommended the bill entitled "An Act to organize the Supreme Court," reported the same, with amendments, and the Report was accepted.

Mr. de la Guerra, from the Committee on Counties and County Boundaries, submitted a report in writing, accompanied by a bill entitled "An Act subdividing the State into Counties, and establishing Seats of Justice therein." (See Appendix F.)

The report was received, and the bill was read the first and second time, the rules, on motion of Mr. Robinson, having been suspended for that purpose; when, on motion of Mr. Crosby, the bill was laid on the table, and ordered to be printed.

Mr. Vermeule submitted a joint resolution, entitled a "Joint Resolution in relation to the publication of the General Laws," which was read three several times, the rules having been suspended for that purpose, and passed.

The joint resolution in relation to the port and harbor of Monterey, was read the second time, and, on motion of Mr. Taylor, was referred to the Committee on Commerce and Navigation.

The preamble and joint resolution "on the subject of aiding emigrants to the State of California, by the overland route," was read the third time and passed.

Bill from the Assembly, entitled "An Act to provide for the incorporation of towns," was read the second time, amended, on motion of

Mr. Chamberlin, by inserting after the word "State," in the second line, the words "other than that now existing by virtue of any legal grant or charter," and, on motion of Mr. Robinson, by substituting the word "three," for the word "one," in the twenty-fourth line;" and, thus amended, was ordered to a third reading.

A message was received from the Assembly, informing the Senate that they had passed a bill, entitled "An act to exempt the homestead and other property from forced sale, in certain cases;" that they refused to recede from their non-concurrence in the amendments of the Senate to the joint resolution of the House classifying the Justices of the Supreme Court, and in their non-concurrence in the amendments of the Senate to the bill of the House, entitled "An act concerning the office of Attorney General;" and had concurred in the amendments of the Senate to the bill entitled "An act concerning the office of State Treasurer.

Bill from the Assembly, entitled "An act concerning the official bonds of officers," was taken up, when,

On motion of Mr. de la Guerra, the Senate adjourned.

JOHN MCDOUGALL,
Lieutenant Governor and President of the Senate.

J. F. HOWE, Secretary of the Senate.

IN SENATE.

SATURDAY, *January* 19, 1850.

The Senate assembled, pursuant to adjournment.

Prayer by Rev. Mr. Briarly.

The Journal of Friday was read and approved.

Mr. Robinson, from the Committee on Engrossed Bills, reported that the committee had carefully examined the engrossed bill, entitled "A joint resolution in relation to the publication of the General Laws," and had found it correctly engrossed.

Mr. Bidwell, in the name of the Hon. John C. Fremont, presented to the State of California, through the Senate, one hundred volumes of valuable books, of which the following is a catalogue, viz. :—

Blackstone's Commentaries, by Chitty . . .	2 Vols.
Reports of Committees	4 „

Congressional Debates	31	Vols.
Senate Documents	11	„
Digest of the Superior Court of the United States	1	„
White's new Recopilation	2	„
Story on Promissory Notes	1	„
Do. on Partnership	1	„
Do. on Agency	1	„
Do. on Sales	1	„
Do. on Bailments	1	„
Jarman on Wills	2	„
Greenleaf on Evidence.	2	„
Kinne's Kent	1	„
Stephen on Pleading	1	„
Congressional Globe	18	„
Comptes Rendus des Séances de l'Academie des Sciences	3	„
Fremont's 1 & 2 Expeditions and Map	1	„
Don Quixote (in Spanish)	2	„
Macaulay's Miscellanies	3	„
Patent Office Reports	2	„
Kendall's Santa Fé Expedition	2	„
Billings' First Principles of Medicines	1	„
Mahan's Field Fortification	1	„
Executive Documents	2	„
Contested Elections	1	„
Davie's Shades and Shadows	1	„
Herschel's Astronomy	1	„
	100	Vols.

Mr. Robinson submitted the following resolution in relation thereto, which was unanimously adopted:—

Resolved, That the State of California, through the Senate, accept the donation of Colonel J. C. Fremont, of a valuable library of 100 volumes, and that the thanks of the State be, and are hereby given to Colonel Fremont for this timely and munificent donation.

Resolved, That a copy of this resolution be forwarded to Colonel Fremont by the Secretary of the Senate.

Bill from the Assembly, entitled "An Act to provide for the incorporation of Towns," was read the third time; passed, with amendments.

Bill from the Assembly, entitled "An Act concerning the official bonds of officers," was taken up, on second reading, amended, by adding at the close of section 4th, the words, "and on conviction thereafter, for a second offence of the same kind, his office shall be deemed and declared vacant;" by inserting in last line of section 7th, after the words "duties of," the words "or hold;" by substituting for the words "although no," near the close of the 8th section, the word "provided;" and by striking out, in the fifth line of section 22, the words "in an action of debt."

The message from the Assembly, yesterday received, informing the Senate that they had passed a bill, originating in that body, entitled "An Act to exempt the Homestead and other property from forced sale in certain cases;" and also that they had refused to recede from their non-concurrence in the amendments of the Senate to the Joint Resolutions of the House "classifying the Justices of the Supreme Court;" and also that they had refused to recede from their non-concurrence in the amendment of the Senate to the third section of the bill of the Assembly, entitled "An Act concerning the office of Attorney General," was taken up.

On motion of Mr. Robinson, it was

Ordered, That a Committee of Conference be requested of the Assembly, in relation to the disagreeing votes of the two Houses on the amendments to the bill for "classifying the Justices of the Supreme Court," and Messrs. Robinson and Vermeule were appointed such committee on the part of the Senate.

On motion of Mr. Crosby, it was

Ordered, That a Committee of Conference be requested of the Assembly, in reference to the disagreeing votes of the two Houses on the amendment of the Senate to the bill "concerning the office of Attorney General," and Messrs. Robinson and Vermeule were also appointed such committee on the part of the Senate.

The bill from the Assembly, entitled "An Act to exempt the Homestead and other property from forced sale in certain cases," was read the first time, and ordered to second reading.

The bill, entitled "An Act to organize the Supreme Court," was taken up, read the second time, and the amendments reported from the committee on the Judiciary, were concurred in, viz.:—

Amending the first section of the bill by striking out the word "holden" in the first line, and inserting in lieu thereof the word "held."

Amending the seventh section by striking out the word "or" in the sixth line, and inserting in lieu thereof the word "on."

Amending the fourteenth section by striking out the word "the" before the words "said court" in the last line.

Amending the sixteenth section by inserting the words "for any one offence" after the word "days" in the eighth line.

Amending the seventeenth section by striking out the word "may" in the first line, and inserting in lieu thereof the word "shall."

Amending the eighteenth section by striking out the word "revise" in the first line, and inserting in lieu thereof the word "reverse."

On motion of Mr. Crosby, the rules were suspended, and the bill, as amended, was read the third time and passed.

Mr. Robinson was excused from further service as a member of the Committee on Enrolled Bills, and Mr. Bassham was appointed in his place. Mr. Crosby also was appointed as a member of the same committee.

Mr. Bidwell, agreeably to previous notice, introduced (on leave) a bill entitled "An Act to prevent obstruction in Streams declared navigable," which was read the first time, and referred to the Committee on Commerce and Navigation.

On motion of Mr Douglass, the Senate adjourned.

JOHN MCDOUGALL,
Lieutenant Governor and President of the Senate.

J. F. HOWE, Secretary of the Senate.

IN SENATE.

MONDAY, *January* 21, 1850.

The Senate assembled, pursuant to adjournment.

Prayer by Rev. Mr. Douglass.

The Journal of Saturday was read and approved.

A message was received from the Assembly, informing the Senate that they had passed a bill, entitled "An Act prescribing the mode of receiving, keeping, and paying out the public funds;" that they had refused to concur in the amendment of the Senate to the Joint

Resolution of the Assembly, on the subject of aiding emigrants to the State of California by the overland route; and that the Governor, on the 19th instant, notified the Assembly that he had signed the bill originating in that body, entitled "An Act concerning the office of Comptroller."

Mr. Robinson, from the Committee on Engrossed Bills, reported that the Committee had examined the bill entitled "An Act to organize the Supreme Court," and had found the same correctly engrossed.

Mr. Douglass, from the Committee on Commerce and Navigation, to whom had been referred the bill "to prevent obstructions in streams declared navigable," reported the same to the Senate without amendment, and it was read the second time, when, on motion of Mr. Hope, it was referred to the Committee on the Judiciary.

The President laid before the Senate a letter from the Hon. G. B. Post, resigning his seat as a member of this body, from the District of San Francisco; which was read, and, on motion of Mr. Robinson, the resignation accepted.

Also a communication from the special messenger (Hon. Wm. McDaniel), despatched by the President of the Senate, in accordance with the order of 9th Jan. 1850, to require the attendance of Messrs. Post, Green, and Woodworth, informing the Senate that he had served the notice required upon the Hon. Thomas J. Green, at Sacramento City, had been unable to find the other two Senators mentioned, until after his return to San José, where they were both in attendance in the Senate Chamber.

On motion of Mr. Douglass, Mr. Green was admitted to his seat; and on motion of Mr. Robinson, the whole subject was referred to the Committee on Privileges and Elections. On motion of Mr. Douglass, said Committee was instructed to report to-morrow.

On motion of Mr. Douglass, Mr. Taylor was granted leave of absence for ten days.

The bill, from the Assembly, entitled "An Act concerning the official bonds of officers," was, as amended, read the third time, and passed.

Senate bill, entitled "An Act subdividing the State into counties, and establishing the seats of justice therein," was read the second and third times (the rules having been suspended for that purpose), and passed, with the following amendments, to wit:—

1st. In the last line but one of the second section, insert the word "shall" in place of the word "to."

2d. After the word "three," in line eighteen of Sec. 3, insert the word "English."

3d. Insert the word "shall" instead of the word "to" in the last line of Sec. 3.

4th. Insert the word "shall" in place of the word "to" in the last line of Sec. 4.

5th. Strike out the words "above mentioned" in line nine of Sec. 5, and insert after the word "parallel," in same line, the words "of 36 degrees of north latitude."

6th. Insert the word "shall" in place of the word "to" in the last line but one of Sec. 5.

7th. Strike out all after the word "Felipe," in line seven of Sec. 6, to and including the word "range" in the tenth line of same section, and insert in the place thereof "thence on a line due east to the summit line of the coast range."

8th. Strike out the words "Santa Cruz" in the first line of Sec. 7, and insert instead thereof the name "Branciforte."

9th. Strike out the word "creek" in line seven, and the word "called" in line eight of Section 7, and insert after the word "Pájaro" in said eighth line the word "river;" also insert the word "river" in place of the word "creek" in line nine of same section.

10th. Strike out the words "Santa Cruz" in the nineteenth line of Sec. 9, and insert instead thereof the word "Branciforte."

11th. Strike out all after the word "beginning" in the last line but one of Sec. 21 to the end of the section, and insert instead thereof, as follows: "This county shall be attached, for judicial purposes, to Bute county, until a county government shall be organized for the same, in the manner to be prescribed by law."

12th. Insert the word "Ranch" after the word "Reading's" in the last line of Sec. 22.

13th. Strike out the word "east" in line fourteen of Sec. 24, and insert the word "west" in the place thereof.

14th. After the word "Stewart" in the last line of Sec. 25, insert the words "formerly known as the Sonoranian Camp."

A message was received from the Assembly, informing the Senate

that they had passed a bill entitled "An Act to incorporate Sacramento City."

Mr. Bassham, from the Joint Committee on enrolled bills, reported that the committee had examined bills originating in the House, entitled "An Act concerning the office of State Treasurer," "An Act concerning the office of Secretary of State," and "An Act fixing the time for acts and joint resolutions to take effect," and had found each to be correctly enrolled.

Mr. Woodworth (on leave) introduced a joint resolution "relating to Counterfeit Coin," which was read, and referred to the Committee on the Judiciary.

The bill from the Assembly, entitled "An Act to exempt the homestead and other property from fee and sale in certain cases," was read the second time, and, on motion of Mr. Robinson, was referred to a Select Committee, consisting of Messrs. Robinson, Douglass, Bidwell, and Vallejó.

The bill from the Assembly, entitled "An Act to incorporate Sacramento City," was taken up, when

On motion of Mr. Hope, the Senate went into Secret Session, and after some time spent therein, adjourned.

JOHN MCDOUGALL,
Lieut. Governor and President of the Senate.

J. F. HOWE, Secretary of the Senate.

IN SENATE.

TUESDAY, *January* 22, 1850.

The Senate assembled, pursuant to adjournment.

Prayer by Rev. Mr. Briarly.

The Journal of Monday was read and approved.

Mr. Chamberlin, from the Committee on Privileges and Elections, submitted a report in writing, in relation to the expenses incurred by the messenger sent in pursuit of certain absent Senators, recommending that such expenses be paid from the contingent fund of the Senate; and further recommending the adoption of the following additional "Rules of Order," to wit:—

1st. The expenses incurred in sending for an absent member, agreeably to the 25th rule, shall be paid by the absent Senator, unless such excuse for non-attendance shall be made as the Senate, when a quorum is convened, shall judge sufficient; and in that case, the expense shall be paid out of the contingent fund.

2d. Not more than two weeks' leave of absence shall be granted to a Senator at one time, except in case of the sickness of said Senator or his family, when the Senate may, by a majority of the Members present, extend the time on satisfactory application being made.

3d. An absence of more than ten days without leave, or a like number of days beyond the time granted to a Senator, shall be sufficient cause for his expulsion, unless said Senator shall furnish to the Senate such excuse for his absence as shall be satisfactory to a majority of the members present; and a vote shall immediately be taken upon his expulsion, when, if two thirds of the Senate vote in the affirmative, the President shall declare his seat vacant, and the Governor be immediately notified thereof. (See Appendix QQ.)

On motion of Mr. Robinson, the report was accepted.

On motion of Mr. Green, the rules were suspended, and the additional rules of order recommended by the report, were considered and adopted.

On motion of Mr. Chamberlin, amended by Messrs. Crosby and Woodworth, it was

Resolved, That a special committee be appointed to revise, modify, and add to the rules and orders of the Senate; and that they be instructed to prepare a report of the same, with such statistics and other matter as they may deem proper to form a Text Book for the use of the Senate.

The President appointed, as such committee, Messrs. Chamberlin, Crosby, and Woodworth.

Mr. Douglass, from the Committee on Commerce and Navigation, to whom had been referred the joint resolution relating to the Port and Harbor of Monterey, made a report in writing, recommending the rejection of the joint resolution, which was adopted, and the resolution was rejected accordingly. (See Appendix OO.)

Mr. Bidwell, from the Committee on Corporations, to whom had been referred the bill to incorporate the City of Los Angeles, made a

report in writing, recommending the adoption of the following amendments: (See Appendix W.)

1. Substitute the word "elections" for "electors" in the nineteenth line.

2. Change the eighth section, so as to make it read, "All accounts and demands against said City shall be submitted to the decision of the Common Council, and no money shall be drawn from the City Treasury, unless upon the certificate of the President, pursuant to an ordinance of the Common Council, specifying the funds out of which the same shall be paid. Whenever any account or demand has been approved by the Common Council, the President shall specify in his certificate the ordinance authorizing him to issue the same."

3. Insert the words "as prescribed in section 8," after the word "Council" in the sixth line of section 17.

4. Strike out the first clause of section 20, and insert instead thereof, "On the first Monday in the month of April next, there shall be held, in the City of Los Angeles, an election to fill the offices created by this charter;" and change the phraseology of the last clause of the same section, so as to make it read, "Said officers shall hold their offices for one year, and until their successors are elected and qualified."

5. Fill the blank in the twenty-first section with the word "April."

6. Substitute for the word "qualify," in the twenty-second section, the words "be qualified."

The Report was accepted, and the amendments agreed to.

On motion of Mr. Hope, the bill was further amended by striking out the words "per year," in the third line of section 11, and inserting in place thereof the words "every six months;" and, on motion of Mr. Woodworth, by substituting the word "or" for the word "and" in the third line of section 21.

Thus amended, the bill was ordered to a third reading.

On motion of Mr. Vallejó, it was

Resolved, That a Special Committee be appointed to report to the Senate the derivation and definition of the names of the several Counties and Seats of Justice, as established by "the Act subdividing the State into Counties, and establishing the Seats of Justice therein."

The President appointed as such Committee Messrs. Vallejó, Bidwell, Douglass, and De la Guerra.

Mr. Woodworth submitted a resolution, "That all instructions to our

Senators in Congress, and all requests to our Representatives, be and are hereby recalled." Objection being made to its consideration to-day, it was laid over under the Rules.

Mr. Green submitted the following resolution :—

Resolved, That the President of the Senate may give permission for the use of the Senate Chamber one night in each week to ——— for the purpose of a Lyceum meeting.

And the question being upon the adoption of the Resolution, it was decided in the negative.

The bill from the Assembly, entitled "An Act to Incorporate Sacramento City," was taken up, read a first time, and ordered to a second reading.

Bill from the Assembly, entitled "An Act prescribing the mode of Raising, Keeping, and Paying out the Public Funds," was read the first time, and ordered to a second reading.

The Message from the Assembly, yesterday received, informing the Senate that they had non-concurred in the Senate's amendment to the Joint Resolution originating in the House, "On the subject of Aiding Emigrants to California by the Overland Route," was taken up, and the Senate insisted on their amendment.

On motion of Mr. Robinson, the Senate adjourned.

JOHN MCDOUGALL,
Lieutenant Governor and President of the Senate.

J. F. HOWE, Secretary of the Senate.

IN SENATE.

WEDNESDAY, *January* 23, 1850.

The Senate assembled, pursuant to adjournment.

Prayer by Rev. Mr. Douglass.

The Journal of Tuesday was read and approved.

Mr. Crosby, from the Committee to whom had been referred the bill from the House, entitled, "An Act authorizing the Secretary of State, Comptroller, Treasurer, Surveyor General, and Attorney General, to rent offices and procure the necessary furniture therefor, made a Report in writing, recommending that Section 1st be amended, by adding thereto a proviso, as follows :—

"*Provided*, That the Secretary of State, Comptroller, Treasurer, Surveyor General, shall not exceed the sum of Three Thousand Five Hundred Dollars each, in any annual expenditure, exclusive of office rent and State instruments."

On motion of Mr. Douglass, amended by Mr. Chamberlin, the seventh section of the bill was amended, by adding thereto a proviso, that the rent of such office shall not exceed $4000 per annum.

Thus amended, the bill was ordered to a third reading.

Mr. Douglass submitted a resolution to fix the pay of Secretary and Assistant Secretary, Engrossing and Enrolling Clerk, of the Senate, which was read; when, on motion of Mr. Crosby, the rules were suspended, and the resolution was considered at this time.

On motion of Mr. Douglass, the first blank, fixing the pay of Secretary, was filled with $28 per diem.

On motion of Mr. Douglass, the remaining blanks in the resolution, fixing the pay of Assistant Secretary, Engrossing and Enrolling Clerks, were filled with $22 per diem.

On motion of Mr. Crosby, the salary of the Clerk of the Judiciary Committee was also fixed at $22 per diem.

And thus amended, the resolution was adopted.

Bill, from the House, "prescribing the mode of receiving and paying out the public funds," was read the second time, and ordered to a third reading.

The resolution, yesterday submitted by Mr. Woodworth, to "recall all instructions and requests to our representatives in Congress," was taken up, and, after debate (on leave), was withdrawn by the mover.

A message was received from the Assembly, informing the Senate that they had passed the "Joint Resolutions of the Senate, instructing our Senators, and requesting our Representatives, in reference to the mails," with an amendment, to wit: by inserting after the word "whereas," at the beginning of the preamble, the contents of a paper (marked "A,") therewith transmitted.

Also, that they had concurred in the 2d and 4th amendments of the Senate to Assembly bill, entitled, "An Act concerning the official bonds of officers," and had refused to concur in the 1st and 2d amendments to said bill.

Also, that they had concurred in the 2d amendment of the Senate to the Assembly bill, entitled, "An Act to provide for the incorporation of

Towns," with an amendment, to wit: Strike out the words, "three square miles," and insert instead thereof, "four square miles;" and that they had refused to concur in the first amendment of the Senate to the same bill.

Also, that they had passed the joint resolution of the Senate, to authorize the Governor to appoint a Private Secretary, with amendments, to wit: 1st. Strike out, after the word "Governor," the words, "Peter H. Burnett." 2d. Strike out all after the word "Secretary," and instead thereof, insert, "to be paid such compensation as may be prescribed by law, out of any funds not otherwise appropriated."

Also, that they had passed Senate bill, entitled, "An Act to create the office of Translator," with an amendment, to wit: Strike out all after the enacting clause, and insert, in lieu thereof, as follows: "Sec. 1st. There shall be a State Translator, who shall be chosen by joint vote of the two Houses of the Legislature, and whose duty it shall be to make correct translations in Spanish of all laws, decrees, and documents, required to be translated by any law, or any order of either House of the Legislature."

"Sec. 2d. The State Translator, before entering on the duties of his office, shall take the oath prescribed by the Constitution. He shall hold office for the term of one year, and shall receive for his services such compensation as may be allowed by law"

Also, that the Speaker, *pro tem.*, had signed bills, as follows:—

1st. A bill, entitled, "An Act fixing the time for Acts and Joint Resolutions to take effect."

2d. A bill, entitled, "An Act concerning the office of Secretary of State."

3d. A bill, entitled, "An Act concerning the office of State Treasurer."

4th. A bill, entitled, "A Joint Resolution of Thanks to Captain John A. Sutter."

The bills referred to in the message as having been signed by the Speaker, were severally signed by the President of the Senate, and of these the Joint Resolution of Thanks to Capt. John A. Sutter was duly certified by the Secretary to have originated in the Senate.

Mr. Robinson, from the Committee on Engrossed Bills, reported, that the committee had examined the Engrossed Bill, entitled "An Act to incorporate the City of Los Angeles," and recommended that the same

be amended in the 2d section, by striking out the word "in;" also, in the fifth section, by substituting the word "business" for the word "businesses."

On motion, the report was accepted, and the amendments concurred in.

On motion of Mr. Douglass, the Senate adjourned.

JOHN MCDOUGALL,
Lieut. Governor and President of the Senate.

J. F. HOWE, Secretary of the Senate.

IN SENATE.

THURSDAY, *January* 24, 1850.

The Senate assembled, pursuant to adjournment.

Prayer by Rev. Mr. Douglass.

The journal of Wednesday was read and approved.

Mr. Robinson, from the Committee on Engrossed Bills, reported, that the committee had examined the bill entitled "An Act subdividing the State into Counties, and establishing the Seats of Justice therein," and had found it correctly engrossed.

Mr. Bassham, from the Joint Committee on Enrolled Bills, reported, that the committee had, on the 23d instant, presented to the Governor, for his signature, the following Acts and Joint Resolution, viz.:—

"An Act concerning the office of State Treasurer."

"An Act concerning the office of Secretary of State."

"An Act fixing the time for Acts and Joint Resolutions to take effect."

"A Joint Resolution of Thanks to Captain John A. Sutter."

The President laid before the Senate a communication from the Secretary of State, transmitting the official returns of an election held in the district of San Francisco, on the 8th day of January, 1850, together with a recapitulation of the votes polled for *State Senator*. The communication was read, and, with the returns, referred to the Committee on Privileges and Elections. (See Appendix G.)

Mr. Chamberlin, from the Committee on Privileges and Elections, subsequently reported, that the committee had examined said returns, and that David C. Broderick had received a majority of the votes polled for State Senator, at such election, and was legally entitled to represent

said district in this Senate, for the unexpired term of Hon. Nathaniel Bennett.

Mr. Broderick was then duly qualified, and took his seat.

The bill from the Assembly, entitled "An Act prescribing the mode of receiving, keeping, and paying out the public funds," was read the third time and passed.

Also, Senate Bill, entitled "An Act to incorporate the City of Los Angeles."

Also, Assembly Bill, entitled "An Act authorizing the Secretary of State, Comptroller, Treasurer, Surveyor General, and Attorney General, to rent offices and procure the necessary furniture for their respective offices."

Also, Assembly Bill, entitled "An Act to incorporate Sacramento City," with an amendment, striking out the words "of the" after the word "President," in the fifth line of section 8th, and inserting instead thereof the words "by order of said."

The message from the Assembly, yesterday received, was taken up, and the Senate refused to concur in the amendment of the House to the Joint Resolution in reference to the mails.

The Senate also *insisted* upon their 1st and 3d amendments to House bill, entitled "An Act concerning the official bonds of officers."

The Senate also insisted on their *first* and *second* amendments to the bill of the Assembly, entitled "An Act to provide for the incorporation of towns."

The Senate *concurred* in the amendments of the Assembly to Senate Joint Resolutions "to authorize the Governor to appoint a Private Secretary."

Also, in the amendment of the Assembly to Senate Bill, entitled "An Act to create the office of State Translator."

On motion of Mr. Chamberlin, it was

Resolved, That the pay of those extra Clerks who have been employed by order of the Senate, shall be at the rate of fifty cents for each hundred words of writing.

On motion of Mr. Crosby, the Senate adjourned.

JOHN MCDOUGALL,
Lieut. Governor and President of the Senate.

J. F. HOWE, Secretary of the Senate.

IN SENATE.

FRIDAY, *January*, 25, 1850.

The Senate assembled, pursuant to adjournment.

Prayer by Rev. Mr. Briarly.

The journal of Thursday was read and approved.

The President laid before the Senate a communication from his Excellency the Governor, informing the Senate that he had signed the bill, originating in the Senate, entitled "A Joint Resolution of thanks to Captain John A. Sutter."

Also, a communication from the Secretary of State, in reference to the State Library, which was read, and referred to the Committee on the Library.

On motion of Mr. Green, amended by Messrs. Chamberlin, Douglass, and Crosby, it was

Resolved, That the Sergeant-at-Arms, Doorkeeper, Page, and Porters, of the Senate, be allowed the following, *per diem*, for their services during the session:—

Sergeant-at-Arms, ...	$22	per diem
Doorkeeper, ...	20	"
Page, ...	12	"
Porters (as may be employed by the President), ...	12	"

And, that George McMallin be allowed the sum of $22 per day, for eighteen days' services, in furnishing a copy of the daily proceedings in the Senate, to the "*Alta California*," for publication; provided, that said McMallin does not charge for any copying done the Senate during those days.

Mr. Crosby, from the Joint Committee on Enrolled Bills, reported that the committee had examined, and found to be correctly enrolled, Bills, entitled "An Act to create the office of Translator," and "A Joint Resolution to authorize the Governor to employ a Private Secretary."

On motion of Mr. Douglass, the Senate adjourned.

JOHN MCDOUGALL,

Lieutenant Governor and President of the Senate.

J. F. HOWE, Secretary of the Senate.

IN SENATE.

SATURDAY, *January*, 26, 1850.

The Senate assembled, pursuant to adjournment.

Prayer by Rev. Mr. Douglass.

The journal of Friday was read and approved.

Mr. Crosby gave notice that he would, on Monday, make a report, accompanied by a bill, from the Committee on Public Buildings and Grounds, in relation to the Public Buildings and Grounds.

Mr. Green, from the Committee on Finance, made a report in writing, in relation to proposals for the Loan authorized by the Act of 5th January, 1850, entitled "An Act to authorize a Loan of Money to pay the immediate demands on the Treasury, until a permanent fund can be raised for that purpose;" and further, that the committee will, at an early day, make a more elaborate report, accompanied by a bill for a temporary State Loan. The report was read, and accepted. (See Appendix H.)

On motion of Mr. Crosby, the Senate adjourned.

JOHN McDOUGALL,
Lieutenant Governor and President of the Senate.

J. F. HOWE, Secretary of the Senate.

IN SENATE.

MONDAY, *January*, 28, 1850.

The Senate assembled, pursuant to adjournment.

Prayer by Rev. Mr. Briarly.

The journal of Saturday was read and approved.

Mr. Green, from the Committee on Finance, submitted a report in writing, accompanied by a bill entitled "An Act creating a Temporary State Loan." (See Appendix I.) The report was read; and, on motion of Mr. Chamberlin, one thousand copies thereof were ordered to be printed. The bill was read the first time, and ordered to a second reading.

Mr. Douglass, from the Committee on Roads and Fences, reported a bill, entitled "An Act creating and regulating Ferries," which was read the first time, and ordered to a second reading.

A message was received from the Assembly, by Mr. Tharp their Clerk, informing the Senate that they had refused to recede from their non-concurrence in the first and third amendments of the Senate to Assembly bill, entitled "An Act concerning the official bonds of officers."

Also, that the Assembly had refused to concur in the first amendment of Senate to Assembly bill, entitled "A Bill authorizing the Secretary of State, Comptroller, Treasurer, Surveyor General, and Attorney General to rent offices and procure the necessary furniture for their respective offices," and had concurred in the second amendment to same bill.

Also, that the Assembly had receded from their amendment to the Joint Resolution of the Senate in reference to instructing our Senators and requesting our Representatives in Congress in regard to the mails.

Also, that they had passed Senate bill, entitled "An Act to incorporate the City of Los Angeles," with the following amendment, by adding an additional section, to wit:—

"Section 23. The Corporation created by this act, shall succeed to all the legal rights and claims of the Pueblo de los Angeles, and shall be subject to all the liabilities incurred and obligations created by the Ayuntamiento of said Pueblo.

Also, that they had passed Senate bill, entitled "An Act to organize the Supreme Court of California;" with the following amendments to wit:—

Section 1. Strike out in first line, the words "and kept."

Section 2. Strike out the words, "for a longer period than thirty days," and insert "therefrom." Also strike out the whole proviso.

Section 6. Strike out in the 5th line from the bottom of the section, the words, "of the degree of Counsellor of the Supreme Court."

Section 8. Strike out the whole section and insert the following:— "There shall be held at the City of San Francisco, on the first Monday of March next, a special term of the Supreme Court, and thereafter there shall be held at the seat of Government, two regular terms in each year, to commence severally on the first Monday of June and December. Each term shall continue for eight weeks, unless all causes and proceedings ready for hearing shall be sooner disposed of, and may continue until the first day of the next succeeding term."

Section 9. Strike out the section, and insert the following as a sub-

stitute :—" There shall be no discontinuance of any suit, process, proceeding or matter returnable to or depending in the Supreme Court, although a majority of the Judges shall fail to attend on the first, or any subsequent day of the term; but in such case any Justice of said Court, or the Sheriff, or in his absence the Clerk attending the same, may adjourn the Court from day to day for twenty days successively; and if a majority of said Justices shall not attend on the twenty-first day, or, if a majority shall attend at any day of the term, and shall afterwards fail to attend for twenty successive days, the Court shall stand adjourned to the next regular term, and the said Court shall have power at any time during the term, to adjourn for any number of days not exceeding ten."

Section 11. Strike out all after the word "Certificates," and insert "the Governor shall cause to be published, in at least two newspapers printed in this State, and report the same to the next Legislature."

Section 12. Strike out in 3d line the words "Chief Justice," and insert the word "Clerk."

Section 14. Strike out the words "or his Deputy," and insert after the word "shall" in the second line "either in person or by Deputy."

Section 15. Strike out the section, and substitute as follows:—

"The Supreme Court shall have power to appoint some person to perform the duties of Clerk until the Clerk of the Supreme Court is elected by the people and qualified."

Section 17. Strike out the section, and insert the following:—

"Said Court shall have power to make rules, not inconsistent with the Constitution and Laws of the State, for its own government and the government of the District Courts; but no rules made for the government of the District Courts shall be in force, until they shall have been published and distributed to the Clerks and Judges of said Courts."

Section 19. Strike out the section.

On motion of Mr. Hope, a Committee of Conference was requested of the Assembly in relation to the disagreeing votes of the two Houses on the first and second amendments of the Senate to the bill, entitled "An Act concerning the official bonds of officers," and Messrs. Hope, Woodworth, and Vermeule, were appointed by the President, as such committee, on the part of the Senate.

The Senate, on motion of Mr. Douglass, receded from their first amendment to the bill, entitled "An Act authorizing the Secretary of

State, Comptroller, Treasurer, and Surveyor General, and Attorney General, to rent offices and procure the necessary furniture for their respective offices."

The Senate concurred in the amendment of the Assembly to the bill, entitled "An Act to incorporate the City of Los Angeles."

Mr. Robinson, from the Committee on Commerce and Navigation, reported a bill, entitled "An Act to establish Pilots and Pilot Regulations for the Port of San Francisco," which was read the first time, and ordered to a second reading.

Mr. Douglass introduced a Joint Resolution, for the appointment of a Joint Committee, in regard to the resignation of Members of the Legislature, which was read and adopted, the rules having been suspended for that purpose.

Messrs. Douglass, Chamberlin, and Vallejó were appointed by the President as such committee on the part of the Senate.

Mr. Broderick was appointed, by the President, as a member of the Committee on Finance, as a member of the Committee on Engrossed Bills, as a member of the Committee on Public Buildings and Grounds, and as a member of the Committee on Commerce and Navigation.

Mr. Vallejó was appointed, by the President, as Chairman of the Committee on Claims, in place of Mr. Post, resigned.

Mr. Douglass submitted a Joint Resolution, authorizing the Governor to procure, at the expense of the State, a block of California marble, quartz, or granite, for the Washington Monument in the City of Washington, D.C., which was read the first time, and ordered to a second reading.

The President laid before the Senate a communication from the Special Messenger (Wm. McDaniels), with his account for moneys expended in the service of the Senate, which was read, and referred to the Committee on Claims.

On motion of Mr. Robinson, Mr. Crosby was excused from attendance in the Senate to-day, on account of sickness.

On motion of Mr. Green, the Senate adjourned.

JOHN MACDOUGALL,

Lieutenant Governor and President of the Senate.

J. F. HOWE, Secretary of the Senate.

IN SENATE.

TUESDAY, *January* 29, 1850.

The Senate assembled, pursuant to adjournment.

Prayer by Rev. Mr. Douglass.

The journal of Monday was read and approved.

Mr. Vallejó, from the Committee on Claims, to whom had been referred the account of William McDaniels, Special Messenger, made a report, recommending the payment of the same out of the contingent fund of the Senate, which was adopted.

On motion of Mr. Woodworth, it was

Resolved, That the Chairman of the Committee on Public Buildings and Grounds be instructed to report a bill, providing for a permanent seat of government for the State, situated at some point on the Bays approachable by the largest class of steamers, and distant from any town now laid off; which was received and referred to the Committee on Public Buildings and Grounds.

Mr. Robinson, from the Committee of Conference, in reference to the disagreeing votes of the two Houses on the "Joint Resolution of the Assembly, classifying the Justices of the Supreme Court," and the bill of the Assembly, entitled "An Act concerning the office of Attorney General," made a report in writing, recommending that the Senate recede from its amendment to the joint resolution, and that the Assembly agree to the amendment of the Senate to the third section of the act mentioned, with the exception of the words "State Printer," which they recommend should be stricken out. The report was read and adopted.

The consideration of the message from the Assembly, yesterday received, was resumed, the question being on concurrence in the amendments of the House to the bill entitled "An Act to organize the Supreme Court." The amendment to the first line of the first section was concurred in; the amendment to the second section was non-concurred in; the amendment to the sixth section was concurred in. The amendment to section eight was amended, on motion of Mr. Chamberlin, by striking out all after the words "San Francisco," in the first line thereof, and substituting therefor the words "of this state, three terms of the Supreme Court in each year, to commence on the first Monday of March, June, and October, and to continue until the eighth Saturday

thereafter inclusive, unless all causes and proceedings ready for hearing be sooner heard. The terms may, however, be continued until the first day of the next succeeding term, if the Court shall deem such continuance necessary; and the said Court shall have power, at any time during the term, to adjourn for any number of days not exceeding ten." Thus amended, the amendment of the Assembly was concurred in; when, on motion of Mr. Chamberlin, the bill was laid on the table, and, with the amendment of the Assembly, ordered to be printed.

Senate bill, entitled "An Act creating a Temporary Loan," was read a second time.

On motion of Mr. Chamberlin, the second section was amended in the thirteenth line, by striking out the word "one," and inserting instead thereof the word "three,"—the yeas and nays having been demanded thereon by Messrs. Green, Broderick, and Crosby, and resulting as follows:—

AYES.

Mr. Bassham	Mr. Douglass
Chamberlin	Vallejó
De la Guerra	Woodworth.—6

NAYS.

Mr. Bidwell	Green
Broderick	Robinson
Crosby	—5.

On motion of Mr. Douglass, the bill was amended in the fifth and sixth lines of section third, by striking out the words "taking no account of any interest which may have accrued thereon;" and, on motion of Mr. Woodworth, by adding, at the close of the same section, the words "all bonds shall be dated at the date of their issue."

On motion of Mr. Chamberlin, section sixth was amended, by inserting the word "he" before the word "shall" in the fourth line thereof.

Mr. Green moved to amend, by the insertion of an additional section, or section seventh, as follows:—"It shall be the duty of the Treasurer, as soon as sufficient money shall be paid into the Treasury, to advertise, by giving ninety days' notice in some newspaper, requiring them to be brought in for redemption; and any such bonds which shall not be returned to the Treasurer within that time, shall cease to bear interest."

Mr. Chamberlin moved an amendment to the amendment, by striking out "ninety days," and inserting six months, which was decided in the affirmative—Ayes seven, Noes three.

And thus amended, Mr. Green's amendment was adopted.

On motion of Mr. Chamberlin, the rules were suspended, and the bill, as amended, was ordered to a third reading at this time; and, having been so read, and the question being on its passage, the yeas and nays were demanded by Messrs. Robinson, Crosby, and Douglass, and resulted as follows:—

AYES.

Mr. Bassham	Mr. Douglass
Chamberlin	Vallejó
De la Guerra	Woodworth.—6.

NAYS.

Mr. Bidwell	Mr. Broderick
Crosby	Green
Robinson.	—5.

So the bill was passed.

Mr. Bassham, from the Joint Committee on Enrolled Bills, reported that the committee had examined and found to be correctly enrolled, bills entitled "An Act to incorporate the city of Los Angeles; "An Act prescribing the mode of receiving, keeping, and paying out the public funds;" and "A Joint Resolution instructing our Senators and requesting our Representatives, in Congress, in reference to the Mails;" but that the word "is," before the word "hereafter," in the last line of section 11th of the first named Act, should be stricken out.

The Report was received and adopted.

Mr. Robinson submitted a resolution, That the Chairman of the Committee on Finance be authorized to employ a Clerk, who shall also act for other Committees, as occasion may require.

On motion of Mr. Chamberlain, the resolution was amended, by adding thereto the words "also, that it shall be the duty of said Clerk to transcribe the Journals of the Senate, for the use of the State Printer."

And thus amended, the resolution was adopted.

The President having given notice that the proprietors of the "Alta

California" had requested their reporter to furnish a copy of the proceedings of the Senate,

Mr. Chamberlin offered the following resolution:—

Resolved, That the application of the editors of the Alta California be granted, and that a daily copy of the Journals of the Senate be furnished for publication in their daily paper, and that the Secretary be instructed to employ a Clerk for that purpose.

Mr. Woodworth moved to amend the resolution, by adding thereto the following: "provided the proprietors of said paper will pay to George McMullin the sum now due him from the State, for eighteen days' services, at $22 per day, in copying the journals by request of said proprietors, which they *did not* publish." The question on the amendment was decided in the negative.

Mr. Broderick moved to amend by striking out all after the words "daily paper," and the yeas and nays being demanded thereon, by Messrs. Broderick, Chamberlin, and Woodworth, resulted as follows:—

AYES.

Mr. Bidwell, Mr. Crosby,
Broderick, Green.—4.

NAYS.

Mr. Bassham, Mr. Douglass,
Chamberlin, Vallejó,
De la Guerra, Woodworth.—6.

So the question was decided in the negative.

Mr. Broderick moved to lay the Resolution on the table, and the Yeas and Nays being demanded thereon by Messrs. Chamberlin, Broderick, and Douglass, resulted as follows:—

AYES.

Mr. Broderick Mr. Crosby.—2

NAYS.

Mr. Bassham Mr. Douglass
Bidwell Green
Chamberlin Vallejó
De la Guerra Woodworth.—8.

So the question was decided in the negative.

Mr. Broderick moved to amend by striking out all after the words "Resolved," and inserting instead thereof, "That the Reporter of the Alta California be allowed a seat within the bar of the Senate, for the purpose of reporting the proceedings;" but the question was decided in the negative.

Mr. Crosby moved to amend, by striking out all after the word "Resolved," and inserting instead thereof, "That the Reporter of the Alta California be permitted to take a seat at the Reporters' Table, within the bar of the Senate, provided the proprietors of said paper shall first pay George McMullin the amount due him for services, copying the journals of the Senate for publication in that paper." The amendment of Mr. Crosby was agreed to; and thus amended, the Resolution was adopted.

On motion of Mr. Douglass, the Senate adjourned.

JOHN MCDOUGALL,
Lieutenant Governor and President of the Senate.

J. F. HOWE, Secretary of the Senate.

IN SENATE.

WEDNESDAY, *January* 30, 1850.

The Senate assembled, pursuant to adjournment.

Prayer by the Rev. Mr. Briarly.

The Journal of Tuesday was read and approved.

Mr. Robinson, from the Committee on Engrossed Bills, reported that the Committee had examined, and found to be correctly engrossed, the bill creating a temporary loan.

The Joint Resolution relating to the Washington Monument in the city of Washington, was read the second and third times (the rules, on motion of Mr. Chamberlin, having been suspended for that purpose); amended, on the motion of Mr. Woodworth, by inserting before the word "quartz," the words "cinnabar gold;" and, thus amended, was passed.

On motion of Mr. Woodworth, amended on motion of Messrs. Douglass and De la Guerra, it was

Resolved, That the Secretary of the Senate be directed to procure, for the use of this body,—

De Mofras' History of Oregon and California.
Sir George Simpson's do.
Alexander Forbes' do.
The Life of Padre Janipero Serra, and
The Voyages of the Schooners Satil and Mexicana.

And that the expense thereof be paid from the Contingent Fund of the Senate.

Mr. Hope submitted a Joint Resolution, that the Legislature will adjourn on the 21st of February, to meet again on the 1st of May, 1850; and that, on the 27th day of February, each Member of the Legislature shall be required to resign, if it be not his intention to return; so that, during the adjournment, the Governor may be enabled to order an election to fill the vacancies.

On motion of Mr. Douglass, the Resolution was laid on the table.

On motion of Mr. Green, the Senate took a recess for twenty minutes.

On re-assembling, the bill, entitled "An Act to establish Pilots and Pilot Regulations for the Port of San Francisco," was read the second time, and amended, on motion of Mr. Woodworth, by inserting after the words "San Francisco," in the second line of Section 12th, the words, "shall be American citizens, and of the age of twenty-one years."

And also, on motion of Mr. Robinson, by inserting after the word "Commissioners," in the third line of the same section, the words "touching their qualifications concerning their knowledge of the management of square-rigged vessels, of the tides, soundings, bearings, and distances of the different shoals, rocks, bars, and points of land and night-lights of the harbor and bay."

Also, on motion of Mr. Woodworth, by inserting, after the word "Secretary," in the fifth line of Section 15, the words "And such numbers shall be distinctly printed in black figures, to be at least two feet long, and above the balance reef of the foresail of such boat."

Also, on the motion of Mr. Robinson, by substituting the word "determined" for "assessed," in the last line of Section 21st.

Also, on motion of Mr. Chamberlin, by substituting the word "the" for the word "such," in the second line of Section 31st.

Also, on motion of Mr. Woodworth, by striking out the word "the" at the beginning of the fourth line of the same section, and inserting instead thereof the words, "Point San Pedro."

Also, on the motion of Mr. Robinson, by inserting the word "draught" after the word "foot," in the seventh line of the same section.

Also, on motion of Mr. Woodworth, by inserting before the word "Fanallones," in the second line of Section 38, the words, "Point San Pedro."

Also, on motion of Mr. Chamberlin, by striking out all after the word "be," in the sixth line of Section 39, to the words "the use," in the seventh line, and inserting instead thereof the words "appropriated to," and by striking out, in the ninth line of the same section, the words "pay the same," and substituting therefor the word "paid."

Also, on motion of Mr. Woodworth, by adding, at the close of Section 40, the words "and any master of a coasting vessel, being an American citizen, can, upon application by the Pilot Commissioners, obtain a special license for the use of such vessel only, by paying unto said Commissioners for the same at the rate of one dollar per ton, all such vessels to be under one hundred and seventy-five tons."

Also, on the motion of Mr. Chamberlin, by substituting the word "considered" for the word "presented," in the second line of Section 42, by adding, at the close of section 44, the words "or expelled at the discretion of the Commissioners."

And also, by adding, at the close of Section 47, the words, "and such quarantine laws as may hereafter be enacted."

Thus amended, the bill, on motion of Mr. Chamberlin, was recommitted to the Committee on Commerce and Navigation, with instructions to conform section 48 to the provision of the Constitution relating to such cases.

A message was received from the Assembly, by Mr. Tharp, their Clerk, informing the Senate, that they request a Committee of Conference on the disagreeing votes of the two Houses on the first amendment of Senate to Assembly Bill, entitled "An Act to provide for the incorporation of Towns" (the Assembly having receded from their non-concurrence in second amendment of Senate to same bill), and had appointed as the Committee of Conference on their part, Messrs. Walthall, Crittenden, and Scott.

Also, that they had passed the Senate Joint Resolution in regard to the resignation of members of the Legislature, and had appointed as a Committee to draft an Address to the People of the State of California, in conjunction with a similar Committee on the part of the Senate, Messrs. Tingley, Stowell, Crittenden, Tefft, and Moorehead.

Also, that the Assembly had appointed as a Committee of Conference, to meet a similar Committee of the Senate, on the disagreeing votes of the two Houses on the bill "concerning the official bonds of officers," Messrs. Crittenden, Randolph, and Creaner.

Also, that they had passed a bill entitled "An Act concerning officers."

Also, that the Speaker *pro tem.* of the Assembly had signed the following bills:

An Act entitled, "An Act creating the office of State Translator."

"An Act to incorporate the City of Los Angeles."

"An Act prescribing the mode of receiving, keeping, and paying out the public funds."

"A Joint Resolution authorizing the Governor to employ a Private Secretary." And

"A Joint Resolution, instructing our Senators, and requesting our Representatives, in relation to the mails."

On motion of Mr. Robinson, the Senate adjourned.

JOHN MCDOUGALL,
Lieutenant Governor and President of the Senate.

J. F. HOWE, Secretary of the Senate.

IN SENATE,

THURSDAY, *January* 31, 1850.

The Senate assembled, pursuant to adjournment.

Prayer by Rev. Mr. Douglass.

The Journal of Wednesday was read and approved.

Mr. Bassham presented the petition of Wm. May and others, praying incorporation as an Electro-Magnetic Telegraph Company for the construction of an Electro-Magnetic Telegraph from San Francisco to Pueblo de San José, thence to Stockton, thence to Sacramento City, and

such intervening towns, as it may be desirable to have offices in; which was read and referred to the Committee on Corporations.

Mr. Crosby, from the Committee on the Judiciary, submitted a report in writing, accompanied by a bill, entitled "An Act to organize the District Courts of the State of California." The Report was accepted, and the bill was read the first time, and ordered to a second reading. (See Appendix EE.)

Mr. Robinson, from the Committee on Engrossed Bills, reported that the Committee had examined, and found to be correctly engrossed, "Joint Resolution in relation to the Washington Monument Association in the City of Washington."

A message was received from the Assembly, by Mr. Tharp, their Clerk, informing the Senate that they had passed Senate bill, entitled, "An Act creating a temporary State Loan."

Mr. Hope, from the Committee on Public Schools, submitted a report, accompanied by a bill, entitled, "An Act for the distribution and government of the Common School and University Fund." The Report and bill were read; when, after debate, the Report was withdrawn. The bill was ordered to a second reading.

Mr. Robinson, from the Committee on Commerce and Navigation, to whom had been referred, with instructions, the bill, entitled, "An Act establishing Pilots and Pilot Regulations in the Harbor of San Francisco," made a Report, in writing, declaring it as the opinion of the committee, that Section 48 of the bill does not conflict with the 25th Section of the 4th Article of the Constitution, and recommending the passage of the bill. The Report was accepted and adopted; and, on motion of Mr. Douglass, one hundred copies were ordered to be printed. On motion of Mr. Robinson, the bill was amended, by striking out after the words, "appointed or," in the first line of Section 47, the words "in commission," and substituting therefor the words, "who may be appointed;" and, thus amended, the bill was ordered to a third reading. On motion of Mr. Chamberlin, the rules were suspended, and the bill was read the third time, and passed.

Mr. Hope, from the Committee of Conference on the disagreeing votes of the two Houses, in relation to Senate amendments to the 4th and 5th sections of the bill, entitled, "An Act concerning the official bonds of officers," reported, that the committee recommend the striking out all after the word "misdemeanor," in the sixth line of Section 4th,

and inserting instead thereof the words, "and on conviction thereof shall be fined in a sum not exceeding one thousand dollars, and his office be declared vacant;" and, also, the striking out all after the word "bond," in the 8th section, to the end of the section, and inserting, instead thereof, "and such condition shall be expressed therein." The Report was adopted, and the amendments of the committee concurred in.

Mr. Hope, from the Committee on the State Library, made a Report, in writing, accompanied by a series of resolutions "in relation to the disposition of the books, maps, &c., presented, through the Senate, to the State of California." The Report was accepted; and, after debate, the resolutions were, on motion of Mr. Douglass, referred back to the Committee on the Library, with instructions to make them *Joint* Resolutions.

Mr. Chamberlin submitted a resolution, that the Secretary be instructed to deliver, as soon as practicable, to the State Librarian, all books and maps now in possession of the Senate, which belong to the State.

Mr. Green moved to amend the resolution, by striking out the words, "as soon as practicable," and inserting, instead thereof, the words, "at the end of the present session." The yeas and nays were demanded on the question of agreeing to the amendment, by Messrs. Chamberlin and Douglass, and resulted as follows:—

AYES.

Mr. Broderick	Mr. Green
Crosby	Robinson
De la Guerra	Vallejó—6.

NAYS.

Mr. Bassham	Mr. Douglass
Bidwell	Hope
Chamberlin	Woodworth—6.

The President voted in the negative, and so the amendment was rejected.

The question then recurring on the adoption of the resolution, the

yeas and nays were demanded, by Messrs. Douglass and Chamberlin, and resulted as follows:—

AYES.

Mr. Bassham	Mr. Douglass
Bidwell	Hope
Broderick	Vallejó
Chamberlin	—7.

NAYS.

Mr. Crosby	Mr. Robinson
De la Guerra	Woodworth
Green	—5.

So the resolution was adopted.

The President signed bills, originating in the Senate, entitled, "Act to incorporate the City of Los Angeles," "An Act creating the office of State Translator," "A Joint Resolution authorizing the Governor to employ a Private Secretary," "A Joint Resolution instructing our Senators, and requesting our Representatives, in reference to the mails," and bill, originating in the Assembly, entitled, "An Act prescribing the mode of receiving, keeping, and paying out the public funds."

The Secretary certified, upon the four first mentioned bills, that they originated in the Senate.

The request of the Assembly for a Committee of Conference on the disagreeing votes of the two Houses, on the first amendments of the Senate, to Assembly bill, entitled, "An Act to provide for the incorporation of Towns," was, on motion of Mr. Hope, agreed to; and the President appointed as such Committee, on the part of the Senate, Messrs. Hope, Douglass, and Crosby.

The bill, entitled, "An Act creating and regulating Public Services," was read a second time. Mr. Douglass moved to amend, by striking out, in the 10th line of Section 4th, the words, "Board of Commissioners of County," and inserting instead thereof, "Court of Sessions," when,

On motion of Mr. Bidwell, the Senate adjourned.

JOHN MCDOUGALL,
Lieut. Governor and President of the Senate.

J. F. HOWE, Secretary of the Senate.

IN SENATE.

FRIDAY, *February* 1, 1850.

The Senate assembled, pursuant to adjournment.

Prayer by Rev. Mr. Douglass.

The journal of Thursday was read and approved.

Mr. Douglass presented the petition of John W. Dwinelle and others, practising members of the San Francisco Bar, praying the Legislature to retain, in its substantial elements, the system of the Civil Law, as proposed by his Excellency the Governor, in his first annual message to the Legislature, in preference to the English Common Law, which was read, referred to the Committee on the Judiciary, and ordered to be printed.

A message was received from the Governor, informing the Senate that he had, on the 31st ultimo, signed a bill, entitled "An Act creating the office of State Translator," and also a resolution, entitled "A Joint Resolution authorizing the Governor to appoint a Private Secretary."

Mr. Bassham, from the Committee on Enrolled Bills, reported, that the committee had, on yesterday, presented to the Governor, for his signature, "An Act to incorporate the city of Los Angeles," "An Act creating the office of State Translator," "A Joint Resolution instructing our Senators and requesting our Representatives, in reference to the mails," and a Joint Resolution authorizing the Governor to employ a Private Secretary.

Mr. Chamberlin submitted a Joint Resolution, fixing Tuesday next, at one o'clock, for the election, by the joint vote of the two Houses, of "State Translator," and providing for the appointment of a committee, two from each House, to examine into the qualifications of applicants for said office, which was read and adopted; the rules, on motion of Mr. Green, having been suspended for that purpose.

Bill from the House, entitled "An Act concerning offices," was read, and referred to the Committee on the Judiciary.

Mr. Bassham from the Joint Committee on Enrolled Bills, reported, that the committee had examined and found to be correctly enrolled, "An Act creating a temporary State Loan," "An Act concerning the office of Attorney General," "A Joint Resolution classifying the Justices of the Supreme Court."

Bill, entitled "An Act creating and regulating Public Ferries," was taken up, on second reading. The question being on Mr. Douglass'

amendment to the tenth and eleventh lines of section 4th, striking out the words "Board of County Commissioners for," and substituting therefor the words "Court of Sessions of," which was adopted. The bill was further amended, on motion of Mr. Crosby, by striking out, in the eighth and ninth lines of section 5th, the words "hundred rods," and in the thirteenth line of the same section, the words "ten rods," and inserting therefor, in each place, the words "one hundred feet;" also, on motion of Mr. Robinson, by striking out, in the fourth and fifth lines of section 10th, the words "three months," and inserting therefor the words "thirty days;" also, on motion of Mr. Douglass, by striking out the word "day," in the eighteenth line of section 12th, and inserting therefor the word "night;" also, on motion of Mr. Broderick, by striking out, in the twenty-second line of same section, the word "double;" also, on motion of Mr. Douglass, by striking out, wherever it occurs in section fifteenth, the word "chapter," and substituting therefor the word "act;" also, on motion of Mr. Douglass, by striking out, in the twenty-fourth line of the same section, the word "three," and substituting therefor the word "thirty;" also, on motion of Mr. Robinson, by striking out, in the fifth line of section 17th, the word "six," and substituting therefor the word "two;" also, on motion of Mr. Douglass, by striking out, in the fifth line of section 18th, the word "chapter," and inserting therefor the word "act;" and by substituting the word "county" for "district," in the twenty-fourth line of the same section. The bill, as amended, was read the second time, and ordered to a third reading.

Bill, entitled "An Act to organize the Supreme Court," was taken from the table, on motion of Mr. Chamberlin, and the amendments of the Assembly to the ninth, eleventh, twelfth, fourteenth, seventeenth, and nineteenth sections, were concurred in. The Senate refused to concur in the Assembly's amendment to section fifteenth.

A message was received from the Assembly, informing the Senate that they had passed a bill, entitled "An Act to regulate proceedings in the County Courts, in cases of appeal from the Courts of Justices of the Peace;" and further, that the Speaker, *pro tempore*, of the Assembly had signed enrolled bills, entitled "An Act concerning the office of Attorney General," "An Act creating a Temporary State Loan," and "A Joint Resolution classifying the Justices of the Supreme Court."

The President of the Senate signed each of the three last named bills,

and the Secretary of the Senate certified upon that "creating a Temporary State Loan," that it originated in the Senate.

Mr. Robinson, from the Committee on the Judiciary, to whom had been referred the bill, entitled "An Act to prevent obstructions in navigable streams," reported the same, with an amendment, striking out, in the first section, all after the word "river" in the seventh line, to the word "obstruction," inclusive, in the tenth line. The report was received, and the question being on concurring in the amendments of the Committee,

On motion of Mr. Bidwell, the Senate adjourned.

JOHN MCDOUGALL,
Lieut. Governor and President of the Senate.

J. F. HOWE, Secretary of the Senate.

IN SENATE.

SATURDAY, *February* 2, 1850.

The Senate assembled, pursuant to adjournment.

Prayer by Rev. Mr. Briarly.

The Journal of Friday was read and approved.

Mr. Crosby, from the Committee on the Judiciary, made a report in writing, accompanied by a bill, entitled, "An Act to provide for the superseding of certain courts, for the transfer of causes, for the hearing of appeals in certain cases, and for other purposes." The report was accepted, and the bill read the first time, and ordered to a second reading.

Mr. Robinson, from the Committee on Engrossed Bills, reported that the Commitee had examined, and found to be correctly engrossed, the bill entitled "An Act creating Pilots, and establishing Pilot Regulations for the Port of San Francisco." The Committee further recommended the following changes in the bill, viz: In the fourth line of section 12, strike out the word "of," where it first occurs, and substitute therefor the words "not under;" in the fifth line of the same section, add, after the word "and," the words "in presence of one or more licensed Pilots;" in the eighth line of the same section, strike out the word "a," at the close of the line; in the thirteenth and fourteenth lines of the same

section, strike out the words "in presence of one or more licensed Pilots;" and, at the commencement of section 41, strike out the word "They," and substitute therefor the words "The Commissioners." The amendments proposed by the Committee were concurred in, the rules having been suspended for that purpose, and, thus amended, the bill was again passed.

Mr. Bassham, from the Committee on Enrolled Bills, reported that the Committee had yesterday presented to the Governor, for his signature, bills entitled "An Act creating a temporary State Loan," "An Act concerning the office of Attorney General," "A Joint Resolution classifying the Justices of the Supreme Court."

The President laid before the Senate a Message from the Governor, dated 31st ult., informing the two Houses that, in pursuance of the Joint Resolution, authorizing the Governor to employ a Private Secretary, he had employed Caius T. Ryland, Esq., for that purpose.

A Message was received from the Governor, by Caius T. Ryland, Esq., Private Secretary, informing the Senate that he had, on the 1st instant, signed bill, originating in the Senate, entitled, "An Act creating a temporary State Loan." Also, a Message, addressed to the "Senate and Assembly," transmitting a copy of a communication received from Messrs. John Wilson and Amasa Lyman, Delegates from the new State of Deseret, with the Constitution recently adopted by the people of that portion of the territory acquired by the treaty between the United States and Mexico.

The Message and communication were read; when, after debate, on motion of Mr. Green, amended on motion of Mr. Robinson, the following resolution was adopted, in relation thereto. (See Appendix J., K., and L.)

Resolved, That the letter of the Governor, relating to the memorial of the Delegates from the State of Deseret, together with the memorial, be received by the Senate, and, most respectfully, laid upon the table.

Mr. Chamberlin submitted a joint resolution, authorizing the Postmaster at San Francisco to employ, temporarily, in certain cases, an additional Clerk, at the expense of the State, which was read three several times (the rules having been suspended for that purpose), and passed.

The bill entitled "An Act to prevent obstructions in Navigable

Streams," was taken up; the amendment reported from the Judiciary Committee was adopted; and thus amended, the bill was read a third time and passed, the rules having been suspended for that purpose.

Mr. Robinson, from the Committee on Engrossed Bills, reported that the committee had examined, and found to be correctly engrossed, a bill entitled," An Act creating and regulating Public Ferries."

On motion of Mr. Crosby, the amendment to section 18th, yesterday adopted, was reconsidered, and the word " District" reinserted, instead of " Country." Thus amended, the bill was read the third time and passed, the rules having been suspended for that purpose.

A bill from the Assembly, entitled " An Act to regulate proceedings in the County Courts, in cases of appeal from the Courts of Justices of the Peace," was read the first time, and ordered to a second reading.

A message was received from the Assembly, informing the Senate that they had concurred in the resolution of the Senate in reference to the election of " State Translator," and had appointed, on their part, as the Committee of Examination into the qualifications of applicants, Messrs. Scott and Covarubias.

Messrs. de la Guerra and Chamberlin were appointed as such Committee on the part of the Senate.

On motion of Mr. Chamberlin, the Senate adjourned.

JOHN MCDOUGALL,

Lieutenant Governor and President of the Senate.

J. F. HOWE, Secretary of the Senate.

IN SENATE.

MONDAY, *February* 4, 1850.

The Senate assembled, pursuant to adjournment.

The journal of Saturday was read and approved.

Mr. Robinson, from the Committee on Engrossed Bills, reported that the committee had examined and found to be correctly engrossed, Bill, entitled " An Act to prevent obstructions in navigable streams," but recommend the substitution of the word " which " for the word " who," in the fifteenth line of the fifth section. The amendment was concurred in, the rules having been suspended for that purpose, and, thus amended, the bill was again passed.

Bill, from the Assembly, entitled "An Act to regulate proceedings in the County Courts, in cases of appeal from the Courts of Justices of the Peace," was taken up, and referred, on motion of Mr. Crosby, to the Committee on the Judiciary.

Mr. Crosby, from the Committee on the Judiciary, reported a bill, entitled "An Act to regulate practice in the Courts of Record of the State of California in civil actions;" which was read the first time, and ordered to a second reading.

Mr. Bidwell presented the petition of citizens of Yubec City, praying that that place may be made the shire town of Brannan County; which was read, and on motion of Mr. Crosby, was ordered to be, by message, transmitted to the Assembly.

A message was received from the Assembly, informing the Senate that they had passed a bill, entitled "An Act to organize county courts;" also, the "Joint Resolution of the Senate in reference to the Washington Monument Association;" also, that they had reconsidered so much of the Joint Resolution of the Senate as provides for the election of State Translator, on the fifth instant, and had substituted Wednesday, the 6th instant, as the time for such election.

Mr. de la Guerra, from the Joint Committee on the Examination of Applicants for the office of State Translator, made a report in writing, that the committee had not completed their labors, accompanied by a Joint Resolution authorizing the committee to continue such examinations.

The report was accepted; when,

On motion of Mr. Crosby, the Joint Resolution was amended, so as to fix the 13th instant as the time for an election of State Translator, and repealing the Joint Resolution, fixing the 5th instant as the time for such election; thus amended, the resolution was adopted, and sent to the Assembly for concurrence.

Mr. Bidwell introduced, on leave, a bill, entitled "An Act concerning Public Roads," which was read the first time, and referred to the Committee on Roads and Ferries.

On motion of Mr. Woodworth, the Senate adjourned.

JOHN MCDOUGALL,
Lieut. Governor and President of the Senate.

J. F. HOWE, Secretary of the Senate.

IN SENATE.

TUESDAY, *February* 5, 1850.

The Senate assembled, pursuant to adjournment.

Prayer by Rev. Mr. Briarly.

The Journal of Monday was read and approved.

A message was received from the Assembly, informing the Senate that they had concurred in the joint resolution of the Senate postponing the election of State Translator to the 13th instant, and repealing the joint resolution which fixed the 5th instant as the day for such election.

Assembly bill, entitled "An Act to organize County Courts," was read the first time, and referred to the Committee on the Judiciary.

Mr. Hope, from the Committee on the State Library, to whom had been referred the resolutions in relation to the disposition of certain books, maps, &c., presented, through the Senate, to the State of California, reported the same, with a request that the committee be discharged from the further consideration of the subject. The report was accepted, the request granted, and the resolutions laid on the table.

Mr. Green submitted a resolution, 'That the reporter of the 'Alta California' be permitted to take his seat on the floor of the Senate, the proprietor of said paper having made the *amende honorable* for a late article in said journal in relation to the Senate proceedings."

Objection being made by Mr. Broderick to the consideration of the resolution to-day, the rules, on motion of Mr. Bidwell, were suspended, when Mr. Chamberlin moved to amend, by striking out all after the word "Resolved," and inserting, instead of the portion so stricken out, "That no resolution permitting the reporter of the 'Alta California' to take a seat within the bar of the Senate will be entertained by this body, until the editor of that journal shall have corrected, publicly, the misrepresentations contained in an editorial of that paper, of the 2d instant, in reference to the Senate."

Mr. Broderick moved to lay the whole subject on the table.

On this motion, the yeas and nays were demanded by Messrs. Douglass and Green, and resulted as follows :—

AYES.

Mr. Bassham	Mr. Crosby
Bidwell	Hope
Broderick	Robinson.—6

NAYS.

Mr. Chamberlin	Mr. Green
De la Guerra	Vallejo
Douglass	Woodworth.—6

The President voted in the negative, and so the Senate refused to lay the subject on the table.

The question being on agreeing to the amendment of Mr. Chamberlin, the yeas and nays were demanded by Messrs. Douglass and Green, and resulted as follows :—

AYES—Messrs. Bassham, Chamberlin, De la Guerra, Douglass, Hope, Vallejó, Woodworth.—7.

NAYS—Messrs. Bidwell, Broderick, Crosby, Green, Robinson.—5.

So the amendment was agreed to.

The question then recurring on the adoption of the resolution as amended, the yeas and nays were demanded thereon by Messrs Crosby and Woodworth, and resulted as follows :—

AYES—Messrs. Bassham, Chamberlin, De la Guerra, Douglass, Green, Hope, Vallejó, Woodworth.—8.

NAYS—Messrs. Bidwell, Broderick, Mr. Crosby, Robinson.—4.

So the resolution was adopted.

On motion of Mr. Bidwell, the Senate adjourned.

JOHN MCDOUGALL,
Lieutenant Governor and President of the Senate.

J. F. HOWE, Secretary of the Senate.

IN SENATE.

WEDNESDAY, *February* 6, 1850.

The Senate assembled, pursuant to adjournment.

Prayer by Rev. Mr. Douglass.

The journal of Tuesday was read and approved.

Mr. Vallejó presented the petition of George Pearce, and sixty other citizens of Sonoma District, in regard to the office of District Judge, which was read and referred to the Committee on Privileges and Elections.

Mr. Bassham presented the memorial of the Ayuntamiento of San José, in relation to a certain tract of land, accompanied by a bill authorizing the sale thereof, which was read, and referred to the Committee on Public Lands and Mission Claims. The printing of the bill was ordered to be deferred until after the report of the committee shall have been made; and, on motion of Mr. Chamberlin, the committee were instructed to report to-morrow.

Mr. Green presented the petition of E. O. Crosby, accompanied by a bill providing for the payment of the expenses incurred by Mr. Crosby, in opening polls in, and transmitting returns from, Sacramento District, at the late State election; which were read, and referred to the Committee on Claims.

On motion of Mr. Green, Mr. Crosby was granted leave of absence until Saturday next.

Mr. Green gave notice that he would, at a future day, ask leave to introduce a bill to establish and endow a State University, to be called the "Collegio de Mineria."

Mr. Robinson gave notice that he would, at some future day, ask leave to introduce a bill for the establishment of a Marine Hospital at Sacramento City.

On motion of Mr. Douglass, it was

Ordered, That the consideration of the District Court Bill be postponed until after the passage of the bill "subdividing the State into Counties, and establishing the seats of justice therein."

Mr. Robinson, from the Committee on the Judiciary, to whom had been referred the Joint Resolution of the Senate, in relation to the issuing of spurious coin, made a report in writing, accompanied by a bill, as a substitute for the Joint Resolution, entitled "An Act in relation to the coining of money by individuals;" which were read, five hundred copies of the report were ordered to be printed, and the bill was ordered to a second reading. (See Appendix FF.)

A message was received from the Assembly, by their Clerk, Mr. Tharp, informing the Senate that they insist upon their amendments to the second and fifteenth sections of the bill to organize the Supreme Court, and refuse to concur in the Senate's amendment to the eighth section of the same bill. Also, that the Assembly request a Committee of Conference on the disagreeing votes of the two Houses in reference to Land Bill, and have appointed on such committee, on their part,

Messrs. Crittenden, Creaner, and Bigler. Also, that the Speaker *pro tem.* on Saturday, the 2d instant, signed bill, entitled "An Act authorizing the Secretary of State, Comptroller, Treasurer, Surveyor General, and Attorney General, to rent offices and procure the necessary furniture for their respective offices." Also, that Hon. T. J. White had this day resigned the office of Speaker of the Assembly, and Hon. John Bigler had been elected in his place.

On motion of Mr. Green, the Senate adjourned.

JOHN MCDOUGALL,
Lieutenant Governor and President of the Senate.

J. F. HOWE, Secretary of the Senate.

IN SENATE.

THURSDAY, *February* 7, 1850.

The Senate assembled, pursuant to adjournment.

Prayer by Rev. Mr. Briarly.

The Journal of Wednesday was read and approved.

A message was received from the Assembly, by Mr. Tharp, their Clerk, informing the Senate that they had passed a bill, entitled "An Act authorizing a loan on the faith and credit of the State, to pay the expenses of the Civil Government thereof, and providing for the redemption of the same." The bill was read the first time, and referred to the Committee on Finance.

Mr. Woodworth, from the Committee on Public Lands and Mission Claims, to whom had been referred the memorial of Ayuntamiento of the San José, and the bill in relation thereto introduced by Mr. Bassham, made a report in writing, adverse to the prayer of the memorialists, which was read.

On motion of Mr. Douglass, the report was accepted, and the bill indefinitely postponed. (See Appendix RR.)

Mr. Bassham, from the Joint Committee on Enrolled Bills, reported that the committee had examined and found to be correctly enrolled, "An Act concerning the official bonds of officers," and "A Joint Resolution in relation to the Washington Monument Association, in the City of Washington, D. C."

Mr. Chamberlin, from the Joint Committee appointed by the two Houses to draft an Address to the People of California, in relation to the resignation of Members of the Legislature, made a report in writing, accompanied by an address, which were read, and, on motion of Mr. Woodworth, one thousand copies of the address were ordered to be printed for the use of the Legislature. (See Appendix M.)

The message from the Assembly yesterday received, was taken up, and Messrs. Douglass, Broderick, and Robinson were appointed as the Committee of Conference, on the part of the Senate, in reference to the disagreeing votes of the two Houses, on the amendment of the Assembly to Senate bill, entitled "An Act to organize the Supreme Court of California."

The President of the Senate signed Assembly bill, entitled "An Act to authorize the Secretary of State, Treasurer, Comptroller, Attorney General, and Surveyor General, to rent offices, and procure the necessary furniture for their respective offices."

The President laid before the Senate a communication from the Secretary of State, transmitting the official returns of an election held in and for the district of San Francisco, on Saturday the 2d day of February, A. D. 1850, to supply a vacancy in the Senate of California, occasioned by the resignation of Hon. G. B. Post, a Senator from said district, which was read, and with the accompanying papers, referred to the Committee on Privileges and Elections. (See Appendix N.)

Mr. Chamberlin, from the Committee on Privileges and Elections, subsequently reported that the committee had examined the returns of said election, and found that Eleau Heydenfeldt had received a greater number of votes than any other candidate, and was legally entitled to a seat in this body for said unexpired term.

On motion of Mr. Broderick, a committee, consisting of Messrs. Broderick and Chamberlin, was appointed, to wait on Mr. Heydenfeldt, and inform him of his election. The committee subsequently introduced Mr. Heydenfeldt, who was duly qualified and took his seat.

Bill, entitled "An Act to provide for the superseding of certain courts, for the transfer of lands, for the hearing of appeals in certain cases, and for other purposes," was taken up, on second reading, and the thirteenth section amended on motion of Mr. Bidwell, by substituting the word "hereinbefore," for the word "hereintofore," in the second line thereof.

On motion of Mr. Douglass, the further consideration of the bill was postponed.

On motion of Mr. Chamberlin, Judge Heslop of the St. Louis Republican, was invited to take a seat at the reporters' table.

Bill, entitled "An Act in relation to the coining of money by individuals," was taken up on second reading, and on motion of Mr. Bidwell, was referred to a select committee, consisting of Messrs. Bidwell, Heydenfeldt, Chamberlin, and Bassham.

The President announced the appointment of Mr. Heydenfeldt as a Member of the Committees on Finance, the Judiciary, and Public Schools.

On motion of Mr. Bassham, the Senate adjourned.

JOHN MCDOUGALL,
Lieut. Governor and President of the Senate.

J. F. HOWE, Secretary of the Senate.

IN SENATE.

FRIDAY, *February* 8, 1850.

The Senate assembled, pursuant to adjournment.

Prayer by Rev. Mr. Douglass.

The Journal of Thursday was read and approved.

The following message was received from the Governor, by Mr. Ryland, his Private Secretary, returning, with his objections, a bill, originating in the Senate, entitled "Act to incorporate the City of Los Angeles:"—

GENTLEMEN OF THE SENATE:

The bill originating in the Senate, entitled "An Act to incorporate the City of Los Angeles," is herewith returned, together with such objections as have compelled me to withhold my approval of the same. There are two objections existing in my view to the bill, the first founded upon a question of expediency, and the second upon constitutional grounds.

The first objection to the bill is to be found in the fact, that it is a Special Act to incorporate a single city.

The practice of passing a Special Act of Incorporation for each city,

has been productive of great and serious evils in the different States of the Union; and the practice, if adopted in this State, considering our peculiar condition, would lead to much greater expense and injury. By comparing various Acts of Incorporation together, it will be readily seen that nearly all their numerous provisions are the same in substance; and, by repeating those provisions in each separate Act, the expenses of legislation are greatly increased. Each bill has to pass through the regular stages of other bills—to undergo a separate discussion—be separately printed—and the time of the Legislature is thus consumed upon separate and *distinct* bills, that are in substance but *one*. The members of the Legislature must make themselves acquainted with all the provisions of these long bills, or must vote for them at random; and thus permit abuses to creep in. In the history of legislation in the different States, such instances have not unfrequently occurred.

That the evils growing out of this system of special legislation, upon a subject general in its character, are great and obvious, must be conceded; and could the same end be accomplished by a general and comprehensive Act for the incorporation of all the cities in the State, it would certainly save a great amount of time, labor, and expense, and in the end be far more beneficial and better understood. That this could be practically done, there seems to be no doubt, and although the system might not be perfected in the beginning, it might be amended from time to time, as experience might dictate.

To establish such a system it would be necessary to distinguish between villages and cities, by requiring the latter to contain a given population. To ascertain the number of inhabitants at any period between the time of taking the census by the State, and by the United States, the County Court of the proper County could be empowered to have an enumeration of the inhabitants made; and, if the requisite population appear, to make an order of record declaring the city incorporated. One of the great advantages of this provision would be this: that in California, such is the rapid increase of population, and the consequent growth of towns and villages, that in many cases incorporations of places would be greatly needed while the Legislature would not be in session, and this provision would afford relief at any time. Nor would this provision be liable to the objection that it is a delegation of legislative power to the County Courts for this reason: that the Court is only empowered to ascertain the existence of the *fact* whether the particular

place contains the required population, and it is the existence of this fact that entitles the place to be incorporated. The power of the Court would be simply that of investigation and decision, and not legislative in its character.

In specifying the powers to be conferred upon city corporations, it might be useful to divide them into two classes :—

1. Cities upon navigable waters.
2. Cities inland.

All cities upon navigable waters would require substantially the same powers; and so of the inland cities as a class. Upon each class might be conferred all the powers necessary for any one of that class; and in case more power than necessary should be thus conferred upon any particular city, those powers would simply remain dormant, as their exercise would not be required; and whether their exercise would be beneficial to the particular city would properly be a question for the city authorities to determine. For example, the City of San Francisco, being the largest and most commercial point in the State, would require as extended powers as any other; and by conferring the same powers necessary for that city upon all of the same class, you place them all upon the same footing, and do injustice to none. And should the condition of any place be so peculiar as to its boundaries, or in any other respect, as still to require further provision, a short special act could be passed for that additional purpose. As there are several commercial and inland places in the State that are known now to possess the requisite number of inhabitants, a provision might be included, allowing them to be incorporated under such general act, without the trouble of taking the census.

The second, and by far the most serious objection against the bill, is the unlimited powers of taxation conferred upon the city authorities, under the condition, that when the taxes exceed a certain amount, they must be approved by a majority of the electors of the city, before they can be collected.

The Thirty-seventh Section of the Fourth Article of the Constitution provides, that "it shall be the duty of the Legislature to provide for the organization of cities and incorporated villages, and to restrict their power of taxation, assessment, borrowing money, contracting debts, and loaning their credit, so as to prevent abuses in assessments and in contracting debts by such municipal corporation."

The right to levy and collect taxes is a substantive power of great importance, and liable to great abuse; and its exercise affects the rights and interests of individuals and communities most seriously, and for that reason should be watched with unceasing vigilance. The Constitution has conferred this power upon the Legislature without limit, because the power had, of necessity, to be placed somewhere; but it was certainly the intention of the framers of that instrument, that *limited*, and not *unlimited* powers of taxation should be conferred upon municipal corporations. Corporations of this kind had often committed great abuses in levying taxes, borrowing money, contracting debts, and in loaning their credit, and it was to prevent these abuses that the Thirty-seventh Section was adopted. These abuses had been committed by city officers elected by a *majority* of the electors, and who were, for that reason, supposed to represent a majority of their constituents; and the fact that the bill before me requires the approbation of a majority of the voters of the city, does not constitute any *restriction* in the contemplation of the Constitution, nor does it, in practical effect, essentially diminish the tendency of abuse; and in this way the Constitution is violated.

To confer upon a bare majority of the people of a certain city, unlimited powers of taxation, is to give the minority no protection against abuses. Minorities need the protection of the Constitution, while majorities can take care of themselves. The population of cities may have, and often do have, very adverse interests; and as the revenue of cities is mostly expended upon certain city improvements, combinations would most likely occur between different portions of the city in favor of a very exorbitant system of taxation for particular "purposes and objects." These purposes and objects might be of no particular benefit to other portions of the city, that might from circumstances be compelled to pay most of the tax.

The Constitution not only requires the Legislature to restrict these corporations, but the Legislature must itself determine the limits of the restriction. That body cannot divest itself of this duty, and delegate legislative power to a bare majority of the voters of a particular city, and give them the right to decide that the "power of taxation shall not be restricted at all." The provision of the Constitution is imperative, that the "power of taxation" in these corporations shall be "*restricted;*" but the bill under consideration grants unlimited powers of taxation under a

condition, not a *restriction;* and thus defeats the end and object of the Constitution. It is not only the duty of the Legislature to restrict the power of taxation, but they must be restricted "so as to prevent abuses;" and although the discretionary power is given the Legislature to determine the limits of the restriction, still, to carry out the object of the Constitution, the restriction should be practical and efficient.

The power to widen streets, as conferred by the bill upon the city authorities, without requiring any compensation to be paid to those whose property might be thus used for public purposes, I cannot but think objectionable. The Constitution is explicit in requiring that compensation shall be paid to the owner, when private property is taken for public purposes; and as streets cannot be widened without appropriating a part of the lots fronting upon the street, compensation for such injury should be paid to the owners of the lots when they require it.

For these reasons I return the bill to the Senate, in which it originated. I should not have considered myself compelled to withhold, and should not have withheld, my signature, had it not been for the Constitutional objection.

PETER H. BURNETT.

The message was read, and, on motion of Mr. Robinson, one hundred copies were ordered to be printed.

A message was received from the Assembly, informing the Senate that the Speaker had signed bills, entitled "An Act concerning the official bonds of officers," and "A Joint Resolution in relation to the Washington Monument in the City of Washington, District of Columbia."

The President of the Senate proceeded to sign each of these bills, and the Secretary certified upon that relating to the Washington Monument, that it originated in the Senate.

Mr Chamberlin, from the Committee on Privileges and Elections, to whom had been referred the petition of George Pearce and sixty other citizens of Sonoma District, praying that the Legislature will elect, as Judge of that judicial district, some person who is a resident thereof, made a report in writing, recommending that the prayer of the petitioners be granted, provided that a competent person be recommended by them.

Mr. Bassham, from the Committee on Enrolled Bills, reported, that

the committee had examined and found to be correctly enrolled, the bill entitled "An Act to incorporate Sacramento City;" also, that the committee, on yesterday, presented to the Governor for his signature, a bill, entitled "An Act authorizing the Secretary of State, Comptroller, Treasurer, Surveyor General, and Attorney General to rent offices and procure the necessary furniture for their respective offices."

Mr. Douglass, from the Committee of Conference on the disagreeing votes of the two Houses, in reference to the bill, entitled "An Act to organize the Supreme Court," made a report in writing, recommending that the proviso to the first section of the bill be stricken out—that the Assembly's amendment to the eighth section be agreed to—and that the Assembly's amendment to the fifteenth section be agreed to, with a further amendment thereto, substituting the word "Legislature" for the word "Supreme Court." The report was accepted, and, on motion of Mr. Green, adopted.

Mr. Woodworth gave notice that he would, on to-morrow, or some future day, ask leave to introduce a bill to incorporate the City of Monterey.

Mr. Broderick, on leave, introduced a bill, entitled "An Act to abolish the offices of Prefect and Sub-Prefect of the District of San Francisco," which was read the first and second times, the rules having been suspended for that purpose, amended on motion of Messrs. Broderick and Douglass, and ordered to a third reading.

Mr. Douglass, from the Committee on Roads and Ferries, to whom had been recommended the bill entitled "An Act concerning Public Roads," made a report in writing, recommending the passage of the bill, with an amendment, inserting after the word "obstruct," in the tenth line of the second section, the words, "or change the direction." The report was accepted, and the amendment adopted.

Mr. Heydenfeldt gave notice that he would, on some future day, ask leave to introduce a bill entitled "An Act relative to liens and privileges."

Mr. Green gave notice that he would, at an early day, ask leave to introduce a bill entitled, "An Act for the better regulation of the mines and mining, until the action of the United States Congress shall be had thereon."

Mr. Hope, on leave, introduced a Joint Resolution, entitled "a Joint

Resolution concerning the adjournment of the Legislature," which was read the first time; and,

On motion of Mr. Green, indefinitely postponed.

Mr. Broderick gave notice that he would, at a future day, ask leave to introduce a bill to charter the City of San Francisco, and a bill regulating the duties of Harbor Master at San Francisco.

The President announced that Mr. Heydenfeldt had been appointed as an additional member of the Committee on Claims.

On motion of Mr. Robinson, the Senate adjourned.

JOHN MCDOUGALL,
Lieutenant Governor and President of the Senate.

J. F. HOWE, Secretary of the Senate.

IN SENATE.

SATURDAY, *February* 9, 1850.

The Senate met, pursuant to adjournment.

Prayer by Rev. Mr. Douglass.

The journal of Friday was read and approved.

Mr. Woodworth presented the petition of J. M. O'Neill and 253 other citizens of Monterey, praying for a City Charter, which was read and referred to the Committee on Corporations.

Mr. Woodworth, on leave, introduced a bill, entitled "An Act to incorporate the City of Monterey," which was referred to the Committee on Corporations.

Mr. Robinson, from the Committee on Engrossed Bills, reported that the Committee had examined "Bill to abolish the offices of Prefect and Sub-Prefect of the District of San Francisco," and found the same correctly engrossed; but recommended a change in the title, so as to make it read "An Act" instead of a "Bill."

The amendment was agreed to; and the bill was further amended, on motion of Mr. Robinson, by inserting a substitute for section 2, requiring the publication of the Act in the *Pacific News* and *Placer Times*, and providing that the same shall go into effect from and after such publication.

Mr. Chamberlin moved further to amend the section, so as to require twenty days' publication before the law shall go into effect.

Mr. Chamberlin subsequently moved to lay the bill and amendments on the table.

On this motion the yeas and nays were demanded by Messrs. Broderick and Green, and resulted as follows:

YEAS.

Mr. Bassham,	Mr. de la Guerra,
Bidwell,	Douglass,
Chamberlin,	Vallejó—6.

NAYS.

Mr. Broderick,	Mr. Heydenfeldt,
Green,	Robinson,
Hope,	Woodworth—6.

The President voted in the affirmative, and so the bill was laid on the table.

Mr. Bassham, from the Committee on Enrolled Bills, reported, that the Committee had, on yesterday, presented to the Governor, for his signature, "An Act concerning the official bonds of officers," and "A Joint Resolution in relation to the Washington Monument in the City of Washington, District of Columbia."

A message was received from the Governor, by Mr. Ryland, Private Secretary, informing the Senate that he had this day signed bill, entitled "A Joint Resolution in relation to the Washington Monument, in the City of Washington, District of Columbia."

Mr. Bidwell, from the Select Committee, to whom had been referred the bill, entitled "An Act in relation to the coining of money by individuals," reported the same, with amendments, which were read, and, on motion of Mr. Chamberlin, the consideration thereof was postponed until Monday.

Mr. Heydenfeldt gave notice that he would, on some future day, ask leave to introduce a bill, to be entitled "An Act for the suppression of gambling in this State."

Mr. Chamberlin submitted a resolution which was adopted, instructing the committee to whom was referred the Homestead Bill, to report on Monday next.

Bill, entitled "An Act concerning Public Roads," was taken up, and the amendment proposed by the Committee was adopted.

On motion of Mr. Douglass, the bill was further amended, by striking out the words "County Court" wherever they occur in the bill, and inserting instead thereof, the words "Court of Sessions." Thus amended, the bill was read the third time and passed, the rules having been suspended for that purpose.

Mr. Chamberlin submitted a resolution, which was adopted, instructing the Standing Committee on Claims to ascertain and report to the Senate what just claims, if any, the Prefects and Sub-Prefects have upon the present State Government, for expenses incurred in ordering and superintending the elections held by order of the Ex-Governor Riley.

Mr. Robinson, on leave, introduced a bill, entitled "An Act to provide for the incorporation of Steam Navigation Companies," which was read the first time and referred to the committee, on Corporations.

Mr. Broderick gave notice that he would, on Monday, submit a resolution to abolish the fortieth rule of the Senate.

Mr. Robinson, from the Judiciary Committee, reported a bill, entitled "An Act in continuation of the act to regulate practice in the Courts of Record of the State of California," which was read the first time, and ordered to a second reading.

Mr. Chamberlin gave notice that he would, on Monday, ask leave to introduce a bill in relation to the powers of Prefects and Sub-Prefects.

On motion of Mr. Heydenfeldt, the Senate adjourned.

JOHN MCDOUGALL,
Lieut. Governor and President of the Senate.

J. F. HOWE, Secretary of the Senate.

IN SENATE.

MONDAY, *February* 11, 1850.

The Senate assembled, pursuant to adjournment.

Prayer by Rev. Mr. Douglass.

The Journal of Saturday was read and approved.

Mr. Green, from the Committee on Finance, to whom was referred the bill from the Assembly, entitled, "An Act authorizing a loan on the

faith and credit of the State, to pay the expenses of the Civil Government thereof, and providing for the redemption of the same," made a Report, in writing, recommending sundry amendments, viz.:—1st. Striking out the 12th and 13th sections. 2d. Substituting the word "conditions" for the words "penalties and forfeitures," in the 5th line of the 10th section. 3d. Striking out the word "irrevocably," in the 5th line of the 17th section. 4th. Insert after the 5th section, an additional section, as Section 6th, as follows:—Sec. 6. As an earnest that such bidder, or bidders, will take and comply with any bid, or bids, under the provisions of this Act, it is hereby required that he or they shall, as a pre-requisite, pay into the treasury, at least ten days previous to the adjournment of the present Session of the Legislature, fifty thousand dollars in cash, or bonds of the "Temporary State Loan."

The 1st, 2d, and 3d of the proposed amendments were adopted.

The 4th, on motion of Mr. Chamberlin, was amended, by striking out the words "fifty thousand dollars," and substituting therefor, "ten per cent. upon the amount bid for."

Mr. Woodworth moved to amend the first section, by striking out, in the 8th line, the words "twenty years," and substituting therefor the words "five years," when,

On motion of Mr. Robinson, the further consideration of the bill was postponed, and the same, with the amendments, was ordered to be printed. (See Appendix NN.)

Mr. Robinson, from the Committee on Engrossed Bills, reported, that the committee had examined bill entitled, "An Act concerning the public roads," and recommend the substitution, in the 9th line of the 2d section, of the word "and" for the word "but." The amendment was agreed to, and the bill again passed.

Mr. Bassham, from the Committee on Enrolled Bills, reported, that the committee had examined "An Act to organize the Supreme Court of California," and had found the same to be correctly enrolled.

Mr. Chamberlin, on leave, introduced a bill, entitled, "An Act to restrict the powers of Prefects and Sub-Prefects of the State of California," which was read three times, and passed, the rules having been suspended for that purpose.

Mr. Heydenfeldt submitted the following resolution:—

Resolved, That although the Senate deprecates and censures the action of the Editors of the Alta California for the course pursued by

them towards this body, yet for the purpose of making as public as possible the proceedings of the Senate, and to avoid the imputation of attempting to restrict the liberty of the press, the reporter of said paper, Mr. Dickey, be invited to a seat at the reporters' desk.

And the question being on the adoption of the resolution, it was decided in the negative.

A message was received from the Assembly, by Mr. Tharp, their Clerk, informing the Senate that they had passed "A Bill appropriating money out of the General Fund, to defray the expenses of the Government of the State of California."

Also, that they had agreed to the Report of the Committee of Conference, on the disagreeing votes of the two Houses on the "Bill to organize the Supreme Court."

Also, that the Speaker of the Assembly had signed a bill, entitled "An Act to incorporate Sacramento City."

Also, that the Speaker of the Assembly had signed "An Act to organize the Supreme Court of California."

The President of the Senate signed the bills, entitled "An Act to incorporate Sacramento City," and "An Act to organize the Supreme Court of California;" and the Secretary certified upon the latter that it originated in the Senate.

The bill from the Assembly, entitled "An Act appropriating money out of the General Fund to defray the expenses of the Government of the State of California," was taken up, read three times, and passed, the rules having been suspended for that purpose.

On motion of Mr. Crosby, bill, entitled "An Act to provide for the superseding of certain Courts, for the transfer of causes, for the hearing of appeals in certain cases, and other purposes," was taken up on second reading, amended by substituting the word "hereinbefore" for the word "hereintofore," in the ——— section, and by striking out the 39th section; and, thus amended, was read the third time and passed.

On motion of Mr. Woodworth, bill entitled "An Act to regulate practice in the Courts of Record of the State of California in civil actions," was taken up on second reading, and amended by inserting the word "rights" after the word "private," in the second section; when, on motion of Mr. Chamberlin, the further consideration of the bill was postponed.

On motion of Mr. Green, the Senate adjourned.

JOHN MCDOUGALL,
Lieutenant Governor and President of the Senate.

J. F. HOWE, Secretary of the Senate.

IN SENATE.

TUESDAY, *February* 12, 1850.

The Senate met, pursuant to adjournment.

Prayer by Rev. Mr. Briarly.

The Journal of Monday was read and approved.

Mr. Woodworth submitted a joint resolution, directing the Surveyor General to report, at an early day, a scale of distances from the Capitol to the residence of each member or officer entitled to mileage, which was laid over under the rules.

The bill entitled "An Act to regulate practice in the Courts of Record, of the State of California, in Civil Actions," was taken up on second reading, and without further action thereon, was again postponed.

Mr. Woodworth, on leave, introduced a bill, entitled "An Act concerning limited partnerships," which was read the first time, and referred to the Committee on the Judiciary.

On motion of Mr. Heydenfeldt, the message of the Governor, returning with his objections the bill, entitled "An Act to incorporate the City of Los Angeles," was taken up, on reconsideration, and the question being, "Shall the bill pass notwithstanding the objections of the Governor?"

On motion of Mr. Broderick, the further consideration of the same was postponed, and it was made the special order for to-morrow.

Mr. Robinson, from the Committee on Engrossed Bills, reported that the Committee had examined, and found to be correctly engrossed, bill entitled "An Act to provide for the superseding of certain courts, for the transfer of causes, for the hearing of appeals in certain cases, and for other purposes."

Mr. Crosby, for Mr. Bassham, Chairman of the Committee on Enrolled Bills, reported that the committee, on yesterday, presented to

the Governor for his signature, "An Act to organize the Supreme Court of California," and "An Act to incorporate Sacramento City."

Mr. Crosby, from the Committee on Enrolled Bills, reported, that the committee had examined bill, entitled "An Act appropriating money out of the general fund, to defray the expenses of the Government of the State of California," and found the same to be correctly enrolled.

Mr. Green submitted a resolution, that,

WHEREAS the Hon. Mr. Taylor, Senator from San Joaquin, is understood to have sailed for the Atlantic States, and

WHEREAS it is of great importance to the State of California, that said Senator's place be filled, therefore it is the sense of the Senate that the rule should be applied to said Senator, without any reflection upon his character.

On motion of Mr. Douglass, the resolution was amended, by inserting after the words "Atlantic States," in the fourth line of the resolution, the words "and to have left his resignation with some person unknown," and the question then being on the adoption of the resolution as amended, it was decided in the negative.

Mr. Heydenfeldt moved that the Fortieth Standing Rule of the Senate be rescinded.

Mr. Broderick moved to lay the motion of Mr. Heydenfeldt on the table, and the question was decided in the affirmative.

A Message was received from the Assembly, by Mr. Tharp, their Clerk, informing the Senate that they had passed a bill, entitled, "An Act to Organize the Court of Sessions."

Also, that the Speaker of the Assembly had signed a bill, entitled "An Act appropriating Money out of the General Fund to defray the Expenses of the Government of the State of California." Thereupon the President of the Senate signed the last named bill.

Mr. Vermeule gave notice that he would, on to-morrow, or some future day, ask leave to introduce a Resolution, declaratory of the sense of the Senate in relation to the appointment of members of the Legislature to office.

On motion of Mr. de la Guerra, the Senate adjourned.

JOHN MCDOUGALL,

Lieutenant Governor and President of the Senate.

J. F. HOWE, Secretary of the Senate.

IN SENATE.

WEDNESDAY, *February* 13, 1850.

The Senate assembled, pursuant to adjournment.

Prayer by Rev. Mr. Douglass.

The journal of Tuesday was read and approved.

Mr. Chamberlin, from the Committee on Commerce and Navigation, submitted a Report in writing, accompanied by bills, entitled "An Act regulating Quarantine Vessels at the Port and Harbor of San Francisco;" "An Act providing for the Erection of a Marine Hospital in or adjacent to the City of San Francisco;" and "An Act creating Officers of Health for the City and Port of San Francisco, and defining their Duties." The Report was read and adopted, and five hundred copies ordered to be printed, and the Secretary directed to procure a list of the Senators and Representatives in the Congress of the United States, and cause a printed copy of the Report to be forwarded to each. The bills were generally read the first time, and ordered to a second reading. (See Appendix P.)

Mr. de la Guerra, from the Joint Select Committee on the Examination of Applicants for the Office of State Translator, made a Report in writing, accompanied by a series of Joint Resolutions, rescinding that portion of a former Joint Resolution, which required the Legislature to go into an election of State Translator on the 13th instant, authorizing the employment of Mr. William Lowrie until a State Translator shall be legally elected, and providing for the appointment of a Joint Committee to examine and correct, before they are printed, all laws or documents that shall be translated into the Spanish language, until a State Translator shall be elected. (See Appendix GG.) The Report was accepted, and the Resolutions considered, amended, and adopted, the Rules having been suspended for that purpose. Messrs. de la Guerra and Robinson were appointed as the Joint Committee provided for by the Third Resolution.

A Message was received from the Assembly, informing the Senate that they had passed the Joint Resolutions of the Senate in relation to the appointment of State Translator, with an amendment, striking out the Fourth Resolution. On motion, the Senate concurred in the amendment.

A message was received from the Assembly, informing the Senate

that they had passed a bill, entitled " An Act prescribing the mode of assessing and keeping the public revenue." A bill entitled " An Act concerning the revenue, funds, expenditures, and property of the State, and management thereof," and that the Governor had notified the Assembly that he had, on the 12th instant, signed bill, entitled " An Act appropriating money out of the general fund, to defray the expenses of the government of the State of California."

On motion of Mr. Douglass, it was

Resolved, That a Standing Committee be appointed to audit and control the contingent expenses of the Senate, to be called the " Committee on Expenditures." The President appointed, as such committee, Messrs. Bassham, Green, and Chamberlin.

Mr. Vermeule, agreeably to previous notice, submitted a joint resolution, declaratory of the sense of the Legislature, that no members of either branch should be appointed to any civil office of profit, during the session; and the question being on the adoption of the resolutions, the yeas and nays were demanded by Messrs. Chamberlin and Green, and resulted as follows :—

AYES.

Mr. Bassham,	Mr. Heydenfeldt,
Broderick,	Robinson,
Chamberlin,	Vallejó,
Crosby,	Vermeule,
De la Guerra,	Woodworth,
Douglass,	—11.

NAYS.

Mr. Green, Mr. Hope.—2.

So the resolutions were adopted.

Mr. Robinson gave notice that he would, at a future day, ask leave to introduce a bill in relation to the incorporation of Insurance Companies.

The bill " to incorporate the city of Los Angeles" was taken up, the question being " shall the bill pass, notwithstanding the objections of the Governor? The question was, by yeas and nays, decided in the affirmative as follows, Mr. Bassham having been excused from voting :—

AYES.

Mr. Broderick,
Chamberlin,
Crosby,
De la Guerra,
Douglass,
Green,
Mr. Hope,
Heydenfeldt,
Robinson,
Vallejó,
Woodworth,
—11.

NAYS.—None.

The Joint resolution yesterday submitted by Mr. Woodworth, directing the Surveyor General to report a scale of distances from the Capitol to the different residences of members of the Legislature, was taken up; amended, on motion of Mr. Robinson, so as to provide merely for the appointment of a Committee of three Senators, to ascertain and report the distances of the residences of Senators from the Capitol, by the usual travelled routes at the season of the year when the Legislature assembled; and, thus amended, the resolution was adopted. The President appointed, as such committee, Messrs. Woodworth, Green, and Douglass.

Bill from the Assembly, entitled "An Act to organize the Court of Sessions," was read first time, and referred to the Committee on the Judiciary.

Assembly bill, entitled "An Act authorizing a loan on the faith and credit of the State, to pay the expenses of the Civil Government thereof, and providing for the redemption of the same," was taken up, and made the special order for to-morrow.

Senate bill, to regulate practice in the Courts of Record, in civil cases, was taken up and made the special order for Friday, the 15th instant.

Mr. Hope gave notice that he would, at some future day, ask leave to introduce a bill concerning the municipal authorities of Los Angeles.

A letter was received from Mr. B. Dexter, presenting a flag to the Senate of California.

On motion of Mr. Green, the flag was accepted; and, on motion of Mr. Crosby, the Secretary was directed to present Mr. Dexter with the thanks of the Senate for his donation.

On motion of Mr. Woodworth, amended by Messrs. Robinson and

PROPERTY OF THE U. S. TREASURY

De la Guerra, the President was requested to have a flag-staff raised upon the Capitol, and that the flag presented by Mr. Dexter be displayed thereon during the daily sessions of the Legislature, to be hoisted for the first time on the 22d instant.

Mr. Chamberlin submitted a resolution, declaring, as the sense of the Senate, that Hon. Nelson Taylor, under the 40th rule of the Senate, has voluntarily forfeited his seat in this body ; and authorizing the President of the Senate, agreeably to said rule, now to take the Constitutional vote upon the question of declaring his seat vacant.

The resolution was adopted ; and the question being on declaring the seat of Mr. Taylor to be vacant, it was, by yeas and nays, decided in the negative, two thirds of the members present not voting in the affirmative.

Those who voted in the affirmative were—

Mr. Chamberlin	Mr. Heydenfeldt
Crosby	Robinson
Douglass	Vermeule
Green	Woodworth.—8

Those who voted in the negative were—

Mr. Bassham	Mr. Hope
Broderick	Vallejó
De la Guerra	—5

Mr. Green gave notice that he would, on Monday, introduce a resolution to expunge the fortieth rule.

Assembly bill, entitled "An Act concerning the revenue, funds, expenditure, and property of the State, and management thereof," was taken up, read the second time, the rules having been suspended for that purpose, and, on motion of Mr. Robinson, was amended by inserting after the word "paid" in the fourth line of second section, the words "in gold dust at $16 the ounce Troy, in gold and silver coin of the United States, or in foreign coin, at the rates recognised by the laws of the United States;" by striking out the word "Judges" in the seventh subdivision of section seventh, and substituting therefor the word "Justices;" on motion of Mr. Vermeule, by inserting, at the close of section seventh, as follows :—"*Provided*, That nothing contained in this

section shall be construed to prevent the Justices of the Supreme Court from receiving the first quarterly payments in advance;" on motion of Mr. Green, by substituting for the words "for every day's attendance," in the third and sixth lines of section ninth, the words "during the Session of the Legislature."

Mr. Crosby moved to amend, by inserting, at the close of section ninth, as an additional section, the following :—

"Sec. 10. The President *pro tempore* of the Senate, and the Speaker *pro tempore* of the Assembly, shall, while discharging the duties of those offices, be entitled to the per diem pay of the presiding officers of the Senate and Assembly."

On motion of Mr. Broderick, the Senate adjourned.

JOHN MCDOUGALL,
Lieut. Governor, and President of the Senate.

J. F. HOWE, Secretary of the Senate.

IN SENATE.

THURSDAY, *February* 14, 1850.

The Senate assembled, pursuant to adjournment.

Prayer by Rev. Mr. Briarly.

The journal of Wednesday was read and approved.

A message was received from the Governor, by Mr. Ryland, Private Secretary, informing the Senate that he had signed bill, originating in the Senate, entitled "An Act to organize the Supreme Court."

Mr. Woodworth, from the Select Committee, to whom was referred the resolution relative to Mileage, submitted a report in writing, which was read and adopted.

A message was received from the Assembly, informing the Senate that they had passed Senate Bill, entitled "An Act subdividing the State into Counties, and fixing the Seats of Justice therein, with amendments; also, Senate Bill, entitled "An Act to establish Pilots and Pilot Regulations for the Port of San Francisco, with an amendment; also, that they had passed a bill, entitled "An Act to regulate elections."

Mr. Hope, from the Committee of Conference on the disagreeing votes

of the two Houses, in relation to the first amendment of the Senate to the bill of the Assembly, entitled "An Act to provide for the incorporation of Towns," made a report in writing recommending that the Senate recede from their amendment.

Mr. Heydenfeldt submitted a resolution in relation to the removal of the Capital, which was read and referred to the Committee on Public Buildings and Grounds.

Mr. Robinson submitted a Joint Resolution, which was adopted, providing for an election, by the joint vote of the two Houses, of Clerk of the Supreme Court, on the 15th instant.

Mr. Crosby, from the Joint Committee on Enrolled Bills, reported, that the committee had, on the 12th instant, presented to the Governor, for his signature, bill, entitled "An Act appropriating money out of the General Fund, to defray the expenses of the Government of the State of California."

The special order of the day being the bill, entitled "An Act authorizing a loan on the faith and credit of the State to pay the expenses of the Civil Government thereof, and providing for the redemption of the same," was taken up, and, on motion of Mr. Bassham, was made the special order for Saturday.

Assembly bill, entitled "An Act concerning the revenue, funds, expenditure, and property of the State," was taken up, the question being on the motion of Mr. Crosby to insert the following new section, after section 9, as section 10: "The President *pro tempore* of the Senate, and the Speaker *pro tempore* of the Assembly, shall, while discharging the duties of those offices, be entitled to the per diem pay of the presiding officers of the Senate and Assembly;" which amendment was adopted.

On motion of Mr. Woodworth the bill was further amended, by inserting after the word "travelled," in line seven of the first subdivision of section 13, the words "at the season of the year when the Legislature is directed to convene."

Mr. Crosby moved to amend, by inserting, at the close of section 9th, the words "and the Lieutenant Governor shall be entitled to receive double the mileage allowed members of the Legislature." On this motion, the yeas and nays were demanded by Messrs. Heydenfeldt and Chamberlin, and resulted as follows:—

AYES.

Mr. Green—1.

NAYS.

Mr. Bassham	Mr. Hope,
Broderick,	Heydenfeldt,
Chamberlin,	Robinson,
Crosby,	Vallejó,
De la Guerra,	Vermeule,
Douglass,	Woodworth—12.

So the question was decided in the negative.

On motion of Mr. Chamberlin, the bill was further amended by inserting at the close of the first subdivision of section 13, as follows :—"And a like allowance for mileage shall be paid the Lieutenant Governor."

On motion of Mr. Robinson, by striking out the words "by law" in the first line of the 3d subdivision of section 13, and inserting at the end of the same subdivision the words "as fixed by each House respectively."

As amended, the bill was ordered to a third reading.

On motion, the amendments of the Assembly to Senate Bill, entitled "An Act subdividing the State into Counties, and establishing the Seats of Justice therein," were taken up, and severally concurred in.

On motion of Mr. Green, the Senate adjourned.

JOHN MCDOUGALL,

Lieut. Governor and President of the Senate.

J. F. HOWE, Secretary of the Senate.

IN SENATE.

FRIDAY, *February* 15, 1850.

The Senate assembled, pursuant to adjournment.

The Journal of Thursday was read and approved.

On motion of Mr. Heydenfeldt, Mr. Douglass was called temporarily to the Chair, the President *pro tempore* being absent, and for that reason excused, and the President being confined to his room by sickness.

Prayer by Rev. Mr. Douglass.

Mr. Woodworth, from the Select Committee on Mileage, asked and obtained leave to withdraw the report on the mileage of Senators, yesterday submitted.

Mr. Bidwell presented the petition of Charles White, praying the Legislature to pass an act authorizing the proper officers of State to pay one thousand dollars claimed by Caleb Lyons for the seal of the State, designed and executed by him, and now in possession of the Governor; which was referred to the Committee on Claims.

The bill to establish Pilots and Pilot Regulations for the Port of San Francisco, was taken up, and the amendment of the Assembly concurred in, viz:—striking out in the 20th section, from the words "shall be," in the third line, to the word "suspended," in the sixth line.

Assembly bill, entitled "An Act to regulate Elections," was taken up, and read the first and second times, the rules having been suspended for that purpose.

Assembly bill, entitled "An Act prescribing the mode of assessing and collecting the Public Revenue," was taken up, read the first time, and ordered to a second reading.

A message was received from the Assembly, informing the Senate that they had passed a bill, entitled "Act defining the amount of revenue to be collected to defray the expenses of the Government of the State of California for the year 1850;" that they had adopted the report of the Committee of Conference on the disagreeing vote of the two Houses, on the amendment of the Senate to the first section of the bill, entitled "An Act to provide for the incorporation of Towns;" that they had passed a bill, entitled "An Act to provide for the first County Election," a "Joint Resolution in regard to the Mails," and had refused to concur in the joint resolution of the Senate fixing the time for the election of Clerk of the Supreme Court.

The report of the Conference Committee, on the disagreeing votes of the two Houses, on the first amendment of the Senate to the bill, entitled "An Act to provide for the incorporation of Towns," was taken up and adopted.

Mr. Bidwell gave notice that he would, on to-morrow, ask leave to introduce a bill, amendatory of the "Act subdividing the State into counties and establishing the seats of Justice therein."

Bill from the Assembly, entitled "An Act to provide for the first

County Election," was taken up and read the first and second times, the rules, on motion of Mr. de la Guerra, having been suspended for that purpose.

On motion of Mr. Bassham, the bill was amended by striking out the first and second subdivisions of section 4th, and, on motion of Mr. de la Guerra, by striking out section 5th.

Thus amended, the bill was read the third time and passed, the rules, on motion of Mr. Robinson, having been suspended for that purpose.

The joint resolution from the House, "in regard to the Mails," was taken up, read three several times, and passed, the rules on motion of Mr. Heydenfeldt, having been suspended for that purpose.

Assembly bill entitled, "An Act defining the amount to be collected to defray the expenses of the Government of the State of California for the year 1850," was taken up, and read the first and second times; the rules, on motion of Mr. Green, having been suspended for that purpose.

Mr. Hope moved to strike out "fifty cents," in the 7th line of Section 1st, and insert therefor "twenty-five cents."

On this motion, the yeas and nays were demanded, by Messrs. Hope and De la Guerra, and resulted as follows:—

AYES.

Mr. Bassham	Mr. Hope
Bidwell	Vallejo
De la Guerra	—5.

NAYS.

Mr. Broderick	Mr. Heydenfeldt
Chamberlin	Robinson
Douglass	Vermeule
Green	—7.

So the question was decided in the negative.

The bill was then read the third time, and passed, the rules, on motion of Mr. Green, having been suspended for that purpose.

Assembly bill, entitled, 'An Act concerning the revenue, funds, expenditure, and property of the State, and management thereof," was taken up, and, as amended, was read the third time, and passed.

The special order of the day, being the bill "to regulate practice in the Courts of Record, in Civil Cases," was taken up, on second reading, and,

On motion of Mr. Heydenfeldt, the further consideration thereof was postponed until Friday, the 22d instant.

Mr. Robinson, from the Select Committee, to whom was referred Assembly bill, entitled, "An Act to exempt the Homestead and other property from forced sale in certain cases," made a Report, in writing, recommending sundry amendments. The Report was read and accepted, and,

On motion of Mr. Chamberlin, the bill and amendments were ordered to be printed.

Mr. Green, on leave, introduced a bill, entitled, "An Act dividing the State into Judicial Districts," which was read the first time, and referred to the Judiciary Committee.

On motion of Mr. Bassham, the Senate adjourned.

JOHN MCDOUGALL,
Lieutenant Governor and President of the Senate.

J. F. HOWE, Secretary of the Senate.

IN SENATE.

SATURDAY, *February* 16, 1850.

The Senate assembled, pursuant to adjournment.

On motion of Mr. Heydenfeldt, Mr. Douglass again took the Chair, the President being yet indisposed, and the President *pro tempore* declining to preside.

Prayer by Rev. Mr. Douglass.

Hon. Mr. Douglass, presiding temporarily, requested that Mr. Chamberlin, President *pro tempore*, then present, would take the Chair. Mr. Chamberlin declined, on the ground that doubts had been expressed as to the constitutionality of his election as permanent President *pro tempore*.

Mr. Green moved that the Senate proceed to an election of President *pro tempore;* whereupon, Mr. Chamberlin tendered his resignation as President *pro tempore*, which the Senate refused to accept.

The President *pro tempore* still insisting that his resignation should be accepted, on motion of Mr. Heydenfeldt, the vote by which the Senate had refused to accept the same, was reconsidered, and the resignation of Mr. Chamberlin, as President *pro tempore*, was accepted.

Mr. Robinson moved that the Senate proceed to the election of President *pro tempore*, and nominated Mr. Chamberlin for re-election. Mr. Chamberlin declined being a candidate; whereupon Mr. Heydenfeldt nominated Mr. Douglass.

The question being put, "Will the Senate now proceed to the election of a President *pro tempore?*" it was decided in the negative.

On motion of Mr. Broderick the election was postponed until Monday.

The Journal of Friday (Hon. David Douglass, of San Joaquin, presiding) was read and approved.

Mr. Bassham, from the Committee on Enrolled Bills, reported that the Committee had examined, and found to be correctly enrolled, bill, entitled "An Act subdividing the State into Counties, and establishing the Seats of Justice therein."

Assembly Bill, "Authorizing a Loan, on the Faith and Credit of the State, to pay the expenses of the Civil Government thereof, and providing for the Redemption of the same," was taken up, the question being on the adoption of the fourth amendment, proposed by the Finance Committee, as amended by Mr. Chamberlin, which was adopted.

Mr. Woodworth withdrew his amendment, previously submitted, to the First Section of the bill.

Mr. Crosby moved to amend the same section by striking out "seven hundred and fifty thousand," and inserting "one million;" and the amendment was adopted.

The fourth amendment, proposed by the Finance Committee, viz. "an additional section as Section 6th," being under consideration, Mr. Chamberlin moved to amend the same, in the fourth line, striking out "ten," and inserting "twenty," which was agreed to, and the section as amended was adopted.

On motion of Mr. Bassham, the original Sixth Section of the bill was amended, by inserting after the word "Treasurer," in the fifth line thereof, the words "and Comptroller;" and, on motion of Mr. Green, by striking out, at the close of the same section, the words "and

approved by the Legislature," and inserting therefor the words "and Comptroller."

On motion of Mr. Green, the original Fifteenth Section of the bill was amended, in the second line, by inserting after the words "gold and silver," the words "coin at the United States' value;" and, on motion of Mr. Bassham, in the third line of the same section, by striking out the words "at its current value," and inserting therefor the words "at $16 per ounce Troy."

On motion of Mr. Green, the Sixteenth Section was amended in the eleventh line, after the word "Treasurer," by inserting the words "and Comptroller."

On motion of Mr. Robinson, the Rules were suspended, and the bill, as amended, was read the third time. The question being then on its passage, the yeas and nays were demanded thereon by Messrs. Vermeule and Robinson, and resulted as follows:—

AYES.

Mr. Bassham	Mr. Crosby	
Bidwell	Green	
Broderick	Heydenfeldt	
Chamberlin	Vallejó	—8.

NAYS.

Mr. de la Guerra	Mr. Hope	
Douglass	Robinson	
Vermeule		—5.

So the bill was passed.

On motion of Mr. Green, the title of the bill was so amended as to read "An Act authorizing a Loan on the faith and credit of the State, to pay the expenses of the civil government thereof."

A message was received from the Assembly, by Mr. Tharp, their Clerk, informing the Senate that the Speaker had signed the bill, entitled "An Act subdividing the State into Counties, and establishing the Seats of Justice therein." The President of the Senate, Hon. John McDougall also signed the same bill, and the Secretary certified thereon, that it originated in the Senate.

A message was received from the Assembly, informing the Senate

that they had concurred in the second, fifth, sixth, seventh, and eighth amendments of the Senate to Assembly bill, entitled "An Act concerning the revenue, funds, expenditure, and property of the State, and management thereof;" and had non-concurred in the first, third, and fourth amendments; also, that the Assembly requested a Committee of Conference on the disagreeing votes of the two Houses thereon, and had appointed, on their part, Messrs. Tingley, Creaner, and Corey. Also, that the Assembly had passed a Joint Resolution in relation to the pay of Chaplains of the Legislature: also, a Joint Resolution, fixing Wednesday, the 20th inst., at 2 o'clock P.M., for the election by the Legislature of Clerk of the Supreme Court.

On motion, the Senate adhered to their amendments to the bill "concerning the revenue, funds, expenditure, and property of the State," and Messrs. Green, Robinson, and Heydenfeldt were appointed as the Committee of Conference on their part.

The Joint Resolution from the Assembly, fixing Wednesday, the 20th instant, as the time for an election, by the joint vote of the two Houses, of Clerk of the Supreme Court, was taken up, and adopted.

On motion of Mr. Crosby, the Senate adjourned.

JOHN MCDOUGALL,
Lieutenant Governor and President of the Senate.

J. F. HOWE, Secretary of the Senate.

IN SENATE.

MONDAY, *February* 18, 1850.

The Senate assembled, pursuant to adjournment, Hon. Mr. Douglass presiding.

Prayer by Rev. Mr. Briarly.

The Journal of Saturday was read and approved.

Mr. Robinson moved that the Senate now proceed to an election of President *pro tempore*, and the question was decided in the affirmative. Mr. Robinson nominated Mr. Chamberlin, stating that Mr. C. had withdrawn his objections to a re-election, and had consented to be a candidate for re-election.

On motion of Mr. Green, it was ordered that the President *pro tempore*

shall be elected for the remainder of the Session, and until January 1st, 1851; and that it shall be so entered upon the Journal.

The Secretary then proceeded to call the names of Senators, each member voting *vivâ voce*, when it appeared that Mr. Chamberlin received the votes of all the members present (Mr. Chamberlain not voting), and he was accordingly declare to be *unanimously* elected.

Those who voted for Mr. Chamberlin were—Messrs. Bassham, Bidwell, Broderick, Crosby, De la Guerra, Douglass, Green, Hope, Heydenfeldt, Robinson, Vallejó, and Woodworth—12.

Three Senators absent.

The President *pro tempore* having taking the chair,

Mr. Bassham, from the Committee on Enrolled Bills, asked the sense of the Senate as to the power of the committee to correct an error in the bill entitled "An Act subdividing the State into Counties, and establishing the Seats of Justice therein," the bill having already received the signature of the President of the Senate and Speaker of the Assembly, whereupon Mr. Green submitted a joint resolution, declaring it to be the sense of the Legislature that the Enrolling Committee has authority to change the word "North" in the title to the word "South," at the beginning of Santa Clara County boundary; and the question being on the adoption of the resolution, it was decided in the negative.

Mr. Crosby, from the Committee on the Judiciary, to whom had been referred the bill entitled "An Act dividing the State into Judicial Dis tricts," made a report in writing, recommending sundry changes therein.

The Report was accepted, when,

On motion of Mr de la Guerra, the bill and amendments were made the special order for to-morrow.

On motion of Mr. Woodworth, Mr. Heydenfeldt was granted leave of absence for to-day.

Mr. Douglass asked and obtained leave of absence for eight days from Saturday next.

Mr. Woodworth was granted leave of absence for one week from Thursday next.

Mr. Green gave notice that he would, on Monday, the 29th of March, ask leave of absence for the remainder of the session.

A message was received from the Assembly, by Mr. Tharp, their Clerk, informing the Senate that the Assembly had concurred in the report of the Committee of Conference on the disagreeing votes of the

two Houses, in reference to the bill entitled "An Act concerning the revenue, funds, expenditure, and property of the State." Also, that the Assembly had concurred in the amendments of the Senate to the bill entitled "An Act authorizing a Loan, on the faith and credit of the State, to pay the expenses of the civil government thereof."

Mr. Douglass submitted a resolution, declaring (under the 40th rule), the seat of Hon. Nelson Taylor, a Senator from San Joaquin, to be vacant, and requesting the Governor to take the necessary and lawful steps to fill such vacancy. And the question being on the adoption of the resolution, it was, by yeas and nays, decided in the affirmative, as follows :— :

AYES.

Mr. Bassham,	Mr. Green,
Bidwell,	Hope,
Broderick,	Robinson.
Chamberlin,	Vallejo,
Crosby,	Woodworth,
Douglass,	—11.

NAYS.—None.

Bill, entitled "An Act creating health officers for the city of San Francisco, and defining their duties," was read the second time; and, on motion of Mr. Chamberlin, was amended, in Section 3d, by inserting after the word "officer," in the first line thereof, the words "Resident Physician."

On motion of Mr. Robinson, by striking out Section 4th.

On motion of Mr. Chamberlin, by inserting, after the word "Board," in the third line of Section 10th, the words "and Commissioners of Health."

On motion of Mr. Broderick, by filling the blank in Section 11th with "thirty thousand dollars."

On motion of Mr. Robinson, by inserting after the word "Board," in the second line of Section 12th, the words "of Commissioners;" and by inserting a new section, after Section 15th, as Section 16th, viz. :—"The Assistant Health Commissioner shall perform the duties of Secretary to the Commissioners of Health, keep a correct journal of all their

proceedings, which shall at all times be subject to the inspection of the Board of Commissioners."

On motion of Mr. Broderick, by striking out the words " in the day time," in the third and fourth lines of the second subdivision of Section 19th.

On motion of Mr. Chamberlin, by striking out the words " within forty-eight hours," in the fifth line of subdivision second of Section 24th, and inserting therefor "immediately."

On motion of Mr. Robinson, by inserting after the word " fever," in the eighth line of Section 25th, the words, " or any malignant disease."

On motion of Mr. Broderick, by striking out all after the word " exceeding," in the 28th Section, to the end of the section, and inserting therefor the words " one thousand dollars."

On motion of Mr. Robinson, by striking out after the word " consignee," in the second line of Section 29th, the words " refusing or neglecting," and inserting therefor the words " wilfully or knowingly refuse or neglect."

On motion of Mr. Chamberlin, by striking out the words " five hundred," in the last line of the same section, and inserting therefor the words " one thousand."

On motion of Mr. Robinson, by inserting after the word " shall," in the second line of section 30th, the word " knowingly," and by striking out at the close of the same section, the words " fine and imprisonment," and inserting therefor the words " a fine not exceeding one thousand dollars, at the discretion of the Court."

On motion of Mr. de la Guerra, by striking out " five hundred," in the seventh line of Section 31st, and inserting therefor " not exceeding one thousand."

On motion of Mr. Robinson, by inserting after the word " shall," in the fourth line of Section 32d, the words " knowingly and wilfully ;" and by striking out, near the close of the same section, the words " five hundred dollars, or be imprisoned for a time not exceeding six months," and inserting therefor the words " one thousand dollars."

On motion of Mr. Crosby, by inserting a new section, as Section 33d; and, on motion of Mr. Robinson, by inserting a new section, as Section 34th.

On motion of Mr. Hope, the bill, as amended, was referred to a select

committee of three, to fill the blanks therein, and Messrs. Robinson, Broderick, and Woodworth. were appointed as such committee.

Mr. Bassham, from the Committee on Enrolled Bills, reported, that the committee had this day presented to the Governor, for his signature, bill, entitled " An Act subdividing the State into counties and establishing the seats of Justice therein."

The President *pro tempore* laid before the Senate a communication from the Ayuntamiento of Monterey, inclosing a series of resolutions adopted by that body, tendering the use of the public buildings of that city to the State, for five years, urging the passage of an act of incorporation, and in favor of making Monterey a Port of Entry, which were read, and the several portions thereof referred to the appropriate Standing Committees.

Mr. Green, from the Joint Committee of Conference on the bill, " concerning the revenue, funds, expenditure, and property of the State, and management thereof," made a report in writing, recommending that the Assembly concur in the Senate's amendment to the eighth section, and that the Senate recede from the two other amendments constituting the subject of difference between the two Houses, and the report was adopted.

Mr. Bassham, from the Joint Committee on Enrolled Bills, reported that the committee had examined, and found to be correctly enrolled, bill, entitled "An Act defining the amount of revenue to be collected to defray the expenses of the Government of the State of California, for the year 1850."

On motion of Mr. de la Guerra, the Senate adjourned.

E. KIRBY CHAMBERLIN,
President *pro tempore* of Senate.

J. F. HOWE,
Secretary of the Senate.

IN SENATE.

TUESDAY, *February* 19, 1850.

The Senate assembled, pursuant to adjournment, the President *pro tempore* in the Chair.

Prayer by Rev. Mr. Douglass.

The Journal of Monday was read and approved.

A message was received from the Governor, by Mr. Ryland, his private Secretary, informing the Senate that he had, on yesterday, signed bill, originating in the Senate, entitled "An Act subdividing the State into counties and establishing the seats of Justice therein."

A message was received from the Assembly by Mr. Tharp, their Clerk, informing the Senate that they had non-concurred in the amendments of the Senate to the bill of the Assembly, entitled "An Act to provide for the first County Election," and requesting a Committee of Conference thereon, having appointed as such committee thereon, Messrs. Crittenden, Tingley, and Ogier.

On motion of Mr. Green, the Senate adhered to their amendments, and agreed to the request of the Assembly for the appointment of a Committee of Conference. The President *pro tem.* appointed, as such committee, Messrs. Green, Douglass, and Broderick.

The message further informed the Senate, that the Speaker of the Assembly had signed bill, entitled "An Act defining the amount of revenue to be collected, to defray the expenses of the Government of the State of California for the year 1850," and a "Joint resolution in regard to the Mails." These two last named bills were also each signed by the President of the Senate, Hon. John McDougall.

The message further informed the Senate that the Assembly had *not* passed the bill originating in the Senate, entitled "An Act to incorporate the City of Los Angeles," by the constitutional majority of two thirds, as required in cases of non-approval by the Governor. Also, that the Assembly had passed a "bill to provide for the incorporation of cities."

Mr. Broderick, from the Committee on Commerce and Navigation, reported a bill "To regulate the duties of Harbor Master of the Port of San Francisco, and for other purposes," which was read the first time, and ordered to a second reading.

Mr. Bidwell, from the Committee on Corporations, to whom were referred the petition of Wm. May and others, made a report in writing, adverse to the prayer of the petitioners, which was read and adopted.

Mr. Bidwell gave notice that he would, on to-morrow, ask leave to introduce a bill providing for the incorporation of companies, &c.

Bill from the Assembly, entitled "An Act to provide for the incorpo-

ration of Cities," was taken up, read the first time, and, on motion of Mr. Broderick, referred to the Committee on Corporations.

Mr. Broderick, pursuant to previous notice, asked, and obtained leave to introduce a bill, entitled "An Act to charter the City of San Francisco," which was read the first time, and referred to the Committee on Corporations.

Mr. Green submitted a Joint Resolution, which was referred to the Committee on Privileges and Elections, for the appointment of a Joint Select Committee to bring in a bill to form new Senatorial and Representative Districts, based upon the law subdividing the State into Counties.

Mr. Bidwell, on leave, introduced a bill, entitled "An Act amendatory of sections 8, 9, 10, 12, 13, 14, 15, 19, 20, 21, 22, and 23, of the act, entitled "An Act subdividing the State into Counties and establishing the Seats of Justice therein," which was read the first time, and referred to a Select Committee, consisting of Messrs. Bidwell, Heydenfeldt, Green, and Crosby.

Joint Resolutions of the Assembly, in relation to the pay of Chaplains of the Legislature, was read first time; and, on motion of Mr. Broderick, referred to the Committee on Claims.

Senate Bill, entitled "An Act to organize the District Courts of the State of California," was taken up, and read the second time.

On motion of Mr. Crosby, it was ordered that the bill, and that entitled "An Act dividing the State into Judicial Districts," be considered at the same time.

On motion of Mr. Woodworth, the first section of the bill was amended, in the first subdivision, by filling the blank with "San Diego and Los Angeles." The second Judicial District was made to consist of the Counties of Santa Barbara and San Luis Obispo. The third Judicial District was made to consist of the Counties of Branciforti, Santa Clara, Contia Costa, and Monterey. The fourth Judicial District was made to consist of the County of San Francisco. The fifth Judicial District was made to consist of the Counties of Calavares, Tuolume, San Joaquin, and Mariposa. The sixth Judicial District was made to consist of the Counties of Sacramento and Eldorado. The seventh Judicial District was made to consist of the Counties of Marin, Sonoma, Nassa, and Mendocino. The eighth Judicial District was made to consist of the Counties of Yolo, Sutter, and Yuba. The ninth Judicial

District was made to consist of the Counties of Bute, Colusi, Trinity, and Shasta.

On motion of Mr. Robinson, the fourth section of the original bill was amended, by inserting after the words "and been," in the third line, the words "a citizen of the United States and."

On motion of Mr. Crosby, the 16th section of the same bill was amended, by inserting after the word "consanguinity," the words "or who shall have been the presiding judge on the trial of the same cause of action in any court heretofore existing."

On motion of Mr. Robinson, the same section was amended, by adding, at the close, the following: Provided, that either party to the suit shall make objection for either of the causes enumerated in this section.

On motion of Mr. Green, Section 29 was amended, by substituting the word "three" for the word "two," in the third line thereof; and,

On motion of Mr. Hope, by substituting the word "three" after the word "attend," and the word "fourth" for the word "third" in the fourth line, and the word "three" for the word "two," in the fifth line of the same section.

On motion of Mr. Robinson, Section 34th of the same bill was stricken out.

On motion of Mr. Douglass, the blank in the first clause of Section 1st of the same bill, was filled with the word "nine;" and, thus amended, the bill was read the third time and passed, the rules, on motion of Mr. Green, having been suspended for that purpose.

Mr. Hope asked, and obtained leave of absence, for eight days from Saturday next.

Mr. Bassham, from the Committee on Enrolled Bills, reported, that the committee had examined, and found to be correct, enrolled bill, entitled, "An Act to establish Pilots and Pilot Regulations for the Port of San Francisco."

On motion of Mr. Green, the Senate adjourned.

E. KIRBY CHAMBERLIN, President *pro tempore.*

J. F. HOWE, Secretary of the Senate.

IN SENATE.

WEDNESDAY, *February* 20, 1850.

The Senate assembled, pursuant to adjournment.

Prayer by Rev. Mr. Briarly.

The Journal of Tuesday was read and approved.

Mr. Bassham, from the Committee on Enrolled Bills, reported, that the committee had examined and found to be correctly enrolled, bills, entitled, "An Act authorizing a loan on the faith and credit of the State, to pay the expenses of the Civil Government thereof," and "An Act concerning the revenue, funds, expenditures, and property of the State, and management thereof."

Mr. Vallejó presented the petition of members of the Sonoma bar, recommending Robert Hopkins for the office of District Judge of that district, which was read and referred to the Committee on Privileges and Elections.

On motion of Mr. Woodworth, it was

Ordered, That the communication heretofore presented by him be transmitted to the Assembly.

Mr. Vallejó, from the Committee on Claims, to whom had been referred the petition of Charles White, made a Report, in writing, accompanied by a bill providing for the payment of his claim. The Report was accepted, and the bill was read three several times and passed, the rules having been suspended for that purpose.

A message was received from the Assembly, by Mr. Tharp, their Clerk, informing the Senate that they had passed bills, entitled "An Act concerning Coroners," "An Act to regulate proceedings in Courts of Justices of the Peace in civil cases," and "A Joint Resolution in relation to the appointment of Members of the Legislature to office;" and that the Speaker of the Assembly had signed bills, entitled "An Act concerning the revenue, fund, expenditure, and property of the State, and management thereof;" "An Act to establish Pilots and Pilot Regulations for the Port of San Francisco;" and "An Act authorizing a loan, on the faith and credit of the State, to pay the expenses of the Civil Government thereof." The President of the Senate also signed the three last named bills; and the Speaker certified upon that "to Pilots and Pilot Regulations for the Port of San Francisco," that it originated in the Senate.

Mr. Vallejó, from the Committee on Claims, to whom had been referred the bill, entitled "An Act for the remuneration of E. O. Crosby," made a report in writing, which was read; when, on motion of Mr. Green, the bill and accompanying papers were recommitted to a select committee, consisting of Messrs. Broderick, Robinson, and Bidwell.

On motion of Mr. Robinson, the blank in the accounts of William McDaniels, heretofore allowed by the Senate, was filled with the words "Sixteen dollars per day."

Mr. Chamberlin, from the Committee on Privileges and Elections, to whom was referred the joint resolution in reference to the formation of new Senatorial Districts, made a report in writing, which was accepted, and the resolution adopted. (See Appendix HH.)

Mr. Robinson, from the Select Committee, to whom was referred the bill "creating Officers of Health for the Port of San Francisco," with instructions to fill the blanks in the 15th, 16th, and 18th sections thereof, made a report, in conformity with such instructions, which was received, amended, and adopted. On the question of filling the second blank in section 16th, with the word "twenty," the yeas and nays were demanded by Messrs. Robinson and Bassham, and resulted as follows:—

AYES.

Mr. Bidwell	Mr. Douglass
Broderick	Green
Chamberlin	Hope
Crosby	Heydenfeldt.—8

NAYS.

Mr. Bassham	Robinson
De la Guerra	Woodworth.—4.

On the question of filling the third blank in the same section with the word "sixteen," the yeas and nays were demanded by Messrs. Robinson and Bassham, and resulted as follows:—

AYES.

Mr. Broderick	Mr. Green
Chamberlin	Hope
Crosby	Heydenfeldt.—6.

NAYS.

Mr. Bassham	Mr. Douglass
Bidwell	Robinson
De la Guerra	—5.

On the question of filling the fourth blank of section 16th with the word "ten," the yeas and nays were demanded by Messrs. Robinson and Bassham, and resulted as follows :—

AYES.

Mr. Broderick	Mr. Green
Chamberlin	Hope
Crosby	Heydenfeldt
Douglass	—7.

NAYS.

Mr. Bassham	Mr. de la Guerra
Bidwell	Robinson —4.

On motion of Mr. Green, the rules were suspended, and the motion, as amended, was ordered to a third reading ; and the question being on its passage, the yeas and nays were demanded by Messrs. Bassham and Chamberlin, and resulted as follows :—

AYES.

Mr. Broderick	Mr. Hope
Chamberlin	Heydenfeldt
Crosby	Robinson
Douglass	Vallejó
Green	—9.

NAYS.

Mr. Bassham Mr. de la Guerra—2.

Mr. Green, from the Committee of Conference on the disagreeing votes of the two Houses, on the bill entitled "An Act to provide for holding the first County Election," made a report in writing, recommending that the Senate recede from their amendment, and that the 4th section of the act be amended by striking out the words "Santa

Clara," and inserting therefor "San Joaquin." The consideration of the report was postponed.

Mr. Bidwell, on leave, introduced a bill, entitled "A General Corporation Act, relating to all Associations other than those for Municipal Purposes," which was read the first time, and referred to the Committee on Corporations.

Bill from the Assembly, entitled "An Act to Regulate Proceedings in Courts of Justices of the Peace, in Civil Cases," was taken up, read the first time, and referred to the Committee on the Judiciary.

Also, Assembly Bill, entitled "An Act concerning Coroners."

Mr. Broderick gave notice that he would, on some future day, introduce a bill regulating the duties of Public Administrator in San Francisco.

On motion of Mr. Green, the Senate took a recess until 5 minutes before 2 P.M.

On re-assembling, a Message was received from the Assembly by Messrs. Stephens and Patterson, Committee, inviting the Senate to meet the Assembly in Convention, agreeably to the Joint Resolution of the two Houses on that subject, to go into an election of Clerk of the Supreme Court. The Senate accordingly proceeded in a body to the Hall of the Assembly.

IN CONVENTION.

Hon. E. Kirby Chamberlin, President *pro tempore* of the Senate, presided.

Mr. Douglass was appointed Teller on the part of the Senate, and Mr. Per Lee on the part of the Assembly.

On motion of Mr. Broderick, it was

Resolved, That the sense of the Legislature be now taken as to what shall constitute an election, a majority or a plurality.

On motion of Mr. Heydenfeldt, it was resolved, as the sense of the Convention, that in all elections by the Legislature, a majority of the votes of all the Members present is necessary to the election of any candidate.

Mr. Vermeule nominated Bela Dexter.

Mr. Per Lee nominated Wm. G. Marcy.

Mr. Moore nominated Jno. M. Muscatt.

Mr. Crittenden nominated E. H. Tharp.

The Secretary of the Senate proceeded to call the names of the Senators, and the Clerk of the Assembly to call the names of the members of that body, each Senator and Representative voting *vivâ voce*, when the Tellers reported the whole number of votes given to be 39. Necessary to a choice 20.

Of which	Mr. Dexter	received . . .	8 votes.
„	Mr. Marcy	„ . . .	7 „
„	Mr. Muscatt	„ . . .	2 „
„	Dr. Johnson	„ . . .	1 „
„	Mr. Tharp	„ . . .	21 „

Those who voted for Mr. Dexter were—Messrs. Bassham, Bidwell, Vallejó, and Vermeule, of the Senate; Messrs. Gray, Patterson, Scott, and Stewart, of the Assembly—8.

Those who voted for Mr. Muscatt were—Messrs. Ogier and Tefft of the Assembly—2.

Those who voted for Mr. Marcy were—Messrs. Chamberlin, Crosby, and Woodworth, of the Senate; Messrs. Clarke, Moore, and Per Lee, of the Assembly—8.

Mr. Heydenfeldt, of the Senate, voted for Dr. Johnson—1.

Those who voted for Mr. Tharp were—Messrs. Broderick, De la Guerra, Douglass, Green, and Robinson, of the Senate; Messrs. Baldwin, Bigler, Bradford, Brown, Cardwell, Corey, Covarubias, Crittenden, Hughes, Moorehead, Stevens, Stowell, Tingley, Walthall, Watson, and Williams, of the Assembly—21.

So Mr. E. H. Tharp, having a majority of all the votes given, was declared by the President of the Convention to be elected Clerk of the Supreme Court, until his successor shall have been duly qualified.

And then the President declared the Convention adjourned *sine die*, and the Senate returned to the Senate Chamber.

The Senate, on motion of Mr. Green, adjourned.

E. KIRBY CHAMBERLIN,
President *pro tempore*.

J. F. HOWE, Secretary of the Senate.

IN SENATE.

THURSDAY, *February* 21, 1850.

The Senate assembled, pursuant to adjournment. The Lieutenant Governor presiding.

Prayer by Rev. Mr. Douglass.

The Journal of Wednesday was read and approved.

Mr. Robinson, from the Committee on Engrossed Bills, reported that the Committee had examined, and found to be correctly engrossed, "An Act for the remuneration of Charles White."

Mr. Bidwell, from the Committee on Corporations, to whom had been referred the memorial of the Ayuntamiento of Monterey, of February 2, 1850, with the bill to incorporate the City of Monterey, with the accompanying papers, made a report in writing, recommending the passage of the bill with sundry amendments.

Mr. Bassham, from the Committee on Enrolled Bills, reported that they had this day presented to the Governor, for his signature, bills, entitled "An Act to authorize a Loan, on the faith and credit of the State, to pay the expenses of the Civil Government thereof;" "An Act concerning the revenue, funds, expenditures, and property of the State, and management thereof;" "An Act defining the amount of revenue to be collected to defray the expenses of the Government of the State of California, for the year 1850;" and, "An Act to establish Pilots, and Pilot Regulations, for the Port of San Francisco."

Mr. Hope was excused, at his own request, from further service on the Committee on Public Schools.

Mr. Hope submitted a resolution in reference to the timepiece of the Senate, which was read, and laid over, under the rules.

The President laid before the Senate the proceedings of a meeting of citizens of Sacramento City in opposition to the charter granted by the Legislature to that City which was read and laid on the table.

Mr. Broderick was appointed a member of the Committee on the Judiciary; Mr. Heydenfeldt was appointed Chairman of the Committee on the Militia; and Mr. Broderick was appointed Chairman of the Committee on Public Schools.

Mr. Green, on leave, introduced "A Joint Resolution regulating the elections in the Senate and Assembly on Joint Ballot;" which was read

three times, and passed, the rules having been suspended for that purpose.

Mr. Chamberlin, from the Committee on Privileges and Elections, to whom was referred the petition of H. T. Green and others, made a report in writing, which was received and adopted.

Mr. Bidwell submitted a Joint Resolution, which was adopted, authorizing Hon. S. E. Woodworth to transport the State Archives from Monterey to the Capitol, and deliver the same to the Secretary of State.

Messrs. Chamberlin of San Diego, De la Guerra of Santa Barbara, Woodworth of Monterey, Bassham of San José, Broderick of San Francisco, Vallejó of Sonoma, Green of Sacramento, and Douglass of San Joaquin, were appointed on the Committee as the part of the Senate, under the Joint Resolution, yesterday adopted, in relation to the formation of new Senatorial and Representative Districts.

A bill entitled "An Act regulating the quarantine of vessels at the Port and Harbor of San Francisco," was taken up, amended, read the first time and passed, the rules having been suspended for that purpose."

A message was received from the Assembly by Mr. Orr, Assistant Clerk, informing the Senate that they had appointed Mr. John Nugent, Clerk, in place of Mr. E. H. Tharp, resigned.

Mr. Broderick submitted a resolution, which was adopted, authorizing the President of the Senate to cause the earliest transmission of all mail matter for the members of the Senate, from San Francisco, the expense to be paid from the contingent fund of the Senate.

On motion of Mr. Heydenfeldt, it was ordered, that when the Senate adjourn, it adjourn to meet again at the regular time on Monday next.

On motion of Mr. Heydenfeldt, the Senate took a recess for fifteen minutes.

On re-assembling, Mr. Heydenfeldt submitted the following resolution, which, on motion of Mr. Crosby, was laid on the table, viz. :—

Resolved, That the Page of the Senate be required to perform the duties devolving on the Sergeant-at-Arms, until the said officer resumes his duties; and that said Page be paid, in addition to his present salary, five dollars per day for such services, to be deducted out of the pay of the Sergeant-at-Arms.

A message was received from the Assembly, by Mr. Nugent, their Clerk, informing the Senate that they had passed Senate Bill, entitled

"An Act to provide for the superseding of certain Courts, the transfer of causes, &c," with sundry amendments.

On motion of Mr. Crosby, the amendments were concurred in.

Mr. Robinson submitted a resolution providing for evening sessions of the Senate; and, the question being taken on the adoption thereof, it was decided in the negative.

On motion of Mr. Bassham, the Senate adjourned.

JOHN MCDOUGALL,
Lieutenant Governor and President of the Senate.

J. F. HOWE, Secretary of the Senate.

IN SENATE.

MONDAY, *February* 25, 1850.

The Senate assembled, pursuant to adjournment; the President *pro tempore* in the Chair.

Prayer by Rev. Mr. Briarly.

The journal of Thursday was read and approved.

A message was received from the Governor, by Mr. Ryland, Private Secretary, informing the Senate that he had signed bill, entitled "An Act to establish Pilots and Pilot Regulations in the Port of San Francisco."

A message was received from the Assembly, by Mr. Nugent, their Clerk, informing the Senate that the Governor had notified the Assembly, that he had signed bill, entitled "An Act defining the amount of revenue to be collected to defray the expenses of the Government of the State of California, for the year eighteen hundred and fifty;" also, that the Assembly had passed "A Joint Resolution of the Senate in relation to the formation of new Senatorial Districts," with an amendment, inserting after the word "Districts," in the fifth line, the words "except from the Districts of Sacramento and San Joaquin, from which districts there shall be two appointed."

On motion, the amendment was concurred in.

Mr. Vallejó, from the Committee on Claims, to whom had been referred the Joint Resolution of the Assembly in relation to the compensation of Chaplains of the Legislature, recommended the adoption of

the resolution on their amendment. The report was accepted, and the resolution, on motion of Mr. Green, was amended, by striking out "eight dollars," and inserting therefor "sixteen dollars;" and, thus amended, the resolution was adopted.

Mr. Bassham, from the Committee on Expenditures, submitted a report in writing, recommending the payment of several accounts, as stated therein, which was read and adopted.

Mr. Broderick from the Select Committee, to whom had been referred the memorial of E. O. Crosby, made a report in writing, accompanied by a bill for the remuneration of Mr. Crosby for services performed and expenses incurred as Prefect of Sacramento City, which report was accepted. The bill was read the first and second times, amended, read the third time, and passed; the rules having been suspended for that purpose.

A message was received from the Assembly, by Mr. Nugent, their Clerk, informing the Senate, that the Governor had signed bill, entitled "An Act concerning the revenue, funds, expenditures, and property of the State, and management thereof;" also, that the Assembly had passed bills, entitled "An Act concerning the salaries of officers;" "Authorizing the Clerk of the Supreme Court to rent a Court Room in the City of San Francisco;" and "An Act to authorize the formation of limited partnerships;" also, that the Assembly had adopted the report of the Committee of Conference on the disagreeing votes of the two Houses, in relation to the bill to provide for the holding of the first County elections."

Assembly Bill to authorize the Clerk of the Supreme Court to rent a room in San Francisco, for the service of the Court, was taken up, read first and second times, amended by the addition of a proviso, limiting the rent of the same to one thousand dollars per month, and, thus amended, was read the third time, and passed, the rules having been suspended for that purpose.

Bill from the Assembly "concerning the salaries of officers," was taken up, read first time, and ordered to second reading.

The report of the Conference Committee, on the part of the Senate, on the disagreeing votes of the two Houses on the bill providing "for the holding of the first County Elections," was taken up; when, on motion of Mr. Green, the report was withdrawn, and a second conference on the same subject was requested by the Assembly. Mr. Heydenfeldt was

appointed by the President *pro tempore*, to fill the vacancy on the Committee, on the part of the Senate, occasioned by the absence of Mr. Douglass.

Mr. Robinson, from the Committee on Engrossed Bills, reported that the committee had examined, and found to be correctly engrossed, bills, entitled, "An Act to organize the District Courts of the State of California;" "An Act creating Officers of Health for the City and Port of San Francisco, and defining their duties;" and "An Act regulating the Quarantine of Vessels at the Port and Harbor of San Francisco."

The resolution submitted by Mr. Hope, in relation to the timepiece of the Senate-Chamber, was taken up, and, on motion of Mr. Heydenfeldt, was indefinitely postponed.

Assembly bill "to authorize the formation of limited partnerships," was read first time, and referred to the Committee on the Judiciary.

Senate bill, entitled, "An Act to provide for the erection of a Marine Hospital, in or adjacent to the City of San Francisco," was taken up, on second reading, amended, read the third time and passed, the rules having been suspended for that purpose.

On motion, the amendment of the Assembly to the joint resolution of the Senate, in relation to the formation of new Senatorial and Representative Districts, was taken up, and concurred in.

The special order of the day being Senate bill, entitled, "An Act to regulate Practice in the Courts of Record of the State of California, in Civil Cases," was taken up, on second reading, and after some time spent in the consideration thereof,

On motion of Mr. Lippincott, the Senate took a recess until 4 P.M.

On re-assembling, a quorum not being present, Mr. Heydenfeldt moved a recess until 7 P.M., which was decided in the negative.

On motion of Mr Heydenfeldt, the Senate adjourned.

E. KIRBY CHAMBERLIN, President *pro tempore*.

J. F. HOWE, Secretary of the Senate.

IN SENATE.

TUESDAY, *February* 26, 1850.

The Senate assembled, pursuant to adjournment.

Prayer by Rev. Mr. Douglass.

The President *pro tempore* announced, that there were not present a quorum of members; whereupon,

On motion of Mr. Heydenfeldt, who stated that three Senators were confined by sickness to their rooms, the Senate adjourned.

E. KIRBY CHAMBERLIN, President *pro tempore.*

J. F. HOWE, Secretary of the Senate.

IN SENATE.

WEDNESDAY, *February* 27, 1850.

The Senate assembled, pursuant to adjournment.

Prayer by Rev. Mr. Briarly.

The Journals of Monday and Tuesday were read and approved.

Mr. Lippincott presented two petitions from citizens of Stockton, requesting the election, by the Legislature, of Wm. D. Fair, Esq., as Judge of that Judicial District, which were read, and referred to the Committee on Privileges and Elections.

Mr. Bassham, from the Joint Committee on enrolled Bills, reported that the committee had examined, and found to be correctly enrolled, "An Act authorizing the Clerk of the Supreme Court to rent a room in the City of San Francisco;" a "Joint Resolution in relation to the pay of Chaplain of the Legislature;" and "An Act to supersede certain Courts, and to regulate appeals therefrom to the Supreme Court."

Mr. Crosby, from the Committee on the Judiciary, to whom had been referred the petition of John W. Dwinelle and others, residents of San Francisco, praying the adoption of the Civil Law, made a Report thereon, in writing, which was accepted; and, on motion of Mr. Heydenfeldt, five hundred copies thereof were ordered to be printed. (See Appendix O.)

Mr. Robinson, from the same committee, submitted the bill, heretofore reported by him and withdrawn, entitled "An Act in continuation of the act to regulate practice in the Courts of Record of the State of California," which was read the first time, and ordered to second reading.

Mr. Robinson, from the Committee on Engrossed Bills, reported that the committee had examined and found to be correctly Engrossed, bills,

entitled "An Act providing for the erection of a Marine Hospital in and adjacent to the city of San Francisco." "An Act for the remuneration of E. O. Crosby."

Mr. Bassham, Chairman of the Committee on Expenditures, submitted a report in writing, which was adopted, presenting sundry accounts against the Senate, and recommending their payment. Mr. Bassham, at his own request, was excused from further service on that committee, and Mr. Heydenfeldt was appointed in his place.

The President *pro tempore* appointed as additional members of the Joint Committee on the formation of New Senatorial and Representative Districts, Messrs. Crosby of Sacramento, and Lippincott of San Joaquin.

Mr. Bidwell, from the Committee on Corporations, to whom had been referred the bill, entitled "An Act to provide for the incorporation of Cities," reported the same, without amendment, with a recommendation that it be speedily passed. The report was accepted.

Senate Bill, entitled "An Act to regulate practice in the Courts of Record of the State of California, in civil actions," was again taken up, on second reading, further amended, and, as amended, was ordered to a third reading.

The President *pro tempore* laid before the Senate a communication from Hon. Thos. L. Vermeule, in reference to the destitute condition of a poor lunatic, wandering about the streets of San José, and urging the making of temporary provision for him by the Senate.

On motion of Mr. Green, it was

Resolved, That the President *pro tem.* of the Senate be authorized to expend out of the contingent fund of the Senate, any reasonable sum for the taking care of the destitute lunatic alluded to in the communication of Hon. Thos. L. Vermeule, until the proper authorities shall provide for such persons.

Messages were received from the Assembly, by Mr. Nugent their Clerk, as follows:—

HALL OF ASSEMBLY, *February* 27, 1850.

MR. PRESIDENT—

I am directed by the Assembly to inform the Senate that the Speaker of the Assembly did, on yesterday, sign a bill entitled "An Act authorizing the Clerk of the Supreme Court to rent a Court Room in the city of San Francisco," and a "Joint Resolution in relation to the

pay of Chaplains of the Legislature," which bill and joint resolution are herewith transmitted for the signature of the President of the Senate. Also, that the Speaker has appointed Messrs. Covarubias and Scott, a committee on the part of the Assembly, to act in conjunction with the committee appointed by the Senate, "to examine and correct, before they are printed, all laws or documents that shall be translated into the Spanish language, until a State Translator shall be elected." I am also directed to inform the Senate that the Assembly have passed Acts herewith transmitted, entitled as follows:—"A Bill defining the duties of State Librarian, and prescribing rules for the government of the State Library," "A Joint Resolution in relation to the removal of the Public Archives." Also, that the Assembly have had under consideration the Bill originating in the Senate, entitled "An Act restricting the duties and powers of the Prefects and sub-Prefects of the State of California," and have refused to pass said Act.

Also, that Messrs. Crittenden, Tingley, and Creaner, have been appointed a committee, on the part of the Assembly, to confer with a corresponding committee of the Senate, on the disagreeing votes of the two Houses, on the bill entitled "An Act providing for the holding of the first county election." Also, that the Assembly have appointed as a committee, on their part, under the "Joint Resolution of the Senate, in relation to the formation of new Senatorial and Representative Districts, Messrs. Witherby of San Diego, Covarubias of Santa Barbara, Per Lee of Monterey, Corey of San José, Clarke of San Francisco, Bradford, of Sonoma, Hughes and M'Kinstry of Sacramento, and Creaner and Moorehead of San Joaquin.

Also, that the Assembly have passed a bill, herewith transmitted, entitled an "Act defining the duties of State Printer, and fixing his compensation."

HALL OF ASSEMBLY, *February* 27, 1850.

MR. PRESIDENT—

I am directed by the Assembly to inform the Senate that the Assembly have passed a joint resolution, herewith transmitted, entitled "A Joint Resolution instructing the Secretary of State to furnish copies of the laws to the State Translator."

Also, that the Assembly have re-considered and passed, by the consti-

tutional majority, the bill originating in the Assembly (herewith transmitted), entitled "An Act to incorporate Sacramento City," which bill was disapproved by the Governor, and sent back to the Assembly, with his objections.

The President *pro tempore* of the Senate, signed bills, referred to in the former of the foregoing messages, "authorizing the Clerk of the Supreme Court to rent a Court Room in the City of Francisco," and the "Joint Resolution in relation to the pay of Chaplains of the Legislature."

The bill from the Assembly, returned to that body with the objections of the Governor,—the action of the Assembly upon which was this day communicated to the Senate, by message from the Assembly,—was, on motion of Mr. Green, taken up, and reconsidered.

The question then being, "Will the Senate pass the bill, the objections of the Governor thereto notwithstanding?" it was decided in the affirmative, by the constitutional majority, as follows:—

AYES.

Mr. Bassham	Mr. Green	
Broderick	Heydenfeldt	
Chamberlin	Robinson	
Crosby	Vallejo	
De la Guerra		9.

NAYS.

Mr. Bidwell	Mr. Lippincott	2.

On motion of Mr. Green, the Senate adjourned.

E. KIRBY CHAMBERLIN,
President *pro tempore* of the Senate.

J. F. HOWE, Secretary of the Senate.

IN SENATE.

THURSDAY, *February* 28, 1850.

The Senate assembled, pursuant to adjournment.

Prayer by Rev. Mr. Douglass.

The Journal of Wednesday was read and approved.

Mr. Crosby, from the Committee on Privileges and Elections, to whom was referred the petition of J. B. Clements and others, of San Joaquin, made a report in writing, recommending the petition to the serious consideration of the San Joaquin delegation; which was read and adopted.

Mr. Bidwell, from the Committee on Corporations, to whom had been referred the bill, entitled "An Act providing for the incorporation of Steam Navigation Companies," made a report in writing; which was read and adopted.

Mr. Heydenfeldt, from the Committee on Expenditures of the Senate, made a report in writing, that the Committee had examined sundry accounts, therewith presented. The report was read and adopted. Also, a report in favor of the allowance of the account of Mr. Bodeno, which was also adopted.

A message was received from the Assembly, by Mr. Nugent, their Clerk, as follows :—

HALL OF ASSEMBLY,
February 28, 1850.

MR. PRESIDENT,

I am directed by the Assembly to inform the Senate, that the Assembly have adopted the report of the Committee, appointed to confer with a corresponding Committee of the Senate, in reference to the disagreeing votes of the two Houses on the bill, entitled "A Bill to provide for holding the first County Election," which, together with the amendments reported by the Committee, and adopted by the Assembly, is herewith transmitted.

Also, that the Assembly have passed a Joint Resolution of the Senate, herewith transmitted, entitled "Concurrent Resolutions in relation to the Marine and Hospital Fund." I am also directed to inform the Senate, that the Speaker of the Assembly has signed a bill, entitled "An Act to supersede certain courts, and regulate Appeals therefrom to the Supreme Court," which bill is herewith transmitted for the signature of the President of the Senate.

AMENDMENTS REPORTED BY THE COMMITTEE OF CONFERENCE.

Insert after Sec. 5th, the following section.

Sec. 6th. "If in any County election, precincts be not established

according to the directions of this Act, the election may be held at any place or places where there are not less than thirty electors present, and it may be held without any notice given by the Prefect."

The numbers of the succeeding sections to be changed accordingly.

In the last section of the bill, strike out the concluding words, "for at least three weeks next preceding the day of election." Also strike out in this section the words "some newspaper," and insert in lieu thereof, "three newspapers."

JOHN NUGENT, Chairman of Assembly.

Joint resolution from the Assembly, instructing the Secretary of State to furnish copies of the laws to the State Translator, was taken up, read three several times, and passed; the rules, on motion of Mr. Crosby, having been suspended for that purpose.

Mr. Green, from the Committee of Conference on the disagreeing votes of the two Houses, on the bill to provide for the Holding of the First County Elections, made a report in writing, in conformity with that referred to in the preceding Message from the Assembly, which was read and adopted.

Bill from the Assembly, "Defining the Duties of State Printer, and Fixing his Compensation," was read the first time and referred to the Committee on State Printing.

Bill from the Assembly, "Defining the Duties of State Librarian, and Prescribing Rules for the Government of the State Library," was read the first time, and referred to the Committee on the State Library.

Bill from the Assembly increasing the salaries of officers, was taken up and amended by fixing the annual salary of Secretary of State at $8,000; of Treasurer of State at $9,000; of Attorney General at $5,000; of Surveyor General at $8,000; of the Governor's Private Secretary at $3,000; of the District Judges of the 1st and 2d Districts at $6,000; and all others at $8.000; of the Clerk of the Supreme Court at $3,000; and thus amended, the bill was read the third time, and passed, the rules having been suspended for that purpose.

Mr. Bassham, from the Committee on Enrolled Bills, reported that the Committee had this day presented to the Governor for his signature, bills, entitled, "An Act authorizing the Clerk of the Supreme Court to rent a room in the City of Francisco;" "An Act to supersede certain Courts, and regulate Appeals therefrom to the Supreme Court." "A

Joint Resolution in Relation to the Pay of Chaplains of the Legislature," and "A Joint Resolution Instructing the Secretary of State to furnish Copies of Laws to the State Translator."

On motion of Mr. de la Guerra, the Senate adjourned.

E. KIRBY CHAMBERLIN,
President *pro tempore.*

J. F. HOWE, Secretary of the Senate.

IN SENATE.

FRIDAY, *March* 1, 1850.

The Senate assembled, pursuant to adjournment.

Prayer by Rev. Mr. Briarly.

The journal of Thursday was read and approved.

A message was received from the Governor, informing the Senate that he had, on the 28th ultimo, signed bill entitled "An Act to supersede certain Courts, and regulate appeals therefrom to the Supreme Court."

Mr. Broderick, on leave, introduced a bill, entitled "An Act relating to the office and duties of Public Administrator of the City of San Francisco," which was read the first time, and referred to the Committee on the Judiciary.

Mr. Chamberlin, from the Committee on Public Printing, to whom had been referred the bill from the Assembly, "defining the duties of State Printer, and fixing his compensation," made a report in writing, recommending the passage of the same. The report was accepted, and the bill was read the second time. (See Appendix AA.)

Mr. Green moved to amend the bill, by inserting at the close of the last section, the words,

"*Provided*, That the whole public printing shall not exceed the sum of seventy-five thousand dollars for the year 1850."

On this amendment, the yeas and nays were demanded by Messrs. Green and Heydenfeldt, and resulted as follows :—

AYE.

Mr. Green —1.

NAYS.

Mr. Bassham	Mr. De la Guerra
Bidwell	Lippincott
Broderick	Heydenfeldt
Chamberlin	Vallejó
Crosby	—9.

So the question was decided in the negative.

On motion of Mr. Heydenfeldt, the vote by which the Senate yesterday passed Assembly bill, entitled "An Act concerning the salaries of officers," was reconsidered, and the amendment fixing the salary of District Judges was stricken out. Thus amended, the bill was again passed.

Mr. Heydenfeldt, from the Committee of Expenditure, made a report in writing, recommending the payment of sundry accounts therewith presented, which was read and adopted.

A message was received from the Assembly, informing the Senate that they had passed a bill, originating in the Senate, entitled "An Act declaring certain rivers herein named navigable," which bill embodies, with others additional, the provisions of various Senate bills herewith transmitted, severally entitled as follows :—"An Act to prevent obstructions in navigable streams ;" "An Act to declare the Tuolume River a navigable stream ;" "An Act declaring the San José de Guadalupe River a navigable stream ;" "An Act declaring the Sonoma, Napa, Petaluma, and Suisun Rivers navigable streams ;" "An Act to declare the Sacramento River a navigable stream."

Also, that the Assembly have passed bills, herewith transmitted, severally entitled as follows :—"An Act concerning the office of County Treasurer ;" "An Act to provide for the early publication of the laws of California ;" "An Act concerning the writ of Habeas Corpus."

Also, that the Speaker of the Assembly had this day signed Joint Resolution, instructing the Secretary of State "to furnish copies of the laws to the State Translator."

Also, that the Governor had this day notified the Assembly that he had signed "An Act authorizing the Clerk of the Supreme Court to rent a Court Room in the City of San Francisco," and a "Joint Resolution in relation to the pay of Chaplains of the Legislature."

Bill from the Assembly, entitled "An Act concerning the writ of

habeas corpus," was read the first time, and referred to the Committee on the Judiciary.

Assembly Bill, concerning the office of County Treasurer, was read the first time, and referred to the Committee on Finance.

Assembly Bill, entitled " An Act to provide for the early publication of the laws," was read the first time, and referred to the Committee on Printing.

Assembly Bill, entitled " An Act declaring certain rivers navigable," was read first time, and referred to the Committee on Commerce and Navigation.

Mr. Heydenfeldt, on leave, introduced a bill, entitled " An Act to incorporate the California Insurance Company," which was read first time, and referred to the Committee on Corporations.

Mr. Bassham, from the Committee on Enrolled Bills, reported that the committee had examined bill, entitled " An Act to provide for the holding of the first County election," and had found the same to be correctly enrolled.

On motion of Mr. Green, Assembly Bill, entitled " An Act prescribing the mode of assessing and collecting the public revenue," was taken up, on second reading, and several amendments thereto were proposed and adopted—when, on motion of Mr. Vermeule, the Senate took a recess until 7 P.M.

EVENING SESSION.

Mr. Vermeule gave notice that he would, on to-morrow, submit a resolution, requesting the Assembly to return to the Senate, bill, entitled " An Act defining the duties of State Printer, and fixing his compensation," with a view to the reconsideration of the Senate's action thereon.

The consideration of the bill, entitled " An Act prescribing the mode of assessing and collecting the Public Revenue," was resumed. The bill was further amended; and, as amended, was read the third time and passed, the rules having been suspended for that purpose.

A message was received from the Assembly, by Mr. Nugent their Clerk, informing the Senate that they had non-concurred in the amendments of the Senate to the bill of the Assembly, entitled " An Act concerning the salaries of officers."

On motion of Mr. Green, the Senate adhered to their amendments, and requested a Committee of Conference thereon. The President

pro tempore appointed, as such Committee on the part of the Senate, Messrs. Green, Heydenfeldt, and Crosby.

Assembly Bill, entitled "An Act to regulate elections," was taken up, on second reading, and several amendments were proposed thereto, and adopted; when, on motion of Mr. de la Guerra, the Senate adjourned.

E. KIRBY CHAMBERLIN, President *pro tempore.*

J. F. HOWE, Secretary of the Senate.

IN SENATE.

SATURDAY, *March* 2, 1850.

The Senate assembled, pursuant to adjournment.

Prayer by Rev. Mr. Douglass.

The Journal of Friday was read and approved.

Mr. Green, from the Committee on Finance, to whom had been referred Assembly bill, "concerning the office of County Treasurer," reported the same without amendments, and recommending its passage, the request was accepted.

Mr. Bassham, from the Committee on Public Printing, to whom had been referred the bill from the Assembly, entitled "An Act to provide for the early publication of the Laws," reported the same without amendment, and the report was accepted.

Mr. Heydenfeldt, from the Committee on Expenditure, reported, as correct, sundry accounts which had been submitted to the committee, and the report was adopted.

Mr. Bassham, from the Committee on Enrolled Bills, reported that the committee had yesterday presented to the Governor for his signature, "A Joint Resolution directing the Secretary of State to furnish copies of the laws to the State Translator." The report was accepted.

The bill, entitled "An Act to regulate Elections," was again taken up, further amended, and, as amended, was ordered to a third reading on Monday.

Mr. Vermeule, agreeably to previous notice, moved a suspension of the rules, to enable him to introduce a resolution requesting the return, by the Assembly, of the bill entitled "An Act defining the duties of

State Printer and fixing his compensation." The question was decided in the negative.

Mr. Broderick gave notice that he would, on Monday, move to take up the bill, entitled "An Act regulating the duties of Harbor Master of the Port of San Francisco, and for other purposes."

On motion of Mr. Broderick, Assembly bill, to "exempt from forced sale the homestead and other property, in certain cases," was taken up, amended, and, on motion of Mr. Heydenfeldt, the further consideration thereof was postponed for the present.

A message was received from the Assembly informing the Senate that Messrs. Walthall, Tefft, and Corey, had been appointed a committee on the part of the Assembly, to confer with a corresponding committee on the part of the Senate on the disagreeing votes of the two Houses, on the bill, "concerning the salaries of officers."

Also, that the Speaker of the Assembly had signed a bill, entitled "An Act to provide for holding the first County Election," which is herewith transmitted for the signature of the President of the Senate.

The President *pro tempore* of the Senate signed bill, referred to in the foregoing message, entitled "An Act to provide for the holding of the first County Elections.'

Bill from the Assembly, entitled "An Act to provide for the incorporation of Cities," was taken up on second reading, amended, and as amended, was read the third time and passed, the rules having been suspended for that purpose.

On motion of Mr. Green, it was

Ordered, That when the Senate adjourn, it will adjourn to Monday at 10 A.M.

On motion of Mr. Green, the Senate adjourned.

E. KIRBY CHAMBERLIN,
President *pro tempore.*

J. F. HOWE, Secretary of the Senate.

IN SENATE.

MONDAY, *March* 4, 1850.

The Senate assembled, pursuant to adjournment, the Lieutenant Governor presiding.

Prayer by Rev. Mr. Douglass.

There not being present a quorum of members, on motion of Mr. Chamberlin, the Senate took a recess until 11 A.M.

On re-assembling, the Journal of Saturday was read and approved.

Mr. Broderick, from the Committee on Commerce and Navigation, to whom had been referred the bill from the Assembly, entitled "An Act declaring certain Rivers therein named Navigable," reported the same without amendment, and recommending its passage. The Report was read and accepted.

Mr. Bassham, from the Joint Committee on Enrolled Bills, reported that the Committee had examined, and found to be correctly enrolled, "An Act Defining the Duties of State Printer, and Fixing his Compensation."

Also, that the Committee had, on the 2d instant, presented to the Governor, for his signature, "An Act to provide for holding the first County Elections."

A Message was received from the Assembly, informing the Senate that they had had under consideration the amendment of the Senate to the Assembly Bill, entitled "An Act Prescribing the Mode of Assessing and Collecting Public Revenue," and that they had non-concurred in the 1st, 6th, and 7th of said amendments thereto.

Also, that the Governor had notified the Assembly that he did, on Saturday, March 2, 1850, sign bill originating in the Assembly, entitled "An Act to provide for Holding the First County Elections."

Also, "Joint Resolutions instructing the Secretary of State to furnish Copies of Laws to the State Translator."

Also, that the Assembly had adopted the Report of the Joint Committee of Conference on the disagreeing votes of the two Houses, or the "Bill concerning the Salaries of Officers."

Also, that the Speaker of the Assembly had signed bill, entitled "An Act Defining the Duties of State Printer, and Fixing his Compensation."

The President of the Senate signed the bill, entitled "An Act Defining the Duties of State Printer, and Fixing his Compensation."

Mr. Green, from the Committee of Conference on the disagreeing votes of the two Houses, in relation to the bill, entitled "An Act concerning the Salaries of Officers," made a Report in writing, recommending that the salary of Governor be fixed at $10,000 per annum; Secretary of State, $7,000; Comptroller, $8,000; Treasurer, $9,000; Attorney-General, $7,000; Surveyor-General, $7,500; Justices of the

Supreme Court, $10,000; District Attorneys, each, $2,000; State Translator, $8,000; Governor's Private Secretary, $2,000. The question being on the adoption of the Report, the yeas and nays were demanded thereon, and resulted as follows:—

AYES.

Mr. Bassham	Mr. Green
Chamberlin	Heydenfeldt
De la Guerra	Vallejó.—6.

NAYS.

Mr. Bidwell	Mr. Lippincott
Broderick	Vermeule.—5.
Hope	

So the Report was adopted.

Mr. Bidwell, from the Select Committee to whom had been referred the bill, entitled "An Act amendatory of the Act subdividing the State into Counties, and establishing the Seats of Justice therein," made a minority report thereon, recommending the passage of the bill with amendments. On motion of Mr. Broderick, the majority of the Committee were instructed to report upon the same subject on Wednesday.

Mr. Chamberlin submitted a resolution, that Senators, who, during the session of the Senate, may be within either of the two committee-rooms adjoining the Senate-Chamber, shall be considered as within the bar, and may be permitted to vote upon all questions the same as if in their seats; and the question being on the adoption of the same, it was decided in the negative.

Mr. de la Guerra, on leave, introduced a bill, entitled, "An Act supplementary to the Act providing for holding the first County Elections;" which was read the first and second times, amended, read the third time, and passed; the rules having been suspended for that purpose.

Mr. Bassham gave notice that he would, on some future day, ask leave to introduce a bill to incorporate the City of San José.

Mr. Broderick gave notice that he would, on some future day, ask leave to introduce a bill defining the duties of Sheriff.

On motion of Mr. Green, amended by Messrs. Chamberlin, Vallejó, and Heydenfeldt, it was

Resolved, That the President appropriate any reasonable sum out of the Contingent Fund of the Senate, to provide for the taking care of a sick Indian, who had been some days lying in a very destitute condition out of doors, near the Senate Chamber; also a wounded man near the Capitol; and that a committee of the Senate be appointed to notify the Ayuntamiento of San José, that the Indian and wounded man referred to, as well as a certain lunatic, are now supported and provided for at the expense of the State, and request said authorities to provide immediate relief for said persons.

Mr. Bassham gave notice that he would, on some future day, ask leave to introduce a bill to prohibit the sale of liquor to Indians.

Mr. Heydenfeldt gave notice that he would, on some future day, ask leave to introduce a bill relative to the duties of Auctioneers.

Assembly bill, entitled, "An Act to regulate Elections," was read the third time and passed.

On motion of Mr. Chamberlin, bill, entitled, "An Act regulating the duties of Harbor Master of the Port and Harbor of San Francisco, and for other purposes," was taken up, read the second time, amended, read the third time, and passed; the rules having been suspended for that purpose.

On motion of Mr. Green, the Senate adjourned.

JOHN MCDOUGALL,
Lieut. Governor and President of the Senate.

J. F. HOWE, Secretary of the Senate.

IN SENATE.

TUESDAY, *March* 5, 1850.

The Senate assembled, pursuant to adjournment.

Prayer by Rev. Mr. Douglass.

The journal of Monday was read and approved.

Mr. Heydenfeldt presented the petition of Payne, Sherwood & Co., and other merchants and business men of Francisco, praying the passing of an Act regulating the sales of goods at public auction; which was read, and referred to the Committee on Commerce and Navigation.

Mr. Crosby, from the Committee on the Judiciary, to whom had been

referred the bill from the Assembly, entitled "An Act to regulate proceedings in the Courts of Justices of the Peace," made a report in writing, recommending the passage of the bill, with amendments. The report was accepted.

Mr. Heydenfeldt, from the Committee on Public Expenditures, reported, as correct, the account of Sullivan & Co., and the report was adopted.

Mr. Green submitted a Joint Resolution, providing for the adjournment *sine die* of both branches of the Legislature, on the 10th day of April next, which was adopted.

On motion of Mr. de la Guerra, Mr. Vallejó was granted leave of absence for a few days.

Mr. Broderick asked and was granted leave of absence for seven days from Thursday next, conditionally that there shall be present a quorum of Senators.

The President appointed as the Select Committee to wait upon the authorities of San José, in relation to the indigent sick, &c., of the town, Messrs. Heydenfeldt, Hope, Bassham, and De la Guerra.

Mr. Bassham, from the Joint Committee on Enrolled Bills, reported, that the committee had examined and found to be correctly enrolled "An Act concerning the salaries of officers."

On motion of Mr. Chamberlin, Assembly Bill, entitled "An Act to provide for the early publication of the laws," was taken up, read the second time, amended, read the third time, and passed, the rules having been suspended for that purpose.

Mr. Lippincott, on leave, introduced a bill, entitled "An Act supplementary to an Act entitled An Act creating a Temporary Loan," which was read the first and second times, the rules having been suspended for that purpose.

On motion of Mr. Bassham, "$10" and "$25" were stricken out, in section 1st, as the denomination of a portion of the certificates authorized by the bill.

Mr. Lippincott moved to fill the blank, thus created, with "$5, $10, and $15;" and the yeas and nays being demanded thereon by Messrs. Broderick and Chamberlin, resulted as follows:—

AYES.

Mr. Lippincott, Mr. Heydenfeldt—2.

NAYS.

Mr. Bassham, Mr. de la Guerra,
Bidwell, Green,
Broderick, Hope,
Chamberlin, Robinson—9.
Crosby,

Mr. Green moved to fill the blank with "$10, $20, and $30;" whereupon, Mr. Bassham moved to lay the bill on the table, and the yeas and nays having been demanded on this latter motion by Messrs. Chamberlin and Broderick, resulted as follows:—

AYES.

Mr. Bassham, Mr. de la Guerra,
Bidwell, Hope,
Broderick, Robinson—7.
Crosby,

NAYS.

Mr. Chamberlin, Mr. Lippincott,
Green, Heydenfeldt—4.

So the bill was laid on the table.

On motion of Mr. Chamberlin, bill, entitled "An Act in relation to the coining of money by individuals," was taken up, on second reading, the amendments heretofore reported by the Select Committee to whom the bill had been referred, were adopted, and the bill, as amended, was ordered to a third reading to-morrow.

A message was received from the Assembly, informing the Senate that they had concurred in the 2d, 3d, 4th, 5th, and 6th of the Senate's amendments to Assembly bill, entitled "An Act to provide for the incorporation of Cities," and had amended the first of the Senate's amendments to the same bill.

Also, that the Assembly had non-concurred in the 2d and 3d of the Senate's amendments to Assembly bill, entitled "An Act to regulate elections," and requested a Committee of Conference thereon, having appointed, as such committee on their part, Messrs. Crittenden, Brackett, and Tingley.

Also, that the Speaker of the Assembly had signed bill, entitled "An Act concerning the salaries of officers."

The President of the Senate also signed the last named bill.

The Senate refused to recede from their 2d and 3d amendments to Assembly bill, entitled "An Act to regulate elections," and acceded to the request of the Assembly for a Committee of Conference thereon; the President appointing, as such committee, Messrs. Green, Hope, and Heydenfeldt.

The amendment of the Assembly to the Senate's 1st amendment to Assembly bill, entitled "An Act to provide for the incorporation of Cities," was taken up, when Mr. Hope moved to amend the Assembly's amendment to the Senate's amendment, by substituting the words "Court of Sessions" for "County Court;" and the question being on the adoption of Mr. Hope's amendment, Mr. Heydenfeldt moved the previous question, and, with Mr. Chamberlin, demanded the yeas and nays, which were taken thereon, and resulted as follows:—

AYES.

Mr. Broderick	Mr. Hope
Crosby	—3

NAYS.

Mr. Basshar	Mr. Green
Bidwell	Lippincott
Chamberlin	Heydenfeldt
De la Guerra	—7

So the demand for the previous question was not sustained; and the question being on the adoption of Mr. Hope's amendment, it was decided in the negative.

The question then recurring on concurrence in the Assembly's amendment, the yeas and nays were demanded thereon by Messrs. Broderick and Heydenfeldt, and resulted as follows:—

AYES.

Mr. Basshaw	Mr. Green
Bidwell	Lippincott
Chamberlain	Heydenfeldt
De la Guerra	—7

NAYS.

Mr. Broderick Mr. Hope
Crosby —3

So the Senate concurred in the Assembly's amendment to the Senate's first amendment to the bill.

Mr. Heydenfeldt moved a reconsideration of the resolution, yesterday adopted, in relation to the indigent sick, &c., of San José, but the motion was decided in the negative.

Mr. Bassham, from the Joint Committee on Enrolled Bills, reported that the committee had, on yesterday, presented to the Governor, for his signature, "An Act defining the duties of State Printer, and fixing his compensation;" and on to-day "An Act concerning the salaries of officers."

Mr. Crosby, from the Committee on the Judiciary, to whom had been referred bill, entitled "An Act relating to the office and duties of Public Administrator of the City of San Francisco," reported the same without amendment, and the report was accepted.

On motion of Mr. Chamberlin, bill "to incorporate the City of Monterey" was taken up, read first time, and ordered to second reading.

On motion of Mr. Chamberlin, the Senate adjourned.

JOHN MCDOUGALL,
Lieutenant Governor and President of the Senate.

J. F. HOWE, Secretary of the Senate.

IN SENATE.

WEDNESDAY, *March* 6, 1850.

The Senate assembled, pursuant to adjournment.

Prayer by Rev. Mr. Briarly.

The journal of Tuesday was read and approved.

Mr. Broderick, on leave, introduced a bill entitled "An Act requiring bonds of sheriffs," which was read the first time, and ordered to a second reading.

Mr. Robinson, from the Committee on Engrossed Bills, reported, that the Committee had examined, and found to be correctly engrossed,

bills entitled "An Act to regulate practice in the Courts of Records of the State of California, in Civil Actions;" "An Act regulating the duties of Harbor Master of the Port of San Francisco, and for other purposes;" An Act supplementary to an Act entitled, "An Act providing for the holding of the first County Election;" "An Act in relation to the coining of money by individuals."

Mr. Heydenfeldt, from the Committee on Expenditures, reported as correct, sundry accounts presented to the Committee, and the report was adopted.

Mr. Heydenfeldt, from the Select Committee to whom had been referred the bill entitled, "An Act supplementary to an Act entitled An Act subdividing the State into Counties, and establishing the seats of justice therein," made a report in writing, from the majority of that Committee, adverse to the provisions of the bill, which report was read, accepted, and, on motion of Mr. Chamberlin, five hundred copies thereof were ordered to be printed (See Appendix JJ.)

Mr. Green, from the Committee of Conference, in relation to the disagreeing votes of the two Houses on the bill entitled, "An Act to regulate Elections," made a report in writing, which was received, read, and ordered, for the present, to lie on the table.

Mr. de la Guerra submitted a Joint Resolution, providing for the employment of additional Translators, which was read, amended on motion of Messrs. Chamberlin and Heydenfeldt, and, as amended, was adopted.

A Message was received from the Assembly, informing the Senate that they had non-concurred in the amendments of the Senate to the bill entitled, "An Act to provide for the early publication of the laws of California, and had appointed Messrs. Crittenden, Witherby, and Bradford, a Committee to confer with any Corresponding Committee that might be appointed by the Senate, on the disagreeing votes of the two Houses on the said bill." Also, that the Assembly had passed Senate bill, "To organize the District Courts of the State of California," with amendments. Also, that they had adopted the Report of the Joint Committee of Conference on the disagreeing votes of the two Houses on the bill "To regulate elections." Also, that they had passed bills severally entitled, "An Act amendatory of Sections 7, 8, 9, 10, and 14, of "An Act subdividing the State into Counties, and establishing the Seats of Justice therein," approved Feb. 18th, 1850; "An Act concern-

ing estray animals;" and "An Act empowering the Governor to appoint Commissioners of Deeds, and defining the duties of such officers."

Mr. Heydenfeldt gave notice, that he would, at the expiration of five days, ask leave to introduce a bill to charter the City of Los Angeles.

On motion of Mr. Chamberlin, so much of the Message of the Assembly, received to-day, as relates to the bill entitled, "An Act to provide for the early publication of the Laws of California" was considered, and the Senate adhered to their amendments thereto. On motion of Mr. Chamberlin, a Committee of Conference was appointed thereon, by the President, consisting of Messrs. Chamberlin, Lippincott, and Bidwell.

On motion of Mr. Green so much of the same message of the Assembly as relates to the bill, entitled "An Act to organize the District Courts of the State of California," was considered, and the Senate nonconcurred in the amendments of the Assembly thereto.

On motion of Mr. Heydenfeldt, a Committee of Conference was appointed thereon, by the President, consisting of Messrs. Heydenfeldt, Crosby, Broderick, Chamberlin, and Bidwell, to meet any corresponding Committee which may be appointed by the Assembly.

Mr. Hope submitted a Joint Resolution, providing for the election by the Legislature, on Wednesday, the 13th instant, of Judges for the several Judicial Districts, which was amended, on motion of Mr. Bassham, by striking out "Wednesday, the 13th," and inserting therefor, "Monday, the 25th," and, thus amended, the resolution was adopted.

Mr. Bidwell, from the Committee on Corporations, to whom had been referred the bill entitled "An Act to charter the City of San Francisco." made a report in writing, accompanied by a bill as a substitute for the original bill. The report was accepted, and the bill, as reported, was read the first time, and ordered to a second reading.

On motion of Mr. Crosby, bill entitled "An Act in continuation of the Act to regulate practice in the Courts of Record of the State of California," was taken up, on second reading; when, it appearing that there was not present a quorum of members, (See Appendix II.),

On motion of Mr. Chamberlin, the Senate adjourned.

JOHN MCDOUGALL,

Lieutenant Governor and President of the Senate.

J. F. HOWE, Secretary of the Senate.

IN SENATE.

THURSDAY, *March* 7, 1850.

The Senate met, pursuant to adjournment.

Prayer by Rev. Mr. Douglass.

The Journal of Wednesday was read and approved.

The President laid before the Senate the petition of Samuel Russell Gerry, praying to be continued as Health Officer of San Francisco, which was read, and referred to the Committee on Commerce and Navigation.

A message was received from the Assembly informing the Senate that they had passed Senate bill, entitled "An Act creating and regulating public ferries," with amendments; also Senate bill, entitled "An Act supplementary to an Act to provide for holding the first County Election;" also, Joint Resolution of the Senate, "in relation to the appointment of additional Translators;" also bills originating in the Assembly, entitled "An Act concerning marks and brands;" "An Act to regulate the interest of money;" "An Act concerning the office of County Attorney;" "An Act to establish a Municipal Court in the City of San Francisco, to be called the Superior Court of the City of San Francisco;" "An Act concerning Notaries Public; "An Act concerning the office of County Assessor;" and a concurrent resolution, "authorizing the State Translator to rent an office."

Mr. Bassham, pursuant to previous notice, asked and obtained leave to introduce a bill, entitled, "An Act to incorporate the City of San José," which was twice read, the rules having been suspended for that purpose, and referred to the Committee on Corporations.

Mr. Hope asked, and was granted leave of absence for two weeks.

Mr. Broderick withdrew his request (previously made and granted) for leave of absence for one week from this day.

Bill, entitled, "Act in relation to the coining of money by individuals," was read the third time; and the question being on its passage, the yeas and nays were demanded thereon by Messrs. Heydenfeldt, Broderick, and Chamberlin, and resulted as follows:—

AYES.

Mr. Bassham	Mr. de la Guerra
Bidwell	Green
Chamberlin	Robinson—6.

NAYS.

Mr. Broderick Mr. Lippincott
Crosby Heydenfeldt—4.

So the bill was passed.

Bill, entitled, "An Act in continuation of the Act to regulate Practice in the Courts of Record of the State of California," was taken up on second reading, amended, and, as amended, was read the third time and passed, the rules having been suspended for that purpose.

Mr. Chamberlin submitted a resolution, declaring, as the sense of the Senate, that in Committee of the Whole all business, except the vote upon a question, may be continued even should there be a less number than a quorum present, unless some member shall announce to the Senate the want of a quorum. And the question being on the adoption of the resolution, it was decided in the negative.

On motion of Mr. Chamberlin, the Senate adjourned.

JOHN MCDOUGALL,
Lieutenant Governor and President of the Senate.

J. F. HOWE, Secretary of the Senate.

IN SENATE.

FRIDAY, *March* 8, 1850.

The Senate assembled, pursuant to adjournment.

Prayer by the Rev. Mr. Briarly.

The Journal of Thursday was read and approved.

Mr. Crosby, from the Committee on the Judiciary, reported a bill, entitled, "An Act concerning Divorces," which was read the first time, and ordered to a second reading.

Mr. Robinson, from the Committee on Engrossed Bills, reported, that the committee had examined and found to be correctly engrossed, bill, entitled, "An Act in continuation of an Act to regulate Practice in the Courts of Record of California."

So much of the message of the Assembly of the 4th instant, as relates to the bill entitled "An Act prescribing the mode of assessing and collecting the Public Revenue," was considered, and the Senate adhered to

their amendments thereto, which had been non-concurred in by the Assembly.

On motion of Mr. Green, a Committee of Conference, consisting of Messrs. Green, Bidwell, and De la Guerra, were appointed thereon on the part of the Senate, to meet any corresponding committee which may be appointed on the part of the Assembly.

The message of the Assembly of the 7th instant was considered; and bills therewith transmitted, entitled "An Act concerning Notaries Public," "An Act to establish a Municipal Court in the City of San Francisco, to be called the Superior Court of the City of San Francisco," "An Act concerning the office of County Attorney," and "An Act concerning the office of County Assessor," were severally referred to the Committee on the Judiciary. Bill entitled "An Act to regulate the interest of money," referred to the Committee on Finance. Bill entitled "An Act concerning Marks and Brands," was referred to a Select Committee, consisting of Messrs. de la Guerra, Bidwell, and Bassham. Joint resolution authorizing the State Translator to rent an office, was adopted.

A message was received from the Assembly informing the Senate that they had passed bill entitled "An Act for the remuneration of Charles White." Also, with amendments, Senate bill entitled "An Act regulating the duties of Harbor Master of the Port of San Francisco, and for other purposes;" also, Assembly bills therewith transmitted, entitled "An Act to prevent the Coining of Money by individuals," "An Act concerning Jails and Jailors," "An Act concerning Lawful Fences, and animals trespassing on premises lawfully inclosed," "An Act to establish a standard of Weights and Measures," "An Act concerning the office of District Attorney, and "A Joint Resolution in relation to a National Railroad from the Pacific Ocean to the Mississippi River."

The amendments of the Assembly to the bill entitled "An Act regulating the duties of Harbor Master of the Port of San Francisco," were concurred in. Assembly Bills "to prevent the Coining of Money by individuals," "concerning the office of District Attorney," and "concerning Jails and Jailors," were severally referred to the Judiciary Committee. Assembly Bill "concerning Lawful Fences, and animals trespassing on premises lawfully inclosed," was read, and referred to the Committee on Public Lands and Mission Claims." Joint Resolution of the Assembly in relation to a National Railroad from the Pacific Ocean to the Mississippi River, was adopted.

The message of the Assembly of the 6th instant was considered; and bill therewith transmitted, entitled "An Act amendatory of sections 7, 8, 9, 10, and 14, of the Act subdividing the State into Counties, and establishing the Seats of Justice therein," was referred to the Committee on Counties and County boundaries;" bill entitled "An Act empowering the Governor to appoint Commissioners of Deeds, and defining the duties of such offices," was referred to the Committee on the Judiciary;" bill entitled "An Act concerning Estray Animals," was referred to a Select Committee, consisting of Messrs. De la Guerra, Bidwell, and Bassham.

On motion of Mr. Green, the Report of the Conference Committee on the disagreeing votes of the two Houses, in relation to the bill entitled "An Act to regulate elections," was taken up, and the Senate concurred in that portion of the Report which recommends the Senate to recede from its amendment to the 17th and 22d sections of the bill, and non-concurred in so much of the same as relates to the 47th section.

Mr. Chamberlin, from the Committee of Conference on the disagreeing votes of the two Houses in relation to the bill entitled "An Act to provide for the early publication of the Laws," made a report in writing, recommending the adoption, by the two Houses, of the Senate's amendments, in a modified form, as therein stated; and the Report was adopted.

On motion of Mr. Chamberlin, Senate bill, entitled "An Act to incorporate the City of Monterey," was taken up, the amendments heretofore reported by the Committee on Corporations were severally adopted, and thus amended, the bill was ordered to a third reading.

On motion of Mr. Heydenfeldt, the Senate adjourned.

JOHN McDOUGALL,
Lieut. Governor and President of the Senate.

J. F. HOWE, Secretary of the Senate.

IN SENATE.

SATURDAY, *March* 9, 1850.

The Senate assembled, pursuant to adjournment.

Prayer by Rev. Mr. Briarly.

The Journal of Friday was read and approved.

Mr. Green, from the Committee on Finance, to whom had been referred the bill from the Assembly, entitled "An Act to regulate the interest of money," reported the same without amendment, and it was read three several times and passed, the rules having been suspended for that purpose.

Mr. Robinson, from the Committee on Engrossed Bills, reported, that the committee had examined and found to be correctly engrossed, bills entitled "An Act to incorporate the City of Monterey," and the same was read the third time and passed.

Mr. Chamberlin, from the Committee on Commerce and Navigation, to whom had been referred the petition of Dr. Samuel R. Gerry, submitted a report in writing, recommending the claims of the petitioner to the favorable consideration of the Legislature, which was accepted.

Mr. Chamberlin, from the same committee, to whom had been referred Assembly bill, entitled "An Act to establish a standard of weights and measures," reported the same without amendment; and recommending its passage, the report was accepted.

Mr. Bassham, from the Joint Committee on Enrolled Bills, reported that the committee had examined and found to be correctly enrolled, "A Joint Resolution in relation to the appointment of additional Translators," "An Act supplementary to an Act to provide for holding the first County Election," and "An Act for the remuneration of Charles White, for money advanced to Caleb Lyon for furnishing and making the Great Seal of the State."

Mr. Heydenfeldt, from the Committee of Conference on the disagreeing votes of the two Houses on the bill, entitled "An Act to organize the District Courts of California," made a report in writing, recommending that the Assembly recede from all their amendments except the 5th and 6th, and that these be concurred in by the Senate, in a modified form, as stated at length in the report. The report was accepted and adopted.

On motion of Mr. Crosby, Assembly Bill, entitled "An Act to regulate proceedings in Courts of Justices of the Peace, in civil cases," was taken up, on second reading; the amendments heretofore reported by the Judiciary Committee were concurred in, and thus amended, the bill was ordered to a third reading.

A message was received from the Assembly, informing the Senate that they had adopted the report of the Conference Committee on the disagreeing votes of the two Houses on the bill, entitled "An Act to

provide for the early publication of the laws of California;" also, the report of the Conference Committee on the disagreeing votes of the two Houses on the bill, entitled "An Act to organize the District Courts of the State of California;" also, that the Assembly had receded from their non-concurrence in so much of the amendments of the Senate to the bill, entitled "An Act to regulate elections," as relates to the 47th Section of that bill; also, that they had passed "A concurrent resolution, permitting Chief Justice Hastings to visit Oregon or Panama;" also, that the Speaker of the Assembly had signed "A Joint Resolution in relation to the appointment of additional Translators," "An Act for the remuneration of Charles White for money advanced to Caleb Lyon for furnishing the design and making the great seal of the State," and "An Act supplementary to An Act to provide for holding the first County election."

The President of the Senate also signed the three last mentioned bills, and the Secretary certified upon each thereof, that it originated in the Senate.

Mr. Robinson, on leave, introduced a bill, entitled "An Act supplementary to an Act entitled an Act to incorporate Sacramento City," which was read three several times, and passed, the rules having been suspended for that purpose.

On motion, the Concurrent Resolution of the Assembly "permitting Chief Justice Hastings to visit Panama or Oregon," was taken up, and adopted, the rules having been suspended for that purpose.

Mr. Robinson, from the Committee on Engrossed Bills, reported that the committee had examined, and found to be correctly Engrossed, bill, entitled "An Act supplementary to an Act entitled an Act to incorporate Sacramento City."

On motion of Mr. Broderick, Assembly Bill, entitled "An Act to exempt the Homestead and other property from forced sale in certain cases," was taken up, on second reading, and, on motion of Mr. Heydenfeldt, was again referred to a select committee, consisting of Messrs. Heydenfeldt, De la Guerra, Green, Lippincott, and Chamberlin, with instructions to report on Tuesday next.

On motion of Mr. Bidwell, the Senate adjourned.

JOHN MCDOUGALL,
Lieut. Governor and President of the Senate.

J. F. HOWE, Secretary of the Senate.

IN SENATE.

MONDAY, *March* 11, 1850.

The Senate assembled, pursuant to adjournment.

Prayer by Rev. Mr. Brinly.

The journal of Saturday was read and approved.

Mr. Lippincott, from the Committee on Public Lands and Mission Claims, to whom had been referred the bill, entitled "An Act concerning Lawful Fences and Animals Trespassing on Premises Lawfully Inclosed," reported the same without amendment.

Mr. Bidwell, from the Committee on Corporations, to whom had been referred the bill, entitled "An Act to Incorporate the California Insurance Company," made a Report thereon in writing, recommending that the bill be *not* passed, on the ground that it conflicts with the Section 31 of Article IV. of the Constitution. The Report was accepted.

Messages were received from the Governor, informing the Senate that he signed, on Saturday, "An Act supplementary to an Act to provide for the holding of the First County Election;" "An Act for the Remuneration of Charles White, for Money advanced to Caleb Lyon for Furnishing the Design and Making the Great Seal of the State;" and "A joint Resolution in relation to the Appointment of additional Translators."

Also, that he had, to-day, signed "An Act Regulating the Duties of Harbor Master of the Port of San Francisco, and for other purposes."

Mr. Bidwell, from the Committee on Corporations, to whom had been referred the bill, entitled "An Act to Incorporate the City of San José," reported the same without amendment, and with a recommendation that it be passed. The Report was accepted.

Mr. Heydenfeldt, from the Committee on Expenditure, reported as correct sundry accounts therein specified, and the Report was adopted.

The President laid before the Senate a communication from the Harbor Master of San Francisco, stating the number of vessels arrived, amount of tonnage and of emigration to the Port of San Francisco, &c., from April 12th, 1849, to February 28, 1850, which was read, and five hundred copies thereof ordered to be printed.

Mr. de la Guerra was granted leave of absence for two weeks, from Saturday next.

Mr. Green, from the Committee on Conference, on the bill prescribing the mode of assessing and collecting the public revenue, made a Report in writing, recommending that the House recede from their non-concurrence in the first and seventh amendments of the Senate, and that the Senate recede from their amendment to the Forty-seventh Section of the bill. The Report was accepted and adopted.

Mr. Bassham, from the Joint Committee on Enrolled Bills, reported that the Committee had examined, and found to be correctly enrolled, "Joint Resolutions, authorizing the Translator to Rent an Office;" and "An Act Regulating the Duties of Harbor Master of the Port of San Francisco, and for other purposes."

Also, that the Committee had, on the 9th instant, presented to the Governor for his signature, "An Act for the Remuneration of Charles White, for Money advanced to Caleb Lyon, for Furnishing the Design and Making the Great Seal of the State;" "A Joint Resolution in relation to the appointment of Additional Translators;" "An Act supplementary to an Act to provide for Holding the First County Election;" and, on to-day, "An Act Regulating the Duties of Harbor Master of the Port of San Francisco, and for other purposes;" and "A Joint Resolution authorizing the State Translator to Rent an Office."

Assembly Bill, entitled "An Act to Regulate Proceedings in the Courts of Justices of the Peace, in Civil Actions," was read the third time, and passed.

On motion of Mr. Robinson, the bill, entitled "An Act to provide for the incorporation of Steam Navigation Companies," was taken up, read the second time, amended, and, as amended, was ordered to a third reading.

On motion of Mr. Douglass, Senate Bill, entitled "An Act to regulate Public Ferries," was taken up, and the Assembly's amendments thereto were concurred in.

On motion of Mr. Douglass, Assembly Bill, entitled "An Act to declare certain rivers therein mentioned navigable streams," was taken up, read second time, amended; and, as amended, was read the third time, and passed, the rules having been suspended for that purpose.

Messages were received from the Assembly, informing the Senate, that they had passed bills, entitled "An Act to incorporate the city of Monterey," and "An Act to incorporate the city of Benecia;" also, that

the Speaker of the Assembly had signed "Joint Resolutions, in relation to a National Railroad from the Pacific Ocean to the Mississippi river," "A Joint Resolution authorizing the State Translator to rent an office," and "An Act regulating the duties of Harbor Master of the Port of San Francisco;" also, that the Governor had notified the Assembly, that he had signed, on the 8th instant, bill, originating in that House, entitled "An Act defining the duties of State Printer, and fixing his compensation."

The President of the Senate signed "Joint Resolution in relation to a National Railroad from the Pacific Ocean to the Mississippi river," "Joint Resolution authorizing the State Translator to rent an office," and "An Act regulating the duties of Harbor Master of the Port of San Francisco, and for other purposes;" and the Secretary of the Senate certified upon the latter that it originated in the Senate.

Mr. Robinson submitted a Joint Resolution, providing for the election, by the joint vote of the two Houses, at 12 o'clock M. to-morrow, 12th instant, of a Harbor Master for the Port of San Francisco, which was read and adopted, the rules having been suspended for that purpose.

On motion of Mr. de la Guerra, the Senate adjourned.

JOHN MCDOUGALL,
Lieutenant Governor and President of the Senate.

J. F. HOWE, Secretary of the Senate.

IN SENATE.

TUESDAY, *March* 12, 1850.

The Senate assembled, pursuant to adjournment.

Prayer by Rev. Mr. Douglass.

The journal of Monday was read and approved.

Mr. Heydenfeldt presented the memorial of citizens of the Mission of Dolores, in relation to the limits of the City of San Francisco, which was read, and referred to the Committee on Corporations.

Mr. Crosby, from the Committee on the Judiciary, reported a bill, entitled, "An Act concerning Marriages."

Also, without amendment, Assembly bills, entitled, "An Act empow-

ering the Governor to appoint a Commissioner of Deeds, and defining the duties of such officers;" "An Act concerning Notaries Public;" which were severally read the first time, and ordered to a second reading.

Mr. Broderick, from the same committee, to whom had been referred the bill, entitled, "An Act concerning the office of County Assessor," reported the same, with amendments, and the bill was read the first time, and ordered to a second reading.

Mr. Robinson, from the same committee, to whom had been referred the bill, entitled, "An Act concerning Limited Partnerships," reported the same, with amendments, and the bill was read the first time, and ordered to a second reading.

A message was received from the Assembly, informing the Senate that they had adopted the Report of the Committee of Conference on the disagreeing votes of the two Houses, on the bill, entitled, "An Act prescribing the mode of assessing and collecting the Public Revenue."

Also, that they had concurred in the Senate's amendment to Assembly bill, entitled, "An Act declaring certain rivers herein named navigable;"

Also, that they had refused to concur in the 8th, 9th, 10th, 11th and 12th of the Senate's amendments to the bill, entitled, "An Act to regulate proceedings in the Courts of Justices of the Peace in Civil Cases," and had appointed on their part, Messrs. Crittenden, Creaner, Tingley, Moorehead, and Brackett, a committee to confer with any corresponding committee that may be appointed by the Senate on the disagreeing votes of the two Houses on said bill.

Also, that the Governor had notified the Assembly that he yesterday signed concurrent resolution, originating in the Assembly, entitled, "A concurrent resolution authorizing the State Translator to rent an office."

Also, that the Assembly had adopted, with an amendment striking out the preamble, the Senate's joint resolution in relation to the adjournment of the Legislature.

Also, that they had adopted the concurrent resolution of the Senate, in relation to the election of a Harbor Master for the Port of San Francisco, with an amendment striking out the words "12th inst.," and inserting in lieu thereof the words "Monday next."

Also, that the Speaker of the Assembly had signed bills, entitled, "An Act providing for the early publication of the Laws of California;"

"An Act to regulate the Interest of Money;" and "A Joint Resolution permitting Chief Justice Hastings to visit Oregon or Panama."

The President of the Senate also signed the joint resolution, and two bills last mentioned in the preceding message of the Assembly.

The Senate concurred in the amendment of the Assembly to the concurrent resolution to the election of Harbor Master for the Port of San Francisco.

Also, in the amendment of the Assembly to the Senate's Joint Resolution in relation to the final adjournment of the present Legislature

On motion of Mr. Robinson, a Committee of Conference was appointed on the part of the Senate on the disagreeing votes of the two Houses, on the bill, entitled, "An Act to regulate Proceedings in the Courts of Justices of the Peace in Civil Cases," and the President of the Senate announced, as such committee, Messrs. Robinson, Crosby, Broderick, Heydenfeldt, and Green.

Mr. Bassham, from the Committee on Enrolled Bills, reported that the Committee had examined and found to be correctly enrolled, "An Act to regulate the interest of money," "An Act to provide for the early publication of the Laws," and "A Joint Resolution permitting Chief Justice Hastings to visit Oregon or Panama."

Mr. Robinson, from the Committee on Engrossed Bills, reported that the Committee had examined and found to be correctly engrossed, "An Act providing for the incorporation of Steam Navigation Companies."

Mr. Heydenfeldt, from the Select Committee, to whom had been referred the bill entitled, "An Act to exempt the Homestead and other property from forced sale in certain cases," made a report in writing, which was read, and ordered to lie on the table. Mr. Chamberlin, from the same Committee, made a report on the same subject, which was also read.

Mr. Chamberlin, on leave, introduced a bill entitled, "An Act to incorporate the City of San Diego," which was read the first time, and referred to the Committee on Corporations.

Bill from the Assembly, entitled, "An Act to incorporate the City of Monterey," was taken up, on first reading, and, on motion, was laid on the table.

Assembly Bill, entitled "An Act to incorporate the City of Benicia," was referred to the Committee on Corporations.

Assembly Bills, entitled, "An Act to establish a standard of weights

and measures," "An Act concerning lawful fences, and animals trespassing on premises lawfully inclosed," were each read the first time, and ordered to a second reading.

On motion of Mr. Heydenfeldt, it was ordered that a message be sent to the Assembly requesting information as to whether the Governor had signed bill originating in that body entitled, "An Act authorizing a Loan, on the faith and credit of the State, to pay expenses of the civil government thereof." A message was subsequently received from the Assembly, informing the Senate that the Governor did, on the 28th of February, notify the Assembly that he had signed said bill.

On motion of Mr. Green, Senate Bill entitled, "An Act to incorporate the City of San José, was taken up, read second time, and amended, on motion of Mr. Bassham, by the insertion of a substitute for Section 1st. Mr. Heydenfeldt moved, further to amend Section 23d, by inserting, at the close of the Section, a proviso, as follows:

Provided, That said corporation shall not exercise municipal authority over any of said lands embraced in the boundaries as declared, and not embraced in the first Section of this Act.

Mr. Chamberlin moved to amend the amendment by adding thereto, "except to rent, lease, or sell," which was accepted by Mr. Heydenfeldt, and the question being on the adoption of the amendment, the yeas and nays were demanded by Messrs. Chamberlin and Heydenfeldt, and resulted as follows:—

AYES.

Mr. Bidwell	Mr. Heydenfeldt
Chamberlin	Robinson
Green	—5.

NAYS.

Mr. Bassham	Mr. de la Guerra
Broderick	Douglass
Crosby	Lippincott—6.

So the amendment was lost.

On motion of Mr. Heydenfeldt, the bill was then amended by striking out Section 23d. On motion of Mr. Douglass, the bill was further amended, by striking out Section 24th. Mr. Chamberlin moved a

reconsideration of the vote, by which the 23d Section was stricken out, and on this question the yeas and nays were demanded by Messrs. Chamberlin and Bidwell, and resulted as follows:—

AYES.

Mr. Bassham	Mr. Chamberlin
Bidwell	Crosby
Broderick	Green—6

NAYS.

Mr. Douglass	Mr. Lippincott
Heydenfeldt	Robinson—4

So the question was reconsidered.

Mr. Heydenfeldt again moved his amendment, previously rejected, and it was adopted.

As amended, the bill was read the third time, and passed, the rules having been suspended for that purpose.

Mr. Broderick, on leave, presented the memorial of Hiram Grimes and others, merchants of San Francisco, remonstrating against the passage of the bill regulating the Quarantine of Vessels at the Port and Harbor of San Francisco, which was read, and, on motion, was ordered to be transmitted to the Assembly.

On motion of Mr. Douglass, the Senate adjourned.

JOHN MCDOUGALL,
Lieut. Governor and President of the Senate.

J. F. HOWE, Secretary of the Senate.

IN SENATE.

WEDNESDAY, *March* 13, 1850.

The Senate assembled, pursuant to adjournment.

Prayer by Rev. Mr. Briarly.

The Journal of Tuesday was read and approved.

Mr. Crosby, from the Committee on the Judiciary, to whom had been

referred Assembly bill, entitled "An Act concerning the office of District Attorney," reported the same, with an amendment; and the bill was read the first time, and ordered to a second reading.

Mr. Crosby, from the same Committee, to whom had been referred Assembly bill, entitled "An Act concerning the office of County Attorney," reported the same, without amendment: and the bill was read the first time, and ordered to a second reading.

Mr. Heydenfeldt, from the Committee on Expenditures, reported that they had re-examined the account of George A. Gregory, had discovered therein an error of $204 41, and, with this deduction, recommended the payment of the same. The report was adopted.

Mr. Bidwell, from the Committee on Corporations, to whom had been referred the bill, entitled "An Act to incorporate the City of Benicia," made a report in writing, recommending its passage without amendment, and the report was accepted.

Mr. Bidwell, from the Committee on Engrossed Bills, reported, that the committee had examined, and found to be correctly engrossed, bill, entitled "An Act to incorporate the City of San José."

Mr. Robinson, from the Committee on Corporations, to whom had been referred the bill, entitled "An Act to incorporate the City of San Diego," reported the same without amendment, and recommended its passage; and the bill was read the first time, and ordered to a second reading.

Mr. Bidwell, from the same committee, to whom had been referred the memorial of citizens of the Mission of Dolores, in relation to the incorporation of the City of San Francisco, made a report in writing, recommending the prayer thereof to the favorable consideration of the Legislature, in all future legislation in relation to those places. (See Appendix SS.)

On motion of Mr. Heydenfeldt, a committee, consisting of Messrs. Heydenfeldt, Green, and Robinson, was appointed by the President to examine and report in relation to the duties, and progress therein, of the State Translator.

Mr. Heydenfeldt moved to take from the table, bill entitled "An Act supplementary to an Act entitled 'An Act creating a temporary Loan,'" and, on this motion, the yeas and nays were demanded by Messrs. Chamberlin and Heydenfeldt, and resulted as follows:—

AYES.

Mr. de la Guerra, Mr. Lippincott,
Douglass, Heydenfeldt,
Green, —5.

NAYS.

Mr. Bidwell, Mr. Crosby,
Broderick, Robinson,
Chamberlin, —5.

The President voted in the affirmative, and so the bill was taken from the table.

Mr. Bassham moved that the bill be indefinitely postponed; and, on this motion, the yeas and nays were demanded by Messrs. Heydenfeldt and Chamberlin, and resulted as follows:—

AYES.

Mr. Bassham, Mr. Crosby,
Broderick, Robinson,
Chamberlin, —5.

NAYS.

Mr. Bidwell, Mr. Green,
De la Guerra, Lippincott,
Douglass, Heydenfeldt—6.

So the question was decided in the negative.

Mr. Chamberlin moved the previous question, upon which motion the yeas and nays were demanded by Messrs. Heydenfeldt and Bassham, and resulted as follows:—

AYES.

Mr. Broderick, Mr. Douglass,
Chamberlin, Robinson,
Crosby, —5.

NAYS.

Mr. Bassham, Mr. Green,
Bidwell, Lippincott,
De la Guerra, Heydenfeldt—6.

So the question was decided in the negative.

The bill was then read the third time, and the question recurring on its passage, the yeas and nays were demanded by Messrs. Broderick and Bidwell, and resulted as follows :—

AYES.

Mr. Douglass, Mr. Lippincott,
Green, Heydenfeldt,
—4.

NAYS.

Mr. Bassham, Mr. Crosby,
Bidwell, De la Guerra,
Broderick, Robinson,
Chamberlin, —7.

So the question was decided in the negative.

Mr. Heydenfeldt gave notice that he would, at the expiration of five days, ask leave again to introduce the same bill.

Mr. Robinson, from the Committee of Conference on the disagreeing votes of the two Houses in relation to the bill, entitled " An Act to regulate the proceedings in Courts of Justices of the Peace in Civil Cases," made a report in writing, recommending that the Senate recede from its 8th and 9th amendments, that the 10th be amended, by substituting " 74" for " 75," in the 76th section, that the Assembly concur in the 11th amendment, by adopting the additional section, to be added after section 90 and numbered section 91, but striking out " 90" therein, and inserting " 89," and that the 93d section be amended by striking out " 84" and inserting " 83."

A message was received from the Assembly, informing the Senate that they had adopted the report of the Committee of Conference on the disagreeing votes of the two Houses on the act to regulate proceedings in Courts of Justices of the Peace in Civil Cases," and that they ask that the powers of the committee, on the part of the Senate, be enlarged, so as to give their cognisance of matters in said bill not embraced in the disagreement of the two Houses, the Assembly having recognised such powers as existing in their own committee. Also, that the Governor had notified the Assembly that he had this day signed bills, originating in the Assembly, entitled " An Act to regulate the

interest of money," and "An Act to provide for the early publication of the laws of California."

Mr. Bassham, from the Committee on Enrolled Bills, reported, that they had this day presented to the Governor, for his signature, bills, entitled "An Act to regulate the interest of money," and "An Act to provide for the early publication of the laws of California."

On motion of Mr. Green, bill, entitled "An Act to incorporate the City of Benicia," was taken up, read second and third times, and passed, the rules having been suspended for that purpose.

On motion of Mr. Chamberlin, bill, entitled "An Act to incorporate the City of San Diego," was taken up, read second time, amended, read the third time, and passed the rules having been suspended for that purpose.

Mr. Heydenfeldt, pursuant to previous notice, asked and obtained leave to introduce bill, heretofore returned by the Governor, with his objections, entitled "An Act to incorporate the City of Los Angeles," the question being taken by yeas and nays, and resulting as follows :—

AYES.

Mr. Bassham	Mr. Bidwell
Broderick	Chamberlin
Crosby	Douglass
Green	Lippincott
Heydenfeldt	Robinson.—10.

NAYS—None.

The bill was then read the first and second times, amended, read the third time, and passed, the rules having been suspended for that purpose.

On motion of Mr. Heydenfeldt, the Senate adjourned.

JOHN MCDOUGALL,
Lieutenant Governor and President of the Senate.

J. F. HOWE, Secretary of the Senate.

IN SENATE.

THURSDAY, *March* 14, 1850.

The Senate assembled, pursuant to adjournment.

Prayer by Rev. Mr. Brialy.

The Journal of Wednesday was read and approved.

Mr. Robinson, from the Committee on Engrossed Bills, reported that the committee had examined, and found to be correctly engrossed, "An Act to incorporate the City of San Diego," and "An Act to incorporate the City of Los Angeles."

The President laid before the Senate a communication from the Secretary of State, inclosing "An abstract of the Returns of an Election held at the various precincts in the District of San Joaquin, on Saturday, the 2d of March, 1850, for State Senator, in place of the Hon. Nelson Taylor, which was read, and referred to the Committee on Privileges and Elections. (See Appendix G.)

Mr. Chamberlin, from the Committee on Privileges and Elections, subsequently reported that the committee had examined the returns above referred to, and found that William D. Fairhead received a majority of votes at said election, and is legally entitled to a seat as Senator of California, for the unexpired term of Hon. Nelson Taylor. The Report was read and adopted.

On motion of Mr. Heydenfeldt, the period for which Mr. Woodworth had been granted leave of absence, was extended six days.

Mr. Bidwell gave notice that he would, on some future day, ask leave to introduce a bill providing for the protection, punishment, and government of Indians.

Mr. Green gave notice that he would, on Saturday, ask leave to introduce a bill entitled "An Act for the better regulation of the mines, and of foreigners, in the absence of any law of the United States Congress on the subject."

Mr. Heydenfeldt gave notice that he would, on some future day, ask leave to introduce joint resolutions in relation to the admission of California, as a State, into the Union.

Mr. Douglass submitted a joint resolution providing for the publication, in the "Pacific News," at San Francisco, of all laws of a general character passed at the present session of the Legislature.

Mr. Green moved a suspension of the rules, that the resolution might be considered at this time.

On this motion the yeas and nays were demanded by Messrs. Douglass and Heydenfeldt, and resulted as follows:—

AYES.

Mr. Douglass	Mr. Green
Heydenfeldt	Lippincott.—4.

NAYS.

Mr. Bidwell	Mr. de la Guerra
Broderick	Robinson
Chamberlin	—5.

So the question was decided in the negative, and the resolution was laid over, under the rules.

Mr. Robinson gave notice that he would, on to-morrow, ask leave to introduce a bill, entitled "An Act concerning wrecks and wrecked property."

The report of the Committee of Conference, on the disagreeing votes of the two Houses, on the bill "entitled "An Act to regulate proceedings in Courts of Justices of the Peace in civil cases," was taken up and adopted.

On motion of Mr. Broderick, Senate bill, entitled "An Act requiring bonds of Sheriffs," was taken up, read the second time, amended, and, on motion of Mr. Lippincott, was laid on the table.

A message was received from the Assembly informing the Senate, that they had passed Senate bill, entitled "An Act supplementary to an act entitled Act to incorporate Sacramento City," with an amendment, striking out all after the enacting clause, and inserting instead thereof, a substitute; also, that they had passed a bill, therewith transmitted, entitled "An Act establishing Recorders' offices, and defining the duties of the Recorder and County Auditor."

The amendments of the Assembly to Senate bill, entitled "An Act supplementary to an act entitled an Act to incorporate Sacramento City," were considered and concurred in.

Assembly bill, entitled "An Act establishing Recorders' offices, and

defining the duties of the Recorder and County Auditor," was referred to the Committee on the Judiciary.

On motion of Mr. Green, Assembly bill, entitled "An Act empowering the Governor to appoint Commissioners of Deeds, and defining the duties of such officers, was taken up, read the second and third time, and passed, the rules having been suspended for that purpose."

On motion of Mr. Lippincott, Assembly bill, entitled "An Act concerning Notaries Public," was taken up, read second time, amended, and, as amended, was read the third time, and passed, the rules having been suspended for that purpose.

Mr. Heydenfeldt presented a communication from the Ayuntamiento of San José, in reply to the letter of the Select Committee of the Senate of 4th instant, in relation to the "indigent sick" of San José, which was read, and laid on the table.

On motion of Mr. Heydenfeldt, Senate bill, entitled "An Act concerning Divorces," was taken up, and referred to a select committee, consisting of Messrs. Heydenfeldt, Green, Douglass, Lippincott, and Robinson.

On motion of Mr. Green, Assembly Bill, entitled "An Act concerning the office of County Treasurer," was taken up, read the second and third times, and passed, the rules having been suspended for that purpose.

On motion of Mr. Green, Assembly Bill, entitled "An Act concerning the office of County Assessor," was taken up, and read the second time; the amendments heretofore reported from the Judiciary Committee were adopted, and thus amended, the bill was read the third time and passed, the rules having been suspended for that purpose.

On motion of Mr. Green, Assembly Bill, entitled "An Act concerning the office of County Attorney," was taken up, read the second and third times, and passed, the rules having been suspended for that purpose.

On motion of Mr. Green, the Senate adjourned.

JOHN MCDOUGALL,
Lieut. Governor and President of the Senate.

J. F. HOWE, Secretary of the Senate.

IN SENATE.

FRIDAY, *March* 15, 1850.

The Senate assembled, pursuant to adjournment.

Prayer by the Rev. Mr. Douglass.

The Journal of Thursday was read and approved.

A Message was received from the Governor, by Mr. Ryland, his Private Secretary, "respecting bids for the State Loan," and inclosing sundry documents in relation thereto. The Message and documents were read, and, on the motion of Mr. Douglass, were laid on the table. (See Appendix R.)

Mr. Robinson, from the Committee on the Judiciary, to whom had been referred the bill from the Assembly, entitled "An Act establishing Recorders' Offices, and defining the Duties of the Recorder and County Auditor," reported the same without amendment, and recommending its passage. The Report was accepted.

Mr. Heydenfeldt, from the Committee on Expenditures, reported as correct sundry accounts which had been presented to the Committee; and further, requesting that the sense of the Senate might be taken with regard to the action of the Comptroller in refusing to audit the claim of George A. Gregory, amounting to sixty dollars, for erecting a flag-staff by order of the Senate. The Report was read, and referred to the Committee on the Judiciary.

Mr. Bassham, from the Committee on Enrolled Bills, reported that the Committee had examined, and found to be correctly enrolled, a bill, entitled "An Act to organize the District Courts of the State of California."

The President laid before the Senate a communication from J. D. Hoppe, Esq., presenting his account as Postmaster, for the postages of Senators during the last quarter, which was read and referred to the Committee on Expenditures. Mr. Heydenfeldt, from that Committee, subsequently made a Report thereon, recommending the payment of the account; and the Report was adopted.

The Resolution yesterday submitted by Mr. Douglass, providing for the publication, in the Pacific News, of all laws of a general character passed by the present Legislature, was taken up, and Mr. Douglass was granted leave to withdraw the same; whereupon Mr. Chamberlin submitted a Joint Resolution, for the appointment of a Committee of three,

on the part of each House, to designate what laws are of a general character, and how many numbers of each shall be *immediately* published, under the Act providing for the early publication of the laws, which was adopted, the Rules having been suspended for that purpose.

On motion of Mr. Robinson, so much of the Message of the Assembly of the 13th inst., as requests an enlargement of the powers of the Committee of Conference, on the part of the Senate, on bill, entitled "An Act to Regulate Proceedings in Courts of Justices of the Peace in Civil Cases," was taken up for consideration.

Mr. Robinson submitted a Resolution, which was adopted, that the sense of the Senate be now taken as to whether a Committee of Conference have power to recommend the alteration or change of any section of a bill, or act, which has passed both branches of the Legislature; and if so, whether the Senate have power, under the Rules, to adopt the Report of such Committee. And the sense of the Senate being taken on the proposition presented in the Resolution, the question was decided in the negative.

A Message was received from the Assembly, informing the Senate, that they had passed bills, originating in that body, entitled "An Act to Regulate Proceedings in Criminal Cases;" and "An Act to Incorporate the City of San José."

Also, that they had concurred in the amendments of the Senate to bill, entitled "An Act concerning the Office of County Assessor."

Also, that they had concurred in the first amendment of the Senate to the bill, entitled "An Act concerning Notaries Public," and had non-concurred in the Senate's second amendment to said bill.

The Senate, on motion, receded from their first amendment to Assembly Bill, entitled "An Act concerning Notaries Public."

Mr. Green, agreeably to previous notice, asked and obtained leave to introduce a bill, entitled "An Act for the better regulation of the Mines and the Government of Foreign Miners," which was read the first and second times, and referred to the Committee on Finance.

Mr. Robinson, pursuant to previous notice, asked and obtained leave to introduce a bill, entitled "An Act concerning wrecks and wrecked property," which was read the first time, and ordered to second reading.

Bill, from the Assembly, entitled "An Act to incorporate the city of San José," was taken up, and referred to the Committee on Corporations.

Assembly Bill, entitled "An Act to regulate proceedings in criminal cases," was referred to the Committee on the Judiciary.

Mr. Crosby, from the Committee on the Judiciary, to whom had been referred the bill from the Assembly, entitled "An Act concerning Jails and Jailors," reported the same, with an amendment, and the bill was read the first time, and ordered to second reading.

On motion of Mr. Heydenfeldt, the bill, entitled "An Act to incorporate the California Insurance Company," was taken up, read second time, and indefinitely postponed.

Assembly Bill, entitled "An Act concerning the office of District Attorney," was read second time, amended, read third time, and passed, the rules having been suspended for that purpose.

Mr. Bassham, from the Committee on Enrolled Bills, reported that the committee had examined, and found to be correctly enrolled, bills, entitled "An Act to provide for the incorporation of Cities," and "An Act creating and regulating Public Ferries."

On motion of Mr. Robinson, Assembly Bill, entitled "An Act to authorize the formation of Limited Partnerships," was taken up, read second time, amended, read third time, and passed, the rules having been suspended for that purpose.

Mr. Broderick, from the Committee on the Judiciary, to whom had been referred the bill from the Assembly, entitled "An Act to establish a Municipal Court in the city of San Francisco," reported, that they had examined the same, and recommend its passage without amendment. The report was accepted, the bill was read the first time, and ordered to a second reading.

On motion of Mr. Heydenfeldt, the bill was ordered to be printed for the use of the Senate.

Mr. de la Guerra withdrew his application, heretofore granted, for leave of absence for two weeks from to-morrow.

On motion of Mr. Green, the Senate adjourned.

JOHN MCDOUGALL,
Lieutenant Governor and President of the Senate.

IN SENATE.

SATURDAY, *March* 16, 1850.

The Senate met, pursuant to adjournment.

Prayer by Rev. Mr. Briarly.

The Journal of Friday was read and approved.

A message was received from the Assembly, informing the Senate, that the Speaker of the Assembly had signed bills, severally entitled, "An Act to organize the District Courts of the State of California;" "An Act creating and regulating Public Ferries;" and "An Act to provide for the incorporation of Cities." Also, that the Assembly request the Senate to inform the Assembly, whether they had appointed a Committee of Conference on the disagreeing votes of the two Houses, on the bill, entitled "An Act to provide for the incorporation of Towns," in compliance with the request of the Assembly to that effect, through their Clerk to the Senate, on the 30th day of January last.

The President signed the three Acts first mentioned in the preceding message, and the Secretary certified upon those entitled, "An Act to organize the District Courts of the State of California," and "An Act creating and regulating Public Ferries," that each originated in the Senate.

On motion of Mr. Douglass, the Secretary was directed to inform the Assembly, in reply to the request made in their message above recited, that such Committee of Conference was appointed, that such committee performed the duties assigned them, reported thereon, and that their report was adopted, all of which appear upon the journals of the Senate.

Mr. Crosby, from the Committee on the Judiciary, to whom had been referred the report of the Committee on Expenditures, in relation to the refusal of the Comptroller to audit the account of George A. Gregory, for erecting a flag-staff, by order of the Senate, made a report in writing, adverse to the views entertained by the Comptroller in relation thereto, and declaratory of the right of the Senate solely to judge as to what shall constitute their contingent expenses.

The report was adopted.

Mr. Robinson, from the Committee on the Judiciary, to whom had been referred Senate bill, entitled "An Act concerning limited partnerships," reported the same, without amendment; and recommending its indefinite postponement. The report was adopted, and the bill was indefinitely postponed.

Mr. Heydenfeldt, from the Committee on Expenditures, made an additional report, in relation to the account of J. D. Hoppe, Esq., Postmaster of San José, recommending immediate action by the Senate for the payment of the same in coin; whereupon, Mr. Bassham offered to

pay the bill in coin, and receive in return therefor the bonds of the State, at par.

On motion of Mr. Heydenfeldt, the proposition of Mr. Bassham was accepted, and the thanks of the Senate were tendered to him for his offer.

The President laid before the Senate a communication from S. A. & J. G. Thayer, of San Francisco, with their account of $248 87, for lamps furnished the Senate, and requesting the payment of the same "in coin or dust."

Mr. Chamberlin, from the Joint Committee, on the part of the Senate, appointed under a concurrent resolution of the two Houses, to divide the State into Senate and Assembly Districts, made a report in writing, accompanied by a bill, entitled "An Act to regulate the Senatorial and Assembly Districts." The report was accepted; and the bill was read the first and second times, amended, read the third time, and passed, the rules having been suspended for that purpose.

Mr. Chamberlin (at the request of Mr. Bidwell, who was absent in consequence of sickness) asked and obtained leave to introduce a bill, of which previous notice had been given, entitled "An Act in relation to the protection, punishment, and government of the Indians," which was read the first time, and ordered to a second reading.

The President announced, as the committee, on the part of the Senate, under the Joint Resolution yesterday adopted in relation to the *immediate* publication of the laws of a general character, Messrs. Chamberlin, Douglass, and Lippincott.

Mr. Green was appointed by the President as an additional member of the Committee on Corporations.

The President called the attention of the Senate to the facts communicated to him since yesterday's session, that the house *had not* yet adopted the Report of the Committee of Conference, as adopted by the Senate, on the disagreeing Votes of the two Houses on the bill, entitled "An Act to regulate proceedings in the Courts of Justices of the Peace in Civil Cases;" whereupon, on motion of Mr. Broderick, a second Committee of Conference, in relation thereto, consisting of Messrs. Douglass, Chamberlin, Robinson, and Heydenfeldt, was appointed by the President, on the part of the Senate, to meet any corresponding committee which may be appointed on the part of the Assembly.

Mr. Heydenfeldt, on leave, introduced a bill, entitled "An Act concerning the salaries of District Judges," which was read the first and second times, the rules having been suspended for that purpose; and, on motion of Mr. Robinson, was indefinitely postponed.

Assembly Bill, entitled "An Act establishing Recorders' Offices, and defining the duties of the Recorder and County Auditor," was taken up, read the first and second times, amended, read the third time, and passed, the rules having been suspended for that purpose.

Mr. Heydenfeldt, on leave, introduced a bill, entitled "An Act providing for the salaries of District Judges," which was read the first time, and ordered to a second reading.

On motion of Mr. Robinson, the Senate adjourned.

JOHN MCDOUGALL,
Lieutenant Governor and President of the Senate.

J. F. HOWE, Secretary of the Senate.

IN SENATE.

MONDAY, *March* 18, 1850.

The Senate assembled, pursuant to adjournment.

Prayer by Rev. Mr. Douglass.

Mr. Douglass announced the arrival of Hon. William D. Fair, Senator elect from the District of San Joaquin, in the place of the Hon. Nelson Taylor, and Mr. Fair was duly qualified, and took his seat.

The journal of Saturday was read and approved.

A message was received from the Governor, informing the Senate that he had signed bills, originating in the Senate, entitled "An Act regulating Public Ferries," and "An Act to organize the District Courts of the State of California."

Mr. Crosby, from the Committee on the Judiciary, to whom had been referred Assembly bill, entitled "An Act to regulate proceedings in the County Courts in cases of appeal from the Courts of Justices of the Peace," reported the same with amendments, and the bill was subsequently read the second time, amended, read the third time, and passed, the rules having been suspended for that purpose.

Mr. Robinson, from the Committee on the Judiciary, to whom had

been referred Assembly bill, entitled, "An Act to organize the Court of Sessions," reported the same, with amendments; and the bill was subsequently read the second time, amended, read the third time and passed, the rules having been suspended for that purpose.

Mr. Robinson, from the Committee on Engrossed Bills, reported that the committee had examined and found to be correctly engrossed, bill, entitled, "An Act to regulate the Senatorial and Assembly Districts."

Mr. Bassham, from the Committee on Enrolled Bills, reported that the Joint Committee on Enrolled Bills had examined and found to be correctly enrolled, bill, entitled, "An Act supplementary to An Act to incorporate the City of Sacramento."

Also, that the committee, on the 16th instant, presented to the Governor for his signature, bills, entitled, "An Act to provide for the incorporation of Cities;" "An Act to organize the District Courts of the State of California;" and "An Act creating and regulating Public Ferries."

On motion of Mr. Heydenfeldt, bill, entitled, "An Act providing for the Salaries of District Judges," was taken up, read the second time, amended, and, thus amended, was ordered to a third reading.

A message was received from the Assembly, inviting the Senate to meet that body in the Hall of the Assembly at 12 o'clock, meridian, of this day, for the purpose of going into an election of Harbor Master for the Port of San Francisco.

On motion of Mr. Green, the invitation was accepted, and the Secretary was directed to notify the Assembly of such acceptance.

The hour of 12 M. having arrived, the Senate proceeded in a body to the Hall of the Assembly, in pursuance of the invitation above mentioned.

IN CONVENTION.

Hon. John McDougall, Lieutenant Governor and President of the Senate, presided as President of the Convention, and stated the object for which the two Houses were convened to be the election of Harbor Master for the Port of San Francisco.

The President appointed Mr. Douglass as Teller on the part of the Senate, and the Speaker of the Assembly appointed Mr. Crittenden as Teller on the part of that Body.

Mr. Robinson nominated for Harbor Master James Hagan,
Mr. Vermeule " " Thomas Belcher Kay,
Mr. Baldwin " " George O. McMullin.

The Secretary of the Senate proceeded to call the names of Senators, and the Clerk of the Assembly to call the names of the members of that Body, each member voting *vivâ voce*, when the Tellers reported that the

Whole number of votes given, was . . . 41
Necessary to a choice, ... 21
Of which Mr. Hagan had received 20 votes,
Kay " 14 "
McMullin " 7 "

Those who voted for Mr. Hagan were—Messrs. Bassham, Bidwell, Broderick, Chamberlin, Crosby, De la Guerra, Green, Lippincott, and Robinson, of the Senate; Messrs. Aram, Bradford, Clarke, Corey, Crittenden, Deal, Henly, Hughes, McKinstry, Randolph, and Speaker of the Assembly.—20.

Those who voted for Mr. Kay were—Douglass and Vermeule, of the Senate; Messrs. Cardwell, Covarubias, Gray, Moorehead, Ogier, Patterson, Per Lee, Scott, Stewart, Tingley, Williams, and Witherby, of the Assembly.—14.

Those who voted for Mr. McMullin were—Messrs. Fair and Heydenfeldt, of the Senate; Messrs. Baldwin, Brown, Moore, Walthall, and Wheeler, of the Assembly—7.

No person having received a majority of all the votes given, the Convention proceeded in like manner to a second vote, when the Tellers reported the

Whole number of votes given, to be . . 41
Necessary to a choice, ... 21
Of which Mr. Hagan had received . . . 20 votes
Mr. Kay, . " . . . . 11 "
Mr. McMullin, " . . . . 10 "

Those who voted for Mr. Hagan were—Messrs. Bassham, Bidwell, Broderick, Chamberlin, Crosby, De la Guerra, Green, and Robinson, of

the Senate; Messrs. Aram, Bradford, Brown, Clark, Corey, Crittenden, Deal, Henly, Hughes, McKinstry, Randolph, and Speaker of the Assembly—20.

Those who voted for Mr. Kay were—Mr. Vermeule of the Senate; Messrs. Aram, Cardwell, Covarubias, Deal, Gray, Patterson, Per Lee, Scott, Stewart, and Williams, of the Assembly—11.

Those who voted for McMullin, were—Messrs. Douglass, Fair, Heydenfeldt, and Lippincott, of the Senate; Messrs. Baldwin, Moorehead, Moore, Tingley, Walthall, of the Assembly—10.

No person having received a majority of all the votes given, the Convention, in like manner, proceeded to a third vote, when the Tellers reported the

Whole number of votes given, to be, . . .	41
Necessary to a choice, ...	21
Of which Mr. Hagan had received, . . .	22 votes
Mr. Kay, . "	13 "
Mr. McMullin, "	6 "

Those who voted for Mr. Hagan were—Messrs. Bassham, Bidwell, Broderick, Chamberlin, Crosby, De la Guerra, Green, Lippincott, and Robinson, of the Senate; Messrs. Bradford, Brown, Clarke, Corey, Crittenden, Henly, Hughes, McKinstry, Ogier, Randolph, Tingley, Witherby, and Speaker, of the Assembly—22.

Those who voted for Mr. Kay were—Messrs. Douglass and Vermeule, of the Senate; Messrs. Aram, Baldwin, Cardwell, Covarubias, Gray, Moorehead, Patterson, Per Lee, Scott, Stewart, and Williams, of the Assembly—13.

Those who voted for Mr. McMullin were—Messrs. Fair and Heydenfeldt, of the Senate; Messrs. Deal, Moore, Walthall, and Wheeler, of the Assembly—6.

And it appearing that James Hagan had received a majority of all the votes given, the President declared that he was duly elected Harbor Master for the Port of San Francisco, for and during the period prescribed by law, and the Convention, having completed the business for which they had assembled, was adjourned *sine die*.

In SENATE, on motion of Mr. Chamberlin, bill, entitled "An Act in relation to the protection, punishment, and government of the Indians," was

taken up, read the second time, and referred to the Committee on the Judiciary.

A message was received from the Assembly, informing the Senate that the Speaker of the Assembly had signed bill, entitled "An Act supplementary to an Act entitled an Act to incorporate Sacramento City;" also, that the Assembly had adopted a "Joint Resolution on the subject of Mineral Lands, Public Domain, Right of Pre-emption, Ports of Entry, Custom Houses, Branch of the United States Mint, and moneys that rightfully belong to California;" also, that they had passed, with amendments, Senate Bill, entitled "An Act to incorporate the city of San José;" also, that they had adopted the Joint Resolution of the Senate "in relation to the immediate publication of the general laws," and had appointed, on their part, Messrs. Witherby, Creaner, and McKinstry, a committee to confer with the Senate's Committee on the subject; also, that the Governor had notified the Assembly that he had this day signed bill, entitled "An Act to provide for the incorporation of cities."

The President of the Senate signed bill entitled, "An Act supplementary to an Act entitled, An Act to Incorporate Sacramento City," and the Secretary certified thereon that it originated in the Senate.

On motion of Mr. Heydenfeldt, the Senate adjourned.

JOHN MCDOUGALL,
Lieutenant Governor and President of the Senate.

J. F. HOWE, Secretary of the Senate.

IN SENATE.

TUESDAY, *March* 19, 1850.

The Senate assembled, pursuant to adjournment.

Prayer by Rev. Mr. Briarly.

The journal of Monday was read and approved.

Mr. Robinson, from the Committee on Engrossed Bills, reported, that the Committee had examined and found to be correctly engrossed, bill entitled, "An Act providing for the salaries of the District Judges," and the bill was subsequently read a third time and passed.

Mr. Bassham, from the Committee on Engrossed Bills, reported that

the Committee had, on yesterday, presented to the Governor, for his signature, bills entitled, "An Act supplementary to an Act entitled An Act to Incorporate Sacramento City." Also that the Committee had examined and found to be correctly enrolled, bills, entitled, "An Act empowering the Governor to appoint Commissioners of Deeds, and defining the duties of said officers;" and "An Act declaring certain rivers, creeks, and sloughs, herein named, navigable."

On motion of Mr. Heydenfeldt, the amendments of the Assembly to the bill entitled, "An Act to Incorporate the City of San José," were taken up and severally concurred in.

Mr. Robinson, from the Committee on the State Library, to whom had been referred Assembly bill entitled, "An Act defining the duties of the State Librarian, and prescribing rules for the government of the State Library," reported the same without amendment.

Mr. Woodworth gave notice that he would, at a future day, ask leave to introduce a bill to incorporate the San Francisco Gas Light and Coke Company.

Mr. Crosby submitted a resolution, providing for the appointment of a committee of three, to inquire further into the legality of the course pursued by the State Comptroller, in refusing to audit certain claims certified as contingent expenses of the Senate, as required by law, and to report to the Senate what action should be taken in the matter. The question being on the adoption of the resolution, the yeas and nays were demanded thereon by Messrs. Chamberlin and Vermeule, and resulted as follows:

AYES.

Mr. Bassham,	Mr. Green,
Broderick,	Heydenfeldt,
Chamberlin,	Robinson,
Crosby,	Vermeule,
Douglass,	Woodworth.
Fair,	—11.

NAYS.

Mr. Lippincott.—1.

So the resolution was adopted, and the President appointed as the Committee therein mentioned, Messrs. Crosby, Douglass, and Lippincott.

A message was received from the Governor by Mr. Ryland, private Secretary, informing the Senate that he had on yesterday signed bill entitled, "An Act supplementary to an Act entitled, an Act to incorporate Sacramento City."

The President appointed Mr. Fair as a member of the Committee on Claims, of the Committee on the Judiciary, of the Committee on the State Library, and of the Committee on Public Schools.

Mr. Chamberlin was appointed an additional member of the Select Committee to whom had been referred the Act concerning Divorces.

On motion of Mr. Green, bill entitled, "An Act relating to the office and duties of Public Administrator of the City of San Francisco," was taken up, read the second time, amended, and the further consideration thereof was then postponed until to-morrow.

Messages were received from the Assembly, informing the Senate that the Speaker of the Assembly had signed bills, entitled "An Act empowering the Governor to appoint Commissioners of Deeds, and defining the duties of such officers;" and "An Act declaring certain rivers and sloughs herein named, navigable;" also, that the Assembly had concurred in the first amendment of the Senate to the bill entitled, "An Act concerning the office of District Attorney," and had non-concurred in Senate's second amendment to said bill. Also that they had concurred in the 1st, 2d, 3d, and 5th, of the Senate's amendments to the bill, "An Act to authorize the formation of Limited Partnerships," and had non-concurred in the 4th of said amendments. Also, that they had non-concurred in the amendment of the Senate to the bill entitled, "An Act establishing Recorders' offices, and defining the duties of the Recorder and County Auditor. Also that they had passed bill, therewith transmitted, entitled, "An Act concerning crimes and punishments." Also, that they had adopted the Report of the Committee of Conference on the disagreeing votes of the two Houses on the bill entitled, "An Act to regulate proceedings in Courts of Justices of the Peace in Civil Cases." Also, that they had non-concurred in *all* the Senate's amendments to bill entitled, "An Act to regulate proceedings in the County Courts in cases of Appeal from the Courts of Justices of the Peace." Also, that they had concurred in the 4th, and non-concurred in the 1st, 2d, and 3d, of the Senate's Amendments to the bill entitled, "An Act to organize the Court of Sessions."

The President of the Senate signed bills entitled, "An Act empowering the Governor to appoint Commissioners of Deeds, and defining the duties of such officers," and "An Act declaring certain rivers and sloughs herein named, navigable."

On motion of Mr. Woodworth, the Senate adjourned.

JOHN MCDOUGALL,
Lieut. Governor and President of the Senate.

J. F. HOWE, Secretary of the Senate.

IN SENATE.

WEDNESDAY, *March* 20, 1850.

The Senate assembled, pursuant to adjournment.

The Journal of Tuesday was read and approved.

Mr. Green, from the Committee of Finance, to whom had been referred the bill entitled, "An Act for the better regulation of the mines, and government of foreign miners," made a report in writing (See Appendix S.), recommending the passage of the bill. The report was read, when Mr. Heydenfeldt moved that one thousand copies thereof be printed. On this motion the yeas and nays were demanded by Messrs. Broderick and Heydenfeldt, and resulted as follows:—

AYES.

Mr. Bassham	Mr. Heydenfeldt
Chamberlin	Lippincott
Crosby	Robinson
De la Guerra	Vermeule
Douglass	Woodworth—11.
Green	

NAYS.

Mr. Broderick	Mr. Fair—2.

So the question was decided in the affirmative.

Mr. Green, from the Committee on Corporations, to whom had been referred Assembly Bill, entitled "An Act to incorporate the City of San

José," reported that a similar bill had already passed the Senate, and requested that the committee be discharged from the further consideration of the bill.

The Report was accepted, and the committee were discharged accordingly.

Assembly Bill entitled "An Act concerning Crimes and Punishments," was referred to the Committee on Judiciary.

Mr. Bassham, from the Committee on Enrolled Bills, reported that the committee had, on yesterday, presented to the Governor, for his signature, bills, entitled "An Act empowering the Governor to appoint Commissioners of Deeds, and defining the duties of such officers," and "An Act declaring certain rivers herein named navigable." Also, that the committee had this day examined, and found to be correctly enrolled, bills entitled "An Act concerning Notaries Public," "An Act concerning the office of County Attorney," and "An Act to regulate elections."

The message of the Assembly, yesterday received, was taken up, and the Senate receded from their 2d amendment to Assembly Bill entitled "An Act concerning the office of District Attorney."

On the question of receding from the Senate's 4th amendment to the bill entitled "An Act to authorize the formation of Limited Partnerships," the yeas and nays were demanded by Messrs. Broderick and Heydenfeldt, and resulted as follows:—

AYES.

Mr. Broderick	Mr. Crosby
Douglass	Fair
Heydenfeldt	Lippincott
Robinson	Woodworth.—8.

NAYS.

Mr. Bassham	Mr. Vermeule.—2.

So the Senate receded from their amendment.

The Senate refused to recede from their amendment to the bill entitled "An Act establishing Recorders' offices, and defining the duties of the Recorder and County Auditor;" and, on motion of Mr. Crosby, a Committee of Conference was appointed thereon, on the part of the

Senate, consisting of Messrs. Crosby, Douglass, and Fair, to meet any corresponding committee which may be appointed on the part of the Assembly.

The Senate receded from their 1st amendment to the bill entitled "An Act to organize the Court of Sessions," refused to recede from their second amendment thereto, receded from their amendments to the 2d section of the bill, and refused to recede from their amendments to the 7th, 10th, and 12th sections thereof.

On motion of Mr. Crosby, a Committee of Conference thereon was appointed, consisting of Messrs. Crosby, Heydenfeldt, and Robinson, to meet any corresponding committee which may be appointed on the part of the Assembly.

A message was received from the Assembly, informing the Senate, that the Speaker of the Assembly had signed bill, entitled "An Act to regulate elections;" also, that the Governor had notified the Assembly that he had this day signed bill, entitled "An Act empowering the Governor to appoint Commissioners of Deeds, and defining the duties of such officers," and "An Act declaring certain rivers and sloughs herein named navigable;" also, that the Assembly had passed Senate Bill, entitled "An Act providing for the salaries of District Judges," with an amendment, striking out "eight thousand," and inserting therefor "seven thousand;" also, that they had passed a bill, entitled "An Act concerning the office of Surveyor General."

The President signed bill, entitled "An Act to regulate elections."

So much of the message of the Assembly of yesterday received as relates to the non-concurrence of that body in the Senate's amendment to Assembly bill, entitled "An Act to regulate proceedings in the County Courts, in cases of appeal from the Courts of Justices of the Peace," was taken up, and the question being on receding from the Senate's first amendment, striking out *de novo* and inserting therefor "*anew*," the yeas and nays were demanded thereon, by Messrs. Broderick and Douglass, and resulted as follows:—

AYES.

Mr. Broderick
Green
Mr. Fair
—3.

NAYS.

Mr. Bassham	Mr. Lippincott
Crosby	Robinson
Douglass	Vermeule
Heydenfeldt	Woodworth—8.

So the Senate refused to recede.

On motion of Mr. Heydenfeldt, the Senate adjourned.

JOHN MCDOUGALL,
Lieut. Governor and President of the Senate.

J. F. HOWE, Secretary of the Senate.

IN SENATE.

THURSDAY, *March* 21, 1850.

The Senate assembled, pursuant to adjournment.

Prayer by Rev. Mr. Douglass.

The Journal of Wednesday was read and approved.

Mr. Bassham, from the Committee on Enrolled Bills, reported that the committee had examined and found to be correctly enrolled, bills, entitled "An Act to incorporate the City of San José," and "An Act concerning the office of County Assessor;" also, that the committee yesterday presented to the Governor, for his signature, bill, entitled "An Act to regulate Elections."

The consideration of so much of the message of the Assembly of the 19th instant as relates to the amendment of the Senate to bill, entitled "An Act to regulate proceedings in the County Courts, in cases of appeal from the Courts of Justices of the Peace," was resumed, and the Senate refused to recede from any of their amendments.

On motion of Mr. Fair, a Committee of Conference therein was appointed, consisting of Messrs. Fair, Crosby, and Heydenfeldt, to meet any corresponding committee which may be appointed on the part of the Assembly.

The message of the Assembly, yesterday received, was taken up, and Assembly bill, entitled "An Act concerning the office of Surveyor General," was referred to the Committee on the Judiciary. The Senate

refused to concur in the amendment of the Assembly to the bill, entitled "An Act providing for the salaries of the District Judges;" and, on motion of Mr. Green, a Committee of Conference was appointed thereon, consisting of Messrs. Green, Lippincott, and Chamberlin, to meet any corresponding committee which may be appointed on the part of the Assembly.

On motion of Mr. Fair, it was

Ordered, That two hundred and forty copies of the Treaty of Peace, between the United States and Mexico, ratified the 20th of May, 1848, be published for the use of the Senate.

Mr. Chamberlin gave notice that he would, at some future day, ask leave to introduce a bill, entitled "An Act for the promotion and preservation of the Public Health."

Mr. Robinson submitted a resolution, which was adopted, that a committee of three be appointed, to draft and report, at an early day, a place for a State Prison, and for the safe keeping and maintenance of all persons charged or convicted of offences against the State, until such prison can be erected. The President appointed, as such committee, Messrs. Robinson, Lippincott, and Woodworth.

On motion of Mr. Heydenfeldt, Assembly bill, entitled, "An Act to incorporate the City of Monterey," was taken from the table, read the second and third times, and passed, the rules having been suspended for that purpose.

A message was received from the Assembly, informing the Senate that they had passed bills, entitled, "An Act to provide for the collection of demands against vessels and boats," and "An Act defining the compensation of Clerks employed by the Secretary, Treasurer, and Comptroller of the State."

Also, that they had appointed Messrs. Walthall, Crittenden, and Brackett, a Committee of Conference on the part of the Assembly, on the disagreeing votes of the two Houses on the bill, entitled, "An Act to organize the Court of Sessions."

Also, that they had appointed Messrs. Brackett, Wheeler, and McKinstry a Committee of Conference on their part on the disagreeing votes of the two Houses, on the bill, entitled, "An Act establishing Recorders' Offices, and defining the duties of the Recorder and County Auditor."

On motion of Mr. Broderick, bill, entitled "An Act to incorporate

the City of San Francisco," was taken up, read the second time, and, on motion of Mr. Heydenfeldt, amended in the 1st section of Article I., in the 1st section of Article II., and in the 4th and 9th sections of the same article.

Mr. Heydenfeldt moved further to amend the bill by striking out, in the second subdivision of Section 1st of Article III., the word "two," and substituting therefor the word "one." On this motion the yeas and nays were demanded by Messrs. Heydenfeldt and Green, and resulted as follows:—

AYES.

Mr. Crosby
Douglass
Green
Mr. Heydenfeldt
Lippincott
Woodworth—6.

NAYS.

Mr. Bidwell
Broderick
Chamberlin
Fair
Mr. Robinson
Vallejó
Vermeule
—7.

So the question was decided in the negative.

Mr. Heydenfeldt moved further to amend, by inserting at the close of the same subdivision of Article III., the words, "provided, that said taxes shall not exceed the amount of one per centum per annum, unless the same be submitted to the people, who, by ballot, as in other elections, shall declare their assent thereto." On this motion the yeas and nays were demanded by Messrs. Broderick and Heydenfeldt, and resulted as follows:—

AYES.

Mr. Bassham
Crosby
Douglass
Green
Mr. Heydenfeldt
Lippincott
Woodworth
—7.

NAYS.

Mr. Bidwell
Broderick
Chamberlin
De la Guerra
Mr. Fair
Robinson
Vallejó
Vermeule—8.

So the question was decided in the negative.

On motion of Mr. Douglass, the Senate adjourned.

JOHN MCDOUGALL,
Lieutenant Governor and President of the Senate.

J. F. HOWE, Secretary of the Senate.

IN SENATE.

FRIDAY, *March* 22, 1850.

The Senate assembled, pursuant to adjournment. Hon. E. Kirby Chamberlin, President *pro tempore*, in the Chair.

The Journal of Thursday was read and approved.

Mr. Heydenfeldt, from the Committee on Expenditures, made a Report in writing, in relation to certain claims for expenses incurred by Dr. J. H. Rogers, in providing for the lunatic ordered to be taken care of by a Resolution of the Senate. The Report was read, and referred to the Committee on Claims, with instructions to report a bill for an appropriation to meet the claim referred to therein.

The Message yesterday received from the Assembly, was taken up, and bill therein mentioned, entitled "An Act to provide for the collection of Demands against Vessels and Boats," was referred to the Committee on Commerce and Navigation; and that entitled "An Act defining the Compensation of Clerks employed by the Secretary, Treasurer, and Comptroller of the State," was referred to the Committee on the Judiciary.

On motion of Mr. Broderick, bill, entitled "An Act to Incorporate the City of San Francisco," was taken up, further amended, and, as amended, was read the third time, and passed, the Rules having been suspended for that purpose.

Bill, entitled "An Act relating to the Office and Duties of Public Administrator of the City of San Francisco," was taken up, further amended, and, as amended, was read the third time, and passed, the Rules having been suspended for that purpose. On the final passage of the bill, the yeas and nays were demanded by Messrs. Douglass and Fair, and resulted as follows:—

AYES.

Mr. Bidwell	Mr. Green
Broderick	Heydenfeldt
Chamberlin	Robinson
Crosby	Vallejo—9.
De la Guerra	

NAYS.

Mr. Bassham	Mr. Fair
Douglass	Lippincott—4.

Joint Resolutions of the Assembly, entitled "Joint Resolutions on the subject of Mineral Lands, Public Domain, Right of Pre-emption, Ports of Entry, Custom Houses, Branch of the United States Mint, and Money that rightfully belongs to California," referred to the Committee on Public Lands and Mission Claims.

Assembly Bill, entitled "An Act defining the duties of the State Librarian, and prescribing rules for the Government of the State Library," was read the first time, and ordered to a second reading.

On motion of Mr. Bassham, Assembly Bill, entitled "An Act to Incorporate the City of San José," was taken up, and indefinitely postponed.

A message was received from the Assembly, informing the Senate that they had passed Senate bill, entitled "An Act to Incorporate the City of San Diego."

Also, that they had adopted the Report of the Conference Committee on the disagreeing votes of the two Houses, on the bill, entitled "An Act to Organize the Court of Sessions."

Also, that they had appointed Messrs. Walthall, Crittenden, and Brackett, a Committee of Conference, on the disagreeing votes of the two Houses, on the bill, entitled "An Act to regulate Proceedings in the County Courts, in Cases of Appeal from the Courts of Justices of the Peace."

Also, that they had appointed Messrs. Williams, Randolph, and Bradford, a Committee of Conference on the disagreeing votes of the two houses, on the bill, entitled "An Act providing for the Salaries of District Judges."

Also, that they had adopted the Report of the Conference Com-

mittee on the disagreeing votes of the two Houses, on the bill, entitled "An Act to regulate proceedings in the County Courts in Cases of Appeal from the Courts of Justices of the Peace."

Also, that they had passed a concurrent Resolution in relation to the translation of the laws, and had appointed, on their part, in accordance with the Resolution, Messrs. Covarubias, Ogier, Crittenden, Bradford, and Wheeler, a Committee to act with any corresponding Committee that may be appointed by the Senate.

On motion of Mr. Broderick, Assembly bill, entitled "An Act establishing a Municipal Court in San Francisco," to be called "the Municipal Court of the City of San Francisco," was taken up, read the second time, amended, and, as amended, was read the third time, and passed, the Rules having been suspended for that purpose.

On motion of Mr. Heydenfeldt, the Senate adjourned.

JOHN MCDOUGALL,
Lieutenant Governor and President of the Senate.

J. F. HOWE, Secretary of the Senate.

IN SENATE.

SATURDAY, *March* 23, 1849.

The Senate assembled, pursuant to adjournment. Hon. Mr. Chamberlin, President *pro tempore*, in the Chair.

Prayer by Rev. Mr. Douglass.

The Journal of Friday was read and approved.

Mr. Crosby, from the Committee on the Judiciary, to whom had been referred the bill from the Assembly, entitled "An Act concerning Offices," reported the same with amendments. The bill was read the second time, the amendments were adopted, the bill was further amended, read the third time, and passed, the rules having been suspended for that purpose.

Mr. Robinson, from the Committee on Engrossed Bills, reported that the committee had examined and found to be correctly engrossed, "An Act to incorporate the City of San Francisco," and "An Act relating to the office and duties of Public Administrator of the City of San Francisco."

Mr. Fair, from the Committee of Conference on the disagreeing votes of the two Houses on the bill entitled "An Act to regulate proceedings in the County Courts, in cases of appeal from the Courts of Justices of the Peace," made a report in writing, which was adopted.

Mr. Crosby, from the Committee of Conference on the disagreeing votes of the two Houses on the bill entitled "An Act to organize the Court of Sessions," made a report in writing, which was adopted.

Mr. Crosby, from the Committee of Conference on the disagreeing votes of the two Houses on the bill, entitled "An Act creating the office of County Recorder, and defining the duties of Recorder and County Auditor," made a report in writing, which was adopted

The message from the Assembly, yesterday received, was taken up, and the Senate adopted the concurrent resolution of the Assembly, "in relation to the translation of the laws."

Messages were received from the Assembly, informing the Senate that they had concurred in the amendment of the Senate to the Assembly bill, entitled "An Act to establish a Municipal Court in the City of San Francisco, to be called the Superior Court of the City of San Francisco."

Also, that they had passed bills, entitled "An Act prescribing the mode of appointing auctioneers, and defining their duties;" "An Act concerning watercraft found adrift, and lost money and property."

Also, that they had adopted the report of the Committee of Conference on the disagreeing votes of the two Houses on the bill entitled "An Act establishing Recorders' Offices, and defining the duties of Recorder and County Auditor."

Also, that the Governor had notified the Assembly that he had this day signed bill, entitled "An Act to regulate Elections."

Also, that they had refused to concur in the report of the Conference Committee on the disagreeing votes of the two Houses on the bill entitled "An Act providing for the salaries of the District Judges."

Also, that they had concurred in the Senate's amendment to Assembly bill, entitled "an Act concerning Jails and Jailors."

Also, that they had adopted the joint resolution of the Senate in relation to the election of District Judges, with an amendment, striking out the words "Monday, the 25th," and inserting therefor, "Saturday, the 30th."

On motion of Mr. Crosby, the Senate receded from their amendment to the bill of the Assembly, entitled "An Act to establish a Municipal

Court in the City of San Francisco, to be called the Superior Court of the City of San Francisco."

Assembly bill, entitled "An Act prescribing the mode of appointing Auctioneers, and defining their duties," was referred to the Committee on the Judiciary.

The Senate concurred in the amendment of the Assembly to the joint resolution of the Senate, providing for the election of District Judges.

Assembly bill, entitled "an Act concerning watercraft found adrift and lost money and property," was referred to the Committee on Commerce and Navigation.

Mr. Fair gave notice that he would, on Monday, ask leave to introduce a bill "concerning Attorneys and Counsellors at Law."

On motion of Mr. Fair, bill, entitled "An Act for the distribution of the Common School and University Fund," was taken up, and indefinitely postponed.

On motion of Mr. Fair, Assembly Bill, entitled "An Act concerning Jails and Jailors," was taken up, amended, read the third time, and passed, the rules having been suspended for that purpose.

On motion of Mr. Crosby, Assembly Bill, entitled "An Act concerning officers," was taken up, read the second time, the amendments proposed by the Judiciary Committee were adopted, and, thus amended, the bill was read the third time, and passed, the rules having been suspended for that purpose.

Mr. Green, from the Committee of Conference on the disagreeing votes of the two Houses on the bill providing for the salaries of the District Judges, made a report in writing, which was adopted.

On motion of Mr. Robinson, bill, "concerning wrecks and wrecked property," was taken up, read the second time, amended, read the third time, and passed, the rules having been suspended for that purpose.

Assembly Bill, entitled "An Act to establish the standard of weights and measures," was taken up, read the second and third times, and passed, the rules having been suspended for that purpose.

Assembly Bill, entitled "An Act defining the duties of the State Librarian, and prescribing rules for the management of the State Library," was taken up, read the second time, amended, read the third time, and passed, the rules having been suspended for that purpose.

Assembly Bill, entitled "An Act concerning Lawful Fences, and

animals trespassing on grounds lawfully inclosed," was taken up, read the first and second times, and ordered to third reading.

On motion of Mr. Fair, the Senate adjourned.

JOHN MCDOUGALL,
Lieut. Governor and President of the Senate.

J. F. HOWE, Secretary of the Senate.

IN SENATE.

MONDAY, *March* 25, 1850.

The Senate assembled, pursuant to adjournment; the President *pro tempore* in the Chair.

Prayer by Rev. Mr. Douglass.

The Journal of Saturday was read and approved.

Mr. Robinson, from the Committee on Engrossed Bills, reported, that the committee had examined, and found to be correctly engrossed, bill, entitled, "An Act concerning wrecks and wrecked property."

Mr. Douglass, from the Committee on Commerce and Navigation, to whom had been referred Assembly Bill, entitled "An Act concerning water craft found adrift, and lost money and property," reported the same, without amendment, and the bill was subsequently read three several times, and passed, the rules having been suspended for that purpose.

The President *pro tempore* appointed, as the committee on the part of the Senate, under the concurrent resolution in relation to the translation of the laws, Messrs. Robinson, Vallejó, Lippincott, Fair, and Woodworth.

Mr. Green gave notice that he would, at some future day, ask leave to introduce a bill, to authorize the Governor and Treasurer to negotiate a loan of one million dollars on the faith and credit of the State.

Assembly Bill, entitled "an Act concerning lawful fences, and animals trespassing on grounds lawfully inclosed," was read the third time and passed.

Mr. Robinson, from the Committee on Commerce and Navigation, to whom had been referred Assembly Bill, entitled "an Act to provide for the collection of demands against vessels and boats," reported the

same with an amendment, and the bill was subsequently read the first and second times; the amendment proposed by the committee was adopted, the bill was further amended, and, as amended, was read the third time and passed, the rules having been suspended for that purpose.

Mr. Robinson, on leave, introduced a bill, entitled "an Act to create Port Wardens for the port of San Francisco, and define their duties," which was referred to the Committee on Commerce and Navigation, subsequently reported back without amendment, read three several times and passed, the rules having been suspended for that purpose.

On motion of Mr. Douglass, Senate Bill, entitled "an Act concerning Marriages," was taken up, and referred to the Select Committee to whom had been referred Senate Bill, entitled "an Act concerning Divorces."

A message was received from the Assembly, informing the Senate that they had passed a bill, entitled "an Act concerning Volunteer or Independent companies." Also, that they had appointed Messrs. Brackett, Moore, and Ogier a committee of free conference, to meet any corresponding committee which might be appointed on the part of the Senate, on the disagreeing votes of the two Houses on the bill, entitled "an Act providing for the Salaries of District Judges." Also, that they had concurred in the Senate's amendments to Assembly Bill, entitled "An Act defining the duties of State Librarian, and prescribing Rules for the government of the State Library."

On motion of Mr. Heydenfeldt, the request of the Assembly for the appointment of a Committee of free conference, on the bill, entitled "an Act providing for the Salaries of District Judges," was concurred in, and the president *pro tempore* appointed as such committee, on the part of the Senate, Messrs. Heydenfeldt, Douglass, and Green.

Assembly Bill, entitled "an Act concerning Volunteer or Independent companies," was referred to the Committee on the Militia.

Assembly Bill, entitled "an Act to exempt the homestead and other property from forced sale in certain cases," was taken up on second reading, and, on motion of Mr. Crosby, was laid on the table.

Mr. Heydenfeldt, on leave, introduced a bill, entitled "An Act to provide for the contingent expenses of the Legislature," which was read three several times, and passed, the rules having been suspended for that purpose.

Mr. Woodworth, from the Committee on Public Lands and Mission Claims, to whom had been referred the Joint Resolutions of the Assembly "on the subject of Mineral Lands, Public Domain, Right of Preemption, Ports of Entry, Custom Houses, Branch of the United States Mints, and Moneys that rightfully belong to California," reported the same without amendment, and they were subsequently read the first and second times. Mr. Broderick moved to strike out the report accompanying the resolutions, and on this motion the yeas and nays were demanded by Messrs. Douglass and Fair, and resulted as follows:

AYES.

Mr. Broderick
Mr. Robinson
Mr. Woodworth
—3.

NAYS.

Mr. Bassham
Mr. Chamberlin
Mr. Douglass
Mr. Fair
Mr. Green
Mr. Heydenfeldt
Mr. Lippincott
Mr. Vallejó
—8.

So the question was decided in the negative.

Mr. Heydenfeldt moved to strike out the first resolution, and on this motion the yeas and nays were demanded by Messrs. Broderick and Bassham, and resulted as follows:—

AYES.

Mr. Broderick
Mr. Crosby
Mr. Heydenfeldt
Mr. Woodworth
—4.

NAYS.

Mr. Bassham
Mr. Bidwell
Mr. Chamberlin
Mr. Douglass
Mr. Fair
Mr. Green
Mr. Robinson
Mr. Vallejó
—8.

So the question was decided in the negative.

On motion of Mr. Douglass, the whole subject was laid on the table.

On motion of Mr. Bidwell, Senate bill, entitled "An Act amendatory of Sections 8, 9, 10, 12, 13, 14, 15, 19, 20, 21, 22, and 23, of the Act

entitled, "Act subdividing the State into Counties, and establishing the Seats of Justice therein," was made the special order for to-morrow.

Mr. Robinson, from the Committee on Engrossed Bills, reported, that the Committee had examined and found to be correctly engrossed, bills entitled "An Act to create Port Warden for the Port of San Francisco, and define their duties," and "An Act to provide for the Contingent Expenses of the Legislature," and had found the same to be correctly engrossed.

Mr. Heydenfeldt submitted a Joint Resolution, prescribing the manner in which the District Judges shall be elected by the Legislature, at the election to take place on the 30th instant; when,

On motion of Mr. Douglass, the Senate adjourned.

JOHN MCDOUGALL,
Lieutenant Governor and President of the Senate.

IN SENATE.

TUESDAY, *March* 26, 1850.

The Senate assembled, pursuant to adjournment.

Prayer by Rev. Mr. Briarly.

The journal of Monday was read and approved.

Mr. Bassham, from the Committee on Enrolled Bills, reported that the Committee had examined and found correctly enrolled, bills entitled "an Act concerning the office of County Treasurer," "an Act to incorporate the City of Benicia," "an Act to incorporate the City of San Diego," an "Act concerning Jails and Jailors," "an Act concerning the office of the District Attorney," "an Act to provide for the incorporation of Towns."

Mr. Crosby presented the petition of George S. Appleton, and ninety-seven other citizens of California, in relation to Gambling, which was read and referred to the Committee on the Judiciary.

Mr. Vallejó, from the Committee on Claims, to whom had been referred, with instructions, the Report of the Committee on Public Expenditures, in relation to the expenses incurred in taking care of a certain lunatic by order of the Senate, reported a bill, which was twice read, and ordered to a third reading.

Mr. Heydenfeldt, from the Committee on the Militia, to whom had been referred Assembly Bill, entitled "An Act concerning volunteers or independent companies," reported the same without amendment, and recommending its passage. The report was received, and the bill was read the first time.

Mr. Crosby, from the Committee to whom had been referred bills from the Assembly, entitled "An Act to organize the County Courts," and "An Act concerning the office of Surveyor General," reported the same, with amendments, and they were severally read the first time.

Mr. Heydenfeldt, from the Committee on Expenditures, reported as correct sundry claims against the Senate, which had been presented to the committee, and the report was adopted.

Mr. Heydenfeldt, from the same committee, reported the claim of A. S. Marvin, for Stationery furnished the Supreme Court now in session at San Francisco, with a recommendation that the same be referred to the Committee on Claims. The report was accepted, and adopted.

Mr. Douglass, from the Joint Committee appointed to select all laws of a general character for immediate publication in pamphlet form, made a report, recommending the publication of eight hundred copies in English, and of three hundred copies in Spanish, of "an Act concerning the official bonds of officers," "an Act subdividing the State into Counties and establishing the seats of justice therein," "an Act to organize the District Courts," "an Act creating and regulating Public Ferries," "an Act regulating Interest," "an Act to regulate the general elections," and "an Act to organize the Supreme Court." The report was accepted and adopted.

Mr. Heydenfeldt, from the Committee on Free Conference, on the disagreeing votes of the two Houses, in relation to the salaries of the District Judges, reported, that the committee had been unable to agree, and asked to be discharged from the further consideration of the bill.

On motion, the committee was discharged, and the report was laid on the table.

Mr. Heydenfeldt, from the Select Committee, to whom had been referred the bills entitled "an Act concerning Divorces," and "an Act concerning Marriages," reported the same, with a recommendation that they be laid on the table. The report was adopted, and the bills were accordingly laid on the table.

Messages were received from the Assembly, informing the Senate

that Hon. George B. Tingley had been elected Speaker *pro tempore* of the Assembly, in the absence of Hon. John Bigler, who is confined to his room by indisposition; also, that they had concurred in the Senate's first amendment to Assembly Bill, entitled "an Act to provide for the collection of demands against vessels and boats," and had non-concurred in the Senate's second amendment thereto; also, that they had passed a bill, entitled "an Act to change the name of William H. Smith to William Smith Hosford," and a concurrent resolution "concerning the reports of the proceedings of the Convention of Monterey;" also, that they had reconsidered the vote by which they had refused to adopt the report of the first Committee of Conference on the disagreeing votes of the two Houses in relation to the salaries of the District Judges, and had adopted the same, fixing the salaries of such Judges at seven thousand five hundred dollars per annum; also, that the Speaker *pro tempore* of the Assembly had signed bills, severally entitled "an Act concerning the office of County Attorney," "an Act concerning Notaries Public," "an Act to incorporate the city of San José," "an Act concerning the office of County Assessor," "an Act to incorporate the city of Benicia," "an Act concerning the office of County Treasurer," "an Act to incorporate the city of San Diego," "an Act concerning jails and jailors," "an Act concerning the office of District Attorney," and "an Act to provide for the incorporation of Towns."

The Senate refused to recede from their second amendment to the bill of the Assembly, entitled "An Act to provide for the collection of demands against vessels and boats." Assembly bill, entitled "An Act to change the name of William H. Smith to William Smith Hosford," was read the first and second times, and ordered to a third reading. The concurrent resolution of the Assembly, "concerning the reports of the proceedings of the Convention at Monterey," was read twice, and referred to the Committee on the Judiciary. The President *pro tempore* signed the several bills referred to in the messages above mentioned as having been signed by the Speaker *pro tempore* of the Assembly, and the Secretary of the Senate certified upon those entitled "an Act to incorporate the City of San José," and "an Act to incorporate the City of San Diego," that they originated in the Senate.

Mr. Fair, on leave, introduced a bill, of which previous notice had been given, entitled "an Act concerning Attorneys and Counsellors at Law," which was referred to the Committee on the Judiciary.

On motion of Mr. Douglass, it was

Resolved, That the daily Sessions of the Senate shall commence at 10 o'clock A.M., until otherwise ordered.

The special order of the day, being the bill, entitled "an Act amendatory of sections 8, 9, 10, 12, 13, 14, 15, 19, 20, 21, 22, and 23, of the act entitled "an Act subdividing the State into counties and establishing the seats of justice therein," was taken up on second reading.

On motion of Mr. Heydenfeldt, the bill from the Assembly, on the same subjects, was withdrawn from the Committee on Counties and County Boundaries, and read.

Mr. Green presented the petition of Citizens of Sutter County, in relation to the same subject, which was also read. Several amendments to Senate bill were proposed and adopted; when,

On motion of Mr. Bassham, the Senate adjourned.

JOHN MCDOUGALL,

Lieutenant Governor and President of the Senate.

J. F. HOWE, Secretary of the Senate.

IN SENATE.

WEDNESDAY, *March* 27, 1850.

The Senate assembled, pursuant to adjournment.

The Journal of Tuesday was read and approved.

Mr. Robinson, from the Committee on Engrossed Bills, reported that the Committee had examined, and found to be correctly engrossed, bill entitled "An Act to provide for the Expense incurred by order of the Senate of 27th February, 1850, in taking care of a certain Lunatic."

Mr. Bassham, from the Joint Committee on Enrolled Bills, reported that the Committee had this day presented to the Governor, for his signature, bills entitled "An Act to incorporate the City of San José;" "an Act to incorporate the City of Benicia;" "an Act concerning the office of County Treasurer;" "an Act to incorporate the City of San Diego;" "an Act concerning the office of County Assessor;" "an Act concerning the office of County Attorney;" "an Act concerning Jails and Jailors;" "an Act concerning the office of District Attorney;" "an Act concerning Notaries Public;" and "an Act to provide for the incorporation of Towns."

Mr. Heydenfeldt, from the Committee on Expenditures, reported as correct the account of Bela Dexter, for $60, expended in the service of the Senate.

Mr. Robinson, from the Committee on the Judiciary, reported a bill, entitled "an Act relating to Bills of Exchange and Promissory Notes;" which was read the first time, and ordered to a second reading.

Senate bill, entitled "an Act to provide for a certain Lunatic taken care of by order of the Senate, of 27th February, 1850," was read the third time and passed.

Assembly bill, entitled "an Act to change the name of William H. Smith to William Smith Hosford," was read the third time, and passed.

On motion of Mr. Green, bill, entitled "an Act for the better Regulation of the Mines, and the Government of Foreign Miners," was made the special order for to-morrow.

Senate bill, entitled "an Act amendatory of sections 8, 9, 10, 12, 13, 14, 15, 19, 20, 21, 22, and 23, of the Act entitled "an Act subdividing the State into Counties, and establishing Seats of Justice therein," was taken up; and, on motion of Mr. Douglass, was indefinitely postponed.

Mr. Bassham gave notice that he would, to-morrow, move a reconsideration of the vote by which the last mentioned bill was indefinitely postponed.

Assembly bill entitled "an Act concerning the office of Surveyor General," was taken up, read the second time, amended, read the third time, and passed, the rules having been suspended for that purpose.

A message was received from the Assembly, informing the Senate that they had appointed a Committee of Conference, consisting of Messrs. Crittenden, Wheeler, and Hughes, on the disagreeing votes of the two Houses on the bill, entitled "an Act to provide for the collection of demands against vessels and boats;" and a Committee of Conference, consisting of Messrs. Crittenden, Wheeler, and Creaner, on the disagreeing votes of the two Houses, on the bill, entitled, "an Act concerning Officers." Also, that they had passed bills, entitled "an Act concerning the organization of the Militia;" "an Act to incorporate the City of Los Angeles;" and "an Act to incorporate the City of Santa Barbara."

On motion of Mr. Heydenfeldt, a Committee of Conference, consisting

of Messrs. Heydenfeldt, Broderick, and Fair, was appointed by the President *pro tempore*, on the disagreeing votes of the two Houses, on the bills, entitled "an Act concerning Officers," and "an Act providing for the collection of demands against vessels and boats."

Mr. Bassham, from the Committee on Enrolled Bills, reported, as correctly enrolled, bill, entitled, "An Act to provide for the salaries of the District Judges."

Assembly bill, entitled, "An Act concerning Volunteer or Independent Companies," was read the second time, and ordered to a third reading.

Assembly bill, entitled, "An Act to organize the County Courts," was taken up, read the second time, amended, read the third time, and passed, the rules having been suspended for that purpose.

The concurrent resolution of the Senate, prescribing the mode of electing District Judges by the Legislature on the 30th inst., was taken up, and the question being on its adoption, it was decided in the negative.

Assembly bill, entitled, "An Act concerning the organization of the Militia," was referred to the Committee on the Militia.

Assembly bill, entitled, "An Act to incorporate the City of Los Angeles," was read three several times and passed, the rules having been suspended for that purpose.

Assembly bill, entitled, "An Act to incorporate the City of Santa Barbara," was read the first and second times, and made the special order for Friday next.

Mr. Robinson gave notice that he would, on some future day, ask leave to introduce a bill in relation to passengers arriving by sea.

On motion of Mr. Heydenfeldt, the Senate adjourned.

JOHN MCDOUGALL,
Lieutenant Governor and President of the Senate.

J. F. HOWE, Secretary of the Senate.

IN SENATE.

THURSDAY, *March* 28, 1850.

The Senate assembled, pursuant to adjournment.

Prayer by Rev. Mr. Briarly.

The Journal of yesterday was read and approved.

A message was received from the Governor, informing the Senate that he had this day signed bills, entitled, "an Act to incorporate the City of San José," and "an Act to incorporate the City of San Diego."

Mr. Crosby, from the Committee on the Judiciary, reported, without amendment, Assembly bill, entitled, "an Act to regulate proceedings in Criminal Cases," which was read twice, and made the special order for to-morrow.

Mr. Green, from the Committee on Counties and County Boundaries, reported, without amendment, Assembly bill, amendatory of the Act, entitled, "an Act subdividing the State into Counties, and establishing the Seats of Justice therein."

Mr. Vallejó, from the Committee on Claims, to whom had been referred the account of A. S. Marvin, for Stationery furnished the Supreme Court now in session at San Francisco, made a report in writing, accompanied by a bill, in conformity with the instructions of the Senate.

Assembly Bill, entitled "an Act concerning Volunteer or Independent companies," was read the third time and passed.

Mr. Bassham, from the Committee on Enrolled Bills, reported as correct, bills, entitled, "an Act to establish a standard of Weights and Measures;" "an Act concerning lawful fences, and animals trespassing on grounds lawfully inclosed;" and "an Act to change the name of William H. Smith to William Smith Hosford;" "an Act to incorporate the City of Monterey;" "an Act prescribing the mode of Assessing and collecting public revenues." The special order of the day being the bill of the Senate, entitled "an Act for the regulation of the mines and government of foreign miners," was taken up, read the second time, amended, and ordered to third reading.

On motion of Mr. Bassham, Assembly Bill, amendatory of the "Act subdividing the State into Counties, and establishing the seats of justice therein," was taken up, read the second time, and ordered to a third reading.

Mr. Vallejó, on leave, introduced a bill for the incorporation of the city of Sonoma, which was subsequently read three several times and passed, the rules having been suspended for that purpose.

Mr. Robinson submitted a resolution, which was adopted, requiring the Chairmen of the respective Committees of the Senate to report, on to-morrow, a list of all bills which have been referred to them, upon which they have not as yet reported.

Senate Bill, entitled "an Act relative to Bills of Exchange and Promissory Notes," was, on motion of Mr. Fair, taken up, read second and third times, and passed, the rules having been suspended for that purpose.

Messages were received from the Assembly, informing the Senate that they had adopted the report of the Joint Committee of the two Houses in the selection of laws of a general character for immediate publication. Also, that they had non-concurred in the Senate's amendments to bill, "concerning the office of Surveyor General," and "an Act to organize the County Courts." Also, that they had passed a concurrent resolution "in relation to the election of State Translator." Also, that the Speaker *pro tempore* of the Assembly had signed bill "providing for the salaries of the District Judges." Also, that the Governor had this day notified the Senate that he had signed Acts severally entitled "an Act concerning the office of District Attorney;" "an Act concerning the office of County Attorney;" "an Act concerning Jails and Jailors;" "an Act concerning notaries Public;" "an Act to provide for the incorporation of Towns;" "an Act concerning the office of County Treasurer;" "an Act concerning the office of County Assessor;" and "an Act to incorporate the City of Benicia." Also, that they had found bills "concerning Roads and Highways," and "an Act prescribing the duties and fixing the compensation of County Surveyors." Also, that they had adopted the Report of the Conference Committee on the disagreeing votes of the two Houses, on the bill "to provide for the collection of demands against vessels and boats." Also, that the Speaker *pro tempore* of the Senate had signed bills, entitled "an Act concerning lawful fences, and animals trespassing on premises lawfully inclosed;" "an Act to establish a standard of Weights and Measures;" and "an Act to change the name of William H. Smith to William Smith Hosford." The President *pro tempore* of the Senate also signed the three last named bills, and the bill "providing for the salaries of the District Judges." The Senate refused to recede from their amendment to Assembly Bill, entitled "an Act concerning the office of Surveyor General," and from their amendment to Assembly Bill, entitled "an Act to organize the County Courts." The concurrent resolution of the Assembly "in relation to the election of State Translator," was read, and laid over, under the rules. Assembly Bill, entitled "an Act concerning Roads and Highways," was read first

time, and ordered to a second reading. Assembly Bill, "concerning County Surveyors," was read first time, and referred to the Judiciary Committee.

On motion of Mr. Heydenfeldt, Committees of Conference, consisting of Messrs. Robinson, Crosby, and Douglass were appointed on the disagreeing votes of the two Houses, on the bill "concerning the office of Surveyor General," and of Messrs. Heydenfeldt, Fair, and Lippincott, on the disagreeing votes of the two Houses on the bill, entitled "an Act to organize the County Courts."

Mr. Robinson submitted a resolution, which was adopted, requiring the Governor to issue his proclamation, declaring who is Harbor Master of the Port of San Francisco.

Mr. Crosby, from the Committee on the Judiciary, reported back bill, entitled "An Act defining the compensation of clerks employed by the Secretary, Treasurer, and Comptroller of State," and the same was read the first time.

On motion of Mr. Green, the Senate adjourned.

JOHN MCDOUGALL,
Lieut. Governor and President of the Senate.

J. F. HOWE, Secretary of the Senate.

IN SENATE.

FRIDAY, *March* 29, 1850.

The Senate assembled, pursuant to adjournment.

Prayer by Rev. Mr. Douglass.

The Journal of Thursday was read and approved.

Mr. Crosby, from the Committee on the Judiciary, reported a bill, entitled "an Act relative to money of accounts of this State," which was subsequently read three several times, and passed, the rules having been suspended for that purpose.

Mr. Robinson, from the Committee on Engrossed Bills, reported, as correctly engrossed, bills entitled "an Act in relation to Bills of Exchange and Promissory Notes;" "an Act to incorporate the City of Sonoma;" and "an Act relative to the money of accounts of this State."

Assembly bill, entitled "an Act to incorporate the City of Santa

Barbara," was taken up, read the second time, amended, read the third time, and passed, the rules having been suspended for that purpose.

Mr. Bassham, from the Committee on Enrolled Bills, reported that the committee yesterday presented to the Governor for his signature, bills, entitled "an Act providing for the salaries of the District Judges;" "an Act concerning lawful fences, and animals trespassing on premises lawfully inclosed;" "an Act to establish a standard of Weights and Measures;" and "an Act to change the name of William H. Smith to William Smith Hosford."

Assembly bill, entitled "an Act defining the compensation of clerks employed by the Secretary, Comptroller, and Treasurer of State," was taken up, read second and third times, and passed, the rules having been suspended for that purpose.

Mr. Heydenfeldt, from the Committee on the Militia, to whom had been referred Assembly bill, entitled "an Act concerning the organization of the Militia," reported the same, with amendments, which were subsequently withdrawn, and the bill was read three several times, and passed, the rules having been suspended for that purpose.

Assembly bill, entitled "an Act to regulate proceedings in criminal cases," was taken up on second reading.

Mr. Bassham moved to amend the bill in the second line of section fourth, by striking out the words "or in the discretion of the Court may be."

On this motion, the yeas and nays were demanded by Messrs. Bassham and Fair, and resulted as follows:—

AYES.

Mr. Broderick	Mr. Heydenfeldt
Chamberlin	Robinson
Crosby	Vallejó.
De la Guerra	—7.

NAYS.

Mr. Bassham	Mr. Fair.—2.

So the question was decided in the affirmative.

The bill was further amended; when, on motion of Mr. Heydenfeldt,

it was referred to a Select Committee, consisting of Messrs. Heydenfeldt, Crosby, and Fair, with instructions to report on Tuesday next.

Assembly Bill, amendatory of the bill subdividing the State into Counties, and establishing the Seats of Justice therein, was read the third time, and passed.

A message was received from the Assembly, informing the Senate that they had passed a bill, entitled "an Act concerning wills;" and that the Speaker *pro tempore* of the Assembly had signed bills, entitled "an Act to incorporate the City of Monterey," and "an Act prescribing the mode of assessing and collecting the Public Revenue."

Assembly Bill, entitled "an Act concerning wills," was referred to the committee on the Judiciary. The President *pro tempore* of the Senate signed bills, entitled "an Act to incorporate the City of Monterey," and "an Act prescribing the mode of assessing and collecting the Public Revenue."

Assembly Bill, entitled "an Act concerning roads and highways," was taken up on second reading, amended, read the third time, and passed, the rules having been suspended for that purpose.

Mr. Heydenfeldt, from the Committee of Conference on the disagreeing votes of the two Houses, on the bill, entitled "an Act to provide for the collection of demands against vessels and boats," made a report in writing, recommending that the Senate recede from their amendments to the bill, and the report was adopted.

Mr. Green, on leave, introduced a bill, entitled "an Act authorizing a loan for the State of California," which was read the first and second times, and referred to the committee on Finance, with instructions to report to-morrow.

On motion of Mr. Douglass, the Senate adjourned.

JOHN MCDOUGALL,
Lieut. Governor and President of the Senate.

J. F. HOWE, Secretary of the Senate.

IN SENATE.

SATURDAY, *March* 30, 1850.

The Senate assembled, pursuant to adjournment.

Prayer by Rev. Mr. Briarly.

The Journal of Friday was read and approved.

The President *pro tempore* laid before the Senate a communication from the American Eagle Club, inviting the members of the Senate to attend a celebration of that club this evening, which was read; and, on motion of Mr. Crosby, the invitation was accepted.

Mr. Bassham, from the Committee on Enrolled Bills, reported, that the committee yesterday presented to the Governor for his signature, "an Act to incorporate the City of Monterey," and "an Act prescribing the mode of assessing and collecting the Public Revenue."

Mr. Crosby, from the Committee on the Judiciary, reported, with amendments, Assembly Bill, entitled "an Act concerning Crimes and Punishments;" also, the petition of George S. Appleton and others, with a bill "for the suppression of Gaming;" also, without amendment, Senate Bills, entitled "an Act relating to the punishment and government of Indians," "an Act concerning Attorneys and Counsellors at Law," and "an Act concerning County Surveyors;" also, that the committee have yet under consideration "an Act to prevent the coining of money by individuals," "a Joint Resolution in relation to the reports of the Convention of Monterey," and "an Act concerning wills."

Mr. Heydenfeldt, from the Committee on Expenditures, reported, as correct, the claim of James S. Gilman.

Mr. de la Guerra, from the Joint Committee on the Examination of Candidates for State Translator, reported that Mr. Schleiden is, in the opinion of the Committee, best qualified for the office, and had instructed him to put that gentleman in nomination. The Report was accepted.

The concurrent Resolution of the Assembly, fixing Monday, the 1st day of April, for the election, by the Legislature, of State Translator, was taken up, amended by substituting "Wednesday, the 3d of April," for "Monday, the 1st of April," and, thus amended, was adopted.

Senate Bill, entitled "an Act for the better regulation of the Mines and Government of Foreign Miners," was read the third time, and the question being on its passage, the yeas and nays were demanded by Messrs. Broderick and Robinson, and resulted as follows:—

AYES.

Mr. Bassham	Mr. Lippincott
Chamberlin	Robinson
Douglass	Woodworth
Green	—7.

NAYS.

Mr. Broderick	Mr. Fair
Crosby	Vallejó—4.

So the bill passed.

A message was received from the Assembly, informing the Senate that they had appointed Messrs. Moore, Wheeler, and Bradford, a Committee of Conference on their part, on the disagreeing votes of the two Houses, on the bill, entitled "an Act concerning the office of Surveyor General," and Messrs. Baldwin, Brackett, and Henly, a Committee of Conference on their part, on the disagreeing votes of the two Houses on the bill, entitled "an Act to organize the County Courts."

Also, that they had concurred in the Senate's amendment to the bill, entitled "an Act to Incorporate the City of Santa Barbara."

Also, inviting the Senate to meet the Assembly in Convention, in the Hall of the Assembly, at half-past eleven o'clock, A.M., this day, to go into an election of District Judges.

On motion, the invitation of the Assembly, last mentioned in the Message, was accepted.

On motion of Mr. Fair, bill entitled "an Act concerning Attorneys and Counsellors at Law," was read the first time, and ordered to a second reading.

Senate Bill, entitled "an Act in relation to the Protection, Punishment, and Government of the Indians," was taken up, read the second time, and, on motion of Mr. Crosby, was indefinitely postponed.

On motion of Mr. Heydenfeldt, the Senate took a recess until twenty minutes past eleven o'clock A.M.

On re-assembling, Mr. Crosby asked and obtained leave of absence for eight days.

Mr. Bassham asked and obtained leave of absence until Wednesday next.

On motion of Mr. Heydenfeldt, it was ordered, that when the Senate adjourn, it adjourn to Tuesday next.

The Senate then proceeded to the Hall of Assembly, in compliance with the Joint Resolution of the Senate and Assembly, for the election of District Judges.

IN CONVENTION.

Hon. E. Kirby Chamberlin, President *pro tempore* of the Senate, presided as President of the Convention, and stated the object for which the two Houses had assembled.

On motion of Mr. Henly, it was ordered that nine ballots, numbered from 1 to 9 inclusive, be placed in a hat, to be withdrawn therefrom by the President, and that, as each number shall be so drawn, the election for the district whose number shall correspond thereto, shall take place.

The President appointed Mr. Fair as Teller on the part of the Senate, and the Speaker of the Assembly appointed Mr. Stowell as Teller on the part of that Body.

The President first drew "No. 3," and the Convention proceeded, accordingly, to the election of Judge of the Third Judicial District.

Mr. Woodworth nominated John H. Watson,
Mr. Bassham " John R. Hughes.

The Secretary of the Senate proceeded to call the names of the Senators, and the Clerk of the Assembly to call the names of the members of that body, each member voting *vivâ voce*, when the Tellers reported the

Whole number of votes given to be . . . 39
Necessary to a choice, ... 20
Of which Mr. Watson had received 18 votes.
Hughes " 17 "
Scattering " 4 "

Those who voted for Mr. Watson were—Messrs. Chamberlin, De la Guerra, Douglass, Fair, Green, Heydenfeldt, Vermeule, and Woodworth, of the Senate; Messrs. Baldwin, Bateman, Brackett, Clarke, Moorehead, Moore, Patterson, Pur Lee, Scott, and Sheppard, of the Assembly—18.

Those who voted for Mr. Hughes were—Messrs. Bassham, Crosby, Lippincott, and Vallejó, of the Senate; Messrs. Aram, Bradford, Brown, Corey, Covarubias, Deal, Gray, Henly, Tingley, Walthall, Wheeler, Williams, and Speaker, of the Assembly—17.

Messrs. McKinstry and Randolph, of the Assembly, voted for Mr.

Miner; Mr. Stewart, of the Assembly, voted for Mr. Divine; Mr. Stowell, of the Assembly, voted for Mr. Haslep—4.

No person having a majority of all the votes, the Convention proceeded, in like manner, to a second joint vote, when the Tellers reported the

Whole number given to be 37
Necessary to a choice, ... 19
Of which Mr. Watson had received 20 votes,
Hughes " 16 "
Miner " 1 "

Those who voted for Mr. Watson were—Messrs. Chamberlin, De la Guerra, Douglass, Fair, Green, Heydenfeldt, Vermeule, and Woodworth, of the Senate; Messrs. Baldwin, Bateman, Brackett, Clarke, Covarubias, Moorehead, Moore, Patterson, Pur Lee, Scott, Sheppard, and Stewart, of the Assembly—20.

Those who voted for Mr. Hughes were—Messrs. Bassham, Lippincott, and Vallejó, of the Senate; Messrs. Aram, Bradford, Brown, Cave, Corey, Deal, Gray, Henly, Tingley, Walthall, Wheeler, Williams, and Speaker, of the Assembly—16.

Mr. Randolph voted for Mr. Miner.

And the President declared that John H. Watson, having received a majority of all the votes, was duly elected Judge of the 3d Judicial District, for the time prescribed by law.

The President next drew "No. 9," and the Convention accordingly proceeded, in like manner, to an election of Judge of the 9th Judicial District.

Mr. Woodworth nominated Winfield Scott Sherwood.

The Tellers reported the

Whole number of votes given to be 44
Necessary to a choice, . . . 23
Of which Winfield Scott Sherwood had received 44.

Those who voted for Mr. Sherwood were—Messrs. Broderick, Chamberlin, Crosby, De la Guerra, Douglass, Fair, Green, Heydenfeldt, Lippincott, Robinson, Vallejó, Vermeule, and Woodworth, of the Senate; Messrs. Aram, Baldwin, Bateman, Brackett, Bradford, Brown, Cardwell,

Cave, Clarke, Corey, Covarubias, Deal, Gray, Henly, Hughes, McKinstry, Moorehead, Moore, Ogier, Patterson, Pur Lee, Randolph, Scott, Sheppard, Stewart, Stowell, Tingley, Walthall, Wheeler, Williams, and Speaker, of the Assembly—44.

And the President declared that Winfield Scott Sherwood, having received a majority of all the votes, was duly elected Judge of the Ninth Judicial District, for the period prescribed by law.

The President next drew "No. 5," and the Convention proceeded, in like manner, to the election of Judge of the fifth Judicial District.

Mr. Fair nominated Charles M. Creaner. Mr. Fair, at his own request, was excused from further service, as Teller, and Mr. Robinson was appointed, by the President, in his place.

The Tellers reported the

Whole number of votes given to be . . .	40
Necessary to a choice	21
Of which Mr. Creaner had received	36 votes.
Scattering . .	4 "

Those who voted for Mr. Creaner were—Messrs. Bassham, Broderick, Chamberlin, Crosby, De la Guerra, Douglass, Fair, Green, Heydenfeldt, Lippincott, Vallejó, and Vermeule, of the Senate; Messrs. Aram, Baldwin, Bateman, Brackett, Bradford, Brown, Cave, Clarke, Covarubias, Deal, Henry, Hughes, McKinstry, Moorehead, Moore, Palmer, Perlee, Scott, Sheppard, Stewart, Tingley, Walthall, Wheeler, Williams, and Speaker, of the Assembly—37.

Messrs. Woodworth, of the Senate, and Corey, of the Assembly, voted for W. Smith Hosford; Mr. Robinson, of the Senate, voted for Mr. Divinè; Mr. Randolph, of the Assembly, voted for O. Terry—4.

And the President declared, that Charles M. Creaner, having received a majority of all the votes, was duly elected Judge of the 5th Judicial District for the period prescribed by law.

The President next drew "No. 6," and the Convention proceeded, in like manner, to the election of Judge of the 6th Judicial District.

Mr. Robinson nominated James S. Thomas. The Teller reported the

Whole number of votes to be	43
Necessary to a choice	22
Of which Mr. Thomas had received	43 votes.

Those who voted for Mr. Thomas were—Messrs. Broderick, Chamberlin, Crosby, De la Guerra, Douglass, Fair, Green, Heydenfeldt, Lippincott, Robinson, Vallejó, Vermeule, and Woodworth, of the Senate; Messrs. Aram, Baldwin, Bateman, Brackett, Bradford, Brown, Cardwell, Cave, Clark, Corey, Covarubias, Deal, Henly, Hughes, McKinstry, Moorehead, Moore, Ogier, Patterson, Perlee, Randolph, Scott, Sheppard, Stewart, Stowell, Tingley, Walthall, Wheeler, Williams, and Speaker, of the Assembly—43.

And the President delared, that Jas. S. Thomas, having received a majority of all the votes, was duly elected Judge of the Sixth Judicial District for the period prescribed by law.

The President next drew "No. 1," and the Convention proceeded, in like manner, to the election of Judge of the First Judicial District.

Mr. Moorehead nominated O. S. Witherby. The Tellers reported the

Whole number of votes given to be . . . 43
Necessary to a choice 20
Of which Mr. Witherby had received 36 votes.
Scattering . . . 3 "

Those who voted for Mr. Witherby were—Messrs. Bassham, Broderick, Chamberlin, Crosby, De la Guerra, Douglass, Fair, Green, Heydenfeldt, Lippincott, Vallejó, and Vermeule, of the Senate; Messrs. Baldwin, Bateman, Brackett, Bradford, Brown, Cave, Clarke, Covarubias, Deal, Henly, Hughes, McKinstry, Moorehead, Moore, Patterson, Perlee, Scott, Sheppard, Stewart, Tingley, Walthall, Wheeler, Williams, and Speaker, of the Assembly—36.

Messrs. Woodworth, of the Senate, Aram and Corey, of the Chamber, voted for W. Smith Hosford, and Mr. Randolph voted for Hall J. McAllister—4.

And the President declared that O. S. Witherby, having received a majority of all the votes, was duly elected Judge of the First District for the period prescribed by law.

The President next drew "No. 2," and the Convention, in like manner, proceeded to the election of Judge of the Second Judicial District.

Mr. Lippincott nominated Henry A. Tefft.

Mr. Vermeule „ John A. Gass.

The Tellers reported the whole number of votes to be 38—necessary to a choice, 20—of which

Mr. Tefft had received	22	Votes
Mr. Gass	14	„
Scattering	2	„

Those who voted for Mr. Tefft were—Messrs. Broderick, Chamberlin, Crosby, De la Guerra, Green, Lippincott, Vallejó, Vermeule, of the Senate ; Messrs. Aram, Bradford, Brown, Covarubias, Henly. Hughes, McKinstry, Moore, Patterson, Pur Lee, Scott, Walthall, Williams, and Speaker, of the Assembly—22.

Those who voted for Mr. Gass were—Messrs. Bassham, Douglass, Fair, Heydenfeldt, Robinson, Woodworth, of the Senate ; Messrs. Baldwin, Bateman, Clarke, Deal, Moorehead, Sheppard, Stewart, and Wheeler, of the Assembly—14.

Messrs. Randolph and Tingley, of the Assembly, voted for Richard Roman.

And the President declared that Henry A. Tefft, having received a majority of all the votes, was duly elected Judge of the Second District for the period prescribed by law.

The President next drew "No. 7," and the Convention, in like manner, proceeded to the election of Judge of the Seventh Judicial District.

Mr. Brackett nominated Robert Hopkins.

The Tellers reported the whole number of votes given to be 44—necessary to a choice, 23—of which

Mr. Hopkins had received	44	Votes.

Those who voted for Mr. Hopkins were—Messrs. Bassham, Broderick, Chamberlin, Crosby, De la Guerra, Douglass, Fair, Green, Heydenfeldt, Lippincott, Robinson, Vallejó, Vermeule, Woodworth, of the Senate ; Messrs. Aram, Baldwin, Bateman, Brackett, Bradford, Brown, Cardwell, Cave, Clarke, Corey, Covarubias, Deal, Henley, Hughes, McKinstry, Moorehead, Moore, Ogier, Patterson, Pur Lee, Randolph, Scott, Sheppard, Stewart, Stowell, Tingley, Walthall, Wheeler, Williams, Speaker, of the Assembly—44.

And the President declared, that Robert Hopkins, having received a majority of all the votes, was duly elected a Judge of the Seventh Judicial District, for the period prescribed by law.

The President next drew "No. 8," and the Convention, in like manner, proceeded to the election of Judge of the Eighth Judicial District.

Mr. Vermeule nominated William R. Turner.

Mr. Crosby nominated J. W. McCorkle.

The Tellers reported the whole number of votes given to be 41—necessary to a choice, 21—of which

Mr. Turner had received	27	Votes
Mr. McCorkle	13	„
Scattering	1	„

Those who voted for Mr. Turner were—Messrs. Douglass, Fair, Green, Heydenfeldt, Lippincott, Vermeule, Woodworth, of the Senate; Messrs. Baldwin, Bateman, Brackett, Cardwell, Cave, Clarke, Covarubias, Hughes, Moorehead, Moore, Ogier, Patterson, Pur Lee, Randolph, Scott, Sheppard, Stewart, Tingley, Walthall, Wheeler, of the Assembly—27.

Those who voted for Mr. McCorkle were—Messrs. Bassham, Chamberlin, Crosby, Robinson, Vallejó, of the Senate; Messrs. Aram, Bradford, Brown, Corey, Henley, Stowell, Williams, and Speaker, of the Assembly—13.

Mr. McKinstry of the Assembly voted for Mr. Hester.

And the President declared that William R. Turner, having received a majority of all the votes, was duly elected Judge of the Eighth Judicial District for the period prescribed by law.

The President next drew the remaining ballot, "No. 4," and the Convention proceeded in like manner to the election of Judge of the Fourth Judicial District.

Mr. Heydenfeldt nominated Levi Parsons.

Mr. Randolph nominated Alexander Campbell.

The Tellers reported the

Whole number of votes given to be, ...		46
Necessary to a choice, ...		24
Of which Mr. Parsons had received, . .	26	votes
Mr. Campbell, „	20	„

Those who voted for Mr. Parsons were—Messrs. Bassham, Douglass, Fair, Green, Heydenfeldt, Vallejó, Woodworth, of the Senate: Messrs. Baldwin, Bateman, Brown, Cardwell, Cave, Creaner, Deal, Hughes,

Moorehead, Moore, Patterson, Perlee, Scott, Sheppard, Stewart, Tingley, Walthall, Wheeler, Witherby, of the Assembly—26.

Those who voted for Mr. Campbell were—Messrs. Broderick, Chamberlin, Crosby, De la Guerra, Lippincott, Robinson, Vermeule, of the Senate; Messrs Aram, Brackett, Bradford, Clark, Corey, Covarubias, Henly, McKinstry, Ogier, Randolph, Stowell, Speaker, of the Assembly —20.

And the President declared, that Levi Parsons, having received a majority of all the votes, was duly elected Judge of the Fourth Judicial District, for the period prescribed by law.

The President then announced that the business for which the two Houses had convened, having been completed, the Convention was adjourned *sine die;* and the Senate returned to the Senate Chamber.

On motion of Mr. Heydenfeldt, the Senate adjourned.

E. KIRBY CHAMBERLIN,
President *pro tempore* of Senate.

J. F. HOWE,
Secretary of the Senate.

IN SENATE.

TUESDAY, *April* 2, 1850.

The Senate assembled, pursuant to adjournment.

The Journal of Saturday was read and approved.

Mr. Robinson, from the Committee on Engrossed Bills, reported that the committee had examined, and found to be correctly engrossed, bill, entitled "an Act for the better regulation of the Mines and the government of Foreign Miners."

Mr. Heydenfeldt, from the select committee, to whom had been referred bill from the Assembly, entitled "an Act to regulate proceedings in Criminal Cases," reported the same with amendments, and the bill was subsequently read the second time, amended, read the third time, and passed, the rules having been suspended for that purpose.

On the question of the final passage of the bill, the yeas and nays were demanded by Messrs. Douglass and Bassham, and resulted as follows:—

AYES.

Mr. Broderick,	Mr. Robinson
Chamberlin,	Vallejó
Fair	Vermeule
Green	Woodworth
Heydenfeldt	—9.

NAYS.

Mr. Bassham	Mr. Douglass
De la Guerra	—3.

Mr. Heydenfeldt, from the Committee on Expenditures, reported the claim of Edward Jones, amounting to $944, for services as Clerk of the Superior Tribunal of San Francisco, which, on motion of Mr. Douglass, was referred to the Committee on Claims.

On motion of Mr. Heydenfeldt, Mr. Lippincott was granted leave of absence for eight days.

A message was received from the Assembly informing the Senate that they had passed Senate bill, entitled "an Act to regulate the Senatorial and Assembly Districts," with amendments; also that they had passed, without amendment, Senate bill, entitled "an Act to incorporate the City of Sonoma;" also that they had non-concurred in Senate's amendment to bill entitled "an Act concerning Roads and Highways;" also that the Governor had notified the Assembly that he, on Saturday, 20th ultimo, signed bills, entitled "an Act prescribing the mode of assessing and collecting the public revenue," "an Act to establish a Standard of Weights and Measures," "an Act to incorporate the City of Monterey," "an Act concerning lawful fences, and animals trespassing on premises lawfully inclosed," "an Act to change the name of William H. Smith to William Smith Hosford;" also that the Assembly had passed, without amendment, Senate bill, entitled "an Act relative to money of accounts of this State;" also, that they had concurred in Senate's amendment to the concurrent resolution in relation to the election of State Translator.

The Senate concurred in the amendments of the Assembly to the bill entitled "an Act to regulate the Senatorial and Assembly Districts." The Senate refused to recede from their amendment to Assembly Bill entitled "an Act concerning Roads and Highways;" and on motion of

Mr. Robinson, a Committee of Conference was appointed thereon, consisting of Messrs. Robinson, Douglass, and Heydenfeldt, to meet any corresponding committee which may be appointed on the part of the Assembly.

A message was received from the Governor, informing the Senate that he, on Saturday, 30th ultimo, signed bill entitled "an Act providing for the Salaries of District Judges."

Senate Bill entitled "an Act concerning Crimes and Punishments," was taken up, read the second time, and, on motion of Mr. Broderick, was re-committed to the Judiciary Committee, with instructions.

Assembly Bill entitled "an Act defining the duties and fixing the compensation of County Surveyors," was taken up, read the second and third times, and passed, the rules having been suspended for that purpose. Also, Senate Bill entitled "an Act concerning Attorneys and Counsellors at Law."

Senate Bill entitled "an Act in relation to Gaming," was read the second time, and, on motion of Mr. Green, was postponed until 31st of December next.

Mr. de la Guerra gave notice that he would, to-morrow, avail himself of the leave of absence for two weeks, heretofore granted him by the Senate.

Mr. Fair gave notice that he would, on some future day, ask leave to introduce a bill entitled "an Act preservatory of the Records of Proceedings in the Courts of Alcaldes and Judges of First Instance."

On motion of Mr. Woodworth, the use of the Senate Chamber, on Sunday next, was granted for the performance of funeral services on the death of a child of Mr. Heydenfeldt.

On motion of Mr. Douglass, the Senate adjourned.

JOHN MCDOUGALL,
Lieutenant Governor and President of the Senate

J. F. HOWE, Secretary of the Senate.

IN SENATE.

WEDNESDAY, *April* 3, 1850.

The Senate assembled, pursuant to adjournment.

Prayer by Rev. Mr. Douglass.

Mr. Green, from the Committee on Finance, to whom had been referred the bill entitled "an Act authorizing a Loan for the State of California," made a report in writing, which was read, and five hundred copies ordered to be printed. (See Appendix K K)

Mr. Robinson, from the Committee on the Judiciary, to whom had been referred bills entitled "an Act concerning Wills," and "A concurrent resolution concerning the Reports of the Convention of Monterey," reported the same with amendments.

Mr. Robinson, from the Committee on Engrossed Bills, reported that the committee had examined and found to be correctly engrossed, "an Act concerning Attorneys and Counsellors at Law."

Mr. Broderick, from the Committee on Public Buildings and Grounds, made a report in writing, accompanied by a bill entitled "an Act to take the sense of the people of California upon the subject of the permanent location of the Seat of Government," which were read, and, with the memorial of Hon. M. G. Vallejó, the propositions of citizens of San José, Monterey, and San Francisco, on the same subject, were ordered to be printed for the use of the Senate—one thousand copies in English, and two hundred and fifty in Spanish. (See Appendix T. and U.)

Mr. Robinson, from the Committee of Conference on the disagreeing votes of the two Houses, on the bill entitled "an Act concerning Roads and Highways," made a report recommending that the Senate recede from their amendment; and the report was adopted.

Mr. Fair, pursuant to previous notice, asked and obtained leave to introduce a bill, entitled "an Act preservatory of Records of the Proceedings in Courts of Alcaldes and Judges of First Instance," which was read the first time, and ordered to a second reading.

A message was received from the Assembly, informing the Senate that they had, in compliance with the request of the Senate, appointed a Committee of Conference (consisting of Messrs. Brown, Cave, and Aram) on the disagreeing votes of the two Houses on the bill, entitled "an Act concerning Roads and Highways."

Also, that they had passed Senate Bill, entitled "an Act providing for the erection of a Marine Hospital in or adjacent to the city of San Francisco," with amendments to wit,—Strike out all after the enacting clause, and insert in lieu thereof, a substitute therewith transmitted, marked "A."

Also, amending the title of the bill, so that it shall read "an Act

providing for the creation of a Marine Hospital for the State of California."

Also, that they had passed Senate Bill, entitled "an Act creating officers of health for the city and port of San Francisco, and defining their duties," with amendments, to wit,—Strike out all after the enacting clause, and insert in lieu thereof the sections contained in the accompanying paper marked "B;" and amend the title of the bill, so that it shall read "an Act creating officers of health for the Port of San Francisco, and defining their duties."

Also, that they had passed Senate Bill, entitled "an Act regulating quarantine of vessels at the Port and Harbor of San Francisco," with an amendment to the following effect,—Strike out all after the enacting clause and insert as a substitute the accompanying paper marked "C."

Also, that they had passed Assembly Bill, therewith transmitted, entitled "an Act prescribing the mode of maintaining and defending possessory actions on lands belonging to the United States."

Also, that they had refused to pass Senate Bill, entitled "an Act in relation to the coining of money by individuals"

Also, that they had passed Senate Bill, entitled "an Act to prevent obstructions in Navigable Streams," with an amendment therewith transmitted, attached to the margin of the bill.

Also, that they had passed Senate Bill, entitled "an Act to create Port Wardens for the Harbor of San Francisco, and define their duties," with amendments therewith transmitted, attached to the margin of the bill.

Also, that they had passed Joint Resolution therewith transmitted, entitled "Joint Resolution relative to the Public Archives."

Also, that they had passed Assembly Bill therewith transmitted, entitled "an Act concerning conveyances."

On motion of Mr. Vermeule, the Senate took a recess for one hour.

On re-assembling, a Message was received from the Assembly, inviting the Senate to meet the Assembly in Convention, at 12 o'clock M. of this day, to go into an election of State Translator, which invitation was accepted, and the Senate proceeded to the Hall of Assembly accordingly.

In Convention.

Hon E. Kirby Chamberlin, President *pro tempore* of the Senate, presiding, stated the objects of the Convention, and appointed Mr.

Bassham as Teller on the part of the Senate. The Speaker of the Assembly appointed Mr. Corey as Teller on the part of that body.

Mr. Ogier	nominated	W. Schleiden.
Green	„	Joseph H. Schull.
Vermeule	„	Wm. Lowrie.
Moore	„	Alfred Luckett.
Woodworth	„	Joseph Henriques.

The Secretary of the Senate proceeded to call the names of Senators, and the Clerk of the Assembly to call those of the Members of that body, each member voting *viva voce*, when the Tellers reported that the whole number of votes given was 38, necessary to a choice 20, of which

Mr. Schleiden had received		17 votes.
Schull	„	6 „
Lowrie	„	15 „

Those who voted for Mr. Schleiden were Messrs. Broderick, Chamberlin, Robinson, and Vallejó, of the Senate; and Messrs. Aram, Bradford, Brown, Corey, Covarrubias, Henley, Hughes, McKinstry, Ogier, Randolph, Stowell, Walthall, and Speaker, of the Assembly—17.

Those who voted for Mr. Schull were Messrs. Bassham, Douglass, Fair, and Green, of the Senate; and Messrs. Baldwin and Bateman of the Assembly—6.

Those who voted for Mr. Lowrie were Messrs. Heydenfeldt, Vermeule, and Woodworth of the Senate; and Messrs. Cave, Clark, Grey, Moorehead, Moore, Patterson, Per Lee, Scott, Shepherd, Stewart, Tingley, and Williams, of the Assembly—15.

No person having a majority of all the votes, the Convention proceeded, in like manner, to a second election; when the Tellers reported the whole number of votes given to be 38, necessary to a choice 20.

Of which Mr. Schleiden received		18 votes.
Lowrie	„	14 „
Schull	„	6 „

Those who voted for Mr. Schleiden were Messrs. Broderick, Cham-

berlin, Fair, Robinson, and Vallejó, of the Senate; and Messrs. Aram, Bradford, Brown, Corey, Covarubias, Henley, Hughes, McKinstry, Ogier, Randolph, Stowell, Walthall, and Speaker, of the Assembly—18.

Those who voted for Mr. Lowrie were—Messrs. Heydenfeldt, Vermeule, and Woodworth, of the Senate; and Messrs. Cave, Clark, Grey, Moore, Patterson, Per Lee, Scott, Shepherd, Stewart, Tingley, and Williams, of the Assembly—14.

Those who voted for Mr. Schull were—Messrs. Bassham, Douglass, and Green, of the Senate; and Messrs. Baldwin, Bateman, and Moorehead, of the Assembly—6.

No person having a majority of all the votes, the Convention proceeded in like manner to a third election, when the Tellers reported the

Whole number of votes given, to be, . . .		38
Necessary to a choice, ...		20
Of which Mr. Schleiden received, . . .	17 votes	
Mr. Lowrie, " . . .	14 "	
Mr. Schull, " . . .	7 "	

Those who voted for Mr. Schleiden were—Messrs. Broderick, Chamberlin, Robinson, and Vallejó, of the Senate; and Messrs. Aram, Bradford, Brown, Corey, Covarubias, Henley, Hughes, McKinstry, Ogier, Randolph, Stowell, Walthall, and Speaker, of the Assembly—17.

Those who voted for Mr. Lowrie were—Messrs. Heydenfeldt, Vermeule, and Woodworth, of the Senate; and Messrs. Cave, Gray, Moorehead, Moore, Patterson, Per Lee, Scott, Shepherd, Stewart, Tingley, and Williams, of the Assembly—14.

Those who voted for Mr. Schull were—Messrs. Bassham, Douglass, Fair, and Green, of the Senate; and Messrs. Baldwin, Bateman, and Clark, of the Assembly—7.

No person having received a majority of all the votes, the Convention in like manner proceeded to a fourth election, when the Tellers reported

Whole number of votes given, to be, . . .		38
Necessary to a choice, ...		20
Of which Mr. Schleiden received, . . .	16 votes	
Mr. Lowrie, " . . .	15 "	
Mr. Schull, " . . .	7 "	

Those who voted for Mr. Schleiden were—Messrs. Broderick, Chamberlin, Robinson, and Vallejó, of the Senate; and Messrs. Aram, Bradford, Brown, Corey, Covarubias, Henley, McKinstry, Ogier, Randolph, Stowell, Walthall, and Speaker, of the Assembly—16.

Those who voted for Mr. Lowrie were—Messrs. Heydenfeldt, Vermeule, and Woodworth, of the Senate; and Messrs. Cave, Clark, Grey, Moorehead, Moore, Patterson, Per Lee, Scott, Shepherd, Stewart, Tingley, and Williams, of the Assembly—15.

Those who voted for Mr. Schull were—Messrs. Bassham, Douglass, Fair, and Green, of the Senate; and Messrs. Baldwin and Bateman, of the Assembly—6.

No person having a majority of all the votes, the Convention proceeded, in like manner, to a fifth election, when the tellers reported the whole number of votes given to be 38—necessary to a choice 20—of which

Mr. Schleiden received 16 votes,
" Lowrie " 15 "
" Schull " 7 "

Those who voted for Mr. Schleiden were:—Messrs. Broderick, Chamberlin, Robinson, and Vallejó of the Senate; and Messrs. Aram, Bradford, Brown, Corey, Covarubias, Henley, McKinstry, Ogier, Randolph, Stowell, Walthall, and Speaker, of the Assembly—16.

Those who voted for Mr. Schull were—Messrs. Bassham, Douglass, Fair, and Green of the Senate; and Messrs. Baldwin and Bateman of the Assembly—6.

Those who voted for Mr. Lowrie were—Messrs. Heydenfeldt, Vermeule, and Woodworth, of the Senate; and Messrs. Cave, Clark, Grey, Moorehead, Moore, Patterson, Per Lee, Scott, Shepherd, Stewart, Tingley, and Williams, of the Assembly—15.

No person having a majority of all the votes, the Convention proceeded in like manner to a sixth election, when the tellers reported the whole number of votes given to be 38—necessary to a choice 20—of which

Mr. Schleiden received 17 votes,
" Lowrie " 13 "
" Schull " 7 "
" Henriques " 1 "

Those who voted for Mr. Schleiden were—Messrs. Broderick, Chamberlin, Robinson, and Vallejó of the Senate; and Messrs. Aram, Bradford, Brown, Corey, Covarubias, Henley Hughes, McKinstry, Ogier, Randolph, Stowell, Walthall, and Speaker of the Assembly, —17.

Those who voted for Mr. Lowrie were—Messrs. Heydenfeldt, Vermeule, and Woodworth, of the Senate; and Messrs. Cave, Clarke, Gray, Moore, Patterson, Per Lee, Scott, Shepherd, Stewart, and Williams, of the Assembly,—13.

Those who voted for Mr. Schull were—Messrs. Bassham, Fair, and Green, of the Senate; and Messrs. Bateman, Baldwin, Moorehead, and Tingley, of the Assembly—7.

Mr. Douglass voted for Mr. Henriques.

No person having received a majority of all the votes, on motion of Mr. Green, the Convention adjourned *sine die*, and the Senate returned to the Senate Chamber.

In SENATE, Mr. Bassham, from the Joint Committee on Enrolled Bills, reported that the Committee had examined and found correctly enrolled:—

"An Act to incorporate the City of Sonoma."

"An Act to regulate the Senatorial and Assembly Districts."

"An Act relative to the money of accounts of this State."

"An Act defining the compensation of Clerks employed by the Secretary, Treasurer, and Comptroller of State."

"An Act establishing Recorders' Offices, and defining the duties of the Recorder and County Auditor."

"An Act to authorize the formation of Limited Partnerships."

"An Act concerning Volunteer or Independent Companies."

"An Act to incorporate the City of Los Angeles."

On motion of Mr. Douglass, the Senate took a recess until 8 P.M.

EVENING SESSION.

Mr. Bassham moved a reconsideration of the vote by which the Senate yesterday postponed to the 31st day of December next, the bill, entitled, "An Act in relation to Gaming." On this motion the yeas and nays were demanded by Messrs. Heydenfeldt and Douglass, and resulted as follows:—

AYES.

Mr. Bassham	Mr. Heydenfeldt
Chamberlin	Robinson
Vallejó	—5.

NAYS.

Mr. Broderick	Mr. Green
Douglass	Vermeule
Fair	Woodworth —6.

So the motion was decided in the negative.

A message was received from the Assembly informing the Senate that they had adopted the report of the Committee of Conference on the disagreeing votes of the two Houses, on the bill, entitled "an Act concerning Roads and Highways."

Also, that they had passed Senate bill, entitled, "an Act to incorporate the City of San Francisco," with amendments herewith transmitted, embodied in a paper marked "D."

Also, that the Speaker of the Assembly had signed bills herewith transmitted for the signature of the President of the Senate, severally entitled, "an Act to incorporate the City of Sonoma;" "an Act to Authorize the formation of limited partnerships;" "an Act establishing Recording Officers, and defining the duties of the Recorder and County Auditor;" "an Act defining the compensation of Clerks employed by the Secretary, Treasurer, and Comptroller of State;" "an Act to incorporate the City of Los Angeles;" "an Act concerning Volunteer or Independent companies;" "an Act in relation to the money of accounts of this State;" "an Act to regulate the Senatorial and Assembly Districts."

The President *pro tempore* of the Senate also signed the bills mentioned in this message as having been signed by the Speaker *pro tem.* of the Assembly.

The bill "authorizing a Loan for the State of California," was taken up, amended, read the third time, and passed, the rules having been suspended for that purpose. On the question of its final passage, the yeas and nays were demanded by Messrs. Woodworth and Robinson, and resulted as follows:

AYES.

Mr. Bassham	Mr. Green
Broderick	Heydenfeldt
Chamberlin	Vallejó
Douglass	Vermeule
Fair	Woodworth.—10.

NAY.

Mr. Robinson.—1.

On motion of Mr. Woodworth, Messrs. Fair and Heydenfeldt were appointed by the President *pro tempore* as additional members of the Committee on Public Land and Mission Claims.

On motion of Mr. Douglass, the Senate adjourned.

John McDougall,
Lieut. Governor and President of the Senate.

J. F. Howe, Secretary of the Senate.

IN SENATE.

Thursday, *April* 4, 1850.

The Senate assembled, pursuant to adjournment.

Prayer by Rev. Mr. Briarly.

The Journal of Wednesday was read and approved.

Senate bill, entitled "an Act to incorporate the City of San Francisco," was taken up, and, with the amendments of the Assembly thereto, was, on motion of Mr. Heydenfeldt, referred to the delegation from that city.

Mr. Robinson, from the Committee on Engrossed Bills, reported that they had examined, and found to be correctly engrossed, bill, entitled "an Act authorizing a Loan for the State of California."

Senate bill, entitled "an Act providing for the erection of a Marine Hospital, in or adjacent to the City of San Francisco," was taken up, and the question being on concurrence in the amendments of the Assembly thereto, the yeas and nays were demanded by Messrs. Robinson and Heydenfeldt, and resulted as follows:

AYES.

Mr. Broderick
Chamberlin
Green
Heydenfeldt
Mr. Vallejó
Vermeule
Woodworth.
—7.

NAYS.

Mr. Bassham
Fair
Mr. Robinson.
—3.

So the amendments of the Assembly were concurred in.

Senate Bill, entitled "an Act creating Officers of Health for the City and Port of San Francisco," was taken up, and the question being on concurrence in the amendments of the Assembly thereto, the yeas and nays were demanded by Messrs. Woodworth and Bassham, and resulted as follows:

AYES.

Mr. Broderick
Chamberlin
Green
Mr. Heydenfeldt
Vallejó
Vermeule.—6.

NAYS.

Mr. Bassham
Fair
Mr. Robinson
Woodworth.—4.

So the amendments of the Assembly were concurred in.

Senate Bill, entitled "an Act regulating the Quarantine of Vessels at the Port and Harbor of San Francisco," was taken up, and the question being on concurrence in the amendments of the Assembly, the yeas and nays were demanded by Messrs. Woodworth and Chamberlin, and resulted as follows:

AYES.

Mr. Broderick
Chamberlin
Douglass
Green
Mr. Heydenfeldt
Vallejó
Vermeule.
—7.

NAYS.

Mr. Bassham	Mr. Robinson
Fair	Woodworth.—4.

So the amendments of the Assembly were concurred in.

Assembly Bill, entitled, "an Act prescribing the mode of maintaining and defending possessory actions on lands belonging to this State," was taken up, read the first and second times, and referred to the Committee on the Judiciary.

Senate Bills, entitled "an Act to prevent obstructions in Navigable Streams," was taken up, and the amendment of the Assembly thereto was concurred in.

Senate Bill, entitled "an Act to create Port Wardens for the Harbor of San Francisco, and define their duties," was taken up, the amendments of the Assembly thereto were further amended by the Senate, and, thus amended, were concurred in.

A message was received from the Assembly, informing the Senate that they had passed, without amendment, Senate Bill, entitled "an Act concerning wrecks and wrecked property;" also, bills severally entitled "an Act to provide for the erection of Court Houses," "an Act to provide for the permanent location of the Seats of Justice of the several Counties," and "an Act concerning the office of Reporter."

Joint Resolution of the Assembly "relative to the public Archives," was read three several times, and passed, the rules having been suspended for that purpose. Also, Assembly Bill, entitled "an Act concerning conveyances."

Mr. Heydenfeldt submitted a resolution, which was adopted, requesting the Governor to inform the Senate whether he has certified to the Comptroller a claim of the "Alta California," for fourteen hundred and nine dollars, or any other sum for printing; and, if so, by what authority the same was done, and if any appropriation has been made by law for that purpose; and that the Comptroller be requested to inform the Senate if he has audited said claim, and if so, upon what authority the same was done.

Mr. Vermeule submitted a concurrent resolution, which was adopted, suspending the operation for the remainder of the present Session, of the 16th and 17th Joint Rules of the Senate and Assembly.

Mr. Heydenfeldt gave notice that he would, on some future day, ask

leave to introduce a bill dividing the several counties of the State into School Districts, to provide for the establishment of Common Schools, and the election of State and County Superintendents of Public Education.

Senate Bill, entitled "an Act preservatory of the Records of Alcaldes and Judges of the First Instance," was read the second and third times, and passed, the rules having been suspended for that purpose. Also, Assembly Bill, entitled "an Act concerning wills;" also, Joint Resolution of the Assembly, "relative to the proceedings of the Convention of Monterey," with an amendment.

On motion of Mr. Green, the Senate took a recess until 8 o'clock P.M.

EVENING SESSION.

Mr. Bassham, from the Committee on Enrolled Bills, reported, that the committee had this day presented to the Governor, for his signature, "an Act to regulate the Senatorial and Assembly Districts," "an Act to incorporate the City of Sonoma," "an Act in relation to the money of accounts of this State," "an Act to authorize the formation of limited partnerships," "an Act establishing Recorders' offices and defining the duties of the Recorder and County Auditor," "an Act defining the compensation of Clerks employed by the Secretary, Treasurer, and Comptroller of State," "an Act to incorporate the City of Los Angeles," and "an Act concerning volunteer or independent companies." Also, that the committee had examined, and found to be correctly enrolled "an Act to establish a Municipal Court in the City of San Francisco, to be called the Superior Court of the City of San Francisco."

Assembly Bill, entitled "an Act to provide for the erection of Court Houses," was read three several times, and passed, the rules having been suspended for that purpose.

Assembly Bill, entitled "an Act concerning the office of Reporter," was read twice, and referred to the Committee on the Judiciary.

Assembly Bill, entitled "an Act to provide for the permanent location of the Seats of Justice of the several Counties," was read twice, and, on motion of Mr. Heydenfeldt, was indefinitely postponed.

A message was received from the Assembly, informing the Senate that the Speaker *pro tempore* had signed bill, entitled "an Act to establish a Municipal Court in the City of San Francisco, to be called the Superior Court of the City of San Francisco." Also, that the Assembly

had concurred in the Senate's amendment to the bill of the Assembly, entitled "an Act concerning wills."

The President *pro tempore* of the Senate signed bills, entitled "an Act to establish a Municipal Court in the City of San Francisco, to be called the Superior Court of the City of San Francisco."

Mr. Heydenfeldt gave notice that he would, on to-morrow, ask leave to introduce a bill to allow the District Court of San Francisco to go immediately into session.

Mr. Broderick gave notice that he would, on to-morrow, move to reconsider the vote by which the bill "to provide for the permanent location of the seats of Justice of the several counties," was indefinitely postponed.

Mr. Heydenfeldt, from the Judiciary Committee, to whom had been referred the bill of the Assembly, entitled "an Act concerning crimes and punishments," reported the same without amendment, and the question being on ordering the bill to a third reading,—

On motion of Mr. Broderick, the Senate adjourned.

JOHN MCDOUGALL,
Lieutenant Governor and President of the Senate.

J. F. HOWE, Secretary of the Senate.

IN SENATE.

FRIDAY, *April* 5, 1850.

The Senate assembled, pursuant to adjournment.

Prayer by Rev. Mr. Douglass.

The journal of Thursday was read and approved.

Mr. Robinson, from the Committee on the Judiciary, to whom were referred bills, entitled "an Act concerning the office of Reporter," and "an Act prescribing the mode of maintaining and defending possessory actions on lands belonging to the State," reported the same, with amendments, and the bills were severally read the first time, and ordered to a second reading.

Mr. Heydenfeldt, from the Committee on Expenditures, reported as correct the claim of Brown & Co. for $193 25, and the report was adopted.

Mr. Bassham, from the Committee on Enrolled Bills, reported that the committee had this day examined, and found to be correctly enrolled, bills severally entitled "an Act amendatory of sections 7, 8, 9, 10, and 14 of 'an Act sub-dividing the State into counties, and establishing the seats of Justice therein;'" "an Act concerning watercraft found adrift, and lost money and property."

Also, that they had this day presented to the Governor for his signature, bills, severally entitled "an Act concerning watercraft found adrift, and lost money and property;" "an Act amendatory of sections 7, 8, 9, 10 and 14 of 'an Act sub-dividing the State into counties, and establishing the seats of Justice therein;'" "an Act to establish a Municipal Court in the City of San Francisco, to be called the Superior Court of San Francisco."

On motion of Mr. Bassham, Messrs. Vallejó and Woodworth were appointed by the President additional members of the Select Committee, to whom had been referred Assembly bills "concerning marks and brands," and "an Act concerning estray animals."

Senate bill, entitled "an Act to take the sense of the people of California upon the subject of the permanent location of the seat of government," was taken up on second reading, and, on motion of Mr. Bassham, was made the special order for to-morrow.

A message was received from the Governor, informing the Senate that he, on yesterday, had signed bills, originating in the Senate, entitled, "an Act in relation to the money of accounts of this State," "an Act to incorporate the City of Sonoma," and "an Act to regulate the Senatorial and Assembly Districts."

Assembly bill, entitled "an Act concerning Crimes and Punishments," was taken up, considered, and postponed.

A message was received from the Assembly, informing the Senate that they had non-concurred in the Senate's amendments to the bill, entitled, "an Act to regulate proceedings in Criminal Cases," and have appointed Messrs. Randolph, Brackett, and Crittenden, a Committee of Conference, to act with any corresponding committee that may be appointed by the Senate, on the disagreeing votes of the two Houses on said bill.

Also, that they had concurred in all the Senate's amendments to the amendments of the Assembly to bill, entitled, "an Act to create Portwardens for the Harbor of San Francisco, and define their duties.

Also, inquiring as to what disposition had been made by the Senate of Assembly bill, entitled, "an Act to exempt a homestead from forced sale in certain cases."

Also, informing the Senate that the Assembly had concurred in the Senate's amendments to the concurrent resolution of the Assembly, concerning the reports of the proceedings of the Convention of Monterey.

Also, that they have passed bills, herewith transmitted, severally entitled, "an Act adopting the Common Law;" "an Act to prevent the importation of convicts into this State."

Also, inviting the Senate to meet the Assembly, in Convention, in the Hall of Assembly, at half past four o'clock this day, to go into an election for three Judges of the Superior Court of the City of San Francisco.

Also, that the Speaker *pro tempore* of the Assembly had signed bills, herewith transmitted, for the signature of the President of the Senate, entitled, "an Act concerning Watercraft found adrift, and lost money and property;" "an Act amendatory of sections 7, 8, 9, 10, and 14, of an Act subdividing the State into Counties and establishing the Seats of Justice therein."

On motion of Mr. Heydenfeldt, a Committee of Conference, consisting of Messrs. Heydenfeldt, Vermeule, and Fair, was appointed on the disagreeing votes of the two Houses, on the bill, entitled, "an Act to regulate proceedings in Criminal Cases."

Assembly bills, entitled, "an Act adopting the Common Law," and "an Act to prevent the importation of Convicts into this State," were severally read the first time, and ordered to a second reading.

The President signed bills, entitled, "an Act concerning Watercraft found adrift, and lost money and property," and "an Act amendatory of sections 7, 8, 9, 10, and 14, of an Act subdividing the State into Counties, and establishing the Seats of Justice therein."

A message was received from the Assembly, informing the Senate that the Governor had notified that Body that he had signed bill, entitled, "an Act to establish a Municipal Court in the City of San Francisco, to be called the Superior Court of the City of San Francisco."

The Senate accepted the invitation of the Assembly to meet in Convention for the election of Judges of the Superior Court of San Francisco, with an amendment, fixing the hour for such election at 1 P.M., to-day, instead of half-past 4 P.M., to-day.

Mr. Heydenfeldt, from the Committee of Conference on the disagree

ing votes of the two Houses, on the bill entitled "an Act concerning Offices," reported that the committee recommend that the Assembly concur in the Senate's 7th, 8th, and 14th amendments, and that the Senate recede from all their other amendments.

The Report was adopted.

On motion of Mr. Broderick, the vote by which the Senate yesterday indefinitely postponed Assembly bill entitled "an Act to provide for the permanent location of the Seats of Justice of the several counties," was re-considered, and the bill was amended, read the third time, and passed, the rules having been suspended for that purpose.

A message was received from the Assembly, informing the Senate that the Governor had notified the Assembly that he did, on yesterday, sign bills entitled "an Act concerning Volunteer or Independent Companies," "an Act defining the compensation of Clerks employed by the Secretary, Treasurer, and Comptroller of State," "an Act to incorporate the City of Los Angeles," "an Act establishing Recorders' Offices, and defining the duties of the Recorder and County Auditor," and "an Act to authorize the formation of Limited Partnerships."

Also, that the Assembly had concurred in the amendment of the Senate to the Assembly's proposition in relation to the hour of meeting in Convention, for the purpose of going into an election for Judges of the Superior Court of San Francisco.

On motion of Mr. Vermeule, the Senate took a recess until five minutes before 10 o'clock P.M.

On re-assembling the Senate proceeded to the Assembly Chamber, for the election of Justices of the Superior Court of the City of San Francisco.

IN CONVENTION.

Hon. John McDougall, Lieutenant Governor, presided, and stated the object for which the two Houses had convened, and appointed Mr. Broderick as Teller on the part of the Senate.

The Speaker of the Assembly appointed Mr. Moorehead as Teller, on the part of that body.

For Chief Justice of the Superior Court,

Mr. Randolph nominated P. A. Morse.

Mr. Cardwell nominated G. W. Macrae.

The Secretary of the Senate proceeded to call the names of the Senators, and the Clerk of the Assembly to call those of the members of

that body, when the Tellers reported that the whole number of votes given was 39—necessary to a choice 20—of which

Mr. Morse received 22 votes.

Mr. Macrae received 16 votes.

William Smith Hosford received one vote.

Those who voted for Mr. Morse were—Messrs. Bassham, Broderick, Chamberlin, Robinson, and Vermeule of the Senate; and Aram, Bateman, Brackett, Bradford, Cave, Corey, Covarubias, Crittenden, Henley, Hughes, McKinstry, Patterson, Per Lee, Randolph, Stowell, Williams, and Speaker of the Assembly—22.

Those who voted for Mr. Macrae were—Messrs. Douglass, Fair, Green, and Heydenfeldt of the Senate; and Baldwin, Browne, Cardwell, Clarke, Deal, Moorehead, Moore, Shepherd, Stewart, Tingley, Walthall, and Wheeler of the Assembly.—16.

Mr. Woodworth voted for Mr. Hosford—1.

Whereupon the President of the Convention declared that P. A. Morse, having received a majority of all the votes given, was duly elected Chief Justice of the Superior Court of the City of Francisco, for the term prescribed by law.

The Committee, in like manner, then proceeded to the election of one of the associate Justices of the said Court.

Mr. Green nominated James Caleb Smith, and the Tellers reported that the

Whole number of votes given was . . .	39
Necessary to a choice, ...	20
Of which Mr. Smith received	38 votes
William Smith Hosford „	1 „

Those who voted for Mr Smith were—Messrs. Bassham, Broderick, Chamberlin, Douglass, Fair, Green, Heydenfeldt, Robinson, and Vermeule of the Senate; and Aram, Baldwin, Bateman, Brackett, Bradford, Brown, Cardwell, Cave, Clarke, Corey, Covarubias, Crittenden, Deal, Hinley, Hughes, McKinstry, Moorehead, Moore, Patterson, Pur Lee, Randolph, Sheppard, Stewart, Stowell, Tingley, Walthall, Wheeler, Williams and Speaker of the Assembly, 38.

Mr. Woodworth voted for Mr. Hosford—1.

Whereupon the President of the Convention declared that James

Caleb Smith, having received a majority of all the votes given, was duly elected one of the Associate Justices of the Superior Court of the City of San Francisco, for the term prescribed by law.

The Convention, in like manner, then proceeded to the election of another Associate Justice of the same Court.

Mr. Green nominated G. W. Macrae.

Mr. Stowell nominated H. C. Murray.

Mr. Moorehead was excused from further service as Teller, and the Speaker of the Assembly appointed Mr. Bateman in his stead.

The Tellers reported the result to be as follows:—

Whole number of votes given,		39
Necessary to a choice,		20
Of which Mr. Murray received	22	votes
Mr. Macrae "	16	"
William Smith Hosford "	1	"

Those who voted for Mr. Murray were—Messrs. Bassham, Broderick, Chamberlin, Robinson, and Vermeule of the Senate; and Aram, Bateman, Brackett, Bradford, Cave, Corey, Covarubias, Crittenden, Henley, Hughes, McKinstry, Patterson, Pur Lee, Randolph, Stowell, Williams, and Speaker of the Assembly—22.

Those who voted for Mr. Macrae were—Messrs. Douglass, Fair, Green, and Heydenfeldt, of the Senate; and Baldwin, Brown, Cardwell, Clarke, Deal. Moorehead, Moore, Sheppard, Stewart, Tingley, Walthall, and Wheeler of the Assembly—16.

Mr. Woodworth voted for W. Smith Hosford—1,

Whereupon, the President of the Convention declared that H. C. Murray, having received a majority of all the votes given, was duly elected one of the Associate Justices of the Superior Court of the City of San Francisco for the term prescribed by law.

The President then announced that the business for which the two Houses had convened having been completed, the Convention was adjourned *sine die*, and the Senate returned to the Senate Chamber.

On motion of Mr. Douglass, the Senate took a recess until 8 P.M.

EVENING SESSION.

A quorum not being present, on motion of Mr. Green, the Senate adjourned.

JOHN MCDOUGALL,
Lieut. Governor and President of the Senate.

J. F. HOWE, Secretary of the Senate.

IN SENATE.

SATURDAY, *April* 6, 1850.

The Senate assembled, pursuant to adjournment.

Prayer by Rev. Mr. Briarly.

Journal of Friday was read and approved.

Mr. Woodworth, from the select committee, to whom had been referred the bill, entitled "an Act concerning marks and brands," reported the same, with a recommendation that sections 6 and 7 be stricken out, as having no connexion with the object of the bill.

Mr. Woodworth, from the same committee, also reported, with a substitute therefor, bill entitled "an Act concerning estray animals."

Mr. Robinson submitted a resolution, which was adopted, admitting Mr. E. Dickey to a seat within the bar, as Reporter of the "Sacramento Transcript."

Bill to provide for the permanent location of the seat of justice, was read the third time and passed with amendments.

Bill, entitled "an Act to take the sense of the people, on the subject of the permanent location of the seat of Government," was read the second time.

On the question of ordering the bill to a third reading, the yeas and nays were demanded by Messrs. Green and Bassham, and resulted as follows:—

AYES.

Mr. Chamberlin	Mr. Lippincott
Douglass	Robinson
Fair	Vallejó
Green	Woodworth
Heydenfeldt	Vermeule—10.

NAYS.

Mr. Bassham—1.

Mr. Bassham, from the Joint Committee on Enrolled Bills, reported, that he had examined and found correctly enrolled, "an Act to incorporate the City of Santa Barbara;" "an Act defining the duties of State Librarian and prescribing rules for Government of the State Library;" a "Joint resolution relative to the Public Archives;" "an Act creating Officers of Health for the Port of San Francisco and defining their duties;" "an Act providing for the Creation of a Marine Hospital for the State of California:" "an Act regulating the Quarantine of Vessels at the Port and Harbor of San Francisco."

Mr. Heydenfeldt, from the Committee on Expenditures, made a report on the Claim of A. M. Van Ostraud, for $2275, recommending the reference of the same to the Committee on Claims, and the report was adopted.

Assembly bill entitled, "an Act to provide for the Inspection of Steamboats," was read three several times and passed, with amendments. On the question of its final passage, the yeas and nays were demanded by Messrs. Robinson and Green, and resulted as follows:—

AYES.

Mr. Chamberlin	Mr. Lippincott
Fair	Vallejó
Green	Vermeule
Heydenfeldt	—7.

NAYS.

Mr. Robinson	Mr. Woodworth
	—2.

A message was received from the Governor, in reply to the resolution of the Senate, calling for information in relation to printing executed by the "Alta California," and paid on the certificate of the Governor, which was read, and laid over. (See Appendix V.)

Messages were received from the Assembly, informing the Senate that the Speaker of the Assembly had signed bills, therewith transmitted, for the signature of the President of the Senate, severally entitled, "an

Act prescribing the duties and fixing the compensation of County Surveyors;" "an Act regulating the Quarantine of Vessels at the Port and Harbor of San Francisco;" "an Act providing for the creation of a Marine Hospital for the State of California;" "an Act creating Officers of Health for the Port of San Francisco, and defining their duties;" "an Act defining the duties of State Librarian and prescribing rules for the Government of the State Library;" "an Act to incorporate the city of Santa Barbara;" "Joint Resolution relative to the Public Archives."

Also, that they had concurred in the report of the Committee of Conference on the disagreeing votes of the two Houses, on the bill entitled, "an Act concerning offices." Also, that they had passed bills herewith transmitted, severally entitled "an Act to provide for the inspection of Steamboats;" "an Act requiring Alcaldes and Judges of the Courts of First Instance to account for moneys received and expended by them."

Also, presenting to the Senate, for their consideration, a communication from the State Printer.

The communication from the State Printer was read and referred to the Committee on Public Printing. (See Appendix LL.)

The President of the Senate signed the bills mentioned in the foregoing message, as having been signed by the Speaker of the Assembly, and the Secretary of the Senate certified to those severally entitled, "an Act regulating the Quarantine of vessels at the port and harbor of San Francisco;" "an Act providing for the creation of a Marine Hospital for the State of California;" and "an Act creating Officers of Health for the Port of San Francisco, and defining their duties," that they originated in the Senate.

Assembly bill, entitled "an Act requiring Alcaldes and Judges of the Courts of First Instance, to account for moneys received and expended by them," was read the first and second times, amended, read the third time, and passed, the rules having been suspended for that purpose.

Assembly bill, entitled "an Act concerning the office of Reporter," was read second time, and referred to the Committee on the Judiciary.

Mr. Chamberlin, on leave, introduced a resolution, which was adopted, rescinding the joint resolution providing for the final adjournment of the Legislature on the 10th instant.

Mr. Heydenfeldt introduced a joint resolution, which was adopted, that the two Houses will adjourn *sine die* on the 15th instant.

A message was received from the Assembly, informing the Senate that they had concurred in the Senate's first amendment to the Assembly bill, entitled "an Act to provide for the permanent location of the seats of Justice of the several counties," with an amendment, to wit—alter the phraseology so that it shall read, 'one third of the number of voters voting at the April election."

Also, that they had non-concurred in the Senate's second and third amendments to said bill, and had appointed Messrs. Tingley, Cave, and Randolph, a Committee of Conference on the disagreeing votes of the two houses on said bill, to meet any corresponding committee that may be appointed by the Senate.

Mr. Bassham, from the Joint Committee on Enrolled Bills, reported that they had this day presented to the Governor for his signature, "an Act creating Officers of Health for the Port of San Francisco, and defining their duties;" "an Act regulating the quarantine of vessels at the Port and Harbor of San Francisco;" "an Act providing for the creation of a Marine Hospital for the State of California;" "an Act defining the duties of State Librarian, and prescribing rules for the government of the State Library;" "Joint Resolution relative to the Public Archives;" "an Act prescribing the duties, and fixing the compensation of County Surveyors;" and "an Act to incorporate the City of Santa Barbara."

The Senate took up so much of the message of the Assembly of to-day as relates to the amendment of the Senate to the bill to provide for the permanent location of the seats of Justice of the several counties, concurred in the Assembly's amendment to the first amendment of the Senate, and receded from the second and third amendments of the Senate, which had been non-concurred in by the Assembly.

Mr. Robinson, from the Committee on Engrossed Bills, reported, as correctly engrossed, bill entitled "an Act to take the sense of the people of California upon the subject of the permanent location of the seat of government."

On motion of Mr. Chamberlin, the Senate took a recess till 4 P.M.

AFTERNOON SESSION.

On re-assembling, on motion of Mr. Robinson, the Secretary of the Senate was directed to inquire, by message, of the Assembly, what dis-

position had been made of the bill of the Senate, entitled, "an Act to regulate Practice in the Courts of Record of the State of California."

On motion of Mr. Chamberlin, Assembly bill, entitled, "an Act concerning Crimes and Punishments," was taken up, read the second and third times, and passed, without amendment, the rules having been suspended for that purpose.

Senate bill, entitled, "an Act prescribing the mode of maintaining and defending possessory actions on lands belonging to the United States," was taken up, read second time, and ordered to a third reading.

Assembly bill, entitled, "an Act adopting the Common Law," was taken up, read the second time, and referred to the Committee on the Judiciary.

Assembly bill, entitled, "an Act concerning Estray Animals," with the amendments proposed by the Select Committee, to whom the bill had been referred, was taken up, and, on motion of Mr. Robinson, laid on the table.

Assembly bill, "concerning marks and brands," was taken up, read the second and third times, and passed, without amendment. On the question of the final passage of the bill, the yeas and nays were demanded by Messrs. Bassham and Chamberlin, and resulted as follows:—

AYES.

Mr. Bassham	Mr. Green
Chamberlin	Heydenfeldt
Douglass	Robinson
Fair	Vermeule—8.

NAYS.

Mr. Vallejó—1.

A message was received from the Assembly, informing the Senate that they had adopted the concurrent resolution of the Senate rescinding the joint resolution of the two Houses fixing upon the 10th instant as the day of final adjournment.

Mr. Heydenfeldt, from the Committee of Conference on the disagreeing votes of the two Houses on the "Act to regulate proceedings in Criminal Cases," reported that the committee had agreed to recommend that the Senate should recede from their 2d and 7th amendments, and

that the House should concur in the Senate's 1st, 3d, 5th, and 6th amendments.

The Report was adopted.

On motion of Mr. Douglass, the Senate adjourned.

JOHN MCDOUGALL,
Lieut. Governor and President of the Senate.

J. F. HOWE, Secretary of the Senate.

IN SENATE.

MONDAY, *April* 8, 1850.

The Senate assembled, pursuant to adjournment.

Prayer by Rev. Mr. Douglass.

The Journal of Saturday was read and approved.

A message was received from the Governor, informing the Senate that he had this day signed the bill, entitled "an Act creating Officers of Health for the Port of San Francisco, and defining their duties."

Mr. Robinson, from the Committee on the Judiciary, to whom had been referred the bill "concerning the office of Reporter," reported the same with an amendment, and the bill was subsequently read the second time, amended, read the third time and passed, the rules having been suspended for that purpose.

Mr. Chamberlin submitted a concurrent resolution, which was adopted, providing for the election at 12 o'clock M. to-day, of a Resident Physician, Health Commissioner, and Health Officer, for the Port and Harbor of San Francisco.

A message was subsequently received from the Assembly, informing the Senate that they had adopted the resolution of the Senate, with an amendment, striking out "12 o'clock," and inserting in lieu thereof "one o'clock."

The Senate concurred in the amendment of the Assembly.

Mr. Heydenfeldt presented the petition of certain citizens of San José, praying relief for expenses incurred in fitting up the room occupied by the Senate during part of the present Session, which was read, and referred to the Committee on Claims.

A message was received from the Assembly, informing the Senate

that they had adopted the report of the Committee of Conference on the disagreeing votes of the two Houses on the bill, entitled "an Act to regulate proceedings in Criminal Cases."

Also, that they had concurred in Senate's first amendment to the bill, entitled "an Act requiring Alcaldes and Judges of the Courts of First Instance to account for moneys received and expended by them," and had non-concurred in Senate's second and third amendments to said bill.

Also, that they had concurred in all of Senate's amendments to Assembly Bill, entitled "an Act to provide for the inspection of steamboats."

Also, that they had passed bills herewith transmitted, entitled "an Act regulating descents and distributions," and "an Act providing for lien of mechanics and others."

Also, that the Governor had notified the Assembly that he did, on the 5th instant, sign bills originating in the Assembly, severally entitled "an Act amendatory of sections 7, 8, 9, 10, and 14, of an Act subdividing the State into Counties and establishing Seats of Justice therein." —Approved, February 18, 1850. "An Act concerning watercraft found adrift, and lost money and property."

Assembly Bill, entitled "an Act prescribing the mode of maintaining and defending possessory actions on lands belonging to the U. States," was read the third time, and passed, the rules having been suspended for that purpose.

Also, with amendments, Assembly Bill, entitled "an Act to prevent the importation of convicts into the State."

On motion of Mr. Chamberlin, the Secretary was directed to request the return, by the Assembly, of engrossed bill, providing for taking the sense of the people in relation to the permanent location of the seat of government, sent to the Assembly by mistake; and the bill was subsequently so returned.

Assembly Bill, entitled "an Act providing for the lien of mechanics and others," was read three several times, and passed, the rules having been suspended for that purpose.

Also, with an amendment, Assembly Bill, entitled "an Act to regulate descents and distributions."

The Senate receded from their second and third amendments to the Bill of the Assembly, entitled "an Act requiring Alcaldes and Judges of First Instance to account for moneys received and expended."

Senate Bill, entitled "an Act to provide for taking the sense of the people in relation to the permanent location of the seat of government," was read the third time, and the question being on the final passage of the bill, the yeas and nays were demanded by Messrs. Bassham and Chamberlin, and resulted as follows:—

AYES.

Mr. Chamberlin	Mr. Lippincott
Douglass	Robinson
Fair	Vallejó
Green	Vermeule
Heydenfeldt	Woodworth—10.

NAYS.

Mr. Bassham—1.

So the bill was passed.

On motion of Mr. Bassham, the report of the Committee on Public Buildings and Grounds, on the same subject, was taken up, and the question being on its adoption, Mr. Fair moved to lay the report on the table. On this motion, the yeas and nays were demanded by Messrs. Bassham and Vermeule, and resulted as follows:—

AYES.

Mr. Bassham	Mr. Robinson
Fair	Vallejó
Heydenfeldt	Vermeule—6.

NAYS.

Mr. Douglass	Mr. Lippincott
Green	—3.

So the report was laid on the table.

Mr. Bassham, from the Joint Committee on Enrolled Bills, reported that the committee had examined and found to be correctly enrolled, bills, severally entitled; "an Act to regulate proceedings in Courts of Justice of the Peace in civil cases;" "an Act to provide for the collection of demands against vessels or boats," "A Joint Resolution concern-

ing the reports of the proceedings of the Convention of Monterey;" "an Act concerning wrecks and wrecked property;" "an Act concerning wills;" "an Act to provide for the erection of Court Houses;" "an Act to prevent obstruction in navigable streams."

Mr. Woodworth, from the Committee on Public Printing, to whom had been referred the communication of the State Printer, reported, that a bill on the subject would be introduced in the Assembly. The report was accepted.

Mr. Robinson, from the Committee on the Judiciary, to whom had been referred Assembly Bill, entitled "an Act to prevent the coining of money by individuals," reported the same with an amendment, which was adopted, and the bill, as amended, was read the third time and passed, the rules having been suspended for that purpose. On the question of its final passage, the yeas and nays were demanded by Messrs. Woodworth and Chamberlin, and resulted as follows:—

YEAS.

Mr. Bassham	Mr. Robinson
Chamberlin	Vermeule
Douglass	Woodworth
Green	—7.

NAYS.

Mr. Fair	Mr. Lippincott
Heydenfeldt	Vallejó—4.

Mr. Heydenfeldt moved to amend the title of the bill, by adding thereto the words "and refining and assaying gold," on which motion the yeas and nays were demanded by Messrs. Chamberlin and Douglass, and resulted as follows:—

AYE.

Mr. Heydenfeldt—1.

NAYS.

Mr. Bassham	Mr. Lippincott
Chamberlin	Robinson
Douglass	Vallejó
Fair	Vermeule
Green	Woodworth—10.

So the question was decided in the negative.

Mr. Heydenfeldt, from the Committee on Expenditures, submitted a report, in relation to the claim of Mr. Lowrie, for compensation as Temporary State Translator, which was referred to the Committee on Claims.

On motion of Mr. Woodworth, the Senate took a recess until five minutes before 1 o'clock.

On re-assembling, the Senate proceeded to the Hall of the Assembly, pursuant to the concurrent resolution this day adopted, for the election of officers of health for the Port and Harbor of San Francisco.

IN CONVENTION.

Hon. John McDougall, Lieutenant Governor, presided, stated the object for which the two Houses had convened, and appointed Mr. Heydenfeldt as Teller on the part of the Senate.

The Speaker of the Assembly appointed Mr. Randolph as Teller on the part of the Assembly.

The Convention first proceeded to the election of a Resident Physician for the Port and Harbor of San Francisco, whereupon

Mr. Chamberlin nominated Dr. Lorenzo Hubbard, and the Tellers reported the result to be as follows :—

Whole No. of Votes given	36
Necessary to a choice	19
Of which Dr. Hubbard received .	36 votes

Those who voted for Dr. Hubbard were—Messrs. Bassham, Chamberlin, Douglass, Green, Heydenfeldt, Robinson, Vallejo, and Vermeule, of the Senate; and Messrs. Aram, Baldwin, Bateman, Bradford, Brown, Cardwell, Cave, Clarke, Corey, Covarubias, Deal, Grey, Henly, Hughes, McKinstry, Moorehead, Moore, Per Lee, Randolph, Scott, Shepherd, Stewart, Stowell, Tingley, Walthall, Wheeler, Williams, and Speaker of the Assembly—36.

And the President declared that Dr. Lorenzo Hubbard, having received a majority of all the votes given, was duly elected as such Resident Physician for the term prescribed by law.

The Convention then proceeded, in like manner, to the election of a Health Commissioner.

Mr. Deal nominated Dr. John T. Thorpe.

Mr. Randolph nominated Dr. John McMillen.

The Tellers reported the result to be as follows :—

Whole No. of Votes given	36	
Necessary to a choice	19	
Of which Dr. Thorpe received. . . .	18	Votes
Dr. McMillen	16	„
Scattering	2	„

Those who voted for Dr. Thorpe were—Messrs. Bassham, Robinson, and Vermeule, of the Senate ; and Messrs. Aram, Bradford, Brown, Cardwell, Corey, Covarubias, Deal, Henly, Hughes, Moorehead, Scott, Tingley, Walthall, Williams, and Speaker of the Assembly.—18.

Those who voted for Dr. McMillen were—Messrs. Chamberlin, Douglass, Green, Heydenfeldt, and Vallejó, of the Senate; and Messrs. Bateman, Cave, Clarke, McKinstry, Moore, Per Lee, Randolph, Shepherd, Stewart, Stowell, and Wheeler, of the Assembly—16.

Mr. Woodworth, of the Senate, voted for William Smith Hosford ; and Mr. Gray, of the Assembly, for Dr. Brown—2.

No person having received a majority of the votes given, the Convention proceeded, in like manner, to a second ballot for Health Commissioner, and the Tellers reported the result to be as follows :—

Whole No. of Votes given	36	
Necessary to a choice	19	
Of which Dr. Thorpe received	18	votes
Dr. McMillen received	16	„
Scattering	2	„

Those who voted for Dr. Thorpe were—Messrs. Bassham, Chamberlin, Robinson, and Vermeule, of the Senate; and Messrs. Aram, Brackett, Bradford, Brown, Corey, Covarubias, Deal, Henly, Hughes, Scott, Tingley, Walthall, Williams, and Speaker of the Assembly—18.

Those who voted for Dr. McMillen were—Messrs. Douglass, Green, Heydenfeldt, and Vallejó, of the Senate ; and Messrs. Baldwin, Bateman, Cave, Clarke, McKinstry, Moore, Per Lee, Randolph, Shepherd, Stewart, Stowell, and Wheeler, of the Assembly—16.

Mr. Woodworth, of the Senate, voted for William Smith Hosford; and Mr. Gray, of the Senate, for Dr. Brown—2.

No person having received a majority of all the votes given, the Convention proceeded, in like manner, to a third ballot for Health Commissioner, and the Tellers reported the result to be as follows :—

Whole No. of Votes		38
Necessary to a choice		20
Of which Dr. Thorpe received	20	votes
Dr. McMillen	17	„
Wm. Smith Hosford received	1	„

Those who voted for Dr. Thorpe were—Messrs. Bassham, Chamberlin, Robinson, Vallejó, and Vermeule, of the Senate; and Aram, Bradford, Brown, Cardwell, Corey, Covarubias, Deal, Gray, Henly, Hughes, Scott, Tingley, Walthall, Williams, and Speaker of the Assembly—20.

Those who voted for Dr. McMillen were—Messrs. Douglass, Green, Heydenfeldt, and Lippincott, of the Senate; and Baldwin, Bateman, Cave, Clarke, McKinstry, Moorehead, Moore, Per Lee, Randolph, Shepherd, Stewart, Stowell, and Wheeler, of the Assembly—17.

Mr. Woodworth voted for William Smith Hosford.

Whereupon, the President of the Convention declared that Dr. John Thorpe, having received a majority of all the votes given, was duly elected Health Commissioner for the term prescribed by law.

The Convention then proceeded, in like manner, to an election of Health Officer for the Port and Harbor of San Francisco.

Mr. Robinson nominated Dr. James H. Rogers.

Mr. Woodworth nominated Dr. Awful Gardiner.

The Tellers reported the result to be as follows :—

Whole No. of Votes		38
Necessary to a choice		20
Of which Dr. Rogers received	35	votes
Scattering	3	„

Those who voted for Dr. Rogers were—Messrs. Chamberlin, Douglass, Green, Lippincott, Robinson, Vallejó, and Vermeule, of the Senate; and Aram, Baldwin, Bateman, Bradford, Brown, Cardwell, Cave, Clarke,

Corey, Covarubias, Deal, Gray, Henly, Hughes, McKinstry, Moorehead, Moore, Per Lee, Randolph, Scott, Shepherd, Stewart, Stowell, Tingley, Walthall, Wheeler, Williams, and Speaker of the Assembly—35.

Mr. Bassham voted for Dr. Weitzbitchy, and Messrs. Heydenfeldt and Woodworth for Dr. Gardiner.

Whereupon the President of the Convention declared that Dr. James H. Rogers, having received a majority of all the votes given, was duly elected Health Officer for the term prescribed by law.

And the President then announced, that, the business for which the two Houses had convened having been completed, the Convention was adjourned *sine die*.

The Senate returned to the Senate Chamber, and, on motion of Mr. Douglass, adjourned.

John McDougall,
Lieut. Governor and President of the Senate.

J. F. Howe, Secretary of the Senate.

IN SENATE.

Tuesday, *April* 9, 1850.

The Senate assembled, pursuant to adjournment.

Prayer by Rev. Mr. Briarly.

The Journal of Monday was read and approved.

Mr. Heydenfeldt presented the petition of Harris & Panton, and other merchants and traders of San Francisco, in relation to the creation of the office of State Assayer, which was read and referred to a Special Committee, consisting of Messrs. Robinson, Heydenfeldt, Vallejó, Chamberlin, and Fair.

Mr. Heydenfeldt, from the Committee on Public Schools, reported a bill entitled "an Act concerning Common Schools and Public Instruction," which was read the first time, and ordered to a second reading.

Mr. Robinson, from the Committee on the Judiciary, reported a bill entitled "an Act relative to Bonds, Due Bills, and other instruments in writing, and making them assignable," which was read the first time, and ordered to a second reading.

Mr. Bassham, from the Committee on Enrolled Bills, reported as cor-

rectly enrolled, bills entitled "an Act concerning the organization of the Militia," and "an Act to provide for the Inspection of Steamboats."

Mr. Woodworth, from the Committee on Public Printing, reported a bill entitled "an Act providing for the Distribution of the Laws," which was read the first time, and ordered to a second reading.

Mr. Heydenfeldt, from the Committee on Expenditures, made a report in writing, in relation to the account of Mr. Eldridge, as copyist and temporary engrossing clerk of the Senate, which was read and received.

A message was received from the Assembly, informing the Senate that they had concurred in the Senate's amendment to bill entitled "an Act to prevent the importation of convicts into this State." Also, that they had concurred in Senate's amendments to bill entitled "an Act concerning the office of Reporter." Also, that they had concurred in the Senate's amendment to bill entitled "an Act to regulate Descents and Distributions." Also, that they had concurred in Senate's amendment to bill entitled "an Act to prevent the Coining of Money by Individuals." Also, that they had passed Senate bill entitled "an Act for the better regulation of the Mines and the Government of Foreign Miners," with an amendment, to wit: strike out all after the enacting clause, and insert as a substitute the accompanying paper marked "A." Also, that they had passed bills herewith transmitted, severally entitled "an Act to amend an Act entitled 'an Act to regulate proceedings in Criminal Cases,'" "an Act concerning Prisoners in Custody, under Sentence of Imprisonment," "an Act to Prohibit the Exercise of Banking Privileges," "an Act to amend an Act to organize the Supreme Court of California," "an Act to provide for the holding of a Special Term of the District Court for the Fourth Judicial District," and "A Joint Resolution concerning Grants of Land by the General Government to Commissioned Officers who served in the late war with Mexico."

Also, in reply to the inquiry of the Senate in relation to the Senate bill entitled "an Act to regulate practice in the Courts of Record of the State of California," that the bill had not as yet received the final action of the Assembly.

Also, that the Speaker of the Assembly had signed bills therewith transmitted for the signature of the President of the Senate, severally entitled, "an Act to provide for the collection of demands against Vessels and Boats," "an Act to provide for the erection of Court Houses," "an Act concerning Wills," "an Act to regulate proceedings in Courts of

Justices of the Peace in Civil Cases," "an Act to prevent Obstructions in Navigable Streams," "an Act concerning Wrecks and Wrecked Property," and a "Joint Resolution concerning the reports of the proceedings of the Convention at Monterey."

The President signed the bills mentioned in the message from the Assembly, as having been signed by the Speaker of the Assembly, and the Secretary certified upon those entitled, "an Act to prevent Obstructions in Navigable Streams," and "an Act concerning Wrecks and Wrecked Property," that they originated in the Senate.

Mr. Heydenfeldt, from the Committee on Expenditures, called the attention of the Senate to the fact that the Comptroller of State had refused to audit the account of Brown & Co., reported by the Committee as "all right," and certified to by the President of the Senate, as a necessary contingent expense of the Senate."

On motion of Mr. Green, the Senate went into Secret Session.

When the doors were again opened, on motion of Mr. Douglass, the Senate took a recess until 4 P.M.

AFTERNOON SESSION.

The President laid before the Senate a communication from the Comptroller, which was read, and, on motion of Mr. Fair, laid on the table.

On motion of Mr. Douglass, the Secretary was directed again to inclose to the Comptroller a copy of the Resolution of the Senate of the 4th instant, in relation to the account of the *Alta California*, and to request of him an immediate and direct reply thereto.

On motion of Mr. Green, Senate bill, entitled "an Act for the better regulation of the Mines and Government of Foreign Miners," was taken up, and the amendment of the Assembly was concurred in, with further amendments thereto, by the Senate striking out "sixteen" in the sixth section, and inserting therefor "twenty," and striking out "four" in the eleventh section, and inserting therefor "three."

A message was received from the Assembly, requesting leave to withdraw the notice, given to-day, of the concurrence in the amendments of the Senate to Assembly bill, entitled "an Act concerning the office of Reporter," as they desire to reconsider the vote by which the House concurred in said amendment.

Also, informing the Senate that the Assembly had passed bill, here-

with transmitted, entitled "an Act to prohibit Lotteries and the Sale of Lottery Tickets."

Also, that the Speaker of the Assembly had signed bills, therewith transmitted for the signature of the President of the Senate, severally entitled "an Act concerning the organization of the Militia;" "an Act to create Port Wardens for the Cities of San Francisco, Sacramento, and other Ports of California;" and "an Act to provide for the inspection of steamboats."

Also, that the Governor had notified the Assembly that he had this day signed bills, severally entitled "an Act prescribing the Duties, and fixing the Compensation of County Surveyors;" "an Act to incorporate the City of Santa Barbara;" "an Act defining the Duties of State Librarian, and prescribing rules for the Government of the State Library;" and "Joint Resolutions relative to the Public Archives."

Also, that they had passed Concurrent Resolutions therewith transmitted in relation to the Introduction of Bills and Joint Resolutions.

Also, delivering to the Senate a sealed message, with a request that the same should be considered with closed doors.

Mr. Bassham, from the Joint Committee on Enrolled Bills, reported that they had this day presented to the Governor, for his signature, the following acts and joint resolutions:—

"An Act to prevent obstructions in Navigable Streams;" "an Act concerning wrecks and wrecked property;" "an Act to regulate proceedings in Courts of Justices of the Peace in civil cases;" "an Act concerning wills;" "an Act to provide for the erection of Court Houses;" "an Act to provide for the collection of demands against vessels and boats;" "a Joint Resolution concerning the Reports of the proceedings of the Convention of Monterey;" "an Act concerning the organization of the Militia;" "an Act to provide for the Inspection of Steamboats;" and "an Act to create Port Wardens for the Cities of San Francisco and Sacramento, and other ports of California."

The Senate complied with the request of the Assembly, to allow the withdrawal of so much of their message of to-day as relates to the amendments of the Senate to the Assembly bill, entitled "an Act concerning the office of Reporter."

Assembly bill, entitled "an Act to prohibit the exercise of Banking Privileges," was taken up, read the first and second times, and referred to the Committee on the Judiciary.

Assembly Bill, entitled "an Act to provide for the holding of a special term of the District Court for the Fourth Judicial District," was taken up, read three several times, and passed, the rules having been suspended for that purpose. Also, Assembly bill, entitled "an Act to amend an Act, entitled, an Act to regulate proceedings in criminal cases."

Assembly Bill, entitled "an Act concerning prisoners in custody under sentence of punishment," was read twice, and referred to the Select Committee on the State Prison.

Assembly Bill, entitled "an Act to prohibit Lotteries and the sale of Lottery tickets," was read twice, and, on motion of Mr. Fair, was laid on the table.

Mr. Robinson, from the Select Committee, to whom was referred the resolution in relation to the State Prison, reported a bill, entitled "an Act relative to Prisons, and imprisonment for offences," which was read the first time, and ordered to a second reading.

Joint resolution of the Assembly, "Concerning grants of land, by the General Government, to commissioned officers who served in the war with Mexico," and concurrent resolution of the Assembly, "In relation to the introduction of Bills and Joint Resolutions," were severally taken up and adopted.

Assembly Bill, entitled "an Act to amend an Act to organize the Supreme Court of California," was taken up, read first time, and ordered to a second reading.

On motion, the Senate went into secret session, and after some time spent therein, the doors were again opened; when,

On motion of Mr. Heydenfeldt, the Senate adjourned.

JOHN MCDOUGALL,
Lieutenant Governor and President of the Senate.

J. F. HOWE, Secretary of the Senate.

IN SENATE.

WEDNESDAY, *April* 10, 1850.

The Senate assembled, pursuant to adjournment.

Prayer by Rev. Mr. Douglass.

The Journal of Tuesday was read and approved.

A message was received from the Governor, informing the Senate

that he, yesterday, signed bills, entitled "an Act providing for the erection of a Marine Hospital for the State of California," and "an Act regulating the Quarantine of vessels at the Port and Harbor of San Francisco."

Mr. Heydenfeldt, from the Committee on the Judiciary, to whom had been referred Assembly bill, entitled "an Act to prohibit the exercise of Banking Privileges," reported the same with amendments, striking out all after the enacting clause, and inserting therefor a substitute. The amendments were subsequently adopted, and the bill, as amended, was read the third time, and passed, the rules having been suspended for that purpose.

The President laid before the Senate a communication from the Comptroller, in reply to the resolution of the Senate yesterday adopted, which was read, and, on motion of Mr. Broderick, was referred to a Select Committee, consisting of Messrs. Broderick, Fair, and Robinson.

Mr. Robinson, from the Select Committee on the State Prison, to whom had been referred Assembly bill, entitled "an Act concerning prisoners in custody under sentence of imprisonment," reported the same, with a recommendation that all after the enacting clause be stricken out, and that the several sections of Senate bill, entitled "an Act relative to Prisons and imprisonment for offences," be inserted in lieu thereof. The amendment recommended by the Committee was further amended; when, on motion of Mr. Robinson, the bill and amendment were recommitted to the same Committee.

A Message was received from the Assembly, with a sealed communication, and with the request that the same should be considered by the Senate with closed doors.

Mr. Bassham, from the Committee on Enrolled Bills, reported that the Committee had examined, and found to be correctly enrolled, the following bills, viz. "an Act to prevent the Coining of Money by Individuals;" "an Act to prevent the importation of Convicts into this State;" "an Act prescribing the mode of maintaining and defending possessory actions on Land belonging to the United States;" "an Act to regulate proceedings in County Courts in cases of Appeal from the Courts of Justices of the Peace;" "an Act to organize the Court of Sessions;" "an Act concerning Offices;" "an Act for the permanent location of the Seats of Justice of the several Counties;" "an Act con-

cerning Roads and Highways;" "an Act to provide for the holding of a Special Term of the District Court for the fourth Judicial District."

Mr. Chamberlin, on leave, introduced a bill, entitled, "an Act regulating the Practice of Medicine and Surgery in the State of California," which was read the first time, and ordered to a second reading.

Mr. Woodworth, from the Committee on Public Lands and Mission Claims, made a report, accompanied by a bill, entitled, "an Act to create and appoint a Board of Commissioners to investigate and report upon the missions and mission lands of the State of California." The report was accepted, and the bill read three several times and passed, the rules having been suspended for that purpose. (See Appendix W.)

On motion of Mr. Chamberlin, the Senate went into secret session, and after some time spent therein, the doors were again opened; when,

Mr. Heydenfeldt introduced a resolution, which was adopted, expressing the opinion of the Senate, that "the Senator from San Joaquin, Mr. Vermeule, is, up to the time of his installation into the office of City Attorney of San Jose, to which he has been elected, legally entitled to his seat in this Senate."

Mr. Broderick presented the claim of William Cummings, for services rendered as Express Rider for the Senate, which was read, and referred to the Committee on Expenditures.

Mr. Bassham offered a resolution, which was adopted, requesting the Secretary of State to communicate to this House the titles of all bills and joint resolutions which have been approved by the Governor, or are in his office; also the date of approval of said bills and joint resolutions.

A message was received from the Assembly, informing the Senate that the Speaker of the Assembly had signed bills, herewith transmitted for the signature of the President of the Senate, severally entitled: "an Act to provide for the permanent location of the Seats of Justice of the several Counties;" "an Act prescribing the mode of maintaining and defending possessory actions on lands belonging to the United States;" "an Act concerning offices;" "an Act to prevent the coining of money by individuals;" "an Act to prevent the importation of Convicts into this State;" "an Act to regulate proceedings in the County Courts in cases of appeal from the Courts of Justices of the Peace;" "an Act to organize the Court of Sessions;" "an Act concerning Roads and Highways;" "an Act to provide for the holding of a special term of the

District Court for the 4th Judicial District;" "a Joint Resolution concerning grants of Land by the General Government to Commissioned Officers who served in the late war with Mexico."

Also, that the Assembly had concurred in the Senate's amendments to the amendment of Assembly to bill, entitled, "an Act for the better regulation of the mines, and the government of the foreign miners."

Also, that they had concurred in the Senate's 1st and 3d amendments to the bill, entitled, "an Act concerning the office of Reporter," and had non-concurred in the Senate's 2d amendment to said bill.

Also, that they had passed bill, herewith transmitted, entitled, "an Act concerning the County officers for the County of Santa Clara."

The President signed the bills mentioned in the foregoing message as having been signed by the Speaker of the Assembly.

On motion of Mr. Bassham, *the Senate took a recess until* 8 P.M.

EVENING SESSION.

The President laid before the Senate a communication from the Hon. Thomas L. Vermeule, resigning his seat as a Senator from the San Joaquin District.

On motion of Mr. Heydenfeldt, the resignation was accepted.

The President also laid before the Senate a communication from Mr. Bela Dexter, resigning his office of Engrossing Clerk of the Senate.

On motion of Mr. Chamberlin, the leave of absence heretofore granted to Mr. Hope, was extended until the end of the Session.

Mr. Bassham, from the Committee on Enrolled Bills, reported, that the committee had this day presented to the Governor for his signature, the following Acts:—"An Act concerning roads and highways," "an Act to provide for the permanent location of the Seats of Justice of the several Counties;" "an Act to organize the Courts of Sessions;" an Act to prevent the coinage of money by individuals;" "an Act to regulate proceedings in the County Courts in cases of appeals from the Courts of Justices of the Peace;" "an Act prescribing the mode of maintaining and defending possessory actions on lands belonging to the United States;" "an Act concerning offices;" "an Act to prevent the importation of convicts into this State;" "an Act to provide for the holding of a special term of the District Court for the fourth Judicial District."

On motion of Mr. Heydenfeldt, the Senate proceeded to an election of Engrossing Clerk, in place of Mr. Dexter resigned, and Mr. Frank T.

Eldridge received the votes of all the members present, was declared to be duly elected, and took the oath prescribed by the Constitution.

Mr. Robinson, from the Committee on Engrossed Bills, reported, as correctly engrossed, bill, entitled "an Act to create and appoint a Board of Commissioners to investigate and report upon the Missions and Mission Lands of the State of California."

Mr. Broderick, from the San Francisco Delegates, to whom had been referred the bill, and amendments thereto, entitled "an Act to incorporate the City of San Francisco," reported the same, without amendment. The amendments of the Assembly were read, concurred in, in part, with amendments, and non-concurred in part.

Mr. Crosby submitted a resolution, which was adopted, tendering the thanks of the Senate to Mr. Dexter, for his fidelity in the discharge of his duties as Engrossing Clerk.

Assembly Bill, entitled "an Act to amend an Act to organize the Supreme Court of California," was taken up on second reading, and the question being on ordering the bill to a third reading, the yeas and nays were demanded by Messrs. Bassham and Heydenfeldt, and resulted as follows:—

AYES.

Mr. Broderick	Mr. Heydenfeldt
Chamberlin	Lippincott
Douglass	Robinson
Fair	Vallejó
Green	Woodworth—10.

NAYS—None.

On motion of Mr. Heydenfeldt, the rules were suspended, and the bill read the third time. The question then recurring on the final passage of the bill, the yeas and nays were demanded by Messrs. Chamberlin and Heydenfeldt, and resulted as follows:—

AYES.

Mr. Broderick	Mr. Heydenfeldt
Chamberlin	Lippincott
Douglass	Robinson
Fair	Vallejó
Green	Woodworth—10.

NAYS.

Mr. Bassham—1.

So the bill was passed.

A message was received from the Assembly, informing the Senate that they had passed a concurrent resolution, to go into an election of State Translator to-morrow at one o'clock. Also, that they had non-concurred in the Senate's amendment to Assembly Bill, entitled "an Act to prohibit the exercise of Banking Privileges."

The messages received from the Assembly to-day were taken up, and Assembly Bill, concerning County officers for the County of Santa Clara, read first time, and ordered to second reading.

The concurrent resolution of the Assembly in relation to the election of State Translator, was adopted.

The Senate refused to recede from their amendment to the bill of the Assembly, entitled "an Act to prohibit the exercise of Banking Privileges;" and on motion, a Committee of Conference, consisting of Messrs. Heydenfeldt, Green, and Robinson, was appointed therein, to meet any corresponding Committee which may be appointed on the part of the Assembly.

Mr. Bassham moved that the Senate adjourn, and on this motion the yeas and nays were demanded by Messrs. Bassham and Lippincott, and resulted as follows:—

AYES.

Mr. Bassham	Mr. Lippincott
Heydenfeldt	Vallejó—4.

NAYS.

Mr. Broderick	Mr. Green
Chamberlin	Robinson
Douglass	Woodworth
Fair	—7.

So the Senate refused to adjourn.

Senate bill, entitled "an Act relative to Bonds, Due Bills, and other instruments, in writing, and making them assignable, was taken up,

read the second and third times, and passed, the rules having been suspended for that purpose.

On motion of Mr. Vallejó, the Senate adjourned.

John McDougall,
Lieut. Governor and President of the Senate.

J. F. Howe, Secretary of the Senate.

IN SENATE.

Thursday, *April* 11, 1850.

The Senate assembled, pursuant to adjournment.

Prayer by Rev. Mr. Douglass.

The journal of Wednesday was read and approved.

On motion of Mr. Heydenfeldt, the Committee on Expenditures had leave to withdraw their report on the claim of Mr. Eldridge.

On motion of Mr. Douglass, the Senate bill, entitled "an Act concerning Common Schools and Public Instruction," was taken up, read the second time, and postponed to the 1st of January next.

On the question of postponement, the yeas and nays were demanded by Messrs. Heydenfeldt and Fair, and resulted as follows:—

AYES.

Mr. Broderick	Mr. Green
Chamberlin	Lippincott
Douglass	Robinson
Fair	Woodworth—8.

NAYS.

Mr. Bassham	Mr. Heydenfeldt
Crosby	Vallejó—4.

A message was received from the Governor, by Mr. Ryland, Private Secretary, informing the Senate that he had signed bills severally entitled "an Act to prevent obstructions in navigable streams," "an Act concerning wrecks and wrecked property," "an Act to create Port

Wardens for the cities of San Francisco and Sacramento, and other ports of California."

On motion of Mr. Bassham, Assembly bill, entitled "an Act concerning County officers for the County of Santa Clara," was taken up, read the third time, amended, and passed, the rules having been suspended for that purpose.

On motion of Mr. Chamberlin, Senate bill, entitled "an Act to regulate the practice of medicine and surgery in the State of California," was taken up, amended, read the third time, and passed, the rules having been suspended for that purpose.

Mr. Heydenfeldt, from the Committee of Conference, on the disagreeing votes of the two Houses in relation to the "Act to organize the County Courts," made a report, recommending that the Assembly concur in the amendment of the Senate, and the report was adopted.

Mr. Lippincott submitted a concurrent resolution, which was adopted, providing for the election of militia officers, by the joint vote of the two Houses, to-day, immediately after the election for State Translator.

A communication was received from the Secretary of State, in reply to the resolution of the Senate, yesterday adopted, transmitting a list of Acts passed by the Legislature up to this date, and now on file in his office, and also in relation to the Public Archives; which was read, and on motion of Mr. Bassham, one hundred copies were ordered to be printed. (See Appendix X.)

Assembly bill, entitled, "an Act concerning the office of Reporter," was taken up, and the Senate receded from their amendments to which the Assembly had non-concurred.

Mr. Chamberlin presented a communication from Mr. Charles Melhado, proposing to sell to the State the San Francisco Hospital, which was read, and referred to a select committee, consisting of Messrs. Chamberlin, Heydenfeldt, and Broderick.

A message was received from the Assembly, informing the Senate that the Governor had notified the Assembly, that he did on yesterday sign Acts originating in the Assembly, severally entitled, "an Act to regulate proceedings in Courts of Justices of the Peace in Civil Cases;" "an Act concerning Wills;" "an Act to organize the militia of the State;" "an Act to provide for the collection of demands against vessels and boats;" "an Act to provide for the inspection of Steamboats;" "an Act to provide for the erection of Court Houses;" and "Joint

Resolution concerning the reports of the proceedings of the Convention of Monterey."

Also, that the Assembly had passed, without amendment, Senate bill, entitled, "an Act relating to bills of exchange and promissory notes."

On motion of Mr. Woodworth, the Senate went into secret session, and when the doors were again opened,

On motion of Mr. Douglass, the Senate took a recess until five minutes before one o'clock.

On re-assembling, a message was received from the Assembly, informing the Senate that they had adopted a resolution postponing the election of State Translator until Wednesday next; and had also adopted the joint resolution of the Senate providing for the election of militia officers, with an amendment, striking out the words "immediately after the election of State Translator," and substituting therefor the words "on Monday next."

The Senate concurred in the resolution of the Assembly postponing the election of State Translator until Wednesday next; and non-concurred in the amendments of the Assembly to the Senate's joint resolution providing for the election of militia officers.

Mr. Bassham, from the Joint Committee on Enrolled Bills, reported that the committee had examined and found correctly enrolled, "an Act to amend an Act, entitled, 'an Act to regulate proceedings in Criminal Cases;'" "an Act concerning marks and brands;" "an Act providing for the liens of mechanics and others;" "an Act requiring Alcaldes and Judges of the Courts of First Instance to account for moneys received and expended by them;" "an Act for the better regulation of the mines and the government of foreign miners."

A message was received from the Assembly, informing the Senate that they had passed bills, therewith transmitted, severally entitled, "an Act concerning forcible entries and unlawful detainers;" "an Act concerning the transfer of certain records, conveyances, and papers."

Also, that the Assembly had receded from the amendment to Senate's Joint Resolution providing for the election of militia officers, and had adopted the Joint Resolutions, with an amendment, to wit—strike out "immediately after the election of State Translator," and insert in lieu thereof, "at 5 o'clock P.M. of this day."

On motion of Mr. Woodworth, the Senate concurred in the amendment of the Assembly, postponing the election of militia officers unti

this day at 5 P.M. On the question of concurrence, the yeas and nays were demanded by Messrs. Bidwell and Douglass, and resulted as follows:

AYES.

Mr. Bassham	Mr. Heydenfeldt
Chamberlin	Lippincott
Douglass	Vallejó
Fair	Woodworth.
Green	—9.

NAYS.

Mr. Bidwell	Mr. Crosby
Broderick	Robinson.—4.

Assembly Bill, "concerning the Transfer of certain Records, Conveyances, and Papers," was read three several times, and passed, the rules having been suspended for that purpose.

Assembly Bill "concerning Forcible Entries and Unlawful Detainers," was read the first time, and ordered to a second reading.

On motion of Mr. Douglass, the Senate took a recess until five minutes before 5 P.M.

On re-assembling, a message was received from the Assembly, informing the Senate that they had concurred in the Senate's 1st, 2d, and 4th amendments to Assembly's amendments to bill, entitled "an Act to incorporate the City of San Francisco," and had non-concurred in the Senate's 3d amendment, and refuse to recede from their 16th amendment, and have receded from their 8th amendment to said bill; and, further, that they have appointed a Committee of Conference, consisting of Messrs. Stowell, Randolph, and Wheeler, on the disagreeing votes of the two Houses, on said bill, to meet any corresponding committee that may be appointed by the Senate.

Also, that they had appointed Messrs. Crittenden, Bradford, and Moorehead a Committee of Conference on the disagreeing votes of the two Houses, on bill, entitled "an Act to prohibit the exercise of Banking Privileges."

Also, that they had adopted the report of the Committee of Confer-

ence on the disagreeing votes of the two Houses, on bill, entitled "an Act to organize County Courts."

Also, that they have passed that bill, entitled "an Act concerning Attorneys and Counsellors at Law," with an amendment, to wit—strike out all after the enacting clause, and insert in lieu thereof the accompanying paper marked "P."

Also, that the Speaker of the Assembly had signed bills therewith transmitted for the signature of the President of the Senate, severally entitled, "an Act concerning Marks and Brands;" "an Act providing for the lien of Mechanics and others;" "an Act to amend an Act, entitled, 'an Act to regulate proceedings in Criminal Cases;'" "an Act requiring Alcaldes and Judges of the Courts of First Instance to account for Moneys received and expended by them."

Also, that the Governor had notified the Assembly that he had this day signed bills, severally entitled, "an Act to organize the Court of Sessions;" "an Act concerning Roads and Highways;" "an Act to provide for the permanent location of the Seats of Justice of the several Counties;" "an Act prescribing the mode of maintaining and defending possessory actions on Lands belonging to the United States;" "an Act to prevent the importation of Convicts;" "an Act to provide for the holding of a Special Term of the District Court for the Fourth Judicial District;" "an Act to regulate proceedings in the County Courts in cases of Appeal from the Courts of Justices of the Peace;" and the "Joint Resolution concerning Grants of Land by the General Government to commissioned officers who served in the late war with Mexico."

The President of the Senate signed the bills referred to in the preceding message as having been signed by the Speaker of the Assembly.

On motion of Mr. Broderick, a Committee of Conference was appointed, consisting of Messrs. Broderick and Heydenfeldt, on the disagreeing votes of the two Houses, on the bill entitled "an Act to incorporate the city of San Francisco."

A message was received from the Assembly inviting the Senate to meet that body forthwith, in Convention, to proceed to the election of Militia Officers, pursuant to the concurrent resolution this day adopted, and the Senate accordingly proceeded in a body to the Hall of the Assembly.

IN CONVENTION.

Hon. John McDougall, Lieutenant Governor, presided, and stated the objects for which the two Houses had convened.

On motion, it was ordered that the vote for each officer to be elected be taken separately.

The President announced that the first election would be for a Major General of the First Division.

Mr. Chamberlin was appointed Teller on the part of the Senate, and Messrs. Moore and Aram on the part of the Assembly.

Mr. Heydenfeldt nominated General Thomas G. Green.

Mr. Bidwell nominated Capt. John A. Sutter.

The Secretary proceeded to call the names of the members of the Senate, and the Clerk of the Assembly to call the names of the members of that body, each member voting *viâ voce*, when the Tellers reported the result to be as follows:—

	Whole number of votes given, . .		35
	Necessary to a choice, . . .		18
	General Green received . . .	26	
Of which	Capt. S. Sutter, "	7	
	Scattering	2	

Those who voted for General Green were—Messrs. Chamberlin, Douglass, Fair, Heydenfeldt, Lippincott, and Vallejó of the Senate; and Baldwin, Bateman, Brackett, Bradford, Cave, Clarke, Covarubias, Deal, Gray, Henly, Hughes, Moorehead, Moore, Pattison, Per Lee, Shepherd, Stewart, Stowell, Walthall, and Wheeler of the Assembly—26.

Those who voted for Captain Sutter were—Messrs. Bidwell, Broderick, and Green of the Senate, and Aram, Corey, Ogier, and Randolph of the Assembly—7.

Mr. Cardwell voted for Kit Carson, and Mr. Williams for William Smith Hosford—2.

And the President of the Convention declared that General Thomas J. Green, having received a majority of all the votes given, was duly elected Major General of the First Division, for the term prescribed by law.

The Convention then proceeded in like manner to an election for Major General of the Second Division.

Mr. Heydenfeldt nominated Captain John E. Brackett.

And the Tellers reported the result to be as follows :—

	Whole number of votes given . .	33
	Necessary to a choice, . . .	17
Of which	Captain Brackett received . . .	31
	Scattering	2

Those who voted for Captain Brackett were—Messrs. Broderick, Chamberlin, Douglass, Fair, Green, Heydenfeldt, Lippincott, and Vallejó, of the Senate; and Messrs. Aram, Baldwin, Bateman, Bradford, Cave, Clarke, Corey, Covarubias, Deal, Henley, Hughes, Moorehead, Moore, Ogier, Patterson, Per Lee, Randolph, Shepherd, Stewart, Stowell, Walthall, Wheeler, and Williams of the Assembly—31.

Mr. Cardwell voted for Mr. Divine, and Mr. McKinstry for Mr. Ellison Dickey—2.

And the President of the Convention declared, that Captain John E. Brackett, having received a majority of all the votes given, was duly elected Major General of the Second Division, for the term prescribed by law.

The Convention then, in like manner, proceeded to an election for Major General of the Third Division.

Mr. Heydenfeldt nominated Major David F. Douglass.

Mr. Gray nominated John A. Patterson.

And the tellers reported the result to be as follows :

	Whole Number of votes given	22
	Necessary to a choice	12
Of which	Mr. Douglass received 17 votes,	
	Patterson " 3 "	
	Scattering 2 "	

Those who voted for Major Douglass were—Messrs. Chamberlin, Fair, Green, Heydenfeldt, Lippincott, and Vallejó, of the Senate; and Messrs. Baldwin, Corey, Covarubias, Deal, Moorehead, Moore, Ogier, Shepherd, Stewart, Walthall, and Wheeler, of the Assembly—17.

Those who voted for Mr. Patterson were—Messrs. Aram, Grey, and Williams, of the Assembly—3.

Mr. Cardwell voted for Mr. H. H. Robinson, and Mr. McKinstry for Mr. Ellison Dickey—2.

Whereupon the President of the Convention declared that Major David F. Douglass, having received a majority of all the votes given, was duly elected Major General of the Third Division, for the term prescribed by law.

The Convention then proceeded, in like manner, to an election for Major General of the Fourth Division.

Mr. Chamberlin nominated Thos. J. Sutherland.

Mr. Cardwell nominated Sam. Houston.

Mr. Cave nominated Joshua H. Bean.

And the tellers reported the result to be as follows:

	Whole Number of votes given	32
	Necessary to a choice	17
Of which	Mr. Sutherland received 15 votes,	
	Bean " 13 "	
	Scattering 4 "	

Those who voted for Mr. Sutherland were—Messrs. Broderick, Chamberlin, and Heydenfeldt, of the Senate; and Aram, Bateman, Brackett, Bradford, Clarke, Corey, Deal, Henley, Hughes, Ogier, Randolph, and Williams of the Assembly—15.

Those who voted for Mr. Bean were—Messrs. Fair, Green, Lippincott, and Vallejo, of the Senate; and Cave, Covarrubias, Moorehead, Moore, Patterson, Per Lee, Shepherd, Stewart, and Walthall, of the Assembly—13.

Mr. Douglass, of the Senate, and Mr. Baldwin, of the Assembly, voted for Mr. E. K. Chamberlin; Mr. Cardwell voted for Mr. Houston; and Mr. Gray for Col. Pluck—4.

No person having received a majority of all the votes given, the Convention proceeded, in like manner, to a second ballot for Major General of the Fourth Division.

Mr. Stowell nominated Thomas H. Bowen.

And the tellers reported the result to be as follows:

	Whole Number of votes given		35
	Necessary to a choice		18
Of which	Mr. Bean	received 17 votes,	
	Sutherland	" 9 "	
	Bowen	" 8 "	
	Scattering	1 "	

Those who voted for Mr. Bean were—Messrs. Douglass, Fair, Green, Lippincott, and Vallejó, of the Senate; and Baldwin, Brackett, Cave, Clarke, Covarubias, Moorehead, Moore, Ogier, Patterson, Sheppard, Stewart, and Walthall, of the Assembly—17.

Those who voted for Mr. Sutherland were—Messrs. Broderick and Chamberlin, of the Senate; and Bateman, Bradford, Deal, Henly, Hughes, McKinstry, and Williams, of the Assembly—9.

Those who voted for Mr. Bowen were—Messrs. Heydenfeldt and Woodworth, of the Senate; and Aram, Corey, Gray, Per Lee, Randolph, and Stowell, of the Assembly—8.

Mr. Cardwell voted for Mr. Sherwood—1.

No person having received a majority of all the votes given, the Convention proceeded, in like manner, to a third ballot for Major General of the Fourth Division, Mr. Chamberlin having withdrawn the name of Mr. Sutherland as a candidate for that office; and the Tellers reported the result to be as follows:—

Whole number of votes given		36
Necessary to a choice		19
Of which Mr. Bean	received 24 votes.	
Bowen	" 11 "	
Scattering	1 "	

Those who voted for Mr. Bean were—Messrs. Chamberlin, Douglass, Fair, Green, Lippincott, and Vallejó, of the Senate; and Aram, Baldwin, Bateman, Brackett, Bradford, Brown, Cave, Clarke, Deal, McKinstry, Moorehead, Moore, Ogier, Patterson, Sheppard, Stewart, Walthall, and Wheeler, of the Assembly—24.

Those who voted for Mr. Bowen were—Messrs. Heydenfeldt and Woodworth, of the Senate; and Cardwell, Corey, Covarubias,

Gray, Henley, Hughes, Per Lee, Randolph, and Stowell, of the Assembly—11.

Mr. Williams voted for William Smith Hosford—1.

And the President declared that Joshua H. Bean, having received a majority of all the votes given, was duly elected Major General of the Fourth Division for the term prescribed by law.

The Committee then proceeded, in like manner, to an election for Brigadier General of the First Brigade of the First Division:

Mr. Henley nominated Major J. H. Eastland. Mr. Woodworth nominated Robert A. Parker, and the Tellers reported the result to be as follows:—

Whole number of votes given	30
Necessary to a choice	16
Of which Major Eastland received	20 votes.
Mr. Parker "	9 "
Scattering	1 "

Those who voted for Major Eastland were—Messrs. Chamberlin, Douglass, Fair, Green, and Heydenfeldt, of the Senate; and Baldwin, Brackett, Bradford, Cardwell, Cave, Clark, Covarubias, Deal, Henley, Hughes, McKinstry, Randolph, Sheppard, Walthall, and Williams, of the Assembly—20.

Those who voted for Mr. Parker were—Messrs. Lippincott and Woodworth, of the Senate; and Aram, Corey, Moore, Ogier, Patterson, Per Lee, and Stowell, of the Assembly—9.

Mr. Broderick voted for Mr. Winn.

And the President declared, that Major Eastland, having received a majority of all the votes given, was duly elected Brigadier General of the First Brigade of the First Division for the term prescribed by law.

The Convention then proceeded, in like manner, to an election for Brigadier General of the Second Brigade of the First Division.

Mr. Henly nominated Col. Wm. M. Winn, and the Tellers reported the result to be as follows:—

Whole number of votes given	33
Necessary to a choice	17
Of which Col. Winn received	29 votes.
Scattering	4 "

Those who voted for Col. Winn were—Messrs. Broderick, Chamberlin, Douglass, Fair, Green, Heydenfeldt, and Lippincott, of the Senate; and Aram, Baldwin, Bateman, Brackett, Bradford, Brown, Clarke, Corey, Covarubias, Deal, Henley, Hughes, McKinstry, Moorehead, Moore, Patterson, Per Lee, Sheppard, Stewart, Stowell, and Walthall, of the Assembly—29.

Messrs. Ogier, Randolph, and Williams, of the Assembly, voted for Mr. McKinstry; and Mr. Cardwell for Mr. Fowler—4.

And the President declared, that Col. William M. Winn, having received a majority of all the votes given, was duly elected Brigadier General of the Second Brigade of the First Division, for the term as prescribed by law.

The Convention then proceeded, in like manner, to an election for Brigadier General of the First Brigade of the Second Division.

Mr. Lippincott nominated Robert Semple, and the Tellers reported the result to be as follows:—

Whole number of votes given	29
Necessary to a choice	15
Of which Mr. Semple received	27 votes.
Scattering .	2 "

Those who voted for Mr. Semple were—Messrs. Chamberlin, Douglass, Fair, Green, Heydenfeldt, and Lippincott, of the Senate; and Aram, Baldwin, Bateman, Brackett, Bradford, Brown, Clarke, Covarubias, Deal, Henley, Hughes, Moorehead, Moore, Ogier, Patterson, Per Lee, Randolph, Sheppard, Stewart, Stowell, and Walthall, of the Assembly—27.

Mr. Cardwell voted for Major Roman, and Mr. McKinstry for Mr. Ogier—2.

And the President declared, that Robert Semple, having received a majority of all the votes, was duly elected Brigadier General of the First Brigade of the Second Division, for the term prescribed by law.

The Convention then proceeded in like manner to an election of Brigadier General of the Second Brigade of the Second Division.

Mr Brackett nominated Major McDonald, Mr. Cardwell nominated Ellison Dickey, and the Tellers reported the result to be as follows:—

Whole number of votes given		34
Necessary to a choice		18
Of which Major McDonald received	23 votes	
Mr. Dickey "	7 "	
Scattering	4 "	

Those who voted for Major McDonald were—Messrs. Broderick, Fair, Green, Heydenfeldt, and Lippincott, of the Senate; and Baldwin, Bateman, Brackett, Bradford, Clarke, Corey, Covarubias, Henley, McKinstry, Moorehead, Ogier, Per Lee, Randolph, Shepherd, Stewart, Stowell, and Walthall, of the Assembly—23.

Those who voted for Mr. Dickey were—Messrs. Chamberlin and Douglass of the Senate; and Aram, Cardwell, Deal, Moore, and Patterson, of the Assembly—7.

Mr. Woodworth voted for Mr. Kemble; Mr. Brown voted for Mr. Yeretz; Mr. Hughes voted for Mr. Muscott; and Mr. Williams voted for Mr. Bradford—4.

And the President declared that Major McDonald, having received a majority of all the votes given, was duly elected Brigadier General of the Second Brigade of the Second Division, for the time prescribed by law.

The Convention then proceeded in like manner to an election for Brigadier General of the First Brigade of the Third Division.

Mr. Stowell nominated John E. Addison.

Mr. Deal nominated Thos. B. Van Buren.

And the Tellers reported the result to be as follows:—

Whole number of votes given		31
Necessary to a choice		16
Of which Mr. Addison received	22 votes	
Mr. Van Buren "	8 "	
Scattering	1 "	

Those who voted for Mr. Addison were—Messrs. Broderick, Chamberlin, Douglass, Fair, Green, Heydenfeldt, and Lippincott, of the Senate; and Aram, Baldwin, Brackett, Brown, Cardwell, Clarke, Corey, Covarubias, Hughes, McKinstry, Ogier, Randolph, Stowell, and Walthall, of the Assembly—22.

Those who voted for Mr. Van Buren were—Messrs. Bateman, Deal, Gray, Henley, Patterson, Per Lee, Shepherd, and Williams, of the Assembly—8.

Mr. Bradford voted for Mr. Williams.

And the President declared that John E. Addison, having received a majority of all the votes given, was duly elected Brigadier General of the First Brigade of the Third Division, for the term as prescribed by law.

The Convention then proceeded in like manner to an election for Brigadier General of the Second Brigade of the Third Division.

Mr. Heydenfeldt nominated Mr. D. P. Baldwin.

Mr. Broderick nominated J. Mead Huxley.

And the Tellers reported the result to be as follows :—

Whole number of votes given	. . .	30
Necessary to a choice	. . . . .	16
Of which Mr. Baldwin received	. . . .	26 votes
Mr. Huxley "	. . . .	3 "
Scattering	. . . . .	1 "

Those who voted for Mr. Baldwin were—Messrs. Chamberlin, Douglass, Fair, Green, Heydenfeldt, and Lippincott, of the Senate; and Aram, Bateman, Brackett, Bradford, Brown, Clarke, Corey, Covarubias, Deal, Henly, Moorehead, Moore, Ogier, Per Lee, Randolph, Shepherd, Stewart, Stowell, Walthall, and Wheeler, of the Assembly—26.

Those who voted for Mr. Huxley were—Mr. Broderick, of the Senate, and Messrs. Gray and Patterson, of the Assembly—3.

Mr. Williams voted for Mr. Heydenfeldt.

And the President declared that Mr. D. P. Baldwin, having received a majority of all the votes given, was duly elected Brigadier General of the Second Brigade of the Third Division, for the term prescribed by law.

The Convention then proceeded, in like manner, to an Election for Brigadier General of the First Brigade of the Fourth Division.

Mr. Stowell nominated Thomas H. Bowen, and the Tellers reported the result to be as follows :—

Whole number of Votes given	. . . .	30
Necessary to a choice	. . . . .	16
Of which Mr. Bowen received	. . . .	21 Votes
Scattering	. . . . .	9 „

Those who voted for Mr. Bowen were—Messrs. Douglass, Green, Heydenfeldt, Lippincott, and Woodworth, of the Senate; and Aram, Baldwin, Bateman, Brackett, Brown, Clarke, Corey, Covarubias, Grey, Henley, McKinstry, Ogier, Per Lee, Randolph, Shepherd, Stewart, and Stowell, of the Assembly—21.

Messrs. Chamberlin and Fair, of the Senate; and Deal, Moore, Patterson, and Walthall, of the Assembly, voted for Mr. Woodworth; Messrs. Bradford and Hughes, of the Assembly, voted for Mr. Heydenfeldt; and Mr. Williams for Mr. Whiting—9.

And the President declared that Thomas H. Bowen, having received a majority of all the votes given, was duly elected Brigadier General of the First Brigade of the Fourth Division, for the term prescribed by law.

The Convention then proceeded, in like manner, to an election for Brigadier General of the Second Brigade of the Fourth Division.

Mr. Green nominated J. M. Covarubias.

Mr. Deal nominated Ellison Dickey, and the Tellers reported the result to be as follows :—

Whole number of Votes given		30
Necessary to a choice		16
Of which Mr. Covarubias received	29	Votes
Mr. Dickey received	1	„

Those who voted for Mr. Covarubias were—Messrs. Chamberlin, Douglass, Fair, Green, Heydenfeldt, Lippincott, and Woodworth, of the Senate; and Aram, Baldwin, Bateman, Brackett, Bradford, Brown, Clarke, Corey, Grey, Henley, Hughes, McKinstry, Moorehead, Moore, Ogier, Per Lee, Randolph, Shepherd, Stewart, Stowell, Walthall, and Wheeler, of the Assembly—29.

Mr. Deal voted for Mr. Dickey—1.

And the President declared that J. M. Covarubias, having received a majority of all the votes given, was duly elected Brigadier General of the Second Brigade of the Fourth Division, for the term prescribed by law.

The Convention then proceeded, in like manner, to an election of an Adjutant General.

Mr. Moorehead nominated T. R. Per Lee.

Mr. Aram nominated C. T. Ryland, and the Tellers reported the result to be as follows :—

Whole No. of Votes	26
Necessary to a choice	14
Of which Mr. Per Lee received	20 Votes
Mr. Ryland received	6 „

Those who voted for Mr. Per Lee were—Messrs. Chamberlin, Fair, Green, Heydenfeldt, Lippincott, and Woodworth, of the Senate; and Baldwin, Brackett, Bradford, Clarke, Covarubias, Grey, Henly, Moorehead, Moore, Ogier, Patterson, Shepherd, Stewart, and Wheeler, of the Assembly—20.

Those who voted for Mr. Ryland were—Messrs. Aram, Brown, Corey, Deal, Hughes, and Walthall, of the Assembly—6.

And the President declared that T. R. Pur Lee, having received a majority of all the votes given, was elected Adjutant General for the term prescribed by law.

The Convention then proceeded in like manner to an election for Quartermaster General.

Mr. Shepherd nominated Joseph C. Moorehead.

Mr. Patterson nominated Thos. L. Vermeule.

Mr. Randolph nominated Jas. F. Reed.

And the Teller reported the result to be as follows:—

Whole number of votes given, . . .	31
Necessary to a choice, ...	16
Of which Mr. Moorehead received .	18 votes.
Mr. Vermeule „ .	7 „
Mr. Reed . „ .	6 „

Those who voted for Mr. Moorehead were—Messrs. Douglass, Fair, Green, and Heydenfeldt, of the Senate; and Baldwin, Brackett, Clarke, Covarubias, Deal, Moore, Ogier, Per Lee, Shepherd, Stewart, Stowell, Walthall, Wheeler, and Williams, of the Assembly—18.

Those who voted for Mr. Vermeule were—Messrs. Broderick, Chamberlin, and Lippincott, of the Senate; and Bateman, Gray, Henly, and Patterson, of the Assembly—7.

Those who voted for Mr. Reed were—Messrs. Aram, Bradford, Brown, Corey, Hughes, and Randolph, of the Assembly—6.

And the President declared that Joseph C. Moorehead, having

received a majority of all the votes given, was duly elected Quartermaster General for the term as prescribed by law.

The President then announced that the Convention, having completed the business for which they had convened, was adjourned *sine die*, and the Senate returned to the Senate Chamber

On motion of Mr. Chamberlin, the Senate adjourned.

JOHN MCDOUGALL,
Lieut. Governor and President of the Senate.

J. F. HOWE, Secretary of the Senate.

IN SENATE.

FRIDAY, *April* 12, 1850.

The Senate assembled, pursuant to adjournment.

Prayer by Rev. Mr. Briarly.

The Journal of Thursday was read and approved.

Mr. Broderick, from the Committee of Conference on the disagreeing votes of the two Houses, on the bill, entitled "an Act to incorporate the City of San Francisco," made a report in writing, which was read and adopted.

Mr. Robinson, from the Committee on Engrossed Bills, reported, as correctly engrossed, bills, entitled "an Act regulating the Practice of Medicine and Surgery in the State of California." Also, "an Act relative to bonds, and due bills, and other instruments in writing, and making them assignable."

Mr. Bassham from the Committee on Enrolled Bills, reported, as correctly enrolled, bills, severally entitled "an Act to amend an Act to organize the Supreme Court of California," "an Act to regulate descents and distributions," "an Act concerning marks and brands," "an Act requiring Alcaldes and Judges of First Instance to account for moneys received and expended by them," "an Act providing for the lien of mechanics and others," "an Act to amend an Act entitled an Act to regulate proceedings in criminal cases."

Mr. Bassham, on leave, introduced a bill, entitled "an Act explanatory of an Act, entitled an Act concerning the Revenue Funds, expenditures, and property of the State, and management thereof—approved

Feb. 20, 1850;" which was read three several times, and passed, the rules having been suspended for that purpose.

Senate Bill, entitled "an Act concerning Attorneys and Counsellors at Law," was taken up, and the Senate refused to concur in the Assembly's amendments thereto.

Mr. Fair, from the Committee on the Judiciary, to whom had been referred Assembly Bill, entitled "an Act adopting the Common Law," reported the same without amendment, and the bill was read the second and third times, and passed, the rules having been suspended for that purpose.

Senate Bill, entitled "an Act to provide for the distribution of the laws, journals," &c., was taken up, read second time, and postponed for the present.

Mr. Bassham, from the Committee on Claims, presented the memorial of Messrs. Sanford, Van Buren, and St. John, late District Attorneys for the Districts of San Joaquin, Monterey, and San José, accompanied by a report and a bill, providing for the payment of those gentlemen for services rendered the State in their respective Districts, which were severally read, when, on motion of Mr. Douglass, the whole subject was indefinitely postponed.

Assembly Bill, entitled "an Act concerning Forcible Entries and Unlawful Detainers," was taken up, read the second and third times, and passed, the rules having been suspended for that purpose.

Mr. Robinson, from the Committee on Engrossed Bills, reported as correctly engrossed, bill, entitled "an Act explanatory of an Act entitled an Act concerning the Revenue Funds, Expenditures, and Property of the State, and management thereof."

Mr. Robinson, from the Select Committee, to whom had been referred the petition of citizens of San Francisco, in relation to State Assayer, accompanied by a bill, entitled "an Act creating the office of State Assayer, and defining his duties," was read the first time, and ordered to a second reading. (See Appendix MM.)

A message was received from the Assembly, informing the Senate that the Speaker of the Assembly had signed bills herewith transmitted for the signature of the President of the Senate, severally entitled, "an Act to regulate Descents and Distributions;" "an Act to amend an Act to organize the Supreme Court of California;" "an Act for the better regulation of the Mines, and the Government of Foreign Miners."

Also, that they had concurred in the Senate's amendment to the bill, entitled "an Act concerning the County Officers for the County of Santa Clara."

Also, that they had adopted the report of the Committee of Conference, on the disagreeing votes of the two Houses, on the bill, entitled "an Act to incorporate the City of San Francisco."

Also, that they had passed bills, herewith transmitted, severally entitled, "an Act defending the Rights of Husband and Wife;" "an Act to provide for the appointment of Guardians, and prescribe their duties;" "an Act concerning Fraudulent Conveyances and Contracts."

The three bills last mentioned in the foregoing message were severally read, and referred to the Committee on the Judiciary.

The President signed the bills mentioned in the same message as having been signed by the Speaker of the Assembly, and the Secretary certified upon those entitled, "an Act to amend the Act to organize the Supreme Court of California," and "an Act for the better regulation of the Mines, and the government of Foreign Miners," that they originated in the Senate.

Mr. Fair introduced a resolution, which was adopted, "requesting the Secretary to furnish the Senate with a list of all the bills introduced in and passed by the Senate."

On motion of Mr. Douglass, the Senate took a recess until 8 P.M.

EVENING SESSION.

On motion of Mr. Crosby, the Senate adjourned.

JOHN MCDOUGALL,
Lieutenant Governor and President of the Senate.

IN SENATE.

SATURDAY, *April* 13, 1850.

The Senate assembled, pursuant to adjournment.

Prayer by Rev. Mr. Douglass.

The journal of Friday was read and approved.

A Message was received from the Governor, informing the Senate that he had signed the bill originating in the Senate, entitled "an Act

for the better regulation of the Mines, and the Government of Foreign Miners."

Mr. Bassham, from the Committee on Enrolled Bills, reported that the Committee, on yesterday, presented to the Governor, for his signature, bills, severally entitled, "an Act for the better regulation of the Mines, and the Government of Foreign Miners;" "an Act to regulate Descents and Distributions;" "an Act to amend an Act to organize the Supreme Court of California." Also, that the Committee had examined and found to be correctly enrolled, bills, severally entitled, "an Act adopting the Common Law;" "an Act to organize the County Courts;" "an Act concerning the Reporter;" "an Act concerning the Transfer of certain Records, Conveyances, and Papers;" "an Act concerning the County Officers for the County of Santa Clara." Also, that they had, this day, presented to the Governor, for his signature, bills, severally entitled, "an Act concerning the Transfer of certain Records, Conveyances, and Papers;" "an Act concerning the office of Reporter;" "an Act concerning the County Officers for the County of Santa Clara;" "an Act adopting the Common Law."

Mr. Crosby, from the Committee on the Judiciary, to whom had been referred the bill entitled "an Act concerning Fraudulent Conveyances and Contracts," reported the same without amendments, and the bill was read the second and third times, and passed, the rules having been suspended for that purpose.

A message was received from the Assembly, informing the Senate that they had adopted the Report of the Committee of Conference on the disagreeing votes of the two Houses, on bill entitled "an Act concerning the Office of Surveyor General." Also, that they had appointed Messrs. Wheeler, McKinstry, and Moore, a Committee of Conference on the disagreeing votes of the two Houses, on the bill entitled "an Act concerning Attorneys and Counsellors at Law." Also, that the Speaker of the Assembly had signed bills therewith transmitted, severally entitled "an Act concerning the County Officers for the County of Santa Clara," "an Act concerning the Transfer of certain Records, Conveyances, and Papers," "an Act concerning the office of Reporter," "an Act to organize County Courts," "an Act adopting the Common Law."

On motion of Mr. Fair, a Committee of Conference was appointed, consisting of Messrs. Fair, Heydenfeldt, and Crosby, to meet the Committee of the Assembly on the disagreeing votes of the two Houses, in

relation to the bill entitled "an Act concerning Attorneys and Counsellors at Law."

Mr. Chamberlin, from the Select Committee to whom had been referred the petition of Mr. Charles Melhado, in relation to the "San Francisco Hospital," made a report in writing, adverse to the prayer of the petitioner.

The report was adopted, and the committee discharged from the further consideration of the subject.

The report of the Select Committee in relation to the office of State Assayer was read, and 500 copies thereof ordered to be printed.

The President laid before the Senate a communication from the Secretary, with a list of bills called for by the resoluiton yesterday adopted.

Mr. Crosby, from the Committee on the Judiciary, reported, without amendment, Assembly bill entitled "an Act to define the rights of Husband and Wife," and the bill was read three several times and passed, the rules having been suspended for that purpose.

Mr. Heydenfeldt, from the Committee on Expenditures, reported as correct, the accounts of Wm. Cummings and A. M. Haslep, and the report was adopted.

Mr. Robinson, from the Select Committee on the State Prison, to whom had been re-committed Assembly bill entitled "an Act concerning Prisoners in Custody under Sentence of Imprisonment," with the substitute therefor recommended by the committee, reported the same, with an amendment striking out all after the enacting clause of the Assembly's bill, and inserting therefor the substitute as heretofore amended by the Senate.

The report was accepted, the substitute as amended was adopted, and the bill thus amended, was read the third time and passed, the rules having been suspended for that purpose.

The President signed the several bills mentioned in the message this day, received from the Assembly, as having been signed by the Speaker of that House.

On motion of Mr. Crosby, the Senate took a recess until 8 P.M.

EVENING SESSION.

Mr. Heydenfeldt submitted a resolution providing for the final adjournment of the Legislature on Tuesday, the 16th instant.

Mr. Chamberlin moved to lay the Resolution on the table, and on this motion the yeas and nays were demanded by Messrs. Bassham and Fair, and resulted as follows :—

YEAS.

Mr. Broderick
Chamberlin
Mr. Douglass
—3.

NAYS.

Mr. Bassham
Fair
Green
Mr. Heydenfeldt
Lippincott
Robinson—6.

Mr. Bassham moved an amendment, by striking out "Tuesday, the 16th," and inserting therefor "Thursday, the 18th," and this amendment was accepted by Mr. Heydenfeldt. The question then being on the adoption of the Resolution, as amended, the yeas and nays were demanded by Messrs. Chamberlin and Bassham, and resulted as follows :—

YEAS.

Mr. Bassham
Broderick
Crosby
Fair
Mr. Green
Heydenfeldt
Robinson
Vallejó—8.

NAYS.

Mr. Chamberlin
Douglass
Mr. Lippincott
—3.

So the Resolution was adopted.

On motion of Mr. Robinson, the vote by which the Senate this morning passed, with amendments, Assembly bill, entitled "an Act concerning Prisoners in Custody under Sentence of Imprisonment," was reconsidered. Mr. Robinson submitted, from the Committee, a series of additional amendments, which were unanimously adopted, and the bill, with these and the amendments previously adopted, was then again passed.

A Message was received from the Assembly, informing the Senate that the Governor had notified the Assembly that he did, on the 11th

instant, sign bill entitled "an Act concerning offices;" and that he did, on the 12th instant, sign bills, entitled "an Act requiring Alcaldes and Judges of the Courts of First Instance to account for Money received and expended by them;" "an Act concerning Marks and Brands;" "an Act providing for the Lien of Mechanics and others."

Also, that he had this day signed bills, severally entitled "an Act concerning the County Officers of the County of Santa Clara;" "an Act adopting the Common Law;" "an Act concerning the Transfer of certain Records, Conveyances, and Papers;" "an Act to amend an Act to organize the Supreme Court of California;" "an Act to regulate Descents and Distributions."

Also, that the Assembly had passed Senate bill, entitled "an Act to take the Sense of the People of California upon the subject of the Permanent Location of the Seat of Government," with an amendment, to wit—strike out all after the enacting clause, and insert in lieu thereof the accompanying paper marked A.

Also, that they have passed Assembly bills herewith transmitted, severally entitled, "an Act to provide for the complete Organization of all the Counties in this State;" "an Act to amend an Act, entitled an Act to supersede certain Courts and regulate Appeals therefrom to the Supreme Court;" "an Act to fix the Terms of the Superior Court of the City of San Francisco."

Senate bill, entitled, "an Act to take the sense of the people of California upon the subject of the permanent location of the Seat of Government," was taken up, and the amendments of the Assembly, with a further amendment thereto by the Senate, appropriating ten thousand dollars to carry into effect the provision of the Assembly's amendment, which relates to the duties enjoined therein upon the Surveyor General, were adopted.

Assembly bill, entitled, "an Act to amend an Act to supersede certain courts and regulate appeals therefrom to the Supreme Court," was read the first and second times, and referred to the Committee on the Judiciary.

Assembly bill, entitled, "an Act to fix the terms of the Superior Court of the City of San Francisco," was read three several times and passed, the rules having been suspended for that purpose.

Assembly bill, entitled, "an Act to provide for the complete organization of all the Counties in this State," was read twice, and referred to

the Committee on Counties and County Boundaries, with instructions to report on Monday morning.

Mr. Heydenfeldt moved to take from the table Assembly bill to exempt the homestead and other property from forced sale in certain cases; and on this motion the yeas and nays were demanded, by Messrs. Chamberlin and Bassham, and resulted as follows:—

AYES.

Mr. Bassham	Mr. Crosby
Broderick	Fair
Chamberlin	Heydenfeldt—6.

NAYS.

Mr. Douglass	Mr. Robinson
Lippincott	Vallejó—4.

So the bill was taken from the table, when

On motion of Mr. Robinson, the Senate adjourned.

JOHN MCDOUGALL,
Lieutenant Governor and President of the Senate.

J. F. HOWE, Secretary of the Senate.

IN SENATE.

MONDAY, *April* 15, 1850.

The Senate assembled, pursuant to adjournment, the President *pro tempore* presiding.

Prayer by Rev. Mr. Douglass.

The Journal of Saturday was read and approved.

Mr. Heydenfeldt, from the Committee on Expenditures, reported as correct the claim of Goddard and Conde for $120; and the report was adopted.

Mr. Crosby, from the Committee on the Judiciary, to whom had been referred bill from the Assembly, entitled, "an Act to provide for the appointments of Guardians, and prescribe their duties," reported the same, without amendment, and the bill was read the third time and passed, the rules having been suspended for that purpose.

Mr. Green, from the Committee on Counties and County Boundaries, to whom had been referred Assembly bill, entitled, "an Act to provide for the complete organization of all the Counties in this State," reported the same, without amendment, and the bill was read the second time, and ordered to a third reading.

The Senate concurred in the report of the Conference Committee, on the disagreeing votes of the two Houses on the bill, entitled, "an Act concerning the office of Surveyor General."

Messrs. Heydenfeldt, Robinson, Bassham, Green, and Crosby, asked and obtained leave of absence from and after Thursday next, for the remainder of the session.

Mr. Robinson, from the Committee on Engrossed Bills, reported as correctly engrossed Senate's substitute for Assembly bill, entitled, "an Act concerning prisoners in custody under sentence of imprisonment."

Mr. Bassham, from the Committee on Enrolled Bills, reported that the committee had examined and found to be correctly enrolled, "an Act relating to Bills of Exchange and Promissory Notes;" "an Act to incorporate the City of San Francisco;" "an Act concerning conveyances."

Senate bill, entitled, "an Act to provide for the distribution of the Journals, Laws, Reports of the Decisions of the Supreme Court, &c.," was taken up on second reading, amended, and on motion of Mr. Crosby, referred to a special committee, consisting of Messrs. Crosby, Robinson, and Fair.

The Lieutenant Governor took the Chair, and announced to the Senate that he should necessarily be absent for the remainder of the Session, and at the same time briefly expressed his acknowledgments to the Senate, for the support which had been extended to him by the Senate in the discharge of his duties as President, and to the members individually, for the courtesy which had uniformly marked their private intercourse with him. In taking leave of the Senate until the next Session, he congratulated them on the successful results of their labors at the first Session of the Legislature of the new State of California, and he expressed the confident hope, that each member, at the close of the Session, would receive from his constituents the plaudit of, "Well done, good and faithful servant," the cordial embraces of family and friends, and the approving smiles of "sweethearts and wives."

Mr. Green (the President *pro tempore* presiding) submitted a resolution, which was unanimously adopted—

That the unanimous thanks of the Senate be, and are hereby tendered to the Hon. John McDougall, for the faithful and impartial discharge of his duties as President of the first Senate of the State of California.

And the Secretary of the Senate was directed to inclose to the Lieutenant Governor, a copy of the foregoing resolution.

Mr. Broderick, from the Committee on the Judiciary, to whom had been referred Assembly bill, "concerning the office of Coroner," reported the same with amendments, striking out "ten," in the 20th section and inserting "thirty," and substituting "one dollar" for "twenty cents," in the same section; and thus amended, the bill was read the third time and passed.

Mr. Bassham, on leave, introduced a bill amendatory of section 13th, of the act entitled "an Act to incorporate the City of San José," which was read three several times and passed.

Mr. Bidwell presented a petition from Citizens of Yaba City, in opposition to the boundaries of certain counties, which was read and referred to the Committee on Counties and County Boundaries.

Assembly bill, to exempt the Homestead and other property from forced sale in certain cases, was made the special order for Wednesday next.

Mr. Bidwell, on leave, introduced a bill to establish a State Road, which was twice read and referred to the Committee on Roads and Ferries.

A message was received from the Assembly, informing the Senate that the Governor had notified the Assembly that he did, on the 13th instant, sign bills severally entitled "an Act to organize County Courts," "an Act concerning the office of Reporter;" also, that the Speaker of the Assembly had signed bills entitled "an Act relating to bills of exchange and promissory notes," "an Act to incorporate the City of San Francisco," "an Act concerning conveyances."

Also, that the Assembly had passed bills herewith transmitted, entitled "an Act amendatory of an act prescribing the mode of assessing and collecting public revenue," "an Act to amend an act organizing the District Courts of the State of California."

The President *pro tempore* signed the bills mentioned in the preceding section as having been signed by the Speaker of the Assembly.

Assembly Bill, "amendatory of the Act prescribing the mode of assessing and collecting the public revenue," was read three several times and passed. Assembly Bill "to amend an Act organizing the District Courts of California," was read twice and reported to the Judiciary Committee.

On motion of Mr. Heydenfeldt, the Senate took a recesss until 8 P.M.

EVENING SESSION.

The President *pro tempore* laid before the Senate a communication from D. H. Pifford, requesting payment for his services in taking care of the lunatic ordered to be so taken care of, by resolution of the Senate, which was referred to the Committee on Claims.

Also, a communication from J. D. Hoppe, requesting payment, in specie, of the Senate's Postage Bill, which was referred to the same committee.

Also, a communication in Spanish, inclosing the proceedings of a meeting at Los Angeles, in favor of the formation of a new State or territory.

Mr. Lippincott, on leave, reported a bill, from the Committee on Public Lands and Mission Claims, which was read three several times, and passed.

Bill, entitled "an Act to create the office of State Assayer, Melter, and Refiner, and to define his duties," was taken up, read the third time, and passed.

Mr. Heydenfeldt, on leave, introduced a bill to authorize the negotiation of "a loan for the payment of the expenses of the Hall," which was read the first time, and ordered to a second reading.

Mr. Crosby, from the Committee on the Judiciary, reported without amendment, Assembly Bill, amendatory of the Act organizing the "District Court of California," which was read the second and third times, and passed.

Mr. Bassham, on leave, presented a communication from the Mayor and Council of the city of San José, tendering the use of the building now occupied by the Senate and Assembly, to the next Legislature, free of charge; and the proposition was, on motion of Mr. Douglass, accepted.

Mr. Bassham, from the Committee on Enrolled Bills, reported that the committee had examined and found to be correctly enrolled, "an

Act concerning crimes and punishments;" "an Act concerning forcible entries and unlawful detainers."

Also, that they had this day presented to the Governor for his signature, bills, severally entitled "an Act concerning conveyances;" "an Act relating to Bills of Exchange and Promissory Notes;" and "an Act to incorporate the city of San Francisco."

Mr. Douglass submitted a concurrent resolution, which was adopted, providing for the appointment of a committee, on the part of such House, to take into consideration the subject of the immediate admission of California into the Union.

Mr. Chamberlin, on leave, introduced a bill, amendatory of the Act creating a Marine Hospital in California, which was read three several times, and passed.

Mr. Robinson, from the Committee on Engrossed Bills, reported, as correctly engrossed, bills, entitled "an Act amendatory of an Act creating a Marine Hospital for the State of California;" "an Act creating the office of State Assayer, and defining his duties."

Messages were received from the Assembly, informing the Senate that they had non-concurred in the Senate's amendment to the amendment of the Assembly to bill, entitled "An Act to take the sense of the People of California on the subject of the Permanent Location of the Seat of Government."

Also, that they had non-concurred in the amendments of the Senate to the Assembly bill, entitled "An Act concerning Persons in Custody, under a sentence of imprisonment."

Also, that they had concurred in the Senate's amendment to the bill, entitled "An Act concerning Coroners."

Also, that they had passed Senate bill, entitled "An Act amendatory of the 13th section of an act, entitled 'An Act to incorporate the City of San José,' approved March 28, 1850;" and Assembly bills, entitled, "An Act to prescribe the Duties of County Clerks;" "An Act to prescribe the Duties of Sheriffs;" "An Act in relation to Real Estate, and other Property, belonging to the Pueblo, or City of San Francisco;" "An Act concerning Corporations."

Also, that the Speaker of the Assembly had signed bills, therewith transmitted for the signature of the President of the Senate, severally entitled "An Act concerning Crimes and Punishments;" "An Act concerning Forcible Entries and Unlawful Detainers."

Also, that they had passed bill, entitled 'An Act to regulate the Settlement of the Estates of Deceased Persons."

Also, that they had adopted Joint Resolutions of the Senate to postpone for the present session the operation of the Joint Rules, Nos. 16 and 17.

Mr. Crosby, from the Committee on the Judiciary, reported a bill "abolishing all Laws now in force in this State, except such as have been, or hereafter may be passed by the present session of the Legislature;" which was read the first time, and ordered to a second reading.

The Senate receded from their amendment to Assembly bill, entitled "An Act to provide for the taking of the sense of the People in relation to the Permanent Location of the Seat of Government."

Mr. Broderick submitted a Joint Resolution, providing for the disposition of the furniture, stationery, &c., of the Senate and Assembly, at the close of the present session which was read and adopted.

The Senate refused to recede from their amendment to Assembly bill, entitled "An Act concerning Persons in Custody, under sentence of imprisonment."

Assembly bill, entitled "An Act to prescribe the Duties of County Clerk," was read the first time, and ordered to a second reading.

Assembly Bill, entitled "An Act in relation to Real Estate, and other Property, belonging to the Pueblo, or City of San Francisco," was read the first time, and referred to the San Francisco Delegation.

The President *pro tempore* signed the bills, referred to in the preceding messages as having been signed by the Speaker of the Assembly.

Assembly bill, entitled "An Act concerning Corporations," was read the first time, and referred to the Committee on Corporations.

Assembly bill, entitled "An Act to regulate the Settlement of the Estates of Deceased Persons," was read twice, and referred to the Committee on the Judiciary.

Assembly bill, entitled "An Act to prescribe the Duties of Sheriffs," was read three several times, and passed.

Mr. Green submitted a resolution requesting the Assembly to inform the Senate what disposition has been made by that body of the two Concurrent Resolutions of the Senate in relation to the final adjournment of the Legislature; and also informing the Assembly that eight Senators have applied for, and obtained leave of absence, from and

after Thursday next, and that one Senator has recently resigned. Pending the consideration of this resolution,

On motion of Mr. Douglass, the Senate adjourned.

E. KIRBY CHAMBERLIN,
President *pro tempore* of the Senate.

J. F. HOWE, Secretary of the Senate.

IN SENATE.

TUESDAY, *April* 16, 1850.

The Senate assembled, pursuant to adjournment.

The Journal of Monday was read and approved.

Mr. Douglass, from the Committee on Roads and Ferries, to whom had been referred the bill of the Assembly, entitled "an Act to establish a State Road," reported the same without amendment, recommending that the bill be laid on the table for the reason that the Act concerning Roads and Highways had become a law. The report was accepted, and the bill was laid on the table, for the present.

Mr. Heydenfeldt, from the Committee on Expenditure, presented a communication from Mr. Lowrie, with his account, as Temporary State Translator, which was read, and referred to the Committee on Claims.

Mr. Lippincott submitted a Joint Resolution, authorizing the Governor to aid emigrants to California by the Northern overland route, which was read and adopted.

Assembly Bill, "To provide for the complete organization of all the Counties in the State," was read the third time and passed.

Senate Bill, entitled "an Act to negotiate a Loan for the payment of the expenses of the State," was read second time, and, on motion of Mr. Fair, was laid on the table.

Mr. Bassham, from the Committee on Enrolled Bills, reported, as correctly enrolled, "an Act amendatory of an Act prescribing the mode of assessing and collecting the Public Revenue;" "an Act to fix the term of the Superior Court of the City of San Francisco." Also, that the Committee had this day presented to the Governor, for his signature, "an Act concerning forcible entries and unlawful detainers;" "an Act concerning crimes and punishments."

Senate Bill, entitled "an Act to abolish all laws now in force in this State, except such as have or may be hereafter passed by the present Legislature," was taken up, read the second time, and ordered to a third reading.

Assembly Bill, entitled "an Act to prescribe the duties of County Clerk," was taken up, read the third time, and passed.

On motion of Mr. Bassham, the Senate took a recess until 12 M.

On re-assembling, the Senate, on motion of Mr. Lippincott, took a recess until 8 P.M.

EVENING SESSION.

Mr. Vallejó, from the Select Committee, to whom had been, by resolution, assigned the duty of furnishing a definition, *in extenso*, "of the derivation of the names given to the several counties, as embraced in the Act and supplement thereto, subdividing the State into counties and establishing the Seats of Justice therein," made a report in writing, in conformity with the requisitions of the resolution, which was read, and 2,000 copies in English, and 1,000 copies in Spanish, were ordered to be printed for the use of the Legislature. (See Appendix Y.)

Mr. Bidwell asked and obtained leave to record his objections to the definition of the County of Yuba, as given in the Report of Gen. Vallejó.

Messages were received from the Assembly, informing the Senate that they had appointed Messrs. McKinstry, Baldwin, and Aram, a Committee of Conference on the disagreeing votes of the two Houses on the bill, entitled "an Act concerning Persons in Custody under Sentence of Imprisonment."

Also, that they had adopted the concurrent Resolution of the Senate, "in relation to the Admission of California into the Union," and had appointed as a Committee under that concurrent Resolution, Messrs. Baldwin, Walthall, and Shepherd.

Also, that they had passed bills herewith transmitted, severally entitled "an Act to Prescribe the Duties of Constable;" "an Act amendatory of the 28th and 30th Sections of the Act, subdividing the State into Counties, and establishing Seats of Justice therein, approved Feb. 18, 1850;" "an Act to Provide for the Incorporation of Colleges;" "an Act Regulating Marriages;" "an Act concerning the Publication of the

Laws in Pamphlet Form;" "an Act providing for the Payment of certain Post-office Expenses."

Also, Joint Resolution in relation to the Stationery, Furniture, and other Property of the Two Houses of the Legislature, and "concurrent Resolution, authorizing the Secretary of State to Furnish Copies of Acts passed by the Legislature to the State Printer for Publication."

Also, that they had passed Senate bill, entitled an Act Explanatory of an Act, entitled "an Act concerning the Revenue Funds, Expenditure, and Property of the State, and Management thereof, approved February 20, 1850."

Also, that the Speaker of the Assembly had signed bills, herewith transmitted for the signature of the President of the Senate, severally entitled, "an Act amendatory of an Act prescribing the Mode of Assessing and Collecting Public Revenue;" "an Act to Fix the Terms of the Superior Court of the City of San Francisco;" "an Act Defining the Rights of Husband and Wife;" "an Act concerning the Office of Surveyor General."

Also, that the Assembly have concurred in the amendment of the Senate to bill, entitled "an Act to provide for the complete Organization of all the Counties in this State."

Also, that Messrs. Brackett and Ogier have been added to the Committee heretofore appointed, under the "Joint Resolution in relation to the Immediate Publication of the Laws."

Also, that the Assembly had passed bills, severally entitled, "an Act of Limitations;" "an Act for the Government and Protection of Indians;" "an Act to prevent the Immigration of Free Negroes and Persons of Color into this State."

Also, that the Governor had notified the Assembly, that he had this day signed bills, severally entitled, "an Act concerning Crimes and Punishments;" and "an Act concerning Conveyances."

Also, that they had passed bills therewith transmitted, entitled "an Act to Fix the Compensation of County Judges and Associate Justices of the Court of Sessions;" and "an Act in relation to Contracts."

Also, that they had adopted the concurrent Resolution of the Senate, providing "for the Final Adjournment of the present Legislature," with an amendment, to wit, strike out "Thursday, the 18th," and insert, in lieu thereof, "Monday the 22d."

Also, that the Speaker of the Assembly had signed bill, entitled "an

Act to prescribe the Duties of Sheriffs," which is herewith transmitted for the signature of the President of the Senate.

Mr. Bassham, from the Joint Committee on Enrolled Bills, reported as correctly enrolled, "an Act concerning the office of Surveyor General;" "an Act defining the Rights of Husband and Wife;" "an Act to prescribe the Duties of Sheriffs." Also, that the Committee had this day presented to the Governor, for his signature, the following Acts:—"an Act concerning Forcible Entries and Unlawful Detainers;" "an Act concerning Crimes and Punishments

Assembly Bills, severally entitled, "an Act to prescribe the duties of Constables;" "an Act to provide for the incorporation of Colleges;" "an Act regulating marriages;" "an Act concerning the publication of the Laws in Pamphlet form;" "an Act providing for the payment of certain Post-Office Expenses;" "an Act of Limitations;" "an Act for the Government and Protection of the Indians;" "an Act to prevent the Immigration of Free Negroes and persons of color to this State;" "an Act to fix the compensation of District Judges and Associate Justices of the Court of Sessions;" "an Act in relation to Contracts," were severally read the first time, and ordered to second reading.

The President *pro tempore* of the Senate signed the several bills mentioned in the preceding messages of the Assembly as having been signed by the Speaker of the Assembly.

Messrs. Heydenfeldt, Robinson, and Bassham were appointed a Committee of Conference on the part of the Senate, on the disagreeing votes of the two Houses, in relation to the bill, entitled "an Act concerning Persons in Custody under Sentence of Imprisonment."

Assembly Bill, entitled "an Act amendatory of the 28th and 30th Sections of the Act subdividing the State into Counties, and establishing the Seats of Justice therein," was read three several times, and passed.

Mr. Bidwell, from the Committee on Corporations, to whom had been referred Assembly Bill "concerning Corporations," reported the same without amendment.

Joint Resolution of the Assembly "in relation to the Stationery, Furniture, and Property of the two Houses," was, on motion of Mr. Lippincott, laid on the table.

The concurrent resolution of the Assembly, "authorizing the Secretary of State to furnish copies of Acts passed by the Legislature, to the State

Printer for publication," was, on motion of Mr. Crosby, laid on the table.

The amendment of the Assembly to the concurrent resolution of the Senate, providing for the final adjournment of the Legislature on the 15th instant, was considered.

Mr. Heydenfeldt moved to amend the amendment of the Assembly, by substituting "12 M. of Saturday, 20th, for "Monday, 22d. On this motion, the yeas and nays were demanded by Messrs. Douglass and Fair, and resulted as follows:

AYES.

Mr. Bidwell	Mr Heydenfeldt
Chamberlin	Robinson,
Green	Woodworth—6.

NAYS.

Mr. Bassham	Mr. Douglass
Broderick	Fair
Crosby	Lippincott
De la Guerra	Vallejó—8.

And the question then being on concurrence in the amendment of the Assembly, the yeas and nays were demanded by Messrs. Woodworth and Heydenfeldt, and resulted as follows:

AYES.

Mr. Bassham	Mr. De la Guerra
Bidwell	Douglass
Broderick	Fair
Chamberlin	Green
Crosby	Vallejó—10.

NAYS.

Mr. Heydenfeldt	Mr. Robinson
Lippincott	Woodworth—4.

So the amendment was concurred in.

Mr. Crosby, from the Select Committee, to whom had been referred

the bill, entitled "an Act to provide for the distribution of the Journals, Laws, Supreme Court Reports, and other Documents," reported the same with amendments.

On motion of Mr. Fair, the Senate adjourned.

E. KIRBY CHAMBERLIN,
President *pro tempore.*

J. F. HOWE, Secretary of the Senate.

IN SENATE.

WEDNESDAY, *April* 17, 1850.

The Senate assembled, pursuant to adjournment.

Prayer by Rev. Mr. Douglass.

The Journal of Tuesday was read and approved.

A message was received from the Governor, informing the Senate that he had signed bills, entitled "an Act to incorporate the City of San Francisco;" "an Act relating to Bills of Exchange and Promissory Notes."

Assembly bill, entitled "an Act of Limitations," was read the second time, and referred to the Committee on the Judiciary.

Assembly bill, "prescribing the duties of Constables," was read the second and third times, and passed.

Mr. Robinson, from the Committee on Engrossed Bills, reported, as correctly engrossed, bill, entitled "an Act to abolish all laws now in force in this state, except such as have been passed by the present session of the Legislature."

Mr. Crosby, from the Committee on the Judiciary, to whom was referred Assembly bill, entitled "an Act to regulate the settlements of the estates of deceased persons," reported the same, without amendment.

Mr. Bassham, from the Joint Committee on Enrolled Bills, reported that the committee had found correctly enrolled, bills, entitled "an Act amendatory of the 13th section of 'an Act to incorporate the City of San José;'" "an Act to take the sense of the people of the State of California upon the subject of the permanent location of the seat of government;" "an Act to define the duties of County Clerk;" "an Act

to provide for the complete organization of all the Counties in this State;" "an Act concerning Coroners;" and "an Act to regulate proceedings in criminal cases."

Also, that they had this day presented to the Governor for his signature, "an Act to prescribe the duties of Sheriffs;" "an Act concerning the office of Surveyor General;" "an Act amendatory of 'an Act prescribing the mode of assessing and collecting public revenue;'" "an Act defining the rights of husband and wife;" "an Act to fix the Terms of the Superior Courts of the City of San Francisco."

Messages were received from the Assembly, informing the Senate that the Speaker of the Assembly had signed bills, therewith transmitted for the signature of the President of the Senate, severally entitled "an Act to provide for the complete organization of all the Counties in this State;" "an Act amendatory of the 13th section of an Act entitled an Act to incorporate the City of San José;" "an Act to take the sense of the people of California on the subject of the permanent location of the seat of government;" "an Act to regulate proceedings in criminal cases;" and "an Act concerning Coroners."

Also, that they had passed bill, therewith transmitted, entitled "an Act concerning forcible entries and unlawful detainers."

Also, that the Governor had notified the Assembly that he had this day signed bill, entitled "an Act to prescribe the duties of Sheriffs."

Also, that he had this day returned to the Assembly with a message containing his objections to bill entitled "an Act concerning forcible entries and unlawful detainers," a copy of which message was therewith transmitted.

Also, that the Assembly proceeded to consider the message of the Governor, and that the question on the passage of the bill, the objections of the Governor notwithstanding, was decided in the negative.

Also, that they had adopted concurrent resolutions, herewith transmitted, in relation to the election of State Translator this day at twelve o'clock.

The concurrent resolution of the Assembly, in relation to the election of State Translator, was adopted.

The President *pro tempore* signed the bills mentioned in foregoing messages as having been signed by the Speaker, and the Secretary certified upon those entitled "an Act amendatory of an Act to incorporate the City of San José," and "an Act to take the sense of the people of

California on the subject of the permanent location of the seat of government," that they originated in the Senate.

Assembly Bill, "to provide for the incorporation of Colleges," was read the second time.

Mr. Green moved a postponement of the bill until the 31st of December, and, on this motion, the yeas and nays were demanded by Messrs. Green and Heydenfeldt, and resulted as follows:—

YEAS.

Mr. Green
Mr. Lippincott—2.

NAYS.

Mr. Bassham
Broderick
Chamberlin
Crosby
Douglass
Mr. Fair
Heydenfeldt
Robinson
Vallejó.
—9.

The bill was then ordered to a third reading.

Assembly Bill, "regulating marriages," was read the second time.

On motion of Mr. Green, "eighteen" was stricken out, as the age at which females may marry without the consent of their parents or guardians.

Mr. Fair moved to fill the blank with "sixteen;" and, on this motion, the yeas and nays were demanded by Messrs. Green and Fair, and resulted as follows:—

AYES.

Mr. Bassham
Broderick
Douglass
Mr. Heydenfeldt
Robinson.
—5.

NAYS.

Mr. Chamberlin
Crosby
Fair
Mr. Green
Lippincott
Vallejó—6.

Mr. Bassham moved to fill the blank with "fourteen," and, on this

motion, the yeas and nays were demanded by Messrs. Green and Bassham, and resulted as follows:—

YEAS.

Mr. Bassham	Mr. Heydenfeldt
Broderick	Robinson.
Douglass	—5.

NAYS.

Mr. Chamberlin	Mr. Green
Crosby	Lippincott
Fair	Vallejó—6.

Mr. Robinson moved to fill the blank with "thirteen;" and, on this question, the yeas and nays were demanded by Messrs. Green and Robinson, and resulted as follows:—

YEAS.

Mr. Broderick	Mr. Heydenfeldt
Douglass	Robinson—4.

NAYS.

Mr. Bassham	Mr. Green
Chamberlin	Lippincott
Crosby	Vallejó.
Fair	—7.

On motion of Mr. Broderick, the words "twenty-one" were stricken out, as the age at which males shall be permitted to marry without the consent of their parents or guardians, and "seventeen" was inserted therefor; and the blank was filled with "fifteen," as the age at which females may marry, without the consent of their parents or guardians. Thus amended, the bill was read the third time, and the question being, "Shall the bill pass?" was decided in the negative.

Assembly Bill, entitled "an Act for the government and protection of the Indians," was taken up, on second reading.

Mr. Fair moved the indefinite postponement of the bill.

On this motion, the yeas and nays were demanded by Messrs. Bassham and Fair, and resulted as follows:—

YEAS.

Mr. Broderick	Mr. Heydenfeldt
Fair	Lippincott.
Green	—5.

NAYS.

Mr. Bassham	Mr. Douglass
Bidwell	Robinson
Chamberlin	Vallejó.
Crosby	—7.

On motion of Mr. Robinson, the bill was then referred to a Select Committee, consisting of Messrs. Bidwell, Vallejó, and Douglass.

The hour of 12 M. having arrived, the Senate, in a body, proceeded to the Hall of the Assembly, for the election, by the joint votes of the two Houses, of State Translator

IN CONVENTION.

Hon. E. K. Chamberlin, President *pro tempore* of the Senate, presided, and stated the object for which the two Houses had convened.

Mr. Lippincott was appointed Teller on the part of the Senate, and Mr. Gray on the part of the Assembly.

The nomination of candidates for State Translator being then in order,

Mr. Ogier nominated Wm. Schleiden.

Mr. Bassham nominated Jos. H. Schull.

Mr. Heydenfeldt nominated William Lowrie.

The Convention then proceeded to a ballot, each member voting *viva voce*, and the Tellers reported the result to be as follows:—

Whole number of votes given, . . .	39
Necessary to a choice, ...	20
Of which Mr. Lowrie received . . .	15 votes.
Mr. Schull „ . . .	12 „
Mr. Schleiden „ . . .	12 „

Those who voted for Mr. Lowrie were—Messrs. Bidwell, Crosby, and Heydenfeldt, of the Senate; and Cave, Deal, Gray, Hughes, Moorehead,

Moore, Patterson, Per Lee, Scott, Stewart, Tingley, and Williams, of the Assembly—15.

Those who voted for Mr. Schull were—Messrs. Bassham, Chamberlin, Douglass, Fair, Green, Lippincott, and Vallejó, of the Senate; and Bateman, Clarke, Corey, Sheppard, and Speaker, of the Assembly—12.

Those who voted for Mr. Schleiden were—Messrs. Broderick and Robinson, of the Senate; and Aram, Bradford, Brown, Covarubias, Henly, McKinstry, Ogier, Randolph, Stowell, and Walthall, of the Assembly—12.

No person having received a majority of all the votes given, the Convention then proceeded in like manner to a second ballot.

Mr. Moore nominated Hopeful Toler,
Moorehead " S. W. Spooner.

Mr. Ogier withdrew the name of Mr. Schleiden in favor of Mr. Toler.

The Tellers reported the result to be as follows:—

Whole number of votes given,			38
Necessary to a choice,			20
Of which Mr. Schull	received	18	votes,
Lowrie	"	12	"
Toler	"	7	"
Schleiden	"	1	"

Those who voted for Mr. Schull were—Messrs. Bassham, Chamberlin, Douglass, Fair, Green, Lippincott, Robinson, and Vallejó, of the Senate; and Bateman, Bradford, Clarke, Corey, Covarubias, Henly, McKinstry, Moorehead, Tingley, and Speaker of the Assembly—18.

Those who voted for Mr. Lowrie were—Messrs. Bidwell, Crosby, and Heydenfeldt, of the Senate; and Cave, Gray, Hughes, Moore, Patterson, Per Lee, Scott, Stewart, and Williams, of the Assembly—12.

Those who voted for Mr. Toler were—Mr. Broderick, of the Senate; and Messrs. Brown, Deal, Ogier, Randolph, Sheppard, and Stewart, of the Assembly—7.

Mr. Aram, of the Assembly, voted for Mr. Schleiden—1.

No person having received a majority of all the votes given, the Con-

vention then proceeded in like manner to a third ballot, and the Tellers reported the result to be as follows:—

Whole number of votes given,	.	.	. 39
Necessary to a choice,	.	.	. 20
Of which Mr. Schull received	20	votes,	
Lowrie "	14	"	
Toler "	5	"	

Those who voted for Mr. Schull were—Messrs. Bassham, Broderick, Chamberlin, Douglass, Fair, Green, Lippincott, Robinson, and Vallejo, of the Senate; and Aram, Bateman, Bradford, Clarke, Corey, Covarubias, McKinstry, Moorehead, Tingley, Walthall, and Speaker of the Assembly—20.

Those who voted for Mr. Lowrie were—Messrs. Bidwell, Crosby, and Heydenfeldt, of the Senate; and Cave, Grey, Henly, Hughes, Moore, Ogier, Patterson, Per Lee, Scott, Stewart, and Wilhams, of the Assembly—14.

Those who voted for Mr. Toler were—Messrs. Brown, Deal, Randolph, Sheppard, and Stowell, of the Assembly—5.

Whereupon the President of the Convention declared, that Joseph H. Schull, having received a majority of all the votes given, was duly elected State Translator for the term prescribed by law.

The Convention having completed the business for which they had convened, the President declared the same adjourned *sine die*—and the members of the Senate retired to the Senate Chamber.

IN SENATE.—Assembly bill in relation to the early publication of the Laws, was read the second time, and, on motion of Mr. Douglass, was indefinitely postponed.

Assembly bill to provide for the payment of certain Post-office expenses, was read the second and third times, amended, and passed.

Mr. Broderick, from the San Francisco delegation, to whom had been referred the bill of the Assembly, entitled, "an Act in relation to Real Estate and other property belonging to the Pueblo or City of San Francisco," reported the same, with a recommendation that it be indefinitely postponed. The report was accepted, and the bill was indefinitely postponed.

On motion of Mr. Heydenfeldt, the Senate took a recess until 8 P.M.

EVENING SESSION.

The Homestead bill was taken up, when Mr Woodworth moved to postpone the same until the 31st of December next. On this motion the yeas and nays were demanded by Messrs. Heydenfeldt and Woodworth, and resulted as follows:—

AYES.

Mr. Chamberlin
De la Guerra
Robinson
Mr. Vallejó
Woodworth
—5.

NAYS.

Mr. Broderick
Fair
Mr. Crosby
Heydenfeldt—4.

So the question was decided in the affirmative.

Assembly bills "concerning forcible entries and unlawful detainers," was read the first time, and the Senate refused to order the same to a second reading.

On motion, the vote by which the Senate rejected Assembly bill "concerning marriages," was re-considered, and it was made the special order for 11 o'clock to-morrow.

Assembly bill "To prevent the immigration of Free Negroes and Persons of Color to this State," was taken up, on second reading, and amended; when

Mr. Broderick moved that the bill be indefinitely postponed.

On this question, the yeas and nays were demanded by Messrs. Woodworth and Broderick, and resulted as follows:—

YEAS.

Mr. Broderick
Crosby
Douglass
Vallejó
Mr. Chamberlin
De la Guerra
Lippincott
Woodworth—8.

NAYS.

Mr. Bassham
Green
Robinson
Mr. Fair
Heydenfeldt
—5.

So the bill was indefinitely postponed.

Assembly bill "in relation to contracts," was read a first time, and ordered to a second reading.

A message was received from the Assembly, informing the Senate that they had non-concurred in the amendments of the Senate to bill entitled "an Act providing for the Payment of certain Post-office Expenses." Also, that they had passed bill therewith transmitted, entitled "an Act concerning Licenses," and "Joint Resolution classifying Justices of the Superior Court of the City of San Francisco." Also, that the Speaker of the Assembly had signed bill therewith transmitted for the signature of the President of the Senate, entitled "an Act concerning Fraudulent Conveyances and Contracts."

Assembly bill entitled "an Act fixing the Compensation of County Judges and Associate Justices of the Court of Sessions," was read the second time, and considered as in Committee of the Whole, and the first sub-division thereof was amended, on motion of Mr. Broderick, by striking out $6,000 as the salary of the County Judge of San Francisco, and inserting therefor $4,000.

On motion of Mr. Robinson, by striking out $5,000 in the second sub-division, as the salary of the County Judge of Sacramento, and inserting therefor $3,000.

On motion of Mr. Bassham, by striking out $4,000 in the third subdivision, as the salaries of each of the County Judges of El Dorado, Tuolume, Santa Clara, Contra Costa, and Calaveras, respectively, and inserting therefor $3,000.

On motion of Mr. Crosby, by striking out $3,000 in the fourth subdivision, as the salary of the County Judges respectively of the counties of Sutter, Yuba, Mariposa, Santa Cruze, Monterey, and San Joaquin, and inserting therefor $2,000.

On motion of Mr. Broderick, by striking out $2500 in the fifth subdivision, as the salary of the Judges respectively of the counties of Los Angeles and Solano, respectively, and inserting therefor $15,000.

On motion of Mr. Vallejo, by striking out $2,000 in the sixth subdivision, as the salary of the County Judges of the counties of Sonoma and Napa, respectively, and inserting therefor $1500.

On motion of Mr. de la Guerra by striking out in the seventh subdivision, $1,500 as the salary of the Judges of the counties of Santa Barbara, Maria, Mendocino, Colusi, Trinity, and San Diego, respectively,

and inserting therefor $1200, on which latter question the yeas and nays were demanded by Messrs. De la Guerra and Broderick, and resulted as follows:—

YEAS.

Mr. Broderick	Mr. Crosby
De la Guerra	Green
Heydenfeldt	Robinson
Vallejó	—7.

NAYS.

Mr. Bassham	Mr. Chamberlin
Douglass	Fair
Lippincott	Woodworth—6.

On motion of Mr. Robinson, by striking out in the eighth sub-division, $2,000 as the salary of the County Judges of the counties of Bute and Shoste, and inserting therefor respectively $1500.

On motion of Mr. de la Guerra, by striking out $1000 in the ninth sub-division, as the salary of the County Judge of San Luis Obispo, and inserting therefor $800.

And the question being on the concurrence of the Senate in the several amendments thus made, "as in Committee of the Whole," the question was ordered to be taken separately on each amendment.

On the question of concurring in the amendment to the first subdivision of Section 1, the yeas and nays were demanded by Messrs. Broderick and Douglass, and resulted as follows:—

YEAS.

Mr. Bassham	Mr. de la Guerra
Broderick	Robinson
Crosby	Vallejó—6.

NAYS.

Mr. Chamberlin	Mr. Heydenfeldt
Douglass	Lippincott
Fair	Woodworth
Green	—7.

The Senate concurred in the amendment to the second subdivision of the same section.

On the question of concurring in the amendment to the third subdivision of the same section, the previous question was moved by Mr. Fair; and the yeas and nays being demanded on this motion by Messrs. Bassham and Woodworth, resulted as follows:—

YEAS.

Mr. Chamberlin	Mr. Heydenfeldt
Douglass	Lippincott
Fair	Woodworth
Green	—7.

NAYS.

Mr. Bassham	Mr. de la Guerra
Broderick	Robinson
Crosby	Vallejó—6.

The question then being on concurrence in the amendment to the third subdivision, the yeas and nays were demanded by Messrs. Bassham and Fair, and resulted as follows:—

YEAS.

Mr. Bassham	Mr. de la Guerra
Broderick	Robinson
Crosby	Vallejó—6.

NAYS.

Mr. Chamberlin	Mr. Heydenfeldt
Douglass	Lippincott
Fair	Woodworth
Green	—7.

So the amendment was not concurred in.

Mr. Bassham moved to adjourn, and the yeas and nays being demanded by Messrs. Heydenfeldt and Crosby, resulted as follows:—

YEAS.

Mr. Bassham	Mr. de la Guerra
Broderick	Robinson
Crosby	Vallejó—6.

NAYS.

Mr. Chamberlin	Mr. Heydenfeldt
Douglass	Lippincott
Fair	Woodworth
Green	—7.

So the Senate refused to adjourn.

On the question of concurring in the amendment to the fourth subdivision of Section 1, the yeas and nays were demanded by Messrs. de la Guerra and Crosby, and resulted as follows:—

YEAS.

Mr. Bassham	Mr. de la Guerra
Broderick	Robinson
Crosby	Vallejó—6.

NAYS.

Mr. Chamberlin	Mr. Heydenfeldt
Douglass	Lippincott
Fair	Woodworth
Green	—7.

So the amendment was not concurred in.

The Senate refused to concur in the amendment to the fifth subdivision of the same section.

On the question of concurring in the amendment to the sixth subdivision of the same section, the yeas and nays were demanded by Messrs. Crosby and de la Guerra, and resulted as follows:—

YEAS.

Mr. Bassham	Mr. de la Guerra
Broderick	Robinson
Crosby	Vallejó—6.

NAYS.

Mr. Chamberlin	Mr. Heydenfeldt
Douglass	Lippincott
Fair	Woodworth
Green	—7.

So the amendment was not concurred in.

Mr. Crosby moved to adjourn and the yeas and nays being demanded by Messrs. Robinson and Broderick, resulted as follows:—

YEAS.

Mr. Bassham	Mr. Crosby
Broderick	De la Guerra
Chamberlin	Vallejó—6.

NAYS.

Mr. Douglass	Mr. Lippincott
Fair	Robinson
Green	Woodworth
Heydenfeldt	—7.

So the Senate refused to adjourn.

Mr. Bassham then moved to lay the bill on the table, and the yeas and nays being demanded by Messrs. Bassham and De la Guerra, resulted as follows:—

YEAS.

Mr. Bassham	Mr. de la Guerra
Broderick	Robinson
Chamberlin	Vallejó
Crosby	—7.

NAYS.

Mr. Douglass	Mr. Heydenfeldt
Fair	Lippincott
Green	Woodworth—6.

So the bill was laid on the table.

Mr. Crosby then moved to adjourn; and the yeas and nays being demanded by Messrs. Broderick and Woodworth, resulted as follows:—

AYES.

Mr. Bassham	Mr. de la Guerra
Broderick	Vallejó
Crosby	—5.

NAYS.

Mr. Chamberlin	Mr. Heydenfeldt
Douglass	Lippincott
Fair	Robinson
Green	Woodworth—8.

So the Senate refused to adjourn.

Mr. Douglass then moved to take up the same bill from the table; and the yeas and nays being demanded by Messrs. Douglass and Fair, resulted as follows:—

AYES.

Mr. Chamberlin	Mr. Heydenfeldt
Douglass	Lippincott
Fair	Woodworth
Green	—7.

NAYS.

Mr. Bassham	Mr. de la Guerra
Broderick	Robinson
Crosby	Vallejó—6.

So the bill was taken up from the table.

Mr. Robinson then moved to lay the bill on the table until to-morrow, and the yeas and nays being demanded by Messrs. Broderick and Bassham resulted as follows:—

AYES.

Mr. Bassham	Mr. de la Guerra
Broderick	Robinson
Crosby	Vallejó—6.

NAYS.

Mr. Chamberlin	Mr. Heydenfeldt
Douglass	Lippincott
Fair	Woodworth
Green	—7.

So the Senate refused to lay the bill on the table until to-morrow.

The question then being on concurring in the amendment to the seventh subdivision of section one, the yeas and nays were demanded by Messrs. de la Guerra and Woodworth, and resulted as follows:—

AYES.

Mr. Bassham	Mr. de la Guerra
Broderick	Robinson
Crosby	Vallejó—6.

NAYS.

Mr. Chamberlin	Mr. Heydenfeldt
Douglass	Lippincott
Fair	Woodworth
Green	—7.

So the amendment was not concurred in.

The Senate refused to concur in the amendment to the eighth subdivision of the same section.

The question then being on concurring in the amendment to the ninth subdivision of the same section, the yeas and nays were demanded by Messrs. de la Guerra and Heydenfeldt, and resulted as follows:—

AYES.

Mr. Bassham	Mr. de la Guerra
Broderick	Vallejó
Crosby	—5.

NAYS.

Mr. Chamberlin	Mr. Heydenfeldt
Douglass	Lippincott
Fair	Woodworth
Green	—7.

So the amendment was not concurred in.

The bill as amended was then ordered to a third reading to-morrow.

The Senate refused to recede from their amendments to Assembly bill providing for the payment of certain Post office expenses.

On the question of receding, the yeas and nays were demanded by Messrs. Bassham and Green, and resulted as follows:—

AYES.

Mr. Chamberlin	Mr. Lippincott
Fair	—3.

NAYS.

Mr. Bassham	Mr. Green
Broderick	Heydenfeldt
Crosby	Robinson
De la Guerra	Vallejó
Douglass	Woodworth—10.

Assembly bill, "concerning Licenses," was read first time, and ordered to second reading.

Joint resolution of the Assembly. "classifying the Justices of the Superior Court of San Francisco," was read the first time and ordered to second reading.

Assembly bill, "concerning Confiscations," was taken up on third reading, when

On motion of Mr. Crosby, the Senate adjourned.

E. Kirby Chamberlin,
President *pro tempore.*

J. F. Howe, Secretary of the Senate.

IN SENATE.

Thursday, *April* 18, 1850.

The Senate assembled, pursuant to adjournment.

Prayer by Rev. Mr. Douglass.

The Journal of Wednesday was read and approved.

Mr. Vallejó, from the Committee on Claims, reported back sundry claims, which had been referred to that committee, and asked to be discharged from the further consideration thereof. The report was received, and the committee discharged accordingly.

Mr. Crosby, from the Committee on the Judiciary, reported with an amendment, Assembly bill, entitled "an Act concerning the writ of Habeas Corpus." The amendment was adopted, and the bill was read the third time and passed.

A message was received from the Governor, informing the Senate that he had signed bill, entitled "an Act amendatory of the thirteenth section of 'an Act entitled an Act to incorporate the City of Los Angeles, approved March 28, 1850.'"

Mr. Bassham, from the Joint Committee on Enrolled Bills, reported that they had examined and found correctly enrolled the following bills, to wit:—"An Act concerning fraudulent conveyances and contracts;" "an Act explanatory of an act entitled 'an Act concerning the revenue, funds, and property of the State;'" "an Act commendatory of the 28th and 30th sections of the 'Act subdividing the State into Counties and establishing the seats of Justice therein;'" "an Act to amend an Act organizing the District Courts of the State of California;" "an Act to provide for the appointment of Guardians and to prescribe their duties;" "an Act to prescribe the duties of Constables."

Also, that they had this day presented to the Governor, for his signature, "an Act amendatory of the thirteenth section of 'an Act to incorporate the City of San José;'" "an Act to take the sense of the People of California upon the subject of the Permanent Location of the Seat of Government;" "an Act to provide for the Complete Organization of all the Counties in this State;" "an Act to define the Duties of County Clerks;" "an Act to regulate proceedings in Criminal Cases;" "an Act concerning Fraudulent Conveyances and Contracts;" "an Act amendatory of the twenty-eighth and thirtieth sections of the 'Act subdividing the State of California into Counties, and establishing Seats of Justice therein;'" "an Act to amend 'an Act organizing the District Courts of the State of California;'" 'an Act to provide for the appointment of Guardians, and prescribe their Duties;" "an Act explanatory of an Act, entitled 'an Act concerning the Revenue, Funds, and Property of the State;'" and "an Act to prescribe the duties of Constables."

Mr. Heydenfeldt, from the Committee on Expenditures, reported back

the claim of Mr. Lowrie, for services as temporary State Translator, and moved that the same be referred to the President of the Senate and Speaker of the Assembly. The Report was accepted, and the claim so referred.

Assembly bill, entitled "an Act to fix the compensation of County Judges and Associate Justices of the Court of Sessions," was taken up, and the vote by which the bill was ordered to a third reading was reconsidered.

On motion of Mr. Robinson, the vote, by which the Senate adopted the amendment to the second subdivision of section 1, was re-considered, and the amendment was non-concurred in.

Mr. Bassham moved to strike out "Santa Clara and Contra Costa," in the third subdivision, and insert the same in the fourth subdivision.

On this motion, the Yeas and Nays were demanded by Messrs. Broderick and De la Guerra, and resulted as follows:

YEAS.

Mr. Bassham	Mr. Crosby	
Broderick	De la Guerra	
Chamberlin	Vallejó	—6.

NAYS.

Mr. Douglass	Mr. Heydenfeldt	
Fair	Lippincott	
Green	Robinson	—6.

Mr. Crosby moved to strike out the second section, and, on this motion, the Yeas and Nays were demanded by Messrs. Broderick and Robinson, and resulted as follows:

AYES.

Mr. Bassham	Mr. de la Guerra	
Bidwell	Fair	
Broderick	Robinson	
Crosby	Vallejó	—8.

NAYS.

Mr. Chamberlin	Mr. Heydenfeldt	
Green	Lippincott	
Woodworth		—5.

Thus amended, the bill was read three times, and passed.

Joint Resolution of the Assembly, classifying the Judges of the Superior Court, was read the second and third times, and passed. Also, Assembly bill, "*concerning Corporations.*"

Assembly bill, "concerning Licenses," was read the second time, and, on motion of Mr. Robinson, was referred to a Select Committee, consisting of Messrs. Robinson, Green, and Bassham, with instructions to report this evening at 9 o'clock.

Assembly bill "to provide for the incorporation of Colleges," was read the third time and passed. Also Assembly bill, "concerning the Estates of Deceased Persons."

On motion of Mr. Green, the Senate took a recess until 12 M.

On re-assembling, a message was received from the Assembly, informing the Senate that they had passed Senate Joint Resolution in relation to the disposition of the Furniture, Stationery, &c., of the Legislature, at the close of the present Session.

Also, that the Speaker of the Assembly had signed bills therewith transmitted for the signature of the President of the Senate, severally entitled, "an Act to provide for the appointment, and prescribe the duties of Guardians;" "an Act to amend an Act organizing the District Courts of the State of California;" "an Act explanatory of an Act entitled, an Act concerning the Revenue, Funds, Expenditures, and property of the State, and management thereof, approved Feb. 20th, 1850;" "an Act amendatory of the 28th and 30th sections of the Act subdividing the State into Counties, and establishing Seats of Justice therein, approved February 18th, 1850;" "an Act to prescribe the duties of Sheriffs."

Also, that the Assembly had appointed Messrs. Stowell, Moore, and Cave a Committee of Conference on the disagreeing votes of the two Houses, on bill, entitled "an Act providing for the Payment of certain Post-Office Expenses." Also, that they had adopted Joint Resolution herewith transmitted, "authorizing the Secretary of State to furnish copies of Laws to the principal Officers of each House." Also, that the Governor had notified the Assembly that he did, on yesterday, sign bills, severally entitled, "an Act to fix the Terms of the Superior Court of the City of San Francisco;" "an Act amendatory of an Act prescribing the mode of Assessing and Collecting Public Revenue;" "an Act concerning the office of Surveyor General:" "an Act defining

the Rights of Husband and Wife." Also, that he had this day signed "an Act to provide for the complete organization of all the Counties in this State;" "an Act to define the duties of County Clerk."

Also, that the Assembly had passed concurrent resolution therewith transmitted, ordering certain Reports of the Comptroller to be published with the Laws passed at this Session of the Legislature, and also return, in compliance with the request of the Senate to that effect, Assembly bill, entitled "an Act regulating Marriages."

The President *pro tempore* signed the bill mentioned in the foregoing message as having been signed by the Speaker.

On motion of Mr. Heydenfeldt, a Committee of Conference was appointed, consisting of Messrs. Heydenfeldt, Bassham, and Douglass, on the part of the Senate, to meet the Committee of the Assembly, in reference to the disagreeing votes of the two Houses, on the bill, entitled "an Act to provide for the Payment of certain Post-Office Expenses."

Joint Resolution of the Assembly, ordering certain Reports of the Comptroller to be published with the Laws passed at this Session of the Legislature, was taken up. Mr. Heydenfeldt moved that it be indefinitely postponed.

On this motion, the yeas and nays were demanded by Messrs. Bassham and Douglass, and resulted as follows:

AYES.

Mr. Chamberlin	Mr. Lippincott
Crosby	Robinson
Douglass	Vallejó
Green	Woodworth.
Heydenfeldt	—9.

NAYS.

Mr. Bassham	Mr. de la Guerra
Broderick	Fair.—4.

So the resolution was indefinitely postponed.

Joint Resolution of the Assembly, authorizing the Secretary of State to furnish copies of Laws to the principal officers of the two Houses, was laid on the table.

A Message was received from the Assembly, informing the Senate that they had refused to concur in the amendment of the Senate to Assembly bill, entitled "an Act to fix the compensation of County Judges and Associate Justices of the Court of Sessions."

Also, that they had concurred in the amendment of the Senate to the bill, entitled "an Act concerning the Writ of Habeas Corpus."

Also, that they had passed Senate bill, entitled "an Act to regulate practice in the Courts of Record of the State of California," with amendments embodied in the bill therewith transmitted, and involving a change of title, so as to make it read, "an Act to regulate proceedings in Civil Cases in the District Court, the Superior Court of the City of San Francisco, and Supreme Court."

Also, Assembly bill, herewith transmitted, entitled "an Act to regulate Fees of Office."

Assembly Bill, regulating marriages, was taken up, and, on motion of Mr. Heydenfeldt, was referred to a Select Committee, consisting of Messrs. Vallejó, Crosby, and Fair.

Assembly Bill, entitled "an Act to fix the compensation of County Judges, and Associate Justices of the Court of Sessions," was taken up, and the Senate refused to recede from their amendment thereto, in which the Assembly had non-concurred. On the question of receding, the yeas and nays were demanded by Messrs. Bassham and Woodworth, and resulted as follows:—

YEAS.

Mr. Chamberlin	Mr. Heydenfeldt
Douglass	Lippincott
Green	Woodworth—6.

NAYS.

Mr. Bassham	Mr Fair
Broderick	Robinson
Crosby	Vallejó
De la Guerra	—7.

Assembly Bill, entitled "an Act to regulate the fees of office," was read the first and second times, and referred to the Committee on the Judiciary.

"Act to regulate practice in the Courts of Record of California," as amended by the Assembly, was taken up, when, on motion of Mr. Douglass, the Secretary was directed to request the return of the original bill by the Assembly.

On motion of Mr. Bassham, the Senate took a recess until 8 P. M.

EVENING SESSION.

Senate Bill, entitled "an Act to regulate Practice in the Courts of Record of California," having been returned by the Assembly, was, with the amendments of the Assembly thereto, taken up and referred to the Judiciary Committee, with instructions to report on to-morrow.

Mr. Vallejó, from the Select Committee, to whom had been referred the "Act regulating Marriages," reported the same without amendment, and the bill was read the third time and passed.

Mr. Crosby, from the Committee on the Judiciary, reported, with an amendment, "an Act of Limitations," changing the title of the Bill. The bill was then read the second time, and ordered to a third reading.

Mr. Robinson, from the Select Committee, to whom was referred the bill of the Assembly, entitled "an Act concerning Licenses," reported the same, with amendment. Mr. Douglass moved the indefinite postponement of the bill, and on this question the yeas and nays were demanded by Messrs. Heydenfeldt and Bassham, and resulted as follows:—

AYES.

Mr. Bassham	Mr. Heydenfeldt
Broderick	Robinson
Crosby	Vallejó
Douglass	—7.

NAYS.

Mr. Chamberlin	Mr. Green
Fair	—3.

So the bill was indefinitely postponed.

Mr. Crosby, from the Committee on the Judiciary, reported, without amendment, Assembly bill, "To regulate the fees of office," and the bill was read the third time. The question being on the final passage of the bill, the yeas and nays were demanded by Messrs. Bassham and Douglass, and resulted as follows:—

YEAS.

Mr. Broderick	Mr. Heydenfeldt
Chamberlin	Lippincott
Crosby	Robinson
Douglass	Vallejó
Fair	Woodworth
Green	—11.

NAYS.

Mr. Bassham —1.

So the bill was passed.

Mr. Robinson, from the Committee of Conference, on the disagreeing votes of the two Houses, on the bill of the Assembly, entitled "an Act concerning prisoners in custody under sentence of imprisonment," reported that the Committee had not been able to agree, and the report was accepted.

Messages were received from Assembly informing the Senate that they had passed Joint resolution therewith transmitted, "Relative to the Public Archives."

Also, that they request another conference on the disagreeing votes of the two Houses on the bill entitled, "an Act concerning persons in custody under sentence of imprisonment,' having appointed another committee on their part, consisting of Messrs. Crittenden, Henley, and Brackett.

Also, that they had passed Senate bill, entitled "an Act creating the office of State Assayer, Melter, and Refiner of Gold, and defining his duties," with an amendment, to wit: strike out all after the enacting clause, and insert as a substitute, the contents of the accompanying paper marked "B." Also change the title so that it shall read "an Act concerning a State Assaying Office."

Also, that they had passed Joint resolution herewith transmitted, entitled "Joint Resolution granting leave of absence to Justices Lyons and Bennett."

Also, that they had passed Senate bill, entitled "an Act relative to Bonds and Due Bills, and other instruments in writing, and making them assignable," with amendments herewith transmitted, affixed to the margin of the bill.

On motion of Mr. Douglass, another Committee of Conference was appointed, in compliance with the request of the Assembly, consisting of Messrs. Robinson, Douglass, and Fair, on the disagreeing votes of the two Houses, on the bill, entitled "an Act concerning Persons in Custody under Sentence of Imprisonment."

Joint Resolution from the Assembly, in relation to the Public Archives, was taken up, and on motion of Mr. Woodworth, was indefinitely postponed.

Senate bill, "to create the Office of State Assayer, Melter, and Refiner, and define his Duties," with the amendments of the Senate thereto, was taken up, and referred to the Committee from whom the bill was originally reported.

The Joint Resolution from the Assembly, granting leave of absence to Justices Lyons and Bennett, was then read. Mr. Bassham moved indefinitely to postpone the same, and the yeas and nays being demanded by Messrs. Broderick and Crosby, resulted as follows:—

AYES.

Mr. Bassham	Mr. Vallejó
Heydenfeldt	Woodworth.
Lippincott	—5.

NAYS.

Mr. Broderick	Mr. Fair
Chamberlin	Green
Crosby	Robinson.
Douglass	—7.

So the Senate refused indefinitely to postpone.

Mr. Heydenfeldt moved to amend the Resolution by adding thereto the following proviso, "provided that such absent Justices shall not draw salary during the time of such absence;" and the yeas and nays being demanded by Messrs. Heydenfeldt and Fair, resulted as follows:—

YEAS.

Mr. Bassham	Mr. Lippincott
Douglass	Vallejó
Green	Woodworth.
Heydenfeldt	—7.

NAYS.

Mr. Broderick	Mr. Fair
Chamberlin	Robinson.
Crosby	—5.

So the amendment was adopted.

On motion of Mr. Douglass, the vote last taken was reconsidered; and the question being on the adoption of the amendment as offered by Mr. Heydenfeldt, the yeas and nays were demanded by Messrs. Heydenfeldt and Bassham, and resulted as follows:—

AYES.

Mr. Bassham	Mr. Lippincott
Green	Vallejó
Heydenfeldt	Woodworth.—6.

NAYS.

Mr. Robinson	Mr. Douglass
Chamberlin	Fair
Crosby	Robinson.—6.

So the amendment was not adopted.

The question then being on the adoption of the Resolution, the yeas and nays were demanded by Messrs. Green and Heydenfeldt, and resulted as follows:—

YEAS.

Mr. Broderick	Mr. Douglass
Chamberlin	Fair
Crosby	Vallejó.—6.

NAYS.

Mr Bassham	Mr. Lippincott
Green	Robinson
Heydenfeldt	Woodworth.—6.

So the Senate refused to adopt the Resolution of the Assembly.

The Senate concurred in the amendments of the Assembly to Senate

bill, entitled "an Act relative to Bonds, Due Bills, and other Instruments in Writing, and making them assignable."

On motion of Mr. Heydenfeldt, the votes by which the Senate refused to order to a second reading the bill of the Assembly, entitled "an Act concerning Forcible Entries and Unlawful Detainers," was reconsidered, and the bill was read the second and third times, and passed.

On motion of Mr. Bassham, the vote by which the Joint Resolution from the Assembly, "ordering certain Reports of the Comptroller to be published with the Laws passed at this Session of the Legislature," was indefinitely postponed, was reconsidered.

Mr. Heydenfeldt moved to strike out all after the word "*Resolved*," and insert, "That all Bachelors of the State, between the ages of Thirty and Sixty years, shall hereafter be taxed Twenty-five Cents per Month." Mr. Green called for a division of the question, and the question being taken on the motion to strike out, it was decided in the affirmative. The question then recurring, on the motion to insert the words above recited,

On motion of Mr. Chamberlin, the Senate adjourned.

E. KIRBY CHAMBERLIN,
President *pro tempore* of the Senate.

J. F. HOWE, Secretary of the Senate.

IN SENATE.

FRIDAY, *April* 19, 1850.

The Senate assembled, pursuant to adjournment.

Prayer by Rev. Mr. Douglass.

The Journal of Thursday was read and approved.

Mr. Robinson, from the Select Committee, to whom was referred the bill "to create the office of State Assayer, Melter, and Refiner of Gold, and define his duties," with the amendment of the Assembly thereto, reported the same, with a recommendation that the Senate non-concur in the amendment.

Joint Resolution of the Assembly, directing the publication of certain reports of the Comptroller, with the laws passed at this session of the

Legislature, was taken up, when Mr. Heydenfeldt withdrew the amendment thereto, yesterday submitted by him.

Mr. Green moved to insert, in lieu of the words "by the Senate and Assembly of the State of California," "that the Governor be, and is hereby authorized to negotiate, within twelve months from this date, a loan, on the faith and credit of the State, for one million dollars, under such conditions and regulations as the next Legislature may prescribe."

On this question, the yeas and nays were demanded by Messrs. Green and Fair, and resulted as follows :—

AYES.

Mr. Broderick	Mr. Green	
Chamberlin	Heydenfeldt	
Crosby	Vallejó	
Douglass		—7

NAYS.

Mr. Bassham	Mr. Fair	—2

So the amendment was concurred in, and, as amended, the resolution was adopted.

On motion of Mr. Green, the title was so amended as to read, "a Joint Resolution in relation to a State Loan."

On motion of Mr. Robinson, the vote by which the bill concerning Licenses was yesterday indefinitely postponed, was re-considered, and referred to a select committee, consisting of Messrs. Robinson, Green, Douglass, and Bassham, with instructions to report at eight P.M.

Mr. Bassham, from the Committee on Enrolled Bills, reported that the committee had examined, and found to be correctly enrolled, "an Act to provide for the incorporation of Colleges:" "a Joint Resolution, classifying the Justices of the Superior Court of the City of San Francisco."

Assembly bill, "concerning Limitations," was read the third time and passed, with an amendment.

Mr. Douglass, from the Select Committee, to whom was referred Assembly bill, entitled "an Act for the government and protection of the Indians," reported the same, with amendments. The amendments

were adopted, and the bill, as amended, was read the third time, and passed.

On the question of the final passage of the bill, the yeas and nays were demanded by Messrs. Heydenfeldt and Douglass, and resulted as follows :—

YEAS.

Mr. Bassham	Mr. Douglass	
Chamberlin	Vallejó	
Crosby	Woodworth	
De la Guerra		—7

NAYS.

Mr. Broderick	Mr. Heydenfeldt	
Green	Robinson	—4.

Mr. Crosby, from the Committee on the Judiciary, to whom had been referred Senate bill, "to regulate practice in Courts of Record in civil cases," with the amendments of the Assembly thereto, made a report in writing, which was accepted, and the amendments were concurred in.

The Senate refused to concur in the amendments of the Assembly to Senate bill, entitled "an Act creating the office of State Assayer, Melter, and Refiner of Gold, and defining his duties," and a Committee of Conference, consisting of Messrs. Crosby, Douglass, and Heydenfeldt, was appointed thereon.

On motion of Mr. Heydenfeldt, the vote by which the Senate yesterday refused to pass the Joint Resolution of the Assembly, granting leave of absence to Justices Lyons and Bennett, was rescinded, and the resolution was passed.

Mr. Heydenfeldt, from the Committee of Conference on the disagreeing votes of the two Houses on the bill "to provide for the payment of certain Post Office expenses," made a report in writing, which was adopted.

A message was received from the Governor, informing the Senate that he had signed bill, entitled "an Act explanatory of an Act entitled an Act concerning the revenue funds, expenditures, and property of the State, and management thereof, approved February 20, 1850."

On motion, the concurrent resolution, directing the Secretary of State

to furnish copies of laws, &c., to the principal clerks of the two Houses, was taken from the table.

On motion of Mr. Green, all after the word "resolved" was stricken out, and the resolution, thus amended, was then, on motion of Mr. Chamberlin, again laid on the table.

Mr. de la Guerra submitted a concurrent resolution, authorizing the State Translator to employ two assistants, which was laid over under the rules.

Mr. Robinson, from the Committee on the Judiciary, to whom had been referred Assembly bill, entitled, "an Act to prescribe the duties of Guardians," reported the same, with amendments; the amendments were adopted, and the bill, as amended, was read the third time and passed.

Mr. Green submitted a resolution, which was adopted, that the Assembly be, and they are hereby, requested to consider, and, if consistent with their views, pass the Senate Act appropriating relief to individuals for taking care of, nursing, and clothing a certain lunatic, by order of the Senate.

Mr. Heydenfeldt, from the Committee on Expenditures, reported back three accounts which had been presented to the committee, as not properly certified.

On motion of Mr. Fair, these accounts were recommitted to the same committee, with instructions to inquire into the validity and justness of the claims.

A message was received from the Assembly, informing the Senate that they had adopted the report of the Committee of Conference on the disagreeing votes of the two Houses on the bill, entitled, "an Act providing for the payment of certain Post-office expenses."

Also, that they had appointed Messrs. Crittenden, Hughes, and Cave, a Committee of Conference on the disagreeing votes of the two Houses on bill, entitled, "an Act to fix the compensation of County Judges and Associate Justices of the Court of Sessions."

Also, that they have concurred in the amendment of the Senate to the bill, entitled, "an Act of Limitations."

Also, that they have passed bills, therewith transmitted, entitled, "an Act for the relief of persons imprisoned on civil process;" "an Act concerning the County of Marin and the other unorganized Counties of this State;" "an Act relating to set-off."

Also, that the Speaker of the Assembly had signed bills, entitled, "an Act to provide for the incorporation of colleges," and "a Joint Resolution classifying the Justices of the Superior Court of the City of San Francisco," which are therewith transmitted for the signature of the President of the Senate.

Assembly bill, entitled, "an Act for the relief of persons imprisoned in civil process," was read twice, and referred to the Judiciary Committee.

Assembly bill, entitled, "an Act concerning the County of Maria, and the other unorganized counties of this State," was read twice, and ordered to a second reading.

Also, Assembly bill, entitled, "an Act relating to set-off."

Messrs. Fair, Crosby, and De la Guerra, were appointed a Committee of Conference on the disagreeing votes of the two Houses on the bill, entitled, "an Act to fix the compensation of County Judges and Associate Justices of the Court of Sessions."

Mr. Green submitted a resolution, which was adopted, requesting the several committees of the two Houses to report all bills in their possession at 8 o'clock P.M. of this day.

A message was received from the Assembly, informing the Senate that they had appointed Messrs. Henly, Cave, and Deal, a Committee of Conference on the disagreeing votes of the two Houses on bill, entitled, "an Act creating the office of State Assayer, Melter, and Refiner of Gold, and defining his duties."

Also, that they have concurred in the amendment of the Senate to bill, entitled, "an Act for the government and protection of Indians."

Also, that the Governor has notified the Assembly that he did on yesterday sign bills, entitled, "an Act amendatory of the 28th and 30th sections of the Act subdividing the State into counties and establishing seats of justice therein, approved February 18th, 1850;" "an Act to amend an Act organizing the District Courts of the State of California;" and that he has this day signed "an Act to prescribe the duties of Constables;" "an Act concerning Coroners;" "an Act to provide for the appointment and prescribe the duties of Guardians;" "an Act concerning fraudulent conveyances and contracts."

Mr. Douglass, from the Select Committee, to whom had been referred the bill of the Assembly, "concerning licenses," reported the same with

amendments. The amendments were adopted, and the bill, as amended, was read the third time, and passed.

On motion of Mr. Fair, the Senate took a recess until 8 P.M.

EVENING SESSION.

Mr. Heydenfeldt, from the Joint Committee of Conference on the disagreeing votes of the two Houses, on the bill, entitled "an Act to prohibit the exercise of the Banking Privileges," reported, that the committee had been unable to agree, and the report was accepted.

Mr. Heydenfeldt, from the Committee of Conference on the disagreeing votes of the two Houses, on the bill "creating the office of State Assayer, Melter, and Refiner of Gold, and defining his duties," made a report, which was read, and the question being on its adoption, the yeas and nays were demanded by Messrs. Woodworth and Heydenfeldt, and resulted as follows:—

AYES.

Mr. Broderick	Mr. Fair
Chamberlin	Green
Crosby	Heydenfeldt
De la Guerra	Robinson
Douglass	Vallejó—10.

NAYS.

Mr. Bassham	Mr. Woodworth.
Lippincott	—3.

So the report was adopted.

Mr. Heydenfeldt presented the account of Mr. Lowrie, for services as Temporary State Translator, approved by the President *pro tempore* of the Senate, and Speaker of the Assembly, but which, he stated, the Comptroller had, nevertheless, refused to audit, and suggested further action in relation thereto.

Mr. Douglass, from the Committee of Conference of the disagreeing votes of the two Houses, on the bill of the Assembly, entitled "an Act concerning persons in custody under sentence of imprisonment," made a report in writing, recommending that the Senate recede from their amendments, and the report was adopted.

A message was received from the Assembly, informing the Senate that they had passed joint resolution therewith transmitted, entitled "Joint Resolution relative to Slavery in States and Territories."

Also, that the Speaker of the Assembly had signed joint resolution therewith transmitted for the signature of the President of the Senate, entitled "Joint Resolution granting leave of absence to Justices Lyons and Bennett of the Supreme Court;" and "an Act providing for the payment of certain Post Office expenses of the Assembly, and of certain contingent expenses of the Senate."

Also, that the Assembly had adopted the report of the Committee of Conference on the disagreeing votes of the two Houses on the bill, entitled "an Act concerning persons in custody under sentence of imprisonment."

Also, that they had adopted the report of the Committee of Conference on the disagreeing votes of the two Houses on bill, entitled "an Act to fix the compensation of County Judges and Associate Justices of the Court of Session."

Also, that they had concurred in the amendments of the Senate to bill, entitled "an Act prescribing the mode of appointing Auctioneers, and defining their duties."

Also, that they had concurred in the amendment of the Senate to bill, entitled "an Act concerning licenses."

Also, that they ask a further conference on the disagreeing votes of the two Houses on the bill, entitled "an Act to prohibit the exercise of Banking Privileges;" having appointed another committee on their part, consisting of Messrs. Randolph, Clarke, and Deal, on said bill.

Also, that they had adopted the report of the Committee of Conference on the disagreeing votes of the two Houses on the bill, entitled "an Act creating the office of State Assayer, Melter, and Refiner of Gold, and defining his duties."

The President *pro tempore* of the Senate signed the bills mentioned in the foregoing messages as having been signed by the Speaker of the Assembly.

Mr. Fair, from the Committee of Conference on the disagreeing votes of the two Houses, on the bill, entitled "an Act to fix the compensation of County Judges and Associate Justices of the Court of Sessions," made a report in writing, recommending that the Assembly concur in the amendments of the Senate, and the report was adopted.

Mr. Crosby, from the Select Committee, to whom was referred Senate bill, entitled "an Act to provide for the distribution of the Laws, Supreme Court Reports, and other Documents," reported the same with amendments, which were severally adopted, and, thus amended, the bill was ordered to a third reading.

Also, without amendment, Assembly bill, entitled "an Act in relation to Persons Imprisoned on Civil Process," and the same was also ordered to a third reading.

Mr. Woodworth moved an adjournment, and on this motion the yeas and nays were demanded by Messrs. Woodworth and Heydenfeldt, and resulted as follows:

AYES.

None.

NAYS.

Mr. Bassham	Mr. Green
Broderick	Heydenfeldt
Chamberlin	Lippincott
Crosby	Robinson
De la Guerra	Vallejo
Douglass	Woodworth.
Fair	—13.

Joint Resolutions of the Assembly, "relative to Slavery in States and Territories," were taken up, and read the first and second times, and are in the words following:

Resolved, the Senate concurring, That, as citizens of the United States, we have been pained to learn that the safety, peace, and prosperity of our common country are endangered by the discussion of abstract questions, which we believe unnecessary to agitate, and which appear to be forced onward only for unholy, unpatriotic, and partisan purposes,

Be it further *Resolved*, That the Government of the United States is a government of limited powers and that, by the Constitution, Congress has no jurisdiction whatever over the subject of Slavery in the several States of the Union.

Be it further *Resolved*, That any attempts by Congress to interfere

with the institution of Slavery in any of the Territories of the United States, would create just grounds of alarm in many of the States of the Union; and that such interference is unnecessary, inexpedient, and in violation of good faith; since, when any such territory applies for admission into the Union as a State, the people thereof alone have the right, and should be left free and unrestrained, to decide such question for themselves.

Be it further *Resolved*, That we request the Governor of this State to transmit a certified copy of these Joint Resolutions to each of our Senators and Representatives in Congress, as instructions to our Senators and as guides to our Representatives, relative to their action upon the subject matter of these Resolutions.

Mr. Broderick moved, in reference to a Select Committee, but the motion was decided in the negative. Mr. Woodworth moved the indefinite postponement of the resolutions, and on this motion the yeas and nays were demanded by Messrs. Woodworth and Lippincott, and resulted as follows:

AYES.

Mr. Broderick	Mr. Lippincott
Chamberlin	Robinson
De la Guerra	Woodworth—6.

NAYS.

Mr. Bassham	Mr. Green
Crosby	Heydenfeldt
Douglass	Vallejó
Fair	—7.

Mr. Broderick moved to amend, by the insertion of an additional resolution, as follows:

Resolved, That opposition to the admission of a State into the Union with a Constitution prohibiting Slavery, on account of such prohibition, is a policy wholly unjustifiable and unstatesman-like, and in violation of that spirit of concession and compromise by which alone the Federal Constitution was adopted, and by which alone it can be perpetuated.

On this motion, the yeas and nays were demanded by Messrs. Broderick and Heydenfeldt, and resulted as follows:

AYES.

Mr. Broderick	Mr. Lippincott
Chamberlin	Robinson
Crosby	Vallejó
De la Guerra	Woodworth
Douglass	—9.

NAYS.

Mr. Bassham	Mr. Green
Fair	Heydenfeldt—4.

So the amendment was agreed to, and the resolutions, as amended, were read the third time.

Mr. Broderick moved their indefinite postponement. On this motion, the yeas and nays were demanded by Messrs. Broderick and Woodworth, and resulted as follows:

AYES.

Mr. Broderick	Mr. Lippincott
Chamberlin	Robinson
Crosby	Vallejó
De la Guerra	Woodworth—8.

NAYS.

Mr. Bassham	Mr. Fair
Douglass	Heydenfeldt
Green	—5.

So the resolutions were indefinitely postponed.

Mr. Green submitted the following concurrent resolutions:—

WHEREAS, The people of California having formed a Republican State Constitution, and having organized and put in complete and successful operation a State government, be it therefore

Resolved by the Senate, the Assembly concurring, That, while we cherish the fond hope of an early admission into the Union of our sister States, should any contingency arise to prevent this desirable event, we have advanced too far in the successful experiment of State government to recede from our present State organization.

Resolved, That, while under no circumstances can we recede from our present condition of a State, we will patiently await the pleasure of Congress to admit California upon an equal footing with the other States of the Union.

Resolved, That a copy of these Resolutions be furnished our Senators and Representatives in Congress, with a request that they be laid before the Senate and House of Representatives.

Mr. Broderick moved their indefinite postponement, and on this motion the yeas and nays were demanded by Messrs. Bassham and Heydenfeldt, and resulted as follows:

AYES.

Mr. Broderick	Mr. Fair
Chamberlin	Lippincott
Crosby	Robinson
De la Guerra	Woodworth
Douglass	—9.

NAYS.

Mr. Bassham	Mr. Heydenfeldt
Green	Vallejó—4.

So the resolutions were indefinitely postponed.

Mr. Heydenfeldt, from the Committee on Expenditure, reported as correct the account of Rev. J. N. Douglass, Chaplain of the Senate, and the Report was adopted.

Mr. Woodworth submitted a Joint Resolution, which was laid over under the Rules, declaring that the contents of the accompanying document are the expressed sentiments of the people of California on the subject of slavery.

A Committee of Conference, consisting of Messrs. Fair, Woodworth, and Robinson, was appointed on the disagreeing votes of the two Houses, on the bill entitled "an Act to prohibit the exercise of the Banking Privilege."

On motion of Mr. Bassham, the Rules were suspended, and Assembly bill, entitled "an Act concerning the County of Maria, and the other Unorganized Counties of this State," was read the third time, and passed.

Also, Assembly bill, entitled "Act in relation to Set-off."

Also, Assembly bill, entitled "an Act for the Relief of Persons imprisoned in Civil Cases." Mr. Woodworth moved to amend the title of the last-named bill, so as to make it read, "an Act in relation to Imprisonment for Debt;" and on this motion the yeas and nays were demanded by Messrs. Woodworth and Chamberlin, and resulted as follows:—

AYES.

Mr. Bassham	Mr. Lippincott
Green	Woodworth.—4.

NAYS.

Mr. Broderick	Mr. Douglass
Chamberlin	Fair
Crosby	Heydenfeldt
De la Guerra	Vallejo.—8.

So the motion was decided in the negative.

On motion of Mr. Fair the Senate adjourned.

E. KIRBY CHAMBERLIN,
President *pro tempore.*

J. F. HOWE, Secretary of the Senate.

IN SENATE.

SATURDAY, *April* 20, 1850.

The Senate assembled pursuant to adjournment.

Prayer by Rev. Mr. Briarly.

The Journal of Friday was read.

On motion, so much thereof as related to an account of the Alta California for $28,864 50, presented by Mr. Douglass, and the action of the Senate thereon, was ordered to be stricken out. On the question of striking out, the yeas and nays were demanded by Messrs. Douglass and Bassham, and resulted as follows:—

YEAS.

Mr. Broderick	Mr. Green
Crosby	Lippincott
De la Guerra	Robinson
Fair	Vallejó—8

NAYS.

Mr. Bassham	Mr. Douglass
Chamberlin	Heydenfeldt—4.

On motion, it was ordered that the concurrent resolutions from the Assembly, in relation to slavery in the States and Territories, the amendment thereto submitted by Mr. Broderick, and the concurrent Resolutions, submitted by Mr. Green, in relation to the admission of California, be entered at length on the Journals.

Thus amended, the journal was approved.

Mr. Bassham, from the Committee on Enrolled Bills, reported that they had examined, and find correctly enrolled, bill entitled "an Act relative to Bonds, Due Bills, and other Instruments in Writing, and making them assignable;" "an Act providing for the Payment of certain Post-Office Expenses of the Assembly, and of certain contingent Expenses of the Senate;" "an Act concerning the Writ of Habeas Corpus;" "an Act creating the office of State Assayer, Melter, and Refiner of Gold, and defining his Duties."

Also, that the Committee had this day presented to the Governor for his signature the following bills:—"an Act concerning the Writ of Habeas Corpus;" "an Act creating the office of State Assayer, &c.;" "an Act relative to Bonds, Due Bills, and other Instruments in Writing, and making them Assignable."

Mr. Heydenfeldt, from the Committee on Expenditures, reported as correct, the account of F. E. Eldridge, for $89,50; and the report was adopted.

Mr. Heydenfeldt, from the same Committee, asked and was granted leave, to withdraw the account of Mr. Lowrie, yesterday presented.

A message was received from the Assembly, informing the Senate that the Speaker of the Assembly had signed bills, severally entitled "An Act concerning the writ of Habeas Corpus;" "An Act creating the office of State Assayer, Smelter, and Refiner of Gold, and defining

his Duties;" "An Act relative to Bonds, Due Bills, and other instruments in writing, and making them assignable."

The President *pro tempore* signed the bills mentioned in the preceding message, as having been signed by the Speaker of the Assembly, and the Secretary certified upon those entitled "An Act creating the office of State Assayer, Smelter, and Refiner of Gold, and defining his Duties," and "an Act relative to Bonds, Due Bills, and other instruments in writing, and making them assignable," that they originated in the Senate.

The Concurrent Resolution authorizing the State Translator to employ two Assistant Translators, for the space of three months, at a compensation not exceeding sixteen dollars per day, while actually employed, was taken up, amended by striking out "two," and inserting "one," and by providing for the payment of such compensation out of any money in the Treasury, not otherwise appropriated, on the warrant of the State Translator.

The question recurring on the adoption of the Resolution, as amended, the Yeas and Nays were demanded by Messrs. Heydenfeldt and De la Guerra, and resulted as follows:

YEAS.

Mr. Bassham	Mr. Green	
Broderick	Robinson	
Crosby	Vallejó	
De la Guerra	Woodworth	
Douglass		—9.

NAYS.

Mr. Chamberlin	Mr. Heydenfeldt	
Fair		—3.

So the Resolution was adopted.

Senate bill, providing for the Distribution of Journals, Laws, and Supreme Court Reports, was taken up, on second reading.

On motion of Mr. Woodworth, the vote by which the bill was ordered to a third reading, was reconsidered.

On motion of Mr. Broderick, the bill was then referred to a Select Committee, consisting of Messrs. Broderick, Chamberlin, and Green.

Mr. Lippincott submitted the following Preamble and Resolution, which was unanimously adopted:—

Whereas the members of the Senate have received, gratuitously, the *Pacific News* furnished regularly, and

Whereas a spirit of accommodation has been evinced on the part of the Editors and Proprietors towards this Senate; therefore,

Resolved, That the thanks of the Senate be, and are hereby, tendered to the obliging Editors and Proprietors of the *Pacific News*.

On motion of Mr. Woodworth, the Secretary was ordered to transmit a copy of the resolution to the Editors and Proprietors of the paper mentioned.

Mr. Bassham, from the Committee on Enrolled Bills, reported that the Committee had this day presented to the Governor for his signature "An Act to provide for the incorporation of Colleges;" "An Act to provide for the payment of certain post-office expenses of the Assembly, and of certain contingent expenses of the Senate;" and "A Joint Resolution, classifying the Justices of the Superior Court of the City of San Francisco."

A message was received from the Assembly, informing the Senate that they had passed Senate bill, entitled "An Act to abolish all laws now in force in this State, except such as have been passed by the present Session of the Legislature," with amendments therewith transmitted, affixed to the margin of the bill.

Also, that they had passed Assembly bills, therewith transmitted, severally entitled "An Act to suppress Gaming;" "An Act to change or abolish certain provisions of the Common Law;" and "An Act to regulate proceedings against Debtors by attachment."

Also, that the Governor had notified the Assembly that he had, this day, signed bills, severally entitled "An Act to provide for the incorporation of Colleges;" "An Act to regulate proceedings in Criminal Cases;" "An Act providing for the payment of certain Post-Office Expenses of the Assembly, and of certain Contingent Expenses of the Senate;" "An Act to amend an Act, entitled 'An Act to regulate proceedings in Criminal Cases;'" and "Joint Resolution, classifying the Justices of the Superior Court of the City of San Francisco."

The resolution, yesterday submitted by Mr. Woodworth, declaring the contents of the document, thereunto affixed, expressed the sentiments of the people of California on the subject of slavery, was taken up.

Mr. Heydenfeldt offered, as an amendment to the resolution, a series of additional resolutions, when, on motion of Mr. Chamberlin, the whole subject was indefinitely postponed.

Senate bill, entitled "an Act to abolish all laws except those passed by the present session of the Legislature," was taken up. The Senate concurred in the first and second amendments of the Assembly thereto, and non-concurred in their third amendment.

Assembly bill, entitled "an Act to suppress gaming," was read the first and second times.

Mr. Woodworth moved to strike out the first section.

On this motion, the yeas and nays were demanded by Messrs. Woodworth and Heydenfeldt, and resulted as follows :—

YEAS.

Mr. Douglass	Mr. Lippincott	
Fair	Woodworth	
Green		—5

NAYS.

Mr. Bassham	Mr. Heydenfeldt	
Chamberlin	Robinson	
Crosby	Vallejó	
De la Guerra		—7

Mr. Woodworth moved that the bill be indefinitely postponed, and on this motion the yeas and nays were demanded by Messrs. Woodworth and Bassham, and resulted as follows :—

YEAS.

Mr. Broderick	Mr. Green	
Douglass	Lippincott	
Fair	Woodworth	—6

NAYS.

Mr. Bassham	Mr. Heydenfeldt	
Chamberlin	Robinson	
Crosby	Vallejó	
De la Guerra		—7

Mr. Heydenfeldt moved to lay the bill on the table, and on this motion the yeas and nays were demanded by Messrs. Bassham and Robinson, and resulted as follows :—

AYES.

Mr. Broderick	Mr. Heydenfeldt	
Douglass	Lippincott	
Fair	Woodworth	
Green		—7

NAYS.

Mr. Bassham	Mr. de la Guerra	
Chamberlin	Robinson	
Crosby	Vallejó	—6

Assembly bill, entitled "an Act to change or abolish certain portions of the Common Law," was read twice, and, on motion of Mr. Crosby, was referred to the Committee on the Judiciary.

Assembly bill, entitled "an Act to regulate proceedings against Debtors by Attachments," was read three several times, and passed.

On motion of Mr. Crosby, the Select Committee appointed to prepare for publication a Text Book for the use of the Senate, was discharged from the further consideration of the subject.

On motion of Mr. Heydenfeldt, the Senate took a recess till 8 P.M.

EVENING SESSION.

Mr. Crosby, from the Committee on the Judiciary, reported back Assembly bill, entitled "an Act to change or abolish certain provisions of the Common Law," with a recommendation that it be indefinitely postponed. The report was adopted, and the bill was indefinitely postponed.

Mr. Bassham, from the Committee on Enrolled bills, reported, that the committee had examined, and found correctly enrolled, "an Act to regulate proceedings in civil cases, in the District Court, the Superior Court of the City of San Francisco, and Supreme Court."

A message was received from the Assembly, informing the Senate that the Speaker of the Assembly had signed bills, herewith transmitted for the signature of the President of the Senate, severally entitled,

"an Act regulating marriages;" "an Act for the government and protection of Indians;" "an Act concerning Corporations;" "an Act prescribing the mode of appointing auctioneers, and defining their duties;" "an Act concerning licenses;" "an Act to fix the compensation of County Judges, and associate Justices of the Court of Sessions;" "Joint Resolution relative to the care and protection of the State property, now in use by the Legislature;" "an Act concerning forcible entries and unlawful detainers;" "an Act concerning persons in custody under sentence of imprisonment;" "an Act to regulate proceedings in civil cases in the District Court, the Superior Court of the City of San Francisco, and the Supreme Court.'

The President *pro tempore* of the Senate signed the bills mentioned in the preceding message as having been signed by the Speaker of the Assembly.

Mr. Heydenfeldt, from the Committee on Expenditures, made a report in reference to the claim of Dr. J. H. Rogers, and others, amounting to $2002 18; and the report was adopted.

A message was received from the Governor, informing the Senate that he had signed bills, entitled, "an Act creating the office of State Assayer, Smelter, and Refiner of Gold, and defining his duties;" "an Act relative to Bonds, Due Bills, and other instruments in writing, and making them assignable."

Mr. Broderick, from the Select Committee, to whom had been referred bill, entitled, "an Act to provide for the distribution of the Journals, Laws, and Supreme Court Reports," made a report recommending the passage of the bill as originally reported, with amendments. The report was accepted, the amendments were adopted, and the bill was read the third time and passed.

Mr. Bassham, from the Committee on Enrolled Bills, reported that they had this day presented to the Governor, for his signature, "an Act to regulate proceedings in Civil cases in the District Courts, Superior Court of San Francisco, and Supreme Court;" "an Act concerning persons in custody under sentence of imprisonment."

Mr. Fair, from the Committee of Conference on the disagreeing votes of the two Houses in relation to the bill, entitled, "an Act to prohibit the exercise of Banking Privileges," reported that the committee had been unable to agree.

On motion of Mr. Heydenfeldt, the bill was laid on the table until Monday morning.

On motion of Mr. Fair, the Senate adjourned.

E. KIRBY CHAMBERLIN, President *pro tempore.*

J. F. HOWE, Secretary of the Senate.

IN SENATE.

MONDAY, *April* 22, 1850.

The Senate assembled, pursuant to adjournment.

Prayer by Rev. Mr. Douglass.

The Journal of Saturday was read and approved.

Mr. Robinson, from the Committee on Engrossed Bills, reported that the committee had examined and found correctly engrossed the bill, entitled, "an Act to provide for the distribution of the Journals, Laws, Supreme Court Reports, &c."

On motion of Mr. Bassham, bill, entitled, "an Act for the suppression of Gaming," was taken up, when Mr. Woodworth moved its indefinite postponement. On this motion, the yeas and nays were demanded by Messrs. Woodworth and Broderick, and resulted as follows:—

AYES.

Mr. Broderick	Mr. Green
Douglass	Lippincott
Fair	Woodworth—6.

NAYS.

Mr. Bassham	Mr. de la Guerra
Bidwell	Heydenfeldt
Chamberlin	Robinson
Crosby	Vallejó—8.

The question then recurring on ordering the bill to a third reading, the yeas and nays were demanded by Messrs. Bassham and Douglass and resulted as follows:—

AYES.

Mr. Bassham	Mr. de la Guerra
Bidwell	Heydenfeldt
Chamberlin	Robinson
Crosby	Vallejo—8.

NAYS.

Mr. Broderick	Mr. Green
Douglass	Lippincott
Fair	Woodworth—6.

So the bill was ordered to a third reading.

Mr. Heydenfeldt moved an additional rule of order, which was decided by the Chair to be out of order.

On motion of Mr. Fair, the bill of the Assembly to prohibit the "exercise of the banking privilege," was taken up, and on motion of Mr. Heydenfeldt, was indefinitely postponed.

Mr. Heydenfeldt, from the Committee on Expenditures, reported as correct the account of Mr. Covington for $766, which was adopted.

Messrs. Green, Lippincott, and Vallejo, were appointed a committee to wait upon the Governor and inform him that the Senate had transacted all the business before them, and were ready to adjourn. The committee subsequently reported that the Governor had informed the committee that he would be able to report all the bills submitted to him by 8 o'clock this evening.

A message was received from the Assembly, that the Governor had notified the Assembly that he had signed bills, severally entitled, "an Act concerning Corporations;" "An Act to regulate fees of office;" "an Act to fix the compensation of County Judges and Associate Justices of the Court of Sessions;" "an Act for the government and protection of Indians;" "an Act respecting Set off;" "an Act regulating Marriage;" "an Act concerning forcible entries and unlawful detainers;" "an Act concerning the County of Marin and other unorganized Counties in this State;" "an Act concerning Licenses;" "an Act concerning persons in custody under sentence of imprisonment;" "an Act prescribing the mode of appointing Auctioneers and defining their duties;" "an Act defining the time for commencing Civil Actions;" "an Act for the relief of persons imprisoned on Civil Process."

The amendments of the Assembly in relation to bill entitled, "an Act to provide for the distribution of the Journals, Laws, Supreme Court Report, &c.," were concurred in.

The third amendment of the Assembly to the bill of the Senate entitled "an Act to abolish all laws now in force, except such as have been passed by the present session of the Legislature," was concurred in.

On motion of Mr. Crosby, the pay of the Assistant Secretary was increased from $22 to $25 per day, from the commencement of the session.

On motion of Mr. Green, the President *pro tempore* was authorized to employ the Secretary of the Senate and Mr. Covington, until 1st May, to bring up the unfinished business of the Senate.

A message was received from the Governor, informing the Senate that he had signed bill entitled "an Act to regulate proceedings in the District Court, the Superior Court of San Francisco, and Supreme Court," "A Joint Resolution in relation to the care and protection of the State property now in use by the Legislature."

Mr. Bassham, from the Committee on Enrolled Bills, reported that they had this day presented to the Governor for his signature, "an Act amendatory of section second of an Act creating a Marine Hospital for the State of California," "an Act to regulate proceedings against Debtors by Attachment."

Mr. Douglass, from the Committee appointed to draft an address to the people of California, in relation to the admission of California into the Union, presented a report, which was read; and,

On motion of Mr. Broderick, was re-committed to the same committee.

A message was received from the Assembly informing the Senate that the Speaker of the Assembly had signed bills therewith transmitted for the signature of the President of the Senate, severally entitled "an Act relating to Set-off," "an Act for the Relief of persons Imprisoned on Civil Process," "an Act to regulate Fees of Office," "an Act concerning the County of Maria, and other unorganized counties of this State," "an Act to regulate proceedings against Debtors by Attachment," "an Act defining the time for commencing Civil Actions," "an Act amendatory of section second of an Act creating a Marine Hospital for the State of California."

[The President of the Senate signed the bills mentioned in the preceding portion of this message.]

Also, that the Assembly have passed Senate bill entitled "an Act amendatory of section second of an Act creating a Marine Hospital for the State of California." Also, Senate bill entitled "an Act to provide for the distribution of the Journals, Laws, Supreme Court Reports, and other documents," with amendments affixed to the margin of the bill. Also, that they refuse to recede from the third amendment to the bill entitled "an Act to Abolish all Laws now in force in this State, except such as be passed by the present session of the Legislature."

On motion of Mr. Fair, the Senate took a recess until 4 P. M.

AFTERNOON SESSION.

On motion of Mr. Heydenfeldt, the Committee appointed, on the part of the Senate, to wait on the Governor, was directed to act as a Joint Committee, with any corresponding one which may be appointed on the part of the Assembly.

Mr. Bassham, from the Joint Committee on Enrolled Bills, reported, that the Committee had examined, and found correctly enrolled, "an Act concerning Corporations;" "an Act for the government and protection of Indians;" "an Act regulating Marriages;" "a Joint Resolution in relation to the care and protection of the property of the State now in use by the Legislature;" "an Act prescribing the mode of appointing Auctioneers and defining their duties;" "an Act to fix the compensation of County Judges and Associate Justices of the Court of Sessions;" "an Act concerning Licenses;" "an Act relating to Set-off;" "an Act for the relief of persons imprisoned on civil process;" "an Act to regulate fees of office;" "an Act concerning the County of Maria and other unorganized counties of this State;" "an Act of Limitations;" "an Act to regulate proceedings against debtors by attachment;" "an Act amendatory of Section second of an Act creating a Marine Hospital for the State of California;" "an Act to regulate the settlement of the estates of deceased persons;" "an Act to abolish all Laws now in force in this State except such as have been passed by the present Session of the Legislature;" "an Act to provide for the distribution of the Journals, Laws, Supreme Court Reports, and other documents."

Also, that the Committee had this day presented to the Governor, for his signature, "an Act to abolish all Laws now in force in this State, except such as have been passed by the present Session of the Legislature;" "an Act to provide for the distribution of the Journals, Laws, Supreme Court Reports, and other documents;" "an Act concerning Corporations;" "an Act for the government and protection of Indians;" "an Act regulating Marriages;" "a Joint Resolution in relation to the care and protection of the property of the State now in use by the Legislature;" "an Act prescribing the mode of appointing auctioneers and defining their duties;" "an Act to fix the County Judges and Associate Justices of the Court of Sessions;" "an Act concerning Licenses;" "an Act relating to Set-off;" "an Act for the relief of persons imprisoned by Civil process;" "an Act to regulate the fees of Office;" "an Act concerning the County of Maria, and other unorganized Counties of this State;" "an Act of Limitations;" "an Act to regulate proceedings against debtors by attachment."

A message was received from the Assembly informing the Senate that the Governor had notified the Assembly that he had this day signed bills, entitled "an Act to regulate the settlement of the estates of deceased persons;" "an Act to regulate proceedings against debtors by attachment."

Also, that the Speaker of the Assembly had signed bills, herewith transmitted for the signature of the President of the Senate, severally entitled, "an Act to abolish all laws now in force in this State, except such as have been passed by the present Session of the Legislature;" "an Act to provide for the distribution of the journals, laws, Supreme Court reports, and other documents."

The President *pro tempore* signed the bills above mentioned as having been signed by the Speaker of the Assembly.

On motion of Mr. Broderick, the vote by which the Secretary of the Senate and Mr. Covington were continued by the Senate for seven days, to bring up the unfinished business of the Session, was reconsidered, and the following resolution adopted, in lieu thereof:—

Resolved, That the Secretary of State be empowered to continue the present Secretary of the Senate in office till the journals and other papers are completed for the State Printer.

On motion of Mr. Lippincott, the Senate took a recess until 8 P.M.

EVENING SESSION.

Mr. Green, from the Joint Committee to wait on the Governor, reported that the committee had performed that duty, and that the Governor had replied that he would soon be able to communicate his final message to the present Legislature.

A message was received from the Governor, informing the Senate that he had this day signed bills, entitled "an Act to provide for the distribution of the journals, laws, Supreme Court reports, and other documents;" "an Act to take the sense of the people of California upon the subject of the permanent location of the seat of Government;" "an Act amendatory of Section 21 of an Act creating a Marine Hospital for the State of California;" "an Act to abolish all laws now in force in this State, except such as have been passed by the present Session of the Legislature."

Also, that this would be the last message which he would have to communicate to the Senate at the present Session of the Legislature.

Messages were received from the Assembly, informing the Senate that Messrs. Tingley, Stowell, and Moorehead, had been appointed a committee to act, with a corresponding committee already appointed by the Senate, for the purpose of waiting on the Governor, and informing him that the two Houses were ready to adjourn *sine die*, if he had nothing further to communicate to them.

Also, that they had adopted the report of the Committee of Conference on the disagreeing votes of the two Houses on the bill, entitled "an Act concerning Attorneys and Counsellors at law.

The Senate adopted the report of the Committee of Conference, adverse to the passage of the bill entitled "an Act concerning Attorneys and Counsellors at Law

Mr. Green submitted a resolution of thanks to Hon. E. Kirby Chamberlin, for the impartiality and dignity with which he had discharged the duties of his station, as President *pro tem. ore* of the Senate.

On motion of Mr. Broderick, it was

Resolved, That the Secretary of State be, and he is hereby, authorized to draw on the Treasurer for, and the Comptroller is hereby authorized to audit, as a contingent expense of the Senate, such amount as may

hereafter be due the Secretary of the Senate under the resolution of the Senate, this day adopted, for hereafter completing the unfinished business of the Senate of the present Session of the Legislature.

On motion, the Assembly were notified that the Senate, having completed the business before them, were ready to adjourn *sine die*.

The President *pro tempore*, Hon. E. Kirby Chamberlin, then delivered his valedictory address, in the words following:—

GENTLEMEN OF THE SENATE,

The duties imposed upon us by our several constituencies have drawn to a close, and all are about to separate, perhaps never again to meet in time. Before departure, you will, I trust, accept my thanks for the *universal* kindness and courtesy which you have at all times extended to me, as your temporary presiding officer. If I have succeeded in my desire to discharge my duties with impartiality, and in my general decisions and actions have met your approval, I trust that your charity has counselled you to overlook whatever of error in judgment I may have committed.

The circumstances under which we were called together, were as peculiar and novel as they were interesting and important. A *State* fit to take position in the American Union was to be built up,—not only *new* institutions were to be constructed, but old ones, adapted neither to the habits, the tastes, nor the intelligence of the new possessors of this soil, were to be abolished. This was no slight task upon the talents, the judgment, and the industry of men. In its performance, if you have not *perfected* what you have built, you have at least laid a fair foundation, and can justly receive the approbation of those whom you have served, for the devotion with which you have ever striven, in your several positions, to obtain the practicable and right.

Our intercourse, during a Session necessarily protracted, has been pleasant and agreeable; and will live, at least in my recollection, wherever fortune may cast us. That you may soon receive the welcome of your friends, and the embraces of your loved ones,—that you may be blessed with continued health and long life, prosperous in its progress and happy in its close, will ever be the wish of him who now bids you a kind, and perhaps, in many instances, a last farewell.

I, therefore, in accordance with a joint resolution of the two Houses, declare this Senate adjourned *sine die*.

E. KIRBY CHAMBERLIN,
President *pro tempore*.

J. F. HOWE, Secretary of the Senate.

A true Copy of the original Journals as daily approved by the Senate.

ATTEST,

J. F. HOWE,

Secretary of the Senate.

April 23, 1850.

APPENDIX.

APPENDIX.

Reports of Committees, Executive Documents, Communications from the several Departments, and other Papers by law required to be published with the Journals.

[A.]

Special Report of Mr. Crosby on Sonoma Election Returns.

IN SENATE.

December 19, 1850.

The Special Committee on Elections, to whom was referred the subject of Election of Senator from Sonoma District, having had the same under consideration, beg leave

RESPECTFULLY TO REPORT,

That the seat for Senator from Sonoma District is claimed by Jonas Spect, Esq. That your committee have examined the official certificate and canvass of the Board of State Canvassers, and find that M. G. Vallejó received 199 votes for Senator from Sonoma District. That Jonas Spect received 149 votes for Senator from Sonoma District. That your committee have examined the returns of two other precincts in said district, and find by them that Jonas Spect received thirty votes for the office of State Senator from said district, which number, added to the votes reported by the Board of State Canvassers, gives Jonas Spect 179 votes for the office of Senator from Sonoma.

And your committee further report, that the accompanying affidavit of Jonas Spect, and the certificate of Alva Farnsworth and J. S. Bradford, show that an election was held on the 13th day of November last, at Larkin's Ranch, and that votes were given for Jonas Spect as Senator from said district, to the number of 28 or 29, which, if allowed, gives Jonas Spect a majority of eight or nine votes over all other candidates for Senator from Sonoma District.

Your committee would respectfully suggest that, from the facts heretofore therewith submitted, that Jonas Spect be received as the Senator elect from Sonoma, and be entitled to be sworn, and take his seat as such Senator from Sonoma District, until a messenger can be sent to

the Prefect of Sonoma to get his official certificate as to the exact number of votes polled and returned to him from said Larkin's Ranch.

All of which is respectfully submitted.

By order of the Committee,

E. O. CROSBY,
Chairman.

Senate Chamber, December 19, 1849.

IN SENATE.

December 22, 1850.

The Special Committee, to whom was referred the subject of the election in Sonoma District for State Senator, having had the same under further consideration, beg leave

RESPECTFULLY FURTHER TO REPORT,

That your committee have received the official returns of the election held at Larkin's Ranch, in said district, and find by said returns that Jonas Spect received but two votes instead of 28.

The result of the election for State Senator in Sonoma District, between the two highest candidates, stands as follows, to wit :—

M. G. Vallejó	199
Jonas Spect	181
Majority for Mr. Vallejó . . .	18

Your Committee respectfully recommend, that the President of the Senate be requested to inform General Vallejó of his election, and request his attendance: and that the seat now held by Mr. Spect, as Senator from Sonoma, be vacated, until claimed by Mr. Vallejó.

All of which is respectfully submitted.

By order of the Committee,

ELISHA O. CROSBY,
Chairman.

[A No. 2.]

Report of Mr. Crosby on Rooms for the use of the Senate.

IN SENATE.

December 21, 1850.

The Special Committee, to whom was referred the subject of providing suitable and proper rooms for the use of the Senate, having had the same under consideration, beg leave respectfully to report as follows :—

That your committee have conferred with a committee on the part of the people of San José, and, after much deliberation, have come to the conclusion that the lower part of the building known as the State House, is the only practicable place where rooms can be obtained in the Pueblo de San José.

The accompanying plan will illustrate partially the manner of fitting up the Senate Chamber, and the relative position of the adjacent rooms.

Your committee are authorized to say, that the committee, on the part of the people of San José, will have this hall prepared for the occupation of the Senate on Monday next, provided the accompanying plan, or some other one, is adopted, and said committee notified of the determination of the Senate by 12 M. to-day.

Your committee further report that the foregoing rooms are assigned to the use of the State free of expense.

Your committee are authorized to submit the accompanying communication from the Hon. Dr. Spence, the Prefect of the District of Monterey, for the consideration of the Senate.

Your committee are authorized to report, that propositions are ready to be made by persons from San Francisco to furnish the two Houses of the Legislature with suitable rooms at that place ; but your committee have not yet had time to receive such communications, and cannot, therefore, submit the same for the consideration of the Senate in this report.

Your committee further report, that if the Senate determine to occupy the rooms referred to in the accompanying plan, that the small room on the right of the President's desk be assigned exclusively to the use of the Secretary and his assistants, and as a place of deposit for the books and papers belonging to the Senate.

All of which is respectfully submitted.

By order of the Committee,

E. O. CROSBY,
Chairman.

December 21, 1849.

Prefecture of the District of Monterey,
December 4th, 1849.

GENTLEMEN,

It has been reported here that the people of San José, on account of the early rains, have not been able to finish the necessary buildings for the accommodation of the Legislature. In case this be the fact, I am requested by the Ayuntamiento of this town, and Trustees of "Colton Hall," to again offer said premises for the sessions of said body.

You are hereby fully authorized to put at the disposal of the Legislature (for their sessions) the whole premises, known by the name of "Colton Hall," which consists of two large rooms on the ground floor, suitable for the Senate and Assembly; one large saloon above for the Legislature; and two small back rooms for the Secretary, all with comfortable fire-places.

Very respectfully,
Your obedient servant,

PREFECT D. SPENCE.

To the Hon. Members of the Senate
and Assembly for the District of
Monterey.

[B.]

Report of Mr. Bennett on the Rules and Orders of the Senate of the State of California, adopted December 19, 1849.

1st. The President having taken the chair at the hour to which the Senate shall have adjourned, and a quorum being present, the journal of the preceding day shall be read, to the end that any mistake therein may be corrected.

2d. After the reading and approving of the journal, the order of business shall be as follows :—

1. The presentation of petitions.
2. Reports of Standing Committees.
3. Reports of Select Committees.
4. Messages from the Governor.
5. Messages from the Assembly.
6. Communications and Reports from State Officers.
7. Motions, resolutions, and notices.
8. Third reading of bills.
9. Unfinished business of the preceding day.
10. Special orders of the day; and if, in any case, the unfinished business of the preceding day shall have taken the place of special orders, these orders shall be taken up and acted on in their order of time.
11. Unfinished business generally.
12. General orders of the day; but messages from the Governor and from the Assembly, and communications from State officers, may be considered at any time.

3d. The President shall cause the Secretary of the Senate to make a list of all bills, resolutions, reports of committees, and other proceedings of the Senate, which are committed to a committee of the whole of the Senate, and which are not made the order of the day for any

particular day; which list shall be called 'The general orders of the day."

4th. All questions relating to the priority of business shall be decided without debate.

5th. When the reading of a paper is called for, except petitions, and the same is objected to by any member, it shall be determined by a vote of the Senate without debate.

6th. No member shall speak to another, or otherwise interrupt the business of the Senate, or read any newspapers while the journals or public papers are reading; and while the President is putting a question, no Senator shall walk out of, or across the house, nor while a Senator is speaking pass between him and the chair.

7th. The President shall have the right to name any member to perform the duties of the chair, who is hereby vested, during such time, with all the powers of the President; but such substitute shall not lose the right of voting on any question while so presiding.

8th. Every member, when he speaks, shall address the chair, standing in his place. No member shall speak more than twice in any one debate, on the same day, without leave of the Senate.

9th. When two or more members rise at once, the President shall name the member who is first to speak.

10th. No motion shall be debated until the same be seconded, and it shall be reduced to writing if desired by the President or any member, delivered in at the table, and read by the President or Secretary before the same shall be debated; but it may be withdrawn at any time before decision or amendment.

11th. While a question is before the Senate, no motion shall be received, unless to lie on the table, for an amendment, for postponing it, to commit it, or to adjourn; and a motion for adjournment shall always be in order, and shall be decided without debate.

12th. If the question in debate shall contain several points, any member may have the same divided.

13th. A motion for commitment, until it is decided, shall preclude all amendments of the main proposition.

14th. Every bill shall be introduced by motion for leave, or by order of the Senate on the report of a committee; and one day's notice at least shall be given of an intended motion for leave to bring in a bill, unless the Senate unanimously order otherwise.

15th. Every bill shall receive three readings previous to its being passed, and the President shall give notice at each whether it be the first, second, or third, which reading shall be on different days, unless the Senate unanimously direct otherwise. No bill shall be amended or committed until it shall have been twice read; and all resolutions, which propose any amendment to the Constitution, shall be treated in the form of proceedings on them, in a similar manner with bills, except that it shall not be necessary to commit such resolutions to a committee of the whole.

16th. If any three members require it, the ayes and nays upon any question shall be taken and entered upon the journal.

17th. Upon a call for the ayes and nays, the names of those who voted for or against a question shall be entered alphabetically on the minutes, if two members require it; and each member called upon, unless for special reasons he be excused by the Senate, shall declare openly and without debate his assent or dissent to the question.

18th. All committees of the Senate, and all joint committees on the part thereof, for the present Session, shall be appointed by the President.

19th. In forming a committee of the whole Senate, a chairman, to be named by the President, shall preside. Bills committed to a committee of the whole Senate, shall, in committee of the whole, be read by sections. All amendments shall be noted and reported to the Senate by the chairman.

20th. The rules of the Senate shall be observed in committee of the whole, so far as may be applicable, except limiting the number of times of speaking, and except that the ayes and nays shall not be taken.

21st. A motion that the committee rise, shall always be in order, and shall be decided without debate.

22d. No amendment shall be received for discussion at the third reading of any bill, resolution, or amendment of the Constitution, unless by unanimous consent; but it shall at all times be in order before the final passage of any bill, resolution, or Constitutional amendment, to move its commitment or recommitment.

23d. When a member shall be called to order, he shall sit down until the President shall have determined whether he is in order or not; and every question of order shall be decided by the President, subject to an appeal to the Senate by any member; and if a member be called to

order for words spoken, the exceptional words shall be immediately taken down in writing, that the President or Senate may be better enabled to judge of the matter.

24th. When a blank is to be filled, and different sums or time shall be proposed, the question shall be first taken on the highest sum and longest time.

25th. No member shall absent himself from the service of the Senate, without leave first obtained; and in case a less number than a quorum of the Senate shall convene, they are hereby authorized to send the Sergeant-at-Arms, or any other person, for any or all absent members, as the majority of such members present shall agree.

26th. Before any petition or memorial, addressed to the Senate, shall be received or read, a brief statement of the contents thereof shall be endorsed on the same, with the name of the member introducing it.

27th. When a question has been once put and decided, it shall be in order for any member voting in the majority to move for the reconsideration thereof; but no motion for the reconsideration of any vote shall be in order after the bill, resolution, message, report, amendment, or motion, upon which the vote was taken shall have gone out of the possession of the Senate, nor after the usual message shall have been sent from the Senate, announcing its decisions; nor shall any motion for reconsideration be in order, unless made on the same day in which the vote was taken, or upon the next day of the actual Session of the Senate thereafter; nor shall any question be reconsidered more than once.

28th. The following standing committees shall be appointed:—

1. *On Claims.*
2. *On Finance.*
3. *On the Judiciary.*
4. *On the Militia.*
5. *On Counties and County Boundaries.*
6. *On Privileges and Elections.*
7. *On Engrossed Bills.*
8. *On Public Printing.*
9. *On the State Library.*

29th. When an amendment to the Constitution, or any bill requiring the concurrence of two thirds of the Senators, is under consideration, the

concurrence of two thirds shall not be required to decide any question for amendments or extending to the merits, being short of the final question.

30th. On a motion made and seconded to shut the doors of the Senate, on the discussion of any business which may, in the opinion of any member, require secresy, the President shall require all persons, except the members and secretaries of the Senate, to withdraw; and during the discussion of said motion the doors shall remain shut; and every member and officer of the Senate shall keep secret all such matters, proceedings, and things, whereof secresy shall be enjoined by order of the Senate.

31st. The committee on Engrossed bills shall examine all bills, amendments, and resolutions, before they go out of the possession of the Senate, and make report when they find them correctly engrossed. Reports from the committee on Engrossed bills shall, at all times, be in order.

32d. All concurrent resolutions shall lie one day on the table, unless two thirds of the Senate shall otherwise direct.

33d. When a resolution shall be offered, or a motion made to refer any subject, and a different committee shall be proposed, the question shall be taken in the following order, viz.:—

1. The Committee of the whole Senate.
2. A Standing Committee.
3. A Select Committee.

34th. In all cases not provided for by these rules, the parliamentary practice, as laid down in Jefferson's Manual, is hereby adopted.

35th. All bills, resolutions, or other communications, relating to or affecting the navigation and commerce of coastwise and inland waters of this State, shall be referred to the standing committee on Commerce and Navigation.

36th. The hour of meeting of the Senate shall be 11 A.M. of each day (Sundays excepted), and in case any other is named, it shall be applicable only to the one day, and shall not affect this rule beyond the day named for a different hour of meeting.

37th. The rooms, passages, and buildings set apart for the use of the Senate, shall be under the control and direction of the President of the Senate.

[C.]

Report of Mr. Chamberlin on State Printing.

IN SENATE.

January 2, 1850.

The Standing Committee on Public Printing, in compliance with the Resolution of the Senate of the 31st ult., beg leave to

REPORT:

That said Resolution requiring them on this day to bring in "a bill creating the office of State Printer," they have carefully considered the duty imposed upon them thereby, and herewith report a bill for that purpose.

Your Committee beg leave to suggest that time is needed for the mature examination of so much of the matter as relates to compensation, and therefore recommend that, to relieve the present necessities and embarrassments of the two branches, arising from their having made no provision for their printing, as well as to give fair opportunity to mature a law fixing such compensation, the accompanying bill be passed without delay, that the printer may enter upon the discharge of his duties immediately.

Should this course be adopted, your Committee give notice that they will, at the earliest practicable day, report a bill, specifically fixing the prices of each character of the public printing. That time is needed for such labor as this will be apparent to all. This new state, just springing into existence, just organized, remote from those sections that afford rapid, cheap, and reliable facilities for the art of the printer and publisher, does not, and cannot be expected to, afford such facilities from its own resources, or command them on the instant from other portions of the country. Labor is high, materials are high, and both are scarce, the scarcity having its influence on the price of both. To enact a law, therefore, fixing the compensation of the "public Printer," in the absence of correct knowledge of the value of the several kinds of materials he will be compelled to use, would be unwise for the State and unjust to

the printer. Doubtless, the person selected for the office will have full faith in the willingness and judgment of the Legislature to do him justice, after Members shall have full time for examination, and therefore will have no hesitation in accepting the office, and proceeding immediately to duty, thereby relieving the State of a heavy expense, which each day's delay now involves, in consequence of the absence of printing.

That this is a wise policy to be pursued, your Committee are as well persuaded as that the system suggested by the Senate Resolution is far superior, in every respect, to that which has fallen under the veto of the Executive. To say nothing of the facilities which the contract system affords for combination, especially in a portion of country where there is but meagre competition, the advantages of having the public printer an officer of the Legislature, subject to their orders and responsible to their judgment, is far preferable to the miscalled "*cheap system*," which, while it depreciates occasionally in expense to the State for the execution of the work, almost invariably adds four-fold in the *manner* in which the work is done, and the delay resulting in business from not having the printer responsible to the Legislature.

Your Committee suggest that the term of office for the State Printer shall be the same as that of Comptroller, Treasurer, &c. It will be judicious, for the reason that the materials used on work of this character are peculiar, and fit only for that description of work in question. Should the term be but one year, the materials will be dead capital on his hands, unless he succeeds to another term. Should it be two, the use of them will have more certainly repaid the investment. These reasons, of course, will affect the price paid the printer, for in the second year experience, advantages of time in obtaining judicious labor, cheaper supplies, &c., will enable him to take advantage of what are now imperative necessities, and recover by wiser management what he may possibly have lost in the first.

For these reasons and others, which they might enumerate, your Committee report the following bill in its present form.

All of which is respectfully submitted,

(By order of the Council) E. K. CHAMBERLIN,
President.

[D.]

Report of Mr. Bidwell on Joint Rules and Orders of the Senate and Assembly, adopted December 27, 1849.

1st. In every case of an amendment of a bill agreed to in one House, and dissented to in the other, if either House shall request a conference and appoint a committee for the purpose, and the other House shall also appoint a committee to confer, such committee shall, at a convenient hour, to be agreed on by their chairman meet in their Conference Chamber, and state to each other verbally, or in writing, as either shall choose, the reasons of their respective Houses for and against the amendment, and confer freely thereon.

2d. When a message shall be sent from the Senate to the Assembly, it shall be announced at the door, by the Doorkeeper, and shall be respectfully communicated to the Chair by the person by whom it may be sent.

3d. The same ceremony shall be observed when a message shall be sent from the Assembly to the Senate.

4th. Messages shall be sent by such persons as a sense of propriety, in each House, may determine to be proper.

5th. While bills are on their passage between the two Houses, they shall be on paper, and under the signature of the Secretary or Clerk of each House respectively.

6th. After a bill shall have passed both Houses, it shall be duly enrolled by the Clerk of the Assembly or the Secretary of the Senate, as the bill may have originated in the one or the other House, before it shall be presented to the Governor of the State.

7th. When bills are enrolled they shall be examined by a joint committee of two from the Senate and two from the Assembly, appointed as a standing committee for that purpose, who shall carefully compare the enrolment with the engrossed bills, as passed in the two Houses, and

correcting any errors that may be discovered in the enrolled bills, make their report forthwith to their respective houses.

8th. After examination and report, each bill shall be signed in the respective Houses, first by the Speaker of the Assembly, then by the President of the Senate.

9th. After a bill shall have been thus signed in each House, it shall be presented by the said committee to the Governor of the State for his approbation (it being first endorsed on the back of the roll, certifying in which House the same originated, which endorsement shall be signed by the Secretary or Clerk, as the case may be, of the House in which the same did originate), and shall be entered on the journals of each House. The said committee shall report the day of presentation to the Governor, which time shall also be carefully entered on the journals of each House.

10th. All orders, resolutions, and votes, which are to be presented to the Governor of the State for his approbation, shall also, in the same manner, be previously enrolled, examined, and signed, and shall be presented in the same manner, and by the same committee as provided in the cases of bills.

11th. When the Senate and Assembly shall judge it proper to make a joint address to the Governor, it shall be presented to him in his Audience Chamber by the President of the Senate, in the presence of the Speaker and both Houses.

12th. When a bill or resolution which shall have passed in one House is rejected in the other, notice thereof shall be given to the House in which the same shall have passed.

13th. When a bill or resolution, which has been passed in one House shall be rejected in the other, it shall not be brought in during the same session, without a notice of five days, and leave of two thirds of that House in which it shall be renewed.

14th. Each House shall transmit to the other all papers on which any bill or resolution shall be founded.

15th. After each House shall have adhered to their disagreement, a bill or resolution shall be lost.

16th. No bill that shall have passed one House shall be sent for concurrence to the other, on either of the last three days of the session.

17th. No bill or resolution that shall have passed the Assembly

and Senate, shall be presented to the Governor for his approbation on the last day of the session.

18th. When bills which have passed one House are ordered to be printed in the other, a greater number of copies shall not be printed than may be necessary for the use of the House making the order.

19th. No spirituous liquors shall be offered for sale, or exhibited within the capitol, or on public grounds adjacent thereto.

[E.]

Report of Mr. de la Guerra on Counties and County Boundaries.

IN SENATE.

January 4, 1850.

MR. PRESIDENT:

The Committee on Counties and County Boundaries, having to the best of their ability performed the task assigned to them, or rather that portion of the task which relates to the subdivision of the State into Counties, beg leave respectfully to submit herewith the result of their labor, for the consideration of the Senate.

The time, occupied by your Committee in this work, has been unavoidably protracted until now, on account of the circumstances and difficulties by which they were surrounded; such as the total absence of maps sufficiently correct to enable your Committee to determine, with requisite accuracy, the courses of rivers, mountains, and other natural landmarks, which they have been compelled to adopt, in most cases, as the limits of the different Counties.

Your Committee is aware of the great extent of several of the Counties; and, in justification of their conclusion in this matter, they would respectfully say that the sparse population of many portions of the County have compelled them, in such cases, to extend their limits —leaving the subdivision of Counties, which may be found unnecessarily large, when the country becomes more densely populated, to future legislation.

Your Committee would further state, that they have not deemed it practicable to form any Counties entirely of Mining Districts, on account of the transitory character of the majority of the Mining Population; and that they have, in all instances, placed the Mining Districts within those Counties most convenient of access, and with which their trade and communication are chiefly confined.

The Seats of Justice have been recommended by your Committee for all the Counties, except Oro, Mariposa, and Bute. In these cases they have not been able to select such places as would be most convenient for a majority of the people, and would respectfully recommend that the Legislature pass a law, authorizing the people to determine for themselves the Seats of Justice in the above named Counties.

All of which is respectfully submitted.

SAN DIEGO COUNTY.—Commencing on the coast of the Pacific, at the mouth of the Creek called San Mateo; and running up said Creek to its source; thence due North to the N. Eastern boundary of the State; thence following said boundary in a S. E. direction to the Colorado River; thence down the middle of the Channel of said River to the mouth of the Gila River; thence following the boundary line, as established by the Treaty of the 30th of May, 1848, between the United States and Mexico to the Pacific Ocean and three English miles therein; thence in a N. Westerly direction, running parallel with the Coast to a point due W. of the mouth of the Creek San Mateo; and thence due E. to the mouth of said Creek which was the place of beginning.

The Seat of Justice to be at San Diego, until removed to some other place, in the manner to be prescribed by law.

LOS ANGELES.—Beginning on the Coast of the Pacific, at the Southern boundary of the farm, called Triunfo, and running thence along the summit of the ridge of hills, called Santa Susana, to the N. Western Boundary of the farm, called San Francisco; thence along the N. Eastern boundary of said farm of San Francisco to the farm called Piro; thence in a line running due N. E. to the summit of the Coast Range; thence along the summit of said Range to the W. boundary of San Diego County; thence in a due S. direction along said boundary to the source of the Creek San Mateo: thence down said Creek San Mateo to the Coast, and three miles into the Sea; thence in a N. W. direction, parallel with the Coast, to a point three miles from land, and opposite to the Southern boundary of the farm called Triunfo; and thence to the shore at said boundary, which was the point of beginning, including the Islands of Santa Catalina and San Clemente.

The Seat of Justice to be at Los Angeles, until removed to some other point, in the manner to be prescribed by law.

SANTA BARBARA.—Beginning on the Sea Coast, at the mouth of the Creek called Santa Maria, and running up the middle of said Creek to its source; thence due N. East to the summit of the Coast Range—the farm of Santa Maria falling within Santa Barbara County; — thence following the summit of the Coast Range to the N. W. corner of Los Angeles County; thence along the N.W. boundary of said County to the Ocean, and three English miles therein; thence in a N. Westerly direction, parallel with the Coast, to a point due W. of the mouth of Santa Maria Creek; thence due E. to the mouth of said Creek, which was the place of beginning, including the Islands of Santa Barbara, San Nicolas, San Miguel, Santa Rosa, Santa Cruz, and all others in the same vicinity.

The Seat of Justice to be at Santa Barbara, until removed to some other place, in the manner to be prescribed by law.

SAN LUIS OBISPO.—Beginning on the parallel of 36 degrees N. lat., three English miles W. of the coast, and running due E. on said parallel to its intersection with the Nacimiento river; thence down the middle of said river to its confluence with Monterey river; thence up or down, as the case may be, the middle of Monterey river to the above mentioned parallel; thence due E. following said parallel to the summit of the coast range; thence following the summit of said range in a S.E. direction to the N. E. corner of Santa Barbara county; thence following the northern boundary of Santa Barbara county to the ocean, and three English miles therein; and thence in a N. Westerly direction, parallel with the coast, to the place of beginning.

The Seat of Justice to be at San Luis Obispo, until removed in the manner to be prescribed by law.

MONTEREY.—Beginning on the coast at the cape or point called Año Nuevo, and running due N. to the summit of the Santa Cruz Mountains; thence following the summit of said mountains in a S. Easterly direction to the road leading from the farm called Salsipuedes to that called Las Llagas; thence following said road in an easterly direction till it intersects the creek called Las Llagas; thence down the

middle of said creek to the foot of the mountain called San Luis Gonzaga; thence in a due E. direction to the summit of the coast range; thence in a S. Easterly direction following the summit of said range to the N. E. corner of San Luis Obispo county; thence following the northern boundary of San Luis Obispo county to the ocean, and three English miles therein; thence in a N. Westerly direction, and parallel with the coast, to a point due W., and three English miles from the Cape Año Nuevo; and thence due E. to said cape which was the place of beginning.

The Seat of Justice to be at Monterey, until removed in the manner to be prescribed by law.

SAN FRANCISCO.—Beginning at the point called Año Nuevo and running three English miles into the ocean; thence following the direction of the coast to the mouth of the bay of San Francisco; thence running into the bay, as near the middle as may be, so as to include "Alcatraces, or Bird Island, and Yerba Buena Island;" and following up the middle of the South arm of the bay, in the direction of Santa Clara, to a point opposite to the mouth of the creek San Francisquito; thence following up the middle of said creek to its source at or near the summit of the Santa Cruz Mountains; thence in a S. Easterly direction following the summit of said mountains to the meridian of the cape or point called Año Nuevo; and thence along said meridian due S. to the point of beginning.

The Seat of Justice to be at San Francisco, until removed in the manner to be prescribed by law.

SAN JOSÉ.—Beginning on the summit of the Santa Cruz Mountains, at the meridian of cape Año Nuevo, and running in a N. W. direction along the summit of said mountains to the source of San Francisquito creek; thence down the middle of said creek to its mouth, and running into the middle of the bay of San Francisco; thence down the middle of said bay, in a N. Westerly direction, to a point opposite to the mouth of Alameda Creek; thence following up the middle of said creek to its source in the coast range; thence due E. to the summit of the coast range; thence in a S. E. direction following the summit of said range to the N. E. corner of Monterey county; and thence along the northern N. Eastern boundary of Monterey county to the place of beginning.

The Seat of Justice to be at San José, until removed in the manner to be prescribed by law.

MOUNT DIABLO.—Beginning at the mouth of the Creek Alameda, and running in a S. Westerly direction to the middle of the bay of San Francisco; thence in a northerly or north-westerly direction, following as near as may be the middle of the bay to the straits of San Pablo; thence up the middle of the bay of San Pablo to the straits of Carquinez; thence running up the middle of said straits to the Suisun bay, and up the middle of said bay to the mouth of the San Joaquin river; thence following up the middle of said river to the place known as the Piscadero or Lower crossing; thence in a direct line to the N. E. corner of San José county, which is on the summit of the coast range, near the source of Alameda creek; thence down the middle of said creek to its mouth, which was the place of beginning.

The Seat of Justice to be at Martinez, until removed in the manner to be prescribed by law.

SONOMA.—Beginning on the parallel of 40 degrees N. lat. three English miles W. of the coast, and running due E. on said parallel to the summit of the coast range; thence in a southerly direction following the summit of the coast range, passing Cache and Puto Creeks, to the road which leads from Perreyeza's farm to Napa; thence following said road to the head of Yájome creek; thence down the middle of said creek to its confluence with Napa creek; thence down the middle of Napa creek to the straits of Carquinez; thence down the middle of the bay of San Pablo, following the boundary of Mount Diablo County, to the Boundary of San Francisco County, the island of Los Angeles falling within Sonoma County; thence following the boundary of San Francisco County to the mouth of the bay of San Francisco, and three English miles into the ocean; and thence in a N. Westerly direction parallel with the coast to the parallel of 40 degrees N. lat., which was the place of beginning.

The seat of justice to be at Sonoma, until removed in the manner to be prescribed by law.

BENICIA.—Beginning at the mouth of Napa creek, and running up the middle of its channel to the mouth of Yájome creek; thence follow-

ing up said creek to its source; thence striking the road which runs from Perreyeza's farm to Napa, and following the same to the point of contact with the boundary of Sonoma county; thence following said boundary of Sonoma county to Puto creek; thence down the middle of said creek to its termination in the Tule marsh, and extending into said marsh to within five miles of the Sacramento river; thence down and parallel to said river to a point five miles N.W. of the head of Merritt's slough; thence S.E. to the head of said slough; thence down the middle of said slough to its mouth; thence down the middle of the Sacramento river to its mouth; down the middle of the Suisun bay to the straits of Carquinez; and thence through the middle of said straits to the place of beginning.

The seat of justice to be at Benicia, until removed in the manner to be prescribed by law.

SACRAMENTO COUNTY.—Beginning at a point 10 miles due N. of the mouth of the American Fork, and running due E. intersecting the N. fork of the American Fork above or below the mouth of the middle fork, as the case may be, to the first dividing ridge leading towards the summit of the Sierra Nevada; thence following the top of such dividing ridge to the summit of the Sierra Nevada; thence in a southerly direction along the summit of the Sierra Nevada to the dividing ridge between the Cosumne and Moquelumne rivers; thence down said divide in a Westerly direction to the head of *Dry Creek*, or *Sanjon de las Uvas;* thence down said creek to its junction with the Moquelumne river, or with a large slough in the Tule marsh; thence down said slough to its junction with the San Joaquin river; thence down the middle of the channel of said river to its mouth; thence up the Sacramento river in the middle of its channel to the mouth of Merritt's slough; thence up the middle of said slough to its head; thence in a due N. W. direction five miles into the Tule marsh; thence up and parallel with the Sacramento river to a point due west of the place of beginning; and thence due E. passing the Sacramento river to the point of beginning.

The seat of justice to be at Sacramento city, until changed in the manner to be prescribed by law.

SUTTER.—Beginning at the mouth of Honent creek, and running up

said creek to its source; thence taking the dividing ridge between Yubu and Feather rivers to the summit of the Sierra Nevada; thence in a southerly direction following the summit of the Sierra Nevada to the N.E. corner of Sacramento county; thence down the western slope of the Sierra Nevada, following the northern boundary of Sacramento county to the Sacramento river; thence running up the middle of said river to a point due west of the mouth of Honent creek; and thence running due E. to the mouth of said creek, which was the place of beginning.

The seat of justice to be at Vernon, until removed in the manner to be prescribed by law.

BUTE.—Beginning on the Sacramento river at the Red Bluffs, in latitude 40° 22′ 23″, and running due E. to the summit of the dividing ridge which separates the waters flowing into the Sacramento river above the Red Bluffs, from those flowing into the same below the Red Bluffs, and those flowing into Feather River; thence following said ridge up to the summit of the Sierra Nevada; thence following the main ridge of the Sierra Nevada in a southerly direction to the N.E. corner of Sutter county; thence following the northern boundary of Sutter county in a westerly direction to the Sacramento river; thence due W. to the summit of the coast range; thence in a northerly direction following the summit of the coast range to a point due W. of the place of beginning; thence due E. to the Red Bluffs, which was the place of beginning.

The seat of justice to be determined in the manner to be prescribed by law.

READING.—Beginning in latitude 42 degrees N., three miles W. of the coast, and running due E. to the summit of the Sierra Nevada; thence following the summit of the Sierra Nevada in a southerly direction to the N. E. corner of Bute county; thence following the N. Western and Northern boundary of Bute county to the summit of the coast range; thence in a southerly direction along the summit of the coast range to the parallel of 40 degrees N. lat.; thence following said parallel due W. to the Pacific Ocean, and three English miles therein: and thence in a N. Westerly direction parallel with the coast to the place of beginning.

The seat of Justice to be at Reading's, until removed in the manner precribed by law.

FREMONT.—Beginning on the summit of the coast range, at the S. W. corner of Bute county, and running due E. to the Sacramento river; thence down the middle of said river to the Northern boundary of Sacramento county; thence due W. to the N. W. corner of Sacramento county; thence in a southerly direction following the western boundary of Sacramento county to the N. Eastern corner of Benicia county; thence following the northern boundary of Benicia county in a westerly direction to the eastern boundary of Sonoma county; and thence in a N. Westerly direction following the summit of the coast range to the place of beginning.

The Seat of Justice to be at Fremont, until removed in the manner to be provided for by law.

SAN JOAQUIN.—Beginning at the junction of the San Joaquin river, and the large slough which is the outlet to the Moquelumne river and Dry creek; thence following up the middle of said slough to the mouth of Dry creek; thence up the middle of Dry creek to its source; thence taking the dividing ridge between the Moquelumne and Cosumne rivers to the summit of the Sierra Nevada thence in a southerly direction along the summit of the Sierra Nevada to a point due E. of the source of the Stanislaus river; thence to the source of said river, and following the middle of its channel to its confluence with the San Joaquin river; thence due S. W. to the summit of the coast range; thence in a N. Westerly direction along the summit of said range to the southern boundary of Mount Diablo county; thence in a N. Easterly direction following the boundary of Mount Diablo county to the San Joaquin river; thence down the middle of said river to the place of beginning.

The Seat of Justice to be at Stockton, until removed to some other place, in the manner to be prescribed by law.

ORO.—Beginning on the summit of the coast range at the S. W. corner of San Joaquin county, and following the southern boundary of said county to the summit of the Sierra Nevada; thence in a S. E. direction following the summit of said mountains to the head of the

Merced river; thence down the middle of said river to its confluence with the San Joaquin river; thence in a S. W. direction to the summit of the coast range, and thence in a N. W. direction following the summit of said range to the place of beginning.

The Seat of Justice to be determined in the manner to be prescribed by law.

MARIPOSA.—Beginning on the summit of the coast range at the S. W. corner of Oro county, and running along the southern boundary of said county to the summit of the Sierra Nevada; thence along the summit of the Sierra Nevada to the parallel of 38 degrees N. latitude; thence due E. on said parallel to the boundary of the State; thence in a S. Easterly direction following said boundary to the N. W. corner of San Diego county; thence due S. along the boundary of San Diego county to the N. E. corner of Los Angeles county, and thence in a N. Westerly direction along the summit of the coast range to the place of beginning.

The Seat of Justice to be determined in the manner to be prescribed by law.

That portion of the State lying E. of the Sierra Nevada, and between the parallels of 38 and 42 degrees of N. lat. to be attached, for judicial purposes, and until the Legislature shall otherwise provide, to other counties, as follows:—

That part included by the parallels of 38 and 39 degrees, to be attached to Sacramento county.

That part included by the parallels of 39 and 40 degrees, to be attached to Sutter county.

That part included by the parallels of 40 and 41 degrees to be attached to Bute county.

That part included by the parallels of 41 and 42 degrees, to be attached to Reading county.

(Signed)

PABLO DE LA GUERRA,
Chairman of the Committee.

January 4, 1850.

[F.]

Additional Report of Mr. de la Guerra on County Boundaries.

IN SENATE.

January 18, 1850.

The Committee, to whom were referred the reports of the Several Delegations on the subject of County Boundaries, and also the two Petitions from the inhabitants of Santa Cruz and vicinity,

RESPECTFULLY REPORT:

That herewith they present a bill in accordance with the instructions of the Senate, subdividing the State of California into twenty-five Counties, and in most cases they have been able to designate the proper places for the Seat of Justice.

In revising their former report, your committee beg leave to say they made a small correction in the Northern boundary of San Luis Obispo County, viz. instead of beginning on the parallel of 36° N. latitude, they commenced that county at a point on the sea coast due west from the head of the Nacimiento river, but the remainder of the boundary between Monterey and San Luis Obispo counties has not been changed.

The two Petitions from the people of Santa Cruz, praying to be set off in a separate County, have been duly considered by your committee, and they have complied as far as possible with the request of said petitions. A County has been laid off in accordance with the report of the Joint Delegations of Monterey and San José, called Santa Cruz, and its limits are nearly the same as desired by the petitioners from that place.

The names of several Counties as given in the former Report of your committee, have been changed at the instance of the several Joint Delegations, thus :—

San Joaquin	has been	changed to	Calaveras
Oro	"	"	Tuolumne
Benicia	"	"	Solano
Fremont	"	"	Yolo
Reading	"	"	Shasta

Several new Counties have been formed, viz. Coloma, Yubu, Coluse, Trinity, Marin, and Mendocino, as also Santa Cruz.

The boundary of Calaveras County was changed on the east so as to include the country on the east side of the Sierra Nevada, immediately opposite to it.

Your committee have not been able to recommend any particular places for the Seats of Justice in Coloma and Bute Counties, and have consequently recommended the same to be settled by the people of those Counties at the first election for County Judges.

All of which is respectfully submitted.

PABLO DE LA GUERRA, Chairman.

[G.]

OFFICE OF SECRETARY OF STATE,
San José, California, Jan. 23d, 1850.

To the HON. JOHN MCDOUGALL, Lieut. Governor and President, &c.

SIR: I have the honor to transmit herewith the official returns of an election held in the District of San Francisco on the eighth day of January, 1850, together with a recapitulation of the vote polled for *State Senator.*

I am, Sir,
Truly and respectfully,
Your obedient servant,
W. VAN VOORHIES,
Secretary of State.

RECAPITULATION

Of votes polled in the District of San Francisco at an election held on the eighth day of January, One Thousand Eight Hundred and Fifty, for State Senator.

David C. Broderick	received	2508	votes.
Frank Moore	"	28	"
Elcan Heydenfeldt	"	20	"
Scattering	"	53	"
	Total	2609	"

Respectfully submitted to the Senate.
W. VAN VOORHIES, Secretary of State.

[H.]

Report of Mr. Green on Propositions for State Loan.

IN SENATE.

January 26, 1850.

MR. PRESIDENT :

The Chairman of the Finance Committee, in accordance with the Loan Law of the 5th instant, in company with the Chairman of the Committee of Ways and Means of the Assembly and the Treasury, upon examination found that there were no propositions of Loan under said law.

The Chairman will add that at an early day a more elaborate Report will be presented to the Senate, accompanied by a bill for a temporary State Loan.

THOS. J. GREEN,
Chairman.

[I.]

Report of Mr. Green on Taxation, &c.

IN SENATE.

January 28, 1850.

MR. PRESIDENT—

The Finance Committee have instructed me most respectfully to report that they have given this subject their most anxious attention, and venture the following suggestions and recommendations, with the deference due to the intricate subject of creating, in the organization of a State Government, an acceptable system of taxation, and the best means of procuring funds for the immediate necessities of the State.

Your committee believe that from an intimate knowledge of the resources of the State, a tariff of taxes may be imposed, which, by July next, will produce to the Treasury from six to seven hundred thousand dollars, which may be both equal and uniform in its operations, as required by the 15th section of the 9th Article of the Constitution, while it may be anything but onerous in its amount. The tax bill which your committee have partially agreed upon with the Committee of Ways and Means of the Assembly, presents a list of taxables large in amount and easy of collection. The *ad valorum* principle imposed by the Constitution, will develope resources such as no new State ever witnessed, and the means of payment will be more easy, because no other new State ever commenced her political existence with a production so great. The monstrous truth is already familiar to the world that California, not yet admitted into the Union as a State, has a production larger than the oldest and the richest State of the Union.

This production, unlike the wealth of other States, is not dependent upon the seasons or the harvest, nor dependent upon the blight of the cotton plant, the success of the spinning-jenny, or the fluctuations of trade. Her income is alike common to every day of the year; and whether you take the Troy weight of gold extracted per day from the

earth, or the per diem value of labor as a standard of production, she is already far ahead of her sister States, with a ratio of increase too great, in the opinion of your committee, for them to venture an opinion upon. The certainty, as at present known to the thousands who have investigated this subject, that the abundance of the precious metals in California will last for ages to come, puts to rest all former doubts of the continuance of this source of production.

Your committee does not deem it a portion of their duty to remark upon the beneficial tendency which such a constant and uniform production may have in lessening the necessity of the credit system, further than to say that, this income alike common to every month and day in the year, will afford to the tax payer, at *any* season of the year, and at a short notice, the means of meeting the necessities of the State. Hence they propose that the assessment and collection of the taxes shall be made by July next. In other States of the Union the assessment generally precedes at long intervals the collection of the taxes, because the income of the tax-payer is generally dependent upon the grain, cotton, or tobacco crop, or some other income of which he is the recipient once a year.

Your committee, from a thorough knowledge of the people of the mining and other portions of the State, will venture a remark upon a doubt which they have occasionally heard expressed, as to the cheerfulness of our citizens in paying their taxes. Upon this subject your committee have the fullest confidence that there never existed a community who will more cheerfully and promptly meet their taxes. They will not only do so from their moral sense of the necessity of the case, but because their ability so to do will be greater. The extensive landowner can do so, because of the large demand and high prices now offered for small tracts—the herdsman, with his thousand flocks, can do so, because of the great demand and high prices of his horses and mules, beef and mutton—the landlord for the reason of his high rents, and the merchant on account of his high profits, can do so, while the miner and the laborer, with his large per diem income, will have even greater ability to meet this demand.

Your committee believe that if one interest will more readily than another meet this demand, it will be the mining interest, not only because of their constant cash ability so to do, but on account of the

great want which they experience for a State government to secure and protect them in their large gains.

In most of the States the *per caput* tax has been something like the average of the *per diem* value of labor of such State. Were this estimate to be the rule of action for your committee, they would feel bound to recommend ten dollars as a poll tax, but believing that one half of this sum will meet the necessities of the State with a similar average upon other property, they have agreed upon five dollars as the poll tax. Your committee then feel no small pride in presenting this remarkable fact to the Legislature, that while the necessities of our new State are not only large, but pressing, taxation, taking labor as a standard, will be but one half of the ratio of the other States of the American Union.

Upon the subject of creating a fund for the *immediate* necessities of the State, to be used before the taxes can be collected in July, your committee have bestowed serious reflection. In a country like ours, whose magic improvements far outstrip the wonderful productions of our mines, and are only equalled by a rent for money corresponding with the strange things around us, it is not then difficult to see how idle it is to attempt the negotiation of a loan at an interest such as the Legislature would feel authorized in giving, without compromising the present standing and future welfare of our State. Out of this State it will be difficult for a sane mind to conceive how money can rent for ten, twelve, and fifteen per cent. per month in California with her everlasting mountains of gold; yet these rates not only keep up, but correspond with the average of other things in the country. Whether these rates will ultimately prove beneficial to the country, the loaners, or loanees, is not a part of this inquiry: but it shows that when the lenders can get such ratio it is useless for the State to expect to procure money from them at a rate they would feel authorized in giving. Your Loan Law of the 5th inst. conclusively illustrates this position, for so certain were the money-lenders that the Legislature would not give them anything like their ratio of interest, that not a bid was made under that law, which is now obsolete. How then can a temporary loan be effected to meet the immediate necessity of the State? is the present inquiry.

Your committee believe that the accompanying bill will meet that necessity, and submit to the Honorable Senate the following reasons therefor.

The present bill proposes that the State shall issue bonds not exceeding three hundred thousand dollars, bearing an interest of one per cent. per month, and payable at six months from date, but at any time subject to be redeemed should there be money either in the treasury or in the hands of any tax collector. These bonds *may* be paid in the absence of coin to any State creditor, who desires to receive them, but they *shall* be at all times received by the treasurer or any tax collector for any due or demand upon the State. The confidence of the holder in the ability of the State to redeem them, their easy portability and the facility of safely keeping them, their accumulative character at one per cent. per month, the certainty that in a very few months more than double that amount will be wanted to pay in for taxes and other State dues, will, in the opinion of your committee, prevent any depreciation in said bonds to the holder. This is easy of illustration: The thousand dollar bond paid out of the Treasury in January inst. will be worth to the tax-payer in July next one thousand and sixty dollars. These bonds, and the gold and silver coin of the United States, are alone receivable for all State dues and demands. Is it reasonable, therefore, that the tax-payer will seek the coin to pay his dues, when it is not only less valuable, but more inconvenient? What else gives value and circulation to a bank note or bond, than, first, confidence in its redemption, and secondly, the greater convenience of carrying it; and yet we have seen bank notes for years at a par circulation, when the bank had suspended specie payment. While, then, your committee feel confident that there is not a man in California so stupid as to doubt her ability to redeem said bonds, they hope that there are none so destitute of personal and State pride as to seek to depreciate them below their par value. But suppose, as some have suggested, that said bonds for a short time may go to ten or fifteen per cent. below par, the improvident person who parts with them at that rate alone is the loser, which is far better than that the State should be discredited, by giving a larger per cent.

What will have a tendency, in the opinion of your committee, to give them still further credit, is the probability that the just claim which this State is at present urging upon Congress, will be shortly paid. It may be that this Legislature may wish to negotiate a loan for a longer time; if so, those who may wish to take it, whether they live upon the Atlantic or Pacific Ocean, will anxiously seek these bonds as the most desira-

ble funds to pay in upon such loan. Your committee will go further, and express the opinion that such a loan, upon the early sinking of the bonds here proposed, will be necessary, unless the State shall very soon receive funds from other quarters.

As a subject partly financial, your committee will express the opinion that the true policy of the State is to seek an eligible site, by purchase or otherwise, for the permanent Seat of Government; and after laying off proper reservations for public grounds and buildings, to sell the balance of such tract in town lots, one fourth to be paid down, and the balance in three, six, and nine months. Such a sale of land of two miles square, if properly located, would not only produce money sufficient to erect all the public buildings, but leave a large fund in hand; and the first payment upon such sale of lots would cause the present loan bonds to be sought after with still greater avidity. Upon this subject, however, another committee, at a proper time, will speak more fully.

All of which is respectfully submitted.

THOS. J. GREEN, Chairman.

Jan. 28, 1850.

[J.]

Executive Message relative to Deseret.

IN SENATE.

February 4, 1850.

GENTLEMEN OF THE SENATE AND ASSEMBLY:

I HEREWITH transmit copies of a communication of great importance, received by me from Messrs. John Wilson and Amasa Lyman, Delegates from the new State of Deseret; and ask your calm and dispassionate consideration of the proposition they have submitted, and the reasons given in support of it. I deem it due to the People of Deseret that I should also submit the reasons which have compelled me to decline recommending you to accede to the proposition their Delegates have made, or any similar one, that may be hereafter suggested by them, or others.

The Delegates say in substance, that their proposition, if accepted, they hope, "will greatly tend to the benefit of the People of this State and the Salt Lake Valley," and that their constituents have reason to believe that a sacrifice is demanded at their hands for the benefit of the Union; and they are prepared to make it." The sacrifice the People of Deseret are willing to make, will, necessarily, be incurred by legitimately carrying out the proposition their Delegates have so earnestly solicited us to adopt.

That a compliance with the proposition submitted would be a sacrifice on the part of the People of Deseret, as well as on the part of the People of this State, there can be no question; but whether the sacrifice we should thereby make would or would not amount to a "tithe" of that incurred by the people of Deseret, may be difficult to determine. But, however small may be the sacrifice we should make, in comparison with that of the People of Deseret, I think I am justified in saying, that the People of this State will never consent, under the circumstances, to take the step they are asked to take; and we must

therefore, permit our fellow-citizens of Deseret to claim the greater merit of a willingness to make a sacrifice that we are not willing to incur.

The Delegates, in their communication, have given conclusive reasons why their constituents had the right to form *some sort* of Government for themselves. No civilized community can exist, *as such*, without government. They must ultimately go back to barbarism. The right to institute government is an inherent right in human nature, derived directly from the Creator; and wherever there is a community of men, however small, detached from, and not under the control of, any other community,—or where that other community neglects, or refuses, to give them laws to protect them,—they have the unquestionable right to institute such government for the *time being*, as will afford them security and peace.

That the People of Salt Lake Valley were in such a condition as imperiously required them to form a Government for themselves, I most cheerfully concede; but I apprehend it did not follow, as they supposed, that, under the Constitution of the United States, they could have but one of two forms of Government, Territorial or State. They had before their eyes the example of the People of Oregon, whose situation, in reference to this question, was precisely identical with that of the People of Deseret. The People of Oregon, in the year 1843, formed a temporary Provisional Government which was improved from time to time, and lasted until the beginning of 1849. This form of Government was sanctioned by Congress, and by the President of the United States, in the Act of Congress organizing a Territorial Government for Oregon, passed in the summer of 1848. It would, therefore, seem clear, that the People of Deseret could have taken the same course with the like success.

Whether our fellow-citizens of Deseret ought, under the circumstances, to have formed a Provisional or State organization, was certainly a question for *them* to determine. The People of this State do not complain so much of the Act of the People of Deseret, in proceeding to form their Government without giving any notice of such intended step, as they do of the fact that they extended their boundary lines in a very awkward direction, across deserts and mountains, and included settlements, distant nearly a thousand miles, without the consent of the inhabitants, either expressed or implied. The reason why the People

west of the Sierra Nevada proceeded to form their Constitution without notice to their fellow-citizens east of those Mountains is to be found in the difficulty of communication, and in the fact, that the People of West California, knowing the paucity of the population at Salt Lake, were led to suppose that a Provisional Government might be formed there, but did not anticipate the formation of a State Government at so early a day.

The Delegates say, that "if it is a vital objection to the proceedings of the people of Salt Lake that, without consulting their neighbors west of the Sierra Nevada, they formed their boundary line, still it is no more a fault than has been committed by the people of California." In reference to this statement, I must be permitted to say, that although the people of this State, as well as the people of Deseret, formed their constitution without notice to their neighbors, yet the two cases are not parallel. Had the population of California been as small as that of Deseret, and the former so framed her boundary lines as to have taken in a part of the settlement at Salt Lake, without the knowledge or consent of the inhabitants, the comparison between the acts of the two sections would have been more in point.

It is true that a reason is given by the Delegates for the action of their constituents in so extending their lines as to reach the Pacific Ocean, and thus to include settlements without the consent of their inhabitants; but I am compelled to admit, that I cannot understand the point or force of the reason assigned. That the people of Deseret would have the same freedom of ingress and egress to and from the Pacific at San Diego, whether that point were or were not included within the limits of their State, must surely be admitted by any one having a competent knowledge of our system of government. The people of the State of Missouri have no territory upon the Gulf of Mexico, and yet they enjoy the same freedom of ingress and egress to and from that part of the sea as the people of Louisiana. Commerce between the several States of the Union must be free under the Constitution of the United States, and such commercial freedom constitutes one of the most admirable features of our beautiful federal system. The supposed reason that induced the people of Deseret to desire this outlet to the ocean must have been simply commercial; for they could have had no political motive to include a settlement so detached and distant, and whose inhabitants could not be practically governed,

without great injustice to them, as well as inconvenience to the people of Salt Lake.

The Delegates from Deseret, as a subordinate part of their proposition, submit the suggestion, that the people inhabiting the strip of country included within the limits of both States shall determine for themselves to which state they will belong. Against this novel proposition there are several objections. In the first place, the people of the *whole* State of California have an interest in determining her limits, and should have a voice in settling that question. And, in the next place, the people of the strip of country in question have already substantially decided the matter for themselves, for they were represented in the Convention that formed the Constitution of this State, and are now represented in both branches of the Legislature.

The main proposition submitted by the Delegates from Deseret for the consideration of the Executive and Legislature of the State of California, is substantially this: that the Legislature, by an advisory resolution, submit the question to the people of this State, whether a new convention shall be called, to be composed of delegates from *all* California, both east and west of the Sierra Nevada—that if the people decide for the call of such convention, it shall meet "with the view of forming for the *present one state*, to cover all the territory acquired from Mexico, as included in California," and at the same time agreeing upon the boundary lines which shall ultimately separate California from Deseret, which lines it is desired may be set out in the Constitution to be framed, and the time or circumstances stated when the separation shall take place.

In considering this grave question, it is necessary to inquire how and in what manner can we comply with the proposition made to us? and what are the reasons for and against it?

The Tenth Article of the Constitution of this State allows two modes of amendment, the mode pointed out in the Second Section of that Article being the one applicable to this case. By that section it is provided that, "if at any time two thirds of the Senate and Assembly shall think it necessary to revise and change this entire Constitution, they shall recommend to the electors, at the next election for members of the Legislature, to vote for or against the Convention; and if it shall appear that a majority of the electors voting at such election have voted in favor of calling a convention, the Legislature shall, at its next session,

provide by law for calling a convention, to be holden within six months after the passage of such law." By the provisions of the Second Section of the Fourth Article, the sessions of the Legislature shall be annual, on the first Monday of January.

Should this question be submitted to the people, and they should decide it affirmatively, at the election for Members of the Legislature which will take place in November next, it would be the duty of the Legislature at its session, commencing on the first Monday of January, 1851, to provide by law for calling such convention. Now supposing all this to be done, whether notice could be given to the people of Deseret in time to elect their delegates, and for them to attend the convention within "six months" after the passage of the law, is exceedingly *doubtful*, especially when we reflect that such law would pass at that season when the Sierra Nevada is "*impassable half the year.*" But upon the supposition that the Convention should meet in the summer of 1851, and form a constitution to include all California for "*a time,*" the same could not be submitted to Congress before the meeting of that body in December of that year; and we should, after incurring all the expense and trouble of such a step, be compelled to suffer a delay of nearly, if not quite, two years, before the State could be admitted into the Union. That which we have already done must be abandoned, and the public service suffer the great inconvenience of passing into a new system, which must again be repeated when California and Deseret should separate.

And what are the reasons for and against the proposition urged upon us?

It cannot be expected of us, that we should take the step proposed, until we have reason to be satisfied that it is just and right in itself, and due to our fellow citizens of the other States of the Union. To ask the people of West California, under existing circumstances, after they have suffered so much for the want of some efficient system of government, and have progressed so far, at great labor and expense, as to put their governmental machine partially in motion, now to set aside all they have heretofore done, and remain in a state of confusion some two years longer (which period, in this rapidly changing country, is almost equal to an age elsewhere), is certainly demanding a great sacrifice at their hands; and before they consent to make it, the reasons given should be ample and conclusive.

The Delegates, in their communication, have given the reasons in support of their proposition, the principal one of which is, that we might, "so far as *all* California are concerned," put to rest that excitement now existing in the Union, in reference to the delicate subject of slavery. It is not stated, nor can it be shown, that there are any natural or political reasons (except the one given), why East and West California should be so strangely united in *one State;* and that only for *a time.* The essence of the whole proposition seems to be about this: that we should do that which no provision of the Constitution or laws of the United States requires us to do—that which is an admitted and great sacrifice on our part, and, therefore, unjust to ourselves—and that which is improper and unnecessary in and of itself; and all this we are asked to do, for the mere purpose of relieving Congress of the responsibility of deciding upon the question of slavery. It is surely the business of Congress to decide whether that body can rightfully interfere with the question of slavery in the territories. If Congress has no power over the subject, it can be so decided; if otherwise, the power can be exercised. But to call upon us, at so great a sacrifice of time, means, dignity, and independence, to settle a question, the decision of which rightfully rests with others, is surely asking *too much.* The people of California, in forming their Constitution, inserted a clause prohibiting slavery, and included within the limits of the State all the country they could properly govern, and thus did all they could with propriety do, to put to rest, so far as their voice could go, that unfortunate excitement. The fact that the people of Deseret did not settle the question of slavery in their Constitution, was either their own fault or their own misfortune.

The Delegates, in stating the circumstances which justified the people of Deseret, in their opinion, in forming a government for their protection, have themselves given us the most conclusive reasons against the proposition they have asked us to adopt. They tell us that their constituents are "nearly a thousand miles distant from the nearest settlements of other civilized men—that they are remote from all other settlements, not so much on account of the distance, as because they are *surrounded* with a high, and, for half the year, impassable chain of mountains."

These reasons show the immense inconvenience, if not entire impracticability, of including the country both East and West of the impassable Sierra Nevada, within the limits of *one State*, even for a *time* only.

By placing between the two sections, intervening deserts and mountains, "impassable for half the year," and separating the inhabitable portions of each by the distance of near a thousand miles, nature herself has decided that question in language too peremptory and plain to be disobeyed or misunderstood. Had the States of Maine and Texas been organized at the same time, a proposition to unite them both in *one State for a time*, would not have produced, if carried out, so great inconvenience as the plan now submitted. In that case, communication between the different portions of the State would have been more cheap, quick, and easy, than it could be between East and West California.

To form a Constitution fitted to such an unnatural state of things would be a most complex and difficult, if not an impossible task. The seat of government would necessarily be located either at Salt Lake or west of the Sierra Nevada; and how the laws could be practically and speedily administered in the other portion of the State cannot so well be imagined. The members from the remote section would experience great difficulty and trouble in attending the Sessions of the Legislature. It would be difficult to distribute the laws when made and published—to collect and dispense the revenue—to prosecute appeals in the Supreme Court—and to fill vacancies that must necessarily occur from time to time; and these difficulties would *increase* the expenditure of the State government much greater than the increase of the revenue. Communication could only be had during one half the year, and then only at great expense, by bodies of armed men, able to resist the attacks of the hostile Indians.

For the foregoing and many other reasons that might be mentioned were it deemed necessary, I cannot, in the solemn discharge of the duties imposed upon me by the position I occupy, conscientiously recommend you to accede to the proposition made; nor can I recommend you to make any on your part, having the same end in view. I cannot for a moment believe that Congress will reject our application for admission into the Union, upon the ground that we have not included both East and West California within the limits of the State. But should such an event occur, it would be time enough to consider the question whether the people of this State will compromise their dignity and independence by a compliance with such a humiliating and unreasonable condition.

PETER H. BURNETT.

[K.]

SAN FRANCISCO, *January* 8, 1850.

His Excellency PETER H. BURNETT,
Governor of the State of California.

SIR:

The undersigned, having been duly elected and appointed by the people residing in the great Salt Lake Valley and Basin, delegates to represent them in any Convention which might assemble in California, west of the Sierra Nevada, to form a Constitution, beg leave to make to your Excellency, and through you to the Senate and House of Representatives, the following statements; and we assure you that they are made with the sincere hope that, if accepted, they will greatly tend to the benefit of the people of this State and the Salt Lake Valley, as well as go far towards settling a question that has already produced, and will continue to produce, great excitement in this Union. Our constituents, residing as they do in the most isolated and remote, yet not the less interesting portion of the territory of the United States, have reason to believe that a sacrifice is demanded at their hands for the benefit of the Union, and they are prepared to make it; and therefore they ask their fellow citizens west of the Sierra Nevada, to meet them half way, and put to rest for ever, so far as the people of all California are concerned, that excitement in relation to slavery which has so deeply agitated the people of the United States for years past, and which, unless the people of all California settle it, is likely to continue to increase the already too angry state of public feeling. Our constituents, occupying a central position in the United States, are nevertheless nearly a thousand miles distant from the nearest settlement of other civilized men. They are remote from all other settlements, not so much for the distance, as because they are surrounded with a high, and, for half the year, impassable chain of mountains, many of the peaks and summits of which are covered with the perpetual snows and frosts of winter, over which scarcely any traveller can pass. They occupy an interesting portion of the United States, not more from its isolated situation than for the fact that it is

nearly central also to the great Salt Lake Basin, the diameter of which is probably seven or eight hundred miles, into which flow (and from which the water finds no escape to the sea) a thousand rivers and mountain streamlets gushing towards its centre out of the innumerable caverns and ravines, which are indented in the sides of these "everlasting hills," and find their level in the great Salt Lake, the surface of which is over four thousand feet above the level of the sea. It is yet a further interesting fact, that a little more than three years ago it was only inhabited by wild beasts and still wilder men—the Natives of the forest—and which now contains twenty, including a city of five, thousand intelligent, moral, and industrious people, who yield to none in their devotion to the only free country on earth, where most of them have had their birth, while the rest have made it their home, for the love and admiration they have for free institutions; and all of whom claim an equality with other citizens of the United States, both in morals and industry, and in their love of liberty. The great Basin in which they are located is set, as it were, upon the highest land of the United States, having the Salt Lake for its bottom, while its rims are composed of the Wind river mountains to the North, the Sierra Nevada to the West, the Rocky and Bear river mountains to the East and South East, whose summits and peaks vary from 6,000 to 12,000 feet above the level of the sea, from the outer edges of which the waters flow to the North East, East and South East, into the Atlantic, and to the North West, West, South West, and South into the Pacific Ocean, in which their settlements are extended to the distance of a hundred miles, where the comforts of civilized, social, and intellectual society are enjoyed, and where agriculture, mechanics, as well as many of the fine arts, are cultivated with a devotion that in no community is exceded.

These circumstances produced the absolute necessity that some form of Government should be adopted, to regulate the internal and external relations of a people who claim to be behind none in their efforts to establish and perfect religious and civil liberty, which they conceive can only be secured by the virtue, intelligence, and refinement of the people, and these alone through the agency of a well regulated civil government. They had hoped that Congress would have provided them such a Government at their last session, but in this they were disappointed. Their only resource was to form one for themselves, and that could only be a State Government, for under our glorious Union but two forms of

Government are recognised—the Territorial, which can alone be created by the Congress of the United States, and a State Government, to be created by the free voices of a majority of the people of the district over which its laws are to be extended. Under this state of things, in the month of March last, the people of the great Salt Lake Valley and Basin met in convention and formed a State Constitution, giving the State the name of Deseret, a copy of which is herewith presented, as part of this address, with a request that you will communicate both to each House of the Legislature of this State, now in session, and ask their calm and friendly consideration of the observations which we, on behalf of our constituents, herewith submit, which are presented with their sincere desire to arrange in a just and amicable manner, a matter which, if not entered into in that spirit, may produce great and unwholesome excitement throughout this great country, and much delay, embarrassment, and injury to all the people of California, both East and West of the Sierra Nevada. Our constituents are aware that the number of their people then resident in the Valley was smaller than that of the population of any other State when they were admitted under the provisions of the Constitution of the United States, and they are ready to admit that, under ordinary circumstances, the objection might have obtained; but they respectfully submit that in addition to the people already settled in the valley, as before stated, they have, at and about Kanesville, in the State of Iowa, somewhere between fifteen and twenty thousand people; and that in addition to these, they have on their way to Salt Lake Valley and Basin, from ten to fifteen thousand more from other parts of the world, all of whom are on their way to, know, or intend to claim no home but among their brethren in the Valley and Basin; and from these indisputable facts, they insist, most respectfully, that in substance they have a population of near fifty thousand people, who ought legitimately to be considered for such a purpose, and counted in effect in deciding the question whether they had enough to justify them in forming a State Government. When, therefore, all the circumstances of the case are fully considered—that their nearest civilized neighbors in any direction are distant from eight hundred to a thousand miles, exposed as they are to the inroads and hostile attacks of more than fifty thousand savages in their midst, and in every direction surrounding them; knowing that Congress had failed, and was likely to continue to do so, to form for them a territorial Government, it is

submitted whether or not they had not a right to expect that their paucity of resident population would not prevail over the many powerful circumstances which it seemed to them authorized an exception on that score in their favor.

They have been since informed that objections are raised to the boundaries they have assumed. Still they insist that the summit of the Sierra Nevada is a natural boundary, dividing California into Eastern and Western Sections, being, as it is, impassable for six months in the year; while the same may be said as to their boundaries on the North and East, while to the South, in the direction of San Diego, by which alone ingress and egress to and from the Salt Lake Valley can be had for all the year, and therefore the necessity that the State of Deseret should be extended to the Pacific; and they felt justified in taking in, as they did, a very small portion of the coast, leaving to our fellow-citizens of West California several good, and one of the finest, harbors in the world, with a sea-coast of from eight hundred to a thousand miles in extent. These are the views, we are instructed to say, which governed our constituents in deciding upon the boundaries of the State of Deseret. Their Society was too numerous and too much extended to allow them any longer delay in forming a Government. Since its formation these objections have been raised by persons of high intelligence, and whose motives our constituents would not question; and from various sources they have learned with regret, that such is the construction of parties in the other States of the Union, and so generally are the people excited upon the subject of Slavery, whether it shall or shall not be allowed in this country newly acquired from Mexico, and it has been asserted in many quarters to the effect that the people residing in the country so acquired as California, can alone settle that matter; that the Congress, owing to the division of parties, cannot do it. And it is further asserted to be the general opinion of the Members of Congress and other persons occupying high places under our Government, that there are not people enough in all California to form two States, and therefore the people of the Valley of Salt Lake, always willing to do their duty as citizens, as soon as they know it, and ever ready to be first to sacrifice their own opinions on the altar of public good, and especially in this case to still, if not entirely obliterate, so unhappy an excitement upon a subject that seems to them entirely to belong to the people of each State to settle for themselves:

Therefore, to do all that might be demanded of them, and even more than might perhaps have been expected, although their Constitution was formed in March, and approved by and went into force and operation under the sanction, as it is believed, of the unanimous consent of their people, in the month of May last; yet, in the months of August and September afterwards, by an equally unanimous assent, as it is believed, of *every one* of their people, they elected, appointed, and sent delegates to any Convention which might be held in California for the purpose of being for *a time* included in the State to be formed (they had not then heard whether any such effort was in progress at all) on the west of the Sierra Nevada. Our constituents will regret to learn that before their delegates did or could arrive here, the Convention had met, concluded their labors, and adjourned, thereby closing all opportunity, for the time, for their delegates to enter upon the discharge of their duties; and hence this communication to your Excellency, and through you to the Legislature, with a hope that you and they will take such advisory steps as shall submit the question to the people, whether a new Convention shall be formed or not, so that the delegates of the people of West California, with the view of forming for the present one State, to cover all the territory acquired from Mexico as included in California, and at the same time agreeing on the boundary lines which shall ultimately separate California and Deseret, when the latter shall have population enough to be allowed to form a State to herself.

They insist on the summit of the Sierra Nevada as a proper and natural boundary, so far as it goes; and then as to whether the State of Deseret is to be allowed to go to the Pacific, they will unquestionably refer that matter to the people resident in that portion of the country, which, as it is complained, has been taken into Deseret without the consent of the people resident in it. If they object to coming into the State of Deseret, then the delegates from the Valley of Salt Lake pledge themselves to agree upon a compromise line excluding those settlements, that shall be satisfactory to all disinterested persons—which they are instructed to do—desiring to include none but those who are willing to be so included. They further desire, if such a Convention does meet, that those boundaries so agreed on shall be defined and set out in the Constitution to be formed, and that a provision shall also be inserted fixing upon a time or circumstances which shall contingently determine when the people of Deseret shall be allowed, by the proclamation of the

Governor of California, to assume the Government as a separate State; to be governed by the Constitution so adopted, till by its own provisions they shall choose to amend it. Upon these terms, and for all the reasons before alluded to, with a most earnest desire to settle all excitement in the Union, to harmonize the interests of the people on both sides of the Sierra Nevada, and settle in an amicable manner all questions of discussion, and with full authority to carry out the wishes of our constituents, we propose to the Legislature of this State, by an advisory resolution, to ask the people of this State to assemble in their election districts (pointing out the number of delegates to be elected, and allowing to the people of Salt Lake Valley a pro rata number according to population, which amounts to within a small fraction of 20,000 people), and vote for delegates to a new Convention, and also to vote whether they approve of holding such a Convention or not. If, therefore, a majority of those who go to the polls shall vote against such new Convention, then none shall be held; but if, on the contrary, there shall be a majority in favor of it, then by the proclamation of the Governor they shall meet in Convention, and the delegates from Salt Lake will be ready to take their seats upon the terms before stated, and to save all speculation about how they would feel themselves called upon to vote on the question of Slavery, they can state that while there is a respectable minority of the people of the Valley in favor of Slavery, still a very large majority are opposed to it; and therefore the delegates feel themselves instructed to vote for a provision in the Constitution prohibiting Slavery for ever.

In asking this at the hands of the people of California, they ask nothing but what they have already done of their own free will; and if it is a vital objection to the proceedings of the people of Salt Lake, that, without consulting their neighbors West of the Sierra Nevada, they formed their boundary line, still, it is no more a fault than has been committed by the people of California; and unquestionably if the people of Salt Lake have just set the people of California an example in doing wrong, they at least now set them an example to do right, and therefore most ardently hope that the proposition will be acceded to, so far at least as to fairly submit it to the people at large, the source of all power in the State.

This is the proposition of the people of Deseret, made in advance. If that is not acceptable, their delegates will gladly receive any proposition

the Legislature may see proper to propose, if made with a view of securing the same end, in that candid and sincere desire for the most cordial action in the matter in which this proposition is made. Should this proposition be received, or some other proposed and adopted, the undersigned will join the Legislature in a recommendation to Congress to reject both Constitutions without division or debate. If the Legislature shall deem it inexpedient to make such an arrangement, our constituents will feel themselves compelled to insist that their Constitution shall be accepted, having determined to wait before they did so till they learned the results of the mission of their delegates, sent to join the people of California.

And, in the name of our constituents, we tender to the people of California our sincere desire to arrange this matter, not only on just principles, but in a manner calculated in every respect to secure the confidence of our neighbors West of the Sierra Nevada.

While we see that they must make considerable sacrifices in complying with our proposition, still, it must be admitted, be they great as they may be, they cannot possibly form a tithe of those which it will inevitably impose on the people of the Salt Lake and Basin. Our constituents are now, and always will be, in such matters, governed by higher and nobler motives than self-interest. What they propose is for the public good.

With the highest sentiments of respect,
We subscribe ourselves
Your obedient servants,
JOHN WILSON.
AMASA LYMAN.

To his Excellency,
PETER H. BURNETT, Governor of California.

[L.]

Constitution of the State of Deseret.

PREAMBLE AND CONSTITUTION.

WHEREAS, a large number of citizens of the United States, before and since the Treaty of Peace with the Republic of Mexico, emigrated to and settled in that portion of the territory of the United States, lying west of the Rocky Mountains, and in the great interior basin of Upper California; and,

WHEREAS, by reason of said treaty, all civil organization originating from the Republic of Mexico became abrogated; and,

WHEREAS, the Congress of the United States has failed to provide a form of civil government for the territory so acquired, or any portion thereof; and,

WHEREAS, civil government and laws are necessary for the security, peace, and prosperity of society; and,

WHEREAS, it is a fundamental principle in all Republican Governments, that all political power is inherent in the people; and governments instituted for their protection, security, and benefit, should emanate from the same:

Therefore, your committee beg leave to recommend the adoption of the following Constitution, until the Congress of the United States shall otherwise provide for the government hereinafter named and described, by admitting us into the Union.

We, the People, grateful to the Supreme Being for the blessings hitherto enjoyed, and feeling our dependence on Him for the continuation of those blessings, do ordain and establish a free and independent government, by the name of the State of Deseret, including all the territory of the United States, within the following boundaries, to wit: Commencing at the 33° N. Latitude, where it crosses the 108° Longitude, west from Greenwich; thence running south and west to the

northern boundary of Mexico; thence west to and down the main channel of the Gila River (on the northern line of Mexico), and on the northern boundary of Lower California to the Pacific Ocean; thence along the coast north westerly to 118° 30′ of west Longitude; thence north to where said line intersects the dividing ridge of the Sierra Nevada mountains; thence north along the summit of the Sierra Nevada mountains, to the dividing range of mountains that separate the waters flowing into the Columbia river, from the waters running into the great Basin; thence easterly along the dividing range of mountains that separate said waters flowing into the Columbia river on the north, from the waters flowing into the great Basin on the south, to the summit of the Wind river chain of mountains; thence south east and south by the dividing range of mountains that separate the waters flowing into the Gulf of Mexico, from the waters flowing into the Gulf of California, to the place of beginning; as set forth in the map drawn by Charles Preuss, and published by the order of the United States in 1848.

ARTICLE I.

The powers of Government of the State of Deseret shall be divided into three distinct departments, viz. Legislative, Executive, and Judiciary.

ARTICLE II.—OF THE LEGISLATIVE.

SEC. 1. The Legislative authority of this State shall be vested in a General Assembly, consisting of a Senate and House of Representatives; both to be elected by the people.

SEC. 2. The Session of the General Assembly shall be annual, and the first Session be held on the first Monday in July next; and thereafter in the first Monday in December, unless the Governor of the State shall convene the Assembly, in the interim, by proclamation.

SEC. 3. The members of the House of Representatives shall be chosen biennially by the qualified electors of their respective districts, on the first Monday in August, whose term of office shall continue two years from the day of the general election.

SEC. 4. No person shall be a member of the House of Representatives who has not attained the age of 25 years; the same be a free white male citizen of the United States, and an inhabitant of this State one year preceding the time of his election, and a resident of the district or

county 30 days next preceding his election, and have, at his election, an actual residence in the district he may be chosen to represent

SEC. 5. Senators shall be chosen for the term of four years at the same time and place as Representatives; they shall be thirty years of age, and possess the qualifications of Representatives as to residence and citizenship.

SEC. 6. The number of Senators shall not be less than one third, nor more than one half of the Representative body; and, at the first Session of the General Assembly, after this Constitution takes effect, the Senate shall be divided by lot, as equal as may be, into two classes; the seats of the Senators of the first class shall be vacated at the expiration of two years, so that one half of the Senate shall be elected biennially.

SEC. 7. Each House shall choose its own officers, and judge of the qualifications, election, and return of its own members; and contested elections shall be determined in such manner as shall hereafter be decided by law.

SEC. 8. A majority, in each House, shall constitute a quorum to do business, but a smaller number may adjourn from day to day and compel the attendance of absent members, in such manner, and under such penalty, as each House may provide.

SEC. 9. Each House shall have all powers necessary for a branch of the General Assembly of a free and independent government.

SEC. 10. Each member of the Assembly shall be privileged from civil arrest, during any Session, and in going to and returning from the same.

SEC. 11 Neither House shall, without the consent of the other, adjourn for more than three days, nor to any other place than that in which they may be sitting.

SEC. 12. The Assembly shall, at its first Session, provide for an enumeration of the white inhabitants, and an apportionment for the Senators and Representatives.

SEC. 13. Each member of the Assembly shall take an oath or affirmation to support the Constitution of the United States, and of this State; and members shall, and are hereby empowered to administer said oath or affirmation to each other.

SEC. 14. The veto power of the Governor shall be allowed by the Assembly, except on bills, which, when reconsidered, shall be again passed by a majority of two thirds of those present; and any bill vetoed

by the Governor shall be returned within ten days (Sundays excepted) with his objections; otherwise, it shall become a law, unless the Assembly, by adjournment, prevent its return.

SEC. 15. Every law, passed by the Assembly, shall take effect from and after due publication by authority.

SEC. 16. The voters of this State may elect, at the first election, not exceeding 17 Senators, and 35 Representatives.

ARTICLE III.—OF THE EXECUTIVE.

SEC. 1. The Executive power shall be vested in a governor, who shall hold his office for four years. A Lieutenant Governor shall be elected at the same time, and for the same term, who shall be the President of the Senate.

SEC. 2. No person shall be eligible to the office of Governor, or Lieutenant Governor, who has not been a citizen of the United States, and a resident of this State two years next preceding his election, and attained the age of 35 years at the time of his election.

SEC. 3. The Governor shall be Commander-in-Chief, of the Militia, Navy, and all the armies of this State.

SEC. 4. He shall transact all Executive business with the officers of the Government, civil and military, and may require information in writing from the officers of the Executive Department, upon any subject relating to the duties of their respective offices.

SEC. 5. He shall see that the laws are faithfully executed.

SEC. 6. When any office shall, from any cause, become vacant, and no mode is prescribed by the Constitution and laws for filling such vacancy, the Governor shall have power to fill such vacancy, by granting a commission which shall expire when such vacancy shall be filled by due course of law.

SEC. 7. They shall also have power to convene the General Assembly by proclamation, when, in his opinion, the interests of the State require it.

SEC. 8. He shall communicate by message to the General Assembly, at every Session, the condition of the State, and recommend such matters as he shall deem expedient.

SEC. 9. In case of disagreement in the General Assembly, with regard to the time of adjournment, the Governor shall have power to dissolve the Session by proclamation.

SEC. 10. No person shall, while holding any lucrative office under the United States, in this State, execute the office of Governor, except as shall be prescribed by law.

SEC. 11. The Governor shall have power to grant reprieves and pardons, and commute punishments after conviction, except in cases of impeachment.

SEC. 12. The Governor shall receive, for his services, such compensation as shall hereafter be provided by law.

SEC. 13. There shall be a seal of this State, which shall be kept by the Governor, and used by him officially; and shall be called the great Seal of the State of Deseret.

SEC. 14. All grants and commissions shall be in the name and by the authority of the People of the State of Deseret, sealed with the great Seal of the State, signed by the Governor, and countersigned by the Secretary of State.

SEC. 15. A Secretary of State, Auditor of Public Accounts, and Treasurer, shall be elected by the qualified electors, who shall continue in office for the term of four years. The Secretary of State shall keep a fair registry of all the official acts of the Governor, and shall, when required, lay the same, together with all papers, minutes, and vouchers, relative thereto, before either branch of the General Assembly, and shall perform such other duties as shall be assigned him by law.

SEC. 16. In case of the impeachment of the Governor, his removal from office, his death, resignation, or absence from the State, the powers and duties of office shall devolve upon the Lieutenant Governor, until such disabilities shall cease, or the vacancy be filled.

ARTICLE IV.—OF THE JUDICIARY.

SEC. 1. The Judicial power shall be vested in a Supreme Court, and such inferior courts as the General Assembly shall, from time to time, establish.

SEC. 2. The Supreme Court shall consist of a Chief Justice and two associates, either two of whom shall be a quorum to hold Courts.

SEC. 3. The Judges of the Supreme Court shall be elected by a joint vote of both Houses of the General Assembly, and shall hold their Courts at such time and place as the General Assembly shall direct; and hold their office for the term of four years, and until their successors are elected and qualified.

The Judges of the Supreme Court shall be conservators of the Peace throughout the State, and shall exercise such other jurisdiction and appellate powers as shall be prescribed by law.

SEC. 4. The style of all process shall be *the State of Deseret*, and prosecutions shall be in the name and by the authority of the State.

ARTICLE V.—OF ELECTIONS.

SEC. 1. The Governor, Lieut. Governor, Auditor of Accounts, Treasurer, and Secretary of State, shall be elected by the qualified electors, as provided for members of the General Assembly, and at the time and place appointed for holding the same.

SEC. 2. The returns of every election for Governor, Lieutenant Governor, Auditor, Treasurer, and Secretary of State, shall be sealed up and transmitted forthwith to the Seat of Government, directed to the Speaker of the House of Representatives; who shall, during the first week of the Session, open and publish them in the presence of both Houses of the General Assembly; and the persons receiving a majority of all the legal votes cast for their respective offices, shall be declared duly elected.

SEC. 3. The Governor, Lieutenant Governor, Auditor, Treasurer, and Secretary of State, shall, before entering upon the duties of their respective offices, take an oath or affirmation, to support the Constitution of the United States, and of this State; which oath or affirmation shall be administered by the Speaker of the House of Representatives.

SEC. 4. The first election for members of the General Assembly and other officers under this Constitution, shall be held on the first Monday of May next, at the usual places of holding public meetings, in the different districts and settlements; at which time and place the qualified voters shall vote for or against the adoption of this Constitution; and if a majority of all the legal votes shall be in favor of its adoption, the same shall take effect from and after said election.

SEC. 5. At the time and place of holding the election, the qualified electors shall organize the polls, by appointing two Judges, who shall be authorized to qualify each other, and appoint two suitable persons as clerks; and said Judges shall, at the close of said election, seal up the number of votes so cast, and forthwith transmit them to the President of this Convention.

SEC. 6. The returns of the first election herein provided for shall be

made to the Chairman of this Convention, who, together with the two Secretaries, shall proceed immediately to open said returns, and to count the votes: upon ascertaining the persons receiving a majority of votes, they shall forthwith notify them of their election.

SEC. 7. The General Assembly shall, at its first Session, provide by law a general system of election for officers under this Constitution, and such other officers as may be hereafter created by law.

SEC. 8. The manner of voting shall be by ballot.

SEC. 9. The General Assembly shall meet at Great Salt Lake City; which place shall be the Seat of Government, until otherwise provided by law.

SEC. 10. All white males, residents of this State, over the age of 21 years, shall have the privilege of voting at the first election, and at the adoption of this Constitution: Provided, that no person in the military, naval, or marine service of the United States shall be considered a resident of this State, by being stationed in any garrison, barrack, military or naval place or station within this State, unless otherwise provided for by law.

ARTICLE VI.—OF MILITIA.

SEC. 1. The militia of this State shall be composed of all able-bodied, white male citizens, between the ages of 18 and 45 years, except such as are, or may hereafter be, exempt by the laws of the United States or of this State; and shall be armed, equipped, and trained as the General Assembly may provide by law.

SEC. 2. All commissioned officers of the militia (staff officers excepted) shall be elected by the persons liable to perform military duty; and all commissioned officers shall be commissioned by the Governor.

ARTICLE VII.—AMENDMENTS OF THE CONSTITUTION.

SEC. 1. If, at any time, the General Assembly shall deem it necessary, and for the best interest of the State, that this Constitution shall be revised, altered, or amended, the Assembly shall cause such revisions, alterations, or amendments to be published in the same manner as shall be provided for the publication of the Statutes, and appoint a day, not less than thirty days thereafter, for the electors of the Commonwealth to assemble in their several precincts, and vote for or against said revisions, alterations, or amendments; and if a majority of said

electors shall vote in favor of said revisions, alterations, or amendments, the same shall thereafter become parts and parcels of this Constitution; otherwise this Constitution shall remain unaltered.

ARTICLE VIII.—DECLARATION OF RIGHTS.

SEC. 1. In republican governments, all men should be born equally free and independent, and possess certain natural, essential, and inalienable rights, among which are those of enjoying and defending their life and liberty; acquiring, possessing, and protecting property; and of seeking and obtaining their safety and happiness.

SEC. 2. All political power is inherent in the people; and all free governments are founded in their authority, and instituted for their benefit; therefore, they have an inalienable and indefeasible right to institute government, and to alter, reform, and totally change the same, when their safety, happiness, and the public good shall require it.

SEC. 3. All men shall have a natural and inalienable right to worship God according to the dictates of their own consciences; and the General Assembly shall make no law respecting an establishment of religion, or of prohibiting the free exercise thereof, or disturb any person in his religious worship or sentiments, provided he does not disturb the public peace, nor obstruct others in their religious worship; and all persons demeaning themselves peaceably, as good members of the State, shall be equally under the protection of the laws; and no subordination or preference of any sect or denomination to another shall ever be established by law, nor shall any religious test be ever required for any office of trust under this State.

SEC. 4. Any citizen of this State, who may hereafter be engaged, either directly or indirectly, in a duel, either as principal or accessory before the fact, shall be disqualified from holding any office under the Constitution and laws of this State.

SEC. 5. Every person may speak, write, and publish his sentiments on all subjects, being responsible for the use of that right; and no law shall be passed to abridge the liberties of speech or of the press.

SEC. 6. The people shall be secure in their persons, houses, papers, and possessions, from unreasonable searches and seizures.

SEC. 7. The right of trial by jury shall remain inviolate, and all criminals shall be heard by self or counsel, at their own election.

SEC. 8. All penalties and punishments shall be in proportion to the

offence; and all offences, before conviction, shall be bailable, except capital offences, where the proof is evident, or the presumption great.

SEC. 9. The writ of Habeas Corpus shall not be suspended, unless in cases of rebellion or invasion, or the public safety shall require it.

SEC. 10. Treason against this State shall consist only in levying war against it, or adhering to its enemies, or giving them aid and comfort.

SEC. 11. The General Assembly shall pass no Bill of Attainder, or ex post facto law, or law impairing the obligation of contracts, to hinder the execution of justice.

SEC. 12. The laws shall not be suspended but by the Legislative authority.

SEC. 13. The right of petition by the people shall be preserved inviolate.

SEC. 14. The right of citizens to keep and bear arms for common defence shall not be questioned.

SEC. 15. Private property shall not be taken for public use, without just compensation.

SEC. 16. No standing army shall be kept up in time of peace, and the military shall, at all times and in all places, be in strict subordination to the civil powers.

SEC. 17. The enumeration of certain rights shall not be construed to impair nor deny others retained by the people.

[M.]

Report of Mr. Douglass in reference to Resignation of Members.

IN SENATE.

February 7, 1850.

THE joint Committee of the Senate and Assembly, instructed by a concurrent resolution of the two Houses, to draft and report an address to the people of the State of California, in reference to the Resignation of Members, have instructed us to report the following :—

TO THE PEOPLE OF THE STATE OF CALIFORNIA :

The citizen who accepts the station of public law-maker, in every instance assumes important and responsible duties—duties which should not be avoided nor discharged with indifference. But he who accepts such a high trust from a people just struggling into political existence, whose laws are yet unwritten, whose institutions are in chaos, whose civil and political liberties and rights are without protection,—takes upon himself a holy office, whose responsibilities are momentous to the extent of human comprehension. To build up a sovereign state out of anarchy, republican in its organization and wise in its laws and institutions, to take honorable position with those encircled in the flag of the American Union, involves a weighty task upon the intellect, and judgment, and sagacity of the legislator; and as such duty shall be wisely or unwisely, carefully or indifferently discharged, depends the welfare of the state and the happiness of its people. There can be no higher or more honorable civil and political trust delegated by a people than that of framing the laws and constructing the institutions of a new state, like our own. The delegation of such an office, in any case, is a manifestation of confidence in the wisdom, and integrity, and faithfulness of the legislator; but in *California* it implies a trust far beyond any precedent in a republic during the nineteenth century, for it

involves the construction of republicanism out of despotism—law and order out of anarchy—security of person and property, conscience and speech, out of violence and danger. He, then, who has been made the recipient of this high trust, and with it, the honors of the position, is bound, in a sacred covenant, to stand a faithful sentinel on duty, till his obligations to the people are discharged. Nothing but consequences of the most vital personal importance can excuse his failure to comply with the compact. To trifle with the trust is dangerous—to abuse it, mischievous—to desert it, a crime. But when desertion is followed by desertion, until a lawful number of a legislative body is reduced below the power to proceed in duty, then the consequences, instead of individual, become general in their mischiefs, and affect the rights and welfare of the people, whose agents are recreant, alike with those whose agents are faithful and true.

Since the organization of the first legislative body of our new State government, there have been resignations and other circumstances causing vacancies in both branches, to such an extent as to threaten the dissolution of the Legislature, or what would be the same in effect, reduce the number remaining below a constitutional quorum, and thus compel the suspension of business. Mr. Bennett, of San Francisco, called into another service in the organization of the government, resigned his seat in the Senate at an early day in the session, as did Mr. Voorhies, of the Assembly, on a similar public call.

These resignations have been followed of late by those of Mr. Post, of the Senate, from San Francisco, and Mr. Cornwall, of the Assembly, from Sacramento, and Mr. Martin from Los Angeles. Mr. Van Benschoten, of San Joaquin, has not yet appeared in his seat in the Assembly, for some reason unknown to us.

The vacancies of the four last named members not yet having been filled, and the probability that some members now absent on leave will not return, and the possibility that others will resign before the labors of this session are completed, involving the apprehended dissolution of the legislative branch, and virtually the suspension of the most important functions of the State government, now in the course of construction, have impressed us with the conviction that the people in those districts whose members have or may desert their posts, should not only provide speedily for their successors, but in their selection should take good care to send those who will hold in higher regard the

character and duties of such a trust, and be prepared to forego their individual interests, for a time, for the public welfare, thus placed in their keeping.

A suspension of the machinery of government, in the first year of its construction, through influences of this character, would be as calamitous to California as the history of such a misfortune would be disgraceful. After men have been delegated to an important political trust like this, and have accepted, the time has passed for them to falter in duty, without committing an offence to society of grave character, and one which taints them of trifling with the very existence of the State. To remedy the evils that are now upon them—to fill the places of those who have cared not, for whatever causes, to do an act which has all the appearance of contempt of that confidence imposed on them by the very circumstances of their election—to take admonition from the events of the past, and misplace not again their confidence and the delegation of the protection of their rights and welfare, is now the high duty of the people of these abandoned districts, and one which their own interests will prompt them speedily to discharge; and we trust, that in so doing, they will be successful in selecting those who, like the great body of both branches of the Legislature, come here impressed with the high sense of their responsibilities, resolved to forego a temporary personal inconvenience for the welfare of an infant state, and content to find their reward for the honest and faithful discharge of their trust in the "well done" of the people whom they serve, and the just remembrance of history.

Committee on the part of the Senate { DOUGLASS, CHAMBERLIN, VALLEJO.

Committee on the part of the Assembly { TINGLEY, STOWELL, CRITTENDEN, TEFFT, MOOREHEAD.

[N.]

OFFICE OF SECRETARY OF STATE.

San José, February 7, 1850.

HON. JOHN MCDOUGALL,

Lieutenant Governor and President of the Senate,

Sir,

I have the honor to transmit herewith the official returns of an election held in and for the District of San Francisco, on Saturday the 2d day of February, A.D. 1850, to supply a vacancy in the Senate of the State of California, occasioned by the resignation of *G. B. Post*, a Senator from said district.

I am, Sir,

Very respectfully,

Your Obedient Servant,

W. VAN VOORHIES, *Sec. of State.*

WE, the undersigned Judges and Inspectors of an Election held in and for the District of San Francisco, Upper California, on Saturday, the 2d day of February, Anno Domini, one thousand eight hundred and fifty, for the election of a State Senator to fill the vacancy occasioned by the resignation of G. B. Post, do certify and report as follows, to wit:—

FOR STATE SENATOR,

The whole number of votes received was one thousand nine hundred and ninety-six—of which

		VOTES.
Elcan Heydenfeldt	received	seven hundred and seventy-one
Horace W. Carpent	"	five hundred and twenty-six.
H. Ray Bowie	"	four hundred and one.
George F. James	"	one hundred and seventy-one.
Francis B. Wright	"	ninety-two.
Frank Moore	"	twenty-one.

There were VOTES.
Rejected eleven.
There were
Scattering three. "

ALFRED WHEELER,
EDWIN BELL,
C. C. P. PARKER, } *Judges.*

Witness,
THOMAS B. PRICE,
ABM. S. ALLISON.

[NN.]

Mr. Green's Report on Permanent Loan Bill.

IN SENATE.
February 11, 1850.

MR. PRESIDENT—

The Finance Committee to which was referred the bill from the Assembly entitled "an Act authorizing a Loan on the Faith and Credit of the State, to pay the expenses of the Civil Government thereof, and providing for the Redemption of the same," have had the same under consideration, and beg leave to report that the committee have not been able to agree upon all of the provisions of said bill—that a minority of said committee are wholly opposed to said bill, while a majority are in favor of so amending it as to strike out the 12th and 13th sections in relation to the Sinking Fund, which, in their opinion, ought to be embraced in a separate Act. They also recommend the striking out of words "penalties and forfeitures," in the fifth line of 10th section, and substituting therefor the word "conditions." They also recommend the striking out the word "irrevocably," in the fifth line of 17th section.

They also recommend an additional section in the following words :—

SEC. 6. As an earnest that such bidder or bidders will take and comply with any bid or bids under the provisions of this Act, it is hereby required that he or they shall, as a pre-requisite, pay into the Treasury at least ten days previous to the adjournment of the present session of the Legislature, fifty thousand dollars in cash or bonds of the "Temporary State Loan.'

Your committee are unanimous in opinion upon this point, that it will be necessary to borrow not less than the sum proposed in the bill, to meet all the requirements of the State, for the first fiscal year, but they only differ as to the mode of so doing.

That after the first year they believe the income of the State will not only meet her current expenses, but also provide a Sinking Fund, which, in ten years, will redeem any amount of bonds which the State may issue, not exceeding one million of dollars.

Your committee will further remark, that there being no power in any subsequent Legislature to borrow money, will, in their opinion, be a sure guarantee to the present loaner to the State for his investment.

All of which is respectfully submitted.

THOMAS J. GREEN,
Chairman.

[O.]

Report of Mr. Crosby on Civil and Common Law.

IN SENATE.

February 27, 1850.

THE Committee on the Judiciary, to whom was referred the petition of certain members of the bar of San Francisco, beg leave

RESPECTFULLY TO REPORT,

That they have had the same under consideration, and have given the subject, of which it treats, that candid and serious attention which its magnitude seems to demand. The petition, praying, as it does, that the Legislature will retain, in its substantial elements, the system of the Civil Law, distinctly presents the alternative of the adoption of the Common, or of the Civil Law, as the basis of the present and future Jurisprudence of this State. A choice between these two different, and in many respects conflicting systems, devolves upon this Legislature; and, we think, we do not over-estimate the importance of the subject, in expressing our conviction, that this choice is by far the most grave and serious duty which the present Legislature will be called upon to perform. It is, in truth, nothing less than laying the foundation of a system of Laws, which, if adapted to the wants and wishes of the People, will, in all probability, endure through generations to come, —which will control the immense business transactions of a great community,—which will direct and guide millions of human beings in their personal relations,—protect them in the enjoyment of liberty and property,—guard them through life, and dispose of their estates at the hour of death. Actuated by these considerations, and impressed with the necessity of mature deliberation and an unbiassed decision, your Committee have felt it their duty to submit to the indulgence of the Senate a more full and detailed Report upon the matter referred to them, than they should otherwise have felt themselves justified in doing.

The petition sets out with a description of the gentlemen, whose signatures are affixed to it, as "practising members of the Bar of San Francisco." Your Committee is of the opinion that the judgment of intelligent and well educated members of the legal profession upon this subject, is entitled to great weight, and should not be lightly disregarded. We are aware, that it is a somewhat popular doctrine, with which demagogues frequently seek to wheedle the people, that, in matters of Law and Legislation, the crude notions of any man, who is *not* a lawyer, are entitled to higher consideration than the deep reflection and rife experience of the most profound jurist. According to this creed that magic power, "good common sense," as it is termed, inspires every man who may happen to be possessed of it, instinctively, and without investigation or study, with a thorough knowledge of an abstruse and difficult science. In short, reduced to its simplest terms, and traced through its legitimate consequences, the proposition is, that the man who is entirely ignorant of a multifarious subject, is more competent to form a just and correct judgment concerning it, than the man who has made it the business of his life to comprehend it in theory and understand it in all its minute and practical details. From all such doctrine we respectfully dissent. We hold to the opinion, unpopular though it may be, that a person is best qualified to judge of the matter upon which he has bestowed most examination, and to which he has devoted most study and reflection. We hold that a carpenter may reasonably be expected to build a better house than a tailor, and a tailor stitch a coat more neatly than a house joiner; that a machinist may construct a steam engine, arrange and adapt its complicated parts, and set them all in harmonious motion, with more facility and greater success, than a shoemaker. We even think that an experienced surgeon may amputate an arm or a leg, with as little pain to the patient, and with as much safety to his life, as a wood sawyer; and that a well read and skilful physician will be able to counteract and remove the various "ills that flesh is heir to," as quickly and adroitly as a farrier, or even a quack doctor. And, for the same reasons, we do honestly maintain that a member of the Bar,—who has been educated to the profession which he practises,—who, from youth upwards, has made law his study and engrossing occupation,—who has bestowed upon it the "*viginti asinarum lucubrationes*,"—made it the subject of his reflections by day, and of his meditations by night,—traced it through all its ramifications and

mysteries,—gloried in its excellence, and sorrowed over its defects,—is quite as competent to form a sound and correct judgment in respect to the wisdom or impropriety of its particular provisions, as well as the beauty or deformity of the whole, as if he had been educated behind the counter, or brought up at the anvil or the plough.

We think, therefore, that the enlightened opinions of the legal profession, when fairly expressed, should go far towards inducing conviction of the policy or impolicy of establishing, abrogating, or modifying, a system of laws; and if the petition under consideration be in unison with the settled convictions and real wishes of a large proportion of the practising members of the Bar in this State, we should feel bound to accord to it a very respectful deference.

For the purpose, then, of determining to what extent your Committee ought to consider the memorial as an expression of the sentiments of the Bar, we have taken some pains to ascertain the reasons why this petition happens to be laid before the Senate at the present time. From inquiries made by us, we have learned that, a short time since, a meeting of the members of the Bar of San Francisco was held, for the purpose of taking into consideration the subject of the adoption of the Common or of the Civil Law as the substratum of the legal system of the State. We have further learned, that such meeting was attended by a large portion of the members of the legal profession of that city; that it was adjourned once or twice, in order to enable all to express their predilections; and that, after a somewhat protracted discussion, in which some of the most distinguished of the petitioners took part, resolutions were almost unanimously passed, warmly recommending the Common Law, and earnestly requesting the Legislature to adopt it. We understand that these resolutions are now before the Assembly.

There are, according to the best information and judgment of your committee, not less than one hundred practising lawyers at San Francisco. The names of but eighteen persons are signed to this petition; and thus the Civil Law comes recommended by less than one fifth of the profession at that place. Your Committee would further suggest that, in their opinion, the disparity existing between the number of those whose choice would be the Civil Law, and of those whose strong partialities are in favor of the Common Law, is not greater in that portion of the profession practising at San Francisco, than it is throughout the residue of the State. If, therefore, the question is to be affected in any

way by the known and expressed wishes of that profession to which the petitioners claim to belong, it must be in favor of the Common rather than of the Civil Law.

We will now proceed to the more immediate examination of the matter of the petition.

But before entering upon the subject in detail, we would premise, that no one for a moment entertains the idea of establishing in California the whole body of either the Common or the Civil Law. There are in each principles and doctrines, political, civil, and criminal, which are repugnant to American feelings, and inconsistent with American institutions. Neither the one nor the other ever has been, or ever can be, unqualifiedly adopted by any one of the United States. Thus, in Louisiana, where the Civil Law prevails, and in the rest of the States, in which the Common Law is recognised, great and radical additions, retrenchments, and alterations, have been made in the particular system which each has taken as the foundation of its jurisprudence. The Constitution of the United States swept away at once the entire political organization as well of the Common as of the Civil Law. The several State Constitutions make still further inroads, not only into the political, but also into the civil and criminal departments of both systems; and the statute law of each State eradicates many harsh doctrines, and abolishes many oppressive and tyrannical provisions, and in their place substitutes positive rules of action, milder and more enlightened in their nature, more applicable to our political organization, and more congenial with the cultivated feelings and liberal institutions of our people. But still the great body of each system remains untouched. Such is the wonderful complexity of human affairs—a complexity which must always increase more and more in proportion to the advance of commerce, of civilization, and of refinement—that of the immense multitude of questions which are brought before your courts for adjudication, but very few arise under, or are dependent upon, or can be controlled by, Constitutions or express statutory laws. Examine the reports of the different States, Louisiana amongst the rest, and it will be found that a precise rule has been laid down by statute for scarcely a tithe of the cases which the Courts have been called upon to decide; and should the futile attempt be made to provide, in advance, for every contingency which may occur, your volumes of legislation would be increased to a number that, to apply

sacred language to a profane subject, the world would not contain them.

We know it to be a favorite theme of some men, more loquacious than wise, that the entire laws of a community, regulating every variety of business, and defining and providing the penalty for every grade of crime, may be, and ought to be, reduced within the compass of a common sized spelling-book—so that every man might become his own lawyer and judge—so that the farmer, the artisan, the merchant, with this "vade mecum" in his pocket, at the plough, in the workshop, or in the counting-house, might be enabled, at a moment's warning, to open its leaves and point directly to the very page, section, and line, which would elucidate the darkest case, solve the most abstruse legal problem, clearly define his rights, and prescribe the exact remedy for his wrongs. It is scarcely necessary to say that all such notions are but the wild chimeras of ignorance and folly, or the erratic fancies of a spirit more reprehensible and more to be deprecated than ignorance and folly conjoined. The features and forms of men are not more diverse than their minds—and their business transactions are as ever-varying as their mental and moral characters. One man views the same object, whether physical, or moral, or legal, in a different light from another—no two men ever do the same thing in precisely the same way—perhaps no two cases ever arose without a shade of difference between them; and, until you can cast the forms and features of all men in the same mould, reduce the operations of their minds to the same uniform level, and endow each individual with the same moral sense and the same intellectual faculties, you may expect nothing less than diversity in their modes of business, in their bargains and sales, their contracts, conveyances, and testaments, and their manifold devices for the perpetration of fraud and of crime. To undertake, by statute or by code, to establish a just and accurate rule for every contingency of human avarice and passions, and for all the endless phases of varied life, is to essay a task which never yet was accomplished—a task which, until the Almighty shall change the nature and attributes of man, must for ever remain equally impracticable and absurd. In truth, all the provisions of constitutions, and statutes, and codes, are but pebbles on the sea-shore—the vast ocean of legal science lies beyond. The most, therefore, that can be expected from the present Legislature is, to set the machinery of government in operation in all its departments, establish a system of

pleadings and practice, enact certain statutes providing for the most common cases of judicial investigation; and for the rest, resort to one of the two great repositories of legal learning, the Common or the Civil Law.

The question naturally presents itself here, What is the Common Law? what the Civil Law? and what the distinction between them? The several divisions of this question we shall now proceed to answer in their order.

The Common Law is that system of jurisprudence which, deducing its origin from the traditionary customs and simple laws of the Saxons, becoming blended with many of the customs and laws of the Normans, enriched with the most valuable portions of the Civil Law, modified and enlarged by the numerous Acts of the English Parliament, smoothed in its asperities and moulded into shape by a succession of as learned and wise and sagacious intellects as the world ever saw, has grown up, during the lapse of centuries, under the reformed religion and enlightened philosophy and literature of England, and has come down to us, amended and improved by the American Legislature, and adapted to the republican principles and energetic character of the American people. To that system the world is indebted for whatever it enjoys of free government, of political and religious liberty, of untrammelled legislation, and unbought administration of justice. To that system do we now owe the institution of trial by jury, and the privileges of the writ of Habeas Corpus, both equally unknown in the Civil Law. Under that system all the great branches of human industry—agriculture, commerce, and manufactures—enjoy equal protection and equal favor; and under that, less than under any scheme ever devised by the wisdom of man, has personal liberty been subject to the restrictions and assaults of prerogative and arbitrary power.

The Civil Law, on the other hand, is that system which, based upon the crude laws of a rough, fierce people, whose passion was war, and whose lust, conquest—received, in its progress through the various stages of civilization from barbarism to luxurious and effeminate refinement, a variety of additions and alterations, from the Plebiscita of the Roman Plebeians, from the Senatus-consulta of the Roman Senate, from the decrees of Consuls and Tribunes, from the adjudications of prætors, from the responses of men learned in the laws, and from the edicts and rescripts of the profligate tyrants of Rome, until, in the early ages of

Christianity, the whole chaotic mass was, by the order and under the patronage of the Emperor Justinian, systematized, reduced into form, and promulgated for observance by the Roman people, in the shape of four books called the Institutes, fifty books known as the Pandects, and certain additional edicts designated as the Novels of Justinian. Thereafter, and until the final downfall of the Eastern Empire of Rome, the Justinian code furnished the guide for the legal tribunals throughout the provinces subject to the Imperial sway, in all cases political, civil, and criminal, except so far as particular decisions were commanded, annulled, or modified by the arbitrary will of despotic power. But, as century after century, wave upon wave of Northern barbarism poured down on the effeminacy of Southern Europe, sparing in its course neither the intellectual nor the material monuments of civilization, the administration of Roman law was, city after city, and province after province, gradually obliterated at the same time, and to the same extent, that Roman power was crushed, and Roman institutions demolished. The whole system of Justinian was at length swept from the face of the earth, or buried in the recesses of cloisters, alike forgotten and unknown. In the twelfth century, however, a copy of it was accidentally discovered at Amalfi, in Italy; and, owing to the arbitrary nature of some of its provisions, as well as to the wisdom and excellence of its general features, it was seized upon with avidity by the clergy, as favorable to their spiritual authority, and by monarchs, as conducive to the support of their despotic power. It was at once taught in the schools, studied in the convents, sanctioned by kings, and commanded by the Holy Father himself, who held the keys of heaven. In a few years it became the prevailing system of laws throughout most of that portion of Europe, in which the founder of Christianity was respected, and the saints and martyrs adored. Thus, as in earlier times, the fine arts, literature, philosophy, and graceful superstitions of Greece, had captivated the rude minds and softened the stern natures of the Roman people; so centuries afterwards, the refined system of Roman jurisprudence overthrew the uncouth customs and ill-digested laws of its conquerors, and led captive kings and nobles, clergy and laity, in the progress of its triumphal procession. With the exception of England alone, the code of Justinian became engrafted upon the local institutions of each separate principality and kingdom, and constituted a general system of European law; but neither the favor of kings, the denunciations of priests, nor even the fulmina-

tions from the Papal See itself, could ever induce the English barons, the English courts, or the English people, to receive it as a substitute for their own favorite and immemorial customs. At this early period, then, when the dawn of a new civiliza ion was just beginning to burst upon the world, the kingdoms of Europe, though united in religious superstitions, were divided in reverence for laws. That division has continued to the present day; and has also extended over the islands and continents, not then known, but since discovered and occupied. Wherever the English flag has been unfurled upon a savage or hostile shore, possession has been taken at the same time in the name of its sovereign, and in behalf of its laws; and upon whatever bleak and rock-bound coast an English colony has been planted, there also have the colonists established the Common Law, and ever afterwards clung to it as the inalienable birthright of themselves and their children, with a tenacity that no power, no suffering, no fear of danger, no hope of reward, could induce them to relax. In the same way has the Roman or Civil Law gone hand in hand with the extended dominion of the continental nations of Europe. Thus it happens that at the present time the whole christianized world is ruled by one system or the other. England, her colonies in all parts of the globe, and the United States, with the exception of Louisiana, adhere to the Common Law; whilst, excepting Russia and Turkey, the nations on the continent of Europe, Mexico, Guatemala, all the republics of South Ameri a, together wi h the empire of Brazil, maintain the supremacy of the Civil Law, with certain restrictions, limitations, and additions, necessary to adapt it to the peculiar organization of each particular state.

Having thus endeavored to convey a general idea of the two systems in question, we come now to speak more particularly of some of the differences existing between them. And in so doing, we propose barely to call the attention of the Senate to a few leading characteristics and results, without attempting to trace them out through their remote and manifold and intricate consequences.

To commence, then, with the domestic relations. The Civil Law regards husband and wife, connected it is true by the nuptial tie, yet disunited in person, and with dissevered interests in property. It treats their union in the light of a partnership, no more intimate or confiding than an ordinary partnership in mercantile or commercial business. Whereas the Common Law deems the unseen bond which unites

husband and wife, as so close in its connexion, and so indissoluble in its nature, that they become one in person, and for most purposes one in estate. At the same time, it puts the burden of maintenance and protection where it rightfully belongs, and makes the husband, as Providence designed he should be, in truth and reality the head of the household. The concessions which it makes to the wife, in respect to property, by compelling the payment of her debts and vesting her with an estate in dower, are a full compensation for the sacrifices which it requires her to make, and an ample equivalent for the communion of goods allowed her by the Civil Law. The result is, that in no country has the female sex been more highly respected and better provided for—no where has woman enjoyed more perfect legal protection, or been more elevated in society; and nowhere has the nuptial vow been more sacredly observed, or the nuptial tie less often dissevered, than in the Common Law countries—England and the United States.

The Civil Law holds the age of majority in males, for most of the ordinary purposes of life, at twenty-five years. Even after this, the son continues in many respects subject to the parental authority until it is dissevered in one of six specified modes. This system retains man in a continued state of pupilage and subordination from earliest infancy, until in some cases his locks become hoary with age. But the Common Law absolves the age of twenty-one from parental restraint, and clothes it with the complete panoply of manhood. It bids the youth go forth into the world, to act, to strive, to suffer,—an equal with his fellow man—to put forth his energies in the service of his country, or in the eager strife for the acquisition of wealth or the achievement of renown. Hence, under the latter system, the activity, the impetuosity, the talents of early manhood, stimulated by fresh aspirations of ambition, or love of gain, are, at the earliest practicable period, put under requisition and brought into exercise, in developing the resources, and adding to the wealth and glory of a State; whilst, under the former, they stagnate for lack of sufficient inducement to action, and are to a great degree lost.

While the fundamental principles of domestic society thus differ in the two systems, an equal diversity runs throughout all the deductions therefrom; and we are convinced that, in the several relations above noticed, and also in that of guardian and ward, contrasted with tutor

or curator and pupil, there are nicer distinctions and a greater multiplicity of rules and qualifications in the Civil than in the Common Law.

Again, in relation to mercantile transactions. In the Civil Law the purchaser of property may, within the period of a certain limitation, in some countries four, and in others two years, come into court and claim, under the doctrine of lesion, that the goods purchased by him were worth only a part of the price which he paid therefor. Thus A sells property to B in a perfectly fair sale, without deceit or false representation. After the expiration of some months, or it may be years, B brings suit, and alleges that he paid twice the value of the property, and compels A to make restitution. But the Common Law in such cases, where no fraud appears, and no false representations are made, leaves each party to act upon his own responsibility, and for his own interest, as his judgment shall dictate.

But again: The Civil Law holds, under the doctrine of implied warranty, that where one article eventually proves to be of different material from, or of inferior quality to, that which the purchaser intended to buy, and supposed he was buying, he may require the vender to refund the whole or a portion of the consideration received. Thus A sells to B a package of broadcloth or a bale of sheeting, both parties supposing the goods to be in perfect condition, both having the same opportunity of inspection and examination, and both equally ignorant of any defect. After the goods are removed, perhaps thousands of miles, they are ascertained to be damaged. B then brings suit against A, and recovers upon the ground of warranty implied by law. On the other hand, the Common Law more wisely says, that if B wished to guard against the contingency of a possible defect, he should have made it a part of the contract of sale, that A give his express warranty of the merchantable quality of the goods. Its doctrine is *caveat emptor;* and when a trade is fairly consummated, without fraud or undue advantage, or untrue statements, the rights of the parties are fixed, and it becomes too late for retraction. In other words, the Common Law allows parties to make their own bargains, and when they are made, holds them to a strict compliance; whilst the Civil Law looks upon man as incapable of judging for himself, assumes the guardianship over him, and interpolates into a contract that which the parties never agreed to. The one is protective of trade, and a free and rapid interchange of commodities—the other is restrictive of both.

If time and space permitted, and it would not be occupying too much attention of the Senate, we might trace the same general principle of distinction through various other departments of the two systems, through their provisions for the tenure and transfer of real estate, for the transmission of inheritances and successions, for the execution and validity of last wills and testaments, and the distribution of property in pursuance of them, and for the enumeration of the powers and duties of executors, administrators, and trustees; but we must pass them by, and hasten to other considerations, for we deem it of more consequence to understand the general scope, and tendency, and results of the two systems, than the single and isolated principles which go to make them up. We have already invited your attention to a few of their leading heads, and contrasted their strong points of difference; and in so doing have only touched upon the confines of a wide and diversified field of legal science. To follow up the infinite divisions, sub-divisions, and exceptions of even the few branches to which we have particularly adverted, would require more time than we have had to bestow; and to run out the comparison between the various heads which we have merely designated by name, would fill more volumes than a library could contain. We shall, therefore, leave this part of the subject and proceed to consider various objections which are sometimes urged against the Common Law.

And first, it is claimed, that under this system the landed interest has ever prevailed over the interests of commerce, manufactures, and labor. It is probably desired that the inference should be drawn, that while the Common Law fosters and encourages agriculture, it operates to depress and impoverish commerce, manufactures, and labor, and that the Civil Law has a tendency to promote and cherish them all. The objection, if of any weight at all, is applicable only to the system as administered in England and her colonies, and not as it prevails in the United States; in other words, to the English rather than to the American Common Law. But we deny that it is of any validity anywhere. On the contrary, we maintain that nowhere do all these great branches of national wealth thrive as vigorously and prosper to so great an extent as they do under the countenance and protection of the Common Law. Is there any country of the world in which wages are higher and labor less subservient to the great landed interest, than in England and the United States? If there are, we have not heard of them.

It is true, that in the former, owing to a peculiar combination of circumstances, and despite the elevating principles of the Common Law, the laborer does not occupy as favorable a position as he does in the United States. But we would ask, in what country governed by the civil system, is his condition better? Everyone knows, that in France, Spain, Italy, Germany, Mexico, and South America, he is depressed in the last degree. In truth, in no nook or corner of the earth, except in the United States, is labor looked upon otherwise than as degrading, and as the appropriate task of serfs; and nowhere, save under the benign influences of American Common Law, can it look up, in the midst of its toil, and say that it receives an adequate and abundant reward.

Is it otherwise in respect to manufactures? We have yet to learn that England and the United States are behind any nation of the earth in the growth and prosperity of the manufacturing interest. They are eminently the great manufacturers of the world. Their superiority is seen equally in the nicety of a pin, and in the strength and power of a steam engine. Their skill is displayed, with the same success, upon a penknife and a sabre, and the excellence of their handiwork is confessed, as well in the coarser cloths for substantial use, as in the delicate gauze which enfolds the form of beauty.

How is it with that other department of industry, over which it is claimed that the landed interest predominates? English and American commerce enlivens every port, whitens every sea, woos every breeze. Its enterprise is not consumed by the fervid heat of a tropical sun, nor chilled by the eternal frosts of the frigid zone. It goes forth from every city and town, from every river, and bay, and inlet; pushes its career wherever civilized man can penetrate; it circles the earth in quest of the necessaries and luxuries of life, and returns, at last, laden with the spoils of a whole ransacked world. Its merchants are princes, its ships palaces, its sphere, the illimitable sea. On the other hand, the commerce of the Civil Law countries is confined to a limited range, and prosecuted in inferior ships. It creeps timidly along a few familiar shores, or if, occasionally, it does put forth into remoter regions, it is with a hesitating, faltering step, uncertain in its movements, sluggish in its progress, and unprofitable in its results. It is not fostered by the quickening influence of English and American law—it writhes under the petitioners' favorite system. The spirit of life is not in it—it is dead.

If, then, the laboring, the manufacturing, and the commercial inte-

rests are in a higher state of prosperity in those countries governed by the Common, than in those under the dominion of the Civil Law, we see not how an argument can be drawn in favor of the latter against the former, on the ground that the landed interest predominates over all the others. And if the landed interest does indeed so predominate, then we have not only commerce, manufactures, and labor, but agriculture also, constituting altogether the great departments of human industry from which any nation can expect to derive wealth and power —all enjoying more perfect protection, all better promoted and cherished and fostered, all more highly successful, under the worst administration of the Common than under the best code founded upon the Civil Law.

It has been said by a distinguished writer upon the principles of government, that the laws of a country are fashioned after the character of its people. To a certain extent, this is true. But it is at the same time equally true, to as great an extent, that the character of a people is moulded by its laws. The two mutually act and re-act, the one upon the other, each producing gradual, though perhaps imperceptible changes, until, when generations have passed away, it becomes impossible to resolve, with any degree of accuracy, what effect the character of a people has had in the formation of its laws, or what influence the laws have had in determining the character of a people. It would be a curious, if not an instructive subject of inquiry, were it possible to arrive at a satisfactory conclusion, to ascertain how far the intellectual and moral condition of the people of those countries in which the Civil Law prevails, has been produced by their legal system, and what influence the free principles and exact justice of the Common Law have exercised in developing the sturdy, sagacious, and self-relying spirit of the English and American people. To whatever cause it may be owing, it is nevertheless true, that with a few rare exceptions on either side, there is a strongly marked boundary between the domains of the respective systems. In the one, you perceive the activity, the throng, the tumult of business life—in the other, the stagnation of an inconsiderable and waning trade; in the one, the boldness, the impetuosity, the invention of advancing knowledge and civilization—in the other, feebleness of intellect, timidity of spirit, and the crouching subserviency of slaves; in the one, the strength and freshness of manhood—in the other, the weakness of incipient decay. The one possesses a progressive and

reforming nature—the other partakes of quietude and repose; the one is the genius of the present and the future—the other, the spirit of the past; the one is full of energetic and vigorous life—the other, replete with the memories of a by-gone and antiquated order of things. It was with views of the Civil Law like these, that Chancellor Kent, whose authority is invoked by the petitioners, says, in the eloquent language quoted by them, "that it is impossible, while engaged in the contemplation of the system, not to be struck with some portion of the awe and veneration which are felt in the midst of the solitude of a majestic ruin."

But the technicalities of the Common Law are objected to, as if there were none in the opposing system, and the whole was as simple and plain as a New England Primer. On the contrary, we take it upon ourselves to say, that for every one technicality in the former, we will point out another in the latter. We speak of the Common Law as it is now, not as it was three centuries ago, or even when Sir James Mackintosh uttered his criticisms upon it. But technicalities in any system of law, whether Common or Civil, whether the law of Moses or the law of the Koran, are as necessary and unavoidable as they are in any other profession, art, trade, or mystery. Medicine and divinity, painting and poetry, commerce and navigation, chemistry, mineralogy, botany, and geology, all have their own peculiar and appropriate technicalities. The merchant has his; the mechanic, his; the engineer, his. A printer cannot explain the use of his types or his press, a watchmaker the construction of a watch, or a jeweller the setting of a diamond, without the use of technicalities. Nay, even the work of legislation, in which we are now engaged, has its own peculiar and indispensable terms, which are nothing but technicalities. In all these cases, instead of being objectionable, they are in the highest degree deserving of commendation. They are, in reality, labor-saving machines, enabling people to express by one significant word, what would otherwise require a long and tedious circumlocution. If, then, they are necessary in every department of human art and science, how can it be expected that law, the most abstruse and comprehensive of them all, shall be divested of them? The wit of man never has and never will accomplish so difficult a task. He, therefore, who indulges in the expectation that it may be freed from them, and reduced to such a state of simplicity that he who runs may read, and the wayfaring man, though a fool,

need not err therein; or he, who supposes that all the principles of any civilized system of jurisprudence are so written in the heart of every man who has received a moral education, that he will be able to comprehend them without study, and apply them without hesitation or doubt—much more, he who imagines that, because a man of sense and moral culture may experience no hardship in living under a law which compels him to do what he ought to do, he will find in his breast a response to all the technicalities, principles, and rules of the Civil Law, with all their multiplied divisions and qualifications, subdivisions, ramifications, and exceptions, the explanation and illustration of which have filled thousands of volumes, and occupied for centuries the life-long study and application of thousands of the wisest and most learned men of the world, is doomed to pass through life under a mistake, and will probably die with it uncorrected.

The charge of dilatoriness is also made against the Common Law. But is it true, that it is only where this system has prevailed that courts have become odious for their wearisome delays? The very converse of the proposition supposed is true. In all the Civil Law countries of Europe and America, with but two solitary exceptions, the courts are notorious for prolixity and dilatoriness of proceedings, and for verbosity of pleadings and process, occasioning ruinous expenses, and swallowing up whole estates in the vortex of a single litigation. And although, in former times, the courts of England were in some cases justly exposed to the censure of unnecessary delays, yet, at the present day, England and the United States are the only countries where justice is both swift and sure in the pursuit of wrong, and punishment treads closely upon the heels of crime. But the truth is, we see nothing inherent in either system which necessarily requires the intervention of long delays. In this respect the administration of the system is of more consequence than the system itself. If we authorize but one or two terms of the several courts in a year, choose weak and incompetent judges, and pay them the same salaries which we give to the doorkeepers of our respective legislative halls, we must expect that, enact whatever laws we may, litigation will drag its slow length along. Lowness of price implies inferiority in the quality of law, as in the quality of everything else; and it is in this view that a cheap judiciary will always prove, in the end, the dearest of all.

It is also urged that something is due to the rights of the people

who became a part of the American Union by the acquisition of California. Undoubtedly the same respect should be paid to their interests that is awarded to all the citizens of this State. They stand upon the same equal level with the rest, neither elevated above nor depressed below their fellows; and we should be the last persons in the world to countenance the least infringement upon any of their rights. They have become citizens, like ourselves they stand at the polls, they sit in the halls of legislation, they appear in the courts of justice, as our equals. They will receive from the Legislature, courts, and juries, the same attentive hearing, the same fair and impartial determination of their rights, that all other citizens are entitled to claim. But if it be meant that it is due to their rights that they should become recipients of special legislation, or should, for their exclusive benefit, have laws enacted or continued injurious or ill adapted to the best interests of the whole State, we take issue upon the allegation, and deny it. There is no just ground for supposing that rights will not be regarded under one system as much as under the other. In Texas and Florida, both formerly Civil Law countries, the Common Law was afterwards substituted, and we are not aware that the life, liberty, and property of those who were citizens at the time of such change, have not since been quite as well protected under the latter as they had before been under the former.

Having thus endeavored to answer several objections which are sometimes urged against the Common Law, we shall now proceed to consider certain reasons which, in our opinion, render its adoption in this State peculiarly appropriate; and this, too, without especial reference to its intrinsic superiority. Nay, in this view, we are willing to concede, against our own strong and decided convictions, that the Civil Law is equally wise in its provisions, humane in its doctrines, progressive in its spirit, and susceptible of an equally expeditious administration.

We wish to remark in the outset, that we by no means concede the position that the Civil Law is in full force in this State at the present time. It is extremely uncertain to what extent it ever did prevail. Situated at so great a distance from the Mexican capital, occupying months in the interchange of communications with that central point of law and legislation, connected with it by the fragile tie of common descent, rather than by any intimate communion of interests or sympa

thy of feeling, exposed to frequent revolutions of the general and departmental governments, finding but little stability in the Mexican Congress, little convenience for the promulgation of its laws, and less power to enforce them, the people of California seem to have been governed principally by local customs, which were sometimes in accordance with the Civil Law, and sometimes in contravention of it. However this may be, it is very certain that it now prevails to but a limited extent, and equally certain that the Common Law controls most of the business transactions of the country. The American people found California a wilderness—they have peopled it; they found it without commerce or trade—they have created them; they found it without courts—they have organized them; they found it destitute of officers to enforce laws—they have elected them; they found it in the midst of anarchy—they have bid the warring elements be still, have evoked order out of confusion, and from the chaotic mass have called forth a fair and beautiful creation. Throughout all this they have taken the Common Law, the only system with which they were acquainted, as their guide. Their bargains have been made in pursuance of it—their contracts, deeds, and wills have been drawn up and executed with its usual formalities—their courts have taken its rules to govern their adjudications—their marriages have been solemnized under it—and, after death, their property has been distributed as it prescribes. Are you to hold all or a great portion of these things as naught? Will you overturn or invalidate the immense business transactions of a great community? And yet to this must you come, if you say that the Civil Law is in force throughout the State. The first settlers of the United States brought with them from the mother country the Common Law, and established it in an uninhabited region. The emigrants to California have brought with them the same system, and have established it in a country almost equally unoccupied. If a change therefore is made, it must be a substitution of the Civil Law in place of the Common Law. If you sanction the latter by legislative enactment, you only give your authority to what has already been done in anticipation of such authority.

But the precedent of Louisiana, in which the Civil Law prevailed at the time of its cession to the United States, may possibly be cited as a parallel case. The analogy, however, does not hold good. There existed in Louisiana, at the time of its acquisition, a government in full

operation in all its departments, a sy[illegible]n of laws regularly and effectually administered, and a population h[illegible]e in comparison with the first influx of American settlers. The imm[illegible]gration there was, at first, but a trifling rill, creeping languidly to the river, and it has continued to increase but gently and moderately down to the present time. The American population there have thus, gradually and imperceptibly, accommodated themselves to the habits, and adopted the customs and laws of a community which they found, at the respective periods of their settlement, completely organized, and consisting of much greater numbers than themselves. In confirmation of this, we have barely to call your attention to the fact, that the immigration to Louisiana from the United States, during a course of some forty-seven years, has not probably been greater than that which has flooded California during the short period of one year. Here we have, indeed, had no paltry and insignificant stream, lost in the great ocean, without its feeble tribute being perceived; it has been, and still continues, the broad, deep, rushing torrent, swollen by continued rains and the melted snow from a thousand mountain tops, suddenly pouring down upon and inundating a whole region of country.

The petitioners ask, in substance, for the adoption of the English definition of crimes, the English Law of Evidence, the English Commercial Law, and the Civil Code of Louisiana. Without doubting that a harmonious and symmetrical system might be deduced from them all, by the long and patient labor of years, of men fully adequate to the task, we must, nevertheless, be allowed to suggest our opinion, that were we to attempt to adopt them, as they are, without more labor devoted to reconciling their jarring provisions than any Legislature would have either the will or the time to bestow, we should have a system of laws which would be no system at all—a system of contradictions and absurdities—a rule here conflicting with a rule there—the same principles thrice reiterated, and each time in different terms, and in a new shape—a system, which, though of the earth, earthy, would yet be neither fish, flesh, nor fowl.

But there are additional reasons of still greater cogency for the adoption of the Common Law. Of the thirty States in the Union, twenty-nine are governed by the Common, and one by the Civil Law. More than twenty-nine thirtieths of the citizens of the United States have been brought up under and accustomed to transact their business in

compliance with the principles of the former system. More than twenty-nine thirtieths of the emigration to this country is from Common Law States; and an equal proportion of the business of our people is now and will continue to be, carried on by Common Law men. If you change this system, which, in all ordinary matters, they sufficiently understand, you draw a cloud of doubt and uncertainty over every department of business. In the most familiar transactions, as well as in those of graver import, merchants, mechanics, farmers, speculators, and miners, will hesitate in taking a single step, without having first been put to the trouble and expense of consulting a lawyer, to ascertain whether the contemplated matter, or the particular method of doing it, well known by them to be valid under the Common Law, would not, under the Civil system, prove an utter nullity, or require a different mode of performance. Indeed, if the legal profession were in reality, as the ignorant and prejudiced sometimes allege, composed of a mercenary class, seeking their own emoluments, and regardless of the general and permanent welfare and convenience of the whole community, there is nothing which they ought so ardently to desire as the granting of the prayer of the petitioners; for in that event their offices must be thronged by clients to repair blunders already committed, to prosecute or defend suits occasioned by such blunders, or to procure legal opinions in advance, whether a contract or instrument, requiring by the Common Law a well known method of execution, or a compliance with certain definite rules, would not in the Civil Law demand another mode of execution, or a compliance with other, or different, or additional rules. Nay more, and worse—the best lawyers in the State, though having a general acquaintance with the Civil system, yet not being possessed of accurate and critical knowledge of its minute and practical details, would be in doubt how to advise their clients; and your judges, educated under the Common Law, and perhaps competent to administer it creditably, would not know how to decide *according to law*, but would be obliged to base their judgments either upon the system with which they are familiar, or upon their own abstract notions of right or wrong in every case. The community would thus be exposed to the exercise of discretionary and arbitrary judicial power, and would find themselves in a condition which a profound writer upon law has declared to be the very worst phase of civilized society—that in which the laws are vague and uncertain.

Closely in connexion with the foregoing remarks, occurs another which we deem deserving of very great consideration. Books are to a lawyer or a judge what tools are to a mechanic, or surgical instruments to a surgeon; and it is important that such books should be cheap, accessible, and convenient for use; and highly appropriate, if not indispensable, that they should exist in the native language of the American people. Adopt the Common Law, and lawyers, and judges, and the community at large can readily procure all necessary books, at a moderate price, in their own tongue, and bearing the venerated names and containing the extensive learning of such jurists as Blackstone and Chitty, Story and Kent, together with the reported decisions of all the wise and eminent judges in England and the United States, headed by the illustrious talents and genius of Mansfield and Marshall. The names of such men, and a host of their compeers, are to every American amongst us familiar as his land's language; they are connected with his earliest associations of business and study—endeared to him by a thousand recollections—and constitute many bright links in the golden chain of memory which, stretching across the Sierra Nevada, binds him to the land and the institutions of his fathers. On the other hand, substitute the Civil for the Common Law, and it will be with great delay and expense, in limited supplies, and in strange tongues, that books can be procured which will be found absolutely necessary for the lawyer and the judge in the intelligent administration of the system. The Louisiana Reports, a few copies of translations of the Institutes, and perhaps of the Pandects, and of the works of Pothier & Domat, may perhaps be procured by diligent search. Beyond this you will, for the most part, be obliged to resort to the original works upon the Civil Law, written in the Spanish, Italian, French, German, and Latin languages, which, if they can be found at all in the United States, will have to be ferreted out amongst the dusty volumes of some antiquarian bookseller, and can be purchased only at an exorbitant price; and, in order to clear up a disputed point, to elucidate a novel question, or deduce new corollaries from old principles, it will become necessary to refer back to works existing only in a foreign language, to names strange to an American ear, to Escriche and Febrero, to the Nueva and Novissima Recopilaciones, to the Partistas, to the Fuero Real of Alonzo the Wise, and perhaps even to the Fuero Juzgo of his Gothic predecessors.

But, finally, another reason which we would urge in behalf of the

Common Law is, that we may have a system which will be satisfactory to the people, and therefore permanent. A continual fluctuation in the fundamental laws of any country is a great calamity. A sudden and radical alteration of them is even more difficult to be carried into effect, than a fundamental and violent change in the political organization of the government. A system of laws always becomes inseparably interwoven and intimately blended with the character of the community, reared under and habitual to them. A substitution so great as would be that of the Civil for the Common Law, of a whole system, so radical and entire, and over a community so extensive and homogeneous as the American population of California, though often attempted, has never yet once met with success. You might as well undertake to eradicate the American character and plant the Mexican in its stead—to substitute the Catholic for the Protestant religion, by statute—to abolish the English language and sanction none but the Spanish, by legislative enactment; for the laws, not less than the character, religion, and language, constitute part and parcel of the American mind. We apprehend that any such attempt, if made, would in due season be answered by the people, as the bishops were answered by the sturdy barons of England at Runnymede, when a similar effort was made to impose upon them a part of this same system of Rome, "We will that the laws of England be not changed."

We have thus endeavored to present before you some of the reasons which impressed the minds of your committee that the prayer of the petitioners should not be granted. In so doing, we have necessarily been led into a more lengthened review than at first we anticipated. We have wished to discharge the duty imposed upon us by the Senate in a manner somewhat commensurate with what we have deemed the importance of the subject. We have conceded that the Civil Law has great merits, and displays great wisdom; but we have insisted that the Common Law is congenial with the American character, and the character suited to the law, and that in this mutual adaptation consists the excellence of each.

Your committee, therefore, recommend the establishment of the system of pleadings and practice which has already been laid before you; the prompt organization of the Courts, with not less than six terms of the District and County Courts of San Francisco in each year, and not less than four terms in each of the other counties of the State. The

immediate passage of a bill erecting a municipal Court for San Francisco, with three Judges, and one term every month; the enactment of statutes providing for the tenure and transfer of real estate, for the recording of deeds and mortgages, for the practice upon writs of habeas corpus, and in other special proceedings, with such other legislation connected therewith as may be deemed necessary; and then a statutory provision, that all laws heretofore in force be abolished; and that in cases not falling within the Constitution of the United States, or the Constitution or statutes of this State, the Courts shall be governed in their adjudications by the English Common Law, as received and modified in the United States; in other words, by the AMERICAN COMMON LAW.

They, therefore, herewith return the petition referred to, and respectfully ask to be discharged from the further consideration thereof.

All of which is respectfully submitted.

By order of the Committee.

ELISHA O. CROSBY, Chairman.

[P.]

Report of Mr. Chamberlin on Marine Hospital.

IN SENATE.

February 13, 1850.

THE Standing Committee on Commerce and Navigation, instructed by a resolution of the Senate to report a bill establishing a Marine Hospital, for the Port and Harbor of San Francisco, together with proper quarantine regulations for that and other ports and harbors of California, have directed me to submit the following

REPORT:

The importance and necessity of making Sanitary laws by legislative enactments, for the purpose of preventing the introduction of malignant and contagious disease, and arresting their widespread horrors, has, ever since the first settlements of our commercial cities, elicited the attention of humane and benevolent legislation.

The Legislature of New York, at a very early period after the State organization, established a system of quarantine and hospital regulations for the city and harbor of that metropolis.

From time to time, by various amendments and alterations, embodying, in substance, the quarantine laws of Venice, the City of New York have adopted, it is supposed, the most perfect regulations in vogue in any country. From these rules, your committee have carefully compiled, for the Port and Harbor of San Francisco, a system of laws for the preservation of the Public Health, comprised in the several bills accompanying this report, and respectfully recommend their adoption.

In compliance with the instructions of the Senate, your committee will, in a short time, report quarantine regulations applicable to other ports of California.

In preparing, under the instructions of the Senate, " a bill establishing a Marine Hospital for the Port of San Francisco, your committee have

labored under much embarrassment, owing to their entire inability, from any information they have been enabled to obtain, to form a correct estimate of the amount necessary to construct a temporary hospital, adequate to the wants of the community.

The sum, therefore, that will be necessary the State should appropriate for hospital purposes, your committe have not mentioned, but at the same time trust that the importance of the subject will elicit from the Legislature a liberal one.

Your committee have been informed that there has already been collected at the Port of San Francisco, under the late military administration of the State Government, a very considerable hospital fund, sufficient, it is believed, could it be procured and appropriated to that purpose, to erect all the hospital buildings that may be required.

In answer to a letter of inquiry from the citizens of the City of San Francisco, Mr. Collier, the Collector of that port, says,

"I have the honor to say, that I have not the means of ascertaining the amount of the fund thus collected; it is, however, very considerable. This money is exacted from the sailor, for his own benefit, and the United States may be regarded as holding it in trust. It is always kept separate and distinct from other funds, and is intended to provide a home for him, who, for most of his days, has found a home upon the deep. The diverting this money from its legitimate and proper object, operates with peculiar hardship upon sick and disabled seamen in this port. No means have as yet been provided for their relief. Every dollar of this fund, collected by my predecessors, has been paid over to another department, and for another and different object. I doubt not it will be restored, and that, ere long, a pleasant and comfortable asylum will be provided for seamen."

By what authority this fund has been turned over to a department to which it does not belong, your committee have had no means of learning; but do not doubt, if proper explanations be made to Congress through our representatives, it will be immediately transferred to its legitimate and proper objects.

Your committee, therefore, have instructed me to offer the following concurrent resolutions.

Resolved, the Assembly concurring, That our Senators and Representatives in Congress be requested to use their influence with the

General Government to procure the immediate appropriation of the whole Marine Hospital fund or tax that has been collected at the Port of San Francisco up to the 1st January, 1850, to the purposes of erecting a Marine Hospital at that port.

Resolved, That the President of the Senate be requested to forward a copy of these resolutions to each of our Senators and Representatives in Congress.

E. KIRBY CHAMBERLIN, Chairman.

[PP.]

Report on Pilot Resolutions, by Mr. Crosby.

IN SENATE.

December 31.

THE Committee on the Judiciary, to whom was referred the joint resolution, entitled "A Joint Resolution to authorize the Governor to appoint Pilots for the Ports and Harbors of the State of California," together with the amendments proposed in the Senate, having had the same under consideration, beg leave to

REPORT:

That your committee herewith submit a bill for the consideration of the Senate, entitled "an Act in relation to the appointment of Pilots for the different Ports and Harbors of California."

Your committee would respectfully recommend that the accompanying bill be immediately passed, that pilots may be appointed for the safety of commerce, so rapidly increasing in our ports and harbors. That at some future day, as soon as practicable, a law be passed creating a Board of Examiners, to consist of five persons, whose duty it shall be to examine the qualifications of all pilots, or persons offering themselves as such pilots; and upon the certificate of qualification of any three of such Board of Examiners, the person so receiving such certificate shall be duly authorized to act as such pilot, after first giving the requisite security, and otherwise complying with the provisions of law.

All of which is respectfully submitted.

By order of the committee,

ELISHA O. CROSBY, Chairman.

Report on Pilot Bill, by Mr. Robinson.

IN SENATE.

January 31, 1850.

MR. PRESIDENT,

The Committee on Commerce and Navigation, to whom was re-committed the bill, entitled "A Bill to establish Pilots and Pilot Regulations for the Port of San Francisco," with instructions to compare the 48th section of the bill with section 25 of the 4th article of the Constitution, and report accordingly, have had the same under consideration, and have instructed me to report, that section 48 of said bill does not, in their opinion, conflict with said section of the Constitution, and for the reasons in this report.

There is, in the opinion of your committee, a clear and well defined distinction between the terms "revise" or "amend" and the term "repeal." The first two are nearly synonymous, and it is well known that when a law is either "revised" or "amended," it continues in full force at all times; but the effect of such revision or amendment causes it to operate either in a different manner, or affect a different class of objects, or gives a different remedy; but the original act is always continuing—it never ceases to be "a rule of action." Hence the reason of the section of the Constitution above named, that the law, when "revised" or "amended," should not be done so by a mere reference to the title, but that it should be re-enacted and published at full length, in order that all might know the effect of such amendment, and be governed accordingly.

On the other hand, the term "repeal" is certainly understood by your committee to be an abolishment of a law, and not revising or amending it. It is a striking *from* the statute books, instead of a *re-enactment* and publication "at full length." When a law is "*repealed*" it ceases to be "a rule of action," and your committee certainly think that it would be extremely absurd for the Legislature, when they desire to do away with a law, "*to re-enact it and publish the same at full length.*" It certainly never could have been so intended by the framers of the Constitution;

and as the term "repeal" is not mentioned in the section of the Constitution referred to, your committee must certainly conclude that they well understood the distinction between the terms.

But, as a matter of inquiry, your committee recurs to the act mentioned in section 48 of the bill under consideration, and would ask whether, by the bill before them, any "*revision*" or "*amendment*" is proposed of any of its provisions. The "Act in relation to the appointment of pilots for the different ports and harbors of California," would have precisely the same effect, and operate in the same manner on the same class of persons and things in every port and harbor of California, except the port of San Francisco, where, by the operation of the section under consideration, it *ceases* to be a *law*, and it becomes a matter impossible to "re-enact" it and "publish the same at full length," or any part thereof, and certainly does not come within the provisions of the Constitution. Your committee would, therefore, respectfully report back the bill under consideration without amendment, and recommend its passage.

All of which is respectfully submitted.

H. C. ROBINSON,
Of Committee on Commerce and Navigation.

[Q.]

IN SENATE, MARCH 14, 1850.

OFFICE OF SECRETARY OF STATE,
March 14, 1850.

Hon. JNO. MCDOUGALL,
Lieutenant Governor and President of the Senate.

SIR,—

I have the honor to transmit herewith an abstract of the official returns of an election for Senator, in place of the Hon. Nelson Taylor, held at the various precincts in the District of San Joaquin, on Saturday, the 2d day of March, 1850.

Very respectfully,
Your ob't serv't.,
W. VAN VOORHIES,
Secretary of State.

Abstract of Returns of Election for Senator, held at the various Precincts in the District of San Joaquin, on Saturday, the 2d day of March, 1850.

Names of Precincts:	1 Stockton.	2 Isabella's Ranch.	3 Pine Crossing.	4 Yankee Hill Diggings.	5 Sullivan's Camp.	6 Mormon Camp.	7 Shaw's Diggings.	8 Jamestown.	9 Hill's Diggings.	10 Double Springs.	11 Meade & Robinson's Store.	12 Camp of Sonora.	13 Yorktown.	14 Curtisville.	Total.
For Senator:															
William D. Fair, . . .	445		39	76	80	70	12	127	76	13	32	184	10	30	1194
Thos. B. Van Buren, . .			16	6	3	16		17	6	8		157	31	13	327
E. L. B. Brooks, . . .	97	10										2	6		115
Wm. M. Everett, . . .						49									49
J. B. Van Buren, . . .												22			22

Stockton, March 9, 1850.

I hereby certify that the foregoing is a true and correct abstract of the returns that have been received at the office of the Prefecture of the District of San Joaquin, up to the above date.

G. D. Dickenson, Prefect of San Joaquin.

Attest: William L. Dickenson, Clerk.

A true copy of the original on file in the office of Secretary of State.

W. Van Voorhies, Secretary of State.

[R.]

Communication from Governor in relation to Bids for State Loan.

IN SENATE
March 14, 1850.

GENTLEMEN OF THE SENATE AND ASSEMBLY:

IN pursuance of the provisions of the Act authorizing a State Loan, the Treasurer of the State caused the proper notice to be given, that he would receive bids up to 12 o'clock M. of this 12th day of March, A. D. 1850. After the expiration of that hour, the Treasurer and myself proceeded to open the only bid received, a copy of which is herewith submitted, marked "A." On the 13th inst., a modified or explanatory proposition was submitted to us, copies of which are also transmitted, marked "B" and "C."

The first proposition we rejected, for reasons apparent, and not necessary to be here stated.

The second or supplementary proposition we could not consider, as the 3d, 4th, and 5th sections of the Act requiring the bids to be sealed, and received only up to the hour of 12 o'clock of the day mentioned in the notice, and regulating minutely the manner in which the Treasurer and Governor were to proceed, prohibited us, as we conceived, from doing so.

Under these circumstances, I considered it my duty to place the facts before the Legislature for its consideration, with reference to any further action that might be thought necessary. I also consider it proper to state, that had we taken the supplementary proposition, in connexion with the first under our consideration, we could not have accepted it for the following reasons:

1. The first instalment was not within the time allowed by the 5th section of the Act.

2. The contingencies mentioned, we did not consider ourselves authorized to put into the contract.

By the 12th section, the Treasurer and Governor are authorized in their "sound discretion to receive back any bonds advanced by virtue of the provisions of the Act, and remaining unsold," &c. This section only authorizes us to exercise our sound discretion in receiving back the bonds *after* they have been advanced, and *after* the happening of such event as might justify us in doing so; and does not authorize us, as we conceive, to stipulate in advance, that upon the happening of a particular event we would receive back the bonds; thus divesting ourselves of the power to decide the fact whether the particular event had or had not happened, and leaving that question open for future adjustment by others, when the Act imposes the duty upon us.

For these reasons, the whole matter is most respectfully submitted to the Legislature for its consideration.

PETER H. BURNETT.

March 14*th*, 1850.

"COPY" A.

SAN FRANCISCO, *March* 8, 1850.

To R. ROMAN, ESQ.,
Treasurer of California.

SIR,

The undersigned will undertake to supply the State of California, on the bonds of the State, with such sum of money, not exceeding one million of dollars, as may be required to defray the expenses of the State Government for one year, in monthly instalments of fifty thousand dollars, commencing in August next, at an interest of ten per centum per annum, upon condition that bonds of the State, in sums to correspond with the monthly instalments, shall be delivered to me in the City of New York thirty days prior to the time of making such monthly payments, and upon the further condition, that if at any time the bonds of the State shall not be negotiable at par, on account of her non-admission into the Union, or for any other cause, then the bonds

already delivered may be returned to some person duly authorized to receive them in the City of New York, and the contract cancelled.

We will further stipulate to pay into the Treasury, as the bonds are delivered, ten per cent. of the amount contracted for in bonds of the temporary State Loan, or in coin; and as a guarantee for the faithful performance of the contract, I offer as security William D. M. Howard, Talbot H. Green, and Thomas S. Henley, and will stipulate to give additional security at any time, *whenever required*, upon reasonable notice thereof.

RODMAN M. PRICE,
by his Attorney in fact,
A. M. VAN NOSTRAND.

"COPY" B.

R. ROMAN, ESQ.

SIR,

In behalf of Mr. Van Nostrand, I submit the inclosed as a supplementary proposition to that presented on yesterday, which I ask to have considered in connexion with the other, the two to make one proposition.

Yours respectfully,
THOS. J. HENLY, for
A. M. VAN NOSTRAND.

SAN JOSÉ, *March* 13, 1850.

To R. ROMAN, ESQ.
Treasurer of California.

SIR,

The undersigned will contract to supply the State of California, on the bonds of the State, bearing an interest of ten per centum per

annum, with the sum of one hundred and fifty thousand dollars, in the months of August and September next. And they will pay into the Treasury ten per centum upon that sum, twenty days prior to the adjournment of the Legislature, in coin or bonds of the "Temporary State Loan." He further proposes, in conformity with the 15th Section of the Act authorizing a State Loan, to contract for the furnishing of such additional sum, as may hereafter be ascertained to be necessary, "to meet all the expenditures of the State Government up to the first day of January, 1851."

But the above propositions are upon the condition that the bonds which may have been advanced may be returned, and the contract cancelled, in case of the failure of the State to be admitted into the Union, or in the event of a war between the United States and any other nation, or the occurrence of a commercial or financial revolution affecting the credit of States. The bonds may be delivered here, if preferred. The ten per cent. upon the amount bid for, which is made contingent upon the wants of the State, will be stipulated to be paid immediately after it is ascertained that the contract can be consummated.

R. M. PRICE,
by his Attorney in fact,
A. M. VAN NOSTRAND.

SAN JOSÉ, 13*th March*, 1850.

[S.]

Report of Mr. Green on Mines and Foreign Miners.

IN SENATE.

March 15, 1850.

MR. PRESIDENT,

The Finance Committee, to which was referred the bill, entitled "an Act for the better regulation of the Mines and the Government of the Foreign Miners," beg leave,

RESPECTFULLY TO REPORT,

That they have given the subject serious consideration, and recommend the passage of the Bill, for the following, among many reasons, which in their opinion might be urged.

No American citizen doubts the justice and policy of such a law.

The wonderful gold discovery in California is an epoch in the world's history—in its mighty influence upon commerce and emigration, such as time has never instanced.

While in our country it has unbalanced trade, and partially destroyed all former rates of labor, in other nations, if this effect is not so immediate, it has excited the wildest cupidity, which threatens California with an emigration overwhelming in number and dangerous in character. Tens of thousands have already arrived in our country, and they are the commencement of a vast multitude *en route* and preparing to come hither, of the worst population of the Mexican and South American States, New South Wales, and the Southern Islands, to say nothing of the vast numbers from Europe. Among others, the convicts of Mexico, Chili, and Botany Bay, are daily turned upon our shores, who seek and possess themselves of the best places for gold digging, whether upon their own or on account of foreign employers, and carry from our country immense treasure.

While this is done, to the injury of the American people, who are

the rightful owners of this property, it is the least wrong which threatens the welfare of the State and the future happiness of society.

The low state of morality which such a population spreads broadcast in the land is to be deeply lamented.

Practised vice and crime, hardened with the degradation of former punishment, makes these people irredeemably lost to all social equality or national advantage.

How shall this frightful evil be remedied? We cannot, under the United States Constitution, prevent the migration hither of these people. A fundamental principle of that instrument makes ours the home of the free and the oppressed of every nation. When they do come, to govern them firmly and justly; protect them from the heavy prejudices of our own people; to save them from the probable destruction of a national wrath which is evidently growing stronger every day, is the solemn duty of this Legislature.

Your Committee believe that the bill will do much to remedy these apprehended evils.

This bill requires the foreigner, upon the plainest principles of justice, to pay a small bonus for the privilege of taking from our country the vast treasure to which they have no right.

This the foreigner will cheerfully do, because the permit which he carries upon his person will save him from the interruption of the stronger power which is in our own people; at the same time our own citizen who delves side by side with these new comers, will be content in knowing the fact that they are paying some tribute towards the heavy expenses of our new State.

The strife and bloodshed which has taken place between the citizen and foreigner is mainly to be attributed to the fact that, while the latter had neither legal nor moral right to come into our country and take away the gold, they were doing nothing for the support of the Government whose protection they were looking to.

When your committee have felt it their duty to speak plainly of the bad character of some of the foreign emigration, they do not intend any reflection against very many foreigners in our state of the highest character and standing, and whose residence amongst us as good members of society they are proud to acknowledge.

This bill, in the opinion of your committee, will have a salutary

tendency in preventing these outbreaks, while a large amount of money will be most justly collected for the State.

Your committee believe that while the Congress of the United States have exclusive jurisdiction over the mineral lands belonging to the general government, it rightfully belongs to the State to pass any law for the better government of her people, whether citizens or sojourners. The bill cannot by any possibility conflict with any law of Congress. As yet the Congress have refused to extend any laws over California, save and except the solitary one for the collection of foreign dues through the Custom House; and the bill provides, that so soon as such laws touching this subject shall be extended over California, it shall be the duty of the Governor, by proclamation, to suspend the further operation of the proposed act.

While your committee are unwilling to subscribe to the opinion of eminent politicians of the United States Senate, that "the Federal Constitution does not extend over the acquired Territories," yet in the absence of laws by Congress, authorized under that instrument, which leaves the people of such territory in a state of nature, they are thereby left to take care of themselves the best they may, under those great, general, and universal laws declared in our Constitution as inalienable rights of "defending life and liberty;" of acquiring, possessing, and protecting property; pursuing and obtaining safety and happiness; "and that government is instituted for the security, protection, and benefit of the people."

No people, in the opinion of your committee, ever did congregate under greater necessity for protection.

The people of California, at present, have no other law to fall back upon save those great natural laws—higher, greater, and stronger than the written Constitution. Therefore, in the opinion of your committee, it is the duty of this Legislature to act, and act promptly.

Your committee believe that, as a matter of finance, while that is secondary in character, it will prove to be the best, and surest, and readiest means of collecting a large amount of public revenue. From the best information in the reach of your committee, they believe that there will be an average of not less than twenty thousand foreigners per month in the mines, from May until October of this year.

They furthermore believe, that under all the difficulties of admission into the Union as a State, and the necessary delay of passing and pro-

mulgating in the California mountains efficient laws by Congress, this bill, if passed, will remain in operation until the latter month.

The Act, if passed, will then necessarily bring into the public treasury, provided the whole twenty thousand foreigners were reached, save the expense of collecting, the sum of $500,000 per month; but much allowance, in the opinion of your committee, should be made in this estimate, on account of the many obscure places in the mountains where persons are at work, and where the tax collector may not reach.

They believe, however, after making every allowance of this kind, and deducting all the cost of collecting, that $200,000 per month may be safely calculated upon.

It is a matter of great national policy, that the vast amount of California gold, or at least a large proportion of it, should first find its way through our own country, and its influence upon the wants of commerce be there felt, before it seeks a market in other nations.

It is most difficult to say how this can be best effected. The United States Constitution forbids an export tax; and in the absence of law in this and other respects, we know the fact that up to this time three fourths of all the gold sent from this State has passed directly into other nations. The foreign proprietor of gold diggers, and the agents of foreign bankers, control at present this matter in their own quiet way, and millions leave the State monthly, without even a report of the fact to our Customs.

Pass this bill, and the foreign proprietor of Chilian, Peru, Chinean, Kanaka, or convict gold diggers, or the proprietor of gold diggers from any other nation, will have to pay some little tribute for this rich and unprecedented privilege,—a privilege which no other nation at this or any former period would have granted to the balance of the world.

Besides, this bill will afford our own citizen gold diggers means of controlling this foreign labor upon equal terms with the foreign proprietor. For instance, our citizen, upon the arrival in our waters of shiploads of these foreign operatives, can employ their services at a fair rate, and advance money for their license, which license he holds until the labor is performed according to contract. Under this law, the operative so employed will not flee from the performance of his contract, because the privilege for gold digging is in the hands of his employer.

The new comer who arrives penniless upon our shores, at the end of his first contract, can either seek a new employer, or, having made money enough to control a license, go to work upon his own account.

All of which is respectfully submitted.

THOS. J. GREEN, Chairman.

March 20*th*, 1850.

[T.]

Memorial of Gen. Vallejó and others relative to the Permanent Location of the Seat of Government.

IN SENATE.

April 3, 1850.

TO THE HONORABLE, THE SENATE AND ASSEMBLY OF THE STATE OF CALIFORNIA:

Your memorialist respectfully represents that he learns that various propositions are now being received and entertained for the location and establishing a permanent seat of Government for the State, and believing, from a long and intimate acquaintance with its geography, that he is the owner of the best location for such permanent State Capital, he therefore makes the following propositions to your honorable body:

That he is the owner of the lands lying upon the Straits of Carquines and Napa river, which in his judgment is the best location for the permanent seat of Government, and where, should the Legislature agree to the following propositions, he proposes to lay out a city for such permanent Seat of Government, to be called *Eureka*, or such other name as the Legislature may suggest.

1st. That said permanent Seat of Government may be laid out in such form as five commissioners may direct, three of whom shall be appointed by the Legislature, and two by himself.

2d. That he proposes to grant to the State, for the following purposes, free of cost:

1st. Twenty acres of land for a State Capitol and grounds.

2d. Ten acres for the Governor's house and grounds.

3d. Five acres for the offices of Treasurer, Comptroller, Secretary of State, Surveyor General, and Attorney General, should the commissioners determine that their offices should not be in the Capitol building.

4th. One acre to State Library and Translator's office, should it be determined to separate them from the State House building.

5th. Twenty acres for an Orphan's Asylum.
6th. Ten acres for a male Charity Hospital.
7th. Ten acres for a female Charity Hospital.
8th. Four acres for an Asylum for the Blind.
9th. Four acres for a Deaf and Dumb Asylum.
10th. Twenty acres for a Lunatic Asylum.
11th. Eight acres for four Common Schools.
12th. Twenty acres for a State University.
13th. Four acres for a State Botanical Garden.
14th. Twenty acres for a State Penitentiary.

Also, your memorialist proposes to donate and pay over to the State, within two years after the acceptance of his propositions, the following sums of money, for the faithful payment of which he proposes to give to the State ample security:

1st.	For the building of a State Capitol,	$125,000
2d.	For furnishing the same,	10,000
3d.	For the building of the Governor's House,	10,000
4th.	For the furnishing the same,	5,000
5th.	For a State Library and Translator's Office,	5,000
6th.	For a State Library,	5,000
7th.	For the building of the offices of Secretary of State, Comptroller, Attorney General, Surveyor General, and Treasurer, should the commissioners deem it proper to separate them from the State House,	20,000
8th.	For the building of an Orphan's Asylum,	20,000
9th.	For the building of a Female Charity Hospital,	20,000
10th.	For the building of a Male Charity Hospital,	20,000
11th	For the building of an Asylum for the Blind,	20,000
12th.	For the building of a Deaf and Dumb Asylum,	20,000
13th.	For the building of a State University,	20,000
14th.	For University Library,	5,000
15th.	For scientific apparatus therefor,	5,000
16th.	For chemical laboratory therefor,	3,000
17th.	For a mineral cabinet therefor,	3,000
18th.	For the building of four Common School edifices,	10,000
19th.	For purchasing books for the same,	1,000
20th.	For the building of a Lunatic Asylum,	20,000
21st.	For a State Penitentiary,	20,000
22d.	For a State Botanical collection,	3,000

Should any subsequent Legislature deem it inexpedient to commence all of the above named buildings at an early day, the funds hereby proposed to be given for the same shall be at the disposition of the Legislature for any other purpose, until such time as it shall be determined to commence said buildings.

Your memorialist furthermore respectfully represents that, should the honorable Legislature now in Session deem it proper to accept these foregoing propositions, he is ready to comply with the provisions above made, by entering into bond for their faithful performance; but in the event that the present Legislature may not deem it proper to accept the above, or any other proposition for the location of the permanent Seat of Government, your memorialist then most respectfully prays that the Legislature may submit this, his proposition, to a vote of the people of California, at the next general election to be held in November of this year, so that a clear indication of public opinion, through the ballot-box, may direct the future Legislature upon a subject of such vital interest to the whole State.

Your memorialist, with this simple proposition, might stop here, did he not believe that his duty as a citizen of California required him to say thus much in addition :—that he believes the location indicated is the most suitable for a permanent Seat of Government for the great State of California, for the following reasons: That it is the true centre of the State,—the true centre of commerce,—the true centre of population,—and the true centre of travel; that while the Bay of San Francisco is acknowledged to be the first on the earth in point of extent and navigable capacities, already throughout the length and breadth of the wide world it is acknowledged to be the very centre between Asiatic and European commerce; the largest ship that sails upon the broad sea can, within three hours, anchor at the wharves of the place which your memorialist proposes as your permanent Seat of Government; from this point, by steam navigation, there is a greater aggregate of mineral wealth, within eight hours' steaming, than exists in the Union besides; from this point the great north and south rivers, San Joaquin and Sacramento, cut the State longitudinally through the centre, flinging the immense gold deposits on the one hand, and untold mercury and other mineral resources on the other; from this point steam navigation extends along the Pacific coast south to San Diego, and north to the Oregon line, affording the quickest possible facilities for our sea coast population

to reach the State Capital in the fewest number of hours. This age, as it has been truly remarked, has merged distance into time. In the operations of commerce and the intercourse of mankind, to measure miles by the rod is a piece of vandalism of a by-gone age, and that point which can be approached from all parts of the State in the fewest number of hours, and at the cheapest cost, is the truest centre.

The location which your memorialist proposes as the permanent Seat of Government is certainly that point.

Your memorialist most respectfully submits to your honorable body whether there is not a ground of even still higher nationality; it is this: that at present, throughout the wide extent of our sister Atlantic States, but one sentiment seems to possess the entire people, and that is, to build, in the shortest possible time, a railroad from the Mississippi to the bay of San Francisco, where its western terminus may meet a three weeks' steamer from China. Indeed, such is the overwhelming public sentiment of the American people upon this subject, there is but little doubt to apprehend of its early completion. Shall it be said, then, while the whole world is coveting our possession of what all acknowledge to be the half-way house of the earth's commerce,—the great bay of San Francisco,—that the people of the rich possession are so unmindful of its value as not to ornament her magnificent shores with a Capital worthy of a great State?

To enumerate more especially the local advantages of this position, your memorialist will further add, that it is within two hours' steaming from San Francisco, and six hours from Sacramento and Stockton cities, and between these points much the largest travel in the State daily occurs. From this point three days' steaming will reach either Oregon on the north or San Diego on the South; besides, the above named location is unsurpassed for abundance of lime and other building materials, with large agricultural advantages in the immediate neighborhood.

With one further remark your memorialist will have done, and that is, that population will ever control the location of this Capital. Is it not, then, wise that the Legislature should decline going into an extravagant State expenditure for buildings, before the voice of the people can be heard in the premises? With the least possible desire to detract from the merits of San José, Monterey, or other rival places for the Seat of Government, it is plain that, in the apportionment of representation which must take place in less than two years, if, as most persons sup-

pose, that four fifths of the population of California will be above the bay of San Francisco, in the mining region, will they not bring it to their centre?

All of which your memorialist most respectfully submits to the honorable Legislature.

(Signed) M. G. VALLEJÓ.

[U.]

IN SENATE.

April 2, 1850.

REPORT.

MR. PRESIDENT:

The Committee upon "public buildings and grounds" have had under consideration the various propositions for the permanent location of the seat of Government, and beg leave to report that the citizens of Monterey, San José, New York of the Pacific, and the Hon. M. G. Vallejó, have each made propositions of a liberal character for this purpose; but for reasons herewith submitted, as well as those contained in the memorial of the latter, your Committee cannot hesitate in recommending the acceptance of General Vallejó's proposition as pre-eminently advantageous to the State.

Your Committee, possessing a thorough knowledge of the geographical and topographical position of the bay and lands adjacent, upon which it is proposed by General Vallejó to locate the seat of government, do cordially unite their testimony with that of the memorial in these premises.

While the memorial justly and ably sets forth the advantages of the Straits of Carquines and the Bay of Napa as the true centre of the State, that is better illustrated by the fact that, even now, nine tenths of all the members of the Legislature pass through the great San Francisco Bay to reach the present seat of government, and, after reaching San Francisco, it costs as much to come to San José as it does to go from Savannah, in Georgia, to Boston, in Massachusetts.

Your Committee would, however, recommend the acceptance of this proposition on far higher grounds. The 28th Section of the 4th Article of our Constitution makes it the duty of the Legislature to apportion representation among the several counties according to the

population, after the census of the present year shall be taken. Under this imperative injunction of the Constitution, your Committee cannot doubt that, after the census of 1850, and certainly that of 1852, four fifths of all the population of California will belong to the mining counties of San Joaquin, Sacramento, and the Trinity Rivers. That this population, necessarily represented by four fifths of the members of the Legislature, will move the seat of government to the north of San José, there cannot exist a doubt. Then, in the opinion of your Committee, it would be both wild and extravagant for this Legislature to make any pledge of permanent location of the seat of government at San José, much less, in the impoverished condition of the State finances, to make any appropriation for public buildings. It is not the intention of your Committee to make the least reflection against the rich, salubrious, and beautiful valley of San José; and while, as an interior position, it is hardly equalled on the face of the earth for these qualities, yet the fact of its more exposed position in time of war is apparent. A foreign enemy may land on the Pacific coast abreast of this city, and reach it in one day's march, as the British army reached the capital of the United States in 1814 from Annapolis, in Maryland. The Napa Bay, in the opinion of your Committee, is one of the most defensible points to which large shipping can reach on the globe. The entrance into the Bay of San Francisco, into the Straits of Carquines, and thence into the Napa Bay, are all points which may be easily defended against the combined powers of all other nations. To attempt to reach it from the rear, over the numerous mountains lying between that point and the coast, would be still more futile.

Your Committee cannot dwell with too much warmth upon the magnificent propositions contained in the memorial of General Vallejó. They breathe throughout the spirit of an enlarged mind and a sincere public benefactor, for which he deserves the thanks of his countrymen and the admiration of the world. Such a proposition looks more like the legacy of a mighty Emperor to his people than the free donation of a private planter to a great State, yet poor in public finance, but soon to be among the first of the earth.

The other considerations, so strongly set forth by the memorialist, in the opinion of your Committee, should not be lost sight of; that the capital of the great State of California should be upon the great Bay of San Francisco, which, in the words of the memorial, is emphatically the

"half-way house of the earth's commerce." It would be strange, indeed, with such a possession, that any other place should be thought of as the seat of government. Can the human mind foresee or foretell the political or commercial destiny of our State? Who can foresee what a year or a day will bring forth? The whole world is astir about California; the great bay is the chief of our wonders; and then, with such a possession, to think of locating the permanent seat of government in any other portion of the State, would be worse than suicidal. Therefore, your Committee, in view of the magnitude of the subject, the near close of this first session of the Legislature, and believing that the people of the State should be consulted upon so great a question, recommend the passage of the accompanying bill, which will afford the people of the State a full opportunity of expressing their opinion upon such an important question.

D. C. BRODERICK.

MEMORIALS.

THE undersigned having learned that it is contemplated by the Legislature of California to change the location of the seat of government from the Pueblo de San José to some other point, respectfully pray that "New York of the Pacific" may be selected as the site of the capital of the State of California. We believe that its location for climate, health, and convenience, renders it the most desirable situation in all California for a point so important as is the capital of our State.

The late convention decided that the districts of Sacramento and San Joaquin contained three fifths of the inhabitants of the State, and were consequently entitled to at least one half of the entire representation in the Legislature; and it is but fair to infer that, from the peculiar location of the country composing these districts, this preponderance will rather increase than diminish. If this be so, then is "New York of the Pacific" better situated and more accessible than any other point that can be selected, as its peculiar situation at the head of the Bay of Suisun, at the junction of the two great rivers Sacramento and San Joaquin, renders it accessible almost hourly to all who pass to and from the extensive mineral regions.

With the district of San Francisco it is connected by a line of steamers, and being in the district of San José, and but a few hours' ride by land from that place, it must be less objectionable to the citizens of that district than any other site, should the Legislature deem it proper to remove the capital from its present location. From Monterey and the whole country south of that point, the site to which we invite your attention is of easy access by water; and from Sonoma it is only separated by the bay. In case it shall be determined to change the location of the capital, the undersigned would respectfully propose for the consideration of the Legislature, that they will, provided that "New York of the Pacific" be selected as the seat of government, erect upon one of the squares of said place, or such other site as may be designated, suitable buildings, of such size as a committee of the Legislature may agree upon, for the accommodation of the Senate, Assembly, and Superior Court, Executive chamber and State offices, and likewise erect or cause to be erected a building suitable as a residence for the Governor of the State. The Senate and Assembly rooms, the room for the Superior Court and Executive chambers, shall be furnished complete with desks and chairs, equal in quality and convenience to those used in the Senate and House of Representatives of the United States. The whole of which is not to exceed in cost one hundred thousand dollars, and which shall be ready for use on or before the first day of January, 1851.

The said buildings, sites for the same, and furniture, shall be ceded to the State of California, without charge, to be used as the capitol for ever, so long as they are used and occupied as such, and when they shall cease to be used for such purposes shall revert to the original owners or their legal representatives.

STEVENSON & PARKER.

SAN FRANCISCO, *17th December*, 1849.

To the Honorable Legislature of the State of California:

THE undersigned propose, in addition to the proposition heretofore made by them, provided New York of the Pacific be selected by the

Legislature as the seat of government, to erect and have ready for occupation at that place, on or before the first day of May, eighteen hundred and fifty, suitable and convenient offices for the Comptroller, State Treasurer, Secretary of State, Attorney General, and Surveyor General, and likewise for the Clerk of the Supreme Court, and chambers for the Chief Justice, and a suitable and convenient residence for the Governor of the State; the whole to be used temporarily by the State officers for the purposes named, free of charge, until the permanent buildings can be erected, as specified in our original proposition. And for the full and entire performance of all the propositions made in this and the former document, we will give approved security to the State.

Respectfully, your obedient servants,

J. D. STEVENSON,
W. PARKER.

SAN FRANCISCO, CAL., *January* 17, 1850.

To Messrs. Lippincott, Crosby, and De la Guerra, gentlemen composing the Senate Committee on Public Buildings:

A resolution having passed the Senate instructing the committee to receive from the town authorities or others a donation of land or lots, sufficient in quantity and location to erect the State house and other State buildings thereon,—I, as one of the citizens of the Pueblo de San José, do propose and offer to the Legislature of California as follows:

Four blocks, the entire length, including one cross street, four hundred and twenty varas, and in width two hundred and twenty varas, to be selected by your committee, in conjunction with the House committee, out of my addition to the town, as a site to erect the State house and other public buildings on. And in addition to the above four blocks, I will further give to the State one hundred and sixty-eight lots, which I will designate in my addition, to be sold at public auction at such time as the proper authorities may deem prudent, when the buildings are being constructed on the above four blocks, and the money received to be applied to said work. But if the committee should think two blocks,

instead of the four, as proposed, sufficient, which two blocks, selected side by side, will make a park of two hundred and twenty varas square (the two blocks I will give in the old survey of the town), then I will, in that event, designate two hundred lots in my addition, to be sold in the manner as proposed in the first proposition, and the money applied, &c. For all which I will give to the State of California deeds in fee simple.

I remain, gentlemen, your obedient servant,

JAMES F. REED.

PUEBLO DE SAN JOSÉ, 30th January, 1850.

—

To the Honorable Committee on Public Buildings of the House of Representatives of the State of California:

THE subscriber respectfully offers for the consideration of your honorable body, as a donation to the State of California, a tract of land supposed to contain one and a half mile square, about three miles distant from the present legislative hall, all of which land is most eligibly situated for town lots, having a fine stream of pure water, which can be easily carried all over said tract; he furthermore believes the stone (of which there is an abundance close by) to be suitable for the purposes of building the State edifices, and which the State can have without any charge on any of his land.

The conditions of the grant will be, that the State shall lay off said land into such size as they may deem best, and sell them to the best advantage (except such portion as the Legislature may reserve for the public buildings), one third of the nett proceeds thereof to belong to the subscriber; and furthermore, the Legislature of the State shall appropriate the remaining two thirds of the proceeds of the sale of said lots for the erection of State buildings on said land.

The title is believed to be amongst the best in California, derived from the Mexican government by deed, bearing date November 5th, 1835, and being fully approved and judicial possession given thereof in same year, and every condition of the title complied with according to law.

The subscriber believing that there is no place in California better adapted for the capital of this great State, is the only motive he has in offering it. He therefore respectfully requests that your honorable body would name a day on which it would suit you to go on to the ground, that you may judge for yourselves.

The subscriber begs leave to say that, in making this offer, it is not with the view of removing the capital from the place fixed by the Constitution; on the contrary, the place offered is a part of the Pueblo de San José—thus, there being no constitutional objection, whilst it places means in the hands of the Legislature sufficient to pay the expenses of all her public buildings.

Which is respectfully submitted.

CHARLES WHITE.

SAN JOSÉ, Jan. 30th, 1850.

To the Chairman of the Committee of the Assembly on Public Buildings and Grounds:

WE, the undersigned, having been informed of a proposal made by Mr. Nealy to your honorable body, offering a certain tract of land, embracing fifty acres, for the purpose of erecting public buildings thereon, and for other purposes that may be beneficial to the State, and believing the location for the capital therein proposed to be the most eligible one in this vicinity, would therefore unite in offering the following described lands, in addition to and conjointly with those offered by Mr. Nealy, as a donation to the State for raising a fund for the erecting of public buildings, or for such other purposes as may be expedient; provided the capitol or State building, not including the penitentiary, shall be located on the ground offered by Mr. Nealy.

The lands hereby offered to the State being described as follows, to wit: Twenty-five acres of land, being the west end of the southern half of lot No. 19, of lands granted by the Pueblo de San José, and known as the five hundred acre tract, the same belonging to and offered by John Townsend. Fifty acres of land, being a portion of lot No. 14 of the Pueblo grants, belonging to and offered by G. C. Cook and Isaac Branham. Thirty-five (35) acres of land taken from the southeast

portion of lot No. 27 of the Pueblo grants, belonging to and offered by Josiah Belden. Fifteen acres of land, being a portion of lot No. 14 of the Pueblo grants, belonging to and offered by K. H. Dimmick. Twenty-five acres of land, being a portion of lot No. 13 of the Pueblo grants, belonging to and offered by Pedro Senseveine and Henry Naglee, embracing in all the amount of two hundred acres (200) of land in the vicinity of the proposed locality; all of which is respectfully submitted to your honorable body.

JOHN TOWNSEND,
JOSIAH BELDEN,
K. H. DIMMICK,
G. C. COOK,
ISAAC BRANHAM.

PUEBLO DE SAN JOSÉ, 4th February, 1850.

To the Honorable the Senate and Assembly of the State of California:

WHEREAS proposals having been made to the Legislature from different parties, for the purpose of securing the permanent seat of government at the places of their respective choice, the citizens of Monterey, and the municipal authorities of that city, have directed me to tender the following propositions:

All the public buildings belonging to the municipality of Monterey, together with all the required facilities for legislation, the same as were used and employed by the Convention that framed this State Constitution, are hereby tendered to the State, for the permanent use of the Legislature of California.

The citizens of Monterey also pledge themselves to furnish all the land required for the purpose of erecting any public building, for the use of the State, or for charitable purposes, with all and necessary grounds appertaining thereto.

The municipality of Monterey further will grant unto the use of the State, all lands that may be required for the purpose of a botanical garden or model farm, work-house, prison, or other public purposes, one thousand acres of land.

S. E. WOODWORTH.

[V.]

Communication from the Governor relative to the "Alta California."

IN SENATE.
April 6th, 1850.

GENTLEMEN OF THE SENATE:

IN answer to the resolution of inquiry passed by the Senate on the 4th inst., I herewith transmit a copy of an account, with my certificate attached, marked "A," by which it will be seen that I only certified to the fact that the printing of the Commissions was ordered by me for the use of the State, and that the Commissions had been received for that purpose. The *amount* of the charge was not settled by me, but was left to the proper officer.

The Commissions were ordered by me at an early day, for the reason that it was made the duty of the Legislature to elect certain officers at an early period in the Session, and who would have to be commissioned by the Executive. I ordered the number of five hundred, believing that number necessary, as the Constitution requires the Governor to commission Militia, as well as other officers; and I think that the number printed will be required in the course of the first two years of our existence as a State.

The eleventh section of the "Act concerning Revenue Funds, Expenditures, and property of the State, and management thereof," provides that "the expenses of the necessary Furniture, Stationery, Firewood, Book-binding, Printing, and Postage, of the Governor, Secretary of State, Comptroller, Treasurer, Attorney General, Superintendent of Public Instruction, Surveyor General, and State Translator, shall be paid out of the General Fund, according to law."

It was under this provision that I certified to the facts that I did. The Act of Feb. 12th, 1850, appropriated the sum of seven hundred and fifty thousand dollars to defray the expenses of the State up to the 30th day of June, 1850. I am not aware that there has been any Act

yet passed, specially appropriating a specified sum for any particular item of expenditure. The law authorizes the payment of money for certain purposes, but does not set apart a given sum for such purposes; but, as I have understood it, and as the Comptroller and Treasurer have acted upon it, the law gives them the right to audit and pay all sums directed to be paid for the purposes mentioned.

I also transmit to the Senate a copy of an account, with my certificate attached, marked "B." The "Act to supersede certain Courts, and regulate Appeals therefrom to the Supreme Court," approved February 28th, 1850, requires the Governor to "cause it to be published for four successive weeks in three newspapers published in this State." Section 41.

The Act to hold the first County Election requires the Governor to "cause the same to be published in three newspapers printed in this State." Section 17.

Under the provisions of these two Acts, I caused the same to be published in the Alta California newspaper; and under the 14th Section of the "Act concerning the Revenue Funds," and for other purposes, which provides, among other things that, "in addition to the salaries and contingent expenses above mentioned, there shall be chargeable to, and from time to time paid out of the general fund, the expenses of all printing done for the State," I certified to the two last items in the account marked "B."

All of which is most respectfully communicated for the information of the Senate.

April 5th, 1850. PETER H. BURNETT.

SAN FRANCISCO,
April 1st, 1850.

State of California,

To Alta California Office, Dr.

Jan.	22. An Act for Loan, in 6 sqrs., 7 in. . . .	$ 96
Feb.	8. 1410 State Bonds.	141
March	9. Notice—in conformity, in 5 sqrs., 2 in. . . .	30
"	19. An Act to provide for County Elections, in 14 sqrs., 2 in.	126
"	30. An Act to supersede certain Courts, in 43 sqrs., 2 in.	516
		$909

I certify that I, in pursuance of the Act of the Legislature, ordered the publication of the Act to regulate the first election, and the Act to supersede certain Courts, to be published in the Alta California, and that I believe the services were rendered.

April 3*d*, 1850.

PETER H. BURNETT,
Governor of California.

SAN FRANCISCO,
April 1*st*, 1850.

State of California,

To Alta California Office, Dr.

Dec. 10th, 1849. Per Governor's order, 500 Coms.—
Drawing Paper. $500

I certify that the above Commissions were ordered by me for the use of the State, and were received by me from the Alta California Office.

April 3*d*, 1850.

PETER H. BURNETT,
Governor of California.

[COPY.]

[VV.]

OFFICE OF COMPTROLLER,
April 9th, 1850.

HON. JNO. MCDOUGALL,
President of the Senate.

Sir:

In compliance with a resolution of the Senate, of the 4th instant, "Requesting the Comptroller to inform the Senate if he has audited a claim of the Alta California, for any amount of money for printing, and, if so, upon what authority the same was done," I have the honor to transmit herewith the opinion of the Attorney General upon that subject, as well as his opinion upon some other questions, which I thought proper to lay before your honorable body.

I have the honor to be,
Very respectfully,
Your obedient servant,
JNO. S. HOUSTON, Comptroller.

April 8, 1850.

HON. J. S. HOUSTON,
State Comptroller.

Sir:

I have been favored with a communication from you, propounding several inquiries to me, which I hasten to reply to in their regular order. The first question is relative to the pay of the Lieut. Governor, "Does the 'Act concerning Revenue,' &c., entitle that officer to double the mileage, as well as double the *per diem* pay of members of the Senate?"

The language of the law referred to is as follows: Sec. 9th, "There shall be allowed and paid to the Lieut. Governor double the pay of the members of the Senate for every day's attendance as President of the Senate."

Sec. 14th provides that the members of the Legislature shall be

allowed and paid at the rate of sixteen dollars for every twenty miles' distance they travel in going to or from the Seat of Government, and a "*like allowance for mileage shall be paid the Lieut. Governor.*"

The language of the *law* seems not to be susceptible of misconstruction. The amount of mileage under the Revenue Act is given with too much distinctness to admit of cavil or uncertainty. Section 15th to the Schedule to the Constitution, declares the "salary of the Lieutenant Governor shall be double the *pay* of a State Senator," and defines the "*pay*" to be "sixteen dollars per diem while in attendance, and sixteen dollars for every twenty miles' travel," &c., but such pay shall exist only "until the Legislature shall otherwise direct."

The Legislature, by the Act referred to, has directed the payment of a different sum. It allows double the pay of the members of the Senate, *for every day's attendance as President of the Senate;* and in a different section, allowance for mileage is made to the Lieut. Governor *equal* to that of a member of the Legislature, and no more. Under the Constitution, the right to double the mileage might be claimed up to the time of the passage of the law, but thereafter, it is my opinion that no such right exists.

Your second inquiry is as to the legality of auditing accounts for public printing done for the use of the State.

Section 14th of the "Act concerning Revenue," &c., provides that there shall be chargeable to, and *from time to time* paid out of the General Funds, the expenses of all printing done for the State." There are, I believe, some additional provisions concerning the public printing, but, I have no doubt, under the section of the law alluded to, that when printing is done for the use and benefit of the State, ordered by the proper authorities, and properly certified to, it would be the duty of the Comptroller to audit such accounts.

Your third inquiry I understand to be something to this purport:—

Has the Comptroller any right of discretion as to what are or are not the contingent expenses of either House, when certified to by the presiding officer of such body?

As a responsible officer to the State, for the correctness of all his accounts, I do not think there can be a reasonable doubt respecting this question. The certificate of a presiding officer is not conclusive as to the correctness of what is claimed to be audited as a contingent expense of either House of the Legislature. If such *was* the fact it would be an

evil at once calling loudly for legislative remedy. Any expense, for whatever purpose incurred, directly or indirectly benefiting one or more members of either House, might, under this construction, be claimed as a necessary contingent expense of the body creating it, and be certified in due form by its presiding officer, to the prejudice of the public interest, and contrary to the manner in which such contingent appropriations were intended by law to be applied.

The Comptroller has evidently a discretion, where his duty or responsibility is affected, or where his faithful allegiance to the laws requires it.

E. J. C. KEWEN, Attorney General.

(A true copy from the original.)

[W.]

Report of Mr. Woodworth from the Committee on Public Lands and Mission Claims.

IN SENATE.

April 10, 1850.

YOUR Committee having sought in vain for information of a reliable character in relation to the Missions and Mission Lands of California, and upon which they could report the condition of the same, were induced to apply to H. W. Halleck, Esq., late Secretary of State, in whose charge the Public Archives have been for several years. Mr. Halleck, in connexion with Mr. Hartwell, late Government Translator, having critically examined the immense mass of manuscript, composing the Public Archives, and being familiar with their contents, induced your Committee to apply for a statement from these gentlemen as to the labor and expense that would attend a thorough investigation of all matters connected with the missions; and the accompanying letters marked A. and B. contain the terms, &c., for which they would be willing to undertake the work.

From the acknowledged talent and ability of Mr. Halleck, as an author and compiler, and Mr. Hartwell, as a scholar and translator, your committee beg leave respectfully to recommend, that they be appointed as the Commissioners that are to be created by the accompanying bill.

All of which your Committee respectfully submit.

Very respectfully,

Yours,

S. E. WOODWORTH,

Chairman of the Committee on Public Lands and Mission Claims.

Copy of the Letter marked B.

SAN FRANCISCO, CAL.,
April 1, 1850.

MY DEAR SIR:

When about leaving San José, Mr. Heydenfeldt asked me to make a draft of a bill for examination of the affairs of the Missions. I promised to do so, but have not had time till this evening. I now send you the accompanying draft, which you can modify to suit the views of your committee. I have included in the proposed Report much more information than was at first contemplated.

Questions relating to these Mission titles are almost daily arising, and it has become a matter of the highest importance that the laws and decrees respecting these establishments should be made public.

If the Legislature should see fit to give the appointments to Mr. H. and myself, you may rely upon having the work thoroughly and faithfully done.

Yours truly,
H. W. HALLECK.

Hon. S. E. WOODWORTH,
Senate,
San José.

Copy of the Letter marked A.

SAN FRANCISCO, CAL.,
February 20, 1850.

MY DEAR SIR:

Since my arrival here I have examined my notes on the Missions and consulted with my friends with respect to the proposed commission, and

REPORT:

To make a complete and thorough examination of the Government Archives, and report copies and translations of all laws, decrees, proclamations, and orders, respecting these missions, will require much time and labor; and, unless the report be complete, it will be of little value. It will be necessary to read over an immense mass of Spanish manuscript. It will also be necessary to examine very closely the manuscript proceedings of the Legislature; for, when last at Monterey, I found several laws (short ones) relating to Missions, which both Mr.

Hartwell and myself had overlooked when investigating this subject for Colonel Mason. I will undertake the job, either alone, or in connexion with Mr. Hartwell, for $15,000, including the examination of the Missions, and providing copies of the leases of the present occupants, and the inventories of the Mission property turned over to the present occupants; or for $10,000 to make the Report with copies and translations of all the laws, decrees, &c., in the Government Archives. I know very well the amount of labor it will require, and I am also aware that it cannot be *well* done for a cent less than what I have offered. Peachey and Billings, and others with whom I have consulted, think my offer too low, and that I can do better by remaining here; but, as there may be some little credit attached to it, I prefer that work to anything else, even though it may be less profitable.

If I undertake it, I will do it thoroughly. The prices offered will include *all expenses*, travelling, copying, translating, &c. Suppose you draw up a bill including something like the following provisions:

1. H. W. Halleck and W. E. P. Hartwell to constitute a commission to examine the Government Archives, and report upon the History and present condition of the Missions of Upper California, including copies and translations of all laws, orders, decrees, and proclamations relating to these establishments, which may be deemed necessary to show their history and present legal condition.

2. That an appropriation of $15,000 be made for defraying the expenses of the said commission; that this sum be paid to the commissioners (on the order of the Governor) when they shall deliver to him their Report.

I think it very important to the interests of the State that this report should be made without delay, and am ready to undertake it immediately. I hope, therefore you will push the matter. I have read all the books asked for in your resolution, and I know they will not give you the information desired; nor can that information be obtained in any other manner than that I have proposed.

I will write to-day to Mr. Hartwell, telling him the terms which I have offered.

Yours truly,
H. W. HALLECK.

Hon. S. WOODWORTH,
Senate,
San José.

[X.]

Letter from Secretary of State, relative to Public Archives.

OFFICE OF SECRETARY OF STATE.
San José, April 11, 1850.

TO THE HONORABLE THE SENATE OF CALIFORNIA:

In pursuance of a Joint Resolution of the Legislature, authorizing "the Secretary of State to forthwith dispatch some suitable person to Monterey to procure the Archives of this State," I accordingly, on the 5th inst., employed Mr. Eddy for this purpose, and directed him "to proceed with all convenient dispatch" to Monterey, and deliver to Gen. Riley a communication, of which the following is a copy:

OFFICE OF SECRETARY OF STATE,
San José, California, April 5, 1850.

Brevet Brigadier General Bennett Riley,

SIR:

In pursuance of a Joint Resolution of the Legislature, I have dispatched the bearer, Mr. Eddy, to Monterey, with instructions to apply for, and convey to San José, whatever Archives of the State may be in your possession which are required by law to be deposited in the office of the Secretary of State.

Allow me to request, that you will afford Mr. E. all the necessary facilities to secure their speedy transmission. It is desirable to have them here at as early a day as practicable, and before the adjournment of the present session of the Legislature.

I have the honor to be
Your very obedient servant,
W. VAN VOORHIES.

In reply to which, the following was received, on yesterday, from General Riley:

HEAD QUARTERS, TENTH MIL. DEPARTMENT,
Monterey, California, April 9, 1850.

SIR:

Your communication of the 5th inst. by Mr. Eddy, in relation to the Archives of the Departmental Government, was received yesterday, and in reply, I have the honor to state that these Archives have not yet been separated from those belonging to the General Government, and in the absence of Captain Halleck, former Secretary of State, there is no one here sufficiently acquainted with the Archives to make the separation.

Captain Halleck was sent some time since to San Francisco upon duty that has detained him longer than was anticipated. He is now, however, expected daily, and upon his return I will cause the archives of the State to be securely packed and held subjected to your order, or transmit them to San José, as you may deem most expedient.

It will give me great pleasure at any time to afford Mr. Eddy, or any person deputed by you, any facilities, or render them any services that may be in my power.

Very respectfully, Sir,
Your obedient servant,
B. RILEY, Brevt. Brig. General.

All of which is respectfully submitted.

W. VAN VOORHIES,
Secretary of State.

[Y.]

Report of Mr. Vallejó, on the Derivation and Definition of the Names of the several Counties of California.

IN SENATE.

April 16, 1850.

TO THE SENATE OF THE STATE OF CALIFORNIA :

The Select Committee appointed by your honorable body in the latter part of January last, "to report to the Senate the derivation and definition of the names of the several Counties of the State," as established by the bill, entitled "An Act subdividing the State into Counties, and establishing the Seats of Justice therein," would

RESPECTFULLY REPORT :

That at the time of the appointment of the Committee the said bill had passed one branch of the Legislature only, nor did the same receive the approval of the Governor until the 18th day of February last. Upon the same day, however, another bill was introduced into the Senate, amendatory of no less than twelve sections of said Act; and shortly afterwards, another amendatory bill to the same Act was introduced into the lower branch of the Legislature. By the provisions of these two amendatory bills, a number of new Counties were created, the names of others changed, and the original bill materially altered in many particulars. As it was intended that the Report of the Committee thus appointed should contain the derivation and definition of the names of the Counties as created by law, they could not perfect their labors until these amendatory bills had been finally acted upon, and the names of the various Counties and their respective boundaries definitively settled. The last mentioned bill was not approved until the

5th instant, and consequently, but very little time has been allowed to your Committee to finish their labors and to prepare this Report.

Your Committee must also state that they have labored under great disadvantages in preparing their Report, from the absence of all books of reference on the subject committed to them. A resolution was adopted in your honorable body, directing the Secretary to procure certain works on the early history of California, and which, could they have been procured, would materially have assisted your Committee in the discharge of their duties. But the Secretary was unable to obtain them, and your Committee have been compelled to depend almost entirely upon recollection and upon oral information in the preparation of the following Report.

Your Committee would also ask the indulgence of the Senate for having introduced under the name of some of the Counties anecdotes and incidents of a personal character not properly belonging to "the derivation and definition" of the names of those Counties. But the circumstances mentioned have become so well known in those Counties, and some of them are so intimately connected with the family history of the compiler of this Report, that they have been permitted to find a place therein.

With these remarks, your Committee would most respectfully submit the following Report.

M. G. VALLEJÓ, Chairman.

April 15, 1850.

Report from the Select Committee on the Derivation and Definition of the Names of the several Counties of the State of California, &c.

SAN DIEGO.—This county (St. James) derives its name from its present chief town, named after the harbor, which is only three miles distant therefrom. This excellent harbor was discovered and so named by Sebastian Vizcayno, Admiral of the Spanish Royal Squadron, in the year 1603; and in 1768 His Catholic Majesty, by royal decree, determined upon its exploration and settlement. José Galvez, Royal Commissioner (Visitador General) of New Spain, was consequently intrusted

with the undertaking; and for the purpose of successfully carrying it through, two expeditions were fitted out—one by land, the other by water; the latter was carried out in the San Carlos, Principe, and San José, commanded by Vicente Villa, two of which vessels having reached their destination respectively on the 11th of April and on the 1st of May, 1769, whilst the fate of the third (San José) still remains unknown. The land expedition was divided into two parts, the first being commanded by Fernando Rivera y Moncada, and the second by Captain Gaspar de Portala, Governor of the Province. The first division reached its destination on the 14th of May of said year 1769, and there found the two above mentioned vessels at anchor. On the 1st of July the second division also arrived safely; and on the 16th of the same month and year, the land having been taken possession of with the accustomed formalities in the name of His Catholic Majesty, the establishment of the Mission of San Diego was at once started under the direction of the Rev. Father Junipero Serra—this being the first civilized settlement founded in the extensive and beautiful country known as Upper California.

San Diego presents an arid appearance, but it possesses nevertheless a pleasant and luxurious climate, with a clear, blue sky, enhanced by the sublime view of the Pacific Ocean.

There are no building materials or timber in its vicinity, but its water is of the best that is known in the country. It abounds in copper mines, whilst it produces the best olives and Indian pears; and although its vineyards have not increased in number, yet the fruit they bear is certainly of the very best quality which California yields.

Notwithstanding the departure of many families from San Diego, no part of the country maintains so high a claim for the amiable and sociable qualities of the fairer portion of its inhabitants. Here, indeed, the grace of person and amiability of disposition of the fair sex have attracted the young men of the North, and caused many of them to be led captive to the altar of Hymen, thus contributing to their moral subjection to the fair Dieguinas in the latters' native place, to whom the writer cannot but tender a tribute of admiration and respect.

ANGELES.—This County derives its name from the City of Los Angeles, which was founded in the latter part of the year 1781, by order of the viceroy of New Spain, Bailio Frey Antonio Bucareli y Ursua,

and is situated on the right bank of the "Porciuncula" river, which copiously waters the highly fertile plains whereon the city stands. Invited by the genial climate, the inhabitants have converted a large portion of this plain into a delightful garden, which is covered with all sorts of native fruit trees, but especially the vine, which is cultivated with care and extraordinary success.

This beautiful and extensive valley, famous for its excellent wines and liquors, contains within its limits the ex-Missions of San Juan Capistrano, San Gabriel, and San Fernando, which, to within the last few years, constituted the best and richest establishments of the kind. In 1832, including the environs, they numbered very nearly half a million head of cattle.

From the reasons above mentioned, as well as from its extent and natural advantages, the County of Los Angeles is destined to become the most populous of any in the South, and doubtless many men business, both public and mercantile, tired of their avocations will retire there to enjoy a life of *Angels*.

The white population of the County is from 12,000 to 15 000.

SANTA BARBARA.—There being a distance of more than five hundred miles between the military posts of San Diego and Monterey, and the Missions of San Antonio, San Luis Obispo, San Buenaventura, San Gabriel, and San Juan Capistrano, being situated in this intervening space, the Governor deemed it advisable, for the protection of these Missions, to establish another post or "presidio" at some suitable point somewhere in their vicinity; with this object in view, and with the requisite troops, and accompanied by the Rev. Presiding Father Junipero Serra, he bent his steps towards these Missions, until reaching a valley of delightful view and rich verdancy, in April, 1782, where the troops were stationed, and the new "presidio" called "Santa Barbara," which is the oldest and principal town of that immediate section of country. Hence the name of the County.

SAN LUIS OBISPO.—This County takes its name from its principal town, which is the so called Mission, founded on the 1st of September, 1772, by the Rev. Fathers Junipero Serra and José Cavaller, in the fertile and beautiful hollow named "Bears' Glen," by the troops of Monterey on the same day and year, from having there killed a number

of bears, which, being cut up and dried, supplied them with meat for months. There is not in California a settlement that was more willingly and benignly received by the aborigines than the Mission of San Luis Obispo; indeed there was no reason for any other reception on the part of the Indians, since they were generously treated by the whites, and received from them the beneficial effects of their calling and the desirable extermination of dangerous wild beasts.

The following circumstance, which happened during the first months of the foundation of San Luis Obispo, is insignificant in itself, but the writer cannot but dwell upon it for a moment with the most tender feelings of the heart.

As a matter of course at that period, few families had as yet migrated to this country, and the female sex was an oasis in the desert. The writer's father was one of the many who emigrated here in bachelorship, and while sojourning in San Luis Obispo he unexpectedly met with a lady who was in travail, and about to bring a new being into the world; and as there was no one, save her husband, to assist her, he acted as holder (tenedor). The lady was safely delivered of a girl, whereupon the holder (then a young man) solicited of the parents the hand of their child, and a formal agreement ensued between the parties, conditioned that if at mature age the girl should willingly consent to the union, the ceremony would be duly performed. . . . . Time rolled by, and year after year transpired, until the *muchacha* had reached her fourteenth year, when the marriage took place, and the offspring of that union has now the honor to present his readers with this short biographical sketch.

MONTEREY.—This name is composed of the words monte and rey, and literally means "king of forests." The harbor of Monterey was discovered in 1603, by Admiral Sebastian Vizcayno, and so named in honor of Count Monterey, as well as from the neighboring forest of massive pines and other trees.

On being informed of this discovery, the King of Spain, at the instance of the Marquis of Croix, Viceroy of Mexico, and José Galvez, Most Illustrious Royal Commissioner, ordered a second naval expedition to act in concert with a land expedition, with a view to take possession of the harbor. The latter expedition, commanded by Captain Rivera y Moncada, reached its destination on the 23d of May; the former,

commanded by Captain Juan Perez, on the 31st May, 1770, when the banner of Spain was unfurled in token of possession.

Monterey has always been the residence of the superior authorities as the capital of Upper California. Since its foundation, fourteen duly appointed Governors of Upper California have discharged the duties of that office, viz. Fages, Borica, Arrilaga, Arguillo 1st, Sola, Arguillo 2d, Echeandia, Victoria, Figueroa, Chico, Carillo, Alvarado, Micheltorena, and Pico.

The forest of Monterey, viewed from the bay, presents the most picturesque appearance imaginable. The surrounding hills of the city, crowned with tall pines and clothed in perpetual verdure, excite in the stranger a feeling at once of surprise and sympathy for the place. The native, as well as the foreign residents, are in constant admiration of it—at least such is the feeling of the writer, whenever he has the honor of being there,—his native place. On occasions like those, how fondly he recollects all the scenes of his childhood! Those of Monterey, born since the year 1807, to you this sincere sentiment of gratitude is addressed! The City of Monterey contains from 1500 to 2000 inhabitants.

In October, 1842, the American colors were hoisted there by Commodore Jones; 'tis said, through pretended mistake,—but he lowered them at the end of forty-eight hours. On the 7th of July, 1846, they were again unfolded to the breeze of Monterey by Commodore Sloate, and if the act was then done also through a convenient mistake, is a question of "*quien sabe.*"

SANTA CRUZ.—The name of this County signifies "holy cross." The word cross, mystically speaking, is derived from the gibbet, which the Greeks, Romans, and other nations used to erect in that form, for the purpose of executing guilty slaves or persons of low condition. After the crucifixion of Christ the cross was sanctified, and has, since that period, been the distinguishing sign of the Christian religion.

The County of Santa Cruz is probably the richest in the State, as regards timber and irrigated soil. The mission of Santa Cruz, from which the County derives its name, was secularized in 1834, and has now a growing population. It is situated at the north of the bay of Monterey, and possesses an anchorage. Three vessels of ordinary size have been launched there.

SAN FRANCISCO.—The name of this County is famous throughout the Catholic world as being that of the creator of the religious order of Franciscans in Europe and America, in whose name the mission of San Francisco de Asis (Dolores) was established in the year 1776, under the immediate superintendence of the Reverend Franciscan Father Junipero de Serra. In the same year and in the name of H. Catholic Majesty, the harbor of San Francisco was taken possession of, and a fort or a redoubt erected with the same name, which it still retains. The bay is also called San Francisco, and lately it was given to the town of Yerba Buena, by the municipal authorities of that place, doubtless so to harmonize the three places (distant one league from another, and forming a triangle), that they may amicably respond to the same name when the astounding activity and rapid growth of one will have united all three into an immense commercial city. In 1836 there were only two houses in San Francisco,—one belonging to Capt. Richardson, the other to J. P. Leese,—and up to 1846 the place had made little progress. In 1848, however, it received so wonderful an impulse from the discovery of the gold mines in the Sierra Nevada, that it can be said, San Francisco is an enchanted or magical city, built by spirits such as are spoken of in the Arabian Nights.

The town now contains a fluctuating population of from 20,000 to 40,000 inhabitants, made up in the short space of two years. The bay is large enough to accommodate the naval and commercial fleets of the world; there are now on its broad, magnificent bosom, five hundred vessels, and more than two thousand other craft, steamboats, scows, &c., actually engaged in all the ramifications of trade. San Francisco possesses theatres and good substantial wharves; it is the starting point of navigation to the Sacramento and San Joaquin rivers and their tributaries, which embrace an extent of two hundred leagues; it is the present seat of the Supreme Court of California, and the residence of the Collector of Customs, wherein more than two millions of dollars have been collected within two years.

SANTA CLARA.—According to the Roman Book of Martyrs or Martyrology, as Hortalana, the pious mother of Santa Clara, was once kneeling before a crucifix, praying earnestly that, being with child, she might be happily delivered, she heard a voice whispering, "Fear not, woman, thou wilt safely bring forth;" whereupon a brilliant light

suddenly illumined the place, and the mother, inspired by the mysterious prediction, baptized her child Clara, which is the feminine of clear or bright. Clara was afterwards sanctified on account of her many eminent virtues, and accordingly venerated by the Catholics in all Roman Catholic churches.

The mission of Santa Clara, from which the County derives its name, was founded on the 12th day of January, 1777. The country is fertile, and abounds in timber and water, but particularly in quicksilver. Its inhabitants declare it to be the most advantageously situated for a large and flourishing city. Its chief town is the Pueblo of San José, the permanent seat of government until removed by law, as prescribed by the Constitution. Quien sabe?

CONTRA COSTA.—This name signifies "opposite coast," and the County is so called from its situation opposite San Francisco, in an easterly direction. It is, undoubtedly, one of the most fertile Counties in the State, possessing rich agricultural lands, which embrace an interior coast of thirty leagues, extending in the bays of Santa Clara, San Francisco, and San Pablo, the straits of Carquines, the bay of Suisun, and the San Joaquin river; a circumstance which, united to its mild climate, will render it very important. The Pueblo of Martinez is its chief town, and "New York of the Pacific," as well as other towns on the shores of the San Pablo and San Joaquin, will also very soon effectually contribute to its importance.

"Mount Diablo," which occupies a conspicuous place in modern maps, is in the centre of this County. It was intended so to call the County, but both branches of the Legislature, after warm debates on the subject (the representatives of the County opposing the proposed name), resolved upon the less profane name of "Contra Costa." The following is the history of "Mount Diablo" (Mount Devil): In 1806 a military expedition from San Francisco marched against the tribe "Bolgones," who were encamped at the foot of the Mount; the Indians were prepared to receive the expedition, and a hot engagement ensued in the large hollow fronting the western side of the Mount. As the victory was about to be decided in favor of the Indians, an unknown personage, decorated with the most extraordinary plumage, and making divers movements, suddenly appeared near the combatants. The Indians were victorious, and the incognito (Puy) departed towards the Mount.

The defeated soldiers, on ascertaining that the spirit went through the same ceremony daily and at all hours, named the mount "Diablo," in allusion to its mysterious inhabitant, that continued thus to make his strange appearance, until the tribe was subdued by the troops in command of Lieut. Gabriel Moraga, in a second campaign of the same year. In the aboriginal tongue 'Puy" signifies Evil Spirit; in Spanish it means Diablo, and doubtless it signifies Devil in the Anglo-American language.

MARIN.—This is the name of the great chief of the tribe Licatiut, and the other tribes that inhabited this County and that of Sonoma. In Spanish "Licatiut" signifies "Arauzon," a favorite root or vegetable of these Indians, of which they made plentiful supplies to be used on great festival occasions. It affords them nourishment in great abundance in the valley of "Petaluma," their usual encampment. In the year 1815 or 1816 a military expedition proceeded to explore the country north of the bay of San Francisco, and on returning by the Petaluma valley an engagement ensued with Marin, in which he was made prisoner and conducted to the station of San Francisco, from which he escaped, and again reaching Petaluma, he united his scattered forces, and thenceforward dedicated his most strenuous efforts to harass the troops in their hostile incursions into that part of the country. He carried on hostilities until he was so closely pursued as to be compelled to take refuge in the Marin isles, situate at the mouth of the inlet San Rafael, so named from this circumstance. He there defended himself for some time, but was again taken captive to St. Francisco in 1824; whence being set at liberty, he retired to the mission of San Rafael, and there died in 1834.

SONOMA.—The name of this County is an Indian word, signifying "Valley of the Moon," by which the aborigines designated the valley wherein the town of that name is situated.

The tribe occupying this valley was called Chocuyen; but in 1824, on the arrival there of the first expedition for the purpose of establishing a mission, the name of "Sonoma" having been given to their chief by the paternal minister, Jose Altimira, the Chocuyenes then adopted the same, which they still retain. This, as well as the other tribes who occupied the tract which now composes the Counties of Sonoma and Marin, were dependent on a great chief who bore the heathen name of Marin de Licatiut, as mentioned in the history of the County of that name.

Sonoma is the most beautiful and picturesque valley in Upper California; and from its topographical situation, fronting the bay of San Pablo, from its delightful climate, fertile soil, abundant timber of all kinds close by, and from its pure and sweet waters, it is destined very soon to become one of the most populous parts of that valuable section of country. There are hot springs in its vicinity, which, from their medicinal virtues, may in future rival those of Arkansas.

Sonoma is at present the residence of the commander-in-chief of the western division of the army in California and Oregon.

In the Pueblo de Sonoma, in fine, there occurred an incident which will render the town celebrated in the history of the country, to wit: On the 14th day of June (of perpetual memory) a certain personage ordered a certain flag to be there hoisted, on whose white surface was conspicuously to be seen a certain animal; after other certain personages had taken the place by surprise, they took a certain personage prisoner to a certain fort, on the eastern bank of a certain river, in which they locked him for two months; during which he was overtaken by a certain disease which prevails there yearly, and from which he was set at liberty very nearly on the point or on the eve of settling accounts with a third personage, whose emblematic figure throughout the world is that of a skeleton armed with a scythe in his right hand.

SOLANO.—This is the second name of the celebrated missionary Francisco Solano, and was also borne by the great chief of the tribes originally denominated "Suisunes," and scattered over the western side of the river Jesus Maria (now Sacramento). The residence of this chief was the valley of Suisun, which is bounded by the hill near Suscol. Before receiving the baptismal name of Solano, the chief was called "Sem-yeto," which signifies the "brave or fierce hand."

In 1817 a military expedition (under command of Lieut. Jose Sanchez, and by order of the commandant of San Francisco, Jose Arguello), crossed the Straits of Carquines (on rafts made of rushes, as there were no ferries or regular boats in those days), for the double purpose of exploring the country and reducing it to Christianity. On crossing the river they were attacked by the Suisun tribe, then headed by their chief, Malaca, who caused them considerable loss; the Indians fought bravely and to the utmost extreme, but they were in turn attacked with such force and perseverance as to oblige them to retreat

to their rancheria; where, being still hotly pursued and believing their fate sealed, these unfortunate people, incited by their chief, set fire to their own rush-built huts and perished in the flames with their families. The soldiers endeavored to stay their desperate resolution, in order to save the women and children; but even these preferred this doom to that which awaited them from the hands of their enemies. Thus perished this chief, and thus was his hearth and the home of his people destroyed.

The town of Benicia, situate in this County, is rapidly increasing in size and importance, and will soon rival the other towns that encircle the bay of San Francisco. The American squadron is stationed here, and many trading vessels be at anchor. Here is the only passage to the interior; consequently there is, perhaps, no point from which the active trade of the bay can be better observed. There is in front of the town a bank or promontory extending out one mile, which precludes the necessity of wharves.

YOLO.—A corruption of the Indian word "Yoloy," signifying a place abounding with rushes (tular), with which the Indians composed the term "Toloytoy," Rushtown (Pueblo del Tule), situated on the western shore of the river Sacramento. The tribe occupying this Pueblo derived its name therefrom, and were the subjects of a great chief, who also ruled various other tribes with absolute sway. All these tribes were encamped on the western banks of the Sacramento and its tributaries. The Christian name of the chief was F. Solano, and his usual residence Sonoma. In 1835, Motti, captain of the Yoloy tribe, rebelled against the superior chief, and being unsuccessfully pursued, Solano applied to the commandant of Sonoma for assistance, pursued the tribe once more, and reduced it to submission. The rebellious leader was ordered to Sonoma, where he remained until the tribe and chief returned to their former hearths in 1846.

NAPA.—The name of the tribe who occupied the valley of the same name. The meaning of the word is not ascertained. Napa valley is fertile and beautiful in the extreme, possesses a very mild climate, and abounds throughout with timber of all kinds. The County, at the extreme north, contains the highlands of Mayacmas, famous as being the encampment of the Napa tribe, one of the bravest in California.

They greatly harassed the frontier posts, and were very numerous up to the year 1838, when they were mostly carried off by the small-pox. Napa city, situated on the stream that crosses the valley, will soon be a flourishing town; it is fifteen miles distant from the entrance of Napa bay. The creation of this County is attributable to the constant efforts of Capt. J. Brackett, member of the Assembly from the district of Sonoma. The writer is impressed with the belief that the subdivision is premature and will affect the interests of the people.

MENDOCINO.—In the year 1535 Antonio de Mendoza, first Viceroy of New Spain, appointed by the Emperor, arrived at the city of Mexico, fourteen years after its conquest or surrender, and ordered a survey of the coast of California, wherein Cape Mendocino was discovered, and so called in honor of the Viceroy. Mendocino, from which the County derives its name, is the patronymic of Mendoza.

SACRAMENTO.—Signifies Sacrament, or Lord's Supper. The streams known as Feather and Sacramento rivers, were first respectively named by Lieutenant Moraga "Sacramento" and Jesus Maria; but the latter now assumes the name of Sacramento, whilst the former is called Feather. Sacramento is the principal river in all that section of country, and gives name to the County. Several towns are springing up, but the chief one of the county is Sacramento City, situated on the eastern bank of the Sacramento. This rapidly growing and flourishing town, containing a permanent population of twelve thousand inhabitants, has sprung up in the short space of a year. It contains, besides, multitudes of transient residents, constantly going to and from the "Placeres;" steamboats and numerous vessels of light and heavy draught are safely moored immediately abreast of the town.

EL DORADO.—The far famed fabulous region of genial clime and never-fading verdure, where gold and precious stones are as common as rocks and pebbles, where wines gently flow from fountains, where wheat spontaneously grows overtopped with tiny loaves of bread, and pigeons fly about all ready roasted, where nature has converted the rudest things into harmony of shape and appearance, and where, in fine, a creature of the genus *mulier*, full of sympathy and grace, trips about in natural loveliness, the most beautiful of God's creations. Francis Orellana, a

companion of Pizarro, first spread the account of the supposed existence of this province in South America.

As it is universally known *how* and *when* the discovery was made that has caused the star of the west to spring up as if by magic, given it the appropriate epithet of "golden," and will eventually revolutionize the world, more than the passing remark that gold was first discovered in this County at Sutter's mill, is here deemed unnecessary. The County derives its name from this circumstance.

SUTTER.—This County is named after Captain John Augustus Sutter, from Switzerland, and formerly a military officer under Charles X. He emigrated to this country in the latter part of the year 1839, for the purpose of forming a colony. With this object in view, he petitioned the Mexican Government for a grant of land, which he obtained, subject to the regulations prescribed by law. He then fixed the site of the colony on the eastern side of the Sacramento river, between its tributaries, known as the American Fork and Cosumnes, and named it New Helvetia. To inspire confidence in his colonists, as well as to protect them against the sudden attacks of the aborigines, who were very numerous at that period, or against any surprise whatsoever from any other power, he built a fort and manned it with several pieces of artillery. The building is well known as Sutter's Fort. Captain Sutter is the oldest settler in the valley of the rushes (valle de los tulares) on the banks of the Sacramento. His known enterprise, openness, and urbanity of manners, and characteristic hospitality towards all who approached his colony, have commanded public respect and gained for him the personal regard of friends. The former and present inhabitants of California, ever remembering the name of Sutter, as now borne by the County, will transmit it to future generations and thus immortalize it.

YUBA.—A corruption of the word uba, which, when pronounced in English, produces the sound *Yuba*. This pronunciation has been latterly so generally adopted that the original word is now obsolete.

Yuba river is the chief tributary of Feather river, and was called Uba by an exploring expedition in 1821, from the immense quantities of vines that shaded its banks and the neighborhood, overloaded with wild grapes (properly called "uvas silvestres" in Spanish). The County which derives its name from the aforesaid river, was created by the

present Legislature, in compliance with the wishes of the delegates from that portion of the State. It contains ten thousand inhabitants.

BUTTE.—This is purely a French word, signifying hill or mound of earth. The high hills or peaks situated in the valley of the Sacramento, and seen at a great distance, were so named by a detachment of hunters, headed by Michael Laframbeau, from the Hudson Bay Company at Columbia river, who visited this country in search of beaver in the year 1829. Nine years previous to this period they were denominated peaks (picachos) by Captain Luis A. Arguello, who headed an expedition to the Columbia river by order of the Governor of the Province. This County contains these peaks, and takes their name.

COLUSE.—Is purely an Indian word, being the original name of a numerous tribe on the western side of the Sacramento river; its meaning is not ascertained. The so called County is one of the new Counties created by the first Legislature of the State.

SHASTA.—Is the name of the tribe residing at the foot of the height or mountain, remarkable as being considerably higher than the range, and encircling the source of the Sacramento river. Upon the subdivision of the State into Counties, Mr. Walthall, member of Assembly of the delegation from the district of Sacramento, proposed this name for the County, and it was adopted by the Legislature. The mountain has likewise been so named.

TRINIDAD.—Signifies trinity. The Roman Catholics annually celebrate a certain Sunday in honor of the Most Holy Trinity. This festival has been observed since the year 1260, when it was so regulated by the Council of Arlez.

Trinity bay was so called from having been discovered on the anniversary of this festival, June 11, 1775, by the second naval exploring expedition, consisting of a frigate in command of Captain Bruno Ezeta, and a sloop commanded by Juan de la Quadra y Bodega. Hence the name of the County. The bay has been newly surveyed and found accessible. Since last January, rich gold "placeres" have been discovered there; and the surrounding fertile country, formerly known as New Albion, is now being settled.

CALAVERAS.—This word signifies skulls, and the so called creek, which gives name to the County, derives its own name from the fact of an immense number of skulls having been found lying in its vicinity from time immemorial. According to the diary of Captain Moraga, who headed the first incursions made on the Sacramento and San Joaquin rivers, and the Sierra Nevada, the chiefs of the tribes encamped on these rivers made war against the tribes of the Sierra, who came down to fish salmon, with which those rivers abound. This was considered a trespass on rights acquired by occupation, and war was in consequence declared between the tribes of the valley and those of the Sierra, during which a sanguinary battle was fought near the creek Calaveras. The tribes of the valley were victorious, and more than three thousand killed on both sides remained on the field. Hence the name of the creek as given by Captain Moraga.

This is one of the Counties abounding in gold mines, and has a population of about 15,000.

SAN JOAQUIN.—The meaning of this name has a very ancient origin in reference to the parentage of Mary, the mother of Christ. According to divine revelations, Joachim signifies "preparation of the Lord," and hence the belief that Joaquin, who in the course of time was admitted into the pale of sanctity, was the father of Mary. In 1813, commanding an exploring expedition to the valley of the rushes (valle de los tulares), Lieutenant Gabriel Moraga gave the appellation of San Joaquin to a rivulet which springs from the Sierra Nevada and empties into lake Buena Vista. The river San Joaquin derives its name from the rivulet, and baptizes the County with the same. Stockton (named in honor of Commodore Stockton) is a highly flourishing town and the seat of Justice in the County. It contains about 2,500 inhabitants. Pleasantly situated on a slough of the San Joaquin river, on a plain, thinly overspread with oak and shrubbery, and within a day or two from some of the rich "placeres," it is destined to become *the* city of San Joaquin, notwithstanding the absolute *lack* of poetry in its name.

TUALUMNE.—A corruption of the Indian word "*talmalamne*," which signifies cluster of stone wigwams. This County abounds in gold "placeres." Throughout its river and hollows, throughout its valley and hills, gold, gold, and more gold is found.

Mr. Benjamin S. Lippincott, Senator from the district of San Joaquin,

hailing from perhaps the richest County in the State in the precious metal, has exerted an influence in its creation. The County seems to be an integral portion of the "El Dorado," which has been for years so eagerly sought for by every lover of gold. Tualumne city is just springing up, and it is believed will shortly be a sort of "Jauja," the golden city of the fabulous region where rivers of milk and of honey flowed, and farinaceous fruits grew spontaneously.

MARIPOSA.—The name of this County signifies butterfly. In the month of June, 1807 (in one of their yearly excursions to the valley of the rushes (valle de los tulares) with a view to hunt elks), a party of Californians pitched their tents on a stream at the foot of the Sierra Nevada, and whilst there, myriads of butterflies, of the most gorgeous and variegated colors, clustered on the surrounding trees, attracted their attention, from which circumstance they gave the stream the appellation of Mariposa. Hence Mariposa river, from which the County (also heavily *laden* with the precious metal) derives its poetical name.

[Z.]

Report of Mr. Bidwell on Los Angeles.

IN SENATE.
January 22, 1850.

THE Committee on Corporations, to whom was referred the bill, entitled "an Act to incorporate the City of Los Angeles,"

RESPECTFULLY REPORT:

That from all the information which they have been able to obtain upon the subject referred to them, the Committee is of opinion that the City of Los Angeles already has a charter or grant from the former government, which gives the inhabitants of that place, to a certain extent, the rights and privileges of a municipality. The extent of the lands claimed by said city, according to verbal information obtained by your Committee, is four square Spanish leagues.

They have no record to refer to for any information relative to this matter; and to delay until the original charter could be obtained, and its merits investigated, would be to deprive the inhabitants of that city of the benefits of a new charter for an indefinite period. Besides, your Committee are of opinion that if even the original charter were at hand, there is no tribunal in this country authorized to adjudicate its merits, and that no law passed by this Legislature can affect any right or privilege claimed by any town or city under a written grant or charter from the former government.

Your Committee therefore return the aforementioned bill, and recommend its passage with the amendments accompanying the report.

All of which is respectfully submitted.

J. BIDWELL.

[AA.]

Report of Mr. Chamberlin on Duties of State Printer.

IN SENATE.
March 1, 1850.

THE Standing Committee on Public Printing, having had under consideration House bill, "Defining the duties of State Printer and fixing his Compensation," report it back to the Senate with the recommendation that it be passed as it came from the other branch. The bill was originally framed by the joint labors of the Standing Committee on printing of both Houses. The Chairman of the House Committee, being a thorough practical printer and principally active in drafting it, before it passed the House, it properly underwent considerable scrutiny and some amendments; members generally relying for information upon the framer of the bill, who satisfied them pretty generally that its rates were fair and reasonable in comparison with those of labor, materials, &c.

Before it finally passed, however, as your Committee are advised by the printing Committee of the other branch, an impression prevailed to some extent, that the cost of printing the Statutes and Journals, by the rates of the bill, would be so considerable that it would be judicious for the State to order the printing done when labor and materials are much cheaper. To examine more fully into the matter and satisfy their minds respecting the correctness of these extravagant impressions, a *Select* Committee was moved, and the bill referred to them. On careful examination of it, as it seems from their report, with the aid of the practical knowledge of printing of two of their Standing Committee, they reported the bill back, with the recommendation that "it should pass without further amendment," "believing," as they said further, "that the rates named in the bill are as low as could be had in the State."

Your Committee are of a like opinion, and make the same recommendation. So far the State printer has been diligent and faithful,—has

executed his work w th creditable skill and correctness, and, considering the great expense he is daily involved in, it is full time that the Legislature, whose labors he has so greatly facilitated, should act promptly in his behalf. It is onerous enough that in employing his workmen he should have to compete with the sometimes real and often imaginary value of labor in the gold mines, without being driven, by the delay of the Legislature in fixing his compensation, into the ten per cent. per month money market for the means to procure materials for the benefit of the State.

E. K. CHAMBERLIN,
Chairman.

[BB.]

Report of Mr. Woodworth on State Printing.

IN SENATE.

December 24, 1850.

THE Standing Committee on Public Printing having observed what inconvenience both bodies of the Legislature are now experiencing in consequence of having yet made no provision for their public printing, and what serious loss of time, and consequently money, must result, unless some mode of executing that work is adopted, and at a very early day, beg leave to suggest to the Senate, that in their opinion the best course will be, to dispose of the matter at once, by concurring in the resolution on this subject from the Assembly with slight amendments.

As notice has been given for the removal of the Seat of Government from this place, should the Senate concur in the resolutions of the Assembly as they passed that body, persons proposing to execute the printing would probably labor under serious disadvantage in complying with one of the conditions, that respecting the *time* allowed for the preparation of a press, &c. It would work a great injury to the public printer to prepare to execute the work here, and be compelled to follow the Legislature to some other and possibly remote point to comply with the other conditions of his bond.

Your Committee suggest, therefore, as there are known to be several experienced printers now in the Capital, amply prepared to do the work and desirous to compete for the contract, that two days' notice will be full time for the receipt of proposals; we suggest then, that the Assembly resolutions be taken from the table, that they be amended in the manner pointed out, and that thirteen days' time, instead of ten, shall be allowed after the contract is made, before orders for printing shall be given. These two amendments being adopted, no longer period than that now contemplated by the resolutions will elapse before the contractor is prepared for duty; and what will be of importance to him, the question

of the permanence or removal of the Seat of Government will have been settled.

Your Committee further suggest, that from their conversation with several experienced printers, they are of opinion the contract had better be for two years instead of one. This is the usual period given where the contract system has been in use,—in Florida, Indiana, New York, and several other States, as also in the Federal Capital at this time. The materials used in the execution of the work are peculiar and expensive, and should the contractor be successful but one year, they will be thrown on his hands, only partly worn, but fit for no other use. Moreover, this is a new state of affairs, prices of labor and rents and all the necessaries of life are high, and the printer, through the influence of competition, may thereby be made to suffer; but should his time extend to *two* years, the experience he will have gained in the management of his affairs and the economy which he will have had an opportunity to study, will enable him to indemnify himself in the second year what he may have lost in the first. This extension of the time also may have its influence upon the competitors, while it cannot work to the disadvantage of the State.

Your Committee therefore suggest that the Assembly resolutions be amended as we have pointed out and (with a copy of this report) be returned to the other branch for concurrence.

All of which is respectfully submitted.

S. E. WOODWORTH,
Chairman of the Committee on Public Printing.

[CC.]

Report of Mr. Hope on State Library.

IN SENATE.

December 28, 1850.

THE Committee on State Library beg leave to report, that through the liberality of some distinguished citizens, the State is in possession of a number of volumes of very valuable works. The Committee have been informed that it is the intention of other citizens to make donations also, and there is a probability that in a short time the State will be in possession of a large number of works.

In consideration of the above, the Committee recommend that the Sergeant at Arms be authorized to procure a book-case, such a one as the Committee on State Library deem necessary for the safe keeping of the public books, and that he have the same placed in the Senate chamber as soon as completed.

The Committee also recommend, that until more definite arrangements are made, the Sergeant at Arms be authorized to act as Librarian for the State; also, that the Committee be authorized to turn over to the charge of the Librarian such books as may now be in his possession belonging to the State.

The Committee would further recommend, that all further donations of books to the State, or books obtained in any other manner for the benefit of the State, be turned over to the charge of the Librarian, or such other person as may be discharging the duties of that office at the time such donation is made, or books obtained.

A. W. HOPE,
Chairman.

[DD.]

Report of Mr. Crosby on Supreme and Circuit Courts.

IN SENATE.

January 14, 1850.

THE Judiciary Committee of the Senate, to whom has been assigned the subject of the Organization of the Supreme Court and the Circuit Courts, having had the same under consideration, respectfully report as follows:

That your Committee have experienced great difficulty in preparing the accompanying bill, for want of books, to which reference could be made to existing statutes of other States, and the decisions of their Courts settling the construction to be put upon the language of their statutes.

Your Committee have been obliged, under this great want of books, to frame their bill, in language and substance, from the fundamental rules and principles of equity, as recognised by all enlightened nations, and having, at the same time, reference to the requirements and provisions of our Constitution, and the Constitution and Laws of the United States.

As far as practicable, your Committee have, in every instance, consulted the words of the Constitution, in the accompanying bill organizing the Supreme Court.

Your Committee would respectfully call the attention of the Senate to the fact that no provision has been made in the Constitution for the attendance of sheriff at the terms of the Supreme Court except so far as authorized by the 7th section of article 6th of the Constitution.

Your Committee would also respectfully suggest for the consideration of the Senate, that some difficulty has been experienced by your Committee in providing for the election of a clerk of the Supreme Court. They have, however, provided in section 15th of the accompanying bill

for the election of a Clerk by the Legislature, deeming such election authorized by the Constitution.

Your Committee would respectfully suggest that an election of Sheriff to attend the terms of the Supreme Court until one shall be elected for the County in which such terms are held, might also be made in the same manner as provided for the election of Clerk of the Supreme Court.

All of which is respectfully submitted.

ELISHA O. CROSBY,
Chairman.

[EE.]

Report of Mr. Crosby on District Courts.

IN SENATE.
January 31, 1850.

MR. PRESIDENT:

THE Judiciary Committee of the Senate herewith present a bill organizing the District Courts of the State of California.

Your Committee have consulted the provisions and requirements of the Constitution in their labors to produce said bill, and have, as far as practicable, consulted the various judiciary provisions of other States with the view of profiting by the wisdom and experience of those States in their long years of Legislation and practical administration of their laws.

Your Committee regret the want of time in which to present in detail such authority, annotations, and reasons as they may have for the various provisions of the accompanying bill; and while they present the result of their labors for the consideration of the Senate, they would respectfully ask the Senate's indulgence, if error there be in the bill now presented.

Your Committee deem it obvious to every Senator, as well as to the intelligence of every citizen of this State and the world, that the difficulties of preparing a system of judiciary and laws for the government of this State, so rapid in its progress, are beyond precedent in the history of mankind.

In dividing the State into districts, your Committee have deemed it a duty to take into consideration the prospective increase of population that will be added to the present, during the present coming year, and which portends, from the best information and statistics your Committee have been able to obtain, an increase of nearly or quite the number of inhabitants now in this State.

The majority of population that will be added to this State during the present coming year will be citizens of the United States, and they

will bring with them all the attachment and predilections for the laws and institutions of the United States; and in the organization of a system of judiciary and laws for this State, your Committee believe no great deviation should be made from that existing throughout the entire confederation of States. They would, so far as practicable, advise no violent changes of a system under which the great majority of the present and prospective population of this State have lived, and to which they have become attached.

The experience of all times has demonstrated the evils consequent upon sudden and great changes in a system of laws and jurisprudence; and while this should be deprecated, a wise and wholesome improvement of any and all abuses, emanating from whatever source they may, should be carefully incorporated into our first organization.

With limited time given for careful and deliberate thought, and the equally great want of books for reference, your Committee feel assured every allowance will be made in their behalf; and with this view of their present position, and the great necessity of an immediate organization and adoption of a system, they are laboring incessantly to present the organization of our judiciary complete.

Your Committee are aware that great injustices and abuses are being practised by the courts that pretend to have jurisdiction in all civil and criminal cases throughout this State, and that these abuses and injustices arise not so much from malice or wickedness, as from ignorance of the principles and forms of the laws prevailing under the rule of Mexico.

Your Committee deem it advisable that the organization of our courts should be adopted as speedily as possible, and the causes and proceedings had or pending in existing courts should be transferred to the new courts established and to be established for review and determination, and the old courts heretofore existing should be abolished.

With this view of the existing evils, the opinion of your Committee, they have been and are preparing bills organizing all the different courts authorized and directed by the Constitution of this State, and prescribing the practice in such new courts thus organized, as also for the removal of all causes and proceedings in existing courts and reviews of causes and proceedings heretofore determined by such courts as shall be just and proper to be reviewed, and the abolishing of such courts as are not authorized and directed by the Constitution of this State.

By order of the Committee,

E. O. CROSBY.

[FF.]

Report of Mr. Robinson on Counterfeit Coin.

IN SENATE.

February 6, 1850.

MR. PRESIDENT:—

THE Committee on the Judiciary, to which was referred the preamble and joint resolutions relating to counterfeit coin, respectfully report:—

Section 10th of the first Article of the Constitution of the United States, says—"No State shall coin money, emit bills of credit, or make anything but gold and silver coin a legal tender."

Your committee can see no good reason why a privilege not granted to a State should be allowed to individuals; more especially when such privilege may result to the great injury and detriment of the public. If individuals shall be permitted to coin money, to issue and circulate such coinage without condition or restraint whatever, the presumption is, there would be no complaint for want of a *circulating medium;* though there might, and in all probability would, be a wide difference of opinion as to its purity or true value. The great majority of the people with whom such coin would circulate, have not the necessary implements or chemical education to enable them to analyse coin; hence they can the more readily be made the victims of the fraudulent and designing.

Section thirty-fifth of the third Article of the Constitution of this State reads as follows: "The Legislature shall prohibit by law any person, or persons, association, company, or corporation, from exercising the privilege of banking, or creating paper to circulate as money."

Your committee are clearly of the opinion that the section above referred to, not only prohibits every and all kinds of banking, but it was also well understood and intended by the framers of the Constitution, that no other than United States Coin, or such foreign coin as is recog-

nised by the General Government, should be the legal and current coin of the State.

Many persons (and the number is rapidly increasing) are now engaged in coining and circulating pieces of gold as money, a portion of which is ascertained to be spurious. In some instances the coin is made in a manner well calculated to deceive, approaching in appearance so nearly to the United States coin, that the fact can only be detected by minute examination.

Your committee are in possession of one of these pieces, coined at San Francisco, stamped with the letters S. M. V., which is herewith submitted.

In evident violation of the Constitution of the State, there are now established at San Francisco banking companies, or associations coining and causing to be circulated as money, pieces of metal, which is in the opinion of your committee an "exercise of banking privilege" positively prohibited by Section 35 of the Constitution of this State; for in this respect, the making of either coin or paper to circulate as money, is one and the same thing, so far as regards an exercise of banking privileges in California.

It may be proper to inquire whether the right is reserved to the Legislature of a State, to prevent the coinage of money by individuals within its limits? It will be observed by reference to the section above quoted from the Constitution of the United States, that a *State* is certainly prohibited from coining money. It is true that this section does not expressly restrain individuals from exercising this privilege, and it may, perhaps, be questionable whether Congress possesses power to pass a law restraining them; but this question your committee will not now discuss, being foreign to the question before them.

The Constitution of the United States provides that "all powers not therein expressly delegated, are respectively reserved to the States and the people." Thus it will be seen the Constitution is silent as to the right of individuals to coin money; hence your committee must conclude that it is within the legal province of the Legislature to pass such laws upon the subject as it may deem for the public good.

If in any of the States individuals have exercised the privilege of coining money, it is probably from the fact that there was no law prohibiting it. If these States have taken no action in this subject, it is certainly no evidence of the want of power to do so.

It is not a matter of doubt that a Legislative body, in the absence of an express prohibition, retains to itself the power to prescribe a standard of rights and wrongs, to protect the citizens of the State in their persons and property, and to pass any law to that effect; and when it becomes evident that the coinage of money by individuals becomes a source of great evil in a community, and subjects holders to loss and inconvenience, and opens a wide door to fraud and speculation, it is as much the duty and right of the Legislature to restrain it, as it is the duty and right of that body to restrain the commission of any other species of fraud or public wrong; and as the power to restrain such coinage by individuals is not expressly delegated to Congress, your committee are of the opinion that it should and can be exercised by the State; and as such coinage is extensively practised in this State, and numerous evils have grown, and will continue to grow, out of it, and much loss be sustained and great fraud practised, it becomes imperatively the duty of this body to restrain it at once.

Your committee would substitute, in place of the joint resolutions, the accompanying Act, and recommend its passage, as they believe the evil can only be reached by an Act.

All of which is respectfully submitted.

H. E. ROBINSON,
Of Committee on the Judiciary.

[GG.]

Report of Mr. de la Guerra on State Translator.

IN SENATE.

February 15, 1850.

MR. PRESIDENT:—

THE Joint Committee appointed by the Senate and Assembly, to examine into the qualifications of candidates for the office of State Translator, respectfully report:—

That several gentlemen have presented themselves before the committee, and their qualifications have been tested. Your committee regret exceedingly to be obliged to say that, though all the applicants evince talents of no ordinary grade, yet no one of them, in the opinion of your committee, is fully competent to discharge the important duty that must necessarily devolve upon that officer, in translating, with minute accuracy, the laws of the State. Your committee, therefore, recommend, that the joint committee be continued, with power and instructions to examine all applicants that may present themselves, up to twenty days before the adjournment of the Legislature. As the services of a Translator are, by the 21st section of the miscellaneous provisions of the Constitution, daily required by the State Printer, your committee recommend that Mr. William Lowrie, who has evinced over all other applicants superior qualifications as Translator, be engaged, to translate such laws, resolutions, &c., as may be ordered to be printed in the Spanish, until a State Translator shall be elected by the Legislature.

Therefore your committee respectfully recommend the adoption of the following concurrent resolutions.

Resolved, 1st, the Assembly concurring, That the joint resolution requiring the Legislature to go into an election of State Translator on the 13th inst., be, and the same is hereby, rescinded.

Resolved, 2d, That the President of the Senate and the Speaker of the Assembly be instructed to engage Mr. William Lowrie, to translate

such laws, resolutions, and other documents, as may be ordered by the Legislature, at a salary not exceeding twenty-five dollars per day, until a State Translator shall be legally elected, such translations before they are printed to be submitted to a joint committee of the Senate and Assembly, for correction.

Resolved, 3d, That a joint committee of two from the Senate and two from the Assembly be appointed, whose duty it shall be to examine and correct, before they are printed, all laws, or documents, that shall be translated into the Spanish language, until a State Translator shall be elected.

Resolved, 4th, That the salary of said Translator shall be paid from the contingent fund of the Senate and Assembly.

Chairmen of Committee:—

On the part of the Senate,
PABLO DE LA GUERRA.
On the part of the Assembly,
J. M. COVARUBIAS.

[HH.]

Report of Mr. Chamberlin on Senatorial and Representative Districts.

IN SENATE.

February 20, 1850.

THE Standing Committee on Privileges and Elections, to whom was referred a "Joint Resolution in reference to the formation of new Senatorial and Representative Districts," have had the subject under consideration, and respectfully

REPORT:

That, in their opinion, the present Legislature, under the 14th section of the Schedule of the Constitution, is empowered to change the Senatorial and Representative Districts, in such manner as may be deemed best, without increasing or diminishing the number of Representatives.

Your Committee have, therefore, instructed me to report the resolution without amendment, and recommend its adoption.

E. K. CHAMBERLIN, Chairman.

[II.]

Report of Mr. Bidwell on San Francisco Charter.

IN SENATE.
March 6, 1850.

MR. PRESIDENT:

THE Committee on Corporations, to whom was referred the bill, entitled "an Act to Charter the City of San Francisco," beg leave to

REPORT:

That they have carefully considered the bill to charter the City of San Francisco, and they regret to say that they would be unable to recommend its passage without some amendments. This charter, if your committee have been correctly informed, emanated from the Common Council of that City, and is, consequently, an expression of the people through their representatives.

One of the leading features of all Charters and Incorporation Acts is to declare the city or town which is to be incorporated, "a body politic and corporate, in fact and in law;" but this feature, important as it may be, is entirely omitted in the bill under consideration.

To give the city a name and style,—to authorize it to make and use a common seal, and alter the same at pleasure,—to grant to the city as a corporate body, and their successors, perpetual succession,—to grant it the privilege, and make them in their corporate name liable, to sue and be sued, plead and be impleaded, defend and be defended, in all courts of law, would, in the opinion of your committee, be indispensable to every charter; but these provisions are wholly omitted in this bill, and the omission appears to leave a blank, which, if not supplied, would render a glaring imperfection visible upon the face of the charter.

And again, there is no limit to taxation; the bill provides for levying and collecting a tax upon real and personal property, which shall not exceed two per cent., without defining any time with regard to how often the tax might be repeated, whether once a month or once a year.

The city, by this bill, would entirely deprive itself of the right to borrow money, which appears to the committee an important right, and should be retained by the city under certain restrictions.

Such are some of the leading wants which, in the opinion of the committee, require to be supplied. But the bill, emanating from the authorities of San Francisco, expressly declares that "the Legislature may at any time alter or amend this charter, *Provided*, such alteration be called for by two thirds of the members elected to the council, and the amendments proposed shall be approved by a majority of the legal voters of San Francisco."

The amendments, therefore, which the committee would have recommended, not having been called for by a majority of two thirds of said council, and approved by a majority of the legal voters of that city, could not be introduced.

The committee, being very desirous to facilitate the speedy passage of a charter for the City of San Francisco, and believing that a charter for that place should be sufficiently ample and complete to answer all the purposes for which charters are generally given, have drawn up a bill for a charter, which they herewith present and propose as a substitute for the bill referred to them, trusting that it will meet with the approbation of the people of San Francisco. In this bill the committee have reserved to the Legislature the right to alter, amend, or repeal the same at pleasure.

The original charter is herewith returned, and the committee beg to be discharged from further consideration of the same.

All of which is respectfully submitted.

J. BIDWELL, Chairman.

[JJ.]

Report of Mr. Heydenfeldt on Supplementary County Boundary Bill.

IN SENATE.

March 6, 1850.

MR. PRESIDENT:

THE Select Committee to which was referred the bill entitled, "An Act amendatory of Sections 8, 9, 10, 12, 13, 14, 15, 19, 20, 21, 22, and 23, of the Act, entitled 'An Act subdividing the State into Counties, and establishing the Seats of Justice therein,'" beg leave to

REPORT:

That they have had the same under consideration, and recommend the adoption of Sections 8, 9, 10, and 14, as amendatory of and substitutes for the corresponding Sections of the above described Act, passed by the Legislature, and approved by the Governor on the 18th of February, A. D. 1850. Your Committee further recommend that, in adopting the before mentioned sections, it is necessary that the original Sections of the Act here proposed to be amended and under consideration, shall be recited at length in accordance with the twenty-fifth Section of the fourth Article of the Constitution.

The amendments, as mentioned above, are only to be considered as explanatory of the Act of the 18th of February, so far as County Boundaries are concerned, and not as adding to, or diminishing from, the intentions of the Legislature and the Governor in the passage and adoption of said Act. The balance of the bill has been carefully considered by your Committee: and it is considered to be both unnecessary and inexpedient, and clearly not amendatory of the Act of the 18th of February, already passed; but an entire new law, which, if passed, would defeat and repeal the other, in violation of the Constitution.

It is unnecessary because, should the County lines of Sonoma, Salano,

and Napa interfere with each other by the law already passed,—which is doubtful,—they are situated in a wild and mountainous country, almost entirely devoid of population, as your Committee is informed, and consequently such interference would not effect any serious inconvenience at this time, nor before the next session of the Legislature, when, if necessary, the lines may be more positively determined, or, if the extension of our settlements require it, new Counties will be created, and new Boundaries fixed.

The bill as proposed is inexpedient, because it proposes to destroy the County of Colusi, and create from its territory two new Counties, those of Aveno and Leco, both of which are represented to be almost entirely destitute of population.

The bill likewise proposes to create the Counties of Molino and Plumas. The four Counties above mentioned, to wit: Aveno, Leco, Molino, and Plumas, were proposed in a bill presented to the popular branch of this Legislature early in the session; and, after long and mature consideration both by the House and the Committees to whom the bill was referred, it was deemed inexpedient to create said Counties, and they were stricken from the bill previous to its passage. The bill is also inexpedient from the fact, that the Legislature would by its adoption destroy Seats of Justice just created by its own solemn act, and already published to the inhabitants of the State.

The bill as proposed is improper and inexpedient from the fact that there is not a single instance in the history of legislation where a deliberative body, during the same session, destroyed and abolished its own acts; no legislature has ever gone further—if fearful of having committed an error—than to suspend for a certain time the operation of the law it may have passed. If the principle be admitted that we have that power, there would be no terminus to legislation, and the fate of every law would be at the disposition of a managing and corrupt minority. This may be illustrated thus. The "Temporary Loan Laws," passed at an early day of this session, by a full house, and by a large majority, may be annulled and repealed, and the solemn faith of the State repudiated, near the close of the session, with a bare quorum present, and by a bare majority of that quorum.

The authorities are clear upon this subject; any omission or mistake in a law may during the same session become the subject of consideration, and legislation had thereon; but it can only be declaratory of

the law itself, or explanatory of the intentions of its framers in passing it, and cannot destroy the palpable meaning and object of the law.

The bill as proposed is unjust and inexpedient from the fact that, as soon as the law of the 18th of February passed, many of our citizens, no doubt, purchased property in places established as Seats of Justice at a higher rate than would otherwise have been paid, without imagining that the Seats of Justice would be removed, at least during this session of this Legislature. Its passage would be likewise unjust to the many citizens who have donated largely for the benefit of the Seats of Justice already established by law.

Your Committee will add, in conclusion, that our population is rapidly increasing, and doubtless by the next session of the Legislature it will become necessary to establish many new Counties, which the development of the resources and settlement of the country will require. A future Legislature can be better informed on the subject, and your Committee again reiterates that the adoption of the bill as proposed would be unconstitutional and inexpedient.

E. HEYDENFELDT,
Chairman.

[KK.]

Report of Mr. Green on State Loan.

IN SENATE.
April 3, 1850.

MR. PRESIDENT:—

THE Finance Committee to which was referred the bill, entitled "an Act authorizing a Loan for the State of California," have had the same under consideration, and beg leave to report, that they have given the bill serious reflection, and recommend its prompt passage, with one amendment, for the following reasons.

From the best data in the possession of your Committee, the State expenditure will amount to nearly one million of dollars at the end of the year 1850.

This sum, though large in amount, was consequent not only upon the high price of labor in California, but mainly so from putting the machinery of our new State into operation, without, as yet, any appropriation being made for public buildings.

The probable net amount of State taxes for the year 1850 will fall short of this sum several hundred thousand dollars. To levy a tax sufficient to meet such deficit, would be at present, in the opinion of your Committee, onerous in the extreme.

How then shall this deficit be provided for?

The 16th section of the Schedule of our Constitution anticipated this result, and gave special authority to this first Legislature to create a loan to provide for the same, and prohibits this power to all future Legislatures. Already this Legislature has in different shapes made two attempts to create a loan, both of which have failed. "Temporary State Bonds," to the amount of three hundred thousand dollars, have been authorized, the whole of which will be issued in a few days, and in a few day more will be redeemed and cancelled, still leaving the State indebtedness largely deficit.

Your Committee, in full view of the responsibility of suggesting to the

Legislature the best means of providing for this public necessity, recommend the speedy passage of the bill, because, first, that in the event the Loan as therein authorized should be perfected, it will save the State from discredit, and maintain our government organization.

2dly. That at the end of ten years, when these bonds may be redeemed at the pleasure of the State, there will be in California, from the best information, not less than ten times the number of people now here, and who, by every principle of justice, will be as much bound to pay a portion of this debt as the few whose duty it was to create and put in operation a government the full benefit of which they will enjoy.

3dly. The great increase of population and wealth, when these bonds shall be payable, will fall so light upon the State as not to be felt; whereas if this amount should now be levied upon the present population, it would be not only unjust in itself, but crippling a young enterprise which should be fostered with the most tender care.

Your Committee will conclude with the remark, that should this Legislature adjourn without authorizing a Loan, immediate and heavy taxation or repudiation must follow.

All of which they respectfully submit.

THOMAS J. GREEN,
Chairman of Finance Committee.

[LL.]

Letter from the State Printer.

IN SENATE, *April* 6, 1850.

STATE PRINTING OFFICE,
San José, April 4.

J. S. BRADFORD, ESQ.,
Chairman of Assembly Com. on Printing.

SIR:

A resolution has been communicated to me from the Assembly, making the inquiry whether an "arrangement cannot be made with the State Printer to submit to a very considerable reduction in the prices of printing the laws and journals, from the prices now fixed by law, provided authority be given him to select his own choice of place for doing said work," &c.

It was in anticipation of being required to do the printing of the laws and journals at this point that we sent to the Atlantic States, at an early day, and, at a very heavy expense, brought out a large selection of presses and all the variety of materials essential in such business. Much of this material is of a kind that cannot be made useful in ordinary printing, and will, to some extent, if not used in the printing of the laws here, be idle in our office. This, however, will not forbid my giving to the Assembly's resolution an affirmative answer, for I can then have the work executed where labor and materials are cheaper, and always at command.

The law fixing the compensation of the State Printer was, no doubt, constructed to operate consistently with the law defining the duties of Secretary of State. The latter act, you will observe, required the Secretary of State to superintend the printing, and read the proofs of the laws and journals, while at the same time it prohibits that officer *from leaving the State.* These two conditions of that officer's duty, of necessity,

if they are exacted, will *compel* the printing to be executed here. I suppose the framers of the Printer's Bill had this fact distinctly in their minds when they were fixing the tariff of compensation, and I suppose it very properly influenced them in recommending much higher rates than they would have done had the privilege been allowed which is contemplated in the resolution before me.

I know that the work can be executed more expeditiously and infinitely better in some one of the Atlantic cities than here; and if the privilege is granted me, on the condition alluded to, I will not fear to take the responsibility of having it completed at an early day, and in such a manner that the Art of Printing, even in this new State, shall not suffer depreciation, while every reasonable expectation of our people shall be gratified. I am perfectly willing to assume all the responsibility of printing, under my own personal supervision and care, the laws and journals, performing the duty expeditiously, correctly, and creditably to the Art, and at a rate of compensation of full one half less than the prices called for in the Printing Act, provided the Legislature is pleased to confer upon me the discretion contemplated in the resolution of inquiry. To effect the condition, on my part, I will execute a relinquishment of all claims and right to one half, say, of the cost of said printing, and place it in the possession of the Comptroller, for him to be governed by when he comes to audit the bills.

Very respectfully,

H. H. ROBINSON, State Printer.

[MM.]

Report by Mr. Robinson relative to State Assayer.

IN SENATE.

April 12, 1850.

MR. PRESIDENT:

The Select Committee, to whom was referred the petition from sundry citizens of San Francisco, relative to the passage of an Act to create the office of State Assayer,

RESPECTFULLY REPORT:—

The subject is one of great interest to all classes of the community, and your committee have given it the attention its importance would seem to require.

The evils existing throughout the State for want of some uniform standard by which to regulate the intrinsic value of California gold, must be apparent to all.

To devise a method by which the fineness and value of our gold may be easily and correctly ascertained, is acknowledged as indispensable to its general use and circulation, necessary to its current, uniform, and unchangeable valuation. A very short experience has clearly demonstrated that the quality of gold dust cannot be estimated with any degree of exactness by its weight or color, at present the general rule governing the great majority of the people who would arrive at any definite conclusion upon the subject.

The operation of assaying being one of much nicety, and frequently attended with difficulty, even in the hands of the most experienced, the presumption is that none but a *professional* and competent assayer can detect fraud or determine with requisite precision the character and purity of gold.

It is now well known that the average value of California gold at the United States Mint is not under $\$17\frac{93}{100}$ per oz., at the same time its

average valuation here, established as it were by common consent or necessity, is less than $16 per oz., making a difference of over 11 per cent., which in most cases is a positive loss to the people of the State; and in proportion to the advantage of the purchaser for exportation, with the exception only of freight and insurance, or difference of exchange, when against the State. The whole expense of assaying, as proposed, would be, *including* State dues, 2½ per cent., leaving a clear gain of 9 per cent., less the loss by melting.

The course of exchange is affected or made to change or diverge from *par* value principally by the operation of two classes of circumstances: First, by any discrepancy between the nominal weight and fineness of coin or bullion, for which substitutes may be exchanged, and their weight or fineness as fixed by the Mint regulations. Secondly, by any sudden increase or diminution of bills drawn in one country upon another; hence it will be seen that in order to arrive at a *par* of exchange in gold dust between California and the Atlantic States, we must pay the per centage or difference (deducting the cost of transportation) between the United States Mint standard and the value in California; or which is the same thing, gold is sold here for $16 per ounce, while at the United States Mint it is worth 17\frac{88}{100}$.

In consequence of this state of things, large amounts of gold dust and bullion are being monthly exported to the States and Europe, principally from the fact that other States and other countries place a higher value upon the precious metals than we ourselves do. The State is thus drained of its wealth, and the people sustain a serious loss.

It is believed by those best conversant with the subject, that not less than $35,000,000 will be drawn during the year from the rich mines of California,—"our great State Bank," and one that never fails. Should some system be adopted to raise the standard of gold to its real and legitimate value, it appears evident that a large sum in the aggregate would be saved to the people. Money would remain in the country, the rate of interest would be diminished, and capitalists would seek sources of investment otherwise than by speculating upon the toils and hard earnings of the miner.

Your committee are not aware of any constitutional objections to the Act, as recommended.

California, under the most embarrassing circumstances, is left to do the best she can; and in the absence of any express provision to the

contrary, it is presumed she has already the right to regulate her own internal affairs, to prescribe a standard of right and wrong, and to do all acts for the prosperity and happiness of her people, not expressly prohibited by the Constitution of the United States.

Your committee agree with the petitioners, that the interests of the public would be subserved by the universal disuse of California coin—the Act already passed the Legislature upon that subject will doubtless have a tendency to check, but it is feared not wholly to cure the evil. The operations of a State Assayer would in all probability put a final stop to "coining by individuals," as there would evidently be no inducement to follow it.

The law proposed provides that the office of State Assayer shall be abolished whenever the Federal Government in its wisdom shall establish a Branch Mint in this State.

The committee respectfully recommend the passage of the Act herewith submitted.

H. E. ROBINSON,
Chairman of Select Committee.

[OO.]

Report of Mr. Douglass relative to Port and Harbor of Monterey.

IN SENATE.

January 22, 1850.

THE Committee on Commerce and Navigation, to which was referred the "Joint Resolution relating to the Port and Harbor of Monterey,"

RESPECTFULLY REPORT:

Being unable to procure a copy of the laws of Congress enacted during the last session by that body, your Committee had no means to ascertain what action was then had as to the Port and Harbor of Monterey.

It is to be presumed that our Joint Delegation at the Seat of the General Government may have full information upon these subjects, and will act in the premises as may be deemed most to the interest of the people of Monterey and the permanent prosperity of the city.

It is understood that an official survey has already been made of the harbor of Monterey; if so, the U. S. Government, also our delegation to Washington, must be apprised of all that should be done for the better security of that harbor.

Your Committee doubt the policy of multiplying instructions and requests to our Senators and Representatives in Congress, and report against the passage of the resolution under consideration.

D. F. DOUGLASS,
Chairman.

[QQ.]

Report of Mr. Chamberlin on Absence of Members.

IN SÉNATE.

January 22, 1850.

THE Committee on Privileges and Elections, to whom was referred the subject of taxing certain Senators the expense of compelling their attendance upon the Senate, beg leave to report, that they have given the subject careful consideration, and regret exceedingly that they have not been able to find in any of the rules of the Senate, or Jefferson's Manual, any law that in their opinion will authorize the Senate to compel said Senators to defray the expenses of the special messenger sent in pursuit of them. The only Senate rules of order having any bearing upon the subject in question that your Committee have been able to find, are the 25th and 34th; the former, in the case of the absence of a Senator without leave, fully authorizes the Senate to send the Sergeant at Arms or any other person after such absentee, but does not impose any fine or penalty upon said Senator for his delinquency. Section 34th specifies that in all cases not provided for by these rules, the parliamentary practice as laid down in Jefferson's Manual shall be adopted as the rule of the Senate; yet your Committee have not been able to find in the practice of Jefferson referred to any law or precedent by which the Senate can be justified in fining a Senator for absenting himself without leave. Your Committee therefore feel compelled to recommend that the expenses incurred by the messenger sent in pursuit of said Senators be paid out of the contingent fund of the Senate; and for the purpose of guarding against like expense to the State hereafter, and securing a business quorum in the Senate, I have been instructed by your Committee to offer the following additional rules of order, the adoption of which your Committee earnestly recommend.

E. K. CHAMBERLIN,
Chairman.

[RR.]

Report of Mr. Woodworth in relation to Lands at San José.

IN SENATE.

February 7, 1850.

YOUR Committee having had under consideration a memorial of the Ayuntamiento of San José in relation to a certain tract of land, as also an Act authorizing the sale of the same, beg leave to submit the following

REPORT:

That, having given the subject such attention as the time allowed them would permit, they are of opinion that the Legislature of California cannot entertain the subject contained in the Memorial, nor do they possess any power or authority to grant, sell, or authorize the sale of any lands within this territory. By reference to the first and third sections of the schedule of the Constitution of California, your Committee are clearly of the opinion that the disposal of any lands, belonging to the Pueblo of San José, are yet subject to the same laws and customs as existed under the Mexican Law, so far as the Alcaldes and Ayuntamientos were permitted to exercise the same under the Military Government of this State.

All of which is respectfully submitted.

S. E. WOODWORTH,
Chairman of Committee on Public Lands and Mission Claims.

[SS.]

Report of Mr. Bidwell on the Mission Lands of Dolores.

IN SENATE.
March 13, 1850.

MR. PRESIDENT:

The Committee on Corporations to whom was referred the petition of Robert Ridley and others, relative to the Mission Lands of Dolores, near or in the said Mission, beg leave to

REPORT:

That the Boundaries of the City of San Francisco, as laid down in the Charter which is now before the Senate for that City, do not, in the opinion of the Committee, conflict with the lands pertaining to the Mission or Town of Dolores; and that the apprehensions of the petitioners on this point of an expected conflict with that City, relative to the Boundaries, need not be entertained.

This Legislature have no judicial powers to enable them to decide upon any claim which San Francisco may have to any land which formerly belonged to the Mission Dolores.

Neither can they endorse any remonstrance against such right or claim. Nothing within the powers of the Legislature can destroy or confirm any right, title, claim, or privilege, vested by any legal government heretofore existing in this country, in any corporation, company, or individual. The whole matter is clearly a subject of judicial decision, and not of legislative enactment.

If both places become incorporate in accordance with the laws of the State, they still have the same right to appear in their corporate names before the proper tribunal, and defend all vested rights and privileges which either or both parties may rightfully possess.

The Committee would, therefore, return the petition, and recommend

its prayer to the favorable consideration of the Senate in all future legislation relative to those places.

All of which is respectfully submitted.

J. BIDWELL,
Chairman.

JOURNAL

OF THE PROCEEDINGS OF THE

HOUSE OF ASSEMBLY.

JOURNAL

OF THE PROCEEDINGS OF THE

HOUSE OF ASSEMBLY

OF THE

STATE OF CALIFORNIA;

AT ITS

FIRST SESSION

BEGUN AND HELD AT PUEBLA DE SAN JOSÉ, ON THE FIFTEENTH DAY OF DECEMBER, 1849.

SAN JOSÉ:
J. WINCHESTER, STATE PRINTER.

1850.

JOURNAL OF THE ASSEMBLY.

SATURDAY, *December* 15, 1849.

THE House of Assembly met at 12 o'clock, pursuant to the requisitions of the Constitution.

On motion of Mr. Voorhies, of San Francisco, Mr. Walthall of the Sacramento District was called to the Chair, and Mr. Moorehead, of the San Joaquin District, was appointed Clerk *pro tem.*

The Clerk proceeded to call the roll of the members elected, and the following gentlemen answered to their names:—

Mr. Walthall, Speaker *pro tem.*

Mr. Aram,	San José.
Baldwin,	San Joaquin.
Creaner,	"
Cardwell,	Sacramento.
Crane,	Sonoma.
Hughes,	Sacramento.
Moore,	San Joaquin.
Ogier,	"
Tingley,	Sacramento.
Voorhies,	San Francisco.
Witherby,	San Diego.
Walthall,	Sacramento.
Williams,	"
Moorehead,	San Joaquin.

There not being a quorum present, on motion of Mr. Cardwell, the House adjourned until Monday the 17th inst., at 10 o'clock A.M.

MONDAY, *December 17th*, 1849.

The House of Assembly met, pursuant to adjournment.

The Journals being read.

On motion of Mr. Tingley, the members from the different districts were called by name, and twenty three appeared, to wit.:

From the District of		San Diego,	O. S. Witherby
"	"	Los Angeles,	M. Martin
			A. P. Crittenden
"	"	Santa Barbara,	J. Scott
			J. M. Covarubias
"	"	San Luis Obispo,	H. A. Tefft
		Monterey,	T. R. Per Lee
			J. S. Gray
"	"	San José,	Joseph Aram
			Benjamin Corey
			Elam Brown
"	"	San Francisco,	W. Van Voorhies
			Edmund Randolph
			Alexander Patterson
			L. Stowell
"	"	Sonoma,	J. E. Brackett
			J. S. Bradford
"	"	Sacramento,	P. B. Cornwall
			H. C. Cardwell
			John T. Hughes
			E. W. McKinstry
			W. B. Dickenson
			George B. Tingley
			Madison Walthall
			Thomas J. White
			John F. Williams
"	"	San Joaquin,	B. F. Moore
			E. W. Heath
			D. P. Baldwin
			Charles M. Creaner
			J. S. K. Ogier
			James C. Moorehead

Upon inquiry made by Mr. Creaner, it being ascertained that the Secretary of State was in this place, on motion, Messrs. Tingley, Voorhies, and Creaner, were appointed a committee to ask him for the returns from the several districts of the members elect to the House of Assembly. The Secretary of State having attended, the House of Assembly delivered a sealed copy of the returns, which was opened by the Speaker in presence of the House. The members elect were then severally sworn in by the Hon. K. H. Dimmick.

Mr. Brackett offered a resolution, contesting the seat of Mr. Bradford, and requesting that he be not sworn in, which was rejected by the House.

Mr. Bigler objected to the election of Mr. Dickenson.

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

On motion of Mr. Voorhies, two Tellers were appointed, to wit: Messrs. Voorhies and Tingley.

The vote being taken, it appeared that the Hon. Thomas J. White was duly elected Speaker of the House of Assembly.

Being conducted to the Chair by Messrs. Tingley and Voorhies, he rose, and tendered his acknowledgments in the following remarks:—

GENTLEMEN OF THE ASSEMBLY,—

It would be an unworthy affectation in me not to evince a grateful sense for the distinguished position to which I am elevated, by the vote which has just been recorded.

Indeed I *am* grateful, and the more so that the suffrage which I have received has been a *voluntary* one, and contrary to any hope, expectation, or wish, on my part, to assume so onerous a responsibility as that which so important an office imposes. I do not flatter myself with the belief that I can discharge with competent ability the trust so graciously confided; but confident I am that my best efforts will be appropriated to the task, relying upon the kindness which has elevated me to regard with leniency the errors of judgment which may occur in the administration of duty, to assist and sustain me in the proper discharge of my legislative functions, having for our sole purpose the happiness, prosperity, and welfare of the State of California.

We have met, gentlemen, under circumstances which are peculiar, and without parallel in American history. We have assembled to

legislate for a country which has emerged at once from the chrysalis condition of a conquered territory into the full grown beauties of a distinct commonwealth, entitled to the rights and immunities belonging to each and all of the sisterhood of American States. The Convention delegated by the people of California has originated a Constitution. It has received the popular approbation, and under its auspices you are chosen to complete the organization of a State Government. A mighty duty is yours to perform, and upon you rests a responsibility of no ordinary character. There are laws to enact, and interests to regulate, which require the exactest discrimination the soundest judgment, and the utmost mercy of legislative discretion.

That you will be fully equal to the performance of your portion of the duties assigned, I have undoubted confidence.

This Assembly is composed of intelligent men; and you are the representatives of a constituency not only imbued with the enterprising spirit characteristic of the American pioneer and emigrant, but a population reared under the fostering care of the institutions of freedom, and familiarized with the science of Republican Government.

From the period when this country by conquest became a part of American soil, there has been a ceaseless tide of emigration to its sunny clime, that has no parallel in the history of the Universe. They came, remembering the laws and institutions they had relinquished; and feeling the importance of transplanting them, at an early period, upon a soil which their presence had made general, they hastened to complete an understanding which every citizen felt was alike necessary and important for the purpose of adequate security and protection. Wherever the American plants his foot and fixes his abode, there, too, are established the free laws and institutions under which he was nurtured.

You, gentlemen, I repeat, are selected in accordance with this praiseworthy characteristic of our people, to perform the high and holy trust. It is yours to take from semi-civilization its rude costume of barbarous custom and iniquition to law, and substitute in stead the lessons of wisdom, the decisions of justice, and the blessings of civilization, refinement, and liberty. You will enter upon the performance of this duty with cheerful hearts and minds, resolved upon securing the prosperity and welfare of our common country. Again I thank you for the honor and kindness bestowed upon me, and be assured that my earnest efforts will be to co-operate with you in promoting the general good, and in dis-

charge of my particular trust to merit your
dence.

On motion of Mr. Moore, the House then proce[redacted]tion of Clerks, and the votes being taken, it appeared tha[redacted]p was elected Principal Clerk.

They then proceeded to elections, severally, of Assistant, Enrolling, and Engrossing Clerk, and the votes being received, it appeared that Fred. H. Sanford was elected Assistant Clerk, Aaron D. Ohr, Enrolling Clerk, and C. Mitchell, Engrossing Clerk.

The House then proceeded to the election of a Sergeant at-Arms and a Doorkeeper, and the votes being received, it appeared that Samuel N. Houston was duly elected Sergeant-at-Arms, and John Warrenton, Doorkeeper.

On motion of Mr. Randolph, it was

Resolved, That a committee of five be appointed, to whom all contested elections of the members of this House be referred. Whereupon, the Speaker appointed Messrs. Randolph, Moore, Cornwall, Crittenden, and Witherby, that committee.

The Speaker then read a letter addressed to him from Robert Gale, which was ordered to be filed with the clerk's papers.

On motion of Mr. Tingley,

Resolved, That the Principal Clerk be respectfully requested to inform the Senate that the House have convened, formed a quorum, elected the Hon. Thos. J. White, Speaker, E. H. Tharp, Principal Clerk, Fred. H. Sanford, Assistant Clerk, Aaron D. Ohr, Enrolling Clerk, C. Mitchell, Engrossing Clerk, Samuel N. Houston, Sergeant-at-Arms, John Warrenton, Doorkeeper; and that they are now ready to proceed to Legislative business.

Mr. Bradford offered the following resolution:—

Resolved, That a committee of three be appointed to make arrangements with the clergymen of the City of San José, to open the Session of the House of Assembly with prayer.

Mr. Aram submitted the following:—

Resolved, That this House appoint a committee to make the necessary arrangements with the clergy of this place to appoint a chaplain for the House.

The resolutions were severally read and rejected by the House.

standing rules governing the House of Representa[illegible]ss of the United States be adopted as the rules by whi[illegible]ill be governed as far as applicable, until otherwise ordere[illegible]

The House then adjourned until ten o'clock to-morrow morning.

TUESDAY, *December* 18, 1849.

Colonel John H. Watson, a member elect from the District of San Francisco, appeared, and having taken the oath prescribed by the Constitution, took his seat.

On motion of Mr. Tingley,

Resolved, That the following shall be, and constitute, the Standing Committees of this House, to wit:—

1st.	A Committee on	Elections.
2d.	„	Claims.
3d.	„	Judiciary.
4th.	„	Agriculture.
5th.	„	Military Affairs.
6th.	„	Ways and Means.
7th.	„	Roads and Canals.
8th.	„	Public Buildings.
9th.	„	Education.
10th.	„	Counties and County Boundaries.

And the following shall be the order of business to be observed by the House, to wit:—

1st. The presentation of Petitions, Memorials, and Remonstrances.
2d. Reports from Standing Committees.
3d. Reports from Select Committees.
4th. Resolutions.
5th. Joint Resolutions.

6th. Bills.
7th. Orders of the Day.

And shall be the standing committees and order of business until changed by the House.

Mr. Voorhies moved to amend the same, by adding as the 11th committee, one on Corporations.

Mr. Watson moved further to amend, by adding also a committee on Printing; and the amendments being received by the House, the resolution was agreed to as amended.

Mr. Randolph, from the Special Committee, to whom were referred the contested Elections of the members of the House of Assembly, made the following report, to wit:—

The Special Committee on Contested Elections, yesterday appointed, in pursuance of a resolution of the House, have had under consideration the claim of Mr. J. Bigler to the seat now held by Mr. W. B. Dickenson, from District of Sacramento. The committee find that returns from the two precincts, viz. from Georgetown and Big Camp, both in the District of Sacramento, have been received by the Prefect of the district since the transmission of returns to the Secretary of State, and too late to reach Monterey before the tenth day of December. The committee have had before them Mr. E. O. Crosby, the Prefect of the District of Sacramento, who declared that the returns in question were, in all respects, as formal and worthy of credit as any other returns from his district, and liable to no other objection than the delay which they met with in reaching his hands. The certified returns from the Secretary of State give

Mr. W. B. Dickenson . . .	1930 votes.
Mr. J. Bigler	1901 „

The returns from Georgetown.

Mr. Dickenson	23 votes.
Mr. Bigler	20 „

The returns from Big Camp give

Mr. Bigler	80 votes.
Mr. Dickenson	00 „

Adding the votes from Georgetown and Big Camp to that certified to the House, by the Secretary of State, it appears that the whole number of votes received were

Mr. Dickenson	1953
Mr. Bigler	2009

Leaving in favor of Mr. Bigler, a majority of 56 votes.

The committee, therefore, are of opinion that Mr. John Bigler is entitled to the seat now occupied by Mr. W. B. Dickenson, and report accordingly. The committee, although it does not come strictly within the scope of their duties prescribed by the House, would respectfully recommend that Mr. Dickenson, having received the certificate of the Secretary, and had no reason to doubt its correctness, be allowed his per diem compensation for the time he held his seat as a member of this House, and full mileage.

EDMUND RANDOLPH,
Chairman of Committee.

And the same being considered, and some discussion being had thereon, it was adopted by the House.

Mr. Bigler, the member elect from Sacramento District, appeared, and having taken the oath prescribed by the Constitution, took his seat.

Mr. Walthall offered the following resolution, to wit:

Resolved, That the resident clergy of this place be requested to arrange among themselves for some one of them to open the session of the House each morning with prayer, and the use of this hall be allowed for divine service on the Sabbath; and the same being amended by Mr. Tingley, by striking out so much of the resolution as relates to the use of this hall for Divine service on Sabbath, was agreed to.

The House then proceeded to the election of a Messenger.

On motion of Mr. Corey, Messrs. Stowell and Cardwell were appointed tellers, and the votes being taken, it appeared that John C. Ogburn was duly elected Messenger.

On motion of Mr. Stowell,

Resolved, That the members of the two branches of this Legislature convene in the House of Assembly this day at 12 o'clock M. for the purpose of ascertaining and counting the votes cast for Governor and Lieutenant Governor of California, and that this resolution be transmitted to the Senate for their concurrence.

Mr. Tefft offered the following resolution:

Resolved, That the Clerk of the House is hereby directed to furnish to the proprietor of the Alta California newspaper, published at San Francisco, a correct copy of our proceedings from day to day for publication in the aforesaid newspaper; and the same being amended by adding "and the Pacific News," the resolution was adopted by the House.

The following message was received from the Senate by their Secretary, Mr. Howe, to wit:—

The Senate have concurred in the resolution this day adopted by this body; and that they will meet the House in this hall at 12 o'clock M. today, for the purpose of ascertaining and counting the votes cast for Governor and Lieutenant Governor of California.

At 12 o'clock M. the President and members of the Senate attended in the House of Assembly, and the votes cast for Governor and Lieutenant Governor being counted and consolidated from the election returns of the several districts of California, it appeared that the Hon. Peter H. Burnett was duly elected Governor, and the Hon. John McDougall duly elected Lieutenant Governor, in accordance with the Constitution of California.

The result being announced to the joint session of the Legislature, the President and members of the Senate withdrew.

On motion of Mr. Ogier,

Resolved, That the two branches of the Legislature convene at the House of Representatives on to-morrow the 19th inst. at 11 o'clock, A. M., and proceed to the election of two United States Senators.

The House then adjourned until 10 o'clock to-morrow morning.

WEDNESDAY, *December* 19, 1849.

Mr. Watson moved to re-consider so much of the journals of yesterday as relates to the adoption of a resolution of the House, requiring the Clerk to furnish certain newspapers with a copy of each day's proceedings of this House for publication; the House agreed to re-consider.

Mr. Watson then offered the following resolution as a substitute, viz.,

Resolved, That the reporters of all newspapers be permitted to take seats in this Hall for the purpose of reporting its proceedings for publication in the respective papers by which they may be employed, which was read and agreed to by the House.

The following message was received from the Senate by Mr. Howe, their Secretary.

The Senate have agreed to the following resolutions, viz.,

Resolved (if the Assembly concur), That a committee of two from the Senate, and two from the House of Assembly, be appointed to wait upon the Governor elect, and notify him that the two Houses of the Legislature are duly organized, and that they are ready to proceed to the inauguration of the Governor at such time as shall suit his convenience.

Resolved (if the Assembly concur), That the two Houses meet, in the Assembly Chamber, on Friday the twenty-first inst. at twelve o'clock meridian, to receive the Governor and Lieutenant Governor and proceed with their inauguration.

Resolved, That a committee of two on the part of the Senate be appointed in conjunction with such committee as the Assembly may appoint to wait upon his Excellency Governor Riley, and inform him of the organization of the Legislature, and that they are ready to receive any communication which he may desire to make.

Resolved (if the Assembly concur), That Col. Allen, the General Post Office Agent for California, be and is hereby requested to establish a daily mail line between San José and San Francisco.

The House took up the Message from the Senate, when Mr. Tingley offered the following resolution, to wit:

Resolved, That this House respectfully concur in the resolution of the Senate, appointing Friday the 19th inst. at 12 M. to receive the Governor and Lieutenant Governor elect, and proceed with their inauguration.

Also the resolution of the Senate appointing a committee of two of

that honorable body to wait on Governor Riley and inform him of the organization of the Legislature, and that they are ready to receive any communications which he may desire to make, and that the Speaker appoint a corresponding committee on the part of this House, and that the clerk inform the Senate thereof, which was agreed to by the House.

And the message of the Senate being further considered, the House concurred in the resolution of the Senate, requesting Col. Allen to establish a daily mail line between San José and San Francisco.

Messrs. Tingley and Cornwall were appointed a committee on the part of the House under the first resolution of the Senate, and Messrs. Randolph and Bigler, the committee on the part of the House under the second resolution of the Senate.

The House likewise concurred in the amendment of the Senate to the resolution of the House in relation to the election of two United States Senators, which amendment was the insertion of Thursday 12 o'clock M. in lieu of to-morrow the 19th instant at 11 A. M.

On motion of Mr. Moore,

Resolved, That the messenger of this House, Mr. J. C. Ogburn, be instructed to provide two suitable stoves and wood for the use of this House.

Mr. Stowell moved to re-consider so much of the action of this House as relates to its concurrence to the resolution of the Senate setting apart on this day the hour of 12 o'clock M. for the inauguration of the Governor and Lieutenant Governor; the House agreed to re-consider, when on his motion the hour of 4 o'clock this afternoon was adopted in lieu thereof.

The House then adjourned until 3 o'clock P. M.

THREE O'CLOCK, P. M.

The House met pursuant to adjournment.

Mr. Bigler, from the Committee appointed to wait on His Excellency, Governor Riley, and inform him of the organization of the Legislature, and that they were ready to receive any communication which he might desire to make, reported:—

That the Committee had performed the duty assigned them, and received for answer that he had no communication to make to this body.

No communication having been received from the Senate at a late hour,

The House then adjourned until nine o'clock to-morrow morning.

THURSDAY, *December* 20, 1849.

Mr. Tingley introduced a Bill to locate the Seat of Government of this State, and fix the time of convening of the Legislature, which was read.

Mr. Ogier objected to its introduction without a previous notice, and some discussion being had thereon, the Speaker decided that, under the rules adopted for the government of this House, no bill could be introduced without at least one day's previous notice; so the Bill was withdrawn.

Mr. Randolph rose in his place and stated to the House, that he had been informed late last night of some grave charges against a certain distinguished gentleman whose name was a prominent one as a candidate for the United States Senate.

He was called to order by Mr. Voorhies, when a motion was made that he be permitted to proceed by a suspension of the rules, whereupon the Yeas and Nays were required to be recorded, and were Yeas 20, Nays 7.

Those who voted in the affirmative were:

Mr. Baldwin	Mr. Hughes	
Bradford	Moore	
Bigler	Moorehead	
Cardwell	Patterson	
Cornwall	Per Lee	
Corey	Scott	
Covarubias	Tefft	
Creaner	Tingley	
Gray	Walthall	
Heath	Witherby	—20.

Those who voted in the Negative were:

Mr. Brackett	Mr. Voorhies	
McKinstry	Watson	
Ogier	Williams	
Stowell		—7.

So the motion prevailed.

Mr. Randolph then addressed the House, stating certain facts as detailed to him in relation to a distinguished individual, who was a prominent candidate for the Senate of the United States; and considerable discussion being had, in which Messrs. Voorhies, Watson, Moore, and Cornwall participated,

The House took no definite action in regard to the matter.

The following Message was received from the Senate by Mr. Howe, their Secretary, to wit:

Resolved (if the Assembly concur), That in proceeding to the election of two United States Senators, in pursuance of the requirements of the Constitution, each member of the Senate and of the Assembly shall, as his name is called by the Secretary or Clerk, rise in his place, and vote for two persons as United States Senators, and that, if upon such voting any person or persons, shall receive a majority of votes, he, or they, shall be declared duly elected.

Resolved (if the Assembly concur), That, if upon such first voting no person shall receive a majority of votes, the two Houses shall forthwith proceed to a second voting in the same manner as prescribed above, and shall continue to repeat the voting until some one person shall receive a majority of votes.

Resolved (if the Assembly concur), That if upon any voting it shall be found that one and but one person shall have received a majority of votes, the two Houses shall then forthwith proceed to vote in the same manner above prescribed for one person as United States Senator, and when, in such case, any person shall receive a majority of votes, he shall be declared duly elected; provided,

This Resolution shall not preclude the Senate, or the House, from withdrawing at any time after the first vote.

The House took up the Message of the Senate, and the same being read, the House refused to concur, and the Clerk was directed to inform the Senate of the non-concurrence of the House.

On motion of Mr. Voorhies,

Resolved, That the Senate be invited to attend at 12 o'clock M., this day, in the Hall of the House of Representatives to proceed to the election of two United State Senators, and that seats be furnished for them on the right of the Speaker's chair.

Mr. Tingley gave notice that, on Monday next, he would introduce a Bill, locating the Seat of Government of this State, and fixing the time of convening the Legislature; also a Bill to prescribe the mode of electing and defining the Duties of Treasurer of the State of California.

The following Message was received from the Senate by Mr. Howe, their Secretary, to wit:

The Senate have concurred in the amendment of the House to the Resolution providing for the inauguration of the Governor elect with a further amendment, fixing this day at 1 P.M., instead of Wednesday, the 19th instant, at 4 o'clock P.M., as the time for such inauguration.

The House took up the amendment of the Senate to the Resolution of the House, and concurred therein.

A Message was also received from the Senate by their Secretary, Mr. Howe, to wit:

The Senate have refused to concur in the Resolution inviting them to attend, at 12 o'clock M. this day, in the Hall of the House of Assembly, to proceed to the election of two United States Senators.

The House took up the Message of the Senate, and having refused to recede from their Resolution,

Mr. Randolph moved that a Committee of Conference be appointed on the part of this House to meet such Committee as might be appointed on the part of the Senate, to confer in relation to said Resolution; whereupon the Speaker appointed Messrs. Randolph, Walthall, and Ogier, the Committee on the part of this House.

The same having been reported to the Senate by the Clerk of this House, a message was received from the Senate by Mr. Howe, their Secretary, informing the House that the Senate had concurred with the House in the appointment of a Committee of Conference, and had

appointed, on the part of the Senate, Messrs. Bennett, Douglass, and Bidwell.

The Speaker announced from the Chair, in accordance with a resolution passed by the House, the following Standing Committees, to wit:—

ON ELECTIONS.—Messrs. Moore, Per Lee, Gray, Brown, and Witherby.

ON CORPORATIONS.—Messrs. Crittenden, Stowell, Bigler, Baldwin, and Scott.

ON CLAIMS.—Messrs. Witherby, McKinstry, Heath, Martin, and Aram.

ON MILITARY AFFAIRS.—Messrs. Brackett, Cardwell, Stephens, Moorehead, and Hughes.

ON COUNTIES AND COUNTY BOUNDARIES.—Messrs. Cornwall, Bradford, Crittenden, Covarubias, Per Lee, and Stewart.

ON WAYS AND MEANS.—Messrs. Walthall, Patterson, Creaner, Aram, and Tingley.

ON THE JUDICIARY.—Messrs. Crittenden, Randolph, Brackett, Brown, Ogier, and Tefft.

ON PUBLIC PRINTING.—Messrs. Bigler, Creaner, Bradford, Baldwin, and Watson.

ON PUBLIC BUILDINGS.—Messrs. Corey, Stowell, Tingley, Gray, and Heath.

ON AGRICULTURE.—Messrs. Brown, Patterson, Aram, Martin, and Williams.

ON ROADS AND CANALS.—Messrs. Randolph, McKinstry, Hughes, Tefft, and Bradford.

ON EDUCATION.—Messrs. Corey, Walthall, Moorehead, Ogier, and Cornwall.

In accordance with a concurrent resolution, the President and members of the Senate convened in the Hall of the House of Assembly, at 1 o'clock P.M., for the purpose of proceeding to the inauguration of the Governor elect.

The President and members of the Senate being seated, the Governor elect was introduced into the Hall of the House of Assembly, attended by the committees previously appointed on the part of the Senate and House of Assembly, when the following oath was taken by him, before the Hon. H. K. Dimmick, Judge of the Supreme Tribunal of the State of California, to wit:—

I, Peter H. Burnett, do solemnly swear, that I will support the Constitution of the United States, and the Constitution of the State of California, and will faithfully discharge the duties of the office of Governor of the State of California, according to the best of my ability.

The Governor elect then delivered an address in relation to the duties and obligations of the office upon which he had just entered.

The Governor having retired, the President and members of the Senate withdrew to their Chamber, and the House adjourned until half-past four o'clock this afternoon.

HALF PAST FOUR O'CLOCK P.M.

Mr. Randolph, from the Committee of Conference, made the following report, to wit:—

Resolved (if the Assembly concur), That in proceeding to the election of two United States Senators, in pursuance of the requirements of the Constitution, each member of the Senate and of the Assembly shall, as his name is called by the Secretary or Clerk, rise and vote for two persons as United States Senators; and that if, upon such voting, any person or persons shall receive a majority of the whole number of votes cast, he or they shall be declared duly elected

Resolved, That, if upon such first voting, no person shall receive a majority of the whole number of votes cast, the two Houses shall forthwith proceed to a second voting, in the same manner as prescribed above, and shall continue to repeat the voting until some one person shall receive the majority of the whole number of votes cast.

Resolved, That if, upon any voting, it shall be found that only one person shall have received a majority of the whole number of votes cast, the two Houses shall then forthwith proceed to vote in the manner above prescribed for one person as United States Senator; and when, in

such case, any person shall receive a majority of the whole number of votes cast, he shall be declared duly elected.

Provided, That at any time after the votes are counted, and before the two Houses shall proceed to take another vote, either House may retire, and, in such case, no further voting shall take place until the Houses re-assemble; but both Houses shall, in good faith, continue the proceedings, as here prescribed, at all convenient hours, until the election of two United States Senators shall be completed.

Which was agreed to by the House.

Mr. Cornwall gave notice that, on Monday next, he would introduce a bill to organize Judicial Districts for the State of California.

Also, a bill to incorporate Sacramento City.

Mr. Heath gave notice that, on Monday next, he would introduce a bill to incorporate the City of Stockton.

A message was received from the Senate, by their Secretary, Mr. Howe, informing the House that the Hon. John McDougall, Lieutenant Governor elect, had been duly inaugurated.

Mr. Walthall introduced the following resolution, to wit:—

Resolved, That the Committee of Ways and Means be instructed to inquire into, and make report to the House, by bill or otherwise, of the most practicable means of raising, by loan or otherwise, a sum of money sufficient to meet the expenses of the civil government of the State for one year.

Resolved, That the Committee of Ways and Means take under their immediate consideration the most practicable means of raising a sufficient revenue for the support of the civil government of the State, and a proper sinking fund for the extinguishment of the debt contemplated to be made under the first resolution, and report a bill or bills for that purpose.

Resolved, That the Committee of Ways and Means be instructed to inquire into and devise the best mode and system of keeping the books in the Comptroller's and Treasurer's offices, and, also, into the manner and mode of receiving and paying out the public money, with such checks and balances as may best protect the public money, which were severally adopted by the House.

The report of the Committee of Conference having been agreed to by the Senate and House of Assembly, at 5 o'clock P.M. the Lieutenant Governor and members of the Senate attended in the Hall of Assembly,

when the Lieutenant Governor announced to the joint session the purpose of its convening, to wit: the election of two United States Senators for the State of California.

The names of John C. Fremont, Wm. M. Gwinn, Thos. J. Henley, J. W. Halleck, Thos. Butler King, John W. Garey, Robert Semple, were severally put before the Convention.

The Convention then proceeded to vote for two United States Senators, Mr. Lippincott of the Senate, and Mr. Voorhies of the House, being appointed Tellers.

The names of the members being called in their order, and the votes taken and counted, it appeared, that—

John C. Fremont	had received . .	29 votes.
Wm. M. Gwinn	" . . .	22 "
Thos. J. Henley	" . . .	11 "
J. W. Halleck	" . . .	12 "
Thos. Butler King	" . . .	10 "
John W. Garey	" . . .	5 "
Robt. Semple	" . . .	3 "

Col. John C. Fremont having received a majority of the whole number of votes given in, he was declared duly elected a Senator of the United States for the State of California.

No other nominee having received the number of votes necessary to a choice, the Convention proceeded to a second voting, and the votes being taken and counted, it appeared, that—

Mr. Gwinn	had received . .	22 votes.
Henley	" . . .	7 "
Halleck	" . . .	14 "
King	" . . .	2 "
Semple	" . . .	1 "
Garey	" . . .	0 "

Neither having received a majority of the whole number of votes given, the Convention proceeded to a third voting.

And the votes being taken and counted, it appeared, that—

Mr. Gwinn	had received	. .	24 votes.
Henley	"	. . .	3 "
Halleck	"	. . .	18 "
King	"	. . .	1 "
Semple	"	. . .	0 "
Garey	"	. . .	1 "

When it was declared by the President of the Senate, that William M. Gwinn, having received a majority of the whole number of votes taken, was duly elected a United States Senator for the State of California.

By reference to the following synopsis, the vote of each member of the Legislature will be found recorded.

MEMORANDUM OF VOTES FOR UNITED STATES SENATORS.

Names	First Ballot.		Second Ballot.	Third Ballot
Bassham, .	Fremont	Gwinn	Gwinn	Gwinn
Bennett, . .	Fremont	Henley	Henley	Halleck
Bidwell, . .	Fremont	Semple	Halleck	Halleck
Chamberlin, .	Gwinn	Geary	Gwinn	Gwinn
Crosby, . .	Fremont	Gwinn	Gwinn	Gwinn
De la Guerra, .	Fremont	Halleck	Halleck	Halleck
Douglass, .	Fremont	Gwinn	Gwinn	Gwinn
Green, . .	Gwinn	Semple	Gwinn	Gwinn
Hope, . .	Fremont	Halleck	Halleck	Halleck
Lippincott, .	Fremont	Gwinn	Gwinn	Gwinn
Post, . .	Fremont	Henley	Henley	Geary
Robinson, .		absent	absent	absent
Spect, . .	Fremont	Semple	Halleck	Halleck
Taylor, . .	Fremont	Geary	Halleck	Halleck
Vermeule, .		absent	absent	absent
Woodworth, .	Fremont	Halleck	Halleck	Halleck
Aram, . .	Fremont	Gwinn	Gwinn	Gwinn
Baldwin, .	Gwinn	King	Gwinn	Gwinn
Bigler, . .	Geary	Henley	Henley	Henley
Brackett, .	Fremont	King	King	Gwinn

Names.		First Ballot.	Second Ballot.	Third Ballot.
Bradford,	Fremont	Henley	Semple	Halleck
Brown,	Gwinn	King	Gwinn	Gwinn
Cardwell,	Henley	Halleck	Halleck	Halleck
Cornwall,		absent	absent	Halleck
Crittenden,	Halleck	Gwinn	Gwinn	Gwinn
Corey,	Fremont	Gwinn	Gwinn	Gwinn
Covarubias,	Fremont	Halleck	Halleck	Halleck
Creaner,	King	Gwinn	Gwinn	Gwinn
Gray,	Fremont	Halleck	Halleck	Halleck
Heath,	Fremont	Gwinn	Gwinn	Gwinn
Hughes,	King	Henley	Henley	Henley
McKinstry,	Fremont	Gwinn	Gwinn	Gwinn
Martin,	Fremont	Halleck	Halleck	Halleck
Moore,	Gwinn	King	Gwinn	Gwinn
Moorehead,	King	Gwinn	Gwinn	Gwinn
Ogier,	King	Gwinn	Gwinn	Gwinn
Patterson,	Fremont	Halleck	Halleck	Halleck
Per Lee,	Fremont	Halleck	Halleck	Halleck
Randolph,	Fremont	Henley	Halleck	Halleck
Stevens,		absent	absent	absent
Stuart,		absent	absent	absent
Stowell,	Fremont	Gwinn	Gwinn	Gwinn
Scott,	Fremont	Halleck	Halleck	Halleck
Tefft,	Fremont	Halleck	Halleck	Halleck
Tingley,	King	Henley	Henley	Henley
Van Benschoten,		absent	absent	absent
Van Voorhies,	Fremont	Gwinn	Gwinn	Gwinn
Witherby,	Geary	Gwinn	Gwinn	Gwinn
Walthall,	Henley	King	King	King
Williams,	Geary	Henley	Henley	Gwinn
Watson,	Gwinn	Fremont	Gwinn	Gwinn
White,	Henley	Gwinn	Gwinn	Gwinn

The President and members of the Senate then withdrew, and the House of Assembly adjourned until to-morrow morning at ten o'clock.

FRIDAY, *December 21st*, 1849.

On motion of Mr. Voorhies,

Resolved, That a committee of two be appointed by the Speaker, on the part of this House, to act with a similar committee on the part of the Senate, to wait upon the Governor and inform him that the two Houses are organized, and ready to receive any communication he may have to make, and that this resolution be transmitted to the Senate for their concurrence, and the same being read was agreed to; whereupon the Speaker appointed as the committee on the part of the House, Messrs. Voorhies and Cardwell.

On motion of Mr. Tingley,

Resolved, That the Committee of Ways and Means be requested to ascertain from Gen. Riley, recently Acting Civil Governor of the Territory of Upper California, whether he has in his possession any money or written evidences of indebtedness belonging to the State of California, that he will pay and deliver over to the State authorities, and report the result of their inquiries to this House, at as early a day as practicable.

On motion of Mr. Ogier, a Committee on Commerce was added to he standing committees.

On motion of Mr. Voorhies,

Resolved, That the Committee on Printing be directed to ascertain whether and upon what terms a printing press may be had to do the Public Printing for this House, and that they be instructed to report the results of their proceedings at an early a day as practicable.

Mr. Tingley gave notice that he would, on Tuesday next, present a Joint Resolution to this House, relating to the Public Domain and Mineral Lands in the State of California.

Mr. Walthall offered the following Resolution, to wit:

Resolved, That the House will on Saturday, the 22d instant, proceed to the election of a Treasurer, Comptroller, Attorney General, a Chief Justice, and two Associate Justices of the Supreme Court;

And the same being amended by striking out a Chief Justice and two Associate Justices, it was agreed to by the House.

The following Message was received from the Senate by their Secretary, Mr. Howe, to wit:

I am directed by the Senate to inform the Assembly, that Wm. V.

Voorhies was this day nominated to the Senate by the Governor as Secretary of State, and that the Senate have confirmed such nomination.

Also, that they have concurred in the Joint Resolution of the House for the appointment of a Committee to wait upon the Governor, and inform him that the two Houses are organized, and ready to receive any communication which he may have to make, and that the Senate have appointed on their part Messrs. Green and Douglass as such Committee.

The Speaker then read a letter, addressed to him by Mr. Voorhies, tendering his resignation as a member of the House of Assembly from the District of San Francisco. The resignation was accepted by the House.

Mr. Voorhies having resigned his seat as a member of the House, Mr. Stowell's name was substituted for his on the Committee to wait on His Excellency, the Governor, in accordance with a previous Resolution; and he, having performed that duty, reported to the House that he had waited on the Governor, and informed him of the organization of both Houses, and inquired if he had any communication to lay before this body, and that he received for answer, that the Governor's Message would be laid before this House in a short time.

The following Message was received from His Excellency, the Governor, Peter H. Burnett, to wit:

GENTLEMEN OF THE SENATE AND ASSEMBLY:

The circumstances under which you have assembled are most new, interesting, and extraordinary, demanding our devout gratitude to the Supreme Being, the Creator and Father of us all!

You compose the first Legislature of the first free American State organized upon the distant shores of the Pacific. How rapid, astonishing, and unexampled have been the changes in California! Twenty months ago California was inhabited by a sparse population—a pastoral people—deriving their main sustenance from their flocks and herds, and a scanty cultivation of the soil; their trade and business limited, and their principal exports consisting of hides and tallow. Within that short period has been made the discovery of the rich, extensive, and exhaustless gold mines of California; and how great have already been its effects! The trade and business of the country have been revolution-

ized and reversed—the population increased beyond all expectation—commerce extended—our ports filled with shipping from every nation and clime—our commercial cities have sprung up as if by enchantment—our beautiful bays and placid streams now navigated by the power of steam—and, amidst all this unprecedented bustle and excitement, the energetic, intrepid, and sensible people of California have formed a Constitution for our new State—the Pacific Star.

You have assembled as the Representatives of the People, to put the State Government into practical operation; and the duty you have before you, is a sublime, but difficult task, requiring great unanimity, vigor, and wisdom in your councils.

The first question you have to determine is, whether you will proceed at once with the general business of legislation, or await the action of Congress upon the question of our admission into the Union. The Convention which formed the Constitution under which you have assembled, and the People who have ratified it with so great unanimity, have settled that question for themselves; but they have not settled it for you or for me. The same oath that you and I have taken to support the Constitution of California also obliges us to support the Constitution of the United States; and, where the provisions of the two instruments conflict, the Constitution of our common country must prevail. That great instrument that now governs more than twenty millions of inhabitants, and links in one common destiny thirty States, and is to govern the hundred millions that will soon succeed us, and the many Free States yet to be, must claim our purest affections, and our first and highest duty. If, then, it would be inconsistent with the first rights of the United States, for you to proceed to put the State Government into full operation, before she be formally admitted into the Union, you should without hesitation forbear, and leave our people still to suffer on, rather than violate one single principle of the great fundamental law of the land.

But I apprehend there can exist no well founded objections to the proposition, that you have the right to proceed, at once, to put the State machine into full and practical operation. The Federal Government is one of limited delegated powers, and although supreme within its appropriate sphere, yet outside that sphere, and in reference to the reserved power of the States or the People, it has nothing to do. So far as their reserved powers are concerned, the States are independent of

the General Government, to each other, and of the whole World. The exercise of the powers conferred by the Constitution of California can in no way interfere with the rights of the United States, as they only assume to regulate our own internal, social, and business relations with each other.

Perhaps it may be satisfactory to refer to a few examples to be found in the Constitutions of some of the new States. In the Constitution of Missouri, adopted on the nineteenth day of July, eighteen hundred and twenty, there is a provision, that an election shall be held throughout the State on the fourth Monday of August of the same year, for a Governor, Lieutenant Governor, Members of Congress, Members of the Legislature, and other officers. The Legislature were required to meet on the third Monday of September, and to pass laws of a permanent character at their first session. It is well known that the State was not admitted into the Union upon her first application, but in the meantime, so far as I am enabled to state from information, having no access to the records of the State, the State Government was put into successful operation. Her members of Congress were not permitted to take their seats, and she was excluded from all voice in the National Legislature. But so far as her more internal regulations were concerned, she had the same rights before that she had after her admission.

In the Constitution of Michigan, adopted in Convention begun and held on the 11th day of May, 1835, it is provided that an election be held for Governor, Lieutenant Governor, Members of the Legislature, and a representative in Congress, on the first Monday of October of the same year: and the first meeting of the Legislature was held on the first Monday of November, 1835. In that year Congress was not in session after the fourth day of March, until the first Monday of December following. So that the State Government of Michigan was in full operation before application could be made to Congress for her admission into the Union.

These reasons and precedents would seem to leave no doubt of your right to proceed at once with the great business of legislation, so imperiously demanded by the destitute and confused condition of the country; and I would therefore most earnestly recommend you to set about the great and difficult task before you, without hesitation or delay.

Among the first and most important of your duties, besides the local legislation necessary for the State, will be the adoption of a civil and

criminal code of laws for her government. This is an object of supreme importance, and it is the more so from the consideration that the action of the first Legislature will hardly be disturbed by any succeeding one.

What shall be done now cannot be changed or touched hereafter but at great cost and inconvenience. The new State of California is now in a position to adopt the most improved and enlightened code of laws to be formed in any of the States. The science of law is not yet fully perfected, and admits of some improvements; and in our new position we can readily adopt all the improvements that the researches and experience of others have made. I have given this subject my most careful attention for some years past, and as the result of my own convictions, I recommend the adoption of the following codes, so far as they are applicable to the condition of the State, and not modified by the Constitution or the Acts of the Legislature.

1st. The definition of Crimes and Misdemeanors, contained in the Common Law of England.

2d. The English Law of Evidence.

3d. The English Commercial Law.

4th. The Civil code of the State of Louisiana.

5th. The Louisiana code of Practice.

These codes, it is thought, would combine the best features of both the Civil and the Common Law, and at the same time omit the most objectionable portions of each. The Civil code of Louisiana was compiled by the most able of American jurists; contains the most extensive and valuable references to authorities; has undergone no material changes for the last twenty years; and for its simplicity, brevity, beauty, accuracy, and equity, is perhaps unequalled. Its provisions almost entirely relate to general subjects, not local, and would be quite applicable to the condition and circumstances of the State. The Civil Law, the basis of the Louisiana Civil code, aside from its mere political maxims, and so far only as it assumes to regulate the intercourse of men with each other, is a system of the most refined, enlarged, and enlightened principles of equity and justice. So great a portion of the cases that will arise in our courts for some years to come, must be decided by the principles of the Civil Law, that the study of its leading features will be forced upon our judges and members of the bar. The Civil code of Louisiana, being a mere condensation of the most valuable portions of the Civil Law, would greatly lessen the labors of our jurists and practi-

tioners; and from the simplicity and yet comprehensive nature of its provisions, a general knowledge of the leading principles of the law might the more readily be diffused among the people. A sufficient number of copies of both the Civil code and the code of Practice could be procured at New Orleans at much less cost than they could be published here.

The grave and delicate subject of revenue is one to which I would call your particular attention. From the best estimate I have been enabled to make, the current expenses of the State Government for the first year will reach half a million of dollars, but most probably will exceed that sum. This large amount can be raised only in two modes: either by loan or by taxation. The first of these modes is objectionable on many accounts. The high rate of interest which money so readily commands in the markets of California, would prevent the State from negotiating a loan, except at such exorbitant rates as would be ruinous to her future prosperity. There can be no policy perhaps more injurious to our young State, before her credit is established or her resources developed, than that system of borrowing which has proved so disastrous to so many new States. As between individuals, it is exceedingly doubtful whether the credit system, upon the whole, has produced most good or most evil; and the objection applies with much greater force to organized States or communities. There is something very wrong in principle in the very idea of entailing our burdens upon posterity.

When a State borrows money to construct some great and permanent improvement, and leaves future generations to pay the debt, she also leaves them the work itself as some sort of compensation. The violation of principle consists in the present generation assuming to act for and to bind the next, without their consent. But the case is still worse when a State borrows money to defray the ordinary expenses of her civil administration, because she bequeathes a debt to posterity, without any means to pay it. It would be similar to the case of a father borrowing money for his own purposes, during his life, and expending the same upon objects transitory in their character; and when he makes his will, to put in a clause that his children shall pay the debt, while, at the same time, he leaves them nothing to pay with. The only available and just mode of procuring the indispensable means of supporting the State Government, is by a system of direct taxation—the most fair, simple, and just mode of taxation ever resorted to. The people then

know distinctly what the blessings of government cost them, and which is the more desirable, a plain Republican Government, administered upon economical principles, or a more extravagant system of expenditure; and if they should not be willing to pay enough to carry on an economical government, it would at once solve the great problem, whether they are capable of self-government or not.

The people of California may be safely trusted upon this subject; for there are no people more able and willing to pay the just taxes necessary to support the government than they. What property they have commands a high and ready price, paid in the precious metals; and labor meets such ample reward, that no healthy man can complain of poverty.

The law protects every man in his person and property. For the protection it gives his person he ought to pay a capitation or poll tax, and for the protection it gives his property he ought of right to pay a tax in proportion to its amount and value. I recommend, therefore, the imposition of a poll tax, and a tax upon real and personal property in proportion to its value. I also recommend that provision be made, that no individual who shall refuse to pay his taxes, being able, when they shall be legally demanded, shall be permitted to bring a civil suit in any court in this State for the period of one year, and not then until all arrearages are paid. This may seem a harsh measure, but it is not. The honest individual who pays his taxes will not feel it, and he who wishes to evade the payment of the just dues of this State ought to feel it. There are some individuals in California who intend to remain here only while they extract her gold, and enjoy the protection of her laws, and who would willingly return without paying anything. This is particularly the case with respect to the great mass of foreigners in the country. In remote sections of the State, it may be very difficult to enforce the collection of the revenue by levy and sale. Many individuals perfectly able to pay, would find means to avoid the collector. But the silent and sure operation of the provision I recommend, would insure the collection of the revenue promptly, and with but little expense. There are few men who would, by their own voluntary act, exclude themselves from the courts of justice. I recommend that the collectors be authorized to receive the taxes in California gold, at the usual rate of sixteen dollars per ounce troy. Were the State revenue to be collected in coin, it would greatly increase the demand, already so great for the

Custom House; and would thus operate still more injuriously upon the laboring miner. Besides, it would be almost impossible for persons in the mines to provide themselves with the coin. I would also recommend that the revenue law be so framed as to require the collector to go around with the assessor; otherwise one half the revenue in some districts would be lost, in consequence of the frequent change of residence.

The operation of a reasonable and sound system of taxation upon the agricultural resources of the country, would be most decidedly beneficial in a very short period.

Most of the fine agricultural lands of California are now in the hands of a few persons, who suffer them to remain wild and uncultivated. A few months ago, when the population was small, and the wants of the community few and simple, the natural pasturage of the country, with a limited cultivation of the soil, was ample for all the purposes of life; but under the changed circumstances, when our country teems with people who must be fed, and when the population is so rapidly augmenting, it is unreasonable, if not impossible, that the country should remain in a state of nature.

No country can safely depend upon an uncertain foreign supply of the first necessaries of life. Such a supply would be subject to all the vicissitudes of war, or peace would never be regular, and prices would always be fluctuating, either extravagantly high, or so low as to discourage importations. The provisions themselves are generally stale and unwholesome; and, no doubt, one half the disease suffered in the country has arisen from this prolific source. When those who own such immense tracts of rich, fertile, and beautiful lands, now in a state of nature, producing no rents or profits, shall have to pay taxes upon them in proportion to their value, they will find it their interest to sell out portions of it to those who will cultivate them, thus encouraging the agricultural industry of the country, and, at the same time, greatly increasing the value of the portions not sold

In the last fifteen months, the number of cattle in the country has been rapidly *decreasing*, while our population has *increased* in the same ratio. Fresh meats are indispensable to our health, and cannot be imported; and if this state of things should continue only a few years longer, the increased expenses of living will be so great that mining and other kinds of business must cease to be profitable.

The Constitution makes it the duty of the Legislature to encourage agriculture, that first and noblest of all industrial pursuits, but I am not aware of any other means at present within your power, than those I have suggested.

That portion of our people resident in California before its cession to the United States, have not been accustomed to a system of direct taxation; and being the principal owners of the landed property of the country, may not at first understand the justice or necessity of the revenue system our Constitution and condition make it indispensable for you to adopt.

The Mexican government derived no revenue from California, except that produced by a high tariff upon imports. These taxes were paid by the people in the shape of extravagant prices for the merchandise they purchased. But this portion of our people will soon learn, that under our system, the Federal government can alone levy duties upon imports —that the State cannot do so, and has only left to her a resort to a system of direct taxation, to raise those means indispensable to the very existence of the government itself. They will also see that our Constitution establishes the just principle, that all property shall be taxed in proportion to its value; and that the Legislature has no power or right either to favor or oppress any class of persons, but must look to the property itself, in whose hands soever it may be found. They will also learn, that the same American manufactures, upon which they were accustomed to pay such high duties, now come into our ports duty free; and that they are compensated for the direct taxes they pay, in the *increased* value of their property, and the *decreased* prices of the merchandise they consume. It has been as truly as beautifully said, that a wise legislator adapts his action to circumstances. These he cannot create or remove, he can only conform to things he cannot control. He must take mankind and society as he finds them, not as he would make them.

He may so shape his laws as to produce a gradual improvement; but he cannot expect at once to reverse or overcome even the prejudices of a community.

Our Constitution has wisely prohibited Slavery within the State; so that the people of California are once and for ever free from this great social and political evil. But the Constitution has made no provision in reference to the settlement of free people of color within our limits,

but has left the Legislature to adopt such legislation upon this delicate and important subject as may be deemed most essential to the happiness of our people. The Constitution excludes this class of persons from the right of suffrage, and from all offices of honor or profit under the State.

For some years past I have given this subject my most candid and serious attention, and I most cheerfully lay before you the result of my own reflections. There is, in my opinion, but one of two consistent courses to take in reference to this class of population,—either to admit them to the full and free enjoyment of all the privileges guaranteed by the Constitution to others, or exclude them from the State. If we permit them to settle in our State, under existing circumstances, we consign them, by our own institutions, and the usages of our own society, to a subordinate and degraded position, which is in itself but a species of slavery. They would be placed in a situation where they would have no efficient motives for moral or intellectual improvement, but must remain in our midst, sensible of their degradation, unhappy themselves, enemies to the institutions and the society whose usages have placed them there, and forever fit teachers in all the schools of ignorance, vice, and idleness.

Our position upon the Pacific, our commercial and mineral attractions, would bring swarms of this population to our shores. Already we have almost every variety of the human race among us; a heterogeneous mass of human beings, of every language, and of every hue. That period is rapidly approaching, when the natural increase of population in the States East of the Rocky Mountains will render Slave labor of little or no value, and when investments in that species of property will cease to be remunerative. If measures are not early taken by this State, Slaves will be manumitted in the Slave States, and contracts made with them to labor as hirelings for a given number of years, and they will be brought to California in great numbers. Our State is now in a position to take an efficient stand upon this subject. A few years' delay will make it almost, if not quite, impossible to do that which can be so easily accomplished now. If California will take a decided stand now, and firmly maintain it, a few years' experience will demonstrate the practical utility of the measure. That weak and sickly sympathy—that misplaced mercy—that would hesitate to adopt a salutary measure to-day, but would suffer all the inevitable consequences of

to-morrow, may consider the policy I propose as harsh in its character; but if it is calculated to produce the greatest good to the greatest number, it is the best humanity.

It could be no favor, and no kindness, to permit that class of population to settle in the State under such humiliating conditions, although *they* might think otherwise; while it would be a most serious injury to *us*. We have certainly the right to prevent any class of population from settling in our State, that we may deem injurious to our society. Had they been born here, and had acquired rights in consequence, I should not recommend any measures to expel them. They are not now here,—except a few in comparison with the numbers that would be here,—and the object is to keep them out. I, therefore, call your most serious attention to this subject, believing it to be one of the first importance.

The Constitution provides that the sessions of the Legislature shall be annual on the first Monday of January. It also provides that members of the Legislature shall be chosen on the Tuesday next after the first Monday of November, unless otherwise ordered by the Legislature. The Legislature, at its first session, is required to appoint the Comptroller, Treasurer, Attorney General, Surveyor General, Three Justices of the Supreme Court, and Judges of the District Courts; but Judges of the County Courts, Clerk of the Supreme Court, County Clerks, District Attorneys, Sheriffs, Coroners, Assessors, Collectors, Justices of the Peace, and other officers, *must* be elected by the People. These officers are most important, and the Government cannot be put into operation without them. The question then arises, will the Legislature make provision for the election of these officers at as early a day as practicable, or shall their election be deferred to the general election in November next? I would most respectfully recommend that a general election be held throughout the State for these officers, at the earliest convenient period.

It will be necessary to pass a general Act in reference to the Judiciary. I recommend that a Criminal Court be established for the City of San Francisco, and also for the City of Sacramento. The business of those Cities is so great that it becomes necessary to separate the Civil and Criminal Jurisdiction, and to place them in separate and distinct Courts.

I would call your attention to the thirty-seventh Section of the fourth Article, and to the fourth Section of the eleventh Article of the Consti-

tution, having reference to the "Organization of Cities and Incorporated Villages," and the establishing "a System of County and Town Governments throughout the State." The objects contemplated in these two Sections are very important to the peace, beauty, and health of our commercial Cities. Great distress and inconvenience have already been experienced by the inhabitants of our growing Towns for want of some efficient System of City Government; and until some general and comprehensive system can be adopted, applicable to all places in the State having a certain number of inhabitants, there will be no permanent improvement in the present unfortunate condition of things.

I have now suggested to you, Gentlemen, such of the more important measures I have thought it my duty to recommend, and the limits of a Message would allow; but there are many other and important subjects to which only a very brief allusion can be made. It will be necessary to pass an Act in reference to Crimes and Misdemeanors, affixing such punishment to each as may be in just proportion to the offence and in the power of the State to inflict under the existing circumstances. It would also be highly useful to pass an Act to prevent the Desertion of Seamen from merchant vessels visiting our ports. By the laws of all civilized countries, the contracts of seamen are regarded as peculiarly sacred, and are, therefore, rigidly and specifically enforced. I would also recommend the establishment of an inspection for provisions at San Francisco, that our people may not hereafter suffer so great losses from the purchase of injured and spoiled provisions. It will be necessary to divide the State into Counties—to determine the number of Justices of the Peace—to make provisions for the acknowledgment and registration of deeds, and the registration of the separate property of the wife—and to protect from forced sale a certain portion of the Homestead and other property of all heads of families. It will also be necessary to make provision for the early construction of suitable Public Buildings, such as will answer for present purposes, and may be useful for Public Offices hereafter.

You have before you a great amount of labor, and you will have to assume great and mighty responsibilities. The first legislators of a new State, under ordinary circumstances, have a difficult duty to discharge; but our position upon the Pacific Ocean, the relation we bear to the other States of the Union, and to the civilized and semi-civilized World, impose upon us peculiar responsibilities. We have to develope the

great resources of our new country. Our commercial advantages are greater than our mineral, great as these are; the latter will supply us the necessary capital to build our commercial cities, and to carry on the most extended commerce. We shall soon be in close commercial intercourse with the teeming population of the Old World.

The rich and cheap productions of Asia are already pouring into our ports; and a few years will give us the wholesale trade of the entire Northwest Coast. We have a new community to organize, a new State to build up. We have also to create and sustain a reputation, in the face of the misconceptions of our character that are entertained elsewhere. But we have the most ample and the most excellent materials, out of which to construct a great community and a great State. The emigration to this country from the States East of the Rocky Mountains consists of their most energetic, enterprising, and intelligent population, while the timid and the idle, who had neither the energy nor the means to get here, were left to remain at home. Either a brilliant destiny awaits California, or one of the most sordid and degraded. She will be marked by strong and decided characteristics. Much will depend upon her early legislation. To confine her expenditures within due bounds—to keep the young State out of debt—and to make her punctual and just in all her engagements, are some of the *sure* and *certain* means to advance and secure her prosperity. I hope we may be able to build up for her a reputation that will bear the just criticisms of the sensible, fair, and candid of all parties, as well as the vindictive assaults of her enemies, and the errors and indiscretions of her friends. In all of your efforts to accomplish this great object, you may depend upon my most cordial co-operation in all such measures as I can conscientiously approve; and now, relying with sincere but humble confidence upon the favor and protection of the Supreme Ruler who governs nations as well as individuals, I subscribe myself,

Your Fellow-citizen,

PETER H. BURNETT.

The message being read, on motion of Mr. Creaner, the Committee on Public Printing were authorized to have ten thousand copies in English, and two thousand in Spanish, printed as soon as possible, and were further authorized to employ a competent person to translate into Spanish the Message of His Excellency the Governor.

On motion of Mr. Tingley, the House went into Committee of the Whole, Mr. Creaner in the Chair, when Mr. Tingley offered the following resolution, to wit:

Resolved, That so much of the Governor's Message as relates to the Judiciary System to be adopted by the State, be referred to the Committee on the Judiciary.

So much as relates to the Finances of the State, be referred to the Committee on Ways and Means.

So much as relates to Negroes, be referred to the Committee on the Judiciary.

So much as relates to Counties, be referred to the Committee on Counties and County Boundaries.

So much as relates to Public Buildings, be referred to the Committee on Public Buildings.

So much as relates to inspecting of provisions, sailors deserting from employment, &c., be referred to the Committee on Commerce.

The committee then rose, and the Speaker having resumed the Chair, Mr. Creaner having reported the action of the committee, the following message was received from the Senate, by Mr. Howe, their Secretary, to wit:

SENATE CHAMBER, December 22, 1849.

MR. SPEAKER,—

I am directed by the Senate to inform the House that they have concurred in the resolution of the House, fixing Saturday, 22d instant, as the time for proceeding to an election of Treasurer, Comptroller, and Attorney General, with amendments, so as to include also the election of Surveyor General, Justices of the Supreme Court, and State Printer; and fixing the hour for proceeding to such election at 1 o'clock P.M.

They have also passed a joint resolution for the appointment of a committee of three on the part of each House, to draft a set of joint rules for the government of both Houses, to be reported as soon as convenient, to each House respectively, for adoption; in which they request the concurrence of the House; and have appointed as such committee on their part, Messrs. Bidwell, Bennett, and Chamberlin.

The House took up the message of the Senate, and rejected so much

of its amendments to the resolution of the House bringing on certain elections, by striking out "State Printer;" and the same being further considered, was concurred in by the House.

The House also concurred in the resolution of the Senate, relative to the appointment of a committee of three of each House to draft a set of joint rules for the government of both Houses; whereupon the Speaker appointed as the committee on the part of the House, Messrs. Tingley, Randolph, and Hughes.

The House again resolved itself into a Committee of the Whole, Mr. Creaner in the Chair; and, on motion of Mr. Stowell,

Resolved, That so much of the Governor's Message as refers to corporations, be referred to the Committee on Corporations; and so much as relates to agriculture, be referred to the Committee on Agriculture.

The committee then rose, and the Speaker resumed the Chair.

Mr. Tefft gave notice that on Wednesday next he would introduce a bill providing for the protection of the Homestead and other property of all heads of families.

Also, a bill defining the rights of the wife in relation to her separate and common property, and providing for the registration of the wife's separate property.

Also, a bill providing for the establishment of a system of Common Schools throughout the State.

Mr. Randolph gave notice that he would, on to-morrow, move for the appointment of a committee of the House, to draft resolutions expressive of the sense of the House on the subject of Free Mines, Congressional Legislation on Land Titles in this State, and the subject of moneys collected from import duties before the extension of the Revenue Laws of the United States over this country, &c.

The House then adjourned until 10 o'clock to-morrow morning.

SATURDAY, *December 22d*, 1849.

House met, pursuant to adjournment.

Journal of Friday read, amended, and approved.

The Speaker laid before the House a letter from Col. J. D. Stevenson,

presenting to the State of California the flags of the *Seventh* Regiment New York Volunteers, which he commanded.

On motion, the flags were accepted; when,

On motion of Mr. Stowell

Resolved, That a committee of three be appointed to wait on Col. Stevenson, to express the grateful sense of the House for his handsome present.

The Speaker appointed as such committee, Messrs. Stowell, Crittenden, and Patterson.

Mr. Stevens, member from San Joaquin, appeared, was qualified, and took his seat.

A message was received from the Senate, by their Secretary, Mr. Howe, informing the House that they had adopted a joint resolution, That our Senators in Congress be instructed, and they are hereby instructed, and our Representatives requested, to urge the passage of a law to have the fund collected from imports, by order of the military authorities in California, paid into the Treasury of this State, for the purpose of defraying the expenses of the State Government, and also such other moneys as may have been collected from the people of California, up to the admission of California into the Union by the United States Congress.

Also, that they have passed a joint resolution for the appointment of a committee to communicate in writing with Ex-Governor Riley, to ascertain whether he is authorized to pay any, and if any, what expenses of this Legislature, up to the time of the installation of the new State Government; and whether he is authorized to turn over to the new State Government any money or money securities; and, if any, what probable amounts, in both of which they request the concurrence of the Assembly; and as the committee on their part to correspond with Gov. Riley, have appointed Messrs. Green, Crosby, and Bennett.

On motion of Mr. Walthall, that portion of the message which referred to instructing and requesting our Senators and Representatives in Congress relating to moneys collected from imports, &c., was referred to a special committee, viz. Messrs. Randolph, McKinstry, Hughes, Moorehead, and Stephens.

On motion, the House concurred in the joint resolution of the Senate, providing for the appointment of a committee to correspond with Gov.

Riley, in relation to any money or moneys which he might be authorized to turn over to the State.

Mr. Stowell offered the following joint resolution, which was adopted:—

Resolved, That the Secretary of State be authorized and empowered to provide a suitable room for his office, for the safe keeping of the public records and archives of the State, and the transaction of such official business as may be brought before him. The expenses of the same to be paid by the State Treasury.

Mr. Stowell offered the following:—

Resolved, That the use of this Hall be tendered to the clergy of this place, on to-morrow, for the purpose of holding Divine Service.

Mr. Walthall offered the following as an amendment:—"That the Speaker be permitted to allow the use of this Hall for Divine Service, on the Sabbath, whenever he may think proper."

The resolutions were not agreed to.

A message was received from the Governor, through W. V. Voorhies, Secretary of State, transmitting certain proclamations of Ex-Governor Riley, announcing the ratification of the Constitution, and resigning his powers as Governor of California.

On motion of Mr. Creaner, it was

Resolved, That twenty-five hundred copies in English, of the message and proclamations, be printed for the use of the Assembly. Which, on motion of Mr. Tefft, was amended, by inserting, "and one thousand copies in Spanish."

Mr. Baldwin, from the Committee on Public Printing, reported the following, entitled "A Joint Resolution relative to the public printing of the State of California."

Be it Resolved, by the Senate and House of Assembly of the State of California, That the Printing Committee in each House be and are hereby empowered to receive sealed proposals for executing the public printing and binding of this State, for the term of one *year*, and that this said printing shall be given to him or them who shall offer to execute it on the most favorable terms for the State.

Resolved further, That the said Printing Committee shall require from the successful bidder for the said public printing and binding, bond in the sum of five thousand dollars, with security payable to the Governor of the State for the faithful discharge of the contract, to remain in full force and effect for twelve months from and after the date of the bond.

Resolved further, That five days, after the passage of this resolution, shall be given for the reception of proposals for performing the said public printing and binding; one week shall be allowed for the said contractor for the getting of his press to this place; and in the event of his failing so to do, he shall forfeit his contract, unless good cause be shown to the committee that the delay was unavoidable.

On motion, the rules were suspended, and the joint resolution read three times and passed.

A message was received from the Senate, by their Secretary, Mr. Howe, that they had receded from their amendments to the resolution of the House, fixing this day at 1 P.M. for the election of Treasurer, Comptroller, Attorney General, &c., so far as those amendments relate to the election of a State Printer; and that they will meet the House at the hour indicated, to proceed to the election of the other officers mentioned in the resolution of the House and the amendments of the Senate as concurred in by both Houses.

Mr. Tingley gave notice that he would, on Monday, introduce a preamble and joint resolution in reference to the sale of lands and town lots by Alcaldes and Town Councils.

Mr. Walthall, Chairman of the Committee on Ways and Means, reported, that he had, in accordance with the resolution of the Assembly, called on Governor Riley, who informed him that he had neither money nor evidences of debt belonging to the State, but that he had under his control, several hundred thousand dollars which he thought belonged to the State, and had written to the proper department at Washington, for instructions on the subject, and expected an answer by the next steamer, and would, as soon as received, communicate with the Legislature.

The report was agreed to by the House.

Mr. Martin introduced the following resolution, which was agreed to:

Resolved, That a Standing Committee be appointed by the Assembly on Public Lands and Mission Claims.

On motion of Mr. Randolph.

Resolved, That a committee of five be appointed on the part of the House of Assembly, to meet a similar committee on the part of the Senate, to draft resolutions expressive of the sense of the Legislature of California, on the subject of free mines, and the titles to the land of the State of California, and the right of the State of California in preference

to all other claimants to such moneys as may have been collected in the State of California from imports, or may hereafter be collected from that source, prior to the admission of California as a member of the confederacy, in which they asked the concurrence of the Senate, and had appointed as the committee on their part, Messrs. Randolph. McKinstry, Hughes, Moorehead, and Stevens.

The House then took a recess until one o'clock P.M.

House met at one o'clock P.M.

The Sergeant-at-Arms of the Senate announced the President and members of the Senate.

The two Houses then went into convention.

President of the Senate in the Chair.

IN CONVENTION.

Hon. John McDougall, President of the Senate, presided as President of the Convention, and announced the object of the Convention, and appointed as Teller on the part of the Senate Mr. Bassham. The Speaker of the Assembly appointed as Teller on the part of the House Mr. Crittenden.

The presiding officer of the Convention announced that the first business would be the election of a State Treasurer.

Mr. Bidwell nominated Mr. J. D. Hoppe.

Mr. Cornwall nominated Mr. S. W. Haight.

Mr. Moorehead nominated Mr. Richard Roman.

When the Secretary proceeded to call the names of Senators, and the Clerk of the House the names of the members of the Assembly, each member voting *vivâ voce* as his name was called, and the Tellers reported the result to be as follows:—

Whole number of votes		46
Necessary to a choice		24
Of which Mr. J. D. Hoppe	received	11 votes.
J. W. Haight	„	17 „
Richard Roman	„	17 „
R. H. Sinton	„	1 „
		46

Those who voted for Mr. Hoppe were—Messrs. Bidwell, Crosby, De la Guerra, and Spect, of the Senate; Messrs. Aram, Brown, Corey, Covarubias, Scott, Tefft, and Walthall, of the Assembly—11.

Those who voted for Mr Haight were—Messrs. Bassham, Bennett, Hope, Lippincott, Taylor, Post, and Woodworth, of the Senate; and Cardwell, Cornwall, Hughes, McKinstry, Martin, Patterson, Per Lee, Tingley, Williams, and Witherby, of the Assembly—17.

Those who voted for Mr. Roman were—Messrs. Chamberlin, Douglass, and Green of the Senate; and Baldwin, Bradford, Bigler, Crittenden, Creaner, Gray, Heath, Moore, Moorehead, Ogier, Stevens, Stowell, Watson, and White, of the Assembly—17.

Mr. Randolph, of the Assembly, voted for Mr. Sinton—1.

No person having received a majority of all the votes cast, the Convention, in like manner as before, proceeded to a second ballot, when the Tellers reported the result to be as follows:—

Whole number of votes	. . . .	46
Necessary to a choice	. . . .	24
Of which Mr. Hoppe	received . . .	3 votes.
Haight	„ . . .	18 „
Roman	„ . . .	24 „
Roach	„ . . .	1 „

Those who voted for Mr. Hoppe were—Messrs. Bidwell, of the Senate; and Aram and Tingley, of the Assembly—3.

Those who voted for Mr. Haight were—Messrs. Bassham, Bennett, Crosby, De la Guerra, Hope, Lippincott, Post, Taylor, and Woodworth, of the Senate; and Cardwell, Cornwall, Covarubias, Hughes, McKinstry, Martin, Patterson, Williams, and Witherby, of the Assembly—18.

Those who voted for Mr. Roman were—Messrs. Chamberlin, Douglass, Green, and Spect, of the Senate; and Baldwin, Bradford, Bigler, Brown, Crittenden, Corey, Creaner, Gray, Heath, Moore, Moorehead, Ogier, Per Lee, Stevens, Stowell, Scott, Tingley, Walthall, Watson, and White, of the Assembly—24.

Mr. Randolph, of the Assembly, voted for Mr. Roach—1.

When the President of the Convention declared, that Richard Roman, having received a majority of all the votes cast, was declared duly

elected Treasurer for two years, and until his successor shall be duly elected and qualified.

The Convention then proceeded, in like manner, to the election of Comptroller.

Mr. Heath nominated Mr. T. M. Kews,
Moorehead " J. S. Houston.

The Tellers reported the result to be as follows:—

Whole number of votes,	. . . . .		47
Necessary to a choice,	. . . . .		24
Of which Mr. Kews	received	17	votes.
Houston	"	29	"
John Bigler	"	1	"

Those who voted for Mr. Kews were—Messrs. Bennett, De la Guerra, Hope, Lippincott, Post, Spect, Taylor, and Woodworth, of the Senate; and Covarubias, Heath, Martin, Ogier, Patterson, Randolph, Stowell, Scott, and Tefft, of the Assembly—17.

Those who voted for Mr. Houston were—Messrs. Bassham, Bidwell, Chamberlin, Crosby, Douglass, and Green, of the Senate; and Aram, Baldwin, Brackett, Bradford, Bigler, Brown, Cardwell, Cornwall, Crittenden, Corey, Gray, Hughes, McKinstry, Moore, Moorehead, Per Lee, Stevens, Tingley, Walthall, Watson, Williams, Witherby, and White, of the Assembly—29.

Mr. Creaner voted for Mr. Bigler—1.

And the President declared, that John S. Houston, having received a majority of all the votes cast, was duly elected Comptroller of the State for two years, and until his successor was duly elected and qualified.

The Convention then proceeded to the election of Attorney General.

Mr. Woodworth nominated Chas. T. Botts,
Tingley " E. J. C. Kewen.

The result reported as follows:—

Whole number of votes cast,		47
Necessary to a choice,		24
Of which, Mr. Botts	received 23	
Kewen	" 24	
	47	

Those who voted for Mr. Botts were—Messrs. Bassham, Bennett, Bidwell, Crosby, De la Guerra, Hope, Lippincott, Post, Taylor, and Woodworth, of the Senate; and Brown, Cornwall, Covarubias, Gray, Heath, Hughes, Martin, Patterson, Per Lee, Randolph, Scott, Tefft, and Witherby, of the Assembly—23.

Those who voted for Mr. Kewen were—Messrs. Chamberlin, Douglass, Green, and Spect, of the Senate; and Aram, Baldwin, Brackett, Bradford, Bigler, Cardwell, Crittenden, Corey, Creaner, McKinstry, Moore, Moorehead, Ogier, Stevens, Stowell, Tingley, Walthall, Watson, Williams, and White, of the Assembly—24.

And the President of the Convention declared, that E. J. C. Kewen, having received a majority of all the votes cast, was duly elected Attorney General for two years, and until his successor was duly elected and qualified.

The Convention then proceeded to the election of Surveyor General; when

Mr. Crosby	nominated	Mr. Wm. M. Eddy,
Chamberlin	"	Chas. J. Whiting,
Stowell	"	O. P. Sutton.

And the Tellers reported the result to be as follows:—

Whole number of votes,		46
Necessary to a choice,		24
Of which, Mr. Eddy	received 15 votes.	
Whiting	" 16 "	
Sutton	" 14 "	
Norris	" 1 "	
	46	

Those who voted for Mr. Eddy were—Messrs. Bassham, Bennett, Bidwell, Crosby, De la Guerra, Post, Spect, and Woodworth, of the Senate; and Baldwin, Bradford, Corey, Gray, Patterson, Per Lee, and Williams, of the Assembly—15.

Those who voted for Mr. Whiting were—Messrs. Chamberlin, Hope, and Lippincott, of the Senate; and Brackett, Cornwall, Crittenden, Covarubias, Creaner, Hughes, McKinstry, Martin, Ogier, Randolph, Scott, Tefft, and Witherby, of the Assembly—16.

Those who voted for Mr. Sutton were—Messrs. Douglass, Green, and Taylor, of the Senate; and Aram, Bigler, Brown, Cardwell, Moore, Stevens, Stowell, Tingley, Walthall, Watson, and White, of the Assembly—14.

Mr. Heath voted for Mr. Norris—1.

No person having received a majority of all the votes cast, the Convention proceeded, in like manner, to a second vote; and the Tellers reported the result to be as follows:—

Whole number of votes,			47
Necessary to a choice,			24
Of which Mr. Eddy	received	15	votes.
Whiting	"	27	"
Sutton	"	4	"
Bassham	"	1	"

Those who voted for Mr. Eddy were—Messrs. Bassham, Bennett, Bidwell, Crosby, De la Guerra, Post, Spect, Taylor, and Woodworth, of the Senate; and Baldwin, Bradford, Bigler, Gray, Patterson, and Per Lee, of the Assembly—15.

Those who voted for Mr. Whiting were—Messrs. Chamberlin, Douglass, Green, Hope, and Lippincott, of the Senate; and Aram, Brackett, Brown, Cornwall, Crittenden, Corey, Covarubias, Creaner, Hughes, McKinstry, Martin, Moorehead, Ogier, Randolph, Stevens, Scott, Tefft, Tingley, Walthall, Watson, Witherby, and White, of the Assembly—27.

Those who voted for Mr. Sutton were—Messrs. Heath, Moore, Stowell, and Williams, of the Assembly—4.

Mr. Cardwell, of the Assembly, voted for Mr. Bassham—1.

And the President of the Convention delared, that Charles J.

Whiting, having received a majority of all the votes cast, was duly elected Surveyor General for two years, and until his successor should be duly elected and qualified.

The Convention then, in like manner, proceeded to the election of Chief Justice of the Supreme Court.

Mr. Bigler nominated Mr. S. C. Hastings,
Bassham " Horace Hawes.

And the Tellers reported the result to be as follows:—

Whole number of votes, ...	46
Necessary to a choice, ...	24

Of which, Mr. Hastings received 44 votes.
Hawes " 2 "

Those who voted for Mr. Hastings were—Messrs. Bidwell, Chamberlin, Crosby, De la Guerra, Douglass, Green, Hope, Lippincott, Post, Spect, Taylor, and Woodworth, of the Senate; Aram, Baldwin, Brackett, Bradford, Bigler, Brown, Cardwell, Cornwall, Crittenden, Corey, Covarubias, Creaner, Gray, Heath, Hughes, McKinstry, Martin, Moore, Moorehead, Ogier, Patterson, Per Lee, Randolph, Stevens, Stowell, Scott, Tefft, Tingley, Waltlall, Watson, Williams, and White, of the Assembly—44.

Those who voted for Mr. Haws were—Messrs. Bassham of the Senate, and Wetherby of the Assembly—2.

And the President declared that S. C. Hastings, having received a majority of all the votes cast, was duly elected Chief Justice of the Supreme Court for such period as shall be prescribed by the Legislature.

The Convention then, in like manner, proceeded to the election of an Associate Justice of the Supreme Court, when

Mr. Cornwall nominated Nathaniel Bennett.
Taylor " Henry A. Lyons.
Moore " H. K. Dimmick.

And the Tellers reported the result as follows:

Whole number of votes	46
Necessary to a choice	24
Of which Mr. Bennett received	15 votes
Lyons "	24 "
Dimmick "	7 "

Those who voted for Mr. Bennett were—Messrs. Chamberlin, Crosby, De la Guerra, Hope, Post, Spect, and Woodworth, of the Senate; and Bradford, Cory, Gray, Hughes, Patterson, and Randolph, of the Assembly—15.

Those who voted for Mr. Lyons were—Messrs. Bidwell. Douglass, Green, Lippincott, and Taylor, of the Senate; and Baldwin, Bigler, Crittenden, Covarubias, Creaner, Heath, McKinstry, Martin, Moore, Moorehead, Ogier, Stevens, Stowell, Scott, Tefft, Tingley, Williams, Witherby, and White, of the Assembly—24.

Those who voted for Mr. Dimmick were—Messrs. Aram, Brackett, Brown, Cardwell, Per Lee, Walthall, and Watson, of the Assembly—7.

And the President declared that Henry A. Lyons, having received a majority of all the votes cast, was duly elected an Associate Justice of the Supreme Court for such term as shall be prescribed by the Legislature.

The Convention then proceeded to the election of a second Associate Justice of the Supreme Court, when

Mr. Randolph	nominated	Nathaniel Bennett.
Moorehead	"	H. K. Dimmick.
Williams	"	W. B. Almond.

And the Tellers reported the result to be as follows:

Whole number of votes	46
Necessary to a choice	24
Of which Mr. Bennett received	23 votes.
Dimmick "	10 "
Almond "	13 "

Those who voted for Mr. Bennett were—Messrs. Bassham, Chamber-

lin, De la Guerra, Green Hope, Post, and Woodworth, of the Senate; and Balwin, Bradford, Bigler, Cornwall, Crittenden, Covarubias, Gray, Heath, Hughes, Martin, Patterson, Per Lee, Randolph, Scott, Tefft, and Watson—23.

Those who voted for Mr. Dimmick—were Messrs. Crosby, Spect, and Taylor, of the Senate; and Aram, Brackett, Cardwell, Moore, Moorehead, Walthall, and White, of the Assembly—10.

Those who voted for Mr. Almond were—Messrs. Bidwell, Douglass, and Lippincott, of the Senate; and Brown, Cory, Creaner, McKinstry, Ogier, Stevens, Stowell, Tingley, Williams, and Witherby, of the Assembly—13.

No person having received a majority of all the votes cast, the Convention proceeded in like manner to another ballot.

And the Tellers reported the result to be as follows:

Whole number of votes		46
Necessary to a choice		24
Of which Mr. Bennett received	27	votes.
Dimmick "	4	"
Almond "	15	"

Those who voted for Mr. Bennett were—Messrs. Bassham, Chamberlin, Crosby, De la Guerra, Green, Hope, Post, Spect, and Woodworth, of the Senate; and Baldwin, Bradford, Bigler, Cornwall, Crittenden, Covarubias, Gray, Heath, Hughes, Martin, Patterson, Per Lee, Randolph, Scott, Tefft, Watson, Witherby, and White, of the Assembly—27.

Those who voted for Mr. Almond were—Messrs. Bidwell, Douglass, Lippincott, and Taylor, of the Senate; and Aram, Brown, Cardwell, Cory, Creaner, McKinstry, Ogier, Stevens, Stowell, Tingley, and Williams, of the Assembly—15.

Those who voted for Mr. Dimmick were Messrs. Brackett, Moore, Moorehead, and Walthal, of the Assembly—4.

And the President declared that Nathaniel Bennett, having received a majority of all the votes cast, was duly elected an Associate Justice of the Supreme Court for such term as the Legislature shall prescribe, and until his successor is duly elected and qualified.

And then the President announced that the Convention, having accomplished the object for which they had met, was dissolved.

Mr. Moore rose, and stated that he had voted for Attorney General under a mistake, and hoped the Convention would allow him to change that vote.

The Presiding Officer refused, saying it was out of order.

The Senate having withdrawn, the House adjourned until 10 o'clock Monday morning.

HOUSE OF ASSEMBLY.

MONDAY, 24*th December*, 1849.

The House met, pursuant to adjournment.

The journal was read and adopted.

A letter was laid before the House, by his Excellency the Governor, transmitting certain election returns from Camp, near Trinity, in Sonoma District, which were referred to the Special Committee on Contested Elections.

Mr. Walthall, Chairman of the Committee on Ways and Means, reported a bill authorizing a loan on the faith and credit of the State of California, which was read the second time; and, on motion of Mr. Creaner, was referred back to the same committee for further consideration.

Mr. Watson, by leave of the House, was excused from further services as a member of the Committee on Public Printing.

The Speaker then announced the names of the Committee on Commerce, as follows, viz. Messrs. Randolph, Stephens, Bradford, Cornwall, and Ogier.

Also, the names of the following gentlemen, as the Committee on Public Lands and Mission Claims, viz. Messrs. Martin, Stephens, Stewart, Brown, and Moorehead.

Mr. Brown introduced the following resolution which was adopted, to wit:—

Resolved, That a committee of three be appointed to ascertain the means, if any, of obtaining suitable rooms for the use of Standing Committees of this House, and report the same to this House.

Whereupon, the following gentlemen were appointed as said committee, viz. Messrs. Brown, Aram, and Creaner.

Mr. Tingley introduced a bill providing for the election, and defining the powers and duties of Treasurer of the State of California, which was read the first and second times, the rules having been suspended for that purpose; and, on his motion, referred to the Committee on the Judiciary.

Mr. Tingley introduced a joint resolution on the subject of sales of lands and town lots by alcaldes and town councils, which was read the first and second times, the rules being suspended for that purpose, and referred to the Committee on the Judiciary.

Mr. Bradford offered the following joint resolution:—

Resolved, by the Senate and Assembly of the State of California, That the Secretary of State, Comptroller, Attorney General, Surveyor General, and Judges of the Supreme Court, shall have power to procure for their respective offices, all necessary blank books, stationary, and other office furniture.

A motion to suspend the rules for a second reading of the resolution was lost.

Mr. Tingley offered the following resolution, which was adopted:—

Resolved, That the Committee on Commerce be instructed to report a bill to this House, at the earliest day practicable, providing for the inspection of provisions; as also a bill establishing a table of weights and measures for this State.

Mr. Tefft offered the following resolution, which was adopted:—

Resolved, That the Committee on Military Affairs be instructed to inquire and ascertain whether citizens in California have heretofore suffered in their lives and property from Indians—whether they are at present endangered—what steps should be taken to secure citizens from this danger, and report accordingly.

Mr. Stewart, member elect from San Joaquin, appeared, was qualified, and took his seat.

Mr. Ogier, from the Committee on Commerce, reported a joint resolution authorizing the Governor to appoint Pilots for the Ports and Harbors of the State of California. The rules were suspended, and the resolution was read and adopted.

Mr. Tingley gave notice that, on Wednesday, he would introduce a bill defining the duties of Comptroller of State.

Mr. Moore introduced a resolution authorizing the Clerk of this House

to employ Assistant Clerks, should he at any time require the same, which was adopted.

Mr. Cornwall introduced a bill to incorporate the City of Sacramento, which was read the first time.

A motion to suspend the rules for a second reading was lost.

Mr. Ogier offered the following joint resolution:—

Be it Resolved, by the Senate and House of Assembly of the State of California, That the two branches of the Legislature adjourn during the Christmas week, and until the 2d day of January, 1850, at 10 o'clock A.M. On which the Ayes and Noes were called. Ayes 15; Noes 10. So the resolution was lost.

Those who voted in the affirmative were—Messrs. Brown, Cornwall, Crittenden, Creaner, Gray, Heath, Hughes, McKinstry, Moore, Moorehead, Per Lee, Stephens, Tingley, Walthall, and Speaker—15.

Those who voted in the negative were—Messrs. Aram, Baldwin, Corey, Ogier, Patterson, Randolph, Stewart, Stephens, Scott, Watson, Williams—10.

On motion of Mr. Moore,

Resolved, That this House do adjourn until next Friday, at 10 o'clock A.M. Which was adopted.

Accordingly the Speaker declared the House adjourned until that time.

HOUSE OF ASSEMBLY.

FRIDAY, *December* 28, 1849.

House met, pursuant to adjournment.

Journals of Monday read, amended, and adopted.

A message was received from the Senate, announcing their concurrence in the joint resolutions of the House in relation to the Public Printing, with certain amendments, which were concurred in by the House.

Mr. Cornwall presented a petition of sundry citizens of Sacramento City, praying for an Act incorporating said city.

Mr. Walthall, chairman of the Committee of Ways and Means,

reported that they had had under consideration the subject of a loan, which was recommitted with instructions to report a plan of raising a sum for the immediate wants of the State, and begged leave to report the original bill, with an amendment, and also a bill for a temporary loan.

The bill, entitled, "an Act authorizing a loan of money to pay the immediate demands on the Treasury, and until a permanent fund can be raised for the purpose," was read the first and second times, the rules being suspended.

Mr. Tingley moved to insert in the 1st section, after the word "State," the words, "a sum of money not to exceed two hundred thousand dollars," which was agreed to.

Mr. Watson moved further to amend, by inserting after the words "term of time," in the same section, the words, "not less than five nor more than ten years, redeemable in five years at the option of the State, payable at such place as may be agreed upon between the parties," instead of the words, "not less than six nor more than twelve months, at the option of the holder." The motion was decided in the negative.

Mr. Brackett moved to amend the 3d section, by inserting after the words, "bearing such rate of interest as may be contracted for by the parties," the words, "provided said rate of interest shall not exceed eighteen per cent. per annum," which was decided in the negative.

The bill was then passed over informally until to-morrow.

A message was received from the Senate, that they had adopted certain "joint rules and orders of the Senate and Assembly," reported by the Joint Committee on that subject, which was concurred in by the House.

The amendment to the Loan bill was read, and on motion of Mr. Watson, the bill was laid on the table.

Mr. Crittenden offered an amendment to the bill last reported by the Committee of Ways and Means, which, on his motion, laid over with the bill.

Mr. Crittenden, Chairman of the Committee on the Judiciary, reported a bill defining the duties and powers of the Treasurer of State. Also, a bill defining the duties and powers of Comptroller of State. Also, a bill entitled "an Act to organize the Supreme Court of California." As also, a joint resolution classifying the Justices of the Supreme Court.

Also, a joint resolution concerning the Public Archives; all of which were severally read the first time, and laid over.

He also reported that the Judiciary Committee, to whom was referred a preamble and joint resolutions relative to the sale of Lands and Town Lots by Alcaldes and Town Councils, had had the same under consideration, and that in their opinion the object proposed by this resolution was not within the reach of State Legislation.

On motion, the joint resolutions were indefinitely postponed.

Mr. Brown, from the committee appointed to ascertain the means of procuring suitable rooms for the standing committees of the House, made a report, which, on motion of Mr. Randolph, was recommitted, with instructions to prosecute further inquiries.

Mr. Tingley offered a joint resolution on the subject of Public Domains, which, on motion, was laid over.

Mr. Ogier offered the following resolution:—

Be it resolved, by the House of Assembly of the State of California, that the Clerk of said House be directed to furnish each member of the House with a copy of every bill offered by committees for the consideration of the House, and which shall have passed to a second reading.

Which was amended by Mr. Hughes and Mr. Cornwall so as to read, "That the Clerk of said House be directed to furnish, when called for, any member of the House with a copy of every bill reported by committees for the consideration of the House, and which shall have passed to a second reading;" which amendments were agreed to, and the resolutions adopted.

On motion, the House then adjourned until 4 o'clock P.M.

AFTERNOON SESSION.

House met, pursuant to adjournment.

The Speaker announced the "bill to incorporate Sacramento City," to be the first business in order, the bill being read a second time, by its title.

Mr. White offered a substitute as an amendment, with the following resolution, to wit:

Resolved, That the substitute offered, the original bill, the petition of a portion of the citizens of Sacramento, and all other papers and communications in reference to said bill, be referred to the Committee on Cor-

porations, with instructions to inquire into the propriety of establishing a general law on the subject of incorporated cities and villages."

The resolution was agreed to.

On motion, the House then adjourned until 10 o'clock to-morrow morning.

HOUSE OF ASSEMBLY.

SATURDAY, *December 29th*, 1849.

The House met, pursuant to adjournment.

The journal of yesterday being read and adopted, Mr. Crittenden, from the Committee on the Judiciary, reported a bill concerning the office of Attorney General.

Also, from the same committee, a bill, to exempt a Homestead from forced sale in certain cases, which were severally read the first time.

Mr. Tingley gave notice that he would on Monday introduce a bill to incorporate Sacramento City.

The Bill authorizing a temporary loan being the first business in order,

Mr. Crittenden moved to amend the 1st sec. by striking out after the words "term of time," the words "not less than six nor more than twelve months," and inserting instead "not less than six nor more than twelve years." Mr. Ogier offered an amendment to the amendment of Mr. Crittenden, which was accepted, as follows, to wit: by inserting after the word "dollars," 1st sec., the words "for a term not more than twelve nor less than six years, at the option of the Legislature."

Mr. Ogier also moved to amend by striking out the words "25th day of January, 1850, until noon," and inserting instead, the words "15th day of January, 1850, at 12 M."

Mr. Ogier also offered to amend the proviso attached to the 2d sec. by striking out all of said proviso, and inserting instead thereof the following, to wit:—

"*Provided*, however, that said Treasurer and Committeemen may receive proposals during the said time for said loan to run from six to

twelve years, payable at the pleasure of the State after six years; and shall lay all such proposals before the Legislature for their approval."

Mr. Ogier moved also to amend the 3d sec. by striking out all in the first paragraph, after the words "contracted for by the parties," and inserting instead thereof the words "and approved by the Legislature," all of which amendments were severally agreed to.

Mr. M'Kinstry moved to amend the 1st sec. by striking out before the word "proposals" the words "sealed," and to insert after the word "proposals" the word in "writing," which was agreed to.

The Bill was then ordered to be engrossed.

Mr. Cornwall presented an "Act for the incorporation of Sacramento City," with the request that it be referred to the Committee on Corporations.

The House then adjourned until 3 o'clock.

AFTERNOON SESSION, THREE O'CLOCK.

The "Act concerning the office of State Treasurer" being the first business in order, it was called up for a second reading, and, on motion of Mr. Tingley, was committed to the Committee of the Whole, and made the special order of the day for Monday next.

The "Act concerning the office of Secretary of State" was taken up, read the second time, and, on motion of Mr. Crittenden, was referred to Committee of the Whole, and made a special order of the day for Monday.

A message was received from the Governor, returning the joint resolutions which originated in this House relative to Public Printing, with his objections to the same.

On motion of Mr. Tingley, the joint resolutions were reconsidered and ordered to lie on the table.

The "Act concerning the office of Comptroller" was then taken up, read a second time, and, on motion of Mr. Crittenden, was committed to Committee of the Whole, and made a special order of the day for Monday.

The "Act organizing the Supreme Court of California" was then taken up, read a second time, and, on motion of Mr. Tingley, was committed to Committee of the Whole, and made the special order for Monday.

The "Joint Resolutions, concerning the Public Archives," were taken up, and read a second time. Mr. Tingley proposed to amend by adding a 2d sec., as follows, to wit:—

"This Joint Resolution to be in force from and after its passage, and a certified copy thereof filed in the office of the Secretary of State." The amendment was agreed to.

The "Joint Resolution classifying the Justices of the Supreme Court," was then taken up, read a second time, and, on motion of Mr. Crittenden, was amended by appending a 2d section as follows:—

"This Joint Resolution shall be in force from and after its passage, and a certified copy thereof filed in the office of the Secretary of State."

The resolutions were ordered to lie over.

The "Joint Resolutions on the subject of the Public Domain, Mineral Lands, Ports of Entry, Custom Houses, Branches of the U. S. Mint and Moneys that rightfully belong to the State of California," were taken up, read a second time, and on motion were ordered to lie on the table.

Mr. Walthall offered the following:—

Resolved, That the regular hour of meeting of the Assembly shall, until otherwise ordered, be 11 o'clock A.M; and that the Speaker vacate the Chair, and the House take a recess at 1 o'clock on each day, until 3 o'clock, without any motion, unless a motion be made and carried for a final adjournment for the day. The resolution was not adopted.

Mr. M'Kinstry offered the following, which was adopted:—

Resolved, That a committee of three be appointed to examine into the nature of any legal or moral right which may exist on the part of the State of California to any fund or funds heretofore collected, or which may be hereafter collected by any military, or revenue officers, or authority of the United States:—and that the said committee be instructed to draw up and report to this House a *Memorial* directed to the Congress of the United States, setting forth the nature of such title or claim, and urging on that body an immediate action with regard to the subject.

In accordance with said resolution, the Speaker appointed Messrs. M'Kinstry, Hughes, and Martin said committee.

On motion, the House then adjourned until 11 o'clock A.M., on Monday.

HOUSE OF ASSEMBLY.

MONDAY, *December* 31, 1849.

House met pursuant to adjournment.

The Journals of Saturday were read and adopted.

On motion of Mr. Walthall, the House took up the engrossed "Bill to authorize a Loan of money to pay the immediate demands on the Treasury until a permanent fund can be raised for that purpose," which was read the third time, and upon the question, "Shall the bill pass?" it was decided in the affirmative.

The House took up the bill, "Concerning the office of Attorney General," which was read the second time, and on motion was referred to a Committee of the whole House, and made the special order of the day for Wednesday next.

The House took up the bill, "To exempt Homesteads from forced sales in certain cases," and the same being read the second time was committed, and made the special order of the day for Friday next.

Mr. Tingley, from the Committee on Public Buildings, reported a bill "authorizing the Secretary of State, Comptroller of State, Treasurer of State, and Attorney General, to rent offices and procure the necessary office furniture for their respective offices," which was read the first time.

Mr. Tingley presented the petition of a number of citizens of the City of Sacramento, praying a charter for said city, which was referred to the Committee on corporations without being read.

On motion, the House then went into a Commitiee of the whole, Mr. Creaner in the chair, on the bill concerning the office of State Treasurer, and also the bill concerning the office of Secretary of State.

After some time spent therein, the Committee rose, the Chairman reported said bills back to the House with sundry amendments, and recommended their passage.

On motion of Mr. Creaner, the bills were ordered to lie upon the table, for the present.

The House then adjourned until 11 o'clock on Wednesday next.

HOUSE OF ASSEMBLY.

WEDNESDAY, *January* 2, 1850.

House met pursuant to adjournment.

The Journal of Monday was read and approved.

Upon calling the roll of the House, the following members were absent, to wit: Messrs. Baldwin, Biglow, Cardwell, Cornwall, Crittenden, Creaner, Gray, Heath, Hughes, Martin, Ogier, Patterson, Per Lee, Stevens, Stowell, Van Benschoten, Watson, and Witherby.

Messrs. Stevens, Martin, and Cornwall were excused, and granted leave of absence for a few days.

Mr. Bigler was also excused from attendance on account of severe illness.

On motion of Mr. Tingley the House took up the Joint Resolutions of the House of Assembly and Senate in relation to the Public Printing of the State, which had been returned by the Governor with his objections to the same.

Upon the question, "Shall the resolution pass, the objections of the Governor to the contrary notwithstanding?" the yeas and nays being ordered, it was decided in the negative.

The vote stood—yeas 1. Nays 20.

In the affirmative was Mr. Cardwell—1.

Those who voted in the negative were—Messrs. Aram, Bradford, Brackett, Brown, Corey Covarubias, Creaner, Gray, McKinstry, Morehead, Moore, Ogier, Patterson, Randolph, Scott, Stewart, Teft, Tingley, Walthall, Williams—20.

On motion of Mr. Tingley, the House then resolved itself into a Committee of the Whole Mr. Tingley in the chair, on the bill concerning the office of Comptroller, and after having spent some time thereon, the Committee rose, and the Chairman reported said bill back to the House with sundry amendments, which were concurred in by the House, and the bill ordered to be engrossed.

A message was received from the Senate by their Secretary, Mr. Howe, informing the House that they had passed the bill of the House, "Authorizing a loan of money to pay the immediate demands on the Treasury until a permanent fund can be raised for that purpose," with sundry amendments in which they asked the concurrence of the Assembly.

The amendments being read, on motion of Mr. Walthall, the House concurred therein.

The same message informed the House that the Senate had passed a bill creating the office of State Printer.

Which, on motion of Mr. Tingley, was taken up and read the first time.

The House then took up the Joint Resolutions concerning the Public Archives, which were read a third time and passed.

The Joint Resolution classifying the Justices of the Supreme Court was then taken up, read a third time, and passed.

The bill authorizing the officers of State to procure rooms and necessary furniture for their respective offices, was taken up, read the second time, and amended as follows, to wit:—

Mr. Creaner moved to amend the first section by inserting after "Treasurer," Surveyor General—agreed to.

Mr. Ogier moved further to amend the same section by striking out the words "in the Pueblo de San José"—agreed to.

Mr. Hughes moved further to amend same section by authorizing the Secretary of State to purchase all necessary stationery, &c., for said offices.

Mr. Tingley offered an amendment to the amendment (which was accepted) as follows: insert after the words "for his office," latter part of the section the following: "and all necessary books, paper, and stationery for the same."

No further amendments being offered, the bill was ordered to be engrossed.

A message was received from the Senate, by their Secretary, informing the House that they had passed a substitute for the Joint Resolutions of the House to authorize the Governor to appoint pilots for the ports and harbors of the State of California, in which they requested the concurrence of the House.

On motion, the House then adjourned until 11 o'clock to-morrow morning.

HOUSE OF ASSEMBLY.

THURSDAY, *January* 3, 1850.

House met pursuant to adjournment.

On calling the roll the following members were absent, to wit:—Messrs. Cornwall, Corey, Covarubias, Heath, Martin, Ogier, Per Lee, Randolph, Stevens, Van Benschoten, and Williams.

The Journal of Wednesday was read and approved.

Mr. Walthall, from the Committee on Ways and Means, reported a "Bill prescribing the Duties of the Comptroller of State," which was read the first time.

Mr. Crittenden, from the Committee on the Judiciary, reported a "Bill to exempt certain Property from Forced Sale," which was read the first time.

Mr. Brackett, from the Committee on Military Affairs, to whom was referred the Resolution of the House concerning Murder and Depredations committed by Indians in this State, reported:

"That they had the same under consideration, and that they had learned generally that murders and depredations have been committed, but have not learned the names of the persons murdered, nor the amount of the depredations committed, nor the places and times at which such acts of violence occurred.

"And, under the circumstances, do not think it necessary to recommend any specific mode of action in the premises, believing that the officer commanding the United States troops in this State will adopt proper measures for the protection of the inhabitants of this State, whenever suitable representations are made to him."

The Report was read and adopted by the House.

The House went into Committee of the Whole, Mr. Tingley in the chair, on the "Bill concerning the Office of Attorney General," and, after remaining some time therein, the Committee rose, and the Speaker having resumed the Chair, Mr. Tingley, from the Committee, reported the Bill to the House with the amendments thereto, and recommended its passage.

The House took up the amendments, and the same being adopted, the Bill was ordered to be engrossed.

The House took up the Bill of the Senate in relation to the Appointment of Pilots for the Ports and Harbors of California, and passed by

that body as a substitute of the Joint Resolutions of the House of a similar nature.

Sundry amendments having been offered and agreed to, on motion of Mr. Randolph, the Bill and amendments were referred to a special Committee consisting of the San Francisco and Monterey Delegations.

The House then adjourned until 3 o'clock this afternoon.

THREE O'CLOCK P.M.

House met pursuant to adjournment.

The Speaker announced Messrs. Bradford and Stowell as the Committee on Enrolled Bills.

Mr. Stowell, from the Committee to whom was referred a Bill in relation to the Appointment of Pilots for the different Ports and Harbors of California, reported the same to the House with amendments. The House took up the amendments, which being read and adopted, the Bill was ordered to be engrossed.

The House took up the Bill of the Senate to create the Office of State Printer, and define his Duties; which, being read the second time and amended, was ordered to be engrossed.

A Message was received from the Senate by their Secretary, informing the House that Messrs. Robinson and Vallejó had, in accordance with the seventh Joint Rule of the two Houses, been appointed on the part of the Senate as the Joint Committee on Enrolled Bills.

The House took up the engrossed Bill concerning the office of Comptroller, which was read the third time, and passed under the title thereof.

The House took up the engrossed "Bill authorizing the Secretary of State, Comptroller, Treasurer, Surveyor General, and Attorney General to rent offices, and procure the necessary furniture for their respective offices." The bill was read the third time and passed.

The House took up the "Bill concerning the office of Treasurer;" and the amendments made thereto by the Committee of the Whole House were severally concurred in; and, having been further amended, it was ordered to be engrossed.

The House took up the "Bill concerning the office of Secretary of State," and the amendments made to the same in Committee of the Whole; which being severally concurred in, and the Bill further amended,

On motion of Mr. Hughes, it was ordered to lie on the table, and was made the Special Order of the Day for Monday next.

Mr. Brackett offered a Resolution, that Mr. G. W. Crane be allowed the regular mileage, and per diem pay during the time he was prosecuting his claim to a seat in this body, and until the first Report of the Committee on Contested Elections was made.

The Resolution was agreed to.

The House then adjourned until 11 o'clock to-morrow morning.

HOUSE OF ASSEMBLY.

FRIDAY, *January* 4, 1850.

House met, pursuant to adjournment.

On calling the roll, Messrs. Aram, Brackett, Cornwall, Gray, Heath, Martin, McKinstry, Patterson, Per Lee, Stevens, Van Benschoten, Watson, and Williams, were present.

The journal of yesterday was read and approved.

Mr. Bigler presented the petition of A. P. Brooks, Administrator of Chester Ingersoll, deceased, in relation to the estate of said Chester Ingersoll, which was read, and also reported a "Bill to authorize the sale of the real estate of the decedents," which were referred to the Committee on the Judiciary.

Mr. Crittenden, from the Committee on the Judiciary, reported a "Bill concerning the official bonds of officers," which was read the first time.

Mr. Tingley offered the following preamble and resolution, to wit:—

Whereas, it has been properly made known to this House, that John Warrington, Doorkeeper, absented himself without leave during business hours of the House, to participate in, or witness a brutal prize fight, &c. Therefore,

Resolved, That said John Warrington be, and is hereby, dismissed from the office of Doorkeeper of the present Assembly.

Mr. Watson offered as a substitute therefor, a resolution asking that a committee of three be appointed to inquire what members or officials of

this House attended the pitched battle of yesterday, and their deportment on said occasion.

Mr. Brackett proposed to amend the same by adding "also the bull fight which took place on Sunday last."

On motion, the resolution, substitute, and amendment, were laid upon the table for the balance of the Session, by a vote of Yeas, 16; Nays, 7.

Those who voted in the affirmative were—Messrs. Aram, Baldwin, Bigler, Brackett, Corey, Covarubias, Gray, Moore, Morehead, Scott, Stewart, Stowell, Tefft, Tingley, Watson, and Witherby—16.

Those who voted in the negative were—Messrs. Bradford, Brown, Cardwell, Hughes, Ogier, Walthall, and Speaker—7.

Mr. Randolph offered the following resolution, to wit:—

Resolved, That the Committee on the Judiciary be instructed to report, at the earliest day, a bill for the suppression of prize fights, bull fights on the Sabbath, and other brutal exhibitions, which was amended as follows:—Also, to inquire into the propriety of suppressing bull fights on other days.

Mr. Hughes proposed to amend the same by striking out "bull fights."

Whereupon the Yeas and Nays were required to be recorded, and the vote stood, Yeas 9; Nays 15.

Those who voted in the affirmative were—Messrs. Brackett, Cardwell, Covarubias, Creaner, Hughes, Patterson, Stewart, and Watson.

Those who voted in the negative were—Messrs. Aram, Baldwin, Bigler, Bradford, Brown, Corey, Gray, Moore, Morehead, Ogier, Randolph, Scott, Stowell, Tefft, Tingley, Walthall, and the Speaker.

So the motion to strike out was lost.

Mr. Baldwin moved to strike out "prize fight," which was also lost; whereupon, the Yeas and Nays were required to be recorded, and the vote stood, Yeas 1; Nays 25.

Voting in the affirmative, Mr. Baldwin—1.

Those who voted in the negative were—Messrs. Aram, Bigler, Brackett, Bradford, Brown, Cardwell, Corey, Covarubias, Creaner, Crittenden, Gray, Hughes, Moore, Morehead, Ogier, Patterson, Randolph, Scott, Stowell, Tefft, Tingley, Walthall, Watson, and Speaker—25.

The resolutions being put to the House, were adopted.

The following message was received from the Senate, by their Secretary, to wit:—

I am directed by the Senate to inform the Assembly, that they have passed the joint resolution of the Assembly concerning the Public Archives, with amendments, changing the title and form to that of a bill.

On motion of Mr. Morehead,

Resolved, That the chief clerk of this House be required to have each table furnished with all bills which shall have passed to a second reading, and that, if it be necessary, he be allowed to employ two other clerks.

And, on motion of Mr. Tingley, the same was amended by adding, "and that said clerks, in copying bills, shall number in numerical order each line of every section of said copies, also give the number of the bill, and from what person or committee reported."

The House took up the engrossed bill in relation to the appointment of Pilots in the different Ports and Harbors of California, which was read the third time, and passed.

The House went into Committee of the Whole, Mr. Tingley in the chair, on the "bill to exempt the Homestead from forced sales in certain cases;" and having remained some time therein, the committee rose.

Mr. Tingley reported the same to the House, and moved it be made the special order of the day for Thursday next, which was agreed to.

The House took up the message of the Senate, in relation to the resolution of the House concerning the Public Archives, and concurred therein.

The House took up the bill of the Senate, to "create the office of State Printer, and define his duties." And upon the question, "Shall this bill pass?" the Yeas and Nays were required to be recorded, and

Those who voted in the affirmative were—Messrs. Aram, Baldwin, Bigler, Brown, Cardwell, Corey, Covarubias, Gray, Hughes, McKinstry, Patterson, Randolph, Scott, Stewart, Stowell, Tefft, Tingley, Walthall, and the Speaker—19.

Those who voted in the negative were—Messrs. Brackett, Creaner, and Ogier—3.

The bill passed.

The House took up the engrossed bill concerning the office of State Treasurer, and the same being read the third time, on motion of Mr. Tingley, was referred to the Committee on the Judiciary, with instructions to insert certain amendments to the same.

The House took up the bill concerning the office of Attorney General,

which was read the third time, and upon the question, "Shall the bill pass?" it was decided in the affirmative. Yeas 23. Nays 0.

Those who voted in the affirmative were—Messrs. Aram, Baldwin, Bigler, Bradford, Brown, Cardwell, Corey, Covarubias, Creaner, Gray, Hughes, McKinstry, Morehead, Ogier, Patterson, Randolph, Scott, Stewart, Stowell, Tefft, Tingley, Walthall, Witherby, and the Speaker —23.

Mr. Ogier, from the Committee on the Judiciary, reported to the House the bill concerning the office of State Treasurer, with an amendment. The House took up the report, and agreed thereto. The bill was read the third time, and passed.

Upon the passage of the bill, the yeas and nays being recorded were —yeas 22; nays 0.

Those who voted in the affirmative were—Messrs. Aram, Bigler, Bradford, Brown, Cardwell, Corey, Covarubias, Creaner, Gray, Hughes, McKinstry, Morehead, Ogier, Patterson, Randolph, Scott, Stewart, Stowell, Tefft, Tingley, Walthall, and the Speaker.

The House took up the bill to exempt certain property from forced sale, which was read the second time, and laid on the table for the present.

Mr. Walthall offered the following resolution, to wit:

Resolved, That the regular hours of meeting of the House be 11 o'clock A.M., and that the Speaker vacate the chair without a motion at 1 o'clock until 2 o'clock P.M., unless a motion be made to adjourn finally for the day.

For which Mr. Baldwin offered the following as a substitute, to wit:

Resolved, That the House of Assembly convene each day (Sundays excepted) at the hour of 11 o'clock A.M. and remain in session until 3 o'clock P.M., unless otherwise especially adjourned.

Upon the adoption of the substitute in lieu of the original resolution, the yeas and nays were demanded.

Those who voted in the affirmative were—Messrs. Aram, Baldwin, Bigler, Brackett, Brown, Cardwell, Corey, Covarubias, Creaner, Gray, Hughes, McKinstry, Ogier, Patterson, Scott, Stewart, Tefft, and the Speaker—18.

Those who voted in the negative were—Messrs. Bradford, Morehead, Randolph, Stowell, Tingley, and Walthall—6.

So the substitute was adopted.

The House then adjourned until 11 o'clock to-morrow morning.

HOUSE OF ASSEMBLY.

SATURDAY, *January 5th*, 1850.

House met pursuant to adjournment.

On calling the roll, Messrs. Cornwall, Covarrubias, Crittenden, Heath, Martin, McKinstry, Pearce, Stewart, Watson, Williams, and Witherby, were absent.

The journal of yesterday was read and approved.

The House took up the resolution in relation to the hour of meeting and adjournment.

Mr. Tingley proposed to amend it by striking out 11 o'clock and inserting 10 o'clock A.M. The House refused to strike out; the resolution was then agreed to in the following form, to wit:—

Resolved, That the House of Assembly convene each day (Sundays excepted), at the hour of eleven o'clock A.M., and remain in session until 3 o'clock P.M., unless otherwise especially adjourned.

Mr. Stowell, from the Committee on Enrolled Bills, reported as correctly enrolled, "an Act concerning the Public Archives," also, "an Act authorizing a loan of money to pay the immediate demands on the Treasury until a permanent fund can be raised for that purpose," which report was received by the House.

Mr. Bigler gave notice that he would on Wednesday next introduce a bill placing in the hands of the Governor a sum of money to be expended by him, if deemed necessary, in relief of the expected emigration of the present year.

Mr. Bradford gave notice that on Monday next he would introduce a "Bill for an Act fixing the time for Acts and Joint Resolutions to take effect."

Mr. Tingley gave notice that on Monday, or some early day, he would present a memorial and joint resolution on the subject of affording aid to emigrants to the State of California.

On motion of Mr. Crittenden,

Resolved, That the Committee on the Judiciary be authorized to employ a clerk wherever in their opinion it may be required.

The House took up the "Bill concerning the official bonds of Officers," which was read the second time, referred to the Committee of the Whole House, and made the special order of the day for Tuesday next.

The House took up the "Bill prescribing the duties of the Comptroller

of State," which was read the second time, referred to the Committee of the Whole House, and made the special order of the day for Wednesday next.

A motion to take the "Bill exempting certain property from forced sale" from the table, was decided in the negative.

Mr. Crittenden moved to reconsider the decision of the House so that said bill might be referred to Committee of the Whole, and made the special order for Thursday next. Decided in the affirmative.

When, on motion of Mr. Hughes, the "Bill" was taken up and referred accordingly.

The House then adjourned till 11 o'clock Monday morning.

HOUSE OF ASSEMBLY.

MONDAY, *January 7th*, 1850.

House met pursuant to adjournment.

On calling the roll the absentees were—Messrs. Aram, Baldwin, Brackett, Cornwall, Covarubias, Creaner, Crittenden, Heath, Hughes, Martin, McKinstry, Per Lee, Stevens, Van Benschoten, Watson, and Williams.

The journal of Saturday was read and approved.

Mr. Tingley introduced a Preamble and Resolution, in accordance with a previous notice on the subject of aiding emigrants to the State of California by the overland route, which was read the first time.

In accordance with previous notice, Mr. Bradford introduced a "Bill, fixing the time for Acts and Joint Resolutions to take effect," which was read the first time.

Mr. Bigler introduced a "Bill, to provide for the creation of Corporations," which was read the first time, and referred to the Committee on Corporations.

A message was received from the Senate, by their Secretary, informing the House of the concurrence of the Senate in the amendments of the House to the "Bill in relation to the appointment of Pilots for the different ports and harbors of California," and also to the "Bill creating the office of State Printer."

The House took up the special order of the day, which was a "Bill concerning the office of the Secretary of State," and on motion the

House went into Committee of the Whole, Mr. Bigler in the chair, and after being sometime therein the committee rose, and the Speaker having resumed the chair, Mr. Bigler, from the committee, reported the bill to the House as amended. The House took up the report and agreed thereto, and the bill was ordered to be engrossed for a third reading.

Mr. Stowell, from the Committee on Enrolled Bills, reported, that the Joint Committee on Enrolled Bills presented to the Governor on Saturday the 5th instant, a bill, entitled, "an Act authorizing a loan of money to pay the immediate demands on the Treasury, until a permanent fund can be raised for that purpose."

Also, a bill entitled "an Act concerning the Public Archives," which was read and adopted by the House.

On motion of Mr. Tingley,

Resolved, That the Committee on Public Buildings be authorized to receive and report to this House propositions donating to the State land on which to erect State Buildings, as also all propositions donating to and constructing the same.

Mr. Crittenden, from the Committee on the Judiciary, to whom were referred the petition of Chester Ingersoll, and a bill to authorize the sale of the real estate of decedents, reported unfavorably thereto, and asked to be discharged from the further consideration of the said petition and bill. The report was adopted by the House.

The House then adjourned until 11 o'clock to-morrow morning.

HOUSE OF ASSEMBLY.

TUESDAY, *January* 8, 1850.

House met, pursuant to adjournment.

The Journal of yesterday was read and approved.

The House took up the bill "fixing the time for Acts and Joint Resolutions to take effect," which was read the second time, and, on motion of Mr. Tingley, was referred to the Committee on the Judiciary, with instructions to insert a section declaring when the Act itself shall take effect.

The House took up the preamble and resolutions on the subject of "aiding emigrants to California by the overland route," which was read the second time.

The House resolved itself into a Committee of the Whole, Mr. Tingley in the Chair, on the special order of the day, which was a bill "concerning the official bonds of the officers of this State," and having remained some time therein, and the bill being read by sections and amended, the committee rose, and reported the bill to the House, with amendments. The House took up the bill as amended, and, on motion, it was referred, with the amendments, to the Committee on the Judiciary.

Mr. Randolph offered the following resolution, which was read and adopted:—

Resolved, That the Committee on Public Buildings be instructed to confer with the similar Committee on the part of the Senate, to ascertain the practicability of obtaining one of the smaller rooms in this State House, to be set apart for the use of the Committee on the Judiciary; and if such room can be obtained, that they be further instructed to cause the same to be fitted up with all necessary furniture for the use of said committee.

Mr. Randolph presented the petition and recommendation of Judge Wm. B. Almond to the Legislature, for election as Judge for the District of San Francisco, which was read.

Mr. Watson was excused from the duties of the House for one week, on account of ill health.

A message was received from the Senate, by their Secretary, informing the House that the Governor had signed bills originating in the Senate, entitled, "an Act relative to the appointment of Pilots in the different Ports and Harbors of California," and "an Act to create the office of State Printer."

The House then adjourned until 11 o'clock to-morrow morning.

HOUSE OF ASSEMBLY.

WEDNESDAY, *January 9th*, 1850.

House met, pursuant to adjournment.

The calling of the roll was dispensed with.

The journal of yesterday was read and approved.

The following message was received from the Senate by their Secretary, to wit:—

Mr. SPEAKER:—

I am directed by the Senate to inform the Assembly, that they have passed the bill of the House, entitled "an Act concerning the office of Attorney General" with sundry amendments, to wit:—

1st. Insert in Section 3d, after the words "Surveyor General," the words "State Printer, the Trustees, or Commissioners of any State Hospital or Asylum."

2d. Insert, in the enacting clause, the word "represented," so as to make it read "represented in Senate and Assembly," &c.

3d. Insert the word "is" between the words "judgment" and "obtained," in the thirteenth line of the 2d section."

4th. Insert the words "it is" after the word "opinion," in the second line of the 6th Section.

5th. Insert the words "shall be" before the word "prescribed," in the second line of Section 8th, so as to make it read "The Attorney General shall receive such compensation as *shall be* prescribed by law."

6th. Substitute the word "this" for the word "the," at the beginning of the 9th section, and transpose the words "certified" and "thereof," in the same section, so as to make the section read "This Act shall be in force from and after its passage, and a certified copy thereof filed in the office of the Secretary of State."

Also, that they have passed bills, Nos. 4, 5, and 6, originating in the Senate, to declare the Cholome, San Joaquin, and Mockelume rivers, navigable streams.

Also, that they have passed the bill of the Assembly, entitled "an Act concerning the office of Comptroller," with amendments, to wit:—

1st, By the insertion, after Section 14th, of an additional section, as Section 15th, as follows:—

"Section 15th. The office of Comptroller shall be opened, for the transaction of business, from 10 o'clock A.M. to 2 o'clock P.M., of every day of the year, Sundays excepted."

2dly, By striking out the title of Section 15, and substituting therefor the words "Sec. 16."

Also, that they have passed the Bill of the Assembly, entitled "an Act concerning the office of State Treasurer," with amendments, to wit:—

Inserting the word "Law," in Section 9th, after the word "by," and before the word "to," in the third line from the conclusion of the section.

2dly, Inserting the word "by" before the word "law," in the last line of Section 10.

Also, that they have passed a Joint Resolution, No. 3, originating in the Senate, entitled "a Joint Resolution to authorize the Governor to employ a private Secretary."

Also, that they have passed a Joint Resolution, No. 8, originating in the Senate, fixing this day (Wednesday) at 12 o'clock, for the election, by the joint vote of the two Houses, of a State Printer.

In all of which, the Senate request the concurrence of the Assembly.

J. F. HOWE,
Secretary of the Senate.

Mr. Crittenden, from the Committee on the Judiciary, to whom was referred the bill fixing the time for Acts and joint resolutions to take effect, reported the same to the House, with an amendment, which was the insertion of an additional section. The House took up the report of the committee and agreed thereto; the bill was read the second time, and ordered to be engrossed for a third reading.

Mr. Crittenden, from the Committee on Corporations, made the following report:—

The Committee on Corporations, to whom were referred "a bill incorporating Sacramento City," and "a bill to amend the amended charter of the City of Sacramento, with instructions to inquire into the propriety of passing a general law on the subject of incorporated cities and villages," have instructed me to report to the House, and recommend the passage of the accompanying bills, entitled "a bill to incorporate Sacramento City," and "a bill to provide for the incorporation of towns."

Satisfied, as your Committee are, of the convenience and advantage of a general law, in endeavoring to frame one, they have encountered difficulties which appear to be insurmountable, arising from the necessary and unavoidable differences between a municipal organization, adapted to the government of a small inland village, and that intended for the government of a large commercial sea-port town.

While, in the opinion of the committee, it is not practicable by a single act to provide for the incorporation of all towns and cities, wherever situated, and whatever may be their population, they believe that by the passage of a bill similar to that which is herewith reported, most of the advantages of a general law will be secured, and the evils consequent upon the necessity of a special act in each particular case, will be in a great degree avoided.

This bill will afford to almost all the villages and towns of the State a charter suited to their circumstances.

There are very few which will require or should be allowed a special incorporation.

It will save the time and labor of the Legislature, which must otherwise be devoted to subjects of this character; it will enforce uniformity in the system of town government as far as seems practicable; and it will possess the advantage of enabling the people themselves to obtain an organization without awaiting the action of the Legislature, an all-important advantage in a country, where villages and towns are springing up with unexampled rapidity.

Believing that this bill goes as far towards attaining all the benefits of a general law as it is possible to go, your Committee earnestly recommend its passage.

The report was read and adopted by the House.

The bill incorporating Sacramento City, and bill to provide for the incorporation of towns, were, on motion of Mr. Tingley, severally read the first and second times by title.

The House took up the resolution of Senate, relative to the election of State Printer, on to-morrow the 9th instant at 12 o'clock M., and concurred therein.

Mr. Stowell from the special committee, to whom was referred the communication of Col. Jonathan D. Stevenson, presenting the flags of the late 1st regiment of New York Volunteers, presented a letter addressed by the committee to Col. Stevenson, which was read; a copy thereof was ordered to be sent to him, and one also placed upon the journals of this House.

The letter was in the following words:—

SAN JOSÉ, *December* 22*d*, 1849.

COL. JONATHAN D. STEVENSON.

Sir:

In behalf of the House of Assembly of the State of California, we are directed to make known to you their acceptance of the beautiful flags of the late 1st regiment N. Y. Volunteers, presented with your note of this date—and to express to you their grateful sense of the value of the donation.

A flag, to be glorious, needs not to be rent and soiled in battle. If its contemplation lead back the minds of men to scenes of patient and patriotic endurance, to the exercise of official and self discipline, to the practice of justice, humanity, and kindness towards enemies, it is fit that the emblem of these virtues should be free from spot and blemish.

The Assembly appreciates the gallantry of your corps, and feels assured, that in the cultivation of the social relations and the conquest of the hearts of the people, your command has gained renown, and has done the State good service.

These standards will be cherished and gazed on with pride and pleasure by the people of this State. To the American they speak his country's recorded history. To the Californian they are not objects of malediction. They illustrate a happy union consummated beneath their folds.

We have the honor to be,
Very respectfully,
Your obedient servants.
L. STOWELL,
Chairman of Committee.

A message was received from the Senate by their Secretary, informing the House that the Senate having found themselves without a quorum, had adjourned until eleven o'clock to-morrow morning.

The House took up the "Preamble and Joint Resolution on the subject of aiding emigrants to the State of California by the overland route," which was read the third time and agreed to by the House.

The House took up the special order of the day, to wit: The engrossed bill prescribing the duties of Secretary of State, which was read the third time and passed.

The House took up the amendments of the Senate to the bill of the

House concerning the office of Attorney General, and refused to concur in their amendments, except the amendments to the 8th section of the bill, which amendment was the insertion of the words "shall be" before the word "prescribed" in the second line of said section, and the amendment of the enacting claim by inserting the word "represented" so as to make it read "represented in Senate and Assembly," &c.

The House went into Committee of the whole, Mr. Tingley in the chair, on the further special order of the day, which was a bill "prescribing the duties of Comptroller of State," and having remained some time therein, the Speaker resumed the chair, and Mr. Tingley, from the Committee of the whole, reported the bill to the House, with amendments. The House took up the report, and on motion of Mr. Crittenden the bill and amendments were recommitted to the Committee on Ways and Means, with instructions to inquire into the propriety of reporting a general act to provide for the collecting, safe keeping, and disbursment of the public money, &c.

Messrs. Ogier and Baldwin had leave of absence for a few days from the services of the House on special business

Mr. Brown offered the following resolution, to wit: —

Resolved, That permission be given to the clergy of this City to hold Divine service in this hall on Sabbath days, and the same being read, Mr. Hughes proposed to amend by inserting after the word "Divine," the word "Catholic." It was proposed further to be amended by adding at the end of the resolution "whenever the Speaker of the House may think proper to grant such permission."

On motion to lay the original resolution and amendments on the table, the yeas and nays were demanded.

Those who voted in the affirmative were—Messrs. Bigler, Brackett, Cardwell, Crittenden, Hughes, and Moore—6.

Those who voted in the negative were—Messrs. Aram, Baldwin, Bradford, Corey, Covanddias. McKinstry, Morehead, Ogier, Randolph, Scott, Stowell, Tefft, Tingley, Walthal, Witherby, and Speaker—18.

So the House refused to lay the resolution upon the table.

The amendment offered by Mr. Hughes being then considered, was rejected by the House.

The resolution was then agreed to.

And the House adjourned until to-morrow morning at 11 o'clock.

HOUSE OF ASSEMBLY.

THURSDAY, *January* 10, 1850.

At the hour of meeting of the House of Assembly, the Speaker being absent in consequence of the indisposition of his family, on motion of Mr. McKinstry, Mr. Bigler was called to the chair.

Upon the call of the roll of the House, Messrs. Aram, Baldwin, Brackett, Cornwall, Covarubias, Creaner, Heath, Martin, Morehead, Ogier, Per Lee, Stephens, Van Benschoten, Watson, and Williams were absent.

There not being a quorum present, the Sergeant-at-Arms was instructed by the House to find the absentees and compel their attendance.

A quorum afterwards appearing, the journal of yesterday was read.

On motion of Mr. Creaner, the House proceeded to the election of a speaker *pro tem.* Messrs. Creaner and Walthall being appointed tellers, and the roll being called and the votes taken, it appeared that the Hon. John Bigler, of the district of Sacramento, was duly elected Speaker *pro tem.* of the House of Assembly, he having received, as reported by the tellers, 17 votes. Mr. Crittenden 2.

The journal was then corrected and approved.

On motion of Mr. Tefft, the House re-considered so much of its action of yesterday as relates to its concurrence in the Senate's resolution fixing the election of State Printer for that day the 9th instant at 12 o'clock M., and the same being re-considered, 12 o'clock M. this day the 10th instant was substituted for the time before specified, and the clerk was directed forthwith to inform the Senate of the action of the House in relation thereto.

Mr. Bradford presented the petition of certain citizens of Benicia, with a charter for said City.

On his motion, the reading of the charter and petition was dispensed with, and they were referred to the Committee on Corporations.

Mr. Crittenden, from the Committee on the Judiciary, to whom was recommitted a "Bill concerning the Official Bonds of Officers," reported the same to the House with certain amendments, which were read.

The House went into Committee of the Whole, Mr. Bradford in the chair, on the special order of the day, which was a "Bill to exempt a Homestead from forced sale in certain cases;" and having spent some

time therein, the Committee rose, the Speaker resumed the chair, and Mr. Bradford, chairman, reported progress, and asked leave to sit again.

Leave was granted.

A Message from the Senate by their Secretary was received, informing the House that the Senate had concurred in the amendment of the House to the Joint Resolution of the Senate in relation to the time of going into the election of State Printer.

When, on motion of Mr. Tingley, it was

Resolved, That the Senate be requested to attend instanter in the Hall of the House of Assembly, to proceed to the election of State Printer.

The Sergeant-at-Arms of the Senate announced the President and members of the Senate.

IN CONVENTION.

The Convention was called to order by the President of the Senate, who announced the object of the meeting of the two Houses to be the election of State Printer.

Nominations being called for,

Mr. Lippincott named Mr H. H. Robinson.

No other name being mentioned, the Convention proceeded to an election; and the vote stood, as reported by the tellers:

For Mr H. H. Robinson 34 votes.

The President declared that H. H. Robinson, having received the unanimous vote of the Convention, was duly elected State Printer for the term of two years, and until his successor was duly elected and qualified.

The members of the Convention voting for Mr. Robinson were, of the Senate—Messrs. Bassham Bidwell Chamberlin, Crosby, De la Guerra, Douglass, Hope, Lippincott Robinson, Taylor, and Vallejó.

The members of the House voting for Mr. Robinson were—Messrs. Brackett, Bradford, Brown, Cardwell, Corey, Covarubias, Creaner, Crittenden, Gray, Hughes McKinstry, Morehead, Moore, Patterson, Ran-

dolph, Scott, Stewart, Stowell, Tefft, Tingley, Walthall, Watson, Witherby, and Speaker.

The President and members of the Senate then withdrew.

On motion, the House resumed the consideration of the special order of the day, to wit: the "Bill to exempt a Homestead from Forced Sale in certain cases," and again went into Committee of the Whole, Mr. Bradford in the chair; and, having remained some time therein, the Speaker resumed the chair, and Mr. Bradford, from the Committee, reported the bill to the House with amendments.

Mr. Corey gave notice that, on to-morrow or soon thereafter, he would introduce a Bill to incorporate the City of San José.

The House then adjourned until 11 o'clock to-morrow morning.

HOUSE OF ASSEMBLY.

FRIDAY, *January* 11, 1850.

House met pursuant to adjournment.

The roll being called, Messrs. Baldwin, Brackett, Corey, Covarubias, Heath, Martin, Ogier, Per Lee, Randolph, Scott, Stevens, Watson, Williams, Witherby, and the Speaker were absent.

There not being a quorum present, the Sergeant-at-Arms was instructed by the House to compel the attendance of absentees.

A quorum appearing,

The Journal of yesterday was read, and several inaccuracies being found therein, it was ordered to be corrected; and,

On motion of Mr. Tefft,

Resolved, That the Clerk of this House of Assembly is hereby authorized to take such steps as he may deem necessary, by the appointment of additional Clerks or otherwise, so as to secure hereafter the proper and correct journalizing of the proceedings of the body.

On motion of Mr. Crittenden,

Resolved, That a Committee of three be appointed by the Speaker, charged with the duty of comparing all engrossed Bills with the origin-

als, and correcting the same in matters of form; which was agreed to, and the Speaker announced Messrs. Creaner, Tingley, and Morehead as the Committee.

On motion of Mr. Wardhall,

Resolved, That the Clerk be instructed to inform the Senate and the Governor of the absence of the Speaker of Assembly, and that the Hon. John Bigler, a member from Sacramento District, has been elected Speaker *pro tem.* during the Speaker's absence.

On motion of Mr. Tingley, the House resolved itself into Committee of the Whole, Mr. Bradford in the chair, to resume the consideration of the unfinished business of yesterday, which was the "Bill exempting Homesteads from Forced Sale in certain cases."

Having spent some time therein, the Committee rose, and through their Chairman reported progress, and asked leave to sit again.

Agreed to.

The following Message was then received from the Governor by W. V. Voorhies, Secretary of State:

TO THE ASSEMBLY:

I have this day signed the following Bills, to wit:

1. "An Act concerning the Public Archives."

2. "An Act authorizing a Loan of Money to pay the immediate demands on the Treasury until a permanent fund can be raised."

PETER H. BURNETT,
Governor of California.

January 5, 1850.

The Message was read.

On motion of Mr. Morehead, the House again resolved itself into Committee of the Whole on the "Bill to exempt a Homestead from Forced Sale in certain cases," Mr. Bradford in the chair; and, having spent some time therein, the Committee rose, and the Speaker having resumed the chair, Mr. Bradford, from the Commitee, reported the Bill back to the House with amendments, and asked leave to sit again.

Leave was granted.

A communication from the State Printer was then laid before the House by the Speaker, informing the Assembly that he had a portion

of his materials here, and was prepared to execute such printing as might be required by either branch of the Legislature.

The House then adjourned until 11 o'clock to-morrow morning.

HOUSE OF ASSEMBLY.

Saturday, January 12th, 1850.

Prayer by Rev. Mr. Douglass.

The roll was called, and the following members were absent:—Messrs. Baldwin, Bradford, Cornwall, Heath, Hughes, Martin, Morehead, Ogier, Per Lee, Randolph, Stephens, Van Benschoten, Watson, Williams, and White.

A quorum being present, the Journal was read and approved.

On motion of Mr. Tingley, the Journal of Thursday, the 10th inst., was read, corrected, and approved, *nunc pro tunc*.

Mr. Walthall, from the Committee of Ways and Means, to whom was referred "a Bill prescribing the duties of Comptroller of State," reported the same back to the House, with amendments, and moved the same be laid on the table for the present, which was agreed to.

Mr. McKinstry offered the following resolution:—

Resolved, That the Sergeant-at-Arms be directed to procure from the post-office, and lay upon the several tables each morning, all letters and papers directed to members of Assembly. That he procure a letter bag, in which members may deposit such communications as they wish sent by mail, causing all such letters to be marked paid, upon the margin of which may be written the word "paid," together with the signature of a member; and that he keep an accurate account of the postage of each member

The resolution was adopted.

Mr. Walthall introduced the following resolution:

Resolved, That the Committee of Ways and Means be authorized to employ a clerk, when, in their opinion, it is necessary.

The resolution was adopted.

On motion of Mr. Tingley, the House resolved itself into the Com-

mittee of the whole, Mr. Bradford in the chair, and resumed the consideration of the unfinished business of yesterday, which was a "Bill exempting Homesteads from forced sales in certain cases." Also, "a Bill exempting certain property from forced sale." After having made some progress in the consideration of the first named Bill, on motion of Mr. Randolph, the Committee rose and asked leave to sit again.

Leave was granted.

The Speaker having resumed the chair, the following message was received from the Senate by Mr. Howe, their Secretary:—

MR. SPEAKER:

I am directed by the Senate to inform the Assembly that they have passed "an Act, entitled an Act to declare the Sacramento River a navigable stream," and a Joint Resolution, entitled "a Joint Resolution of thanks to Capt. Jno. A. Sutter," in which the Senate respectfully request the concurrence of the Assembly.

On motion of Mr. Cardwell, the House again resolved itself into Committee of the whole on the "Bill exempting a Homestead from forced sale in certain cases." Also, "a Bill exempting certain property from forced sale." After its consideration, the Committee rose, when the Chairman, Mr. Bradford, reported the Bills to the House, with several amendments, and asked that the Committee be discharged from the further consideration thereof.

Mr. Tingley moved to re-commit the bills to the Judiciary Committee, with instructions to incorporate the provisions of both Bills *in one*, which was agreed to

On motion of Mr. Tingley, the "Bill to incorporate Sacramento City" was referred to a Select Committee, consisting of the delegation from Sacramento District

Mr. Tingley moved that thirty copies of the "Bill to provide for the incorporation of Towns" be printed. Also, the same number of copies of "a Bill concerning the official Bonds of Officers," which was agreed to.

On motion of Mr. Cardwell, the House adjourned until Monday morning at 11 o'clock A. M.

HOUSE OF ASSEMBLY.

Monday, January 14th, 1850.

Prayer by Rev. Mr. Wheeler.

The roll was called, and the following members were absent:—Messrs. Baldwin, Cornwall, Covarubias, Heath, Martin, Ogier, Patterson, Randolph, Stephens, Stowell, Van Benschoten, Watson, and White.

The Journal of Saturday was read and approved.

Mr. Crittenden, from the Judiciary Committee, made the following report:—

MR. SPEAKER:

The Committee on the Judiciary, to whom were referred "an Act to exempt a Homestead from forced sale in certain cases," and "a Bill to exempt certain property from forced sale," with the amendments thereto, and instructions to unite the two in a single Act, have directed me to report that they have taken the former of the two Bills, have made various amendments, and now report the same to the House, and recommend its passage, as amended, and that it be entitled, "an Act to exempt a Homestead and other property from forced sale, in certain cases."

The Committee recommend the indefinite postponement of the "Bill to exempt certain property from forced sale," which is herewith reported back to the House without amendment.

The report was adopted, and on motion, the Bill was laid on the table, and was made the special order for Thursday next, and sixty copies ordered to be printed for the use of the House and Senate.

Mr. Brown, from the Committee on Agriculture, submitted the following report:—

The Committee on Agriculture, having had that subject under consideration, beg leave to

REPORT:—

That an important and vital interest of this State is involved in the success of agricultural improvement; and that the prospects of reward to that branch of industry are hidden from the mass of the present inhabitants, the face of the country at this time presenting no traces or signs of agriculture looked for by the American farmer. This destitute appearance leads to doubt of the adaptation of the soil and climate to a

successful experiment in that business, and is deterring many from engaging in it.

This interest, so necessary to the wants, comforts, and happiness of the inhabitants, and second alone to a well organized Government in California, in a social, moral, and political point of view, together with the causes above alluded to, is the apology your committee offer for alluding to some historical facts that have come to their knowledge.

Previous to the difficulties in the Government here, the raising of stock was conducted with unparalleled success. Horses were raised in such numbers that they became unsalable, and were driven to the mountains and valley of San Joaquin, thus stocking these plains with that noble and valuable animal, now seen, in countless numbers, grazing on these plains, as wild as the elk that feed on the same pasture. They were driven off to give pasturage to the numerous herds of cattle, that were more necessary to the wants of the people. Cattle were annually killed by thousands for their hides and tallow alone. Wheat was cultivated with great success giving extraordinary yields, when properly put in, as well as barley and other grains; and vegetables usually found in the States were cultivated with success, so that the wants of the people were abundantly supplied. But war, with its blighting influence upon agriculture, as upon all the social interests of the State, put its heavy hand upon California. A continuation of an unsettled and unstable protection of rights of property for many years produced the most injurious effects upon the industry and enterprise of the inhabitants.

Before these difficulties had subsided, the attention of the people was attracted by another object more fatal in its influence upon agriculture than anything which preceded it.

The treasures of the Sierra Nevada were discovered; the farmer forsook his plough, and has not yet returned to it. But still your committee are of opinion that the richest treasures of California are in her plains and valleys; that no country would better reward the cultivator, and in none would it add more to the comfort and happiness of its inhabitants, possessing, as California does, a luxuriant soil, unequalled climate, ready market, and prices governed by conscience alone.

Another prominent branch of industry, and one which must ever be inseparably connected with agriculture, is that of grazing or the rearing of stock. This country affords greater facilities, perhaps, than any other for the improvement and rearing of horses. The luxuriant pas-

turage, favorable climate, health of the animal, together with high prices and great demand, are sufficient inducement to this employment, were it not for the prevalent and ruinous practice of horse stealing, which is now carried on to an extent that threatens a total annihilation of that valuable and necessary animal. For, in one night, the farm may be swept of horses, the avails of years of labor and care of the owner. Deprived of his horses, his cattle go wild and become unmanageable; they scatter from the farm and mix with other cattle; the calves go unmarked and unaltered, or are marked by those, perhaps, who took part in stealing the horses. The increased prices and ready sale of this animal, and the great facilities for this kind of barter, are working incalculable mischief. The enormous profits realized by those who follow stealing and selling horses, are alluring many into the vice; and this practice must be stopped, or ruin will ensue to that interest at least. The high prices of cattle is another temptation to the thief, and the mischief is most severely felt on those farms situated conveniently to beef markets. This subject requires prompt legislation, adapted to the importance of the case.

Your committee also recommend the passage of Stray Laws, that the owners of stock strayed or stolen may have an opportunity of finding and recovering their property. It frequently happens that stolen horses give out or become reduced, and are turned loose, and others taken in their stead more able to perform the forced service. A strict requirement, by law, of those who find such horses, may lead to the detection of the thief.

There is a time-honored custom of planting and sowing in the plains, and guarding the crop until harvested. With the present population, and that in prospect, this custom will lead to the abuse of stock. Your committee, therefore, recommend such provisions as will correct this abuse.

The setting of the prairies on fire in the summer season is a frequent occurrence in some parts of the State, destroying the pasture and grain, together with other great damages. Your committee respectfully recommend the passage of a law for the suppression of this mischief.

They also recommend the passage of a law requiring all brands and ear-marks used in this State to be registered at the county seat of each county respectively, and that a copy of such register be furnished and filed in the several Justices' offices of each county.

All of which is respectfully submitted.

The report was read, and on motion of Mr. Randolph, sixty copies were ordered to be printed.

Mr. Moore offered the following resolution:—

Resolved, That the Speaker of the House appoint some one, with instructions to procure a suitable clock or time-piece for the use of this House. Adopted.

The Speaker laid before the House the following communication from the Clerk:—

HOUSE OF THE ASSEMBLY,
January 14, 1850.

TO THE SPEAKER OF THE ASSEMBLY:—

The Clerk wishes to inform the House, through you, that acting under a resolution adopted on the 11th instant, he has, with the consent of the gentlemen interested, transferred Mr. Sanford, the Assistant Clerk, to the place of Mr. Ohr, Enrolling Clerk, who becomes, under the arrangement, Assistant Clerk.

I am, Sir,
Respectfully,
E. H. THARP,
Clerk of Assembly.

The House then took up "a bill concerning the duties of Comptroller of State," as returned from the Senate, with amendments, and the amendments were concurred in.

The following message from the Senate was received, by Mr. Howe, their Secretary:—

SENATE CHAMBER,
January 14, 1850.

MR. SPEAKER,—

I am directed by the Senate to inform the Assembly that they have passed the joint resolution of the House, entitled, "a Joint Resolution classifying the Justices of the Supreme Court," with amendments, to wit:—

1st. Substitute for the title of the joint resolution, the following: "An Act classifying the Justices of the Supreme Court."

2d. Insert, after the title, the following: "The people of the State of California, represented in Senate and Assembly, do enact as follows:—"

3d. Strike out, in the first paragraph, the words, "Resolved, if the Senate concur." In the first line of the last paragraph strike out the words, "Joint Resolution to," and substitute therefor the words, "Act shall."

In all which the Senate respectfully request the concurrence of the Assembly.

I am also directed to inform the Assembly that the Standing Committee of the Senate, to whom the original bill from the House was referred, inadvertently made the amendments referred to, *on the bill itself*, instead of reporting them separately, which will account for the erasures and interlineations apparent in the bill, as now returned to the House.

J. F. HOWE,
Secretary of Senate.

The House then took up the "Bill concerning the office of State Treasurer," returned from the Senate with amendments, which amendments were concurred in.

Also, Bill No. 4 of the Senate, entitled "an Act to declare the San Joaquin River a navigable stream."

Also, Bill No. 5 of Senate, entitled "an Act to declare the Mockelume River a navigable stream."

Also, Bill No. 6, entitled "an Act to declare the Tuolume River a navigable stream."

Which were severally read a first and second time, and, on motion of Mr. Tingley, were referred to the Committee on Commerce.

"Joint Resolution authorizing the Governor to employ a Private Secretary," was read first and second times, and, on motion of Mr. Tingley, was considered as engrossed, and ordered to a third reading on to-morrow.

Also, "an Act to declare the Sacramento River a navigable stream," which was read a first and second time, and referred to the Committee on Commerce.

Mr. Tingley moved the following instructions to the Committee on Commerce, to wit:—

That the Committee on Commerce be instructed to incorporate all bills referred to them declaring rivers and streams navigable, in one bill; which was adopted.

Senate "Joint Resolution of thanks to Capt. Jno. A. Sutter," was taken up, read a first and second time, and, on motion, was considered engrossed for a third reading on to-morrow.

A joint resolution of the House, "classifying the Justices of Supreme Court," returned from Senate with amendments, was taken up, and the amendments were concurred in by the House.

On motion of Mr. Stowell, the House resolved itself into Committee of the Whole (Mr. Tingley in the Chair), on the "Bill concerning the official bonds of officers."

After its consideration the committee rose, the Chairman reported the bill to the House with amendments, and asked to be discharged from the further consideration thereof. The committee was discharged, and the amendments were severally taken up and concurred in by the House, when, on motion of Mr. Tingley, the bill was ordered to be engrossed for its third reading on to-morrow.

On motion of Mr. Tingley, the House resolved itself into Committee of the Whole (Mr. Creaner in the Chair), on "a bill to provide for the incorporation of towns;" after its consideration the committee rose, the Chairman reported the bill to the House with amendments, and asked to be discharged from the further consideration thereof. The committee was discharged.

For the first amendment of Committee of the Whole to the bill, Mr. Crittenden offered the following substitute, to wit:—

And until the County Courts are organized, the Governor shall have power to act upon petitions for incorporation, in like manner as any County Court might do, and may, by proclamation, declare any town incorporated, and fix the time and place for the first election to be held for town officers. So soon as the County Courts are organized, the Governor shall transmit to the proper court all petitions which have been acted upon by him, and they shall be recorded as is hereinbefore provided."

The substitute was adopted.

On motion of Mr. Bradford, the House refused to concur in the second amendment.

Mr. Crittenden moved to non-concur in the fourth amendment, which was agreed to.

Mr. Brackett moved to amend 3d line of sec. 23, by striking out the word "and" preceding the word "deeds," and inserting after the word "deeds," "and all other effects;" which was agreed to.

Mr. Hughes moved to strike out all before the word books, in 2d line of sec. 23, and insert the following:—

The Trustee shall pay over to the County Court, from time to time, such money as may come into his hands, and when he shall have closed the affairs of the corporation, shall make a final settlement thereof with said court, and deliver up all.

The motion was agreed to.

On motion of Mr. Crittenden, the bill was ordered to be engrossed for a third reading to-morrow.

On motion of Mr. Walthall, the House adjourned until to-morrow morning, at 11 o'clock A.M.

HOUSE OF ASSEMBLY.

TUESDAY, *January* 15, 1850.

Prayer by Rev. Mr. Douglass.

The roll was called, and the following members were absent:—

Messrs. Baldwin, Brackett, Cornwall, Covarubias, Heath, Martin, McKinstry, Morehead, Ogier, Per Lee, Randolph, Stephens, Stewart, Tefft, Watson, and White.

Mr. Tingley moved that the Sergeant-at-Arms be dispatched after absentees, and the bar be closed until such absentees are admitted and their excuses heard.

The Speaker announced members without the bar, and, on motion of Mr. Cardwell, they were admitted.

On motion of Mr. Williams, Mr. Covarubias was excused.

Mr. Morehead was also excused.

On motion of Mr. Cardwell, all the absentees now present, viz. Messrs.

Per Lee, Tefft, and Stewart, were excused on account of disagreement in timepieces.

A quorum being present, the journal was read and approved.

The Speaker announced, that in pursuance of the resolution adopted on the 14th instant, he had directed the Sergeant-at-Arms to purchase a clock for the use of the House, and that, in obedience to instructions, said officer had procured a clock, and had the same put up in the Hall.

Mr. Tingley, from the Select Committee, to whom was referred "A Bill to incorporate Sacramento City," made the following

REPORT:

MR. SPEAKER,

The Select Committee, to whom was referred the Bill to incorporate Sacramento City, have had the same under consideration, and made an amendment thereto, by striking out Section 24, and inserting in lieu thereof the following:

"SECTION 24th. The Mayor, Recorder, and Common Council of Sacramento City, created under the provisions of this Act, may, in their discretion, allow in whole or part, any or all debts incurred by the Mayor and Common Council of said City, under and by virtue of a Charter adopted by the people on the 13th day of October, 1849, and provide for the payment of such debts or claims as may thus be allowed, in such manner as said Council may order and direct," in which the concurrence of the House is respectfully asked, and, as amended, your Committee recommend the passage of the Bill.

All of which is respectfully submitted.

TINGLEY,
Chairman of Select Committee.

Mr. Randolph moved to lay the Bill with the amendment on the table for the present, upon which Mr. Tingley demanded the ayes and nays.

Those who voted in the affirmative were—Messrs. Aram, Brown, Corey, Covarubias, Crenshaw, Crittenden, Gray, Morehead, Patterson, Per Lee, Randolph, Scott, Stewart, Stowell, Tefft, Walthall, and Witherby —17.

Those who voted in the negative were—Messrs. Bradford, Cardwell,

Hughes, McKinstry, Moore, Tingley, Williams, and Bigler (Speaker) —8.

So the Bill was laid on the table.

The following resolution was offered by Mr Cardwell:

Resolved, That there be a Committee appointed to frame rules for the government of this House.

The resolution was agreed to.

Whereupon the Speaker appointed Messrs. Cardwell, Tefft, and Stowell said Committee.

The House then proceeded to the consideration of the orders of the day.

Senate "Joint Resolution of thanks to Capt Jno. A. Sutter," was taken up and read a third time: the question being, "shall the resolution pass? Mr. Bradford demanded the ayes and nays.

Those who voted in the affirmative were—Messrs. Aram, Bradford, Brown, Cardwell, Corey, Covarubias, Creaner, Crittenden, Gray, Hughes, McKinstry, Morehead, Moore, Patterson, Per Lee, Randolph, Scott, Stewart, Stowell, Tefft, Tingley, Walthall, Witherby, and Bigler (Speaker)—24.

In the negative—Mr. Williams—1.

So the Joint Resolution passed.

A Joint Resolution of Senate, "authorizing the Governor to employ a private Secretary," was read a third time, when on motion of Mr. Randolph the same was laid on the table.

Engrossed Bill of House, "concerning the official Bonds of officers," was read a third time and passed.

Engrossed Bill of House, "to provide for the incorporation of Towns," was read the third time; the question being, "shall the Bill pass?" Mr. Creaner demanded the ayes and nays.

Those who voted in the affirmative were—Messrs. Brown, Cardwell, Corey, Covarubias, Crittenden, Hughes, Morehead, Scott, Stowell, Tingley, Walthall, Williams, Witherby, and Bigler (Speaker)—14.

Those who voted in the negative were—Messrs. Creaner, Grey, Patterson, Per Lee, and Stewart—5.

So the Bill passed.

On motion of Mr. Walthall, it was ordered "that sixty copies of the Bill 'prescribing the mode of receiving, keeping, and paying out the

Public Funds,'" be printed for the use of the House and Senate, which was agreed to.

On motion of Mr. Morehead, the House adjourned until to-morrow morning at 11 o'clock A.M.

HOUSE OF ASSEMBLY.

Wednesday, January 16th, 1850.

House met.

Prayer by Rev. Mr. Blakely.

The roll was called, and the following members were absent, viz:—Messrs. Baldwin, Cornwall Crittenden, Heath, Martin, Ogier, Randolph, and Stephens.

Mr. Crittenden was excused on account of ill health.

The Journal was read, when Mr. McKinstry, who was absent on yesterday morning at the calling of the roll, stated as the cause of his absence the irregularity of the timepieces.

On motion of Mr. Bradford, Mr. McKinstry was excused.

Mr. Brackett was also excused on account of indisposition.

The Journal was then approved.

Mr. Brackett presented "a petition from Sonoma, relative to the Boundaries of Sonoma County," which was referred to the "Committee on Counties and County Boundaries."

The following Message from the Senate was received by Mr. Howe, their Secretary:

SENATE CHAMBER,
January 16th, 1850.

MR. SPEAKER:

I am directed by the Senate to inform the Assembly that they have passed a bill, No. 9, entitled "an Act declaring the Sonoma, Petaluma, Napa, and San Joaquin Rivers navigable streams."

Also, a bill, No. 10, entitled, "an Act to create the office of Translator."

Also, a bill, No. 11, entitled, "an Act declaring the San José de Guadalupe River a navigable stream."

Also, a bill, entitled, "Joint Resolutions, instructing our Senators and requesting our Representatives in Congress in reference to the Mails."

In all of which, they respectfully request the concurrence of the Assembly.

J. F HOWE,
Secretary of the Senate.

Mr. Corey, agreeably to previous notice, introduced "a bill to incorporate the town of San José," which was read a first and second time, and, on motion of Mr. Bradford, was referred to the Committee on Corporations.

Bills of Senate were then taken up.

Senate Bill, No. 9, "an Act, declaring the Sonoma, Napa, Petaluma, and Suisun Rivers navigable streams," was read a first and second time, and on motion of Mr. Walthall was referred to the Committee on Commerce.

Senate Bill, No. 10, "An Act to create the office of Translator," was read a first and second time, and on motion of Mr. Hughes was referred to the Committee on the Judiciary.

Joint Resolution, No. 10, "instructing our Senators and requesting our Representatives in Congress in reference to the Mails," was read first time.

On motion of Mr. Tingley, the rules were suspended, and the resolution read a second time.

Mr. Tingley then moved to commit the same to a Select Committee to alter the phraseology, and insert the following amendment:

Resolved, That his Excellency, the Governor, be requested to transmit to each of our Senators and Representatives in Congress a certified copy of the following preamble and resolutions, which was agreed to.

The Speaker announced Messrs. Tingley, Watson, and Aram, as said Committee.

Senate bill, No. 11, "an Act declaring the San José de Guadalupe River a Navigable Stream," was read a first and second time.

On motion of Mr. Walthall, the same was referred to the Committee on Commerce.

On motion of Mr. Tingley, a Joint Resolution of the House on the subject of Public Domains, Mineral Lands, Ports of Entry, Custom

Houses, and Branch of the United States Mint, was taken up and read a second time.

Mr. Bradford moved to strike out the words in the enacting clause, "House of," before the word "Assembly." Before the question was put, Mr. Brackett moved to refer the bill and pending amendment to the Committee on the Judiciary.

Mr. Tingley moved to amend the motion by referring the bill and amendment to a Select Committee of five, with instructions to report the same to the House by Friday next, which was accepted by Mr. Brackett. So the Joint Resolution was referred to a Select Committee.

The Speaker appointed Messrs. Brackett, Tingley, Moore, Hughes, and Corey, said Committee.

Mr. Moore, at his own request, was excused from serving on the Committee, and the Speaker appointed Mr. Per Lee in his stead.

On motion of Mr. Caldwell, the House adjourned until to-morrow morning at 11 o'cock A.M.

HOUSE OF ASSEMBLY.

THURSDAY, *January* 17, 1850.

House met.

Prayer by the Rev. Mr. Douglass.

The roll was called, and the following members were absent, viz. Messrs. Heath, Stephens, Witherby, and White.

The Journal was read and approved.

Mr. Crittenden, from the Committee on Corporations, to whom was referred the petition of the inhabitants of the City of Benicia, made the following

REPORT :—

MR. SPEAKER :

The Committee on Corporations, to whom was referred a petition of the inhabitants of the City of Benicia, praying to be incorporated according to the provisions of a proposed charter accompanying the petition, have instructed me to report:—

That in their opinion it is unnecessary to pass any special Act for the incorporation of the City of Benicia. The general Act to provide

for the incorporation of towns establishes an organization very similar to that which is prayed for in this petition, and one perfectly adapted, as your Committee believe, to meet the wishes and wants of the inhabitants of Benicia.

They therefore recommend that the petition be laid on the table.

On motion of Mr. Tefft, said report was concurred in by the House.

Mr. Tingley, from the Select Committee to whom was referred a "Joint Resolution of the Senate," instructing our Senators and requesting our Representatives in Congress in reference to the Mails, made the following

REPORT:—

MR. SPEAKER:

The Select Committee to whom was referred the Preamble and Joint Resolution of the Senate on the subject of Mails, have had the same under consideration, and made amendments thereto as follows:—

1st. By striking out of the 23d line the words, "rather a nuisance," and inserting in lieu thereof the words, "more injurious."

2d. Strike out of the 24th line the words, "an advantage," and insert the word "advantageous."

3d. Strike out of the 42d and 43d lines the word "*niggardly*," and insert the word "false."

4th. Resolved, That his Excellency the Governor be requested to forward to each of our Senators and Representatives in Congress a certified copy of the foregoing Preamble and Joint Resolution.

And, with these amendments, they recommend the passage of the Joint Resolution.

On the motion of Mr. Randolph, the Joint Resolutions and Report were recommitted to the same Committee, with instructions to report such resolutions as in their opinion would meet the approbation of the House.

Mr. Cardwell, from the Select Committee appointed on Tuesday to draft a set of Rules for this House, made the following

REPORT:—

MR. SPEAKER:

The Select Committee appointed to draft Standing Rules for

the House of Assembly of the State of California, have had the same under consideration, and have instructed me to report the following, and recommend their adoption.

H. C. CARDWELL,
Chairman.

ORDER OF BUSINESS.

1. House called to order.
2. Prayer.
3. Calling the Roll.
4. Reading the Journal.
5. Presentation of petitions, memorials, and remonstrances.
6. Reports from Standing Committees, in the following order.

1. Committee on Elections.
2. " " Ways and Means.
3. " " Claims.
4. " " Commerce.
5. " " Public Lands.
6. " " the Judiciary.
7. " " Public Expenditures.
8. " " Education.
9. " " Agriculture.
10. " " Military Affairs.
11. " " Roads and Canals.
12. " " Public buildings and grounds.
13. " " Revisal and unfinished business.
14. " " Accounts.
15. " " Mileage.

16. Select Committees.
17. Resolutions.
18. Joint Resolutions.
19. Bills.
20. Orders of the day.

STANDING RULES AND ORDERS,

For conducting business in the House of Assembly of the State of California.

TOUCHING THE DUTIES OF THE SPEAKER.

1. He shall take the chair every day precisely at the hour to which the House shall have adjourned on the preceding day; shall immediately call the House to order, and, on the appearance of a quorum, shall cause the journal of the preceding day to be read.

2. He shall preserve order and decorum; may speak to points of order in preference to other members, rising from his seat for that purpose; and shall decide questions of order, subject to an appeal to the House by any two members; on which appeal no member shall speak more than once, unless by leave of the House.

3. He shall rise to put a question, but may state it sitting.

4. Questions shall be distinctly put in this form, to wit: "As many as are of opinion that (as the question may be) say aye;" and, after the affirmative voice is expressed, "As many as are of a contrary opinion, say no." If the Speaker doubts, or a division be called for, the House shall divide; those in the affirmative of the question shall first rise from their seats, and afterwards those in the negative. If the Speaker still doubts, or a count be required, the Speaker shall name two members, one from each side, to tell the members in the affirmative; which being reported, he shall then name two others, one from each side, to tell those in the negative; which being also reported, he shall rise and state the decision to the House. No division and count of the House by tellers shall be in order but upon motion seconded by at least one fifth of a quorum of the members.

5. When any motion or proposition is made, the question, "Will the House now consider it?" shall not be put, unless it is demanded by some member, or is deemed necessary by the Speaker.

6. The Speaker shall examine and correct the journal before it is read. He shall have a general direction of the hall. He shall have a right to name any member to perform the duties of the chair, but such substitution shall not extend beyond an adjournment.

7. All committees shall be appointed by the Speaker, unless other-

wise specially directed by the House, in which case they shall be appointed by ballot.

8. In all other cases of ballot than for committees, a majority of the votes given shall be necessary to an election; and when there shall not be such a majority on the first ballot, the ballot shall be repeated until a majority be obtained. And in all ballotings, blanks shall be rejected and not taken into the count in the enumeration of votes, or reported by the tellers.

9. In all cases of election by the House, the Speaker shall vote; in other cases he shall not vote, unless the House be equally divided, or unless his vote, if given to the minority, will make the division equal; and, in case of such equal division, the question shall be lost.

10. In all cases when other than members of the House may be eligible to an office by the election of the House, there shall be a previous nomination.

11. In all cases of election by the House of its officers, the vote shall be taken *vivâ voce.*

12. All acts, addresses, and joint resolutions shall be signed by the Speaker; and all writs, warrants, and subpœnas, issued by order of the House, shall be under his hand and seal, attested by the Clerk.

13. In case of any disturbance or disorderly conduct in the galleries or lobby, the Speaker (or chairman of the committee of the whole House) shall have power to order the same to be cleared.

14. Stenographers, wishing to take down the debates, may be admitted by the Speaker, who shall assign such places to them on the floor or elsewhere, to effect their object, as shall not interfere with the convenience of the House.

15. No person shall be allowed the privilege of the hall, under the character of stenographer, without a written permission from the Speaker, specifying the part of the hall assigned to him; and no reporter or stenographer shall be admitted under the rules of the House, unless such reporter or stenographer shall state, in writing, for what paper or papers he is employed to report.

16. The Clerk of the House shall take an oath for the true and faithful discharge of the duties of his office, to the best of his knowledge and abilities. He shall be deemed to continue in office until another be appointed.

17. The petitions having been presented and disposed of, reports

from committees shall be called for and disposed of; in doing which, the Speaker shall call upon each standing committee in the order they are named; and when all the standing committees have been called on, then it shall be the duty of the Speaker to call for reports from select committees; if the Speaker shall not get through the call upon the committees before the House passes to other business, he shall resume the next call where he left off. Resolutions shall then be called for in the same order, and disposed of by the same rules which apply to petitions: *Provided*, that no member shall offer more than one resolution, or one series of resolutions, all relating to the same subject.

18. After an hour shall have been devoted to reports from committees and resolutions, it shall be in order, pending the consideration or discussion thereof, to entertain a motion that the House do now proceed to dispose of the business on the Speaker's table and to the orders of the day; which being decided in the affirmative, the Speaker shall dispose of the business on his table in the following order, viz:

1st. Messages and other Executive communications.

2d. Messages from the Senate, and amendments proposed by the Senate to bills of the House.

3d. Bills and resolutions from the Senate on their first and second readings, that they be referred to committees and put under way. But if, on being read a second time, no motion be made to commit, they are to be ordered to their third reading, unless objection be made; in which case, if not otherwise ordered by a majority of the House, they are to be laid on the table in the general file of bills on the Speaker's table, to be taken up in their turn.

4th. Engrossed bills, and bills from the Senate, on their third reading.

5th. Bills of the House and from the Senate, on the Speaker's table, on their engrossment or on being ordered to a third reading, to be taken up and considered in the order of time in which they passed to a second reading. The messages, communications, and bills on his table having been disposed of, the Speaker shall then proceed to call the orders of the day.

19. The business specified in the two preceding rules shall be done at no other part of the day, except by permission of the House.

OF DECORUM AND DEBATE.

20. When any member is about to speak in debate, or deliver any matter to the House, he shall rise from his seat and respectfully address himself to "Mr. Speaker," and shall confine himself to the question under debate, and avoid personality.

21. If any member, in speaking, or otherwise, transgresses the rules of the House, the Speaker shall, or any member may, call to order; in which case, the member so called to order shall immediately sit down, unless permitted to explain; and the House shall, if appealed to, decide on the case, but without debate. If there be no appeal, the decision of the chair shall be submitted to; if the decision be in favor of the member called to order, he shall be at liberty to proceed; if otherwise, he shall not be permitted to proceed, in case any member object, without leave of the House; and, if the case require it, he shall be liable to the censure of the House.

22. If a member be called to order for words spoken in debate, the person calling him to order shall repeat the words excepted to, and they shall be taken down in writing at the Clerk's table; and no member shall be held answer, or be subject to the censure of the House, for words spoken in debate, if any member has spoken or other business has intervened, after the words spoken and before exception to them shall have been taken.

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

24. No member shall speak more than twice on the same question, without leave of the House, unless he be the mover, proposer, or introducer of the matter pending; in which case, he shall be permitted to speak in reply, but not until every member choosing to speak shall have spoken.

25. If a question depending be lost by adjournment of the House and revived on the succeeding day, no member who shall have spoken on the preceding day shall be permitted again to speak without leave.

26. While the Speaker is putting any question or addressing the House, none shall walk out of or across the House; nor, in such case, or when a member is speaking, shall entertain private discourse, nor while a member is speaking, shall pass between him and the chair. Every member shall remain uncovered during the session of the House.

No member or other person shall visit or remain by the Clerk's table while the ayes and nays are calling or ballots are counting.

27. No member shall vote on any question in the event of which he is immediately and particularly interested, or in any case when he was not within the bar of the House when the question was put; and when any member shall ask leave to vote, the Speaker shall propound to him the question, "were you within the bar when your name was called?"

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

29. Every member who shall be in the House when the question is put, shall give his vote, unless the House, for special reasons, shall excuse him. All motions to excuse a member from voting shall be made before the House divides, or before the call of the yeas and nays is commenced; and any member requesting to be excused from voting may make a brief verbal statement of the reasons for making such request, and the question shall then be taken without further debate.

30. When a motion is made and seconded, it shall be stated by the Speaker; or, being in writing, it shall be handed to the Chair, and read aloud by the Clerk, before debated.

31. Every motion shall be reduced to writing, if the Speaker or any member desire it.

32. After a motion is stated by the Speaker, or read by the Clerk, it shall be deemed to be in possession of the House, but may be withdrawn at any time before a decision or amendment.

33. When a question is under debate, no motion shall be received but to adjourn, to lie on the table, for the previous question, to postpone to a day certain, to commit or amend, to postpone indefinitely; which several motions shall have precedence in the order in which they are arranged; and no motion to postpone to a day certain, to commit or to postpone indefinitely, being decided, shall again be allowed on the same day, and at the same stage of the bill or proposition. A motion to strike out the enacting words of a bill shall have precedence of a motion to amend, and if carried, shall be considered equivalent to its rejection.

34. When a resolution shall be offered, or a motion made to refer any subject, and different committees shall be proposed, the question shall be taken in the following order: The committee of the whole House; a standing committee; a select committee.

35. A motion to adjourn, and a motion to fix the day to which the House shall adjourn, shall be always in order; these motions, and the motion to lie on the table, shall be decided without debate.

36. The hour at which every motion to adjourn is made shall be entered on the journal.

37. The previous question shall be in this form, "Shall the main question be now put?" It shall only be admitted when demanded by a majority of the members present, and its effects shall be to put an end to all debate, and bring the House to a direct vote upon amendments reported by a committee, if any, upon pending amendments, and then upon the main question. On a motion for the previous question, and prior to the seconding of the same, a call of the House shall be in order; but after a majority shall have seconded such motion, no call shall be in order prior to a decision of the main question.

38. On a previous question there shall be no debate. All incidental questions of order arising after a motion is made for the previous question, and pending such motion, shall be decided, whether on appeal or otherwise, without debate.

39. When a question is postponed indefinitely, the same shall not be acted upon again during the session.

40. Any member may call the division of the question, which shall be divided, if it comprehend propositions in substance so distinct, that one being taken away, a substantive proposition shall remain for the decision of the House. A motion to strike out and insert shall be deemed indivisible; but a motion to strike out being lost, shall preclude neither amendment nor a motion to strike out and insert.

41. Motions and reports may be committed at the pleasure of the House.

42. No motion or proposition on a subject different from that under consideration shall be admitted under color of amendment. No bill or resolution shall, at any time, be amended by annexing thereto, or incorporating therewith, any other bill or resolution pending before the House.

43. When a motion has been once made and carried in the affirmative or negative, it shall be in order for any member of the majority to move for the reconsideration thereof on the same or the succeeding day; and such motion shall take precedence of all other questions except a motion to adjourn.

44. When the reading of a paper is called for, and the same is objected to by any member, it shall be determined by a vote of the House.

45. The unfinished business in which the House was engaged at the last preceding adjournment, shall have the preference in the orders of the day; and no motion, on any other business, shall be received, without special leave of the House, until the former is disposed of.

46. Every order, resolution, or vote, to which the concurrence of the Senate shall be necessary, shall be read to the House, and laid on the table, on a day preceding that in which the same shall be moved, unless the House shall otherwise expressly allow.

47. Petitions, memorials, and other papers, addressed to the House, shall be presented by the Speaker, or by a member, in his place; a brief statement of the contents thereof shall be made verbally, by the introducer: they shall not be debated on the day of their being presented, nor on any day assigned by the House for the receipt of petitions, after the first thirty days of the session, unless when the House shall direct otherwise, but shall lie on the table, to be taken up in the order in which they were presented.

48. A proposition requesting information from the Governor of the State, or directing it to be furnished by the head of either of the executive departments, or to print an extra number of any document or other matter, excepting messages of the Governor to both the Houses, at the commencement of each session of the Legislature, and the reports and documents connected with, or referred to in it, shall lie on the table one day, for consideration, unless otherwise ordered by the unanimous consent of the House; and all such propositions shall be taken up for consideration in the order they were presented, immediately after reports are called for from select committees; and, when adopted, the Clerk shall cause the same to be delivered.

49. Upon calls of the House, or in taking the yeas or nays on any question, the names of the members shall be called alphabetically.

50. Any member may excuse himself from serving on any committee, at the time of his appointment, if he is then a member of two other committees.

51. No member shall absent himself from the service of the House, unless he have leave, or be sick, or unable to attend.

52. Upon the call of the House the names of the members shall be

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

53. When a member shall be discharged from custody, and admitted to his seat, the House shall determine whether such discharge shall be with or without paying fees; and, in like manner, whether a delinquent member, taken into custody by a special messenger, shall or shall not be liable to defray the expense of such special messenger.

54. A Sergeant-at-Arms shall be appointed, to hold his office during the pleasure of the House, whose duty it shall be to attend the House during its sittings; to execute the commands of the House, from time to time; together with all such process issued by authority thereof, as shall be directed to him by the Speaker.

55. The fees of the Sergeant-at-Arms shall be, for every arrest, the sum of two dollars; for each day's custody, and releasement, one dollar; and for travelling expenses, for himself or a special messenger, going and returning, one dollar per mile.

56. It shall be the duty of the Sergeant-at-Arms to keep the accounts of pay and mileage of members; to prepare checks; and, if required to do so, to draw the money on such checks, for the members (the same being previously signed by the Speaker and endorsed by the member), and pay over the same to the member entitled thereto.

57. The Sergeant-at-Arms shall give bond, with surety, to the state, in a sum not less than five nor more than ten thousand dollars, at the discretion of the Speaker, and with such surety as the Speaker may approve, faithfully to account for the money coming into his hands for the pay of members.

58. The Sergeant-at-Arms shall be sworn to keep the secrets of the House.

59. The Doorkeeper shall be sworn to keep the secrets of the House.

STANDING COMMITTEES.

1. *A Committee on Elections:*
2. " " *Ways and Means:*

3.	*Committee*	*on*	*Claims:*
4.	"	"	*Commerce:*
5.	"	"	*Public Lands* ·
6.	"	"	*the Judiciary:*
7.	"	"	*Public Expenditures:*
8.	"	"	*Education:*
9.	"	"	*Agriculture:*
10.	"	"	*Military Affairs* ·
11.	"	"	*Roads and Canals:*
12.	"	"	*Public Buildings and Grounds:*
13.	"	*of*	*Revisal and unfinished Business:*
14.	"	"	*Accounts:*
15.	"	*on*	*Mileage.*

60. It shall be the duty of the Committee of Elections to examine and report upon the certificates of election, or other credentials of the members returned to serve in this House; and to take into their consideration all such petitions and other matters touching elections and returns, as shall or may be presented or come into question, and be referred to them by the House.

61. It shall be the duty of the Committee of Ways and Means to take into consideration all such reports of the Treasury Department, and all such propositions relative to the revenue, as may be referred to them by the House; to inquire into the state of the public debt or the revenue, and of the expenditure; and to report, from time to time, their opinion thereon (to examine into the state of the several public departments, and particularly into the laws making appropriations of moneys, and to report whether the moneys have been disbursed conformably with such laws; and also to report, from time to time, such provisions and arrangements as may be necessary to add to the economy of the departments, and the accountability of their officers).

62. General appropriation bills shall be in order in preference to any other bills of a public nature, unless otherwise ordered by a majority of the House.

63. No appropriation shall be reported in such general appropriation bills, or be in order as an amendment thereto, for any expenditure not previously authorized by law, unless in continuation of appropriations for such public works and objects as are already in progress, and for

the contingencies for carrying on the several departments of the government.

64. It shall be the duty of the Committee on Claims to take into consideration all such petitions and matters or things touching claims and demands on the State as shall be presented, or shall or may come in question and be referred to them by the House, and to report their opinion thereupon, together with such propositions for relief therein as to them shall seem expedient.

65. It shall be the duty of the Committee on Commerce to take into consideration all such petitions and matters or things touching the commerce of the State as shall be presented, or shall or may come into question and be referred to them by the House, and to report, from time to time, their opinion thereon.

66. It shall be the duty of the Committee on the Public Lands to take into consideration all such petitions and matters or things respecting the lands of the State, as shall or may come in question and be referred to them by the House, and to report their opinion thereon, together with such propositions for relief therein as to them shall seem expedient.

67. It shall be the duty of the Committee on the Judiciary to take into consideration such petitions and matters or things touching judicial proceedings as shall be presented, or may come in question and be referred to them by the House, and to report thereupon, together with such propositions relative thereto, as to them shall seem expedient.

68. It shall be the duty of the Committee on Public Expenditures to examine into the state of the several public departments, and particularly into laws making appropriations of money, and to report whether the moneys have been disbursed conformably with such laws; and also to report, from time to time, such provisions and arrangements as may be necessary to add to the economy of the departments and the accountability of their officers.

69. It shall be the duty of the Committee on Private Land Claims to take into consideration all claims to land which may be referred to them, or shall or may come in question, and to report their opinion thereupon, together with such propositions for relief therein as to them shall seem expedient.

70. It shall be the duty of the Committee on Military Affairs to take into consideration all subjects relating to the military establishment and public defence which may be referred to them by the House, and to

report their opinion thereupon; and also to report, from time to time, such measures as may contribute to economy and accountability in the said establishment.

71. It shall be the duty of the Committee on Roads and Canals to take into consideration all such petitions and matters or things relating to roads and canals, and the improvement of the navigation of rivers, as shall be presented, or may come in question and be referred to them by the House, and to report thereupon, together with such propositions relative thereto as to them shall seem expedient.

72. It shall be the duty of the Committee on Public Buildings and Grounds to consider all subjects relating to the public edifices and grounds within the seat of government which may be referred to them, and report their opinion thereon, together with such propositions relating thereto as may seem to them expedient.

73. It shall be the duty of the Committee of Accounts to superintend and control the expenditures of the contingent fund of the House of Assembly, and to audit and settle all accounts which may be charged thereon; and also to audit the accounts of the members for their travel to and from the seat of government, and their attendance in the House.

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

75. Every bill shall be introduced on the report of a committee, or by motion for leave. In the latter case, at least one day's notice shall be given of the motion; and the motion shall be made and the bill introduced, if leave is given; when resolutions are called for, such motion, or the bill when introduced, may be committed.

76. Every bill shall receive three several readings in the House, previous to its passage; and bills shall be despatched in order as they were introduced, unless when the House shall direct otherwise; but no bill shall be twice read on the same day, without special order of the House.

77. The first reading of a bill shall be for information; and, if opposition be made to it, the question shall be, "Shall this bill be rejected?" If no opposition be made, or if the question to reject be negatived, the bill shall go to its second reading without a question.

78. Upon the second reading of a bill the Speaker shall state it as

ready for commitment or engrossment; and, if committed, then a question shall be, whether to a select or standing committee, or to a committee of the whole House; if to a committee of the whole House, the House shall determine on what day; if no motion be made to commit. the question shall be stated as its engrossment; and if it be not ordered to be engrossed on the day of its being reported, it shall be placed in the general file on the Speaker's table, to be taken up in its order. But, if the bill be ordered to be engrossed, the House shall appoint a day when it shall be read the third time.

79. Not more than three bills, originating in the House, shall be committed to the same committee of the whole; and such bills shall be analogous in their nature, which analogy shall be determined by the Speaker.

80. After commitment and report thereof of the House, or at any time before its passage, a bill may be recommitted.

81. All bills ordered to be engrossed shall be executed in a fair round hand.

82. No amendment by way of rider shall be received to any bill on its third reading.

83. When a bill shall pass, it shall be certified by the Clerk, noting the day of its passage at the foot thereof.

OF COMMITTEES OF THE WHOLE HOUSE.

84. It shall be a standing order of the day, throughout the session, for the House to resolve itself into a Committee of the Whole.

85. In forming a committee of the whole House, the Speaker shall leave his chair, and a Chairman, to preside in committee, shall be appointed by the Speaker.

86. Upon bills committed to a committee of the whole House, the bill shall be first read throughout by the Clerk, and then again read and debated by clauses, leaving the preamble to be last considered; the body of the bill shall not be defaced or interlined, but all amendments, noting the page and line, shall be duly entered by the Clerk on a separate paper, as the same shall be agreed to by the committee, and so reported to the House. After report, the bill shall again be subject to be debated and amended by clauses, before a question to engross it be taken.

87. All amendments made to an original motion in committee, shall be incorporated with the motion, and so reported.

88. All amendments made to a report committed to a committee of the whole House, shall be noted and reported, as in the case of bills.

89. All questions, whether in committee or in the House, shall be propounded in the order in which they were moved, except that in filling up blanks, the largest sum and largest time shall be first put.

90. No motion or proposition for a tax or charge upon the people shall be discussed the day in which it is made or offered; and every such proposition shall receive its first discussion in a committee of the whole House.

91. No sum or quantum of tax or duty, voted by a committee of the whole House, shall be increased in the House until the motion or proposition for such increase shall be first discussed and voted in a committee of the whole House; and so in respect to the time of its continuance.

92. All proceedings touching appropriations of money, shall be first discussed in a committee of the whole House.

93. The rules of proceedings in the House shall be observed in a committee of the whole House, so far as they may be applicable, except the rule limiting the time of speaking; but no member shall speak twice to any question, until every member choosing to speak shall have spoken.

94. No standing rule or order of the House shall be rescinded or changed without one day's notice being given of the motion therefor; nor shall any rule be suspended, except by a vote of at least two thirds of the members present; nor shall the order of business, as established by the rules of the House, be postponed or changed, except by a vote of at least two thirds of the members present.

95. It shall be in order for the Committee on Enrolled Bills to report at any time.

96. The rules of Parliamentary practice, comprised in Jefferson's Manual, shall govern the House in all cases to which they are applicable, and in which they are not inconsistent with the standing rules and orders of the House and the joint rules of the Senate and House of Assembly.

97. No person shall be permitted to perform divine service in the chamber occupied by the House of Assembly, unless with the consent of the Speaker.

98. The rule for paying witnesses, summoned to appear before this House, or either of its Committees, shall be as follows: For each day

a witness shall attend, the sum of two dollars; for each mile he shall travel in coming to or going from the place of examination, the sum of fifty cents each way; but nothing shall be paid for travelling home when the witness has been summoned at the place of trial.

99. The Clerk shall make a weekly statement of the Resolutions and Bills (Senate bills inclusive) upon the Speaker's table, accompanied with a brief reference to the orders and proceedings of the House upon each, and the date of such order and proceedings; which statement shall be printed for the use of the members.

100. The Clerk shall cause an Index to be prepared to the Acts passed at every session of the Legislature, and to be printed and bound with the Acts.

101. The Clerk shall take proper measures for the care and preservation of the public table provided for the business and accommodation of the House.

102. The unappropriated rooms in that part of the Capitol assigned to the House, shall be subject to the order and disposal of the Speaker, until the further order of the House.

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

104. No Committee shall be permitted to employ a Clerk at the public expense, without first obtaining leave of the House for that purpose.

STANDING COMMITTEES OF THE ASSEMBLY.

SESSION 1849–50.

ON ELECTIONS:

Messrs. Moore, Per Lee, Gray, Brown, Witherby.

CORPORATIONS:

Messrs. Crittenden, Stowell, Bigler, Baldwin, Scott.

CLAIMS:

Messrs. Witherby, McKinstry, Heath, Martin, Aram.

MILITARY AFFAIRS:

Messrs. Brackett, Cardwell, Stephens, Morehead, Hughes.

COUNTIES AND COUNTY BOUNDARIES.

Messrs. Cornwall, Bradford, Crittenden, Covarubias, Per Lee, Stewart.

WAYS AND MEANS:

Messrs. Walthall, Patterson, Creaner, Aram, Tingley.

JUDICIARY:

Messrs. Crittenden, Randolph, Brackett, Brown, Ogier, Tefft, McKinstry.

PUBLIC PRINTING:

Messrs. Bigler, Creaner, Bradford, Baldwin, Witherby.

PUBLIC BUILDINGS:

Messrs. Corey, Stowell, Tingley, Gray, Heath, Walthall.

AGRICULTURE:

Messrs. Brown, Patterson, Aram, Martin, Williams.

ROADS AND CANALS:

Messrs. Randolph, McKinstry, Hughes, Tefft, Bradford.

EDUCATION:

Messrs. Corey, Walthall, Morehead, Ogier, Cornwall.

COMMERCE:

Messrs. Randolph, Stephens, Bradford, Cornwall, Ogier.

PUBLIC LANDS:

Messrs. Martin, Stephens, Stewart, Brown, Morehead.

ENROLLED BILLS:

Messrs. Stowell and Bradford.

JOINT RULES AND ORDERS

OF THE SENATE AND ASSEMBLY,

Adopted at their first session, held at Pueblo de San José, December 15, 1849.

1st. In every case of an amendment of a Bill agreed to in one House, and dissented to in the other, if either House shall request a conference, and appoint a Committee for the purpose, and the other House shall also appoint a Committee to confer, such Committee shall, at a convenient hour to be agreed on by their chairman, meet in their conference chamber, and state to each other verbally, or in writing, as either shall choose, the reasons of their respective House for and against the amendment, and confer freely thereon.

2d. When a Message shall be sent from the Senate to the Assembly, it shall be announced at the door, by the Doorkeeper, and shall be respectfully communicated to the chair by the person by whom it may be sent.

3d. The same ceremony shall be observed when a Message shall be sent from the Assembly to the Senate.

4th. Messages shall be sent by such persons as a sense of propriety, in each House, may determine to be proper.

5th. While Bills are on their passage between the two Houses, they shall be on paper, and under the signature of the Secretary or Clerk of each House respectively.

6th. After a Bill shall have passed both Houses, it shall be duly enrolled by the Clerk of the Assembly or the Secretary of the Senate, as the Bill may have originated in the one or the other House, before it shall be presented to the Governor of the State.

7th. When Bills are enrolled, they shall be examined by a Joint Committee of two from the Senate and two from the Assembly, appointed as a Standing Committee for that purpose, who shall carefully compare the enrolment with the engrossed Bills, as passed in the two Houses, and correcting any errors that may be discovered in the enrolled Bills, make their Report forthwith to their respective Houses.

8th. After Examination and Report, each Bill shall be signed in the respective Houses, first by the Speaker of the Assembly, then by the President of the Senate.

9th. After a Bill shall have been thus signed in each House, it shall be presented by the said Committee to the Governor of the State for his approbation (it being first endorsed on the back of the roll, certifying in which House the same originated, which endorsement shall be signed by the Secretary or Clerk, as the case may be, of the House in which the same did originate), and shall be entered on the Journals of each House. The said Committee shall report the day of presentation to the Governor, which time shall also be carefully entered on the Journals of each House.

10th. All orders, resolutions, and votes, which are to be presented to the Governor of the State for his approbation, shall also, in the same manner, be previously enrolled, examined, and signed, and shall be presented in the same manner, and by the same Committee, as provided in the cases of Bills.

11th. When the Senate and Assembly shall judge it proper to make a Joint Address to the Governor, it shall be presented to him in his audience chamber by the President of the Senate, in the presence of the Speaker and both Houses.

12. When a Bill or Resolution which shall have passed in one House is rejected in the other, notice thereof shall be given to the House in which the same shall have passed.

13th. When a Bill or Resolution, which has been passed in one House, shall be rejected in the other, it shall not be brought in during the same Session, without a notice of five days, and leave of two thirds of that House in which it shall be renewed.

14th. Each House shall transmit to the other all papers on which any Bill or Resolution shall be founded.

15th. After each House shall have adhered to their disagreement, a Bill or Resolution shall be lost.

16th. No Bill that shall have passed one House, shall be sent for concurrence to the other, on either of the last three days of the Session.

17th. No Bill or Resolution that shall have passed the Assembly and Senate, shall be presented to the Governor for his approbation on the last day of the Session.

18th. When Bills, which have passed one House, are ordered to be printed in the other, a greater number of copies shall not be printed than may be necessary for the use of the House making the order.

19th. No spirituous liquors shall be offered for sale, or exhibited, within the Capitol, or on the Public Grounds adjacent thereto.

Mr. Tingley moved that the report be laid on the table, and that sixty copies be printed.

Mr. Bradford moved to amend, by printing one hundred and twenty-five copies, and that sixty copies be filed in the office of the Secretary of State; which amendment was accepted by Mr. Tingley, and agreed to by the House.

So the report was laid on the table.

Mr. Brackett, from the Select Committee, to whom was referred a Joint Resolution of the House on the subject of "Public Domains, Mineral Lands, Ports of Entry, Custom Houses, and Branches of the U. S. Mint," made the following

REPORT:

The Select Committee, to which was referred the Joint Resolution upon the subject of the Public Domain, Mineral Lands, Custom Houses, &c., with certain instructions, respectfully report the same with the amendments, according to instructions.

In which amendments they request the concurrence of the House.

Mr. Stowell moved that said Joint Resolution be laid on the table, and thirty copies ordered to be printed.

Mr. Tingley moved as an amendment that "sixty copies be printed," which was accepted by Mr. Stowell, and agreed to by the House; and Joint Resolution was laid on the table.

On motion of Mr. Tingley, the House resolved itself into Committee of the Whole (Mr. Bradford in the chair), on the "Bill to exempt a Homestead from forced sale," &c.

After its consideration, the Committee rose, the chairman reported the bill to the House with amendments, and asked to be discharged from the further consideration thereof.

Agreed to.

The amendments were severally taken up and concurred in by the House.

Mr. Moore offered the following resolution:

"That the bill be referred back to the Committee, with instructions to report back something containing some degree of common sense and justice, in relation to the Homestead exemption."

Mr. Tingley raised a question of order, that it was a *general* instruction to the Committee, not pointing out any amendment, was disrespectful in language, and contained personal reflection on the conduct of members who composed the Committee that had reported the bill.

The question was sustained by the Chair, and the "instructions" ruled out of order.

Mr. Tingley moved that the Bill be now engrossed for its third reading on to-morrow, on which the ayes and nays were demanded.

Those who voted in the affirmative were—

Mr. Aram	Mr. McKinstry
Brackett	Patterson
Corey	Scott
Crittenden	Tingley
Grey	Walthall
Hughes	Williams
Martin	Speaker (Bigler)—14.

Those who voted in the negative were—

Mr. Baldwin	Mr. Moore
Brown	Ogier
Covarubias	Per Lee
Creaner	Stewart
Morehead	Stowell—10.

The Bill was ordered to be engrossed.

Mr. Ogier moved that the House adjourn, on which Mr. Tingley demanded the ayes and nays.

Those who voted in the affirmative were—

Mr. Aram	Mr. Martin
Baldwin	Morehead
Brackett	Moore
Corey	Ogier
Covarubias	Patterson
Creaner	Per Lee
Crittenden	Scott
Grey	Stewart
Hughes	Speaker (Bigler)—18.

Those who voted in the negative were—

Mr. Brown	Mr. Tingley
McKinstry	Walthall
Stowell	Williams—6.

So the House adjourned.

HOUSE OF ASSEMBLY.

Friday, January 18th, 1850.

House met.

Prayer by Rev. Mr. Douglass.

The roll was called, and the following members were absent, viz. Messrs. Baldwin, Heath, Per Lee, Stephens, Witherby, and White.

The Journal was read and approved.

Mr. Hughes offered the following resolution:

Resolved, That the State Printer be required to print one hundred copies of the Constitution of this State, for the use of this House, which was adopted.

The following Message, received on yesterday from the Senate by their Secretary, was then read:

SENATE CHAMBER,

January 16th, 1850.

MR. SPEAKER:

I am directed by the Senate to inform the Assembly that they have passed the Bill from the Assembly, entitled "an Act fixing the time for Acts and Joint Resolutions to take effect."

Also, the Bill from the Assembly, entitled "an Act concerning the office of Secretary of State."

I am also directed to inform the Assembly that the Senate have receded from their amendment to the second section of the Bill from the Assembly, entitled "an Act concerning the office of Attorney General."

Also, that the Senate insist upon their amendment to the third section of the same bill.

Also, that the Senate have receded from their amendment to the sixth section of the same bill.

Also, that the Senate insist upon their amendments to the ninth and tenth sections of the bill of the Assembly, entitled "an Act concerning the office of State Treasurer."

Also, that the Senate insist upon their amendments to the Joint Resolution of the Assembly, entitled, "a Joint Resolution, classifying the Justices of the Supreme Court."

J. F. HOWE,
Secretary of the Senate.

The House proceeded to the consideration of the Bills accompanying the message.

A Bill of the House, "concerning the office of Attorney General," returned from Senate, insisting on their amendment, was taken up.

Mr. Tingley moved that the House recede from their refusal to concur in said amendments.

The motion was not agreed to.

A Bill of the House, "concerning the office of Treasurer of State," returned from Senate, insisting on their amendment, was taken up and considered.

Mr. McKinstry moved that the House recede from their non-concurrence to said amendments.

The motion was agreed to.

A Joint Resolution of the House, "classifying the Justices of the Supreme Court," returned from the Senate, insisting on their amendments, was taken up, and on motion of Mr. Tingley, the House insisted on their non-concurrence in said amendments.

The House then proceeded to the consideration of the orders of the day.

A bill of the House, "to exempt a Homestead and other property from forced sale in certain cases," was read a third time.

Mr. Creaner moved to lay the bill on the table for the remainder of the session; on which Mr. Morehead demanded the ayes and nays.

Those who voted in the affirmative were—

Mr. Baldwin	Mr. Morehead
Brackett	Moore
Cardwell	Per Lee
Creaner	Stewart—8.

Those who voted in the negative were—

Mr. Aram	Mr. Patterson
Bradford	Randolph
Brown	Scott
Cornwall	Stowell
Corey	Tefft
Covarubias	Tingley
Crittenden	Walthall
Hughes	Williams
Martin	Speaker (Bigler)
McKinstry	—19.

So the House refused to lay said bill on the table.

The question recurring on its passage, Mr. Bradford demanded the ayes and nays.

Those who voted in the affirmative were—

Mr. Aram	Mr. Patterson
Bradford	Randolph
Cornwall	Scott
Covarubias	Stowell
Crittenden	Tefft
Gray	Tingley
Hughes	Walthall
Martin	Williams
McKinstry	Speaker (Bigler)—18.

Those who voted in the negative were—

Mr. Baldwin	Mr. Morehead
Brackett	Moore
Brown	Per Lee
Cardwell	Stewart
Creaner	—9.

The bill passed.

On bill of the House "prescribing the mode of receiving, keeping, and paying out the Public Funds," the House, on motion of Mr. Tingley, resolved itself into Committee of the Whole (Mr. Tingley in the Chair). After having spent some time therein, the committee rose; the chairman reported the bill to the House, with amendments, and asked to be discharged from the further consideration thereof. Agreed to.

The amendments were then severally taken up, and concurred in by the House.

Mr. Bradford moved to insert the word "Books" after the word "Blanks," in the 14th section of said bill as amended. Agreed to.

Mr. Walthall moved to strike out in fifth line, 2d section, the word "ten," and insert "twenty." Agreed to.

On motion of Mr. Walthall, the bill was ordered to be engrossed for its third reading on to-morrow.

On motion of Mr. Cardwell, the bill to incorporate Sacramento City was taken up.

Mr. McKinstry moved to strike out Section 24; on which Mr. Patterson demanded the ayes and nays.

Those who voted in the affirmative were—

Mr. Cardwell	Mr. Tingley
Gray	Walthall
Hughes	Williams
McKinstry	Speaker (Bigler)—8.

Those who voted in the negative were—

Mr. Aram	Mr. Martin
Brown	Morehead
Cornwall	Patterson
Corey	Per Lee
Covarubias	Randolph
Creaner	Scott
Crittenden	Stowell—14.

The House refused to strike out.

The question then recurred on the adoption of the substitute reported by the Select Committee. On which Mr Randolph demanded the ayes and nays.

Those who voted in the affirmative were—

Mr. Bradford	Mr. Walthall
Gray	Williams
Hughes	Speaker (Bigler)
Tingley	—7.

Those who voted in the negative were—

Mr. Aram	Mr. McKinstry
Baldwin	Morehead
Brackett	Ogier
Brown	Patterson
Cornwall	Per Lee
Covarubias	Randolph
Creaner	Scott
Crittenden	Tefft
Martin	—17.

The substitute was not adopted.

Mr. Hughes offered the following amendment:—

Striking out from the word " be " at the end of the fourth line, to the word "presented," in the eighth line, 24th section.

On which the ayes and nays were demanded.

Those who voted in the affirmative were—

Mr. Brackett	Mr. McKinstry
Bradford	Tingley
Brown	Walthall
Gray	Williams
Hughes	Speaker (Bigler)—10.

Those who voted in the negative were—

Mr. Baldwin	Mr. Morehead
Cardwell	Ogier
Cornwall	Patterson
Covarubias	Per Lee
Creaner	Randolph
Crittenden	Scott
Martin	Tefft—14.

So the amendment was not agreed to.

Mr. Morehead moved to adjourn.

The motion did not prevail.

Mr. Creaner moved the following amendment:—

Insert after "1849," "and which were contracted by said President and City Council, acting within the limits of the authority conferred on them by said Charter." Not agreed to.

Mr. Walthall offered the following substitute to Section 24:—

"Any contracts made by the President and City Council of Sacramento City, elected under the Charter adopted by the people on the 13th day of October last, shall be subject to any law which may hereafter be enacted legalizing such contracts."

On which the Speaker announced no quorum voting.

Mr. Ogier moved to adjourn, which was lost.

On a count the Speaker announced a quorum present. The question then recurred on the substitute offered by Mr. Walthall; when,

On motion of Mr. Ogier, the House adjourned.

HOUSE OF ASSEMBLY.

SATURDAY, *January 19th*, 1850.

House met.

Prayer by the Rev. Mr. Briarly.

The roll was called, and the following Members were absent, viz. Messrs. Covarubias, Heath, Stephens, Witherby, and White.

A quorum being present, the Journal was read and approved.

A message from the Senate was received.

Mr. Randolph, from the Judiciary Committee, submitted the following report (accompanied by a bill) in reference to the office of Surveyor General.

MR. SPEAKER:—

The Committee on the Judiciary have had under consideration the office of Surveyor General.

In organizing this department they have assumed some latitude,

having added to the duties proper to a Surveyor those of a Civil Engineer and Commissioner of Internal Improvements. They are of opinion that these branches of the public service will always be found of great utility, and hereafter justify liberal expenditures; but in consideration of the total want of money under which the State commences its existence, their views have no further extent at present than to impose on some competent officer of the government the duty of digesting plans and gathering facts for the instruction of the people and the guidance of future legislation. The condition of California at this moment,—a State in organization, population, magnitude, and diversity of interests, but in destitution of all the applications of science and art necessary to modern civilization, still remaining in wilderness,—illustrates with peculiar force the necessity of even this limited provision; and your committee have charged the Surveyor General with its execution, because of the scientific attainments requisite in that officer, and his facilities for obtaining information from every part of the State.

In prescribing the duties of the Surveyor General, considered strictly as such, care has been taken to enjoin the use of the higher methods of science on all proper occasions, and strict attention to certain useful details which might otherwise be overlooked. All points which, in the constitution or laws, are designated by geographical position, those portions of the boundaries of the State or any county described by parallels of latitude or longitude, and the position of all remarkable objects on any boundary line, or in its vicinity, are to be determined by astronomical observation: he is also to ascertain the distance and bearing of such neighboring objects from any boundary, the length and direction of all considerable streams, and lakes, and ranges of hills and mountains, and the point of greatest elevation within the limits of each county. The Map of the State will embody the result of these labors. It will be a work of the greatest usefulness to every citizen, a valuable contribution to the general fund of science, which is yet without reliable authorities as to the geography of this portion of the globe, and an earnest that from the day of her entrance into the society of nations, our first American State on the Pacific aspires no less to intellectual than to commercial and political excellence.

As a Civil Engineer the duties of the Surveyor General will be of an importance that it is impossible to over estimate. The navigation of rivers must be improved, and the means of travel and transportation

constructed and improved through every part of the State, or the bounties of nature will have been lavished in vain upon the country, and the immigrant, after all his sacrifices, disappointed of his just expectations. Among the strange spectacles presented by this marvellous creation of a populous State within a few months, in the midst of a desert, nothing is more striking than the local distribution and domestic condition of the people. Thousands, in small parties, are locked up in the ravines and gorges of the Sierra Nevada, cut off by snows, impassable rivers, and plains rendered quagmires by rain, from all communication with the world or with the parties in adjoining hollows, and fortunate if they find themselves provided with food for the winter; thousands fearing famine and the hardships of the mountains, have come down into the towns, and are lying under canvas during the inclemencies of the rainy season, or crowded into filthy taverns, without a comfort, and exposed to the temptations of vice in its most odious forms. The consequence is, suffering and loss of life, the flourishing to an unparalleled degree of gambling and usury, and the turning of the hard earnings of the laborer into the pockets of monopolists of the means of subsistence and speculators on misfortune. This great evil can only be effectually remedied by the labors of the engineer. The country must be rendered easily accessible to be the home of the intelligent, moral, and prosperous citizen; and fortunately its conformation seems to favor the hope that much may be accomplished by a comparatively small effort. The two great divisions of the mining regions being appurtenant to the Sacramento and San Joaquin rivers and their tributaries, can be rendered accessible to the extent that their waters are made navigable; and when navigation becomes impossible, it would appear only necessary to follow up the outline of nature, and construct a road, firm and practicable in all seasons, which should correspond in direction with the course of the two great rivers, with lateral roads running up into the openings of the mountains. Rivers and roads combined would thus form as convenient a system as could well be imagined for bringing the many separated portions of so great an extent of country into communication with each other and a common centre.

The maritime section of the State seems equally favorable to the establishment of internal communications. It would appear from the best information which your Committee possess that every small town and arable valley can be made accessible to some port by the improve-

ment of small creeks, or the construction of roads a few miles in length, whilst the whole may be connected by a single highway running parallel to the coast, through a country entirely practicable. And in both of the great territorial divisions, it is not impossible that examinations may show that there are points which are now, or soon will, become of sufficient importance to justify a connexion by railroad, notwithstanding the immense cost of capital and labor; for example, some point of discharge on the Sacramento and San Joaquin rivers with some central portion of the mines, and the city of San Francisco with this valley of San José, so manifestly destined to become populous and rich in agricultural productions.

The prevention of overflows and the draining of marshes are objects which require no expatiation. Our cities and villages and farms must be protected from inundation or abandoned, and the Tule swamps, which to the most casual observer seemed so well adapted to the growth of rice, cannot always be suffered to remain a source of disease and a deduction of so many thousand acres from the productive lands of the State. In other countries science has accomplished greater results than these, with no greater hope of reward.

As a Commissioner of Internal Improvements, the duties of the Surveyor General will be a combination of those of Civil Engineer and the Commissioner of Patents under the government of the United States. He is charged with the suggestion of such works and the collection of such information as will tend immediately, in every manner, to promote the increase of all the valuable productions of the State. He is to use every effort to inform himself as to the quantity, qualities, localities, and annual yield of all mineral, tillage, and grazing lands, and as to the existence and the means of remedying diseases and other causes of injury, preventing adequate return of crops. But from none of the provisions of the bill which your committee have prepared, do they look for more desirable results than from that which commits to the charge of this officer the subject of irrigation, and the preserving and planting of forests of timber trees. It has already been demonstrated by experiment that California, where not enriched by minerals, possesses in soil and atmosphere the rarest combination of qualities for vegetable production. The coarser and the finer products—wheat, maize, potatoes, and the like, and the fig, olive, and grape—flourish equally well, with the aid of one simple application—water. Let this

be supplied, and timber sufficient for building and fencing be found, and California becomes more attractive to the farmer than any region heretofore opened to American enterprise. Your committee are happy to believe that this want will be supplied, and with more facility and at less expense than the rich lands of the Mississippi valley have been cleared and put under cultivation. Without adverting to what has been done in former years by the Fathers, with their limited knowledge of science, and the aid of ignorant savages, the topography of the country and familiar facts furnish the strongest reasons to believe that a supply of water can easily be had. Extensive reservoirs might be formed in the gorges of the hills by damming of streams and catching the rains of winter; the elevations, which everywhere at a short distance hem in the valley, indicate subterranean waters, which may be pierced by artesian wells and brought to the surface; and common wells, which require to be sunk only a few feet, might be fitted with pumps worked as windmills, and made to furnish, at a very small cost, water enough for every purpose of the farm. Your committee cannot doubt that a competent engineer would soon remove all doubts on this subject, and make the country busy with the labors of corporations and individuals, carrying out his suggestions.

Growing timber must be adjacent to the cultivated field, before the agriculture of California can be established on its proper permanent basis. Ditches and hedges and the importation of lumber may answer a temporary purpose, but ultimately we must resort to the planting of forests. The process is comparatively slow, but may be considered certain: it is familiar in many countries, and beginning to be practised in some of our States which contain large tracts of prairie lands. The locust has been tried with success, in the States north of the Ohio, and that with other trees will doubtless be found equally well adapted to our own plains. The experiments of the Fathers prove that there is nothing in the soil of California hostile to the growth of timber, and it is observable that wherever there are forests in the State, the trees are of unusual magnificence. It is a reasonable hope that within a few years many of the naked plains and hill sides, which now detract so much from the beauty and apparent value of our country, may be covered with flourishing groves; and to promote the early consummation of so desirable a result, we have very specially charged the scientific department of the Government with the care of the subject.

The means proposed by the committee for carrying out their scheme of the office of Surveyor General, are of the most limited character, and confined almost exclusively to those necessary to enable him to make surveys. They recommend the appointment of only one clerk, one draughtsman, and a deputy surveyor for each county; and with a view to economy, and to accuracy and uniformity in the measurement of lands throughout the State, they would suggest that in the law defining the duties of deputy surveyors, they be also made county surveyors. The committee contemplate no addition to this small corps, at this time, further than to make it the duty of certain officers, yet to be created, to report to the Surveyor General on such subjects and on such occasions as he shall require. Hereafter, as they have already said, they believe that this branch of the public service will justify large, and, if judiciously applied, continued appropriations; but at present it can only be expected of the Surveyor General, incidentally to his strictly professional duties, to gather facts to be embodied in his annual report, to be laid, with his conclusions from them, before the Legislature and the people.

With these explanations, I am instructed respectfully to submit the accompanying Bill, and recommend its passage.

The bill was read a first time. On motion, the rules were suspended and the bill was read a second time.

Mr. Tingley moved to lay the report and bill on the table, and that sixty copies of the bill be printed.

Mr. Bradford moved to amend, by printing 500 copies of the report, which was accepted by Mr. Tingley. Mr. Williams moved to amend the amendment by striking out "500," and inserting "1000" copies of the report, which was also accepted. A division of the question being called for, the first question was on printing 60 copies of the bill, and it was agreed to.

The question then recurred on printing 1000 copies of the report, on which Mr. Moore demanded the ayes and nays.

Those who voted in the affirmative were—

Mr. Aram	Mr. Corey
Bradford	Crittenden
Brown	Hughes
Cardwell	Martin

Mr. McKinstry	Mr. Walthall
Morehead	Watson
Stewart	Williams
Stowell	Speaker (Bigler)
Tingley	—17.

Those who voted in the negative were—

Mr. Baldwin	Mr. Moore
Brackett	Patterson
Gray	Scott—6.

Agreed to.

Mr. Stowell, from the Committee on Enrolled Bills, reported as follows:—

The Committee on Enrolled Bills have presented to the Governor, for his approval, the Bill entitled "an Act concerning the Office of Comptroller."

L. STOWELL,
Chairman of Committee of Assembly.

San José, *January* 18, 1850.

The Joint Committee on Enrolled Bills, having examined the following Joint Resolution, find it correctly enrolled.

A "Joint Resolution of thanks to Captain John A. Sutter."

L. STOWELL,
Chairman of Committee of Assembly.
H. E. ROBINSON,
Chairman of Senate Committee.

January 19, 1850.

The following message was received from the Governor, to wit:—

SAN JOSÉ, *January* 19, 1850.

TO THE ASSEMBLY:—

I have this day signed the bill, entitled "an Act concerning the Office of Comptroller."

PETER H. BURNETT.

Mr. Bradford offered a resolution, which was read.

Mr. Brackett moved to lay the resolution on the table. Before the motion was seconded or any question taken on the resolution, Mr. Bradford asked leave to withdraw it; objections being made thereto, the Speaker decided that Mr. Bradford had a right to withdraw the resolution, from which decision Mr. Hughes appealed. The question being put to the House, "Shall the decision of the chair stand as the judgment of the House?" it was decided in the affirmative.

The resolution was withdrawn.

The following message from the Senate was then taken up and read:—

SENATE CHAMBER, *January* 19, 1850.

MR. SPEAKER:—

I am directed by the Senate to inform the Assembly, that they have passed the Joint Resolutions of the House, entitled, "Joint Resolutions on the subject of aiding Emigrants to the State of California by the overland route," with amendments, to wit: strike out all after the words "Representatives be requested," in the first resolution, and insert instead thereof the substitute herewith transmitted, marked A, in which they request the concurrence of the Assembly.

Also, that they have passed "a Joint Resolution in relation to the publication of the General Laws," which is herewith transmitted for the concurrence of the Assembly.

J. F. Howe,
Secretary of Senate.

The House then proceeded to the consideration of the orders of the day.

"A preamble and Joint Resolution of the House on the subject of aiding Emigrants to the State of California by the overland route," returned from the Senate with an amendment, was taken up, and, on motion, the House refused to concur in said amendment.

The following message was received from the Senate by their Secretary:—

SENATE CHAMBER, *January* 19, 1850.

MR. SPEAKER:—

I am directed by the Senate to request of the Assembly a Committee of Conference, in relation to the disagreeing votes of the two

Houses, on the amendments to the bills entitled, "a Joint Resolution classifying the Justices of the Supreme Court," and to the bill entitled, "an Act concerning the office of Attorney General," and to inform the Assembly that the Senate have appointed as such Committee, on their part, Messrs. Robinson and Vermeule.

J. F. HOWE,
Secretary of Senate.

Mr. Walthall moved that a Committee of Conference be appointed to meet a like Committee of the Senate, which was agreed to.

The Speaker appointed Messrs. Walthall, Tingley, and Crittenden said Committee.

Order of the day entitled, "a Joint Resolution of the Senate in relation to the publication of the General Laws," was taken up, and, on motion of Mr. Randolph, was laid on the table.

"An Act to incorporate Sacramento City," was taken up. The substitute to 24th section offered by Mr. Walthall was withdrawn.

Mr. Hughes offered the following amendment: Strike out from the word "be" at the end of the fourth line to the word "presented" in the eighth line of section 24. The amendment was concurred in.

Mr. Creaner moved, as a further amendment, to strike out from the word "corporation," in the 12th line section 24, to the word "with" in last line, and insert the following:—"in any Court of competent jurisdiction, and if adjudged to be just and equitable in said Court, the Corporation shall pay the same."

The amendment was concurred in.

The question then recurring on the adoption of the section as amended, it was agreed to.

On motion of Mr. Tingley, the bill was ordered to be engrossed for a third reading on Monday.

Mr. Williams moved that the House adjourn. Not agreed to.

A joint resolution on the subject of "Public Domains, Mineral Lands, Custom Houses, and Branch of the U. S. Mint, and Moneys that rightfully belong to the State of California," was taken up.

Mr. Ogier moved to refer the same to the Committee of the Whole, and that it be made the order of the day for Tuesday next. Agreed to.

"A bill prescribing the mode of keeping, receiving, and paying out the public funds," was read a third time.

The question being "Shall the bill pass?" Mr. Tingley demanded the ayes and nays.

Those who voted in the affirmative were—

Mr. Aram	Mr. Ogier
Bradford	Patterson
Brown	Randolph
Cardwell	Scott
Corey	Stowell
Crittenden	Tingley
Hughes	Walthall
Martin	Williams
Morehead	Speaker (Bigler)—18.

Those who voted in the negative were—

Mr. Brackett	Mr. Creaner—2

The bill passed.

Mr. Stowell offered the following resolution:—

Resolved, That the Clerk of the House of Assembly be authorized to receive the Stationery (for the use of the Assembly) sent to this House by Warren & McCarty.

The resolution was adopted.

Mr. Martin moved that when the House adjourn, it adjourn to meet again on Monday next at 11 o'clock A.M. Agreed to.

On motion, the House adjourned.

HOUSE OF ASSEMBLY.

MONDAY, *January* 21, 1850.

House met, pursuant to adjournment.

The roll was called, and the following members were absent, viz.:

Messrs. Heath, Per Lee, Scott, Stephens, and White.

The Journal of Saturday was read and approved.

Mr. Tingley, from the Select Committee, to whom was referred a joint

resolution of the Senate, submitted the following report and amendment:—

MR. SPEAKER:—

The Select Committee, to whom was referred the preamble and joint resolution of the Senate on the subject of Mails, have had the same under consideration, and amended the same by striking out all from the word "Whereas," and inserting in lieu thereof the following amendment, and recommend its adoption and passage.

TINGLEY,
Chairman of Select Committee.

The amendment was adopted.

The House then proceeded to the consideration of the orders of the day.

The rules of the Assembly, submitted by Mr. Cardwell, from the committee appointed for that purpose, were taken up.

Mr. Tingley moved their adoption, with two amendments, viz.: Striking out "resolutions," from the 5th line of the order of business, and inserting in lieu thereof, "remonstrances;" 2d, adding thereto the "Committee on Corporations and Enrolled Bills;" when, on motion, the rules were laid on the table for the present.

"A bill to incorporate Sacramento City" was read a third time. The question being on its passage, Mr. Walthall demanded the ayes and nays.

Those who voted in the affirmative were—

Mr. Aram	Mr. Morehead
Baldwin	Ogier
Brackett	Patterson
Brown	Randolph
Cardwell	Stewart
Cornwall	Stowell
Corey	Tefft
Covarubias	Tingley
Creaner	Walthall
Crittenden	Williams
Gray	Witherby
Hughes	Speaker (Bigler)
McKinstry	—25.

In the negative, none.

The bill passed.

Ordered, That the Clerk inform the Senate thereof.

Mr. Cardwell moved to take up the report in reference to the rules of the House; which was agreed to.

Mr. Tingley moved to refer the same to a select committee. Agreed to.

The Speaker appointed Messrs. Tingley, Cardwell, and Brackett, said committee.

The following communication was received from the Secretary of State:—

OFFICE OF SECRETARY OF STATE,
January 21, 1850.

TO THE HON. JOHN BIGLER,
SPEAKER, &C.,
SIR,—

I have the honor to transmit herewith the official returns of an election held in and for the district of San Francisco, on Tuesday, the 8th day of January, 1850, together with a *recapitulation* of the vote polled for member of the Assembly.

I am, Sir,
Truly and Respectfully,
Your ob't Servant,
W. VAN VOORHIES,
Secretary of State.

Mr. Clarke, member elect from the District of San Francisco, came forward and took the usual oath of office.

On leave, Mr. Randolph offered the following resolution:—

Resolved, That the Governor be requested to inform this House whether he has appointed any person to the office of District Attorney in San Francisco, and if so, by what authority he has made said appointment; also, what are the duties of the officer appointed; what are the limits of the district within which he is to act; what salary he is entitled to receive, and out of what fund to be paid.

Mr. Ogier moved to lay the resolution on the table, which was not agreed to.

Mr. Watson moved to strike out all after the word "San Francisco," in the fourth line, which was agreed to.

Mr. Tingley offered the following amendment, "if so, on what authority, and by virtue of what law." The amendment was not adopted.

Mr. Williams moved to lay the resolution on the table. On which Mr. Randolph demanded the ayes and nays.

Those who voted in the affirmative were—

Mr. Aram	Mr. Ogier
Baldwin	Williams
Brown	—5.

Those who voted in the negative were—

Mr. Brackett	Mr. Morehead
Bradford	Moore
Cardwell	Patterson
Clarke	Randolph
Cornwall	Stowell
Corey	Tefft
Creaner	Tingley
Crittenden	Walthall
Gray	Watson
Hughes	Witherby
Martin	Speaker (Bigler)
McKinstry	—23.

So the House refused to lay said resolution on the table.

The resolution, as amended, was then adopted.

The following message was received from the Senate by Mr. Howe, their Secretary:—

SENATE CHAMBER,
January 21, 1850.

MR. SPEAKER:—

I am directed by the Senate to inform the Assembly, that they have passed the bill, originating in the House, entitled "an Act to provide for the Incorporation of Towns," with amendments, to wit: 1.

Inserting after the word "State," in the second line of the 1st section, the words "other than those now existing, by virtue of any legal grant or charter." 2. Inserting, in the twenty-fourth line of the same section, the words "three square miles," instead of the words "one square mile."

Also, that they have passed a bill, originating in the Senate, entitled "an Act to organize the Supreme Court of California."

Also, the bill, originating in the House, entitled "an Act concerning the official Bonds of Officers," with amendments, to wit:—1st, Adding at the close of the 4th section the words "and upon conviction thereafter, for a second offence of the same kind, his office shall be deemed and declared vacant;" 2d, Inserting after the words "duties of," in the last line of the 7th section, the words "or hold;" 3d, Substituting for the words "although no," in the 8th section, near the close of the section, the word "provided;" 4th, Strike out, in the fifth line of section 22d, the words "in an action of debt."

In all which, the Senate respectfully request the concurrence of the Assembly.

J. F. HOWE,
Secretary of the Senate.

When the House proceeded to the consideration of the several bills accompanying the message.

A bill of the House "to provide for the Incorporation of Towns," returned with amendments, was taken up, and the House refused to concur in the first amendment.

In the second amendment, Mr. Martin moved to strike out "three square miles" and insert "four." Agreed to. The amendment, as amended, was then concurred in.

A bill "concerning the Official Bonds of Officers," returned with amendments, was taken up, and the first amendment non-concurred in. In the second and fourth amendments, the Assembly concurred. In the third amendment, they non-concurred.

Bill of Senate, "to organize the Supreme Court of California," was read a first time.

On motion of Mr. Williams, the rules were suspended, and the bill was read a second time.

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

the Judiciary, with instructions to report the same back to the House on to-morrow.

On leave, Mr. Tingley, from the Select Committee, to whom were referred the rules of the House, submitted the following report:—

MR. SPEAKER:—

The committee, to whom were referred the Rules and Orders of the Assembly of the State of California, have had the same under consideration; and recommend the adoption of said rules, with the following amendments:—

1st. Strike out "resolutions," in fifth line, and insert in lieu thereof "remonstrances."

2d. By adding "Committee on Counties and County Boundaries." "Enrolled Bills." "Corporations," on page first, after "Committee on Mileage."

Also, on page 10, insert same committees.

3d. On page 16, add after the words "Public Buildings" "and Grounds;" and, on the same page (16), add "Committee on Mileage, and Committee on Accounts."

Also, committees "on Revisal and Unfinished Business." "On Public Expenditures."

4th. That any question of Order, that is not determined by said Rules, shall be decided by the principles laid down in "Jefferson's Manual." The report was adopted.

Mr. Bradford gave notice, that on to-morrow he would introduce a bill to incorporate the City of Benicia.

Mr. Stowell, from the Committee on Enrolled Bills, reported the following:—

The Joint Committee on Enrolled Bills, having examined the following acts, find them correctly enrolled.

"An Act concerning the office of State Treasurer."

"An Act concerning the office of Secretary of State."

"An Act for fixing the time for Acts and Joint Resolutions to take effect."

L. STOWELL, Chairman of the Assembly.
W. R. BASSHAM, Chairman of the Senate.

January 21, 1850.

On motion of Mr. Morehead, the House adjourned.

HOUSE OF ASSEMBLY.

TUESDAY, *January* 22, 1850.

House met, pursuant to adjournment.

Prayer by the Rev. Mr. Douglass.

The roll was called, and the following members were absent, viz. :—

Messrs. Heath, Scott, Stephens, and White.

The journal of yesterday was read and approved.

The Speaker announced the following additional Standing Committees :—

ON MILEAGE.

Messrs. Williams, Scott, Cardwell, Brackett, and Clarke.

ON REVISAL AND UNFINISHED BUSINESS.

Messrs. Baldwin, Patterson, and Martin.

ON PUBLIC EXPENDITURES.

Messrs. Clarke, Hughes, and Stewart.

Mr. Crittenden, from the Judiciary Committee, to whom was referred a bill of Senate "to organize the Supreme Court of California," reported the same with amendments, and recommended its passage.

On motion of Mr. Crittenden, the bill was laid on the table, with a view to its reference to a committee of the whole.

Mr. Crittenden, from the same committee, to whom was referred a bill of Senate "to create the office of Translator," reported the same with an amendment. In which amendment the House concurred.

The question being, "Shall the bill pass?" it was decided in the affirmative.

Mr. Witherby, from the Committee on Public Printing, made a report, accompanied with "a bill defining the duties of State Printer, and his compensation;" also, "a bill for the speedy publication of the laws of the State of California," which were severally read a first and second time, and the usual number of copies ordered to be printed.

Mr. Bradford, from the Committee on Commerce, to whom were referred sundry bills for acts declaring certain rivers navigable streams, with instructions to concentrate them into one bill, reported "a bill declaring certain rivers herein named navigable streams," which was read a first and second time.

On motion of Mr. Ogier, the bill was laid on the table, with a view to its reference to a committee of the whole.

Mr. Bradford, agreeably to previous notice, introduced "a bill to incorporate the City of Benicia," which was read a first and second time; and, on motion, said bill was referred to the Committee on Corporations.

The House then proceeded to the consideration of the special orders of the day.

On motion of Mr. Creaner, the House resolved itself into Committee of the Whole (Mr. Creaner in the chair), on a joint resolution, on the subject of Public Domains, Mineral Lands, &c. After having spent some time therein, the committee rose, the chairman reported the same to the House, and asked leave to sit again.

Leave was granted.

A message from the Senate was received.

On motion of Mr. Cardwell, the House again resolved itself into Committee of the Whole, to resume the consideration of the joint resolution on the subject of Public Domains, Mineral Lands, &c. After having spent some time therein, the committee rose, and the chairman, Mr. Creaner, reported that they had had the same under consideration, and asked leave to sit again.

Mr. Randolph moved to lay the joint resolution on the table, and make it the order of the day for Saturday next.

On which Mr. Tingley demanded the ayes and nays.

Those who voted in the affirmative were—

Mr. Aram	Mr. Ogier
Baldwin	Randolph
Clarke	Stewart
Corey	Stowell
Covarubias	Tefft
Martin	Watson—12.

Those who voted in the negative were—

Mr. Brackett	Mr. Morehead
Bradford	Moore
Brown	Patterson
Creaner	Tingley
Crittenden	Walthall
Gray	Williams
Hughes	Speaker (Bigler).
McKinstry	—15.

So the House refused to lay the said joint resolution on the table.

Mr. Ogier moved to lay the resolution on the table, and make it the order of the day for Friday next.

Mr. Moore moved to amend, by inserting "Thursday" next.

Division of the question being called for, the question was, on making it the order of the day for Friday next.

On this question, Mr. Williams demanded the ayes and nays.

Those who voted in the affirmative were—

Mr. Aram	Mr. Ogier
Baldwin	Randolph
Clarke	Stewart
Corey	Stowell
Covarubias	Tefft
Martin	Watson—12.

Those who voted in the negative were—

Mr. Brackett	Mr. Morehead
Bradford	Moore
Brown	Patterson
Creaner	Tingley
Crittenden	Walthall
Gray	Williams
Hughes	Speaker
McKinstry	—15.

The motion was not agreed to.

The question then recurred on the motion to lay said resolution on the table and make it the order of the day for Thursday next.

On this question Mr. Tefft demanded the yeas and nays.

Those who voted in the affirmative were—

Mr. Aram	Mr. Ogier
Baldwin	Patterson
Brown	Randolph
Clarke	Stewart
Corey	Stowell
Creaner	Tingley
Martin	Walthall
McKinstry	Watson
Moore	—17.

Those who voted in the negative were—

Mr. Brackett	Mr. Hughes
Bradford	Morehead
Covarubias	Tefft
Crittenden	Williams
Gray	Speaker (Bigler)—10.

So the Joint Resolution was laid on the table and made the order of the day for Thursday next.

Mr. Brown asked and obtained leave of absence for a few days.

Mr. Watson moved that the House adjourn. Decided in the negative.

On motion of Mr. Tingley, a Joint Resolution of the Senate, "Authorizing the Governor to employ a private Secretary," was taken up.

Mr. Tingley offered the following amendment to said Resolution,—Strike out all after the word "Secretary" and insert "to be paid such compensation as may be prescribed by law."

Mr. Williams moved to refer the Resolution and amendment to a Select Committee, which was not agreed to.

Mr. Williams then moved the following amendment to the amendment, "add the following words, 'out of any funds not otherwise appropriated,'" which was adopted.

The question then recurred on the amendment offered by Mr. Tingley, which was adopted.

Mr. Randolph moved to strike out the words "Peter H. Burnett," which was agreed to.

The question being, "Shall the Resolution pass?" it was decided in the affirmative.

On motion of Mr. Ogier, the House adjourned.

HOUSE OF ASSEMBLY.

WEDNESDAY, *January* 23, 1850.

House met pursuant to adjournment.

Prayer by the Rev. Mr. Briarly.

The roll was called, and the following members were absent, viz. Messrs. Baldwin, Heath, Per Lee, Stephens, Watson, Witherby, and White.

The journal of yesterday was read and approved.

Mr. Crittenden, from the Judiciary Committee, reported "a Bill concerning the writ of habeas corpus," which was read a first and second time.

On motion of Mr. Tingley, said bill was laid on the table, and the usual number of copies ordered to be printed.

Mr. Crittenden, from the Committee on Corporations, to whom was referred "a Bill to incorporate the City of Benicia," reported the same with amendments, and moved that it be laid on the table, with a view to its reference to the Committee of the whole. Agreed to.

Mr. Morehead offered the following resolution:—

Whereas, Two members of this House, Mr. Stephens and Mr. Heath, are absent without leave, and it has come to the knowledge of the Assembly that they do not intend to return; therefore,

Be it Resolved, That the Speaker be requested to send for said members and that they be ordered to return to their duty, and further that the Speaker be requested to inquire the cause of the absence of Mr. Van Benschoten, the other member from the San Joaquin District.

Mr. Bradford moved to amend, by striking out the words "ordered to return," and insert "bring back," which was agreed to.

Mr. Cardwell moved to refer said resolution to a Select Committee, which was not agreed to.

Mr. Morehead moved to lay the same on the table. Not agreed to.

Mr. Morehead then asked leave to withdraw the resolution; which was agreed to, and the resolution was withdrawn.

Mr. Ogier offered the following resolution:—

Resolved, That the Speaker of this House be ordered to dispatch the Sergeant-at-Arms, or a special messenger, to arrest and bring back before the bar of this House, Mr. Stephens and Mr. Heath, members of the Assembly.

The resolution was adopted.

Mr. Moore offered the following resolution:—

Resolved, That no person, except members of the Senate, their Secretary, Governor, Heads of State Departments, and Chaplains to the Assembly, shall be admitted within the Hall of the House, either during or after session; and it shall be the duty of the Doorkeeper to see this resolution strictly enforced.

The resolution was adopted.

The following Message from the Senate, received on yesterday, was read:

SENATE CHAMBER, }
Jan. 22, 1850. }

MR. SPEAKER:—

I am directed by the Senate to inform the Assembly, that they insist upon their amendment to the Joint Resolutions of the Assembly on the subject of "Aiding Emigrants to the State of California by the Overland Route."

J. F. HOWE,
Secretary of the Senate.

The House then proceeded to the consideration of the orders of the day, a Joint Resolution on the subject of "Aiding Emigrants to California by the Overland Route," returned from Senate, insisting on their amendment to the same.

Mr. Creaner moved that the House recede from its non-concurrence to said amendment.

Not agreed to.

Mr. Tingley moved that a Committee of Conference be appointed to

meet a similar one of the Senate in reference to the said Joint Resolution, on the subject of "Aiding Emigrants to California by the Overland Route."

Agreed to.

Whereupon the Speaker appointed Messrs. Tingley, Aram, and Patterson said Committee.

On motion of Mr. Tingley, the House resolved itself into Committee of the Whole, Mr. Brackett in the chair, on a "Bill to organize the Supreme Court of California." After having spent some time therein, the Committee rose, the Chairman reported the Bill to the House with amendments, and asked to be discharged from the further consideration thereof.

The Committee was discharged.

The House then proceeded to the consideration of the several amendments made in Committee of the Whole. The first and second amendments were concurred in.

On concurring in the third amendment of the Committee, Mr. Morehead demanded the Ayes and Nays.

Those who voted in the affirmative were:

Mr. Aram	Mr. Creaner	
Brown	Ogier	
Corey	Randolph	—6.

Those who voted in the negative were:

Mr. Bradford	Mr. Morehead	
Cardwell	Moore	
Clarke	Patterson	
Crittenden	Scott	
Gray	Tingley	
Hughes	Walthall	
Martin	Williams	
McKinstry	Speaker [Bigler]	—16.

So the House refused to concur in said amendment.

Mr. Ogier moved that the House adjourn. Not agreed to.

Mr. Crittenden moved to amend Section 6 of the Bill, by striking

out in the seventh line the words "of the degree of Counsellor of the Supreme Court," which was agreed to.

The other amendments made in the Committee were then concurred in, with the exception of the sixth.

On motion of Mr. Crittenden, the Bill was ordered to be engrossed for its third reading on to-morrow.

The Speaker announced the following additional names to the several Standing Committees, viz:

Committee on Commerce, Messrs. Clarke and Walthall.

On Corporations, Mr. Hughes.

On Printing, Mr. Williams.

The Speaker laid before the House the following communication:

ASSEMBLY CHAMBER, SAN JOSÉ,
January 23, 1850.

HON. JOHN BIGLER, Speaker:—

SIR: In compliance with the rules of the body over which you preside, I have the honor to inform you that I am employed by the *Pacific News* as a Legislative Reporter for said paper.

Very respectfully,
Your obedient servant,
JNO. M. MUSCOTT.

On motion of Mr. Cardwell, the House adjourned.

HOUSE OF ASSEMBLY.

THURSDAY, *January 24th*, 1850.

House met, pursuant to adjournment.

Prayer by the Rev. Mr. Briarly.

The roll was called, and the following members were absent:—Messrs. Heath, Per Lee, Stephens, and White.

The Journal was read and approved.

Mr. Cornwall presented a petition from sundry citizens of Marysville,

praying for the location of the county seat of Yuba County at said place.

On motion of the same gentleman, said petition was referred to the Committee on Counties and County Boundaries.

Mr. Crittenden, from the Judiciary Committee, reported "a bill entitled an Act concerning Offices," which was read a first and second time, and on motion of Mr. Caldwell was laid on the table, and the usual number of copies ordered to be printed.

Mr. Stowell, from the Committee on Enrolled Bills, reported as follows:—

The Joint Committee on Enrolled Bills have this day presented to the Governor for his approval the following Acts and Joint Resolution:—

"An Act concerning the office of Secretary of State."

"An Act Fixing the Time for Acts and Joint Resolutions to take Effect."

"An Act concerning the Office of State Treasurer."

"A Joint Resolution of Thanks to Capt. John A. Sutter."

L. STOWELL,
Ch. Comt. Ass.
W. R. BASSHAM,
Ch. Comt. Senate.

January 23*d*, 1850.

Mr. Crittenden offered the following Resolution:—

Resolved, That for the Present Session of the Legislature, the Pay of the Officers of the Assembly shall be as follows, viz.

The Clerk shall receive twenty-eight dollars per diem.

The Assistant Clerk shall receive twenty-eight dollars per diem.

The Engrossing and Enrolling Clerks shall receive each twenty-two dollars per diem.

The Serjeant-at-Arms, Doorkeeper, and Messenger, shall receive each ——— dollars per diem.

Mr. Tingley moved to amend by inserting "Assistant Doorkeeper" after the word "Doorkeeper." Agreed to.

Mr. Crittenden moved to fill the blank with "sixteen dollars."

Mr. Williams moved "twenty-five dollars." The motion was not agreed to.

Mr. Morehead moved to fill the blank with "twenty dollars." Agreed to.

Mr. Stowell moved to lay the Resolution on the table for the present. The motion prevailed, and the Resolution was laid on the table.

The House then proceeded to the consideration of the order of the day, which was a Joint Resolution on the subject of Public Domains, Mineral Lands, &c.

The House resolved itself into Committee of the whole on said Resolution (Mr. Creaner in the Chair). After having spent some time therein, the Committee rose, and the Chairman reported the same to the House, and asked leave to sit again. Leave was granted.

A message from the Senate was received.

The Serjeant-at-arms announced that, in compliance with a Resolution passed on yesterday, he had arrested Mr. R. W. Heath, a member of the Assembly.

Mr. Randolph moved that Mr. Heath be excused, without the usual fee. Agreed to.

Mr. Heath offered the following Resolution :—

Resolved, That R. W. Heath be permitted to absent himself for the space of one week to recover from the debilitating effects of his recent fatiguing trip.

Mr. Watson moved to lay Resolution on the table for the balance of the session. Agreed to.

Mr. Tingley moved that the Serjeant-at-Arms be discharged from the duty imposed upon him by a resolution of the House on yesterday, requiring him to bring the body of Mr. Stephens before the House. Not agreed to.

Mr. Watson offered the following resolution:—

Resolved, That no member shall receive any per diem when absent without leave.

On motion of Mr. Baldwin, resolution was laid on the table.

On motion of Mr. Ogier, the House again resolved itself into Committee of the Whole (Mr. Creaner in the Chair), on the joint resolution of Public Domains, Mineral Lands, &c. After having spent some time therein the committee rose, and the Chairman reported the resolution to the House, and stated that they had made some progress therein, and asked to be discharged from the further consideration thereof.

The committee was discharged.

Mr. Hughes then offered the following resolution :—

Resolved, That the joint resolution on the subject of the Public Domain, Mineral Lands, Custom Houses, and Branch of the United States Mint, and Moneys that rightfully belong to the State of California, be referred to a select committee of five, of which Madison Walthall, of Sacramento, be chairman, and the other four members of the committee be appointed by the Speaker.

Mr. Tingley moved the previous question.

The previous question being called for, the question was, "Shall the main question be now put?" which was decided in the negative.

Mr. Williams then moved to amend the resolution by adding, "with instructions to report the same by Saturday next," which was accepted by Mr. Hughes.

The question then recurred on the adoption of the resolution as amended, and it was decided in the affirmative.

Whereupon the Speaker appointed Messrs. Walthall, Tingley, Hughes, Corey, and Witherby, said committee.

On motion of Mr. Morehead, the House adjourned.

HOUSE OF ASSEMBLY.

FRIDAY, *January* 25, 1850.

House met, pursuant to adjournment.

Prayer by the Rev. Mr. Douglass.

The roll was called, and the following members were absent, viz.:—

Messrs. Brackett, Cornwall, Covarubias, Heath, Ogier, Per Lee, Stevens, Stowell, Watson, and White.

A quorum being present, the Journal was read and approved.

A message from the Senate was received.

Mr. Williams offered the following resolution, to wit:—

Resolved, That the State Printer be, and he is hereby, requested to transmit to the Assembly his bill in detail against the State for printing the Governor's Message, at the rates fixed by the bill now pending before this body regulating the compensation of State Printer. Adopted.

The Speaker laid before the House the following message from the Governor, to wit:—

SAN JOSÉ, January 24, 1850.

TO THE ASSEMBLY:—

I have this day signed the following bills:—

1st. "An Act concerning the office of State Treasurer."

2d. "An Act fixing the time for Acts and Joint Resolutions to take effect."

3d. "An Act concerning the office of Secretary of State."

PETER H. BURNETT.

The following message from the Senate, received on yesterday, was read:

SENATE CHAMBER,
January 24th, 1850.

MR. SPEAKER:

I am directed by the Senate to inform the Assembly that they have passed a bill, entitled "an Act subdividing the State into Counties, and establishing the seats of Justice therein."

Also, that they have passed a bill, entitled "an Act to incorporate the City of Los Angeles."

Also, Bill of the Assembly, entitled "an Act prescribing the mode of receiving, keeping, and paying out the public funds."

Also, Bill of the Assembly, entitled "an Act authorizing the Secretary of State, Comptroller, Treasurer, Surveyor General, and Attorney General to rent offices, and procure the necessary furniture for their respective offices," with amendment, to wit: 1st, add at the close of section 1st the following:

Provided, That the Secretary of State, Comptroller, Treasurer, Surveyor General, and Attorney General, shall not exceed the sum of three thousand five hundred dollars each, in any annual expenditure, exclusive of office rent and State instruments.

Also, at the close of Section 2d, the following:

Provided, That the rent of each of said offices does not exceed the sum of $4,000 per annum.

In all which the Senate respectfully request the concurrence of the Assembly.

J. F. HOWE,
Secretary of the Senate.

The House then proceeded to the consideration of the order of the day, which was "a Bill authorizing the Secretary of State, Comptroller, Treasurer, &c., to rent offices, and procure the necessary furniture for their respective offices," returned from the Senate with amendments.

On concurring in the first amendment to said Bill, Mr. Moore demanded the ayes and nays.

Those who voted in the affirmative were—

Mr. Brown	Mr. Patterson
Covarubias	Scott
Creaner	Tefft
Gray	Witherby
Moore	—9.

Those who voted in the negative were—

Mr. Aram	Mr. Morehead
Baldwin	Randolph
Bradford	Stewart
Cardwell	Stowell
Clarke	Tingley
Corey	Walthall
Hughes	Williams
Martin	Speaker (Bigler)
McKinstry	—17.

The amendment was not concurred in.

In the second amendment the House concurred.

The following message from the Senate, received this morning, was read:

SENATE CHAMBER,
January 24th, 1850.

MR. SPEAKER:

I am directed by the Senate to inform the Assembly that they have refused to concur in the amendments of the Assembly to the "Joint Resolution of the Senate, instructing our Senators and requesting our Representatives in Congress in reference to the Mails."

Also, that they insist upon their *first* and *third* amendments to the Bill of the Assembly, entitled "an Act concerning the Official Bonds of Officers."

Also, that they *insist* upon their *first* and *second* amendments to the Bill of the Assembly, entitled "an Act to provide for the incorporation of Towns."

Also, that they *concur* in the amendments of the Assembly to the Joint Resolution of the Senate "to authorize the Governor to appoint a Private Secretary."

Also, that they *concur* in the amendments of the Assembly to the Bill of the Senate, entitled "an Act to create the office of State Translator."

Also, that they have passed Assembly Bill, entitled "an Act to incorporate Sacramento City," with an amendment, to wit—strike out in the fifth line of the 8th section the words "of the" after the word "President," and substitute therefor the words "by order of said."

The House proceeded to the consideration of the several Bills and Joint Resolutions accompanying it.

A Joint Resolution of the Senate, "instructing our Senators and requesting our Representatives in Congress in reference to the Mails," returned from Senate, with refusal to concur in the amendment of the Assembly, was taken up.

On motion, the House receded from their amendment to said Bill.

Bill of Assembly "concerning the Official Bonds of Officers," returned from the Senate, insisting on their first and third amendments, was taken up, and the House refused to concur in said amendments.

Bill of Assembly "to incorporate Sacramento City," returned with an amendment, was taken up, and the House concurred in said amendment.

Bill of Senate, "subdividing the State into Counties, and establishing seats of Justice therein," was read a first and second time, and on motion of Mr. Williams was made the special order of the day in Committee of the Whole for Monday next.

Bill of Senate, "to incorporate the City of Los Angeles." was read a first and second time.

Mr. Martin offered the following amendment to said Bill:

"Sec. 23. The Corporation created by this Act shall succeed to all

the legal rights and claims of the Pueblo de los Angeles, and shall be subject to all the liabilities incurred, and obligations created, by the Ayuntamiento of said Pueblo."

The amendment was adopted.

On motion of Mr. Tingley, the rules were suspended, the bill read a third time, and passed.

The House proceeded to the third reading of the bill "to organize the Supreme Court of California."

The bill was read a third time.

Mr. Randolph moved to refer it to a Select Committee, with instructions to report the following:—

6th Section. The counsel in the cause may select some one of the District Judges, other than the one who first tried the case, to determine the same.

The motion was lost.

Mr. Hughes offered the following resolution:—

Resolved, That the "Bill to organize the Supreme Court of California" be recommitted to the Committee on the Judiciary, with instructions to amend, by inserting after the word "law," in 7th line of the 6th section, the words "not disqualified as aforesaid."

Mr. Clarke offered the following amendment to the resolution:—

That the 6th section of the "Bill to organize the Supreme Court of California" be referred to a Special Committee, with special instructions to amend said section, so that it will read, that "the decision of the court below shall stand," instead of reading, that "the Governor shall appoint some person learned in the law."

The amendment was not agreed to.

Mr. Crittenden moved to amend the resolution, by inserting "Special Committee" instead of "Judiciary," with instructions to report forthwith, which was accepted by Mr. Hughes.

The question then recurred on the adoption of the resolution, and it was decided in the affirmative.

Whereupon the Speaker appointed Messrs. Hughes, Brackett, and Tefft, said committee.

The committee then reported the bill amended in accordance with the instructions given in the resolution.

The question being "Shall the bill pass?" Mr. Randolph demanded the ayes and nays.

Those who voted in the affirmative were—

Mr. Aram	Mr. Martin
Baldwin	McKinstry
Brackett	Moore
Bradford	Patterson
Brown	Tingley
Crittenden	Walthall
Gray	Watson
Hughes	Speaker (Bigler)—16.

Those who voted in the negative were—

Mr. Clarke	Mr. Randolph
Corey	Scott
Creaner	Stowell
Morehead	Tefft
Ogier	Williams—10.

So the bill passed.

The Speaker laid before the House the following communication :—

SAN JOSÉ,
January 23, 1850.

TO THE SPEAKER OF THE HOUSE OF ASSEMBLY :—

SIR :

I have the honor to inform you that I am a Reporter for the "Alta California" newspaper, and, as such, respectfully ask permission from you to sit in the House of Assembly.

Respectfuily,
Your obedient servant,
E. DICKEY.

On leave, Mr. Brackett offered the following resolution :—

Resolved, That the Committee on Military Affairs be, and they are hereby, empowered to employ a clerk so long as his services may be required by said committee.

The resolution was adopted.

Mr. Patterson asked leave of absence for a few days, which was granted.

Mr. Randolph moved that the bill concerning the office of Surveyor General be now taken up, and made the special order of the day for Wednesday next. Decided in the affirmative.

On motion of Mr. Watson, the House adjourned.

HOUSE OF ASSEMBLY.

SATURDAY, *January 26th*, 1850.

House met pursuant to adjournment.

Prayer by Rev. Mr. Briarly.

The roll was called, and the following members were absent, viz. Messrs. Cornwall, Covarubias, Heath, Ogier, Per Lee, Stephens, Tefft, and White.

Mr. Baldwin asked leave of absence for Mr. Covarubias, which was granted.

Messrs. Ogier and Tefft were also excused, being indisposed.

The Journal was read and approved.

Mr. Walthall, from the Committee on Ways and Means, made the following Report:—

The Chairman of the Committee on Ways and Means and the Chairman of the Committee on Finance of the Senate met with the Treasurer on the 25th instant, when the Treasurer reported that he had received no bids for a loan under the Act passed at the present Session of the Legislature to authorize a temporary loan, &c.

Mr. Walthall, from the same Committee, introduced a Bill, entitled "An Act to create a temporary Loan," which was read the first time.

On motion of Mr. Creaner, said Bill was laid on the table.

Mr. Stowell, from the Joint Committee on Enrolled Bills, reported the following:—

COMMITTEE ROOM,
Jan. 25, 1850.

The Joint Committee on Enrolled Bills have examined and find correctly enrolled the following Bills:

"An Act to create the office of Translator."

"A Joint Resolution to authorize the Governor to employ a Private Secretary."

L. STOWELL,
Chair'n Committee of Assembly on Enrolled Bills.
E. O. CROSBY,
Member Senate Committee on Enrolled Bills.

Mr. Williams offered the following Resolution:—

Resolved, That the House this day go into an election for a Clerk to transcribe the Journals of this House, in order that they may be printed at as early a day as possible.

The Resolution was adopted.

Mr. Brackett offered the following Resolution, to wit: —

Resolved, That the Committee on the Judiciary be and they are hereby instructed to report to this House a brief and comprehensive Act, substantially enacting that the Common Law of England, and all Statutes and Acts of Parliament down to a certain reign, or to some year of a certain reign, which are of a general nature, not local to that kingdom, excluding, if advisable, any named Statute, or any particular portion of any named Statute; which Common Law and Statutes are not repugnant to or inconsistent with the Constitution of the United States, the Constitution of this State, and Statute Laws that now are or hereafter may be enacted, shall henceforth be the rule of action and decision in the State of California."

On motion of Mr. Brackett, the same was laid on the table, and made the order of the day for Tuesday next.

Mr. Crittenden offered the following Resolution:—

Resolved, That the Committee on the Judiciary be authorized to employ such number of clerks as, in their opinion, may be necessary; such clerks to receive pay for the time they are actually employed at the same rate as the enrolling and engrossing clerks of this House.

The Resolution was adopted.

Mr. Williams offered the following Resolution:—

Resolved, That the House go into the election of the transcribing Clerk this day at 2 P.M.

Agreed to.

Mr. Williams gave notice that on Monday next he would introduce a Bill in relation to Free Negroes, Mulatto Servants, and Slaves.

The Speaker laid before the House the following communication from the State Printer:

SAN JOSÉ, 26*th January*, 1850.

TO THE SPEAKER OF THE ASSEMBLY:—

SIR:

In reply to the resolution of your body, passed yesterday, permit me to say, that the Governor's message not having yet been set up in Spanish, I cannot give an accurate detail of the cost of executing the printing of that document, as contemplated in the resolution. But proceeding upon the supposition that the Spanish translation will not exceed the space of the English, the printing of 14,500 copies (10,000 in English and 2,500 in Spanish, for the use of the Assembly; and 1500 in English and 500 in Spanish for the Senate) will be—

Composition in English, 14,000 ems, . . .	$102·20
Do. " Spanish "	204·80
Press Work, 116 tokens, ...	846·80
	$1153·40

If you will indulge me, I will add, that the cost of presswork is just double what it would be, if a proper kind of paper could have been obtained in this State, on which to have had the work executed. Open a copy of the Message, and you will observe that there are but *four* pages on a side; the proper sized paper will contain *eight;*—consequently, 116 tokens, instead of 58 tokens, were indispensably requisite; and $846·80 the expense, instead of 423·40. This is one of the expensive inconveniences which this State, in its infancy, isolated situation, and inability to command the proper facilities, is required to sustain and suffer at present, but which may be remedied in another year, if the proper measures are taken, and in seasonable time.

Very respectfully,

H. H. ROBINSON,

State Printer.

Mr. Walthall moved, that the bill on the table authorizing a permanent loan to pay the public expenses of the State, be recommitted to

the Committee of Ways and Means, with general instructions, which was agreed to.

On motion of Mr. Tingley, the "bill concerning Offices," was taken up, when the House resolved itself into Committee of the Whole (Mr. Tingley in the chair), on said bill. After having spent some time therein, the committee rose, and the Chairman reported the bill to the House, with amendments, and asked to be discharged from the further consideration thereof. Agreed to.

The House then concurred in the several amendments to said bill, with the exception of the fourth.

Mr. Tingley moved to strike out, in Section 6, the words "and State Translator," also, "one year," and insert "two years." Agreed to.

The fourth amendment of the committee was then concurred in.

Mr. Brown moved to reconsider the vote just taken, to concur in said amendment. Agreed to.

Mr. Tingley then offered the following substitute for section 7, "The State Translator shall be elected by joint ballot of the Legislature, and hold his office for one year, and until his successor is elected and qualified." Adopted.

Mr. McKinstry moved to amend the 48th section, by inserting after the word "Offices," in the third line, the word "within," which was adopted.

Mr. Crittenden offered the following amendment to section 48: Add, after vacancy, "and until such election is held, and the person chosen is qualified, the Governor shall fill such office by appointment." Strike out in the fourth line all after the word "Officer," and add, "the person appointed by the Governor shall hold office for the unexpired term," which was agreed to.

Mr. Crittenden moved further to amend, as follows:—

Section 48. Strike out the words "Superintendent of Public Instruction."

Section 45. After the word "Judge" insert "or Superintendent of Public Instruction," and strike out in the third line, "the words "a Justice or District Judge," and insert "such Officer," which was adopted.

On motion of Mr. Tingley, the bill was ordered to be engrossed for its third reading on Monday.

On motion of Mr. Baldwin, the House proceeded to the election of

Transcribing Clerk, Mr. McKinstry and Mr. Crittenden acting as Tellers.

Mr. Cardwell submitted the name of George O. McMullin.

Mr. Morehead proposed the name of A. M. Wiggenton.

Mr. Bradford proposed the name of Edward Jones.

On the first balloting the result was as follows :—

Whole number of votes, ...	26
Necessary to a choice, ...	14

Those who voted for George O. McMullin were—Messrs. Baldwin, Cardwell, Crittenden, Hughes, Martin, McKinstry, Moore, Tingley, Walthall, Witherby, and Speaker (Bigler)—11.

Those who voted for A. M. Wigginton were—Messrs. Aram, Clarke, Creaner, Gray, Morehead, Patterson, Randolph, Scott, Stewart, Stowell, Watson, and Williams—12.

Those who voted for Edward Jones were—Messrs. Brackett, Bradford, and Brown—3.

No person having received a majority of all the votes cast, the House proceeded to a second balloting, which resulted as follows :—

Whole number of votes, ...	26
Necessary to a choice, ...	14

Those who voted for Geo. O. McMullin were—Messrs. Baldwin, Brown, Cardwell, Crittenden, Hughes, Martin, McKinstry, Moore, Tingley, Walthall, Witherby, and Speaker (Bigler)—12.

Those who voted for A. M. Wigginton were—Messrs. Aram, Clark, Creaner, Gray, Morehead, Patterson, Randolph, Scott, Stewart, Stowell, Watson, and Williams—12.

Those who voted for Edward Jones were—Messrs. Brackett and Bradford—2.

No person having received a majority of the votes cast, the House proceeded to a third balloting, which was as follows :—

Whole number of votes, ...	26
Necessary to a choice, ...	14

Those who voted for George O. McMullin were—Messrs. Baldwin, Bradford, Brown, Cardwell, Crittenden, Hughes, Martin, McKinstry, Moore, Tingley, Walthall, Witherby, and Speaker—13.

Those who voted for A. M. Wigginton were—Messrs. Aram, Brackett, Clark, Creaner, Gray, Morehead, Patterson, Randolph, Scott, Stewart, Stowell, Watson, and Williams—13.

No person having received a majority of the votes cast, Mr. Cardwell moved that the House adjourn. Not agreed to.

The House then proceeded to a fourth balloting, which resulted as follows:—

Whole number of votes, ...	26
Necessary to a choice, ...	14

Those who voted for George O. McMullin were—Messrs. Aram, Baldwin, Bradford, Brown, Cardwell, Crittenden, Hughes, Martin, McKinstry, Moore, Tingley, Walthall, Witherby, and Speaker (Bigler) —14.

Those who voted for A. M. Wigginton were—Messrs. Brackett, Clarke, Creaner, Gray, Morehead, Patterson, Randolph, Scott, Stewart, Stowell, Watson, and Williams—12.

Mr. George O. McMullin, having received a majority of the votes given, was declared duly elected.

On motion of Mr. Williams, the House adjourned.

HOUSE OF ASSEMBLY.

MONDAY, *January* 28, 1850.

House met, pursuant to adjournment.

Prayer by Rev. Mr. Douglass.

The roll was called, and the following members were absent, viz.:—

Messrs. Brown, Cornwall, Covarubias, Martin, Ogier, Patterson, Scott, Stephens, Watson, Witherby, and White.

On motion of Mr. Baldwin, Mr. Watson, being indisposed, was excused.

A quorum being present, the Journal was read and approved.

The Speaker laid before the House communications from Hon. P. B. Cornwall, and Hon. Montgomery Martin, members of the Assembly, tendering their resignations.

On motion of Mr. Stowell, the resignations were accepted.

On motion of Mr. Walthall,

Resolved, That the Governor be informed of the resignation of P. B. Cornwall, Representative from Sacramento District, and Montgomery Martin, Representative from Los Angeles.

Mr. Crittenden, from the Judicary Committee, reported the following bills, to wit: "an Act to regulate proceedings in Courts of Justices of the Peace in Civil Cases;" "an Act to organize County Courts;" "an Act to organize the Court of Sessions;" and "an Act to regulate proceedings in the County Courts in cases of appeal from the courts of Justices of the Peace."

Said bills were severally read a first and second time, and, on motion of Mr. Walthall, the usual number of copies ordered to be printed.

Mr. Bradford, from the Committee on Counties and County Boundaries, to whom was referred the petition of sundry citizens of Sonoma, relative to the boundary of Sonoma County, also the petition from the citizens of Marysville, with reference to the location of the county seat of Yuba County, reported the same to the House, accompanied with the following resolution, to wit:—

Resolved, That the petition from the citizens of Sonoma, with reference to the boundary of said county, and the petition from the citizens of Marysville, praying for the location of the county seat at that place, be referred to the committee of the whole House, and that the committee on Counties and County Boundaries be discharged from the further consideration of the said petitions.

The question being taken on the adoption of the resolution, it was agreed to.

Mr. Morehead introduced a "Preamble and Joint Resolution in relation to a loan from General Riley." Read a first time.

On motion of Mr. Williams, the rules were suspended and the resolution was read a second time.

Mr. Morehead moved that it be referred to a select committee of three; which was agreed to.

Whereupon the Speaker appointed Messrs. Morehead, Randolph, and Brackett, said committee.

Mr. Williams, agreeably to previous notice, introduced a "Bill relative to Free Negroes, Mulattoes, Servants, and Slaves," which was read a first time.

Mr. Randolph moved that *the bill be rejected.*

On this question Mr. Williams demanded the ayes and nays.

Those who voted in the affirmative were—

Mr. Aram	Mr. Randolph
Bradford	Stewart
Cardwell	Stowell
Clarke	Tefft
Covarubias	Tingley
Crittenden	Speaker.
Gray	—13.

Those who voted in the negative were—

Mr. Baldwin	Mr. McKinstry
Brackett	Morehead
Corey	Moore
Creaner	Per Lee
Heath	Walthall
Hughes	Williams—12.

So the bill was rejected.

On leave, Mr. Randolph introduced a bill "to establish a Municipal Court in the City of San Francisco, to be called 'The Superior Court of the City of San Francisco,'" which was read a first time.

On motion of Mr. Randolph, the rules were suspended, the bill read a second time, and referred to the Committee on the Judiciary.

On motion of Mr. Cardwell, the House resolved itself into Committee of the Whole on the bill of the Senate, "Subdividing the State into Counties, and establishing Seats of Justice therein" (Mr. Creaner in the chair). After having spent some time therein, the committee rose, the Chairman reported the bill to the House with amendments, and asked leave to sit again. Agreed to.

A message from the Senate was received.

On motion of Mr. Walthall, the House again resolved itself into Committee of the Whole (Mr. Creaner in the chair), on the bill "Subdividing the State into Counties, and establishing Seats of Justice therein." After having spent some time therein, the committee rose, the Chairman reported the bill to the House with amendments, and asked to be discharged from the further consideration thereof. Agreed to.

A message from the Senate was received.

Mr. Crittenden moved that the report of the chairman of the committee be laid on the table for the day.

Decided in the affirmative.

Mr. Morehead, from the Select Committee, to whom was referred a "Joint Resolution in relation to a loan from General Riley," reported the same with amendments, in which amendments the House concurred.

On motion of Mr. Baldwin, the rules were suspended, and the resolution was read a third time.

Mr. Creaner moved that the resolution be recommitted to the same committee, with instructions to strike out the last amendment.

Mr. Hughes moved to lay the resolution and amendments on the table, upon which the Speaker announced no quorum voting.

Mr. Morehead then demanded the ayes and nays.

Those who voted in the affirmative were—

Mr. Cardwell	Mr. Hughes
Gray	McKinstry—4.

Those who voted in the negative were—

Mr. Aram	Mr. Heath
Baldwin	Morehead
Brackett	Stewart
Bradford	Tingley
Clarke	Walthall
Covarubias	Williams
Creaner	Speaker (Bigler).
Crittenden	—15.

The question then recurred on recommitting the resolution to the Select Committee, when Mr. Baldwin moved to adjourn.

The motion was lost.

Before any question was put, the Speaker announced the hour of adjournment and the House adjourned.

HOUSE OF ASSEMBLY.

TUESDAY, *January 29th*, 1850.

House met, pursuant to adjournment.

Prayer by Rev. Mr. Briarly.

The roll was called, and the following members were absent, viz. Messrs. Covarubias, Patterson, Randolph, Stephens, and Watson.

A quorum being present, the Journal was read and approved.

Mr. Walthall, from the Committee on Ways and Means, reported "a Bill concerning the Revenue Funds, Expenditure, and Property of the State, and Management thereof;" which was read a first and second time, and the usual number of copies ordered to be printed.

Mr. Walthall, from the same Committee, to whom was recommitted a bill "Authorizing a Loan on the Faith and Credit of the State, to pay the Expenses of the Civil Government thereof," reported the same with amendments, in which amendments the House concurred, and the usual number of copies ordered to be printed. On motion of Mr. Walthall, said Bill was referred to Committee of the Whole, and made the order of the day for Thursday next.

On motion of Mr. Walthall, the "Bill to create a Temporary Loan" was taken up and read a second time, and, on motion of Mr. Ogier, the usual number of copies ordered to be printed.

Mr. Bradford moved that the Bill "Defining the Duties of State Printer, and Fixing his Compensation," be referred to a Committee of the Whole, and made the order of the day for Friday next. Agreed to.

On motion of Mr. Bradford, the bill "to Incorporate the City of Benicia," was taken up, referred to a Committee of the Whole, and made the order of the day for Saturday next.

The House then proceeded to the consideration of the orders of the day.

Joint Resolution "in relation to a Loan from Gen. Riley," was taken

up. The question was on recommitting the resolution to the Select Committee, with instructions. It was lost.

Mr. Creaner moved a reconsideration of the vote just taken. Agreed to.

Mr. Williams moved to postpone the further consideration of the Resolution.

Mr. Morehead moved to amend by adding the word "indefinitely," which was accepted by the mover. So the Joint Resolution was indefinitely postponed.

"Bill to provide for the Incorporation of Towns," returned from the Senate, insisting on their amendments, was taken up, and the House refused to recede from their nonconcurrence to the first amendment, and receded from their nonconcurrence to second amendment.

Mr. Walthall moved, that a Committee of Conference be appointed to meet a similar one of the Senate, in reference to the Senate's first amendment to said Bill. Agreed to.

Whereupon the Speaker appointed Messrs. Walthall, Crittenden, and Scott, said Committee.

Mr. Walthall, from the Committee of Conference in reference to a Bill, "Classifying the Justices of the Supreme Court," and on leave, reported as follows:—

The Committee of Conference have agreed that the Senate recede from its amendment, so as to read, "a Joint Resolution," as in the original form, "an Act concerning the Office of Attorney General." The Committee of Conference recommend that the Assembly agree to the Senate's amendment, by striking out "State Printer," and retain the words "Trustees or Commissioners of State Hospitals or Asylums," which was agreed to.

The following messages from the Senate, received on yesterday, were read:—

SENATE CHAMBER,
January 28th, 1850.

MR. SPEAKER:—

I am directed by the Senate to inform the Assembly that the Senate have receded from their first amendment to Assembly Bill, entitled "an Act to authorize the Secretary of State, Comptroller, Trea-

surer, Surveyor General, and Attorney General, to rent Offices and procure the necessary Furniture for their respective Offices.

Also, that the Senate have concurred in the amendment of the Assembly, adding a 25th section to the bill, entitled "an Act to Incorporate the City of Los Angeles."

J. F. HOWE,
Secretary of the Senate.

SENATE CHAMBER,
January 28th, 1850.

MR. SPEAKER:—

I am directed by the Senate to inform the Assembly, that they have passed a Joint Resolution, herewith transmitted, for the appointment of a Joint Committee, to draft an address to the people of the State of California, in regard to the resignation of Members of the Legislature, and have appointed as such Committee, on their part, Messrs. Douglass, Chamberlin, and Vallejó.

Also, that the Senate request a Committee of Conference in relation to the disagreeing votes of the two Houses, on the amendments of the Senate to the fourth and fifth Sections of the Assembly Bill, entitled "an Act concerning the Official Bonds of Officers;" and have appointed as such Committee, on their part, Messrs. Hope and Vermeule.

J. F. HOWE,
Secretary of the Senate.

The House then proceeded to the consideration of the Joint Resolution accompanying the message, "in regard to the Resignation of Members of the Legislature." It was read a first and second time.

Mr. Randolph moved to lay it on the table, and make it the special order of the day for Thursday next. Not agreed to.

On motion of Mr. Stowell, the rules were suspended and the resolution read a third time.

The question being "Shall the resolution pass?"—it was decided in the affirmative.

The bill concerning Officers was taken up and read a third time.

Mr. Crittenden moved to refer the bill to a special Committee, with instructions to amend the 32d section by striking out the 3d subdivision thereof and inserting the following words:—

"3d. His refusal or neglect to take the oath of office as prescribed in the 27th section of this act, or when bond is required by law," "his refusal or neglect to give such bond within the same time in which he is required to take the oath of office," and that the Committee be directed to report forthwith. The motion was agreed to.

Whereupon the Speaker appointed Messrs. Crittenden, Ogier, and Stowell, said Committee.

The Committee then reported the bill amended in accordance with the instructions given.

The question being, "Shall the bill pass?" Mr. Stowell demanded the ayes and nays.

Those who voted in the affirmative were—

Mr. Aram	Mr. Ogier
Brackett	Per Lee
Clarke	Randolph
Corey	Scott
Covarubias	Stewart
Creaner	Stowell
Crittenden	Tingley
Gray	Walthall
Heath	Watson
Hughes	Williams
McKinstry	Witherby
Morehead	Speaker
Moore	—25.

In the negative—none.

So the bill passed.

On motion of Mr. Ogier, the House resolved itself into a Committee of the Whole (Mr. Cardwell in the chair) on the resolution of Mr. Brackett, instructing the Committee on the Judiciary with reference to the Common Law.

After having spent some time therein, the Committee rose, and the Chairman reported that they had made some progress therein, and asked leave to sit again. Agreed to.

A bill subdividing the State into Counties was then taken up.

Mr. Brackett moved to amend by striking out the words "including Mare Island," from Napa County. Agreed to.

Mr. Creaner moved, that the bill and amendments, as far as the District of Sonoma is concerned, be referred to a Select Committee to be composed of the members from Sonoma District. Decided in the affirmative.

On motion of Mr. Tingley, the House resolved itself into a Committee of the Whole (Mr. Baldwin in the chair) on a bill "to regulate proceedings in the County Courts in cases of Appeal from the Courts of Justices of the Peace." After some consideration therein, the Committee rose, the Chairman reported that they had made some progress therein, and asked leave to sit again. Agreed to.

A message from the Senate was received.

Mr. Watson moved to adjourn. Lost.

On motion of Mr. Creaner, the House again resolved itself into a Committee of the Whole (Mr. Baldwin in the chair) on the bill "to regulate proceedings in the County Courts in cases of Appeal from the Courts of Justices of the Peace." After its consideration, the Committee rose, and the Chairman reported the bill, with amendments, and asked to be discharged from the further consideration thereof. Agreed to.

On motion of Mr. Watson, the House adjourned.

HOUSE OF ASSEMBLY.

WEDNESDAY, *January* 30, 1850.

House met pursuant to adjournment.

Prayer by Rev. Mr. Douglass.

The roll was called and the following members were absent:—

Messrs. Aram, Brown, Corey, Covarubias, Ogier, Patterson, Stephens, Watson, and White.

The Journal was read and approved.

The Speaker laid before the House the following communication:—

"At a large and numerous meeting of the members of the Bar of

San Francisco, held pursuant to public notice, Col. John D. Mumford was called to the chair, and John Satterlee appointed Secretary.

After full and free discussion, and deliberate consideration, the following resolutions were adopted by a large majority:—

Resolved, That we would respectfully recommend the adoption and establishment, by the Legislature, of the Common Law of England, as modified by most of the States of the Union, and that we are opposed to the adoption of the Civil Law, except so far as the same has been engrafted upon the Common Law, in relation to Mercantile and Marine Jurisprudence, and may be necessary in Chancery and Admiralty proceedings.

Resolved, That the Legislature be recommended to adopt the simplest forms of practice and pleadings compatible with the Common Law System.

Resolved, That the Chairman and Secretary be authorized and requested to transmit to the Legislature the resolutions adopted by this meeting; and that the proceedings be published.

JOHN D. MUMFORD, Chairman.

JOHN SATTERLEE, Secretary.

Mr. Tingley moved to refer the communication to the Committee of the Whole, in conjunction with the resolution on that subject now before the House. Agreed to.

Mr. Tingley, from the Committee of Ways and Means, reported "a bill prescribing the mode of assessing and collecting Public Revenue," which was read a first time.

On motion of Mr. Tingley, the rules were suspended, and the bill was read a second time, and the usual number of copies ordered to be printed.

Mr. Tingley, from the same committee, made a report, accompanied with "a bill defining the amount of revenue to be collected to defray the expenses of the Government of the State of California for the year 1850," which was read a first and second time.

On motion of Mr. Cardwell, the usual number of copies was ordered to be printed.

Mr. Morehead moved that 500 copies of the report be printed.

On this motion, Mr. Moore demanded the ayes and nays.

Those who voted in the affirmative were—

Mr. Aram	Mr. Morehead
Bradford	Per Lee
Cardwell	Randolph
Clarke	Scott
Corey	Stewart
Covarubias	Stowell
Creaner	Tefft
Crittenden	Walthall
Gray	Watson
Heath	Williams
Hughes	Witherby
McKinstry	Speaker (Bigler)—24.

Those who voted in the negative were—

Mr. Baldwin	Mr. Brackett
Moore	—3.

The motion prevailed.

Mr. Stowell, from Committee on Enrolled Bills, made the following report:—

The Joint Committee on Enrolled Bills have examined the following bills and joint resolutions: "An Act to incorporate the City of Los Angeles;" "Joint Resolution instructing our Senators and requesting our Representatives in reference to the Mails;" "an Act prescribing the mode of receiving, keeping, and paying out the public funds;" and find the same correctly enrolled, having altered the first named "Act" by striking out the word "is" in the last line of Section 11, before the word "hereinafter."

L. STOWELL,
Chairman of Committee of Assembly.
W. R. BASSHAM,
Chairman of Committee of Senate.

January 29, 1850.

A message from the Senate was received.

Mr. Bradford gave notice that on to-morrow he would introduce a

bill defining the duties of State Librarian, and prescribing rules for the government of the State Library.

The following messages from the Senate were then read:—

SENATE CHAMBER,
January 29, 1850.

MR. SPEAKER:—

I am directed by the Senate to inform the Assembly that they have adopted the report of the Committee of Conference in relation to the disagreeing votes of the two Houses on the amendments of the Senate to the joint resolution classifying the Justices of the Supreme Court, and thereby recede from their amendments to said joint resolutions.

Also, that they have adopted the report of the same Committee of Conference, in reference to the disagreeing votes of the two Houses on the amendments of the Senate to the third section of the bill of the Assembly "concerning the office of Attorney General," striking out of amendment the words "State Printer," and retaining the remainder of the amendment.

J. F. HOWE,
Secretary of Senate.

SENATE CHAMBER,
January 30, 1850.

MR. SPEAKER:

I am directed by the Senate to inform the Assembly that they have passed a bill entitled "an Act creating a Temporary Loan," which is herewith transmitted for the concurrence of the Assembly.

J. F. HOWE,
Secretary of Senate.

The House then proceeded to the consideration of the bill accompanying the last message, creating a temporary loan, which was read a first time.

On motion of Mr. Tingley, the rules were suspended, and the bill was read a second time.

Mr. Watson moved that the bill be referred to Committee of the Whole, and made the order of the day for this day; which was agreed to.

Mr. Tingley moved that the House adjourn. The motion was lost.

The House then proceeded to the consideration of the amendments made in Committee of the Whole on yesterday to the "bill to regulate proceedings in the County Courts in cases of appeal from the Courts of Justices of the Peace," which amendments were severally read and concurred in; and,

On motion of Mr. Tingley, the bill was ordered to be engrossed and read a third time on to-morrow.

The Speaker announced the following committees:

Committee of Conference on a "bill concerning the Official Bonds of Officers," Messrs. Crittenden, Randolph, and Creaner.

Committee, to draft an address to the people of California, in relation to the resignation of members of the Legislature, Messrs. Tingley, Stowell, Crittenden, Tefft, and Morehead.

On motion of Mr. Tingley, the House resolved itself into Committee of the Whole (Mr. Stowell in the chair), on the Bill of Senate, "to create a temporary loan." After some consideration therein, the committee rose, the Chairman reported the bill to the House, and asked to be discharged from the further consideration thereof. Agreed to.

Mr. Watson moved that the rules be suspended, and the bill be considered as engrossed, and read a third time.

Mr. Crittenden moved to amend as follows:—Strike out in the 1st section "three per cent." and insert "one per cent."

Mr. Williams moved the previous question.

The question then was, "Shall the main question be now put?"

On this question, Mr. Moore demanded the ayes and nays.

Those who voted in the affirmative were—

Mr. Baldwin	Mr. Per Lee
Cardwell	Scott
Clarke	Stewart
Covarubias	Tefft
Gray	Tingley
Heath	Walthall
Hughes	Watson
McKinstry	Williams
Morehead	Witherby—18.

Those who voted in the negative were—

Mr. Bradford	Mr. Ogier
Corey	Randolph
Creaner	Stowell
Crittenden	Speaker
Moore	—9.

So the House decided the main question should be now put.

The question recurring on the amendment of Mr. Crittenden, Mr. Tingley called for a division of the question, which was, "Will the House consent to strike out?"

It was decided in the negative.

Mr. Ogier moved to adjourn. Not agreed to.

The question then was, "Shall the bill be considered as engrossed?"

On this question, Mr. Moore demanded the ayes and nays.

Those who voted in the affirmative were—

Mr. Baldwin	Mr. Per Lee
Brackett	Scott
Cardwell	Stewart
Clarke	Tefft
Covarubias	Tingley
Gray	Walthall
Heath	Watson
Hughes	Williams
McKinstry	Witherby
Morehead	—19.

Those who voted in the negative were—

Mr. Bradford	Mr. Ogier
Corey	Randolph
Creaner	Stowell
Crittenden	Speaker (Bigler)
Moore	—9.

So the bill was considered engrossed.

The bill was then read a third time.

Mr. Randolph moved the following:—

"To refer the bill to the Committee of Ways and Means, with instructions to report a bill authorizing the Treasurer to go into the market and negotiate a loan for the State, for an amount sufficient to pay the expenses of the Government, on the best terms obtainable. And with instructions, when the money is obtained, to report immediately a bill taxing salaries due from the State one half of the amount of the interest which it may be necessary to pay for the same."

Mr. Hughes demanded the previous question.

The question then was, "Shall the main question be now put?"

On which Mr. Randolph demanded the ayes and nays.

Those who voted in the affirmative were—

Mr. Baldwin	Mr. McKinstry
Brackett	Morehead
Bradford	Per Lee
Cardwell	Scott
Clarke	Stewart
Covarubias	Tefft
Creaner	Tingley
Gray	Watson
Heath	Williams
Hughes	Witherby—20.

Those who voted in the negative were—

Mr. Corey	Mr. Randolph
Crittenden	Stowell
Moore	Walthall
Ogier	Speaker (Bigler)—8.

So the House decided the main question should now be put. The question then recurred on Mr. Randolph's motion, to refer, with instructions as aforesaid.

On which, Mr. Creaner demanded the ayes and nays.

Those who voted in the affirmative were—

Mr. Corey	Mr. Randolph
Creaner	Stowell
Moore	—5.

Those who voted in the negative were—

Mr. Baldwin	Mr. Ogier
Brackett	Per Lee
Bradford	Scott
Cardwell	Stewart
Clarke	Tefft
Crittenden	Tingley
Gray	Walthall
Heath	Watson
Hughes	Williams
McKinstry	Witherby
Morehead	Speaker—22.

So the motion was lost.

The question recurring on the passage of the bill, Mr. Moore moved a call of the House, which motion the Speaker decided out of order.

From this decision, Mr. Moore appealed. An appeal being taken, the question was, "Shall the decision of the chair stand as the judgment of the House?"

On this question, the ayes and nays were demanded.

Those who voted in the affirmative were—

Mr. Baldwin	Mr. Moore
Brackett	Per Lee
Bradford	Randolph
Cardwell	Scott
Clarke	Stewart
Corey	Stowell
Creaner	Tefft
Crittenden	Tingley
Gray	Walthall
Heath	Watson
Hughes	Williams
McKinstry	Witherby
Morehead	—25.

In the negative—none.

The decision of the chair was sustained by the House.

Mr. Moore moved to adjourn.

Not agreed to.

The question being "Shall the Bill pass?" the Ayes and Nays were demanded.

Those who voted in the affirmative were:

Mr. Baldwin	Mr. Per Lee	
Brackett	Scott	
Cardwell	Stewart	
Clarke	Tefft	
Gray	Tingley	
Heath	Walthall	
Hughes	Watson	
McKinstry	Williams	
Morehead	Witherby	—18.

Those who voted in the negative were:

Mr. Bradford	Mr. Ogier	
Corey	Randolph	
Creaner	Stowell	
Crittenden	Speaker	
Moore		—9.

So the Bill passed.

On motion, the House adjourned.

HOUSE OF ASSEMBLY.

THURSDAY *January* 31, 1850.

House met pursuant to adjournment.

Prayer by Rev. Mr. Briarly.

The roll was called, and the following members were absent, viz. Messrs. Baldwin, Brown, Covarubias, Heath, Hughes, Ogier, Patterson, Per Lee, Stephens, Stewart, Watson, Witherby, and White.

A quorum being present, the Journal of yesterday was read and approved.

On leave, Mr. Walthall reported a Bill for "An Act authorizing a Loan on the faith and credit of the State to pay the expenses of the Civil Government," &c.

On motion of Mr. Walthall, the usual number of copies was ordered to be printed.

Mr. Crittenden, from the Committee on Corporations, to whom was referred "A Bill to incorporate the City of San José," reported the same with amendments, and recommended its passage.

Mr. Williams moved that the Bill be laid on the table, and sixty Copies ordered to be printed.

Not agreed to.

Mr. Crittenden moved that the Bill be laid on the table, and made the order of the day for Saturday next; which was decided in the affirmative.

Mr. Crittenden made the following Report, in which the House concurred:—

MR. SPEAKER:

The Committee of Conference appointed by the House to confer with a corresponding Committee on the part of the Senate relative to the disagreeing votes of the two Houses as to two amendments made in the Senate to the Act, entitled "An Act concerning Official Bonds of Officers," have instructed me to

REPORT:—

That the two Committees have conferred together, and have agreed to recommend to their respective bodies the following amendments in place of those proposed by the Senate.

In Section 4, strike out all after the word "misdemeanor," and add, "and on conviction thereof shall be fined in a sum not exceeding one thousand dollars, and his office shall be declared vacant."

In Section 8, strike out all after the word "bond," in the second line from the bottom, and insert, "and such condition shall be expressed therein."

Your Committee respectfully recommend the adoption of these amendments.

Mr. Williams offered the following Resolution:

Resolved, That the Speaker is hereby authorized to employ such means as are necessary to procure necessary furniture and stationery for the use of this House.

Mr. Morehead offered the following as a substitute.

Resolved, That the Sergeant-at-Arms be instructed and authorized to employ a sufficient number of carpenters for the purpose of putting drawers in the tables of members of this House forthwith.

The amendment was accepted by Mr. Williams, and the Resolution as amended was adopted by the House.

The Sergeant-at-Arms announced the presence of Mr. J. F. Stephens, member from the District of San Joaquin, without the bar.

On motion of Mr. Baldwin, Mr. Stephens was admitted, took his seat, and stated his excuse.

On motion of Mr. Creaner, Mr. Stephens was excused without the usual fee.

Mr. Tefft offered the following Resolution :

Resolved by the Assembly, by and with the consent of the Senate, That the Treasurer be, and is, hereby required to proceed to the City of San Francisco, at as early a period as practicable, and procure Lithograph or Copperplate Blanks, on suitable paper, for the purpose of issuing the State Bonds, authorized by the Act passed in Senate and Assembly on the 30th day of January past, authorizing the issuing of the same.

And that the sum of Three Hundred Dollars be, and is hereby, appropriated out of any money in the Treasury not otherwise appropriated, to pay the expenses of the same.

On motion of Mr. Tingley, the Resolution was laid on the table for the present.

Mr. Bradford, agreeably to previous notice, introduced a ' Bill defining the Duties of State Librarian, and prescribing Rules for the Government of the State Library," which was read the first and second time, and the usual number of copies ordered to be printed.

The House then proceeded to the consideration of the unfinished business of yesterday, to wit: the " Bill to create a Temporary State Loan."

The question was on agreeing to the title of the Bill.

Mr. Randolph moved the following amendment: That the Bill be entitled " An Act to create Paper Money."

On motion of Mr. Baldwin, the amendment was laid on the table for the remainder of the Session.

Mr. Stowell offered the following amendment: That the Bill be entitled, "An Act for issuing State Bonds."

On motion of Mr. Clarke, said amendment was laid on the table for the balance of the Session.

The original title was then adopted.

On motion of Mr. Walthall, the House resolved itself into Committee of the whole (Mr. Creaner in the Chair), on a "Bill Authorizing a Loan on the Faith and Credit of the State, to Pay the Expenses of the Civil Government thereof, and Providing for the Redemption of the same." After having spent some time therein, the Committee rose, the Chairman reported that they had made some progress therein, and asked leave to sit again. Leave was granted.

The hour of adjournment having arrived, the House adjourned.

HOUSE OF ASSEMBLY.

FRIDAY, *February 1st*, 1850.

House met, pursuant to adjournment.

Prayer by the Rev. Mr. Douglass.

The roll was called and the following Members were absent, viz. Messrs. Brown, Clark, Corey, Patterson, Randolph, Watson, and White.

A quorum being present, the Journal of yesterday was read and approved.

Mr. Stowell, from the Committee on Enrolled Bills, made the following Report:—

The Joint Committee on Enrolled Bills have examined the following bills, and find them correctly enrolled, viz.

"An Act creating a Temporary State Loan."

"An Act concerning the Office of Attorney General."

"An Act Classifying the Justices of the Supreme Court."

L. STOWELL,
Ch. Com. of Assem.

W. R. BASSHAM,
Ch. Senate Com.

The Joint Committee on Enrolled Bills have this day presented to the Governor for his signature the following acts and joint resolutions, the same having been signed by the Speaker of the Assembly and President of the Senate, viz.

"An Act to Incorporate the City of Los Angeles."

"An Act Prescribing the mode of Receiving, Keeping, and Paying out the Public Funds."

"An Act Creating the Office of State Translator."

"A Joint Resolution Instructing our Senators and Requesting our Representatives in reference to the Mails.

"A Joint Resolution Authorizing the Governor to employ a Private Secretary."

L. STOWELL,
Ch. Assem. Com.

Committee Room,
January 31*st*, 1850.

W. R. BASSHAM,
Ch. Senate Com.

Mr. Tingley, from the Committee on Ways and Means, reported "a Bill Prescribing the Mode of Collecting certain Specific Taxes for County Purposes," which was read a first time.

On motion of Mr. Walthall, the rules were suspended, the Bill read a second time, and the usual number of copies ordered to be printed.

Mr. Brackett, from a Select Committee, made the following report:—

The Select Committee from the District of Sonoma, to whom was referred the bill, entitled "an Act subdividing the State into Counties, and establishing the Seats of Justice therein," respectfully report, That they have had the same under consideration, and submit the said bill, with amendments, to the House.

On motion of Mr. Brackett, the reading of the amendments was dispensed with, and the Bill made the order of the day for Tuesday next.

The following messages were received from the Governor:—

GENTLEMEN OF THE SENATE AND ASSEMBLY:

In pursuance of the Joint Resolution, authorizing the Governor to employ a Private Secretary, I have employed Caius T. Ryland, Esq., for that purpose.

PETER H. BURNETT.

January 31*st*, 1850.

TO THE ASSEMBLY:

I have this day signed a bill, entitled "an Act Prescribing the Mode of Receiving, Keeping, and Paying out the Public Funds."

PETER H. BURNETT.

January 31*st*, 1850.

Mr. Morehead offered the following resolution:—

Resolved,—That the Resolution fixing the hour for the daily meeting and adjournment of this House be and is hereby rescinded. Not agreed to.

Mr. Bradford gave notice that on to-morrow he would introduce "a Bill to Establish a Standard of Weights and Measures."

Mr. Tefft gave notice that on to-morrow he would introduce a Bill entitled "an Act providing a Lien Law."

On leave, Mr. Brackett offered the following resolution:—

Resolved, That so much of the Resolution concerning the hours of meeting and adjournment of this House, as fixes the hour of adjournment at 3 o'clock P.M., be, and the same is, hereby rescinded.

Not agreed to.

Mr. Stowell offered the following resolution:

Resolved, That the House of Assembly convene each day (Saturdays and Sundays excepted) at the hour of 6½ P.M., *in addition to their present day Session.*

Mr. Clarke moved to lay the Resolution on the table for the present.

Mr. Brackett moved to amend, by adding the word "indefinitely."

On this motion, Mr. Stowell demanded the ayes and nays.

Those who voted in the affirmative were—

Mr. Brackett	Mr. Stewart
Morehead	Tingley—4.

Those who voted in the negative were—

Mr. Aram	Mr. Corey
Baldwin	Covarubias
Bradford	Creaner
Cardwell	Crittenden
Clarke	Gray

Mr. Hughes	Mr. Stowell
McKinstry	Tefft
Moore	Walthall
Ogier	Watson
Randolph	Williams
Scott	Witherby
Stephens	Speaker (Bigler)—24.

So the House refused to lay the resolution on the table indefinitely.

Mr. Tingley offered the following:—

Amend by striking out from "resolved," and insert, "That hereafter this House will meet at 10 o'clock A.M., adjourn at 12 M., meet again at 2 o'clock P.M., and adjourn at any time thereafter, on motion."

Mr. Baldwin moved to lay said amendment on the table.

On this motion Mr. Tingley demanded the ayes and nays.

Mr. Watson moved to adjourn.

Not agreed to.

Mr. Creaner moved to amend the motion to lay on the table, by adding the word "indefinitely;" which amendment was accepted by Mr. Baldwin.

The question then recurred upon laying the amendment on the table indefinitely; the yeas and nays being demanded.

Those who voted in the affirmative were—

Mr. Baldwin	Mr. McKinstry
Bradford	Morehead
Cardwell	Ogier
Clarke	Randolph
Corey	Scott
Covarubias	Stowell
Creaner	Tefft
Crittenden	Williams
Gray	Witherby
Hughes	Speaker—20.

Those who voted in the negative were—

Mr. Aram	Mr. Stewart
Brackett	Tingley
Moore	Walthall
Stephens	—7.

So the amendment was laid on the table.

Mr. McKinstry moved to amend, by striking out 6½ o'clock P.M., and inserting 4½ P.M.

Not agreed to.

The question recurring on the resolution, Mr. Bradford moved to amend as follows:—

"This resolution to take effect from and after Monday, the 5th of February," which was accepted by Mr. Stowell.

Mr. Baldwin then moved to lay the resolution, as amended, on the table.

Not agreed to.

Mr. Williams moved to strike out 6½ and insert 8½ o'clock P.M.

Not agreed to.

Mr. Morehead moved to strike out 6½ and insert 7 P.M.

Mr. Bradford then demanded the previous question, which was, "Shall the main question be now put?" and it was decided in the affirmative.

The question then was on the pending amendment to strike out 6½ o'clock and insert 7 P.M.; which was not agreed to.

The question recurring on the adoption of the resolution, it was decided in the affirmative, and the resolution was adopted.

On leave, Mr. Ogier offered the following resolution:

Be it Resolved (the Senate concurring), That the two Houses of the Legislature assemble in convention, in the Assembly Hall, on Monday next, at 12 M., for the purpose of electing a State Translator. Adopted.

The House then proceeded to the consideration of the order of the day.

On motion of Mr. Crittenden, the "bill authorizing a loan on the faith and credit of the State, to pay the expenses of the civil government thereof, and providing for the redemption of the same," was referred to a select committee, with instructions to report on to-morrow.

The Speaker appointed Messrs. Crittenden, Walthall, Tefft, Ogier, and Brackett, said committee.

"A bill to regulate proceedings in the County Courts in cases of appeal from the Courts of Justices of the Peace," was taken up, and read a third time.

The question being, on the passage of the bill, those who voted in the affirmative were—

Mr. Aram	Mr. Ogier
Baldwin	Randolph
Brackett	Scott
Cardwell	Stephens
Clarke	Stewart
Corey	Stowell
Covarubias	Tefft
Creaner	Tingley
Crittenden	Walthall
Gray	Watson
Hughes	Witherby
McKinstry	Speaker (Bigler).
Morehead	—25.

In the negative—None.

So the bill passed.

A "bill defining the duties of State Printer, and fixing his compensation," was, on motion of Mr. Witherby, laid on the table for the present.

On motion of Mr. Brackett, the House resolved itself into Committee of the Whole (Mr. Cardwell in the chair), on the "resolution in relation to the Common Law." After some time spent therein, the committee rose, the Chairman reported the resolution to the House, and asked to be discharged from the further consideration thereof. Agreed to.

A message from the Senate was received.

Mr. Crittenden moved to lay the resolution in relation to the Common Law, on the table for the present. Agreed to.

On motion of Mr. Ogier, the House re-considered the vote on the resolution in reference to the election of State Translator, and on leave, the same was withdrawn.

The following message from the Senate was read:—

SENATE CHAMBER, *February* 1, 1850.

MR. SPEAKER:

I am directed by the Senate to inform the Assembly that they have passed "a Joint Resolution in relation to the Washington Monument in the City of Washington, D. C.," which is herewith transmitted.

Also, that the Senate have concurred in the report of the Committee of Conference on the disagreeing votes of the two Houses, in relation to the 4th and 8th sections of the bill, entitled "an Act concerning the Official Bonds of Officers," viz. striking out all after the word "misdemeanor" in the sixth line of section 4th, and substituting therefor the words "and on conviction thereof shall be fined in a sum not exceeding one thousand dollars, and his office be declared vacant," and also, striking out all after the word "bond," in the 8th section, to the end of the section, and inserting therefor "and such condition shall be expressed therein."

Also, that they have passed a Joint Resolution, herewith transmitted, for the concurrence of the Assembly, fixing Tuesday next, at one o'clock, for the election, by the joint vote of the two Houses, of "State Translator."

Also, that His Excellency, the Governor, has this day notified the Senate that, on yesterday, he signed bills, originating in the Senate, entitled "an Act creating the office of State Translator;" "a Joint Resolution authorizing the Governor to appoint a Private Secretary," and that "in pursuance of the Joint Resolution, authorizing the Governor to appoint a Private Secretary, he had employed Caius T. Ryland, Esq., for that purpose."

Also, that the President of the Senate has this day signed enrolled bills originating in the Assembly, entitled "an Act concerning the office of Attorney General;" "a Joint Resolution classifying the Justices of the Supreme Court;" and the enrolled bills, originating in the Senate, entitled "an Act creating a temporary Loan."

J. F. HOWE,
Secretary of Senate.

The House proceeded to the consideration of the Joint Resolutions accompanying the message.

"A Joint Resolution in relation to the Washington Monument Association in the City of Washington, D. C." was read the first time.

"A Joint Resolution in relation to the office of State Translator," was taken up.

Mr. Tefft moved to strike out Saturday and insert Monday. Not agreed to.

The resolution was then adopted.

On motion of Mr. Crittenden, the House resolved itself into a Committee of the Whole (Mr. Randolph in the chair) on a "Bill to organize County Courts." After some consideration therein the Committee rose, the chairman reported the bill to the House, with amendments, and asked to be discharged from the further consideration thereof. Agreed to.

On motion of Mr. Tingley, the bill was ordered to be engrossed for its third reading on to-morrow.

On motion of Mr. Baldwin the House adjourned.

HOUSE OF ASSEMBLY.

SATURDAY, *February* 2, 1850.

House met pursuant to adjournment.

Prayer by the Rev. Mr. Briarly.

The roll was called and the following members were absent:

Messrs. Brown, Patterson, Randolph, and White.

A quorum being present, the Journal of yesterday was read and approved.

The Speaker announced the following Committee in relation to the office of State Translator, viz. Messrs. Scott and Covarubias.

Mr. Tingley, from the Committee of Ways and Means, reported "A Bill concerning the Salaries of Officers," read first time.

On motion of Mr. Bradford, the rules were suspended, the bill read a second time, and the usual number of copies ordered to be printed.

Mr. Tingley, from the same Committee, made a report accompanied with a "Bill appropriating money out of the General Fund to defray the expenses of the Government of the State of California," read the first time.

On motion of Mr. Walthall, the rules were suspended and the Bill read a second time.

Mr. Stowell, from the Committee on Enrolled Bills, made the following report :—

COMMITTEE ROOM,
February 1*st*, 1850.

The Joint Committee on Enrolled Bills have this day presented to the Governor for his signature the following Acts and Joint Resolutions :—

"An Act creating a Temporary State Loan."

"An Act concerning the Office of Attorney General."

"A Joint Resolution classifying the Justices of the Supreme Court."

L. STOWELL,
Ch. Assem. Com.

W. R. BASSHAM,
Ch. Senate Com.

Mr. Crittenden, from the Select Committee to whom was referred "an Act Authorizing a Loan on the Faith and Credit of the State," made the following

REPORT :—

MR. SPEAKER :

The majority of the Select Committee to whom was referred "an Act Authorizing a Loan on the Faith and Credit of the State, and providing for its Redemption," have instructed me to report :—

That they had hoped that such alterations might be made in the provisions of this Act as would have removed strong objections which exist against it, while, at the same time, such alterations would not diminish the probability of the loan being taken. Their inquiries upon this point have satisfied them that they were in error, and have convinced them that the consequence of any such alteration will be the entire failure of this scheme to effect the object proposed. In its present form they cannot recommend the passage of the Act, but they feel bound, under the circumstances, to report it back to the House without change. They ask to be discharged from its further consideration.

The Report was adopted.

On motion of Mr. Walthall, said Bill was recommitted to Committee on Ways and Means, with instructions to report on Monday next.

Mr. Bradford, pursuant to previous notice, introduced "a Bill to Establish a Standard of Weights and Measures;" which was read a first and second time, and the usual number of copies ordered to be printed.

The House proceeded to the consideration of the orders of the day.

"A Joint Resolution of the Senate in relation to the Washington Monument Association, in the City of Washington, D. C.," was taken up and read a second time.

On motion of Mr. Tingley, the rules were suspended, and the bill read a third time.

The question being, "Shall the Bill pass?" Mr. Tingley demanded the Ayes and Nays.

Those who voted in the affirmative were—

Mr. Aram	Mr. Ogier
Brackett	Per Lee
Bradford	Scott
Cardwell	Stephens
Clarke	Stewart
Corey	Stowell
Covarubias	Tefft
Creaner	Tingley
Gray	Walthall
Hughes	Watson
McKinstry	Witherby
Moore	Speaker (Bigler).—24,

In the Negative—None.

So the Bill passed.

"A Bill to Organize County Courts" was taken up, and read a third time.

The question being, "Shall the Bill pass?" the Ayes and Nays were demanded.

Those who voted in the affirmative were,—

Mr. Aram	Mr. Moore
Baldwin	Ogier
Brackett	Randolph
Bradford	Scott
Cardwell	Stephens
Clarke	Stewart
Corey	Stowell
Creaner	Tefft
Crittenden	Tingley
Gray	Watson
McKinstry	Speaker (Bigler)
Morehead	—23.

In the Negative—None.

So the Bill passed.

"A Bill declaring certain Rivers herein named Navigable," was taken up, and, on motion of Mr. Clarke, was made the order of the day for Thursday next.

On motion of Mr. Bradford, the House resolved itself into Committee of the whole (Mr. McKinstry in the chair) on the "Bills to Incorporate the City of Benicia and the City of San José."

After having spent some time therein, the Committee rose, and the Chairman reported some progress therein, and asked leave to sit again.

Agreed to.

A Message from the Governor was received, informing the House that he had signed the following Bills, to wit:—

A bill, entitled "a Joint Resolution Classifying the Justices of the Supreme Court;" and a bill, entitled "an Act concerning the Office of Attorney General."

Also, the following Message, accompanied with an address from the citizens of the *State of Deseret.*

GENTLEMEN OF THE SENATE AND ASSEMBLY:

I herewith transmit copies of a communication of great importance, received by me from Messrs. John Wilson and Amasa Lyman, delegates from the new State of Deseret, and ask your calm and dispassionate consideration of the proposition they have submitted, and the

reasons given in support of it. I deem it due to the people of Deseret that I should also submit the reasons which have compelled me to decline recommending you to accede to the proposition their Delegates have made, or any similar one that may hereafter be suggested by them or others.

The Delegates say, in substance, that their proposition, if accepted, they hope "will greatly tend to benefit the people of this State and the Salt Lake Valley," and that "their constituents have reason to believe that a sacrifice is demanded at their hands for the benefit of the Union; and they are prepared to make it." The sacrifice the people of Deseret are willing to make will necessarily be incurred by legitimately carrying out the proposition their Delegates have so earnestly solicited us to adopt.

That a compliance with the proposition submitted, would be a sacrifice on the part of the people of Deseret, as well as on the part of the people of this State, there can be no question; but whether the sacrifice we should thereby make, would, or would not, amount to a "tithe" of that incurred by the people of Deseret, may be difficult to determine.

But however small may be the sacrifice we should make, in comparison with that of the people of Deseret, I think I am justified in saying that the people of this State will never consent, under the circumstances. to take the step they are asked to take; and we must therefore permit our fellow citizens of Deseret to claim the greater merit of a willingness to make a sacrifice that we are not willing to incur.

The Delegates, in their communication, have given conclusive reasons why their constituents had the right to form *some sort* of government for themselves. No civilized community can exist, *as such*, without government. They must ultimately go back to barbarism. The right to institute government is an inherent right in human nature derived directly from the Creator; and wherever there is a community of men, however small, detached from, and not under the control of any other community, or when that other community neglects or refuses to give them laws to protect them, they have the unquestionable right to institute such government for the *time being*, as will afford them security and peace.

That the people of the Salt Lake Valley were in such a condition as imperiously required them to form a government for themselves, I most cheerfully concede; but I apprehend it did not follow, as they supposed,

that under the Constitution of the United States they could have but one of two forms of government, Territorial or State. They had before their eyes the example of the people of Oregon, whose situation in reference to this question was precisely identical with that of the people of Deseret. The people of Oregon, in the year 1843, formed a temporary Provisional Government, which was improved from time to time, and lasted until the beginning of 1849. This form of government was sanctioned by Congress and by the President of the United States, in the Act of Congress organizing a Territorial Government for Oregon, passed in the summer of 1848. It would therefore seem clear that the people of Deseret could have taken the same course with the like success.

Whether our fellow citizens of Deseret, ought, under the circumstances, to have formed a Provisional or State organization, was certainly a question for *them* to determine. The people of this State do not complain so much of the Act of the people of Deseret in proceeding to form their government without giving any notice of such intended step, as they do of the fact, that they extended their boundary lines in a very awkward direction across deserts and mountains, and included settlements distant nearly a thousand miles, without the consent of the inhabitants, either express or implied. The reason why the people west of the Sierra Nevada proceeded to form their constitution without notice to their fellow citizens east of those mountains, is to be found in the difficulty of communication, and in the fact that the people of West California, knowing the paucity of population at Salt Lake, were led to suppose that a Provisional government might be formed there; but did not anticipate the formation of a State Government at so early a day.

The Delegates say, that "if it is a vital objection to the proceedings of the people of Salt Lake, that, without consulting their neighbors west of the Sierra Nevada, they formed their boundary line, still it is no more a fault than has been committed by the people of California." In reference to this statement I must be permitted to say, that although the people of this State, as well as the people of Deseret, formed their constitution without notice to their neighbors, yet the two cases are not parallel. Had the population of California been as small as that of Deseret, and had the former so formed her boundary lines as to have taken in a part of the settlement at Salt Lake, without the knowledge

or consent of the inhabitants, the comparison between the acts of the two sections would have been more in point.

It is true that a reason is given by the Delegates for the action of their constituents in so extending their lines as to reach the Pacific Ocean, and thus to include settlements without the consent of their inhabitants; but I am compelled to admit that I cannot understand the point or force of the reason assigned. That the people of Deseret would have the same freedom of ingress and egress to and from the Pacific at San Diego, whether that point were or were not included within the limits of their State, must surely be admitted by any one having a competent knowledge of our system of government. The people of the State of Missouri have no territory upon the Gulf of Mexico; and yet they enjoy the same freedom of ingress and egress to and from that part of the sea as the people of Louisiana. Commerce between the several states of the Union must be free under the Constitution of the United States; and such commercial freedom constitutes one of the most admirable features of our own beautiful federal system. The supposed reason that induced the people of Deseret to desire this outlet to the ocean must have been simply commercial, for they could have had no political motive to include a settlement so detached and distant, and whose inhabitants could not be practically governed without great injustice to them as well as inconvenience to the people at Salt Lake.

The Delegates from Deseret, as a subordinate part of their proposition, submit the suggestion, that the people inhabiting the strip of country included within the limits of both States, shall determine for themselves to which State they will belong. Against this novel proposition, there are several objections. In the first place, the people of the whole State of California have an interest in determining her limits, and should have a voice in settling that question. And, in the next place, the people of the strip of country in question have already substantially decided the matter for themselves; for they were represented in the Convention that formed the Constitution of this State, and are now represented in both branches of the Legislature.

The main proposition submitted by the Delegates from Deseret, for the consideration of the Executive and Legislature of the State of California, is substantially this,—that the Legislature, by an advisory resolution, submit the question to the people of this State, whether a new Convention should be called, to be composed of delegates from *all*

California, both east and west of the Sierra Nevada;—that if the people decide for the call of such Convention, it shall meet "with the view of forming for the *present one State*, to cover all the territory acquired from Mexico, as included in California," and, at the same time, agreeing upon the boundary lines which shall ultimately separate California from Deseret; which lines it is desired may be set out in the Constitution to be formed, and the time or circumstances stated when the separation shall take place.

In considering this grave question, it is necessary to inquire how and in what manner can we comply with the proposition made to us? and what are the reasons for and against it?

The tenth article of the Constitution of this State allows two modes of amendment; the mode pointed out in the 2d section of that article being the one applicable to this case.

By that section it is provided that, "if at any time two thirds of the Senate and Assembly shall think it necessary to revise and change this entire Constitution, they shall recommend to the electors, at the next election for members of the Legislature, to vote for or against the Convention; and if it shall appear that a majority of the electors voting at such election have voted in favor of calling a Convention, the Legislature shall, at its next Session, provide by law for calling a Convention, to be holden within six months after the passage of such law." By the provisions of the 2d section of the fourth article, the Sessions of the Legislature shall be annual on the first Monday of January.

Should this question be submitted to the people, and they should decide it affirmatively at the election for members of the Legislature, which will take place in November next, it would be the duty of the Legislature at its Session, commencing on the first Monday of January, 1851, to provide by law for calling such Convention. Now, supposing all this to be done, whether notice could be given to the people of Deseret in time to elect their delegates, and for them to attend the Convention within "six months," after the passage of the law, is exceedingly *doubtful*, especially when we reflect that such law would pass at that season when the Sierra Nevada is "*impassable half the year.*" But, upon the supposition that the Convention should meet in the summer of 1851, and form a Constitution to include all California for "*a time*," the same could not be submitted to Congress before the meeting of that body in December of that year; and we should, after incurring all the

expense and trouble of such a step, be compelled to suffer a delay of nearly, if not quite, two years before the State could be admitted into the Union. That which we have already done must be abandoned, and the public service suffer the great inconvenience of passing into a new system; which must again be repeated, when California and Deseret should separate.

And what are the reasons for and against the proposition urged upon us?

It cannot be expected of us, that we should take the step proposed, until we have reason to be satisfied that it is just and right in itself, and due to our fellow citizens of the other States of the Union. To ask the people of West California under existing circumstances, after they have suffered so much for the want of some efficient system of government, and have progressed so far, at great labor and expense, as to put their governmental machine partially in motion, now to set aside all they have heretofore done, and remain in a state of confusion some two years longer (which period, in this rapidly changing country, is almost equal to an age elsewhere), is certainly demanding a great sacrifice at their hands; and before they consent to make it, the reasons given should be ample and conclusive.

The Delegates, in their communication, have given the reasons in support of their proposition, the principal one of which is, that we might, "so far as *all* California are concerned," put to rest that excitement now existing in the Union, in reference to the delicate subject of Slavery. It is not stated, nor can it be shown, that there are any natural or political reasons (except the one given) why East and West California should be so strangely united in *one State;* and that only for *a time.* The essence of the whole proposition seems to be about this: that we should do that which no provision of the Constitution or laws of the United States requires us to do—that which is an admitted and great sacrifice on our part, and, therefore, unjust to ourselves—and that which is improper and unnecessary in and of itself—and all this we are asked to do, for the mere purpose of relieving Congress of the responsibility of deciding upon the question of Slavery. It is surely the business of Congress to decide whether that body can rightfully interfere with the question of Slavery in the Territories. If Congress has no power over the subject, it can be so decided; if otherwise, the power can be exercised. But, to call upon us, at so great a sacrifice of time, means,

dignity, and independence, to settle a question, the decision of which rightfully rests with others, is surely asking *too much.*

The people of California, in forming their Constitution, inserted a clause prohibiting Slavery, and included within the limits of the State all the country that they could properly govern, and thus did all they could with propriety to put to rest, so far as their voice could go, that unfortunate excitement. The fact that the people of Deseret did not settle the question of Slavery in their Constitution, was either their own fault or their own misfortune.

The Delegates, in stating the circumstances which justified the people of Deseret, in their opinion, in forming a government for their protection, have themselves given us the most conclusive reasons against the proposition they have asked us to adopt They tell us that their constituents are "nearly a thousand miles distant from the nearest settlements of other civilized men—that they are remote from all other settlements—not so much on account of the distance, as because they are *surrounded* with a high and, for half the year, impassable chain of mountains."

These reasons show the immense inconvenience, if not entire impracticability, of including the country both east and west of the impassable Sierra Nevada, within the limits of *one State*, even for a *time* only. By placing between the two sections intervening deserts and mountains, "impassable for half the year," and separating the inhabitable portions of each by the distance of near a thousand miles, nature herself has decided that question in language too peremptory and plain to be disobeyed or misunderstood. Had the States of Maine and Texas been organized at the same time, a proposition to unite them both in *one State for a time*, would not have produced, if carried out, so great inconvenience as the plan now submitted. In that case, communication between the different portions of the State would have been more cheap, quick, and easy, than it could be between East and West California.

To form a constitution fitted to such an unnatural state of things would be a most complex and difficult, if not an impossible, task. The seat of government would necessarily be located either at Salt Lake or west of the Sierra Nevada; and how the laws could be practically and speedily administered in the other portion of the State, cannot so well be imagined.

The members from the remote section would experience great difficulty and trouble in attending the Sessions of the Legislature. It would be difficult to distribute the laws when made and published —to collect and disburse the revenue—to prosecute appeals in the Supreme Court—and to fill vacancies that must necessarily occur from time to time; and these difficulties would *increase* the expenditures of the State Government much greater than the increase of the revenue. Communication could only be had during one half of the year, and then only at great expense, by bodies of armed men, able to resist the attacks of the hostile Indians.

For the foregoing and many other reasons that might be mentioned. were it deemed necessary, I cannot, in the solemn discharge of the duties imposed upon me by the position I occupy, conscientiously recommend you to accede to the proposition made; nor can I recommend you to make any on your part, having the same end in view. I cannot, for a moment, believe that Congress will reject our application for admission into the Union, upon the ground that we have not included both East and West California within the limits of the State. But should such an event occur, it would be time enough to consider the question whether the people of this State will compromise their dignity and independence by a compliance with such a humiliating and unreasonable condition.

PETER H. BURNETT.

SAN FRANCISCO, *January 8th*, 1850.

HIS EXCELLENCY PETER H. BURNETT,
Governor of the State of California:

SIR,—

The undersigned having been duly elected and appointed by the people residing in the great Salt Lake Valley and Basin delegates to represent them in any Convention which might assemble in California west of the Sierra Nevada, to form a Convention, beg leave to make to your Excellency, and through you to the Senate and House of Representatives, the following statements; and we assure you that they are made with the sincere hope that, if accepted, they will greatly tend to the benefit of the people of this State and the Salt Lake Valley, as well as go far towards settling a question that has already produced, and will continue to produce, great excitement in this Union. Our constitu-

ents, residing as they do in the most isolated and remote yet not the less interesting portion of the territory of the United States, have reason to believe that a sacrifice is demanded at their hands for the benefit of the Union, and they are prepared to make it; and therefore they ask their fellow-citizens west of the Sierra Nevada to meet them half way, and put to rest for ever, so far as the people of ALL California are concerned, that excitement in relation to Slavery which has so deeply agitated the people of the United States for years past, and which, unless the people of all California settle it, is likely to continue to increase the already too angry state of public feeling. Our constituents, occupying a central position in the United States, are, nevertheless, nearly a thousand miles distant from the nearest settlement of other civilized men. They are remote from all other settlements, not so much for the distance, as because they are *surrounded* with a high, and, for half the year, impassable chain of mountains, many of the peaks and summits of which are covered with the perpetual snows and frosts of winter, over which scarcely any traveller can pass.

They occupy an interesting portion of the United States, not more from its isolated situation than from the fact that it is nearly central also to the great Salt Lake Basin, the diameter of which is probably seven or eight hundred miles; into which flow (and from which the water finds no escape to the sea) a thousand rivers and mountain streamlets gushing towards its centre, out of the innumerable cañons and ravines which are indented in the sides of these everlasting hills, and find their level in the great Salt Lake, the surface of which is over four thousand feet above the level of the sea.

It is yet a further interesting fact, that a little more than three years ago it was only inhabited by wild *beasts* and still wilder men—the natives of the forest—and which now contains twenty, including a city of five thousand intelligent, moral, and industrious people, who yield to none in their devotion to the only free country on earth, where most of them have had their birth, while the rest have made it their home, for the love and admiration they have for free institutions; and all of whom claim an equality with other citizens of the United States, both in morals and industry and in their love of liberty.

The great Basin in which they are located is set as it were upon the highest lands of the United States, having the Salt Lake for its bottom, while its rims are composed of the Wind river mountains to the North,

the Sierra Nevada to the west, the Rocky and Bear river mountains to the east and southeast, whose summits and peaks vary from 6,000 to 12,000 feet above the level of the sea; from the outer edges of which the waters flow to the north-east, east, and south-east, into the Atlantic, and to the north-west, west, south-west, and south, into the Pacific Oceans; in which their settlements are extended to the distance of a hundred miles, where the comforts of civilized, social, and intellectual society are enjoyed; and where agriculture, mechanics, as well as many of the finer arts, are cultivated, with a devotion that in no community is exceeded.

These circumstances produced the absolute necessity that some form of Government should be adopted, to regulate the internal and external relations of a people who claim to be behind none in their efforts to establish and perfect religious and civil liberty, which they conceive can only be secured by the virtue, intelligence, and refinement of the people, and these *alone*, through the agency of a well regulated Civil Government. They had hoped that Congress would have provided them such a government at their last session; but in this they were disappointed.

Their only resource was to form one for themselves, and that could only be a State government; for under our glorious Union but two forms of government are recognised: the Territorial, which can alone be created by the Congress of the United States, and a State government, to be created by the free voices of a majority of the people of the district over which its laws are to be extended.

Under this state of things, in the month of March last, the people of the great Salt Lake Valley and Basin met in Convention and formed a State Constitution, giving the State the name of *Deseret*, a copy of which is herewith presented as part of this address, with a request that you will communicate both to each House of the Legislature of this State now in session, and ask their calm and friendly consideration of the observations which we, on behalf of our constituents, herewith submit, which are presented with their sincere desire to arrange, in a just and amicable manner, a matter which, if not entered into in that spirit, may produce great and unwholesome excitement throughout this great country, and much delay, embarrassment, and injury to all the people of California, both east and west of the Sierra Nevada.

Our constituents are aware that the number of their people then resident in the valley was smaller than that of the population of any other

State when they were admitted under the provisions of the Constitution of the United States, and they are ready to admit that under ordinary circumstances the objection might have obtained; but they respectfully submit, that in addition to the people already settled in the Valley, as before stated, they have at and about Kanesville, in the State of Iowa, somewhere between fifteen and twenty thousand people; and that in addition to these they have on their way to Salt Lake Valley and Basin from ten to fifteen thousand more from other parts of the world—all of whom are on their way to, know or intend to claim no home but among their brethren in the Valley and Basin. And from these indisputable facts they insist most respectfully that in substance they have a population of near fifty thousand people, who ought legitimately to be considered for such a purpose, and counted in effect in deciding the question whether they had enough to justify them in forming a State Government. When, therefore, all the circumstances of the case are fully considered,—that their nearest civilized neighbors in any direction are distant from eight hundred to a thousand miles; exposed as they are to the inroads and hostile attacks of more than fifty thousand savages, in their midst, and in every direction surrounding them; knowing that Congress had failed, and was likely to continue to do so, to form for them a Territorial Government, it is submitted whether or not they had not a right to expect that their paucity of *resident* population would not prevail over the many powerful circumstances which it seemed to them authorized an exception on that score in their favor.

They have been since informed that objections are raised to the boundaries they have assumed; still they insist that the summit of the Sierra Nevada is a natural boundary, dividing California into Eastern and Western Sections, being, as it is, impassable for six months in the year; while the same may be said as to their boundaries on the north and east; while to the south, in the direction of San Diego, by which alone ingress and egress to and from the Salt Lake Valley can be had for all the year, and therefore the necessity that the State of *Deseret* should be extended to the Pacific; and they felt justified in taking in, as they did, a very small portion of the coast, leaving to our fellow-citizens of West California several good, and one of the finest harbors in the world, with a sea-coast of from eight hundred to a thousand miles in extent. These are the views, we are instructed to say, which governed our constituents in deciding upon the boundaries of the State of *Deseret*. Their

society was too numerous and too much extended to allow them any longer delay in forming a Government. Since its formation, these objections have been raised by persons of high intelligence, and whose motives our constituents would not question; and from various sources they have learned with regret that such is the construction of parties in the other States of the Union; and so generally are the people excited upon the subject of Slavery, whether it shall or shall not be allowed in this country newly acquired from Mexico; and it has been asserted in many quarters to the effect that people residing in a country so acquired as California, can alone settle that matter, that the Congress, owing to the division of parties, cannot do it; and it is further asserted to be the general opinion of the members of Congress and other persons occupying high places under our government, that there are not people enough in all California to form two States; and therefore the people of the Valley of Salt Lake, always willing to do their duty as citizens, as soon as they know it, and ever ready to be first to sacrifice their own opinions on the altar of public good; and especially, in this case, to still, if not entirely obliterate, so unhappy an excitement upon a subject that seems to them entirely to belong to the people of each State to settle for themselves: Therefore, to do all that might be demanded of them, and even more than might perhaps have been expected, although their constitution was formed in March, and approved by, and went into force and operation under the sanction, as it is believed, of the unanimous consent of their people, in the month of May last, yet, in the months of August and September afterwards, by an equally unanimous assent, as it is believed, of *every one* of their people, they elected, appointed, and sent Delegates to any convention which might be held in California for the purpose of being for *a time* included in the State to be formed (they had not then heard whether any such effort was in progress at all) on the west of the Sierra Nevada. Our constituents will regret to learn that before their Delegates did or could arrive here, the Convention had met, concluded their labors, and adjourned, thereby closing all opportunity, for the time, for their Delegates to enter upon the discharge of their duties, and hence this communication to your Excellency, and through you to the Legislature, with a hope that you and they will take such advisory steps as shall submit the question to the people, whether a new Convention shall be formed, or not, so that the Delegates of the people of West California,

with the view of forming for the present *one State*, to cover all the territory acquired from Mexico, as included in California, and at the same time agreeing on the boundary lines which shall ultimately separate *California* and *Deseret*, when the latter shall have population enough to be allowed to form a State to herself

They insist on the summit of the Sierra Nevada as a proper and natural boundary so far as it goes; and then, as to whether the State of *Deseret* is to be allowed to go to the Pacific, they will unquestionably refer that matter to the people resident in that portion of the country, which, as it is complained, has been taken into *Deseret* without the consent of the people resident in it. If *they* object to coming into the State of *Deseret*, then the Delegates from the Salt Lake pledge themselves to agree upon a compromise line excluding these settlements, that shall be satisfactory to all disinterested persons,—which they are instructed to do,—desiring to include none but those who are willing to be so included.

They further desire, if such a Convention does meet, that these Boundaries so agreed on shall be defined, and set out in the Constitution to be formed, and that a provision shall also be inserted fixing upon a time, or circumstances, which shall contingently determine when the People of Deseret shall be allowed, by the Proclamation of the Governor of California, to assume the Government as a separate State, to be governed by the Constitution so adopted, till, by its own provisions, they shall choose to amend it. Upon these terms, and for all the reasons before alluded to, with a most earnest desire to settle all excitement in the Union, to harmonize the interests of the People on both sides of the Sierra Nevada, and settle in an amicable manner all questions of discussion, and with full authority to carry out the wishes of our constituents, we propose to the Legislature of this State, by an advisory Resolution, to ask the People of this State to assemble in their Election Districts (pointing out the number of Delegates to be elected, and allowing to the People of Salt Lake Valley a pro rata number according to population,—which amounts to within a small fraction of 20,000 people,)—and vote for Delegates to a new Convention, and also to vote whether they approve of holding such a Convention or not. If, therefore, a majority of those who go to the polls shall vote against such new Convention, then none shall be held; but if, on the contrary, there shall be a majority in favor of it, then, by

the Proclamation of the Governor, they shall meet in Convention, and the Delegates from Salt Lake will be ready to take their seats upon the terms before stated, and to save all speculation about how they would feel themselves called upon to vote on the question of Slavery, they can state that, while there is a respectable minority of the People of the Valley in favor of Slavery, still a very large majority are opposed to it; and, therefore, the Delegates feel themselves instructed to vote for a provision in the Constitution prohibiting Slavery for ever. In asking this at the hands of the People of California, they ask nothing but what they have already done of their own free will; and, if it is a vital objection to the proceedings of the People of Salt Lake that, without consulting their neighbors west of the Sierra Nevada, they formed their boundary line, still it is no more a fault than has been committed by the People of California; and, consequently, if the people of Salt Lake have first set the People of California an example in doing wrong, they at least now set them an example to do right; and, therefore, most ardently hope that the proposition will be acceded to, so far at least as to fairly submit it to the People at large—the source of all power in the State. This is the proposition of the People of Deseret made in advance. If that is not acceptable, their Delegates will gladly receive any proposition the Legislature may see proper to propose, if made, with a view of securing the same end, in that candid and sincere desire for the most cordial action in the matter in which this proposition is made. Should this proposition be received, or some other proposed and adopted, the undersigned will join the Legislature in a recommendation to Congress to reject both Constitutions without division or debate.

If the Legislature shall deem it inexpedient to make such an arrangement, our constituents will feel themselves compelled to insist that their Constitution shall be accepted: having determined to wait, before they did so, till they learned the result of the mission of their Delegates sent to join the People of California. And, in the name of our constituents, we tender to the People of California our sincere desire to arrange this matter not only on just principles, but in a manner calculated in every respect to secure the confidence of our neighbors west of the Sierra Nevada. While we see that they must make considerable sacrifices in complying with our proposition, still it must be admitted, be they great as they may be, they cannot possibly form a tithe of those which it will inevitably impose on the People of the Salt Lake

and Basin. Our constituents are now, and always will be, in such matters governed by higher and nobler motives than self interest. What they propose is for the public good.

With the highest sentiment of respect, we subscribe ourselves,

Your obedient servants,

JOHN WILSON.
AMASA LYMAN.

To His Excellency,
PETER H. BURNETT,
Governor of California.

Mr. Creaner moved to lay the message and address on the table for the present.

On this motion Mr. Morehead demanded the ayes and nays.

Those who voted in the affirmative were—

Mr. Aram	Mr. Gray
Baldwin	Hughes
Brackett	McKinstry
Bradford	Stowell
Corey	Tingley
Creaner	Walthall—12.

Those who voted in the negative were—

Mr. Clarke	Mr. Randolph
Covarubias	Stephens
Crittenden	Tefft
Morehead	Williams
Moore	Witherby
Ogier	Speaker—12.

So the House refused to lay said message and address on the table.

Mr. Tingley moved the following:—

"To refer the whole subject matter to a select committee, *with power to send for persons and papers*, if deemed advisable, and report thereon at an early day."

Whereupon, Mr. Crittenden offered the following as a substitute:—

Resolved, That the House of Assembly refuses to entertain the propo-

sition made by certain persons calling themselves Delegates from Deseret, which is transmitted with the message received from the Governor this day.

The question being taken on the substitute offered by Mr. Crittenden, the ayes and nays were demanded.

Those who voted in the affirmative were—

Mr. Aram	Mr. Ogier
Bradford	Randolph
Corey	Scott
Covarubias	Stephens
Crittenden	Tefft
Hughes	Walthall
McKinstry	Witherby
Morehead	Speaker (Bigler)
Moore	—17.

Those who voted in the negative were—

Mr. Baldwin	Mr. Stowell
Clarke	Tingley
Creaner	Watson
Gray	Williams—8.

The substitute was adopted.

A message from the Senate was received.

Mr. Stowell then offered the following:—

Resolved, That the Deseret documents and constitution be laid on the table indefinitely; and that 500 copies of the Governor's message be printed.

Mr. Williams offered the following:—

Resolved, That 240 copies of the Governor's special message and the accompanying documents be printed, for the use of this House. The amendment was accepted by Mr. Stowell.

On this question Mr. Moore demanded the ayes and nays.

Those who voted in the affirmative were—

Mr. Baldwin	Mr. Bradford
Brackett	Clarke

Mr. Corey	Mr. Williams
Stowell	Witherby
Watson	Speaker (Bigler)—10.

Those who voted in the negative were—

Mr. Aram	Mr. Moore
Covarubias	Ogier
Creaner	Randolph
Crittenden	Scott
Gray	Stephens
Hughes	Tefft
McKinstry	Tingley
Morehead	Walthall—16.

So the resolution did not prevail. Mr. Clarke moved to adjourn—Lost.

Mr. Ogier moved to adjourn, which was agreed to.

So the House adjourned.

HOUSE OF ASSEMBLY.

MONDAY, *February 4th*, 1850.

House met, pursuant to adjournment.

Hon. Thos. J. White, Speaker, resumed the chair.

Prayer by Rev. Mr. Douglass.

The roll was called, and the following members absent, viz:—

Messrs. Baldwin, Brackett, Brown, Patterson, Randolph, and Watson.

The journal of Saturday was read and approved.

Mr. Hughes presented a petition from numerous citizens of Sacramento City, praying for the relief of Doctor Charles H. Cragan.

On motion of Mr. Hughes, said petition was referred to the Committee on the Judiciary.

Mr. Tingley, from the Committee of Ways and Means, to whom was referred "a bill authorizing a loan on the faith and credit of the State, and to provide for the redemption of the same," reported as follows:—

MR. SPEAKER:

The Committee of Ways and Means have had under consideration the bill referred to them, entitled "a bill authorizing a loan on the faith and credit of the State, to pay the expenses of the civil government thereof, and provide for the redemption of the same," and made sundry amendments thereto, to wit:—

1st. Strike out the words "or redeemed," in the third line of 1st section.

2d. Strike out the word "*sold*" in the sixth line, first section, and insert "negotiated."

3d. Insert after the words "by the," in the second line of the second section, the words "Comptroller, and endorsed by the Treasurer, and authenticated with the great seal of the State of California."

4th. Strike out all of section 5, and insert in place thereof the following sections:—5, 6, 7, 8, 9, 10, 11, herewith presented.

5th. Strike out the words "and interest" in the last line of the Bill.

6th. To sectionize the Bill so as to correspond with amendments.

Which amendments a majority of your committee recommend the House to adopt, and, as amended, recommend the passage of the bill.

On motion, the bill was then laid on the table.

Mr. Crittenden, from the Committee on the Judiciary, reported "A Bill to regulate Elections."

Also, "A Bill to provide for holding the first County Elections."

On motion of Mr. Tingley, said bills were read a first and second time, and,

On motion of Mr. Crittenden, were made the order of the day for Wednesday next, in Committee of the Whole, and the usual number of copies ordered to be printed.

A message from the Senate was received.

Mr. Stowell offered the following resolution:—

Resolved, That the Committee on Printing be instructed to inquire what has been the cost of public printing up to this time, according to the rates in the bill reported to this house."

The resolution was adopted.

Mr. Brackett moved that the rules of the House be suspended, and that the vote taken on the Joint Resolution of the Senate, in relation to the election of State Translator, be re-considered.

Agreed to.

Mr. Tingley then moved to concur in the resolution of the Senate, with the following amendment :—" Strike out Tuesday and insert Wednesday," which was agreed to.

Ordered, That the Clerk inform the Senate.

Mr. Bigler gave notice that, on to-morrow, he would introduce " A Joint Resolution in relation to a National Railroad from the Pacific Ocean to the Mississippi River."

A message from the Senate was received.

On motion of Mr. Tingley, the report of the Committee on Ways and Means, together with the " Bill authorizing a loan on the faith and credit of the State, &c.," was taken up.

On motion of Mr. Randolph, the House resolved itself into Committee of the Whole on said bill (Mr. Creaner in the Chair).

After having spent some time therein, the committee rose, the Chairman reported some progress therein, and asked leave to sit again.

Agreed to.

The following message from the Senate was received by their Secretary, to wit :—

SENATE CHAMBER,
February 4th, 1850.

MR. SPEAKER :—

I am directed by the Senate to inform the Assembly, that they have passed a Joint Resolution, repealing the Joint Resolution in relation to the Election of State Translator, so far as the same requires the two Houses to go into the election on Tuesday, the 5th instant, and further extending the time for the examination of candidates to the 13th instant; which, with the accompanying report from the Examining Committee, are herewith transmitted for the concurrence of the Assembly.

J. F. HOWE,
Secretary of Senate.

On motion of Mr. Creaner, the message, together with the accompanying documents, was laid on the table.

On motion of Mr. Bigler, the House again went into Committee of the Whole (Mr. Creaner in the Chair) on the " Bill authorizing a loan on the faith and credit of the State."

After its consideration, the committee rose, when the Chairman reported the bill to the House with sundry amendments, and asked to be discharged from the further consideration thereof.

The committee was discharged.

On motion of Mr. Randolph, the House adjourned.

HOUSE OF ASSEMBLY.

TUESDAY, *February* 5, 1850.

House met, pursuant to adjournment.

Prayer by Rev. Mr. Douglass.

The roll was called, and the following members were absent, viz. :—

Messrs. Aram, Baldwin, Brackett, Bradford, Brown, Clarke, Gray, Morehead, Ogier, Patterson, Randolph, Tefft, Watson, and Williams.

The Journal of yesterday was read and approved.

On motion of Mr. Tingley, the House took up the Joint Resolution of the Senate in relation to the office of State Translator, which was read a first and second time.

On motion of Mr. Tingley, the rules were suspended, and the resolution was read a third time and passed.

On leave, Mr. Bigler, pursuant to notice, introduced a "Joint Resolution in relation to a National Railroad from the Pacific Ocean to the Mississippi River," which was read a first and second time, and the usual number of copies ordered to be printed.

The following message, received on Saturday from the Senate, was read :—

SENATE CHAMBER,
February 2, 1850.

MR. SPEAKER :—

I am directed by the Senate to inform the Assembly, that they have concurred in the Assembly's amendment to the first, sixth, ninth, eleventh, twelfth, fourteenth, seventeenth, and nineteenth sections of the bill entitled, "an Act to organize the Supreme Court ;" that they have concurred in the Assembly's amendment to the eighth section of the

same bill, with a further amendment, striking out all after the words "San Francisco" in the first line of the Assembly's amendment, and substituting therefor the following:—"Of this State, three terms of the Supreme Court in each year, to commence on the first Monday of March, June, and October, and to continue until the eighth Saturday thereafter inclusive, unless all causes and proceedings ready for hearing be sooner heard. The terms may, however, be continued until the first day of the next succeeding term, if the Court shall deem such continuance necessary. And the said Court shall have power at any time during the term to adjourn for any number of days not exceeding ten." And also, that the Senate have non-concurred in the amendment of the Assembly to the second and third sections of the same bill.

Also, that they have passed a Joint Resolution, authorizing the Postmaster at San Francisco to employ temporarily an additional clerk, in certain cases, at the expense of the State.

J. F HOWE,
Secretary of the Senate.

The Senate have also appointed, as the Committee on their part, on the examination of the candidates for State Translator, Messrs. De la Guerra and Chamberlin.

J. F. HOWE,
February 2d, 1850. Secretary of the Senate.

The House then proceeded to the consideration of the bills accompanying the Message.

"A Bill to Organize the Supreme Court of California," returned from Senate, with message insisting on their amendments, was taken up, and the House refused to concur in said amendments.

Mr. Tingley moved a call of the House, when the following Members were absent without leave, viz. Messrs. Aram, Heath, Moore, Ogier, Per Lee, Watson, Williams, and Witherby.

The Serjeant-at-Arms being absent, Mr. Cardwell moved that a messenger be dispatched after said officer, whereupon the Speaker appointed Mr. Cardwell said messenger.

The Serjeant-at-Arms appeared, and, on motion, was dispatched after the absentees, who severally appeared, were admitted, and their excuses received.

Mr. Crittenden moved that a Committee of Conference be appointed on the part of the House, in reference to the disagreeing votes of the two Houses on the "Bill to Organize the Supreme Court." Agreed to.

Whereupon the Speaker appointed Messrs. Crittenden, Creaner, and Bigler, said Committee.

A Joint Resolution of Senate, authorizing the Post Master at San Francisco to employ temporarily an Additional Clerk, was taken up, and read a first time.

Mr. Cardwell moved to suspend the Rules, and that the Resolution be read a second time. Not agreed to.

On motion of Mr. Tingley, the House proceeded to the consideration of the "Bill Authorizing a Loan on the Faith and Credit of the State."

Whereupon Mr. Crittenden offered the following Resolution:—

That the Bill be referred back to the Committee of Ways and Means, with instructions to report as a Substitute a Bill Authorizing a Loan of $, to be effected by Sale of the Bonds of the State, by a Commissioner or Commissioners. And also, to bring in a Bill Providing for the Issuance of State Bonds to the Creditors of the State in the event of a Failure to effect a Loan.

The question recurring on the adoption of the Resolution, Mr. Tingley demanded the Ayes and Nays.

Those who voted in the affirmative were:—

Mr. Baldwin	Mr. McKinstry
Brackett	Ogier
Crittenden	Randolph
Gray	Stephens—8.

Those who voted in the negative were:—

Mr. Aram	Mr. Scott
Bigler	Stuart
Bradford	Stowell
Cardwell	Tefft
Clarke	Tingley
Corey	Walthall
Creaner	Watson
Hughes	Speaker
Morehead	—17.

So the Resolution did not prevail.

The question then was on concurring in the amendments made in Committee of the Whole, which amendments were severally read and concurred in by the House.

Mr. Tingley moved that the Bill be engrossed for its third reading on to-morrow.

Mr. Brackett moved to adjourn. Not agreed to.

Mr. Randolph moved that the rules be suspended and the bill be read a third time now; which motion did not prevail.

The question then recurred on the engrossment of the bill.

On this question the ayes and nays were demanded.

Those who voted in the affirmative were—

Mr. Aram	Mr. Stewart
Bigler	Stowell
Bradford	Tefft
Corey	Tingley
Covarubias	Walthall
Hughes	Watson
Morehead	Speaker
Scott	—15.

Those who voted in the negative were—

Mr. Baldwin	Mr. McKinstry
Brackett	Moore
Clarke	Ogier
Creaner	Randolph
Crittenden	Stephens
Gray	—11.

So said bill was ordered to be engrossed.

Mr. Bigler, from the Committee on Public Printing, made the following report, to wit:—

MR. SPEAKER:—

The Committee on Public Printing, by a resolution of the House, passed on yesterday, were instructed "to inquire what has been

the cost of Public Printing up to this time, according to the rates in the bill reported in this House."

The committee immediately notified the State Printer of the passage of the resolution, and inclosed him a copy of the same, the reply to which has been received, and is herewith presented.

SAN JOSÉ, February 5, 1850.

DEAR SIR:—

In response to your note of yesterday, inclosing a resolution of your body, asking for information in relation to the public printing, I send you the following:—

Since I began the execution of the work, and up to the passage of the resolution of inquiry, there have been printed of bills, reports, messages, and resolutions, in all 256 pages, making,

120 tokens; if at $7,30 per token, . . .	$876,00
608 thousand ems of composition; if at $7,30 per 1000, ...	4,438,00
Total, ...	$5,314,00

Five thousand three hundred and fourteen dollars, from the 11th January to the 4th February inst.

Very respectfully,
H. H. ROBINSON,
State Printer.

Hon. JOHN BIGLER,
Chairman of
Standing Committee on Printing.

On motion of Mr. Bigler said report was laid on the table.

Mr. Morehead offered the following resolution:—

Resolved, That the resolution fixing the night meetings of this House be and is hereby repealed.

The resolution was adopted.

On motion of Mr. Baldwin, the House adjourned.

HOUSE OF ASSEMBLY.

WEDNESDAY, *February* 6, 1850.

House met, pursuant to adjournment.

Prayer by Rev. Mr. Briarly.

The roll was called and the following members were absent, viz.:—

Messrs. Aram, Baldwin, Bradford, Heath, Hughes, Ogier, Patterson, Randolph, Stephens, and Watson.

Hon. Thos. J. White tendered his resignation as Speaker of the Assembly.

On motion of Mr. Ogier, Mr. Crittenden was called to the Chair.

On motion of Mr. Cardwell the House proceeded to the election of Speaker.

Mr. Cardwell nominated Hon. John Bigler.

On the 1st Ballot the vote was as follows:—

Whole number of votes, ...	30
Necessary to a choice, ...	16

Those who voted for Mr. Bigler were—

Mr. Aram	Mr. Moore
Baldwin	Ogier
Brackett	Per Lee
Bradford	Randolph
Brown	Scott
Cardwell	Stephens
Clarke	Stewart
Corey	Stowell
Covarubias	Tefft
Creaner	Tingley
Crittenden	Walthall
Gray	Williams
Hughes	Witherby
McKinstry	White
Morehead	—29.

Mr. Bigler voted for Mr. Crittenden—1.

Mr. Bigler, having received a majority of all the votes given, was declared duly elected.

Mr. Bigler, on taking the Chair, addressed the House as follows:—

GENTLEMEN OF THE HOUSE OF ASSEMBLY:—

I thank you for the high honor conferred, and as this is the second time that I have been honored with your confidence, it is perhaps unnecessary for me to assure you that the unanimous vote which I have just received, regarding it, as I do, as an approval of my past official conduct, is truly gratifying to my feelings: your kindness will ever be gratefully remembered. The presiding officer will often, doubtless, find himself embarrassed by the difficulty, as well as the delicacy, of deciding points of order, or giving directions as to the manner of proceeding. In such cases it will be ever useful for him to recollect that the great purpose of all *rules* and *forms* is to subserve the will of the Assembly rather than to restrain it; to facilitate, and not to obstruct, the expression of their deliberate sense.

Gentlemen, in conclusion, permit me again to thank you for the honor conferred, and to assure you, that in the discharge of the duties assigned me no pains will be spared to facilitate legislation, and in all cases to conform strictly to the rules adopted for the government of the House, carefully respecting the rights of individual members, and so deporting myself as to sustain on all occasions the dignity and honor of the House.

Mr. Walthall offered the following resolution, to wit:—

"*Resolved*, That the Clerk inform the Senate and the Governor that the Hon. Thos. J. White has resigned the station of Speaker of this House, and that the Hon. John Bigler has been appointed Speaker of the Assembly."

The resolution was adopted.

Mr. Morehead offered the following resolution:—

Resolved, That the thanks of this House be, and they hereby are, tendered to the Hon. Thos. J. White, for the able and impartial manner in which he has discharged the duties of Speaker of the Assembly.

The resolution was unanimously adopted.

When Mr. White addressed the House as follows:—

MR. SPEAKER AND GENTLEMEN OF THE ASSEMBLY :—

It affords me great pleasure to acknowledge this renewed evidence of your kindness; and upon this, as upon a former occasion, I take the liberty of expressing the profound impression made upon me, by this additional act of honor and courtesy. Indeed, adamantine would be the feeling of him, who would not fully appreciate with pride the distinguished mark of respect tendered him by the unanimous vote of thanks just given. It is more than my most sanguine aspirations could have anticipated, and in return I can only plead my feeble effort, as Speaker of the Assembly, under a deep sense of gratitude and devotion to your interests, and those of the State, faithfully and honestly, if not competently, to have discharged the high and important duties of my station; and a consciousness, on my part, that your honorable body have in some small degree appreciated this effort, by an uniform acquiescence in my decisions, and marked respect upon all occasions, is most gratifying, and can never be effaced from the tablet of my memory.

Then, gentlemen, farewell. May you ever be prosperous and happy; and under your intelligent guidance, may this embryo State rapidly pass from its pupilage to full-grown manhood; and in education, good government, morality, and national prosperity, by locomotive progression reach the zenith of the destiny which awaits her—the goal of human greatness.

Mr. Tefft, pursuant to notice, introduced "A Bill, entitled An Act providing for the Liens of Mechanics and others on Buildings," which was read a first and second time, and the usual number of copies ordered to be printed.

Mr. Tefft gave notice that on to-morrow he would introduce a "Bill providing for the Lien of Mechanics and others on Ships, Boats, &c." Also, "A general Lien Law for Mechanics and Artisans."

The House then proceeded to the consideration of "A Bill authorizing a Loan on the faith and credit of the State," which was read a third time.

Mr. Creaner moved to lay said bill on the table. On this question Mr. Bradford demanded the ayes and nays.

Those who voted in the affirmative were—

Mr. Baldwin	Mr. McKinstry
Brackett	Moore
Creaner	Ogier
Crittenden	Randolph
Gray	Stephens—10.

Those who voted in the negative were—

Mr. Aram	Mr. Stewart
Bradford	Tefft
Brown	Tingley
Cardwell	Walthall
Clarke	Watson
Corey	Williams
Heath	Witherby
Hughes	White
Morehead	Speaker—19.
Scott	

So the House refused to lay said bill on the table.

Mr. McKinstry then moved the following :—

That the bill be referred to a select committee, with instructions to introduce an additional section as follows :—

That no proposal shall be received by the Governor and Treasurer under the provisions of this Act, nor shall any contract be made with any parties, unless the persons making such proposal, or entering into such contract, shall bind themselves unconditionally to pay into the Treasury $150,000 upon such bonds, on or before the first day of July next.

Mr. Morehead moved to amend, by adding "said committee to report forthwith," which Mr. McKinstry accepted.

A difficulty arose here, between Mr. Ogier of San Joaquin and Mr. Watson of San Francisco, who were by order of the Speaker conducted without the bar.

Mr. Morehead then moved to adjourn. Not agreed to.

The question then recurred on the adoption of the resolution offered by Mr. McKinstry. Not agreed to.

The question being, "Shall the bill pass ?" Mr. Clarke moved that Mr. Watson be admitted within the bar, and record his vote.

Mr. Randolph moved that Mr. Ogier be also admitted; which motions did not prevail.

On the passage of the bill, the ayes and nays being demanded,

Those who voted in the affirmative were—

Mr. Aram	Mr. Tefft
Bradford	Tingley
Brown	Walthall
Corey	Williams
Hughes	Witherby
Morehead	White
Scott	Speaker—15.
Stewart	

Those who voted in the negative were—

Mr. Baldwin	Mr. Gray
Brackett	Heath
Cardwell	McKinstry
Clarke	Moore
Covarubias	Per Lee
Creaner	Randolph
Crittenden	Stephens—14.

So said bill passed.

On leave, Mr. Bradford offered the following resolution:—

Resolved, That a Select Committee be appointed to inquire into the causes which led to the disgraceful scene which recently occurred between two of its members, and report the result to the House, and that the Committee have power to send for persons and papers.

The resolution was adopted, and Messrs. Bradford, Tefft, Crittenden, McKinstry, and Scott, were appointed said committee.

On motion of Mr. Clarke, the House resolved itself into committee of the whole (Mr. Tefft in the chair) on "a Bill subdividing the State into counties." After having spent some time therein, the committee rose, the Chairman reported progress, and asked leave to sit again. Leave was granted.

On motion of Mr. Cardwell, the vote giving the committee leave to

sit again was reconsidered, and on motion said committee were discharged from the further consideration of the bill.

Mr. Cardwell then moved that the bill be recommitted to the Committee on Counties and County Boundaries, with instructions to report a new printed bill according to the amendments made in Committee of the whole. Agreed to.

The Speaker added Mr. Cardwell to the Committee on Counties and County Boundaries, to fill the vacancy of Mr. Cardwell.

On motion of Mr. Tingley, the House went into committee of the whole (Mr. Creaner in the chair), on the bills "to incorporate the Cities of Benicia and San José." After some consideration therein, the committee rose, the Chairman reported progress, and asked leave to sit again. Agreed to.

Mr. Stowell, from the Committee on Enrolled Bills, made the following

REPORT:—

The Joint Committee on Enrolled Bills have examined, and find correctly enrolled, "an Act concerning the Official Bonds of Officers;" "a Joint Resolution in relation to the Washington Monument Association in the City of Washington, District of Columbia."

S. STOWELL,
Chairman of the Assembly Com.
W. R. BASSHAM,
Chairman of the Senate Com.

February 6, 1850.

On motion of Mr. Bradford, the House adjourned.

HOUSE OF ASSEMBLY.

THURSDAY, *February 7th*, 1850.

House met, pursuant to adjournment.

The roll was called and the following members were absent, viz:—

Messrs. Aram, Creaner, Crittenden, Heath, Ogier, Patterson, Stewart, Watson, and White.

The Journal of yesterday was read and approved.

Mr. Tefft, from the Committee on the Judiciary, to whom was referred a petition of certain citizens of Sacramento City praying the relief of Dr. Charles H. Craigan, made the following

REPORT:—

Your Committee, to whom was referred the Petition of certain citizens of the City of Sacramento praying for an appropriation to Dr. Craigan for assistance rendered, and medical attendance given to citizens of Sacramento City and others, beg leave respectfully to report:—

That it appears from the said petition that at the solicitation of the city authorities of Sacramento City, in view of the suffering consequent upon the sickly season, said Craigan established a hospital, and devoted his time and attention to the sick in said hospital. Your Committee are of opinion that the prayer of the petitioners should not be granted. The City of Sacramento, in the opinion of your committee, is liable to the said Dr. Craigan for the expenses incurred and attendance given as shown by said petition; and the prayer for relief should come from the city council, if at all. Under a clause contained in the charter recently granted by this body to the said city, a remedy lies for this and all other demands of a similar nature against the city council created by said charter; and with this fact, that the applicant can avail himself of the remedy, clearly apparent on the face of the petition, your committee believe that it would be impolitic in the extreme to grant the prayer of the petititioners, however praiseworthy may have been the actions of Dr. Craigan—as he has a remedy against the city, and as an individual, cannot, with this remedy before him, sustain a loss.

Should this Legislature, at this time, make the appropriation prayed for, it would establish a precedent dangerous in the extreme, and this body would be called upon every day to act upon petitions presented by individuals for relief in matters of personal interest only, and yet arising from most praiseworthy sacrifices. Believing that the applicant has a speedy, sure, and certain remedy against the City of Sacramento, your Committee would most respectfully beg leave to report that in the opinion of your Committee the prayer of the said petitioners should not be granted.

And your Committee beg leave to be discharged from the further consideration of this petition.

Mr. Tingley moved to re-commit said Bill to a Select Committee composed of the delegation from Sacramento district.

Not agreed to.

Mr. Bradford, from the Select Committee, appointed to inquire into the recent difficulty in this House, made the following report:

The Select Committee appointed to investigate and report the causes of the personal difficulty that occurred on this floor yesterday, and what action should be had in the matter by the House,

RESPECTFULLY REPORT:—

That they find themselves charged with a very delicate duty, and which, in consideration of the friendly relations existing between them respectively and the offending parties, they would rather have avoided, did not the character of a whole legislative body, and indirectly a state, demand imperatively of them a report of the facts and a recommendation of what, in their judgment, is due to the body whose peace and dignity were outraged.

The occurrence was open in its commission, and therefore needs no detail from your Committee. It is enough for us to report that an altercation occurred between Messrs. Ogier and Watson, resulting in blows; that Mr. Ogier was the first to assail, provoked by an offensive observation of Mr. Watson, who had previously taken exception to an obnoxious personal imputation from Mr. Ogier made in the heat of debate against a majority of his fellow members, with whom Mr. Watson in the matter of controversy was then associated.

Your Committee, acting in the single capacity of an umpire between the House and these two offending members, are of the opinion that both of them are in the wrong, and both guilty of an outrage upon the dignity and propriety of this body, which demands that Mr. Ogier should make an unequivocal withdrawal of the offensive imputation against the majority of the members of this body, which originated the difficulty, and that both should make an apology to the House for the offence.

We doubt not that these gentlemen will respond to this recommendation of your Committee and thus restore harmony to the body; but if we are too liberal in our conclusions of their willingness to make an

honorable *amende*, then we do not see how it will be possible for the House to vindicate its honor and self-respect short of their expulsion.

Your Committee think the suggestion pertinent here, that of late there has been indulged on this floor between a few members, personalities, inuendoes, and epithets more or less offensive, and calculated to lead to just such scenes as the one in question, which should henceforth be avoided, or, when persisted in, properly rebuked by those who have the dignity of the House in keeping.

They recommend, therefore, that the Speaker shall exact of each member an observance of the rules in their every letter and spirit, and shall promptly exert the powers conferred upon him, to maintain the dignity of the House, and courtesy to each other, of its several members.

As the first legislature of a new State, one whose new existence is not yet known probably to the extent of our own continent, we have a great duty to discharge. In constructing government and institutions, we also have character to shape; and the estimate which other states and people will place upon that character will depend, to as great an extent, upon the high moral dignity of the legislature as upon the wisdom and practicablity of the laws and institutions which may result from its labors.

An obligation, therefore, rests upon each member to deport himself with dignity, to avoid offence, to cultivate kindness, and keep ever in mind that as he has been chosen by the people to a responsible and honorable position, he should do no act and express no sentiment calculated to offend the respect of the community or degrade the character of a public servant.

Your committee unanimously recommend for adoption, the following resolution:—

Resolved, That the Sergeant-at-Arms bring Messrs. Ogier and Watson within the bar of this House, and that Mr. Ogier shall unequivocally retract the offensive imputation cast upon a majority of the members of this body; that both gentlemen shall apologize to the House for the breach of its peace and dignity; and the Speaker shall give them a public reprimand. And that they shall then be released from arrest, and be permitted to take their seats.

The question on the adoption of the resolution attached to the report was agreed to.

Whereupon Messrs. Ogier and Watson appeared, and made apologies to the House.

On motion of Mr. Tingley, so much of the resolution as relates to a public reprimand by the Speaker was dispensed with.

The following message from the Senate was read:—

SENATE CHAMBER,
February 4, 1850.

MR. SPEAKER:—

I am directed by the Senate to transmit to the Assembly the inclosed petition from citizens of Yuba City, praying that that place may be made the shire town of Brannan County, which petition has been this day presented to the Senate.

J. F. HOWE,
Secretary to the Senate.

On motion of Mr. Tingley, said petition was referred to the Committee on Counties and County Boundaries.

The following message from the Senate was also read:—

SENATE CHAMBER,
February 4, 1850.

MR. SPEAKER:—

I am directed by the Senate to inform the Assembly, that they have passed bills, entitled "An Act to establish Pilots and Pilot Regulations for the Port of San Francisco," and, "An Act creating and regulating Public Ferries," which are herewith transmitted for the concurrence of the Assembly.

I am also directed to inform the Assembly, that the Senate have passed a bill, herewith transmitted, entitled "An Act to prevent obstructions in navigable streams," in which the concurrence of the Assembly is respectfully requested.

J. F. HOWE,
Secretary to the Senate.

Mr. Tingley moved that the bills accompanying said message be laid on the table.

On motion of Mr. Tingley, the House resolved itself into Committee of the Whole (Mr. Stephens in the chair), on a "Bill prescribing the mode of assessing a Public Revenue." After having spent some time therein, the committee rose, the Chairman reported the bill to the House

with amendments, and asked to be discharged from the further consideration thereof. Agreed to

On motion of Mr. Morehead, the House adjourned.

HOUSE OF ASSEMBLY.

FRIDAY, *February* 8, 1850.

House met, pursuant to adjournment.

Prayer by Rev. Mr. Briarly.

The roll was called and the following members were absent, viz.:—

Messrs. Aram, Baldwin, Corey, Creaner, Heath, Morehead, Ogier, Patterson, Per Lee, Randolph, and Scott.

The journal of yesterday was read and approved.

On motion of Mr. Brown, Mr. Aram had leave of absence for a few days.

Mr. Tingley presented a petition from sundry citizens of Sacramento City, praying for the incorporation of a Ferry, which petition was referred to the Committee on Corporations.

Mr. Tingley, from the Select Committee appointed in reference to the resignation of members of the Legislature, made a report, and, on motion, the same was laid on the table.

On motion of Mr. Morehead,

Resolved, That the Committee on Public Buildings be authorized to hire a room for public meetings, and other public purposes, so that the Hall of Assembly can be devoted exclusively to Legislative use.

Whereupon Mr. Stephens offered the following as a substitute:—

That this Hall shall be used for no other purpose than for the meeting of the Assembly.

The amendment was adopted.

The House then took up the orders of the day, which were "An Act to prevent Obstructions in Navigable Streams;" "An Act creating and regulating Public Ferries;" and "An Act to establish Pilots and Pilot Regulations for the Port of San Francisco."

And, on motion of Mr. Tingley, said Bills were laid on the table.

On motion, the "Bill prescribing the mode of assessing and collecting Public Revenue" was taken up.

The question was on concurring in the amendments made in Committee of the Whole on yesterday.

To the first amendment Mr. Stephens produced the following as a substitute: "All wild and unchristianized Indians," which was adopted.

The remaining amendments were then severally concurred in.

Mr. Tingley then moved to amend by adding the following Sections:

Section 82. Every person, liable to pay a poll tax by virtue of the provisions of this Act, who shall refuse so to do when legally demanded by the County Treasurer, or his Deputy, shall not be permitted to prosecute any suit in the Courts of this State for the recovery of any debt or demand, or for the redress of any personal wrong until such poll tax shall be paid.

Section 83. County Treasurers shall *ex officio* be Collectors of the State and County Revenue within their respective Counties.

Section 84. He shall keep his Office at the County Seat, and the same shall be open for the transaction of business from 10 o'clock A.M. until 4 o'clock P.M. of each day in the year, Sundays excepted.

Section 85. Before entering on the Duties of their Offices, said Treasurer and Assessor shall file bond for the faithful performance of their Duties as such Officers, in such manner, and with such securities, as may be required by the Court of Sessions of his County, and take the oath prescribed by law.

The amendments were severally read and adopted.

Mr. Stephens offered the following as a substitute for the 56th Section:

Section 56. The County Treasurer and Assessor shall each respectively be allowed for the collecting and assessing of taxes as follows: viz. 10 per centum on the first Thousand Dollars collected; 8 per centum on any sum between One and Two Thousand Dollars collected; 6 per centum upon any sum between Two Thousand and Five Thousand Dollars collected: and 3 per centum upon all sums above Five Thousand Dollars; which Per Centage shall include all compensation for the collection, assessment, and disbursement of the same.

The substitute was adopted.

Mr. Crittenden offered the following as a substitute for the 40th Section:—

Section 40, Second line, strike out the word "levy," and insert "collect."

[Sub. 40th Sec.]

Section 40. In case any person, not being the owner of Real Estate, shall neglect, or refuse, to pay the tax imposed on him, the County Treasurer shall, on the first Monday of October, collect the same, together with 10 per cent. damages, and the costs and charges that may accrue, by seizure and sale of the goods and chattels of such person as ought to pay the same. Five days' notice of such sale shall be given, in like manner as notice is required to be given of sales of personal property under execution; and no more of such property shall be sold, susceptible of division, than will pay the taxes, costs, and damages chargeable against the owner.

The amendment was adopted.

On motion of Mr. Tingley, the Bill was ordered to be engrossed for its third reading on to-morrow.

On motion of Mr. Tingley, the several orders of the day were dispensed with, and

On motion, the House resolved itself into Committee of the Whole (Mr. Corey in the Chair) on "A Bill to regulate the first County Elections."

After some consideration therein, the Committee rose, the Chairman reported progress, and asked to be discharged from the further consideration thereof.

Agreed to.

Mr. Randolph then moved to refer said Bill to a Select Committee.

Agreed to.

Whereupon the Speaker appointed Messrs. Randolph, Crittenden, and Stephens said Committee.

The following message from the Senate was received:—

SENATE CHAMBER,
February 8, 1850.

MR. SPEAKER:—

I am directed by the Senate to inform the Assembly, that they have concurred in the report of the Committee of Conference on the

disagreeing votes of the two Houses, in reference to the bill entitled "an Act to organize the Supreme Court," viz.:—

1st. Adopting the original section, but striking out the proviso.

2d. Agreeing to the Assembly's amendment to the 8th section.

3d. Agreeing to the Assembly's amendment to the 15th section, but striking out the words "Supreme Court" in the first line of the amendment, and substituting therefor the word "Legislature."

Also, that the President of the Senate has signed Assembly bill entitled "an Act to authorize the Secretary of State, Comptroller, Attorney General, and Surveyor General to rent offices and procure the necessary furniture for their respective offices."

Also, Assembly bill, "concerning the official bonds of officers."

Also, Senate bill, entitled "A Joint Resolution in relation to the Washington Monument Association in the City of Washington, D.C."

J. F. HOWE,
Secretary of the Senate.

On motion of Mr. Tingley, the House went into Committee of the Whole (Mr. Bradford in the Chair), on the "Bill appropriating money out of the General Fund to defray the expenses of the Government of the State of California."

After its consideration, the committee rose, the Chairman reported the bill to the House with amendments, which amendments were concurred in, and the committee discharged from the further consideration thereof.

On leave, Mr. Brackett offered the following resolution:—

Resolved, That the usual number of copies of each and every Act and Joint Resolution shall be printed for the use of this House as soon as practicable after such Act or Joint Resolution shall become a Law.

The resolution was adopted.

Mr. Randolph presented a petition from certain citizens of San Francisco and Sacramento City, praying for the speedy passage of an act to authorize Corporations, &c.—which petition was read and referred to the Committee on Corporations.

Mr. Stowell, from the Committee on Enrolled Bills, reported as follows:—

The Joint Committee on Enrolled Bills have this day presented to the Governor for his signature,

"An Act authorizing the Secretary of State, Comptroller, Treasurer, Surveyor General, and Attorney General to rent offices, and procure the necessary office furniture for their respective offices."

L. STOWELL,
Chairman Assembly Committee.
W. R. BASSHAM,
February 7, 1850. Chairman Senate Committee.

The Joint Committee on Enrolled Bills have examined "an Act to Incorporate Sacramento City," and find the same correctly enrolled.

L. STOWELL,
Chairman Assembly Committee.
W. R. BASSHAM.
February 8, 1850. Chairman Senate Committee.

The Joint Committee on Enrolled Bills have this day presented to the Governor for his signature the following Act and Joint Resolution, viz. :—

"An Act concerning the official bonds of officers."

A Joint Resolution in relation to the Washington Monument in the City of Washington, District of Columbia."

L. STOWELL,
Chairman Assembly Committee.
W. R. BASSHAM,
Chairman Senate Committee.

February 8, 1850.

On motion of Mr. Morehead, the resolution fixing the pay of officers of this House was taken up.

Mr. Morehead then moved the following: "After the words 'dollars per diem,' 'and the extra clerks employed by the chief clerk, shall receive twenty dollars per diem during the time they were so employed.'"

Adopted.

Mr. Brown moved the following amendment: "The Speaker of the Assembly shall receive the same per diem pay as the President of the Senate."

Agreed to.

Mr. Brackett moved a division of the question.

The question was then taken on the first branch of the resolution, which was, "The Clerk shall receive twenty-eight dollars per diem," on which Mr. Brackett demanded the ayes and nays.

Those who voted in the affirmative were—

Mr. Baldwin	Mr. Morehead
Brown	Scott
Cardwell	Stephens
Clarke	Stewart
Corey	Tingley
Covarubias	Walthall
Crittenden	Watson
Gray	Speaker—16.

Those who voted in the negative were—

Mr. Brackett	Mr. Hughes
Creaner	McKinstry—4.

So the first branch of the resolution was agreed to.

On concurring in the second branch of the resolution, which was, "The Assistant Clerk shall receive twenty-eight dollars per diem," the question was decided in the affirmative.

On agreeing to the third branch of the resolution, which was, "The Engrossing and Enrolling clerks shall receive each twenty dollars per diem."

Mr. Hughes demanded the Ayes and Nays.

Those who voted in the affirmative were:—

Mr. Brown	Mr. Scott
Cardwell	Stephens
Crittenden	Stewart
Corey	Tingley
Gray	Walthall
Morehead	Watson
Moore	Speaker—14.

Those who voted in the negative were:—

Mr. Baldwin	Mr. Creaner
Brackett	Hughes
Clarke	McKinstry
Covarubias	—7.

So said third branch of the Resolution was agreed to.

Mr. Morehead proposed the following:—"The Transcribing Clerk shall receive Twenty-two Dollars per diem." Adopted.

The question being on the fourth branch of the Resolution, Mr. Hughes called for a division of the question, which was, "the Serjeant-at-Arms shall receive Twenty Dollars per diem." On this question, the Ayes and Nays were demanded.

Those who voted in the affirmative were:—

Mr. Bradford	Mr. Stephens
Cardwell	Stewart
Crittenden	Tingley
Gray	Walthall
McKinstry	Watson
Morehead	Speaker
Scott	—13.

Those who voted in the negative were:—

Mr. Brackett	Mr. Creaner
Brown	Hughes
Clarke	Randolph
Corey	Witherby—8.

So said fourth branch of the Resolution was agreed to.

On agreeing to the pay of the Doorkeeper, which was "twenty dollars per diem," the Ayes and Nays were demanded.

Those who voted in the affirmative were:—

Mr. Crittenden	Mr. Stewart
Gray	Tefft
Morehead	Tingley
Moore	Watson
Scott	Witherby
Stephens	Speaker—12.

Those who voted in the negative were :—

Mr. Brackett	Mr. Covarubias
Bradford	Creaner
Brown	Hughes
Cardwell	McKinstry
Clarke	Randolph
Corey	Walthall—12.

So said motion was not agreed to.

Mr. Creaner then moved to fill the blank with thirty dollars. Not agreed to.

Mr. Morehead moved to fill the blank with eighteen dollars. Not agreed to.

Mr. Randolph moved sixteen dollars, which was agreed to.

On the pay of Assistant Doorkeeper, Mr. Hughes moved to strike out "twenty," and insert "twenty-two." On this motion Mr. Cardwell demanded the Ayes and Nays.

Those who voted in the affirmative were :—

Mr. Brackett	Mr. Moore
Bradford	Stephens
Cardwell	Tefft
Creaner	Tingley
Crittenden	Walthall
Gray	Watson
Hughes	Speaker
Morehead	—15.

Those who voted in the negative were :—

Mr. Baldwin	Mr. McKinstry
Brown	Randolph
Clarke	Scott
Corey	Stewart
Covarubias	Witherby—10.

So said motion prevailed.

The question being on the last branch of the Resolution, fixing the compensation of the Messenger at twenty dollars per diem, Mr. Wat-

son moved to strike out "twenty," and insert "twenty-two" dollars. Not agreed to.

Mr. Randolph moved to strike out "twenty," and insert "sixteen" dollars. Not agreed to.

The question then was on agreeing to amount fixed in Resolution, viz. "twenty dollars" per diem.

The Ayes and Nays being demanded,

Those who voted in the affirmative were —

Mr. Baldwin	Mr. McKinstry
Brackett	Morehead
Bradford	Moore
Brown	Scott
Cardwell	Stephens
Clarke	Stewart
Covarubias	Tefft
Creaner	Tingley
Crittenden	Walthall
Gray	Watson
Hughes	Speaker—22.

Those who voted in the negative were :—

Mr. Corey	Mr. Witherby
Randolph	—3.

The original sum was adopted.

Mr. Tingley then moved the rescinding the vote, fixing the pay of the Doorkeeper at sixteen dollars per diem.

On this question, the Ayes and Nays were demanded.

Those who voted in the affirmative were—

Mr. Baldwin	M. Stewart
Gray	Stowell
McKinstry	Tefft
Morehead	Tingley
Moore	Watson
Scott	Witherby
Stephens	Speaker—14.

Those who voted in the negative were—

Mr. Brackett	Mr. Covarubias
Bradford	Creaner
Brown	Crittenden
Cardwell	Hughes
Clarke	Randolph
Corey	Walthall—12.

So said vote was reconsidered.

Mr. Brackett then moved to lay the Resolution on the table. Agreed to.

Mr. Crittenden, from the Committee of Conference, appointed in reference to the disagreeing votes of the two Houses upon the "Bill to Organize the Supreme Court of California," made the following

REPORT:

MR. SPEAKER:

The Committee of Conference, appointed by the House to confer with a corresponding Committee of the Senate, in reference to the disagreeing votes of the two Houses upon the bill to organize the Supreme Court of California, have instructed me to report:—

That the two committees have agreed as follows:—

Section 2. Adopt the original section, but striking out the proviso.

Section 8. Agree to the amendment made in the Assembly.

Section 15. The amendment of the Assembly adopted with this change, strike out the words "Supreme Court," and insert "Legislature."

In all which they ask the concurrence of the House. The report was adopted.

On motion of Mr. Tingley, the House went into Committee of the Whole, Mr. Creaner in the chair. On "a bill to organize the Court of Sessions," after having spent some time therein, the committee rose, the Chairman reported the bill to the House, with amendments, and asked to be discharged from the further consideration thereof. Agreed to.

On motion of Mr. Tefft, the House concurred in the several amendments.

On motion, the bill was ordered to be engrossed.

On motion of Mr. Tefft, the House adjourned.

HOUSE OF ASSEMBLY.

SATURDAY, *February 9th*, 1850.

House met, pursuant to adjournment.

Prayer by Rev. Mr. Briarly.

The roll was called, and the following members were absent, viz:—

Messrs. Aram, Corey, Heath, Ogier, Patterson, Per Lee, Randolph, Tefft, and Witherby.

A quorum being present, the journal of yesterday was read and approved.

On motion of Mr. Crittenden, Mr. Tefft had leave of absence for a few days.

The Speaker laid before the House the following communication, to wit:—

January 7th, 1850.

Hon. J. BIGLER, Speaker of the Assembly.

SIR:

The health of my family, considerations over which I have no control, compels me to resign my position as member of this House, to take effect on the 15th instant.

Very respectfully,

T. J. WHITE.

Mr. Creaner moved the following resolution, which was adopted. "That the communication of Mr. White be received, and the Governor be notified of his resignation."

The following message was received from the Governor by his Secretary.

TO THE ASSEMBLY:—

I have this day signed the bill, entitled "an Act authorizing the Secretary of State, Comptroller, Treasurer, Surveyor General, and Attorney General, to rent offices, and procure the necessary office furniture for their respective offices." Also, I have this day signed the bill, entitled "an Act concerning the Official Bonds of Officers."

PETER H. BURNETT.

February 9th, 1850.

Mr. Bradford, from the Committee on Counties and County Boundaries, made the following

REPORT:—

The Committee on Counties and County Boundaries, to whom was referred a petition from sundry citizens of Yuba City, praying that that town may be made the *shire* town of *Brannan* county, beg leave to report, that by reference to the bill subdividing the State into counties, now in the possession of your Committee, they have not been able to discover any county by that name, and are consequently compelled to report the petition back to the House, and beg leave to be discharged from its further consideration. The report was adopted.

Mr. Williams offered the following resolution:—

Resolved, That the Speaker of this House be authorized to grant permission to the Whigs of this place, to hold a meeting in the Hall this evening.

Mr. Walthall offered the following amendment:—

That this House do adjourn over, on the 22d instant, being the 118th birthday of the Father of our country, and that the use of this Hall be at the service of the Committee of Arrangements, for the celebration of said anniversary; which was accepted by Mr. Williams.

The question being on the adoption of the resolution, Mr. Morehead demanded the ayes and nays.

Those who voted in the affirmative were—

Mr. Baldwin	Mr. McKinstry
Brackett	Morehead
Bradford	Moore
Cardwell	Randolph
Clarke	Scott
Covarubias	Stephens
Creaner	Stewart
Crittenden	Stowell
Gray	Walthall
Heath	Williams
Hughes	Speaker—22.

Those who voted in the negative were—

Mr. Brown	Mr. Tingley—2.

So said resolution was adopted.

On motion of Mr. Morehead,

Resolved, That when any leave of absence is asked and granted, the applicant shall specify the time that he wishes to be absent.

Mr. Hughes offered the following:—

Resolved, That the clergy of San José be allowed the use of this Hall for holding Divine Service.

Whereupon Mr. Brown moved a reconsideration of the adoption of the resolution on yesterday, "That this Hall shall be used for no other purpose than for the meeting of the Assembly."

On this question, Mr. Brackett demanded the ayes and nays.

Those who voted in the affirmative were—

Mr. Baldwin	Mr. Stewart
Brown	Stowell
Clarke	Walthall
Gray	Williams.
Hughes	—9.

Those who voted in the negative were—

Mr. Brackett	Mr. Randolph
Bradford	Scott
Covarubias	Stephens
Creaner	Tingley
Crittenden	Speaker.
McKinstry	—11.

So the vote was not reconsidered.

The question recurring on the adoption of the resolution offered by Mr. Hughes, it was decided in the affirmative.

Mr. Walthall, from the Select Committee, to whom was referred a "Joint Resolution on Public Domains, Mineral Lands," &c., made the following

REPORT:

MR. SPEAKER:—

The Committee, to whom was referred the Joint Resolutions on the subject of Public Domain, Mineral Lands, Custom Houses, and Branch of the United States Mint, and Money that rightfully belongs

to the State of California, have had the resolutions submitted to them under consideration, and beg leave to Report.

In the Committee's opinion, the most important subject embraced in the resolutions is that of the Mineral Lands. How shall they be disposed of? Who shall be allowed to work them? These questions are pregnant with interest to the State, affecting as they do both the moral and pecuniary welfare of the Commonwealth. During the past year swarms of foreigners from the Mexican provinces, from South America, the islands of the Pacific, Europe, and the penal colonies of Great Britain, have worked in the mining districts, and after extracting from them hundreds of thousands of dollars to expend on institutions and places beyond the bounds of our State and country, have returned to their respective homes without contributing anything to the prosperity of a people, whose hard-earned and honorably purchased wealth they have appropriated to themselves. Incited by their success, they will be succeeded, the present year, by swarms larger and more greedy.

The time has come when the question, "Shall a foreign population have unchecked access to our mines?" demands an answer. Involving, as it does, questions of State interest and National policy, your Committee feel that it requires something beyond a mere allusion or hasty answer. This subject, like most others upon which national legislation is asked, is fortified by seeming arguments on both sides. On one hand we have a long and well-defined line of public policy respecting such persons as may emigrate from the monarchical institutions and rule of other countries to the republican blessings of our own. Your Committee is not prepared to recommend any general departure from a policy so well in keeping with the spirit of our institutions; but the conviction forces itself upon them, that the privilege of working the mines of our State should be limited to the citizens of our country. The reasons from which such a conviction springs are numerous:

1st. The mineral wealth of California has been made the property of our nation at too heavy an outlay of money and life to justify an unlimited diffusion of it among men who, neither as individuals nor as component parts of our nation, contributed aught towards the securing of this wealth.

2d. The present policy gives to citizens of other nations what we refuse to citizens of our own. Many of the last year's miners were "*peons*" or "*serfs*"—a species of slaves. These worked under the

direction and for the benefit of their masters, who by this means accumulated wealth faster than the American citizen, who is, by our State constitution, prevented from bringing his slaves into the State with him. Why should we extend to others what we deny to our own? What principle of our national constitution—what act of our national legislature—what international law requires us to admit a South American with his slaves, where we will not admit one of our own citizens with his?

3d. With but few exceptions the foreign population in our mines has no connexion with or interest in the institutions of our State or nation. They are not even agriculturists, come among us to cultivate the soil, thereby identifying themselves with us, while at the same time they add to the productiveness of the soil and the value of our products. They are mere adventurers, brought here solely by the desire to avail themselves of our mineral treasures, and intent upon returning as soon as they have glutted their thirst for gold. Like the absentees of Ireland, they take from the wealth of a country to whose prosperity they contribute nothing. Differing, as these emigrants do, from the classes that have hitherto visited our shores, it would be impolitic and unstatesmanlike to adopt the same line of policy towards them.

4th. The presence of such a large foreign population as is now rushing towards the mines, renders the position of our citizens insecure. Instances of collision, resulting sometimes in the loss of life, have already occurred, and will again occur, if there be no check put to the influx of this population.

5th. Nearly every American citizen, who has visited the mines, feels that the working of the same ought to be limited, as a matter both of right and safety, to our own citizens. No other Government throws open its stores of mineral wealth, and puts in jeopardy the lives of its citizens, for the benefit of mere adventurers from other nations.

6th. Our mining districts have a larger percentage of young men than can be found in any other districts within the States. Most of these have left parents and friends at home, to whom their moral character and good name are more precious than the wealth of the Indies. Away from the safeguards that have heretofore surrounded them, their position, at best, is one of peril. The mass of adventurers from the countries south of us, and from the "Botany Bay" of England, is increasing that peril. It is not denied by your committee that among

the foreigners in California, are many men of sterling worth. If such men could be admitted or retained without our being compelled to admit or retain the others, this part of the subject would present an aspect widely different from its present one.

7th. In addition to the silver and gold in the mining regions, there are numerous beautiful and fertile valleys, with a good climate, fine timber, excellent water, and all other requisites for a promising agricultural region. These valleys present strong inducements to farmers to bring their families and settle in them; but the presence of a foreign population, already embracing a larger percentage than can be found in any other State in the Union, and still on the increase, has prevented, and while the evil lasts, will continue to prevent American families from settling in them. Every correct principle of political economy calls for an early settlement of these sections by moral, industrious, and liberty loving citizens.

Without entering into a further statement of the reasons which have produced their present convictions, your committee would recommend:—

That our Representatives in Congress be requested to call the attention of that body to this subject, and urge upon it the above considerations, and such others as they may deem necessary.

That they be requested to ask, in the name of the Government, and in behalf of the citizens of California, for the passage of such laws as Congress shall deem necessary to secure the exclusive working of the mines to American citizens, and such foreigners as have, in good faith, declared their intention to become citizens of the United States.

That they be also requested to urge upon Congress the passage of a law empowering our State Legislature to adopt such measures as may be necessary to carry out the above views.

Your committee also recommend that our Representatives in Congress be requested to urge upon that body the policy of not selling the mineral lands, but instead thereof granting leases or permits, entitling the holders to work said lands, on the payment of such sums as Congress may demand, granting these leases or permits only for small tracts, and only to American citizens and such foreigners as shall have declared, in a constitutional form, their intention to become citizens of the United States.

It is well known that in all countries the miners are, with but few

exceptions, more degraded than the mass of laborers around them. Various causes may contribute towards this result, but a principal one, in the judgment of your committee, is the system of monopoly which usually prevails in mining regions. Monopolists first render it unprofitable for the laborer to work for himself and on his own account; then cheap labor is sought; and cheap labor without character being preferred to dearer labor with character, the vicious are often employed to the rejection of the virtuous. If our own citizens only have access to the mines, together with such foreigners as above specified, and are allowed to work on their own account, *unawed* and *untrammelled* by monopolists, then our mineral regions will be settled by a moral, intelligent, and industrious class.

As there are valuable tracts of land, not mineral, in close proximity to the mining districts, which, if settled by permanent farmers and traders, would contribute to the prosperity of the State, and the comfort and safety of the miners, a sound policy demands that substantial inducements be held out to encourage permanent settlers upon such lands. As leases would be less satisfactory than deeds conveying the legal title of the Government to the holders, a sale of the lands would be best. Your committee believe that if Congress were to authorize the early sale of such lands, and in comparatively small lots, to be held exclusively by American citizens and foreigners who have commenced measures to become citizens, highly beneficial results would follow.

Perhaps some may doubt whether Congress has power to take such action as is asked for in the preceding sections of this paper. Your committee have no such doubts. The mineral lands are the property, exclusively, of the United States. It is for Congress to say on what conditions said lands shall be worked, in what way, and on what terms they shall be sold. That body has full power to exclude every foreigner from the mines, to prevent any foreigner from holding real estate, either in the mineral lands or any other portions of the public domain; if so, it is clothed with Constitutional power to do all that your committee recommend.

If such a disposal of the mineral lands should not be made as your committee recommend—if Congress should deem it more advisable to sell said lands, then we would recommend that they be sold in tracts not exceeding forty acres; and if any tract is known to be peculiarly rich in mineral deposits, that it be sold in still smaller portions.

Your committee cannot leave this important subject without suggesting another feature in the sale of these lands, which would give confidence to the purchaser, save him from pecuniary loss, and also protect the government from damage. The feature is this: Divide the amount to be paid by the purchaser into annual instalments, running eight or ten years, with the right to forfeit whenever the purchaser chooses, and to be forfeited and the land to revert to the United States whenever any one of the instalments is not punctually paid. If the lands are worth the sum which the purchaser has agreed to pay for them, he will be both willing and able to pay the stipulated sum annually,—if they are not, he can relinquish his claim, and be released from his obligation.

Should this plan be adopted, the poor laboring man would be able to purchase, and most of these lands would be held by actual settlers and laborers, and not by distant capitalists. It is believed, also, that if this method be adopted the lands will sell for more than they will bring on any other system. It is no objection against this plan that some of the lands will be forfeited through failure. No lands will be forfeited unless the purchaser has agreed to pay more than their worth; and even then government has received one or more payments upon the land, of which it again becomes the possessor. Nor is it an unimportant consideration here, that government will, by this means, obtain a most effective survey of every part of the mineral regions of our State, without the expense of maintaining a "Geological Corps."

The committee recommend the adoption of the following as a substitute for the first resolution:—

Resolved, That our Senators be, and they are hereby, instructed, and our Representatives requested, to urge by their votes and influence the passage of such laws by Congress as will best effect the objects and views embraced in the foregoing preamble; and recommend the adoption of the other resolutions, except the last, which is the one in relation to the civil fund therein referred to. That resolution presents a subject of great interest to the people of this State, and one which requires a more thorough investigation than the committee has been able to give it; but from the want of time and the proper official data, on which to base a report suitable to the importance of the subject, they have nothing but rumor and report to act on, reports and rumors, however, of which none has a doubt, and but few have any doubts of the rights of the State to this fund.

It is understood that another committee has charge of the same subject; they would therefore recommend that this committee be discharged from the further consideration of this part of the subject, and that it be reported to the committee already having that subject under consideration, and if deemed advisable, the two committees be associated together on this subject.

Mr. Tingley, from the same Committee, made the following

MINORITY REPORT:

MR. SPEAKER:—

The undersigned, member of the Select Committee to whom was referred the Joint Resolutions on the subject of Mineral Lands, Public Domain, Right of Preemption, Ports of Entry, Custom Houses, Branches of the United States Mint, and Moneys that rightfully belong to California, has had the same under consideration, and differing from the majority on the subject of "*leasing and selling*" the mineral districts, as also other points deemed of importance to the People of California, begs leave to submit the following Report, together with the accompanying Preamble, for the consideration of the House; also two amendments to the Resolutions, and recommend the adoption of the Report and Preamble, and the passage of the Joint Resolutions as amended.

All of which is respectfully submitted.

GEORGE B. TINGLEY,
of the Select Committee.

REPORT.

The State of California presents to this Union considerations of no ordinary character. Within her limits is contained the most extensive mineral region in the known world. This vast deposit of the precious metals is now attracting the eager attention, not only of the People of the United States, but the entire population of all Europe; nor can we except the subjects of Mexico, Chili, Peru, China, and the Sandwich Islands, judging from the motley crew found floating in our midst. Our situation is a peculiar one; separated a vast distance from the old confederated States, by almost insurmountable barriers, it becomes our

imperative duty to look well to that course of policy, which, while it secures prosperity to our people in time of peace, will safely guard her interests in the event of war. Should our Government unfortunately be driven to the alternative of war with any European power, California, from her isolated position, must from necessity rely on her own right arm for resources, defense, and protection. This she can do, if the true policy is adopted by the General Government in reference to the mineral lands of the State. Let Congress by law declare that none save American citizens shall be permitted to extract gold or other precious metals from the mineral lands in California, and provide for the rigid enforcement of the law by adequate penalties and punishment. This would be productive of two important results, highly advantageous to California. First, to encourage the American citizen to emigrate to and make California his home, and thus add strength to our present population. Secondly, to drive from among our people a host of foreigners, of every nation, color, and tongue, who have sought our shores for no other purpose than to collect the mineral wealth here found, and convey the same to foreign parts. Devoid of intelligence sufficient to appreciate the true principles of a free form of government; vicious, indolent, and dishonest, to an extent rendering them obnoxious to our citizens; with habits of life low and degraded; an intellect but one degree above the beast of the field, and not susceptible of elevation; all these things combined render such classes of human beings a curse to any enlightened community. Mining is, to a great extent, the only business they can or will follow. Their mineral labor comes in competition directly with that of our citizens, and proves detrimental to the interest of our laborer, whose earnings are put in competition with the Mexican peon, Chilian slave, or Sandwich Island serf.

To permit our mineral region to remain open to all nations, will lure hither the foreign capitalist, with his hordes of the worst population of the Old World, to extract gold from our rich Placers. To add to his accumulated wealth is his sole object, and having attained that end, he returns whence he came, never having once entertained the idea of becoming an American citizen. He bequeathes his degraded and debased hirelings to California, as a boon for the golden treasures he has thus extracted from American soil, and conveyed to his foreign home.

Should our Government adopt the policy of permitting all nations to resort to her vast golden treasures, the time is not far distant when the

foreign population o. California will exceed the number of her resident citizens; for we are well advised now, that, at this moment, there are afloat on the high seas vessels from foreign ports, containing not less than fifty thousand foreigners, destined for the Gold Placers of California; and let it be but officially announced by our Government, that such is her policy, and this influx of foreign population will be increased ten fold in the next three years.

The soil of California does not now produce *one half* of the provisions consumed by her present population—weekly increased by the arrival of American citizens and subjects of foreign countries, consequently rapidly increasing the demand for the daily necessaries of life; nor can the soil be made, for years to come, to yield an amount of produce equal to that required for consumption. But few think of or make an effort to cultivate the soil; the great mass rush to the mineral districts, to seek their fortunes in the hidden treasures that are there to be found. The many become consumers—the few producers; consequently, the demand for provisions greatly exceeds the products of our soil, and the overplus must be supplied from foreign parts.

Under such auspices, in the event of war, California would be most unfortunately circumstanced. With a majority of her population the subjects of Monarchies and Foreign Governments, having no interest but that adverse to California, without the hope of direct aid from the Home Government, or the means of sustenance within ourselves, the worst consequences may be easily anticipated, and would inevitably follow.

But the Government, we trust, will adopt no such suicidal policy. The mineral lands are the direct property of the Government, or rather, the American People; for we recognise fully the doctrine that ours is a "Government of the People," and adhering to the principle, we unhesitatingly avow the doctrine that American citizens are entitled to the exclusive right of collecting and putting into the channels of trade and commerce, bearing the impress of the American eagle, the rich treasures of California.

When this principle is established and carried out by our Government, the labor of her citizens, freed from foreign competition, will be more amply rewarded, and the circulating medium in gold coin throughout the United States largely augmented.

The conflicting interests of our citizens and foreigners in the mineral

districts have already led in many instances to serious difficulties, resulting in some cases in the death of numbers of the parties concerned. The foreigners are daily crowding to the Placers, determined to reap a golden harvest; whilst the American laborer, who is to be affected by such competition, as firmly resists such intrusions. From this state of affairs the worst consequences must and will flow, unless the General Government promptly interferes and takes stringent steps to remove these foreign intruders from her mineral lands, as well as forbid them from further trespassing upon her acknowledged rights, under heavy penalties to bé energetically enforced.

Is it the true policy of the Government to sell or lease the mineral lands of California? We think not. The past experience of the Government in leasing her mineral lands shows that the system has uniformly proved unproductive; in place of filling her coffers it has been a yearly charge upon the financial department; nor has the sale of such lands heretofore added materially to the government revenues.

But the mineral lands of California form an exception to all others ever owned by our Government. Traversing the western slope of the great Nevada range of mountains, a distance of at least seven hundred miles in length, and averaging one hundred miles in width, inexhaustible in amount, and unbounded in richness, constituting, as it were, a great national inheritance unexampled in the History of the World; such being the fact, is it the policy of the American People to sell this extraordinary district of mineral wealth? Against either selling or leasing the same, many good and conclusive reasons can be urged.

A sale of the mineral lands would result sooner or later in placing the entire ownership and control of this vast mineral district in the hands of a few monied monopolists, to the exclusion of the great mass of American citizens who, from want of pecuniary means, will be driven from competition in the disposal of the same. The daily laborer is then, from necessity, driven to quit the mineral lands, or to become the hireling of the owner in fee of the Placer.

The same results would naturally flow from leasing. Either system, however well guarded, would result eventually in the complete monopoly o· all the valuable placers in the hands of a few holders, whose interests would thereby become immediately adverse to those of the masses, that from necessity are compelled to labor. It would be the paramount

object of the holders in fee, by united combinations, to reduce the standard of labor to the lowest point, and thereby enhance their gains; nor would the result be materially different under the operation of leasing. It would array a combination of landed and monied wealth diametrically opposed to the interests of the daily laborer.

Such being the results naturally flowing from this policy, would it be right for the general government to sell or lease these lands?

On the contrary, let them be free and open to all American citizens, and thus give to labor its full scope and ample reward. Let every citizen acquire as much of the golden treasure as patient industry and good fortune will award to him, and let that in full be the recompense for his toil, without any tax or impost whatever, other than what may be necessary to secure to him such exclusive right. Let them remain as a common inheritance for the American people, for their richness cannot be exhausted in centuries.

For the true policy of the Government is that which tends to secure to every citizen a competency; and the best wealth that a nation can boast of, is that every citizen has a comfortable home that he can claim his own,—much preferable indeed to national coffers filled to overflowing by a policy that beggars her people.

On the subject of preemptions on the public domain, Congress will certainly grant to the people of California the same rights and privileges that have been heretofore extended to other States of the Union. This, as an abstract principle of right, commends itself to all. But the system of government surveys of the public lands, as carried out in the Mississippi valley, will not, for obvious reasons, apply to California. Here the great body of tillable land lies contiguous to the rivers and small water courses. Hence such mode of surveying such lands here should be adopted as will secure to the greater number of purchasers or preemptioners lands fronting on the rivers, or other bodies of water in this State.

This rule must prevail in California, or great injury will result to the agricultural interests of the State.

California has a claim on the General Government for a liberal donation of lands for educational and other purposes, in amount equal to that heretofore granted to other States—particularly the western ones. Take for example, Indiana, Illinois, and Missouri; to each of said States has been granted over one million of acres of the public domain within

their respective limits. Upon no principle of justice can the Government refuse to grant us less, and the peculiar situation of California would reasonably sustain her in claiming more.

The rapid increase of commerce on the Pacific coast must necessarily direct the attention of Congress to this important subject at an early day; and Custom Houses will be speedily established at the prominent commercial points on the coast and bays of California. Nor can the fact that Branches of the United States Mint are imperiously demanded to convert the gold extracted from the mineral region into American coin, escape their early consideration.

These questions certainly recommend themselves strongly to the favorable consideration of Congressional legislation, and should be speedily and promptly acted upon.

One other question remains for consideration, appertaining to moneys collected in the ports of California both before and after the revenue laws of the United States were extended over any part of this State; as also such moneys as have been or may be collected by way of duties or imposts up to the time that California shall be admitted one of the States of the confederacy and be heard through her Representatives in Congress. Until that time, it is "*taxation without representation*"—three words that have produced the most important results recorded in the history of ancient or modern times. The amount thus collected from the citizens of California exceeds one million of dollars, paid by men who have not been protected in person or property by any laws of our own Government. True, a small amount of that sum has been expended in establishing our State Constitution, and in maintaining courts for the administration of justice, not of our own choice. The money thus collected from our citizens, rightfully belongs to California; and we deem it no unreasonable request, when we ask the General Government to set the same apart to aid our State in her struggle to establish a State Government, founded on just and liberal principles, on the distant shores of the Pacific. More especially do we ask it when we are making the effort to place California among the sisterhood of States, before Congress has enacted any laws giving us the benefit or protection of our civil institutions.

And whereas, the foregoing principles are of vital importance to the present as well as future welfare and prosperity of the people of California, we most respectfully recommend them to the early and favorable

consideration of Congress. On the subject of the mineral lands, we deem it but just and right on the part of the General Government to pass a law *prohibiting all save American citizens* from operating in the mineral districts, reserving the same from lease or sale, and provide for issuing *permits* to her citizens in such manner as will guarantee to them the exclusive right of working the mines, or vest that power in the State of California in such a way as to secure the objects above set forth; and believing that our Senators and Representatives in Congress, whose province it is to foster and protect our important interests, should act in conformity with our wishes, therefore—

Be it Resolved, by the People of the State of California, represented in Senate and Assembly, as follows:—

That our Senators in Congress be, and are hereby, instructed, and our Representatives requested, to use their influence and vote for the passage of a law prohibiting all persons, save American citizens, from working at or extracting gold or other precious metals from the mineral lands within the State of California.

Be it further Resolved, That our Senators in Congress be instructed, and our Representatives requested, to aid with their votes and influence the passage of a law by Congress prohibiting the sale or leasing of the mineral lands of California, but that the same be held by the General Government, with the exclusive privilege granted to every American citizen wishing so to do, to work in the same, free from any toil or tax whatever, other than what might be necessary to secure such exclusive right.

Be it further Resolved, That our Senators in Congress be and are hereby instructed, and our Representatives requested, to aid with their votes and influence the extension of the preemption laws of the United States over the public domain within the State of California, save and except the mineral lands, whereby will be secured to each actual settler an amount of land not exceeding one hundred and sixty acres, and upon conditions the best calculated to foster and aid agricultural pursuits.

Be it further Resolved, That our Senators in Congress be and are hereby instructed, and our Representatives requested, to aid with their votes and influence the introduction and adoption (in such laws as may be enacted for the survey and disposal of the public domain) of reasonable provisions, by which as large a number of purchasers or preemp-

tioners, as is practicable, may procure lands fronting upon the rivers or other bodies of water in this State.

Be it further Resolved, That our Senators in Congress be and are hereby instructed, and our Representatives requested, to aid with their votes and influence the speedy enactment of laws by Congress, granting to the State of California, for educational and other purposes, an amount of land equal to that heretofore appropriated to any other State of the Union for the same purposes.

Be it further Resolved, That our Senators in Congress be and are hereby instructed, and our Representatives requested, to use their utmost influence to procure the passage, by Congress, of laws establishing a Custom House at each of the ports of Sacramento city, Stockton, Benicia, Monterey, and San Diego; also, for the establishment of a Branch Mint of the United States at some proper point in the State of California.

Be it further Resolved, That our Senators in Congress be and are hereby instructed, and our Representatives requested, to use their best exertions, and aid, with their votes and influence, the adoption of such laws as will secure to the State of California all moneys collected from duties or imposts, of whatever character, at the various ports of said State or Territory, under the authority of officers of the United States, be the same before or since the extension of the revenue laws of the United States over the same by an Act of Congress at its last session; and also until such time as our Senators and Representatives may be admitted as representing the State of California in Congress; and further, to oppose all measures calculated to enable those persons who paid said duties or imposts as aforesaid, before the extension of said revenue laws, from recovering the same to their own individual use and benefit.

Be it further Resolved, That the Governor be requested to forward to each of our Senators and Representatives in Congress a certified copy of the foregoing resolutions.

Mr. Hughes from the same committee, also made the following

MINORITY REPORT:

The undersigned, one of the Select Committee to whom was referred a "Joint Resolution on the subject of the Public Domain, Mine-

ral Lands, Custom Houses, and Branch of the United States Mint, and Moneys that rightfully belong to the State of California," disagreeing with a majority of said Committee, begs leave respectfully to submit the accompanying Joint Resolution as a substitute:

J. T. HUGHES.

JOINT RESOLUTION.

ON THE SUBJECT OF THE PUBLIC DOMAIN, MINERAL LANDS, CUSTOM HOUSES, AND BRANCH OF THE UNITED STATES MINT, AND MONEYS THAT RIGHTFULLY BELONG TO THE STATE OF CALIFORNIA.

Be it Resolved, by the People of the State of California, represented in Senate and Assembly, as follows:

That our Senators in Congress be instructed, and our Representatives requested, to exert their utmost influence,—

1st. To procure, at the earliest practicable period, the extension of the preemption laws of the United States over the public domain (not mineral lands) within the State of California.

2d. To procure, in any survey to be made of government lands in this State, as great an amount as practicable of each tract fronting on the rivers or other bodies of water.

3d. To procure grants to the State of California from the General Government, for educational and other purposes, of lands equal in amount to that heretofore granted to any of the other States of the Union.

4th. To procure the passage of a law prohibiting all persons, excepting only native born or naturalized citizens of the United States, from working in the mines of the precious metals within the State of California.

5th. To procure the establishment of a Custom House at each of the ports of Sacramento City, Stockton, Benicia, Monterey, and San Diego, and a Branch Mint at each of the cities of Sacramento and Stockton.

6th. To prevent any action by the Congress of the United States, which shall, in any manner, even the slightest, tend to strengthen or impair the title to land in the State of California; and to promote such legislation as shall most effectually secure that the decisions of all questions of this character, whether arising between individuals, or

between individuals and the United States, shall be left to the judicial tribunals of the country.

7th. To procure for the State of California all moneys which have been collected in California from impost duties before the extension of the revenue laws of the United States over this country, and subsequently to that period, up to the time of the adoption of the State Constitution of California; and to oppose all other claims to those moneys which have been or may hereafter be asserted.

Resolved, That his Excellency, the Governor, be requested to forward to each of our Senators and Representatives in Congress a certified copy of the foregoing Joint Resolution.

Mr. Watson moved that 500 copies of each Report be printed.

Mr. Morehead moved that said reports be laid on the table, and made the order of the day for this day. Not agreed to.

Mr. Brown moved to amend, "that sixty copies of each report be printed." This amendment was accepted by Mr. Watson.

Mr. Randolph then renewed the proposition to print 500 copies, which was agreed to.

On leave, Mr. McKinstry, from the Select Committee appointed in relation to the Civil Fund, made the following report, accompanied with a communication from H. W. Halleck, late Secretary of State.

REPORT:

PUEBLO SAN JOSÉ, *February 9th*, 1850.

MR. SPEAKER:—

The Committee appointed by a resolution of the Assembly "to examine into the nature of any legal or moral claim which may exist, on the part of the State of California, to any fund or funds heretofore collected, or which may be hereafter collected by any military or revenue officers of the United States, or other authority," and who were instructed to draw up and report to this House a MEMORIAL, directed to the Congress of the United States, setting forth the nature of such title and claim, and urging on that body an immediate action with regard to the subject, beg leave respectfully to report,—

That, from such inquiries and examination as they have been able to make, with the very limited means at their command, they have been led to the conclusion that all moneys which have been or may be collected as duties, after the consummation of peace between the United

States and Mexico, and before such time as this State is admitted into the Union (other than such as may have been expended for the support of the Civil Government and to defray the expenses of collection), belong of right to the State of California.

In pursuance of the requirements of the first clause of the resolution, the Committee immediately addressed inquiries to gentlemen supposed to be familiar with the history and practical operation of the revenue system existing in the Territory, and, among others, wrote the following letter to Capt. Halleck, late Secretary of State.

PUEBLO SAN JOSÉ, *December 29th*, 1840.

SIR:

The undersigned, a Committee appointed by virtue of a resolution this day adopted by the Assembly, a copy of which is herewith inclosed, take the liberty of addressing you in relation to the subject matter of the resolution. Convinced that the interest in the welfare of the citizens of this country, evinced by the zeal in the discharge of the duties of the office you have lately resigned, will induce you to reply at your earliest convenience to the following inquiries:

1st. What is the history and present condition of the fund known as the civil fund?

2d. During what time, by whom, and by what authority, was it collected?

3d. To whom, or to what department, did the persons collecting report and *account*, and for what general purpose was it disbursed? the Committee seize upon the occasion to express their appreciation of the debt due from the people of California to the distinguished general, their late civil and military ruler, for the able, firm, and impartial manner in which he conducted the affairs of the embryo State, nor can they deny themselves the pleasure of declaring their sense of the signal ability with which you, sir, discharged your responsible duties as connected with his administration.

Very respectfully, your obedient servants,

M. MARTIN,
J. T. HUGHES,
E. W. MCKINSTRY.

To Bt Capt. H. W. HALLECK,
U.S. Army, &c., and late Secretary of State.

To which communication the Committee yesterday received a reply which, on account of the peculiar position of the writer and his opportunities of becoming thoroughly acquainted with the subject, they believe to be worthy of serious consideration.

MONTEREY, CAL., *Jan.* 23*d*, 1850.

GENTLEMEN:

Your letter of Dec. 29th was not received until yesterday, owing to the irregularities of the mails. I hasten to make such reply to your interrogatories as my time and means of information will allow, referring simply to the records of the civil government, inasmuch as I am not at liberty, in unofficial letters, to communicate anything from the unpublished records of military correspondence.

"First. What is the history and present condition of the fund known as the *civil fund?*"

In the instructions issued from Washington to General Kearney in 1846, for his guidance in California, the establishment of port regulations was assigned to the Commander of the Pacific Squadron, while it was said, "the appointment of temporary collectors at the several ports appertains to the Civil Governor of the Province." It was also directed that the duties at the Custom Houses should be used for the necessary offices of the civil government. This division of duties and this disposition of the proceeds of the Custom Houses were continued during the whole war, except that for a part of one year the duties of collectors, in some of the ports, were performed by army and naval officers; in others, however, the civil collectors, appointed by the Governor of California, were retained, and where army and navy officers performed those duties they did so under the authority of Col. Mason as Governor. On the reception of the treaty of peace, Governor Mason, for reasons which were communicated to the government, determined to continue the collection of revenue in this country, on the authority which had been given him, until Congress should act in the matter or orders should be received from Washington. He, therefore, as Governor of California, again appointed collectors in the ports where military officers had performed those duties, and collected the customs on all foreign goods, as directed in the tariff of 1846; the Commodore of the Pacific Squadron continuing the direction of all matters relating to port regulations. A double necessity impelled the Governor to this course: The country

was in pressing need of these foreign goods, and Congress had then established no port of entry on this coast: The want of a more complete organization of the existing civil government was daily increasing, and as Congress had made no provision for supporting a Territorial Government in this country, it was absolutely necessary to create a fund for this purpose from the duties collected on these foreign goods. It is true there was no law of Congress authorizing any one here to collect these duties; but at the same time the laws forbade the landing of these goods until the duties *were* paid. Congress had declined to legislate on the subject, and both the President and Secretary of the Treasury acknowledged the want of power of the Treasury Department to collect revenue in California. The Governor of California, therefore, assumed the responsibility of securing from the importers of foreign goods the amount of duties fixed by law on their imports, and using that money for the support of the civil government of this country;—a responsibility which he was fully justified in assuming, by the necessity of the case, by the instructions which he had received from Washington (and which had never been countermanded), and by the authority vested in his office. It is not pretended that the Governor of California could derive any authority, either from the office he held or from the instructions of the President of the United States, to collect revenue here *after* Congress assumed control of it, or even before, if in violation of any law; but, in the interim between the signing the treaty of peace and the extension of the revenue laws over the country, it is a fair presumption that the regulations established here by authority of the Executive of the United States respecting the collection and use of duties on foreign goods continued in force, so far as they conflicted with no provisions of the constitution, treaties, and laws of the United States. At any rate, such was the course that Governor Mason determined to pursue, and as this determination was immediately communicated to Washington, and the receipt of his despatch acknowledged, without one word of dissent being expressed, it is to be presumed that his action in the case met the approbation of government. The Executive Departments, though well informed of the course which the Governor of California was pursuing in reference to the collection and disposition of this money, refrained from any interference; and in all their orders, letters, and circulars, they most carefully avoided expressing the slightest disapprobation or even doubt as to the propriety of that course. Congress

was fully aware that Governor Mason was collecting revenue here for the support of the civil government, and yet that body declined passing any laws for appointing collectors on the coast till the very close of the session, and even then no cognisance was taken of the moneys which had been or might be collected previous to the appointment and due instalment of these officers. The reason of this is obvious. As Congress had failed to organize a Territorial Government here, all were aware that the existing government continued in force, and that it must have some means of support. Such means were found in the neglected revenues of this coast and employed for that object, and no one felt disposed to interfere or to turn these revenues into the general treasury until a fund was established sufficient for the more immediate and urgent wants of California. On no other supposition can we account for the action of Congress and the authorities at Washington. It cannot be supposed that they would direct the continuance of a government here without the means of defraying its expenses; nor that they would tax the people of California through the Custom Houses, and at the same time deprive them of the benefits of a government. The continuance of the existing government was not only recognised and provided for by the decision of the Supreme Court of the United States, but directed by instructions from the Executive Departments at Washington.

On assuming command in this country as Civil Governor, General Riley was directed to receive from Governor Mason all his instructions and communications, and to take them as his guide in his administration of civil affairs. Upon an examination of these instructions he determined to continue the collection of duties on foreign goods, in the same manner as his predecessor, till the general Government should assume that power, and to add the proceeds to the "civil fund;" using so much of that fund as might be necessary for the civil government, and holding the remainder subject to the orders of the President or the disposition of Congress.

It appears from the report of the Civil Treasurer, dated December 17th, 1849, that the whole amount of this "civil fund," received by him between the 1st of July and the 17th December was a little more than *one million four thousand dollars* ($1,004,000), loaned or transferred to the military departments of the general government, leaving in his hands a little over *two hundred and fifty thousand dollars* ($250,000).

"Second. During what time, by whom, and by what authority was it collected?"

The "civil fund" was commenced in the early part of 1847, and was formed and used in the manner pointed out in the early instructions from Washington to the Governor of California. These instructions were somewhat modified, as has already been stated, by the "Mexican military contribution" orders of 1847. But Commodore Shubrick and Governor Mason assumed the responsibility of not enforcing these orders in California, and the collections made as military contributions were added to this civil fund, and expended in the same manner as before. The duties collected after the reception of the treaty of peace, were levied in accordance with the tariff of 1846. But the proceeds of the customs, up to the month of November, 1849, when the Collector at San Francisco, appointed by Governor Mason, was replaced by Colonel Collier, [became a part of this "civil fund."] The collectors of all the ports of California, previous to the arrival of Colonel Collier, received their commissions from the "Governor of California," and all the so called "civil fund" was collected and disbursed by the "Governor of California," and by those appointed by him in virtue of his office.

Previous to the 1st of July, 1849, the accounts of the several Collectors, and the moneys received by them, were turned over to the Quarter Masters of the nearest ports, who were made, by order of the Governor, Receivers and Auditors of these Customs. On the 1st of July, 1849, Major R. Allen was appointed by Governor Riley "Civil Treasurer," and these "civil funds" were turned over to him; and all disbursements, subsequently to that date, were directed to be made by him, or in his name, and by authority of the "Governor." The civil funds, thus turned over to Major Allen, included not only the proceeds of the customs in California, but also the rents of the Missions.

It should be remembered in this place that, after the reception of the treaty of peace, the payment of duties on foreign goods imported into California was regarded as voluntary on the part of the importers, it having been left optional with them to proceed to some regular port of entry and there enter their goods, or to pay over the amount due to the temporary collectors in California; and no foreign goods were permitted to be landed on the coast of California until one or the other of these conditions was complied with. In every instance, I believe, the im-

porters preferred paying the duties here to the trouble and expense of entering their goods in Oregon or in one of the Atlantic ports.

"Third. To whom or to what department did the persons collecting report and account, and for what general purposes was it disbursed?"

I believe that in nearly every instance the persons collecting this civil fund reported and accounted, either direct to the Governor of California, or through his Secretary of State; and the same was done by the Quarter Masters who acted as receivers and auditors of this fund. All orders and correspondence relative to its collection and disbursement were regarded as "civil," and are recorded in the archives of the civil government. Even the correspondence with the Secretary of War on this subject, and the letters transmitting to Washington the accounts and returns of the collectors and receivers of this money, from the beginning of Governor Kearney's administration to the 20th day of December, 1849, when Governor Riley surrendered his civil powers, are recorded in the civil letter books. As has already been remarked, the disbursements from this fund have been made almost exclusively for the expenses of the "civil government" of California, although large sums have been *loaned* to different officers and departments of the army and navy of the United States. But all such transfers of money from this fund to military and naval officers were directed to be made as *loans;* and as evidence of these loans and security for their payment, drafts on the heads of the corresponding departments in Washington were directed to be taken and deposited in the place of the money so transferred. It is presumed that the Civil Treasurer has complied with these instructions, and that he now holds in his possession such evidences of all moneys loaned by him from this "civil fund."

It may be proper to remark in this place, that every precaution to secure a proper accountability in the collection and disbursement of this money, in addition to the checks imposed upon the collectors, the quartermasters of the nearest ports, auditors and receivers of this fund, all accounts and papers, both of these receivers and collectors, were subsequently examined by me as Secretary of State, and then again by the Governor himself, who, after endorsing them with his approval or disapproval, forwarded them direct to the Secretary of War.

I have now replied to your several questions as fully as my time and the information at my disposal will permit; and I would respectfully

suggest, in reference to the final clause of the resolution of December 29th, that Congress be memorialized to recognise the revenues collected in California subsequently to the treaty of peace with Mexico, and to grant to the new State all the funds which were collected here previous to Mr. Collier's entering upon the duties of his office, and which have not been expended especially for the support of the civil government. This would relieve Governor Mason and Governor Riley from all responsibility in collecting these revenues, and would give to California a fund sufficient to defray the expenses of the State Government until other means could be provided. The money so granted would not vary much from a *million of dollars* ($1,000,000), inasmuch as considerable sums were transferred from the "civil fund," previous to the 1st of July last, to disbursing officers of the several military and naval depots of the United States.

There are but two other modes of disposing of this civil fund: First, to return the money to the merchants who paid the duties; and, second, to pay it into the treasury of the United States, and appropriate it for the expenses of the general government.

The first mode would be exceedingly unjust to the people of California, and towards the officers by whom the money was collected. It would render these officers liable for the amount of this fund, which has been expended with the cognisance and implied consent and approbation of the Executive departments of the general government, for the support of the civil government of California. I say, "*implied consent and approbation*," for both Governor Mason and Governor Riley frequently informed the authorities at Washington of the course which they were pursuing with respect to this fund, and which they would continue to pursue until otherwise directed. But no counter instructions were ever *given*, nor was there any doubt expressed as to the propriety of that course. The general government, therefore, is under moral obligations to relieve these officers of all pecuniary obligations in the collection of the revenue in California. The importers sold their goods at such prices as to cover the duties paid, and still leave them enormous profits; and to now return those duties to the importers would be a virtual gift, without in any way benefiting the people of California, who were the consumers of the goods, and who in fact paid the duties. This is not the place to enter into an examination of the *legal* claim of the importers to this money, but I cannot refrain from remarking, that as the

money was legally due on the goods, and as the importers voluntarily paid it into the hands of the temporary collectors in California, in preference to taking the goods to a regular port of entry and there paying the duties, it is difficult to discover the *justice* of any claim for its restoration.

To turn this fund into the treasury of the United States would evidently be unjust to California; for, as the people of this country have hitherto been deprived of the benefits of a Territorial Government, supported by the national treasury, and of all the usual expenditures from that source in works of public utility, they can justly ask of Congress the money which they themselves paid in the shape of customs, while thus neglected by the general government.

Governor Riley, in his first civil despatch, took this view of the character of this civil fund, and in nearly every subsequent communication to the authorities at Washington on civil affairs in this country, he most earnestly urged the claims of California to this money; and it is hoped and believed that Congress will eventually carry out his recommendation.

I am, gentlemen, very respectfully, your obedient servant,

H. W. HALLECK.

Messrs. M. MARTIN,
J. T. HUGHES,
E. W. MCKINSTRY,
Committee, &c., San José, California.

P. S. I am permitted by General Riley to state that he received instructions from the Secretary of War, by the last steamer, to cause the remainder of the civil funds to be turned over to the proper officers of the Treasury Department, to be held subject to the final action of Congress, and to submit to the War Department an account, with the vouchers, of such disbursements as may have been made by him from the funds collected; which instructions were immediately communicated to the Civil Treasurer, Major Robert Allen. H. W. H.

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The observations which the committee desire to add, are designed rather as *suggestions* than as an attempt to mark out a particular line

of argument; for although the question assumes a variety of phases, yet in any point of view from which it may be regarded, it is thought but little appears calculated to derogate from the just claim of the State.

That the President, as the head of the military and naval forces of the United States, had a right, *during the war*, to order the levying of such contributions from the hostile population of a conquered province, as in his discretion were deemed necessary to continue their subjection and to support the army of occupation, there can be no question. But the treaty of peace changed the relative position of the people of this country and the general government. By this event, and the annexation of the territory, they became citizens, and entitled to all the privileges and immunities which may be claimed by the inhabitants of any one of the States.

After the reception of the treaty, Governor Mason, for reasons which the committee have not had an opportunity to examine, determined to continue the collection of revenue in this country.

It is the opinion, however, of the committee that the power of authorizing such collections was derived either from the government of the United States, or from the people of California.

Congress never established a government in the Territory, nor did they legislate with regard to it until long after the close of the war, and then only by giving the sanction of *law* to the *taxation* of a people *entirely unrepresented in the national councils.* If the Executive of the United States, previous to the action of Congress, had any reason for the exercise of the extraordinary powers of legislation, that reason could only be founded upon the absolute necessity arising from the anomalous condition of the country. But surely such necessity could not be construed to require the collection of *more* money than sufficient to defray the expenses of the local government actually existing; and it is but justice that any surplus should be paid into the treasury of the State Government created by those from whom it was collected. "Governments derive their just powers from the consent of the governed."

The people of California, actuated by a sense of the necessity of some government, and willing to pay for that government, *acquiesced* in the exercise of the power of taxation, as well as many other powers, by the civil ruler. In the absence of any recognition of their existence by Congress, they had never parted with the right of self-government, which

was alienable only by their own will; and in the exercise of this right they permitted the Governor *de facto* to assume powers which, by the sanction of the people, were enforced prior to the adoption of the State Constitution.

This contract was acknowledged by the ruler and the ruled. It was recognised by the people by their acquiescence in those measures adopted by the Civil Governor, and by their uniform responses at elections. This tacit agreement was also recognised by the Governor by his studious adaptation of his measures to the genius of the people, by his frequent appeals to the popular voice, by his recommendation of a convention and the steps which led to the assembling of that body, and by his resignation of all civil authority to the individual intrusted with the more definite powers of a Governor under a written constitution.

The committee believe that it is but fair to refer to the manner in which the civil fund was used, as a virtual admission that the derivation of the power to disburse their money, like that of the other powers to which allusion has been made, was the *consent of the people themselves.* "All orders and correspondence relating to the collection and disbursement of the fund," says the late Secretary of State, "were regarded as civil, and recorded in the archives of the civil government."

"The disbursements from this fund have been almost exclusively for the benefit of the civil government."

The convention, assembled at Monterey, acting in the name of the people, appropriated money from this fund for the payment of their contingent expenses, for the payment of a per diem and mileage to themselves, and of salaries to certain officers of the provisional government.

If, then, the "civil fund" was collected and disbursed by authority of the people, in the full exercise of the right of self-government, it was legally collected and disbursed, and belongs of right to *them.*

With regard to the moneys collected in California, since the collectors, appointed by the law of Congress extending the revenue system of the United States over this country, were installed in office, the committee have but one remark to make. They cannot believe that the people of this State are willing to concede that the government at Washington possesses any power to tax those to whom they have allowed no representation, and for whom they have provided no laws. If the persons

collecting these duties are authorized in their proceedings, it is by the like consent of the people, and the money thus collected is theirs.

In other words, the committee suggest the opinion that the persons thus employed are really not officers of the United States Government, but agents of the people of California.

But if the government of the United States *has* power to extend a *system of taxation* over a *sovereignty* with which it has formed no political connexion, other than that flowing from a treaty with a third party, conveying the *territory* occupied by the sovereignty, the exercise of such a power is contrary to the spirit of free institutions, and can only be exercised upon the ground of a clear necessity; it is but justice that the fund thus collected should be turned over to the people by whom it was paid, and expended by them and for their benefit.

With these remarks the committee ask leave to lay the matter before the House for their consideration; and inasmuch as a joint resolution of instructions to the Senators representing this State has been presented to the Assembly, the disposition of which is yet undetermined, covering substantially the same ground as the *memorial*, which, by the second clause of the resolution, they are instructed to report, they ask leave to be discharged from the duty of drawing up such *memorial*.

All of which is respectfully submitted.

Mr. Tinglev moved, that 500 copies of the report and communication be printed.

Mr. Randolph moved to amend, by printing 10,000 copies in English, and 2500 copies in Spanish.

On this motion, Mr. Moore demanded the ayes and nays.

Those who voted in the affirmative were—

Mr. Cardwell	Mr. Stewart
Corey	Stowell
Creaner	Tingley
Crittenden	Walthall
Hughes	Watson
Randolph	Williams
Scott	Speaker
Stephens	—15.

Those who voted in the negative were—

Mr. Brown	Mr. Morehead
Clarke	Moore
Gray	—5.

So the motion prevailed.

The House then proceeded to the consideration of the orders of the day.

A "Bill appropriating money out of the General Fund to defray the expenses of the Government of the State of California," was read a third time.

The question being, "Shall the Bill pass?" The ayes and nays were demanded.

Those who voted in the affirmative were—

Mr. Brackett	Mr. McKinstry
Brown	Morehead
Cardwell	Scott
Clarke	Stewart
Corey	Tingley
Creaner	Walthall
Crittenden	Watson
Gray	Williams
Hughes	Speaker—18.

In the negative—

Mr. Stephens—1.

So the bill passed.

"Bills to incorporate the Cities of Benicia and San José," were, on motion of Mr. Tingley, laid on the table.

On motion of Mr. Walthall the House resolved itself into a Committee of the Whole (Mr. Hughes in the chair) on a "Bill concerning the Revenue, Funds, Expenditure, and Property of the State and

management thereof." After remaining a short time therein, the Committee rose, the chairman reported the bill to the House, without progress, and asked leave to sit again. Agreed to.

Mr. Tingley then moved a call of the House, and the following members were absent without leave, viz. Messrs. Baldwin, Bradford, Heath, McKinstry, Morehead, Ogier, Per Lee, Randolph, Stowell, Williams, and Witherby.

On motion, the Sergeant-at-Arms was dispatched after the absentees.

Mr. Cardwell moved that the House adjourn. Not agreed to.

Messrs. Watson, Williams, and Baldwin appeared, and, on motion, were admitted and excused.

On motion of Mr. Brown, the absentees were generally excused.

On motion of Mr. Walthall, the House again resolved itself into a Committee of the Whole (Mr. Hughes in the chair) on the "Bill concerning the Revenue, Funds, &c." After its consideration, the Committee rose, the chairman reported the Bill to the House, with amendments, and asked to be discharged from the further consideration thereof. Agreed to.

Said amendments were then severally taken up and concurred in. On concurring in the 2d amendment, which was, "That the Speaker of the Assembly should receive double the pay of members," Mr. Tingley demanded the ayes and nays.

Those who voted in the affirmative were—

Mr. Baldwin	Mr. Moore
Brackett	Scott
Bradford	Stephens
Brown	Stewart
Clarke	Walthall
Corey	Watson
Crittenden	Williams
Hughes	—15.

Those who voted in the negative were—

Mr. Covarubias	Mr. Stowell
Gray	Tingley
Randolph	—5.

On motion of Mr. Walthall, the Bill was ordered to be engrossed.

Mr. Hughes gave notice that on Monday he would introduce a Bill for the relief of Doctor Charles H. Craigan.

On motion of Mr. Watson, the House adjourned.

HOUSE OF ASSEMBLY.

MONDAY, *February 11th*, 1850.

House met, pursuant to adjournment.

Prayer by Rev. Mr. Briarly.

The roll was called, and the following members were absent, to wit:—

Messrs. Covarubias, Heath, Per Lee, Randolph, Stephens, Tefft, and Watson.

A quorum being present, the journal of Saturday was read and approved.

On motion of Mr. Brackett, Mr. McKinstry, being indisposed, was excused for non-attendance.

Mr. Ogier informed the House, his absence for a few days past was owing to indisposition.

Mr. Morehead presented a petition from J. W. Robinson, for a ferry on the Stanislaus river.

On motion of Mr. Tingley, said petition was referred to the Committee on Corporations.

Mr. Stowell, from the Committee on Enrolled Bills, made the following report:—

The Joint Committee on Enrolled Bills have examined "an Act to organize the Supreme Court of California, and find the same correctly enrolled."

L. STOWELL,
Chairman of Committee of Assembly.
W. R. BASSHAM,
Chairman of Senate Committee.

February 11, 1850.

Mr. Crittenden, from the Select Committee, to whom was referred "a bill to provide for holding the first County Elections," reported the same back to the House, with amendments.

And, on motion of Mr. Crittenden, said bill was laid on the table for the present.

Mr. Williams offered the following resolution :—

Resolved, That the Speaker of this House be authorized to grant permission to the Democrats of this place to hold a meeting in this Hall this evening.

The resolution was adopted.

Mr. Crittenden offered the following resolution :—

Resolved, That the Committee on the Judiciary be authorized to rent a room for the use of the committee. Agreed to.

Mr. Morehead introduced "a Joint Resolution in regard to the mails," which was read a first and second time.

The House then proceeded to the consideration of the orders of the day.

A bill prescribing the mode of assessing and collecting Public Revenue was taken up.

Mr. Tingley moved to recommit said bill to the Committee of Ways and Means, with instructions to amend, by striking out the 85th section, and that the committee report forthwith.

The motion was agreed to.

The committee reported in accordance with the instructions given.

The bill was then read a third time.

The question being, "Shall the bill pass?" the ayes and nays were called for.

Those who voted in the affirmative were—

Mr. Baldwin	Mr. Ogier
Brackett	Randolph
Bradford	Scott
Brown	Stephens
Cardwell	Stewart
Clarke	Stowell
Corey	Tingley
Covarubias	Walthall
Creaner	Watson
Crittenden	Williams
Gray	Witherby
Hughes	Speaker
Morehead	—25.

In the negative—none.

The bill passed.

On motion of Mr. Crittenden, the House went into Committee of the Whole, Mr. Gray in the chair. On "the bill to regulate Elections," after some consideration therein, the committee rose, the Chairman reported the bill to the House, with amendments, and the committee was discharged from the further consideration thereof.

A message from the Senate was received.

The House then proceeded to the consideration of the amendments made in Committee of the Whole, on the "bill to regulate Elections," which amendments were severally read and concurred in.

Mr. Creaner then moved to amend, by adding to 22d section the following:—

Provided, That the Judges of the Election may take a recess of one hour, at any time they may think proper during the day, before three o'clock P.M.

The amendment was concurred in.

Mr. Stephens proposed the following amendment to the Thirty-third section:—"And in no case shall the ballot-box be removed from the room in which any election may be held, until all the ballots are counted." Adopted.

Mr. Brackett moved to amending the Twenty-ninth section, by striking out the word "over," and inserting the word "of." Not agreed to.

Mr. Stevens moved to amend the Thirty-third section, as follows:—

"The counting of ballots shall in all cases be public." On this amendment the Ayes and Nays were demanded.

Those who voted in the affirmative were,—

Mr. Baldwin	Mr. Patterson
Brackett	Randolph
Bradford	Scott
Clarke	Stephens
Covarubias	Stewart
Creaner	Walthall
Crittenden	Watson
Hughes	Williams
Moore	Witherby
Ogier	Speaker—20.

Those who voted in the negative were—

Mr. Brown	Mr. Morehead
Tingley	—3.

The amendment was adopted.

Mr. Morehead offered the following amendment to the Twenty-ninth Section. Strike out the word "over," and insert the word "of," between the words "that you are," and the words "the age."

On this amendment the Ayes and Nays were demanded.

Those who voted in the affirmative were—

Mr. Brackett	Mr. Randolph
Bradford	Scott
Brown	Stephens
Clarke	Stewart
Creaner	Tingley
Crittenden	Walthall
Hughes	Watson
Morehead	Williams
Moore	Witherby
Ogier	Speaker
Patterson	—21.

In the negative,—

Mr. Covarubias—1.

So the amendment was adopted.

On motion of Mr. Randolph, the Bill was then ordered to be engrossed.

The House then took up "a Bill concerning the Revenue, Funds, &c.," which was read a third time, and on motion was laid on the table for the present.

On motion of Mr. Crittenden, the House resolved itself into Committee of the Whole, Mr. Ogier in the Chair, for the purpose of considering the amendment proposed by the Select Committee on the "Bill to provide for holding the first County Election." After some time spent therein, the Committee rose, the Chairman reported progress, and asked leave to sit again. Agreed to.

Mr. Bradford, from Committee on Counties and County Boundaries, to whom was referred a bill subdividing the State into Counties, made the following

REPORT:

The Committee on Counties and County Boundaries, to whom was referred the Bill, "Subdividing the State into Counties, and Establishing the Seats of Justice therein, with general instructions," ask leave to report the following printed bill, as per instructions.

And on motion, said Committee were discharged from consideration thereof.

On motion of Mr. Creaner, the House went into Committee of the Whole, Mr. Baldwin in the Chair, on said Bill. After having spent some time therein, the Committee rose, and the Chairman reported progress, and asked leave to sit again. Agreed to.

On motion of Mr. Morehead, the House adjourned.

HOUSE OF ASSEMBLY.

TUESDAY, *February* 12, 1850.

House met pursuant to adjournment.

The roll was called, and the following members were absent, viz.:—

Messrs. Aram, Clarke, Heath, Ogier, Per Lee, Scott, Stewart, Stowell, Tefft, Watson, and Williams.

The Journal of yesterday was read and approved.

Mr. Tingley, from the Committee of Ways and Means, reported "A Bill concerning the office of County Treasurer," which was read a first and second time, and the usual number of copies ordered to be printed.

Mr. Tingley, from the same committee, reported "A Bill concerning the office of County Assessor." Read first and second time, and the usual number of copies ordered to be printed.

The following message from the Senate, received on yesterday, was read:—

SENATE CHAMBER,

MR. SPEAKER: *February* 11, 1850.

I am directed by the Senate to inform the Assembly, that the Governor, on the 9th instant, notified the Senate that he had signed a Joint Resolution, originating in the Senate, entitled "A Joint Resolution in relation to the Washington Monument in the City of Washington, District of Columbia."

Also, that the Governor, on the 2d instant, notified the Senate that he had signed bill, originating in that body, entitled "an Act creating a Temporary State Loan."

Also, that the Senate have passed a bill, herewith transmitted, entitled "an Act concerning Public Roads," in which the concurrence of the Assembly is respectfully requested.

The Senate have also, this day, passed Assembly bill, entitled "an Act appropriating Money out of the General Fund to defray the expenses of the Government of the State of California."

J. F. HOWE, Secretary of Senate.

The House then took up the bill accompanying the message, entitled "an Act concerning Public Roads," which was read a first time.

The House also took up "A Bill to organize the Court of Sessions." Read a third time.

On the passage of the bill, the ayes and nays were demanded :—

Those who voted in the affirmative were—

Mr. Baldwin	Mr. Moore
Brackett	Patterson
Bradford	Randolph
Brown	Scott
Cardwell	Stephens
Covarubias	Stewart
Creaner	Stowell
Crittenden	Tingley
Gray	Walthall
Hughes	Watson
McKinstry	Witherby
Morehead	Speaker—24

In the negative—None.

So the bill passed.

Mr. Tingley gave notice that, on to-morrow, he would move to amend the rules of the House in substance as follows :—

1st. That on a division of the House, or in Committee of the Whole, the affirmative or negative, having a majority, shall carry the proposition, though no quorum vote, provided there is a quorum of members within the bar.

2d. That Bills or Joint Resolutions may be received by the House without one day's notice.

On motion of Mr. Walthall, "a Bill concerning the Revenue, Funds, &c.," was taken up, and recommitted to Committee on Ways and Means, with instructions to report the following substitute for Sec. 8. The salaries specified,—fixed by law, shall be payable for the present fractional fiscal year, on the 15th day of February, 31st day of March, and 30th day of June, the several amounts due respectively on those days—and thereafter in quarterly payments on the last days of September, December, March, and June, in every year; all such payments shall be made at the Treasury on the warrant of the Comptroller.

Said committee to report forthwith.

The committee reported in accordance with the instructions given.

The Bill was then read a third time. Mr. Brackett moved to refer it to the Committee of Ways and Means, with instructions to amend by inserting in Sec. 2d, line 1st, after the word State, the words "and not otherwise appropriated."

The motion was agreed to, and the committee reported in accordance with the instructions given.

The question being, "Shall the bill pass?" the ayes and nays were demanded.

Those who voted in the affirmative were—

Mr. Baldwin	Mr. Crittenden
Bradford	Hughes
Brown	Morehead
Cardwell	Patterson
Corey	Randolph
Creaner	Scott

Stewart	Walthall
Stowell	Watson
Tingley	Speaker—18.

In the negative:

Mr. Brackett	Mr. Corey
Clarke	Stephens—4.

So the bill passed.

Mr. Morehead moved to take up the "Joint Resolution in regard to the Mails." Not agreed to.

On motion of Mr. Stowell, the House went into Committee of the Whole, Mr. Baldwin in the chair, on the "Bill subdividing the State into Counties." After having spent some time therein, the committee rose, the Chairman reported the bill to the House with amendments, and asked to be discharged from the further consideration thereof.

Mr. Crittenden moved to lay said bill and report on the table.

The motion prevailed.

Mr. Crittenden then moved to take up the Bill of Senate, "subdividing the State into Counties." Agreed to.

The 1st Sec. Mr. Randolph moved to amend, by striking out the word "changed," and inserting the word "determined." Adopted.

Mr. Clarke moved to amend by striking out Sec. 8, and insert the following substitute:—

Section 8th. County of San Francisco, beginning at a point in the Santa Cruz Mountains at the source of San Francisquito Creek, and running thence due west to the Pacific Ocean, and three English miles therein; thence following a line of the coast in a northerly direction to a point at low water mark on the north side of the entrance of the Bay of San Francisco; thence along said low water mark following the western shore to a point opposite Golden Rock; thence due east to low water mark of Contra Costa County; thence along low water mark to a point opposite the mouth of San Francisquito Creek; thence in a direct line to the mouth of San Francisquito Creek; thence up the middle of said creek to its source, to the point of beginning, including Alcutraces, Yerba Buena, and the Rock Island, off the mouth of the Harbor known as the Tarrallons.

The Seat of Justice shall be at San Francisco.

The amendment was adopted.

Mr. Clarke moved to amend Sec. 9 as follows :—Insert, "Beginning at the north-east corner of San Francisco County; thence following the boundary line of San Francisco westwardly to the middle of the Bay of San Francisco," instead of the three first lines, to and including the words "San Francisco."

The amendment was adopted.

In 10th Sec. Mr. Brown, moved to strike out the words, "Mt. Diablo," and insert the words "Contra Costa." Agreed to.

A message from the Senate was received.

Mr. Brackett moved to amend Sections 12, 13, and 14, as follows :—

Amend Section 12 by striking out all from the word "Mayacmas," in second line to the word "thence" in seventh line, and insert instead thereof: "Thence in a direct line to the Northwestern corner of Napa County; thence down and along the Western Boundary of Napa County to its termination in Carnero Mountain; thence in a direct line to the nearest point of Carnero Creek; thence down said Creek to its entrance into Napa River; thence down the middle of Napa River to its mouth; thence due South to the North line of Contra Costa County."

Amend Section 13 by striking out all from the word "of," in the second line to the word "Puto" in the fourth line, and insert instead thereof: "Suscol Creek; thence following up said Creek to the Eastern boundary line of Napa County; thence along said boundary line to the North Eastern corner of Napa County; thence in a direct line to the nearest point of."

Amend Section 14 by striking out of the first line the words "on the summit of the Coast Range," and insert instead thereof the words "on the line which forms the Northern and Eastern boundary of Solano County."

Also, by striking out all from the word "thence" in the fifth line to the word "to" in the seventh line, and insert instead thereof the words "along the North Eastern boundary line of Solano County."

All which amendments were adopted.

Mr. Brackett proposed the following as Section 15 :—

COUNTY OF NAPA.—Commencing in Napa River at the mouth of Suscol Creek, and running up said Creek to the point of said Creek nearest to the range of mountans dividing Napa Valley

from Suisun Valley; and thence in a direct line to the nearest point of said range; thence along the summit of said range Northwardly to its Northern extremity; thence due North to the 40th Parallel of North Latitude; thence due West twenty miles; thence Southwardly to the nearest point of the range of mountains dividing Napa Valley from Sonoma Valley; thence Southwardly along said range of mountains to its termination in Carnero Mountains; thence in a direct line to the nearest point of Carnero Creek; thence down said Creek to its junction with Napa River; and thence to the place of beginning.

The Seat of Justice shall be at Napa City.

Mr. Tingley moved to amend Section 17 as follows:—

Strike out the word "Colomo," and insert "El Dorado;" also, strike out "Hangtown," and insert "Placerville."

Agreed to.

Mr. Tingley moved to strike out in Section 18 the word "Vernon," and insert "Oro."

Adopted.

In Section 19 Mr. Watson moved to strike out "Kearney," and insert "Yubaville."

Mr. Tingley moved to amend by inserting "Marysville," which was accepted by Mr. Watson,

And the amendment as amended was agreed to by the House.

Mr. Baldwin moved to strike out the 24th Section, and insert the following:—

Section 25. COUNTY CALAVERAS.—Beginning at the corner of Sacramento and San Joaquin Counties; thence up the middle of Dry Creek to its source; thence following the summit of the dividing ridge between Moquelumne and Cosumne Rivers; thence due East to the State boundary line; thence in a South Easterly direction along the boundary of the State to the Parallel of 38° North Latitude; thence due West to the summit of the Sierra Nevada; thence in a Northerly direction along said summit to the source of the Stanislaus River; thence down the middle of said River one mile North of Knight's Ferry; thence along the Eastern boundary of San Joaquin to the place of beginning.

The County Seat shall be at Pleasant Valley.

Sec. 29. SAN JOAQUIN COUNTY.—Beginning at the junction of the San Joaquin river and the large slough which is the outlet of the Mo-

quelumne river and Dry creek; thence following up the middle of said slough to the mouth of Dry creek; thence up Dry creek to the corner of Sacramento county; thence south to a point one mile north of Lemons' ranch; thence south to a point one mile north of Knight's ferry on the Stanislaus river; thence down the middle of the Stanislaus river to its confluence with the San Joaquin river; thence due southwest to the summit of the coast range; thence in a northwesterly direction, following the summit of said range, to the southern boundary of Contra Costa county; thence in a northeasterly direction, following the boundary of Contra Costa county to the San Joaquin river; thence down the middle of said river to place of beginning.

The Seat of Justice shall be at Stockton.

The amendment was adopted.

On motion of Mr. Brackett, the bill was then ordered to be engrossed for its third reading on to-morrow.

Mr. Stowell, from Committee on Enrolled Bills, made the following

REPORT:—

The Joint Committee on Enrolled Bills, on yesterday presented to his Excellency the Governor, for his signature, the following Acts, viz:

"An Act to organize the Supreme Court of California."

"An Act to incorporate Sacramento City."

L. STOWELL,
Ch. Assem. Com.
W. R. BASSHAM,
Ch. Senate Com.

Assembly Hall,
February 12, 1850.

The Committee on Enrolled Bills have this day examined the bill entitled "an Act appropriating money out of the general fund to defray the expenses of the government of the State of California," and find the same correctly enrolled.

L. STOWELL,
Ch. Assem. Com.
E. O. Crosby,
from Com. of Senate.

February 12, 1850.

The following message from the Senate, received this morning, was read:—

SENATE CHAMBER,
February 12th, 1850.

MR. SPEAKER:—

I am directed by the Senate to inform the Assembly that they have passed a bill, herewith transmitted, for the concurrence of the Assembly, entitled, "an Act restricting the duties and powers of the Prefects and Sub-Prefects of the State of California."

I am also directed to inform the Assembly, that the Senate have passed an Act, entitled, "an Act to provide for the superseding of certain courts, for the transfer of causes, for the hearing of appeals in certain cases, and for other purposes," which is herewith transmitted for the concurrence of the Assembly.

J. F. HOWE,
Secretary of the Senate.

February 12, 1850.

The House then took up the bills accompanying the message, which were severally read a first and second time, and on motion of Mr. Tingley, were referred to the Committee on the Judiciary.

On motion of Mr. Tingley, the House went into Committee of the Whole, Mr. Crittenden in the Chair, on Senate "bill to establish Pilots and Pilot Regulations for the Port of San Francisco." After having spent some time therein, the committee rose, the chairman reported the bill, with an amendment, which was concurred in by the House, and the committee was discharged from the further consideration thereof.

On motion, the bill was ordered to a third reading on to-morrow.

Mr. Clarke moved to adjourn. Not agreed to.

On motion of Mr. Tingley, the House resolved itself into Committee of the Whole, Mr. Stowell in the Chair, on "a bill prescribing the mode of collecting certain specific taxes for County purposes." After some consideration therein, the committee reported progress, and asked leave to sit again. Leave was granted.

On motion of Mr. Walthall, the House adjourned.

HOUSE OF ASSEMBLY.

WEDNESDAY, *February* 13, 1850.

House met, pursuant to adjournment.

Prayer by the Rev. Mr. Briarly.

The roll was called and the following Members were absent, viz. Messrs. Aram, Clark, Corey, Morehead, Ogier, Patterson, Randolph, Stowell, Tefft, Watson, and Williams.

The journal of yesterday was read and approved.

On motion of Mr. Crittenden, Mr. Covarubias had leave to withdraw a report, introduced by him on yesterday, in relation to State Translator.

On motion of Mr. Tingley, Mr. Stowell was excused from attendance to day.

A message from the Governor was received, informing the House that he had signed "a bill appropriating money out of the general fund to defray the expenses of the Government of the State of California."

Mr. Crittenden, from the Committee on the Judiciary, to whom was referred, "a bill restricting the duties and powers of the Prefects and Sub-prefects of the State of California," made the following report:—

MR. SPEAKER:—

The Committee on the Judiciary, to whom was referred an Act passed by the Senate, entitled "an Act restricting the duties and powers of the prefects and sub-prefects of the State of California," have instructed me to report:—

That the object of this act is plainly expressed in its title. It is intended to make most material changes in the law relative to the duties of Prefect and Sub-prefect, by taking from those officers all the powers heretofore exercised by them, except those which concern the ordering and superintending of elections.

The Constitution, in the 3d section of the schedule, declares—

"In order that no inconvenience may result to the public service, from the taking effect of this Constitution, no office shall be superseded thereby, nor the laws relative to the duties of the several officers be changed, until the entering into office of the new officers to be appointed under this Constitution."

As it cannot be contended that the event contemplated by this section has occurred, the Constitution manifestly, in the opinion of your

Committee, prohibits the exercise of the power which would be exercised by the Legislature in the passage of this Act.

The provision is plain and precise. It admits of no doubt. For the time, it places the whole subject beyond Legislative control.

Whatever evils result from the present state of things, there is no remedy but in a speedy organization of every branch of the government under the Constitution.

Your Committee herewith report the Act back to the House, and recommend its indefinite postponement.

On motion of Mr. Brackett, the report was adopted, and the committee discharged from the further consideration of the subject.

The question being on the indefinite postponement of the bill, it was decided in the affirmative.

Mr. Tingley offered the following amendment to the standing rules of the House.

105. On a division of the House on any question, or in Committee of the Whole, the affirmative or negative, having a majority, shall carry the proposition or question, though no quorum vote, provided there is a quorum of members within the bar of the House.

106. The last clause of the 75th rule be and is hereby rescinded.

On the adoption of the first branch of the first amendment, Mr. Cardwell demanded the ayes and nays.

Those who voted in the affirmative were—

Mr. Creaner	Mr. Scott
Crittenden	Tingley
Hughes	Walthall
McKinstry	Witherby
Randolph	Speaker—10.

Those who voted in the negative were—

Mr. Baldwin	Mr. Covarubias
Brackett	Gray
Bradford	Morehead
Brown	Moore
Cardwell	Per Lee
Clarke	Stephens—12

So the first branch of the amendment was not adopted.

The question recurring on the adoption of the second branch of the amendment, Mr. Morehead demanded the ayes and nays.

Those who voted in the affirmative were—

Mr. Brown	Mr. Randolph
Crittenden	Scott
Heath	Tingley
Hughes	Walthall
McKinstry	Witherby—10

Those who voted in the negative were—

Mr. Baldwin	Mr. Gray
Brackett	Morehead
Bradford	Moore
Cardwell	Per Lee
Clarke	Stephens
Covarubias	Speaker
Creaner	—13

So the House refused to adopt the second branch of the amendment.

Mr. Bradford presented the following claims :—

State of California,

To John Pettit.

For 422 feet of lumber @ 50c. per foot $211

To Goddard & Cordu.

For four cords of wood @ $40 per cord $160

To S. B. Spooner.

For 13 days' service in Translating Governor's Message, @ $20 per day $260

On motion, said claims were referred to the Committee on Claims.

The House then proceeded to the consideration of the orders of the day.

"A Bill to establish Pilots and Pilot Regulations for the Port of San Francisco" was taken up and read a third time.

On the passage of the bill, the ayes and nays were demanded.

Those who voted in the affirmative were—

Mr. Baldwin	Mr. Moore
Brackett	Patterson
Bradford	Per Lee
Brown	Randolph
Clarke	Scott
Covarubias	Stephens
Crittenden	Stowell
Gray	Tingley
Hughes	Walthall
McKinstry	Witherby
Morehead	Speaker—22

Those who voted in the negative were—

Mr. Cardwell Mr. Creaner—2

So the bill passed.

Engrossed "Bill regulating Elections" was taken up and read a third time.

The question being "Shall the bill pass?" the ayes and nays were demanded.

Those who voted in the affirmative were—

Mr. Baldwin	Mr. Morehead
Brackett	Moore
Brown	Patterson
Cardwell	Randolph
Clarke	Scott
Covarubias	Stephens
Creaner	Stewart
Crittenden	Stowell
Gray	Tingley
Hughes	Walthall
McKinstry	Speaker—22

In the negative—Mr. Bradford—1.

So the bill passed.

"A Bill concerning Public Roads" was taken up and read a second time, and, on motion of Mr. Crittenden, was referred to the Committee on Roads and Canals.

On motion of Mr. Tingley, the House resolved itself into Committee of the Whole, Mr. McKinstry in the Chair, on "A Bill defining the amount of Revenue to be collected to defray the expenses of the Government of the State of California, for the year 1850."

After having spent some time therein, the committee rose, the Chairman reported progress, and asked leave to sit again. Agreed to.

A message from the Senate was received.

On motion, the House again resolved itself into Committee of the Whole, Mr. McKinstry resuming the Chair, on "A Bill defining the amount of Revenue to be Collected," &c.

After its consideration, the Committee rose, the Chairman reported the bill to the House, and asked to be discharged from the further consideration thereof. Agreed to.

Mr. Tingley then moved to strike out 50c. and insert 75c. in said bill.

Mr. Moore moved to amend, by striking out 50c. and insert 100c.

Mr. Brackett called for a division on the question; and the question was first on striking out, which was decided in the negative.

Mr. Brackett moved that the bill be now engrossed.

On this question Mr. Clarke demanded the ayes and nays.

Those who voted in the affirmative were:—

Mr. Baldwin	Mr. Randolph
Brackett	Scott
Bradford	Stephens
Brown	Stowell
Cardwell	Walthall
Covarubias	Witherby
Gray	Speaker
Heath	—15.

Those who voted in the negative were—

Mr. Clarke	Mr. Morehead
Creaner	Moore
Crittenden	Stewart
Hughes	Tingley—8.

So the Bill was ordered to be engrossed.

The following message, received this morning from the Senate, was read:—

SENATE CHAMBER,
February 13th, 1850.

MR. SPEAKER:—

I am directed by the Senate to inform the Assembly, that the President of the Senate yesterday signed bill, entitled "an Act appropriating Money out of the General Fund to Defray the Expenses of the Government of the State of California."

Also, that they have passed sundry concurrent resolutions, herewith transmitted, in relation to the office of State Translator, and have appointed as the Committee on their part, provided for in the third Resolution, Messrs. De la Guerra and Robinson.

J. F. HOWE,
Secretary of the Senate.

The House then took up the Joint Resolution accompanying the Message, in reference to the appointment of State Translator. It was read a first and second time.

Mr. Tingley moved to amend by striking out the last Resolution. Adopted.

Mr. Morehead moved to lay the Joint Resolution on the table. Not agreed to.

On motion of Mr. Tingley, the Rules were suspended, and the Joint Resolution was read a third time.

On the passage of the Resolution, Mr. Morehead demanded the Ayes and Nays.

Those who voted in the affirmative were—

Mr. Baldwin	Mr. Hughes
Brackett	Randolph
Brown	Scott
Clarke	Stewart
Covarubias	Stowell
Creaner	Tingley
Crittenden	Walthall
Gray	Speaker—16.

Those who voted in the negative were—

Mr. Heath	Mr. Moore
Morehead	Stephens—4.

So the Joint Resolution passed.

On motion of Mr. Walthall, the House went into Committee of the Whole, Mr. Stowell in the Chair, on the "Bill Prescribing the Mode of Collecting certain Specific Taxes for County Purposes." After having spent some time therein, the Committee rose, the Chairman reported progress, and asked leave to sit again. Agreed to.

The following message from the Senate was received:—

SENATE CHAMBER,
February 13th, 1850.

MR. SPEAKER:—

I am directed by the Senate to inform the Assembly that they have concurred in the amendment of the Assembly to the Joint Resolutions of the Senate, "in relation to the office of State Translator."

J. F. HOWE,
Secretary of the Senate.

On motion of Mr. Brackett, the House took up the "Bill subdividing the State into Counties." Read a third time.

The question being, "Shall the Bill pass?" the Ayes and Nays were demanded.

Those who voted in the affirmative were—

Mr. Baldwin	Mr. Per Lee
Brackett	Randolph
Bradford	Scott
Brown	Stephens
Cardwell	Stewart
Covarubias	Stowell
Creaner	Tingley
Crittenden	Walthall
Gray	Witherby
Hughes	Speaker
Moore	—21.

In the Negative—None.

So the Bill passed.

On motion of Mr. Tingley, the House resolved itself into Committee of the Whole, Mr. Randolph in the Chair, on "a Bill to Regulate Proceedings in Courts of Justices of the Peace in Civil Cases." After some consideration therein, the Committee rose, the Chairman reported progress, and asked leave to sit again. Leave was granted.

On motion, the House adjourned.

HOUSE OF ASSEMBLY.

THURSDAY, *February 14th*, 1850.

House met pursuant to adjournment.

Prayer by Rev. Mr. Douglass.

The roll was called and the following members were absent, to wit: Messrs. Aram, Clarke, Heath, Ogier, Randolph, Tefft, and Williams.

The Journal of yesterday was read and approved.

Mr. Stephens announced the presence of Mr. Van Benschoten, member elect from the district of San Joaquin. Mr. Van Benschoten came forward and took the usual oath of office.

On motion, Messrs. Ogier and Williams each had leave of absence for five days, and Messrs. Aram and Heath for the remainder of the week.

Mr. Walthall, from the Committee of Conference, appointed in reference to the disagreeing votes of the two Houses, in relation to "a Bill providing for the incorporation of Towns," made the following report:—

The Committee of Conference, appointed to meet with a similar Committee of the Senate to consider the disagreement between the two Houses on the Senate amendment to the bill providing for the incorporation of Towns, have conferred together, and have agreed that the Senate Committee recommend to that body to recede from its amendment.

All of which is respectfully submitted.

On motion of Mr. Morehead, "a Joint Resolution in regard to the Mails," was taken up, read a third time, and passed.

The House then proceeded to the consideration of the orders of the day.

Engrossed Bill, "Defining the amount of Revenue to be collected to defray the expenses of the Government of the State of California for the year 1850," was taken up and read a third time.

Mr. Clarke moved the following resolution:—

Resolved, That said Bill be referred to a Select Committee, with instructions to insert 75 cents on $100 instead of 50 cents on the $100, and to insert $3 a head poll tax instead of $5.

Mr. McKinstry called for a division of the question.

The question then recurred on the adoption of the first branch of the resolution.

Mr. Cardwell demanded the ayes and nays.

Those who voted in the affirmative were—

Mr. Clarke	Mr. Moore
Crittenden	Walthall
McKinstry	Speaker
Morehead	—7.

Those who voted in the negative were—

Mr. Baldwin	Mr. Patterson
Brackett	Per Lee
Bradford	Randolph
Brown	Scott
Cardwell	Stephens
Corey	Stowell
Covarubias	Tingley
Creaner	Van Benschoten
Gray	Watson
Hughes	Witherby—20.

So the first branch of the resolution was not agreed to.

The question recurring on the second branch of the resolution, Mr. Cardwell demanded the ayes and nays.

Those who voted in the affirmative were—

Mr. Clarke	Mr. Scott
Creaner	Stephens
Morehead	Stewart
Moore	Van Benschoten
Per Lee	Speaker—10.

Those who voted in the negative were—

Mr. Baldwin	Mr. Hughes
Brackett	McKinstry
Bradford	Patterson
Brown	Randolph
Cardwell	Stowell
Corey	Tingley
Covarubias	Walthall
Crittenden	Watson
Gray	Witherby—18.

So the second branch of the resolution was not agreed to.

The question being, "Shall the Bill pass?" Mr. Brackett demanded the ayes and nays.

Those who voted in the affirmative were—

Mr. Baldwin	Mr. McKinstry
Brackett	Patterson
Bradford	Per Lee
Brown	Randolph
Cardwell	Scott
Corey	Stewart
Covarubias	Stowell
Creaner	Tingley
Crittenden	Walthall
Gray	Watson
Hughes	Witherby—22.

Those who voted in the negative were—

Mr. Clarke	Mr. Stephens
Morehead	Van Benschoten
Moore	Speaker—6.

So the Bill passed.

On motion, the House resolved itself into Committee of the Whole (Mr. Corey in the chair) on "A bill to regulate proceedings in the Courts of Justices of the Peace in Civil Cases." After having spent some time therein, the committee rose, the Chairman reported the bill with amendments, which amendments were concurred in by the House, and the committee was discharged from the further consideration of the bill.

On motion of Mr. Tingley the bill was ordered to be engrossed.

On motion of Mr. Tingley the House went into Committee of the Whole (Mr. Creaner in the chair) on "A bill to provide for holding the first County Election." After some consideration therein, the committee rose, the Chairman reported progress, and asked leave to sit again.

Agreed to.

A message from the Senate was received.

On motion of Mr. Walthall the House again went into Committee of the Whole (Mr. Creaner resuming the chair) on the "Bill to provide for holding the first County Election." After having spent some time therein, the Committee rose, the Chairman reported the bill to the House, with amendments, and asked to be discharged from the further consideration thereof.

Agreed to.

The amendments were severally read and concurred in by the House, with the exception of the 4th and 9th.

Mr. Walthall then moved to amend, by inserting "Sacramento County" after "San Joaquin."

Not agreed to.

On motion of Mr. Crittenden, the bill was considered as engrossed, and read a third time, the rules being suspended for that purpose.

The question being, "Shall the bill pass?" the ayes and nays were demanded.

Those who voted in the affirmative were—

Mr. Baldwin	Mr. Randolph
Brackett	Scott
Brown	Stephens
Corey	Stewart
Covarubias	Stowell
Creaner	Tingley
Crittenden	Van Benschoten
Gray	Walthall
Hughes	Watson
Morehead	Witherby
Patterson	Speaker—22.

In the negative—

Mr. Moore—1.

So the bill passed.

The following message from the Senate was taken up and read:—

SENATE CHAMBER,
February 14, 1850.

MR. SPEAKER:—

I am directed by the Senate to inform the Assembly that the Governor, on the 8th instant, returned, with his objections, an Act originating in the Senate, entitled "An Act to incorporate the City of Los Angeles," and that the Senate yesterday reconsidered, and again passed the bill, by the constitutional majority, which, with the message of the Governor, is herewith transmitted for the reconsideration of the Assembly.

Also, that the Senate have passed a "Joint Resolution, in relation to the appointment of members of the Legislature to office;" also, "Joint Resolution instructing our Senators, and requesting our Representatives in Congress, in relation to the Marine Hospital Fund;" which are herewith transmitted for the concurrence of the Assembly.

Also, that the Senate have adopted a Joint Resolution fixing the time for an election of Clerk of the Supreme Court, which is herewith transmitted for the concurrence of the Assembly.

J. F. HOWE,
Secretary of the Senate.

Feb. 14, 1850.

The accompanying message from the Governor was then read—

When Mr. Creaner moved to lay the "Bill to incorporate the City of Los Angeles" on the table, and that it be made the order of the day for Monday next.

Not agreed to.

Mr. Baldwin moved that the bill be made the order of the day for to-morrow.

Not agreed to.

The question was then taken on reconsidering the vote on the passage of said bill, which was decided in the affirmative.

The question recurring on the passage of the bill, notwithstanding the objections of the Governor, the ayes and nays were demanded.

Those who voted in the affirmative were—

Mr. Brackett	Mr. Morehead
Bradford	Patterson
Corey	Randolph
Covarubias	Scott
Gray	Tingley
Hughes	Witherby
McKinstry	Speaker—14.

Those who voted in the negative were—

Mr. Baldwin	Mr. Stewart
Brown	Stowell
Clarke	Van Benschoten
Creaner	Walthall
Crittenden	Watson
Stephens	—11.

Two thirds not voting in the affirmative, the House refused to pass the bill.

Mr. Stowell, from Committee on Enrolled Bills, made the following

REPORT:—

The Joint Committee on Enrolled Bills presented to the Governor, for his signature, on the 12th instant,

"An Act appropriating money out of the general fund to defray the expenses of the government of the State of California."

L. STOWELL,
Ch. Assem. Com.
E. O. CROSBY,
from Senate Com.

The House then proceeded to the consideration of the several joint resolutions of Senate.

"Joint Resolution fixing the time of election for Clerk of Supreme Court," was taken up, and the question being on the adoption of the resolution, it was decided in the negative.

"Joint Resolution of Senate in relation to the appointment to office of members of the Legislature," was taken up, and on motion of Mr. Baldwin, was laid on the table.

"Joint Resolution instructing our Senators, and requesting our Representatives in Congress, in relation to the Marine Hospital Fund," was taken up, and on motion of Mr. Watson, was referred to the Committee on Commerce.

On motion of Mr. Hughes, the resolution in relation to the pay of officers of the House was taken up, when

Mr. Creaner moved to suspend the 43d section of the rules. Not agreed to.

Mr. Brown moved the following amendment:—

Resolved, That the Chaplain of this House be allowed the per diem of the members of this House for each day's attendance in the House.

Mr. Morehead moved to amend as follows:—

"That he be also allowed the same mileage as members of the House."

The question being on the amendment to the amendment of Mr. Brown, it was decided in the negative.

The question recurring on the adoption of the amendment offered by Mr. Brown,

Mr. Brackett moved to adjourn, which was agreed to. And the House adjourned.

HOUSE OF ASSEMBLY.

FRIDAY, *February 15th*, 1850.

House met, pursuant to adjournment.

Prayer by the Rev. Mr. Briarly.

The roll was called, and the following members were absent:—

Messrs. Aram, Baldwin, Clarke, Heath, Hughes, Ogier, Randolph, Scott, Stewart, Stowell, and Watson.

The Journal of yesterday was read and approved.

Mr. Randolph, being indisposed, was excused from attendance.

Mr. Witherby, from the Committee on Claims, made the following Report:—

The Committee on Claims, to whom were referred the account of S. B. Spooner for translating the Governor's Message, and the account of John Pettit for lumber furnished for fitting up the Assembly Hall, beg leave to

REPORT:—

That they have examined the same, and find them correct, and recommend their payment.

The question being on the adoption of the Report, it was decided in the affirmative.

Mr. Crittenden, from the Committee on Corporations, reported "a Bill to provide for the Incorporation of Cities," which was read a first and second time, and the usual number of copies ordered to be printed.

Mr. Walthall gave notice that, on to-morrow or some subsequent day, he would introduce "A Bill prescribing the mode of maintaining and defending Possessory Actions on the Public Lands."

A Message from the Senate was received.

Mr. Tingley moved a reconsideration of the vote taken yesterday on the Bill to incorporate the City of Los Angeles.

On this motion Mr. Morehead demanded the Ayes and Nays.

Those who voted in the affirmative were:—

Mr. Brackett	Mr. Patterson
Cardwell	Per Lee
Corey	Scott
Covarubias	Tefft
Creaner	Tingley
Gray	Walthall
Hughes	Watson
McKinstry	Witherby
Morehead	Speaker —18.

Those who voted in the negative were :—

Mr. Baldwin	Mr. Stephens
Brown	Stewart
Clarke	Stowell
Crittenden	Van Benschoten
Moore	—9.

So the vote was reconsidered.

Mr. Creaner then moved to lay the Bill on the table.

Not agreed to.

The question being on the passage of the Bill, the objections of the Governor to the contrary, Mr. Brackett demanded the Ayes and Nays.

Those who voted in the affirmative were :—

Mr. Brackett	Mr. Per Lee
Corey	Scott
Covarubias	Tefft
Gray	Tingley
Hughes	Walthall
McKinstry	Watson
Morehead	Witherby
Patterson	Speaker —16.

Those who voted in the negative were—

Mr. Baldwin	Mr. Moore
Brown	Ogier
Cardwell	Stephens
Clarke	Stewart
Creaner	Stowell
Crittenden	Van Benschoten—12.

The affirmative not having received the constitutional majority, the Bill did not pass.

The House then proceeded to the consideration of the unfinished business of yesterday, which was the Resolution fixing the compensation of the Officers of the House.

Mr. Brown had leave to withdraw the amendment offered by him on yesterday to said Resolution.

Mr. Stowell then moved to refer the Resolution as amended to a Select Committee;

Which was agreed to, and Messrs. Stowell, Morehead, and Crittenden appointed said Committee.

On motion of Mr. Stowell, the House resolved itself into Committee of the Whole, Mr. Clarke in the chair, on "A Bill providing for the Liens of Mechanics and others."

After its consideration the Committee rose, and the Chairman reported the Bill with amendments; which amendments were concurred in, and the Committee discharged from the further consideration of the Bill.

On motion of Mr. Tingley, the bill was ordered to be engrossed.

The following message from the Senate was received.

SENATE CHAMBER,
February 14, 1850.

MR. SPEAKER:—

I am directed by the Senate to inform the Assembly, that they have concurred in the amendments of the Assembly to the bill, entitled "an Act subdividing the State into Counties, and establishing the Seats of Justice therein."

J. F. HOWE,
Secretary of the Senate.

On motion of Mr. Tingley, the House went into Committee of the Whole, Mr. Stowell in the chair, on "bills concerning the offices of County Treasurer and Assessor." After having spent some time therein, the committee rose, the Chairman reported the bills to the House, with amendments, and asked to be discharged from the further consideration thereof. Agreed to.

The amendments to the bill concerning the office of County Treasurer, were severally read and concurred in by the House.

Mr. Bradford moved to amend, by inserting after the word "ounce" the word "Troy."

Agreed to.

Mr. Creaner moved to amend section 11, by inserting at the end of third line "and at least three other public places in the county." Also, insert in fourth line, same section, after the word "from" "twenty days after," both of which amendments were agreed to.

On motion of Mr. Morehead, the bill was ordered to be engrossed.

The question recurring on the amendments made in committee to bill concerning the office of County Assessors, Mr. Brackett moved a reconsideration of the vote on engrossing the bill concerning the office of County Treasurer, which was agreed to.

On motion of Mr. Brackett, the bills were then laid on the table.

The following message received this morning from the Senate was read.

SENATE CHAMBER,
February 15, 1850.

MR. SPEAKER :—

I am directed by the Senate to inform the Assembly that they have passed the bill of the Assembly, entitled "an Act concerning the revenue, funds, expenditures, and property of the State, and management thereof," with sundry amendments, viz. :—

1st. Inserting after the word "paid," in the fourth line of the 2d section, the words "in gold dust, at $16 the ounce Troy, in gold and silver coin of the United States, or in foreign coin, at the rates recognised by the laws of the United States."

2d. Striking out the word "Judges," in the seventh subdivision of section 7th, and inserting "Justices" instead thereof.

3d. Adding, as a proviso, at the close of the same section, the following :—

Provided, That nothing contained in this section shall be construed to prevent the Justices of the Supreme Court, and the Judges of the District Courts, from receiving their first quarterly payment in advance.

4th. Strike out, in the third line of Section 9th, the words "for every day's attendance," and in the 6th line of the same section, the words "for each day's attendance," and insert instead thereof, in each place, the words "during the Session of the Legislature."

5th. Insert a new section, after section 9th, as follows:—

Section 10th. The President *pro tempore* of the Senate, and the Speaker *pro tempore* of the Assembly shall, while discharging the duties of those officers, be entitled to the per diem pay of the presiding officers of the Senate and Assembly.

6th. Insert after the word "travelled," in the first subdivision of the 13th section, the words "at the season of the year when the Legislature is directed to convene."

7th. Insert at the close of the same subdivision of the same section, the words "and a like allowance for mileage shall be paid the Lieutenant Governor."

8th. Strike out the words "by law," in the first line of the third subdivision of section 13th, and insert at the close of the same subdivision the words "as fixed by each House respectively."

The Governor has notified the Senate, that he yesterday signed bill, originating in the Senate, entitled "an Act to organize the Supreme Court of California."

J. F. HOWE,
Secretary of the Senate.

The House then proceeded to the consideration of Senate's amendments to the bill accompanying said message, and they non-concurred in first and third, and concurred in second of said amendments.

When, on motion of Mr. Patterson, the House adjourned.

HOUSE OF ASSEMBLY.

SATURDAY, *February 16th*, 1850.

House met pursuant to adjournment.

Prayer by Rev. Mr. Briarly.

The roll was called, and the following members were absent, to wit.:—

Messrs. Aram, Baldwin, Brackett, Corey, Covarubias, Moore, Randolph, Scott, Tefft, and Watson.

The Journal of yesterday was read and approved.

Mr. Stephens, from the Committee on Commerce, reported a "Bill to

provide for the collection of demands against vessels and boats," which was read a first and second time, the rules, on motion of Mr. Stowell, having been suspended for that purpose, and the usual number of copies ordered to be printed.

Mr. Williams, from the Committee on Mileage, made a report in relation to the mileage of members, as follows:—

Your committee having had under consideration the subject referred to them in relation to mileage of members of this body, deduced from the best information they have been enabled to obtain as to the usual travelled routes in winter, beg leave to submit the following

REPORT:—

	Miles.
The distance from San José to Sacramento City	220
Fosler's Barr	320
Big Bar	300
Feather River	340
Placerville	320
Stockton	220
Pleasant Valley	320
Middle Fork	300
Tualomne	300
Suleran's Camp	300
Sonora „	300
Santa Barbara	360
Monterey	145
San Luis Obispo	280
Los Angeles	710
San Diego	860
Benicia	95
Sonoma	120
Martemas	45
San Francisco	60
Fremont	240
Wood's Diggins	300
Maraposa	320

The following amount of mileage is due to members of the Assembly, as affixed to their respective names, as also the distance travelled.

	Miles.	Dollars.
Baldwin	600	480.00
Bigler	440	352.00
Brackett	240	192.00
Bradford	190	160.00
Brown	90	70.00
Cardwell	440	352.00
Clarke	120	96.00
Cornwall	440	352.00
Covarubias	720	576.00
Creaner	640	512.00
Crittenden	1420	1136.00
Gray	290	224.00
Heath	440	352.00
Hughes	600	480.00
Martin	1420	1136.00
McKinstry	440	352.00
Morehead	620	496.00
Moore	600	480.00
Ogier	640	512.00
Patterson	120	96.00
Per Lee	290	224.00
Randolph	120	96.00
Scott	720	576.00
Stephens	440	352.00
Stewart	600	480.00
Stowell	120	96.00
Tefft	560	448.00
Tingley	680	544.00
Van Benschoten	600	480.00
Walthall	600	480.00
Watson	120	96.00
Williams	640	512.00
Witherby	1720	1376.00
White	440	352.00

	Miles.	Dollars.
Van Voorhies . .	120 . . .	96.00
Dickenson . . .	640 . . .	512.00
Crane . . .	480 . . .	384.00
		15,456.00

All of which is respectfully submitted,

JOHN F. WILLIAMS,
Chairman.

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

Mr. Brown offered a Joint Resolution in relation to compensation of clergymen, which was read a first and second time; and on motion of Mr. Patterson the rules were suspended, the resolution read a third time, and passed.

Mr. Stephens offered the following resolution:—

Resolved, the Senate concurring, that the two Houses of the Legislature meet in convention in Assembly Hall, at two o'clock P.M., on Monday the 18th inst., to proceed to the election of a Clerk of the Supreme Court.

Mr. Clarke moved to amend by inserting Wednesday next, which amendment was accepted by Mr. Stephens, and the resolution as amended was adopted by the House.

The House then proceeded to the consideration of the unfinished business of yesterday, Senate's amendments to Assembly "Bill concerning the Revenue, Funds, &c."

The question being on concurring in the 4th amendment, it was decided in the negative. The House then concurred in the 5th, 6th, 7th, and 8th amendments.

On concurring in the 5th amendment, which was, "The President *pro tempore* of the Senate, and the Speaker *pro tempore* of the Assembly, shall, while discharging the duties of those offices, be entitled to the per diem pay of the presiding officers of the Senate and Assembly," Mr. Morehead demanded the ayes and nays.

Those who voted in the affirmative were—

Mr. Bradford	Mr. Hughes
Cardwell	Patterson
Clarke	Per Lee
Corey	Stewart
Creaner	Watson
Gray	Williams
Heath	Witherby—14.

Those who voted in the negative were—

Mr. Brown	Mr. Scott
McKinstry	Stowell
Morehead	Tingley
Ogier	Walthall—8.

Mr. Tingley then moved that a Committee of Conference be appointed on the part of the House in relation to the disagreeing votes of the two Houses on said Bill.

Whereupon the Speaker appointed Messrs. Tingley, Creaner, and Corey said Committee.

The following message from the Senate was received :—

SENATE CHAMBER,
Feb. 16, 1850.

MR. SPEAKER :

I am directed by the Senate to inform the Assembly that they have passed bill entitled, "An Act defining the Amount of Revenue to be collected to defray the Expenses of the Government of the State of California for the year 1850," "A Joint Resolution in regard to the Mails," and bill entitled "An Act to provide for holding the First County Election"—the last named bill with amendments, viz. striking out the first and second subdivisions of section 4th, so as to make the section read, "The election shall be held in all the counties of the State on the first Monday of April next :" also striking out the 5th section.

J. F. HOWE,
Secretary of Senate.

On motion of Mr. Tingley, the Bill accompanying said message—

to wit, "A Bill to provide for holding the First County Election" was laid on the table.

Mr. Stowell, from Committee on Enrolled Bills, made the following

REPORT:—

The Joint Committee on Enrolled Bills have examined and find correctly enrolled "An Act subdividing the State into Counties, and establishing the Seats of Justice therein."

L. STOWELL,
Chairman of Assembly Committee.

Committee Room,
Feb. 15, 1850.

W. R. BASSHAM,
Chairman of Senate Committee.

On motion of Mr. Tingley, the House went into Committee of the Whole, Mr. Ogier in the chair, on "A Bill concerning the Salaries of Officers." After its consideration, the Committee rose, the Chairman reported the Bill with amendments, and asked to be discharged from the further consideration thereof. Agreed to.

On motion, the House adjourned.

HOUSE OF ASSEMBLY.

MONDAY, *February* 18, 1850.

House met, pursuant to adjournment.

Prayer by Rev. Mr. Douglass.

The roll was called, and the following members were absent, viz.:—

Messrs. Aram, Clark, Corey, Heath, Randolph, Scott, Van Benschoten, Watson, and Witherby.

The Journal was read and approved.

Messrs. Scott and Randolph, being indisposed, were excused.

Mr. Brown asked leave of absence for Mr. Aram during this week—granted.

The following message from the Senate was received:—

SENATE CHAMBER,
February 18, 1850.

MR. SPEAKER:—

I am directed by the Senate to inform the Assembly, that they have concurred in the report of the Conference Committee, in relation to the disagreeing votes of the two Houses on the bill, entitled, "an Act to provide for the incorporation of Towns."

Also, that they have appointed as Committee of Conference on their part, on the disagreeing votes of the two Houses on the bill "concerning the Revenue, Funds, Expenditure, and Property of the State," Messrs. Green, Robinson, and Heydenfeldt.

Also, that the President of the Senate has signed bill, entitled, "an Act subdividing the State into counties, and establishing the Seats of Justice therein."

Also, that the Senate have concurred in the Joint Resolution of the Assembly, fixing Wednesday, the 20th instant, for an election, by the joint votes of the two Houses, of Clerk of the Supreme Court.

Also, that the Senate has passed, with amendments, Assembly bill, entitled, "an Act authorizing a loan on the faith and credit of the State to pay the expenses of the Civil Government thereof," viz.:

Amendment No. 1. Substitute "one million" for "seven hundred and fifty thousand," in the fourth and fifth lines of Section 1.

Amendment No. 2. Insert an additional section after section 5, as "section 6," viz. "as an earnest that such bidder or bidders will take and comply with any bid or bids under the provisions of this Act, it is hereby required that he or they shall, as a pre-requisite, pay into the Treasury at least twenty days previous to the adjournment of the present session of the Legislature, ten per cent. of the amount bid for, in cash or bonds of the temporary State Loan."

Amendment No. 3. Insert after the word "Treasurer," in the 5th line of the 4th section of the bill, the words "and Comptroller."

Amendment No. 4. Strike out the words "and approved by the Legislature," in the last line of Section 6 of the bill, and substitute therefor the words "and Comptroller."

Amendment No. 5. Substitute the word "conditions," for the words "penalties and forfeitures" in the fifth line of Section 10 of the bill.

Amendment No. 6. Strike out the 12th and 13th sections of the bill.

Amendment No. 7. Insert after the word "silver," in the 2d line of Section 15 of the bill, the words, "coin at the United States value," and after the word "at," at the commencement of the 3d line of the same section, the words, "sixteen dollars per ounce Troy."

Amendment No. 8. Insert the words "and Comptroller," after the word "Treasurer," in line 11 of Section 16 of the bill.

Amendment No. 9. Strike out the word "irrevocably" in line 5 of Section 17 of the bill.

Amendment No. 10. Amend the title of the bill so that the same shall read, "an Act authorizing a loan on the faith and credit of the State, to pay the expenses of the Civil Government thereof."

J. F HOWE,
Secretary of the Senate.

Mr. Crittenden, from the Committee on the Judiciary, made the following report:—

MR. SPEAKER:—

The Committee on the Judiciary have instructed me to report to the House, and recommend the passage of the accompanying Acts, severally entitled,

"An Act to regulate proceedings in Criminal Cases."

"An Act concerning Coroners."

"An Act to authorize the formation of limited partnerships."

"An Act to divide the State into Judicial districts."

On motion of Mr. Crittenden, the first named bill, entitled "An Act to Regulate Proceedings in Criminal Cases," was read a first and second time, and eighty copies ordered to be printed.

The remaining bills, viz. "an Act concerning Coroners;" "an Act to Authorize the Formation of Limited Partnerships;" "an Act to Divide the State into Judicial Districts," were severally read a first and second time, the Rules having been suspended for that purpose, and the usual number of copies ordered to be printed.

The Speaker laid before the House communications of Hon. J. W.

Van Benschoten and R. W. Heath, tendering their resignations as Members of the Assembly, to take effect from this date.

On motion of Mr. Tingley, the resignations were received, and it was ordered that the Governor be notified.

Mr. Tingley, from Committee of Conference, in relation to Bill concerning Revenue, Funds, &c., made the following

REPORT:—

MR. SPEAKER:—

The Committee of Conference, appointed on the part of the House to act with a similar Committee of the Senate, to take into consideration the difference between the House and Senate in reference to the bill of the House, entitled "a Bill defining the Character of Funds in the State Treasury," &c., report that they have adjusted the difference as follows:—

1st. The Senate recede from all their amendments that the House refused to concur in, except the eighth amendment.

2d. The Committee recommend the House to recede from their non-concurrence in the eighth amendment of the Senate to said Bill, being the amendment that gives one quarter's salary in advance to Justices of Supreme Court and District Judges.

The question being on the adoption of the Report, Mr. Randolph demanded the Ayes and Nays.

Those who voted in the affirmative were:—

Mr. Bradford	Mr. Stewart
Brown	Stowell
Cardwell	Tefft
Corey	Tingley
Covarubias	Walthall
McKinstry	Watson
Patterson	Speaker
Per Lee	—15.

Those who voted in the negative were—

Mr. Baldwin	Mr. Creaner
Brackett	Crittenden
Clarke	Gray

Hughes	Randolph
Morehead	Stephens
Moore	Williams
Ogier	—13.

So the Report was adopted.

The House then proceeded to the consideration of Senate's amendments to Assembly "Bill, Authorizing a Loan on the Faith and Credit of the State," all of which amendments were severally read and concurred in. The Speaker laid before the House the communication of John H. Watson, tendering his resignation as Member of the Assembly, to take effect on the first of March next.

On motion of Mr. Patterson, said resignation was received, and it was ordered that the Governor be notified.

Mr. Stowell, from Committee on Enrolled Bills, made the following

REPORT:—

The Joint Committee on Enrolled Bills have this day presented to the Governor for his signature,—

"An Act Subdividing the State into Counties, and Establishing Seats of Justice therein."

L. STOWELL,
Ch. Assem. Com.
W. R. BASSHAM,
Ch. Senate Com.

February 18*th*, 1850.

The House then proceeded to the consideration of the orders of the day.

Engrossed Bill, to Regulate Proceedings in Courts of Justices of the Peace in Civil Cases, was taken up, and read a third time.

The question being, "Shall the Bill pass?" Mr. Tingley demanded the Ayes and Nays.

Those who voted in the affirmative were—

Mr. Baldwin	Mr. Cardwell
Brackett	Corey
Bradford	Covarubias
Brown	Creaner

Mr. Crittenden	Mr. Stowell
Gray	Stewart
Morehead	Tefft
Moore	Tingley
Ogier	Walthall
Patterson	Watson
Per Lee	Williams
Stephens	Speaker—24.

In the negative—None.

So the Bill passed.

Engrossed bill, providing for the Liens of Mechanics and others, was taken up, and, on motion of Mr. Tefft, was referred to a select committee, with certain instructions.

Messrs. Tefft, Crittenden, and Creaner were appointed said committee.

On motion of Mr. Tingley, the "Bill to provide for holding the first County Election" was taken up.

The question was on concurring in the Senate's amendments to said bill. The House refused to concur.

Mr. Tingley moved the appointment of a Committee of Conference in relation to the disagreeing votes of the two Houses on said bill.

Agreed to.

Whereupon the Speaker appointed Messrs. Crittenden, Tingley, and Ogier said committee.

On leave, Mr. Cardwell introduced a Joint Resolution in relation to the pay of Judges of the Supreme and District Courts, which was read a first time.

On motion of Mr. Ogier, a Joint Resolution of the Senate, "in relation to the appointment to office of members of the Legislature," was taken up and read a first and second time, the rules, on motion of Mr. Williams, having been suspended for that purpose.

On motion of Mr. Cardwell, the vote ordering the usual number of copies of "A Bill dividing the State into Judicial Districts" to be printed, was rescinded.

On motion of Mr. Tingley, the House resolved itself into Committee of the Whole, Mr. Creaner in the Chair, on a bill to provide for the Incorporation of Cities.

After having spent some time therein, the committee rose and asked leave to sit again.

Agreed to.

The following message from the Senate was received :—

SENATE CHAMBER,

February 18, 1850.

MR. SPEAKER :—

I am directed by the Senate to inform the Assembly, that they have concurred in the report of the Conference Committee in regard to the bill entitled "An Act concerning the Revenue, Funds, Expenditure, and property of the State, and management thereof."

J. F. HOWE,
Secretary of Senate.

On motion of Mr. Cardwell, the House again went into Committee of the Whole, Mr. Creaner resuming the Chair, on "A Bill to provide for the Incorporation of Cities."

After its consideration, the Committee rose, the Chairman reported the bill to the House, with amendments, and asked to be discharged from its further consideration.

Agreed to.

The House then non-concurred in the 1st, 2d, and 3d of the committee's amendments to said bill, and concurred in the 4th, 5th, 6th, 7th, and 8th.

On motion of Mr. Crittenden, the bill was then ordered to be engrossed.

Mr. Stowell, from the Committee on Enrolled Bills, made the following report :—

The Joint Committee on Enrolled Bills have examined a bill, entitled "an Act defining the amount of Revenue to be collected to defray the expenses of the Government of the State of California for the year 1850."

L. STOWELL,
Chairman Assembly Committee.
W. R. BASSHAM,
Chairman Senate Committee.

February 18, 1850.

Mr. Ogier gave notice that, on Thursday next, he would introduce a "Bill providing against the emigration to this State of free negroes or free persons of color."

Mr. Morehead offered the following resolution :—

Resolved, That in addition to the daily meetings of this House, there shall be night sessions, commencing at 6½ o'clock, P.M.

Mr. Brackett offered the following as a substitute :—

Resolved, That hereafter this House shall, each day (Sundays excepted), assemble, and be called to order at 10 o'clock A.M., and remain in Session until 1 o'clock P.M. ; that the House shall then stand adjourned until half-past 2 o'clock P.M., when it shall again be called to order and continue in Session until adjourned by motion.

The amendment was accepted by Mr. Morehead, and the resolution, as amended, was adopted by the House.

On motion of Mr. Ogier, a "Joint Resolution in relation to the appointment to office of members of the Legislature," was taken up, read a third time, and passed.

On motion of Mr. Cardwell, the House adjourned.

HOUSE OF ASSEMBLY.

TUESDAY, *February* 19, 1850.

House met, pursuant to adjournment.

Prayer by Rev. Mr. Briarly.

The roll was called, and the following members were absent, to wit :— Messrs. Aram, Baldwin, Brackett, Clarke, Covarubias, Crittenden, Morehead, Ogier, Per Lee, Stewart, and Williams.

The journal of yesterday was read and approved.

Mr. Stowell, from the Select Committee, to whom was referred a resolution fixing the pay of officers of the Assembly, made the following

REPORT :—

The Select Committee, to whom was referred the "Resolutions regulating the pay of the officers of the Assembly for the present Session," beg leave to make the following report :—

Your committee have had the above resolution under consideration, and report the following as the compensation to be paid to the officers of the House:—Still the majority of your committee believe the *per diem*, as we report, to be extravagant, but are induced to report the same, inasmuch as the other branch of this Legislature have adopted such rates, as the pay of their officers; and we believe the duties of the officers of this House to be equal to those of the other, hence their pay should be similar, in the opinion of your committee; and, therefore, recommend the following as the per diem pay of the officers of the Assembly for the present Session, to wit:—

The Clerk shall receive twenty-eight dollars per diem.

The Assistant Clerk shall receive twenty-five dollars per diem.

The Engrossing and Enrolling Clerks shall receive, each, twenty-two dollars per diem.

The Transcribing Clerk shall receive twenty-two dollars per diem.

The Clerks of Committees shall receive, each, twenty-two dollars per diem.

The Sergeant-at-Arms and Messenger shall receive, each, twenty dollars per diem.

The Extra Clerks, employed by the chief Clerk, shall receive, each, twenty dollars per diem.

The Doorkeeper and Assistant Doorkeeper shall receive, each, eighteen dollars per diem.

The Copying Clerks shall receive fifty cents per *one hundred words*.

L. STOWELL.

On motion of Mr. Randolph, so much of the report as refers to the pay of officers fixed by the Senate, was stricken out.

Mr. McKinstry moved to lay the resolution on the table for the present. Not agreed to.

Mr. Creaner moved to lay the resolution on the table. Not agreed to.

The question being, "On the adoption of the report," it was agreed to.

Mr. Walthall, agreeably to previous notice, introduced a "Bill prescribing the mode of maintaining and defending possessory actions on lands belonging to the United States," which was read a first and second time, and the usual number of copies ordered to be printed.

The House then took up Engrossed Bill, "To provide for the Incorporations of Cities."

Mr. Walthall moved to refer the Bill to a Select Committee, with special instructions. Not agreed to.

The question being, "Shall the Bill pass?", those who voted in the affirmative were—

Mr. Brackett	Mr. Morehead
Bradford	Ogier
Brown	Stewart
Cardwell	Tefft
Corey	Tingley
Creaner	Walthall
Gray	Williams
Hughes	Witherby
McKinstry	Speaker—18.

Those who voted in the negative were—

Mr. Clarke	Mr. Stephens—2.

So the Bill passed.

Mr. Williams, from the Committee on Mileage, presented the accounts of Members of the Assembly, which, on motion, were referred to the Committee on Claims.

The House then took up "A Joint Resolution in relation to the pay of Judges of the Supreme and District Courts." It was read a second time.

"A Bill to exempt certain property from forced sale," was taken up, and on motion of Mr Tefft, was laid on the table.

"A Bill concerning the Salaries of Officers," was taken up. The question was, on concurring in the amendments made in Committee of the Whole.

The House non-concurred in the first amendment.

On motion of Mr. Tefft, the Bill was then referred to a Select Committee, with general instructions, and Messrs. Tefft, Tingley, Moore, Crittenden, and Clarke, were appointed said Committee.

"Bills concerning the Office of County Treasurer and Assessor," were, on motion of Mr. Tingley, laid on the table until to-morrow.

On motion of Mr. Tingley, the House resolved itself into Committee of the Whole (Mr. Bradford in the chair) on a "Bill concerning Coroners." After its consideration, the Committee rose, the chairman reported the Bills without amendment, and asked to be discharged from the further consideration thereof. Agreed to.

Mr. Creaner then moved to amend section 4th. Not agreed to.

Mr. Brackett moved to amend section 1. Not agreed to.

On motion, the Bill was ordered to be engrossed.

Mr. Crittenden moved to re-consider the vote on the passage of the "Bill to regulate proceedings in Courts of Justices of the Peace in Civil Cases." Agreed to.

Mr. Crittenden then moved to refer the Bill to a Select Committee, with certain instructions. Agreed to.

And Messrs. Crittenden, Creaner, and Walthall were appointed said Committee.

The Committee then reported in accordance with instructions given, and the Bill passed.

On motion of Mr. Tingley, the House went into a Committee of the Whole (Mr. Stephens in the chair) on "A Bill to authorize the formation of limited partnerships." After its consideration, the Committee rose, the chairman reported the Bill, with amendments, which amendments were concurred in, and the Committee discharged from the further consideration thereof.

It was ordered that the Bill be engrossed.

On motion of Mr. Tingley, the House went into Committee of the Whole (Mr. Hughes in the chair) on "a Bill to provide for the collection of demands against Vessels and Boats." After having spent some time therein, the Committee rose, the chairman reported the Bill, with amendments, and asked leave to sit again. Leave was not granted.

The following message from the Senate was received:—

SENATE CHAMBER,
February 19, 1850.

MR. SPEAKER:—

I am directed by the Senate to inform the Assembly, that the Senate, on yesterday, unanimously re-elected Hon. E. Kirby Chamber-

lin, of San Diego, President *pro tempore* for the remainder of the session, and until the 1st of January, 185 1.

J. F. HOWE,
Secretary of the Senate.

On motion of Mr. Tingley, the bill to provide for the collection of demands against vessels and boats, was referred to the Committee on the Judiciary.

On motion of Mr. Bradford, the House went into Committee of the Whole, Mr. Walthall in the Chair, on bills to incorporate the cities of Benicia and San José. After having spent some time therein, the committee rose, the chairman reported the bills to the House, with amendments, and asked to be discharged from the further consideration thereof. Agreed to.

Mr. Crittenden then moved to lay said bills on the table, on which Mr. Bradford demanded the ayes and nays.

Those who voted in the affirmative were—

Mr. Brown	Mr. McKinstry
Cardwell	Moore
Creaner	Stewart
Crittenden	Tingley
Gray	Williams
Hughes	Speaker—12.

Those who voted in the negative were—

Mr. Brackett	Mr. Morehead
Bradford	Stephens
Clarke	Walthall
Corey	Witherby
Covarubias	—9.

So the bills were laid on the table.

On motion of Mr. Morehead, the House adjourned.

AFTERNOON SESSION—2½ o'clock P.M.

House met, pursuant to adjournment.

On motion of Mr. Morehead, there was a call of the House, and the following members were absent, viz.:—

Messrs. Aram, Corey, Creaner, Ogier, Patterson, Per Lee, Randolph, Scott, Stewart, Stowell, Watson, and Williams.

Mr. McKinstry, being indisposed, was excused from regular attendance.

On motion of Mr Tingley, the House resolved itself into Committee of the Whole, Mr. Moore in the Chair, on "a bill prescribing the mode of collecting certain specific taxes for county purposes." After its consideration, the committee rose and reported the bill to the House, and were discharged from the further consideration thereof.

On motion of Mr. Brackett, the bill was laid on the table.

Mr. Stowell, from the Committee on Enrolled Bills, reported as correctly enrolled, "an Act to establish Pilots and Pilot regulations for the Port of San Francisco," and "an Act concerning the Revenue, Funds, Expenditure, and Property of the State, and management thereof."

Mr. Tefft, from the Select Committee, to whom was referred the "bill concerning the salaries of officers," reported the same to the House, with amendments.

On motion of Mr. Clarke, the bill was laid on the table, and made the order of the day for to-morrow.

On motion of Mr. Brackett, the House adjourned.

HOUSE OF ASSEMBLY.

WEDNESDAY, *February* 20, 1850.

House met, pursuant to adjournment.

Prayer by Rev. Mr. Douglass.

The roll was called and the following members were absent, to wit:—

Messrs. Aram, Baldwin, Brackett, Brown, Crittenden, McKinstry, Moore, Randolph, Scott, Stewart, and Watson.

The journal of yesterday was read and approved.

Mr. Tingley, from the Committee of Ways and Means, reported "a bill concerning the office of County Recorder and Auditor," which was read a first and second time, and the usual number of copies ordered to be printed.

Mr. Witherby, from the Committee on Claims, made the following

REPORT:—

The Committee on Claims, to whom were referred the several accounts of the members of the Assembly for mileage and pay up to February fourteenth, eighteen hundred and fifty, beg leave respectfully to report, that they have examined the same, and find them correct, with the exception of that of the Hon. Thos. J. White, Speaker of the Assembly.

We find in his bill that he has charged for twenty-five days as Speaker of the Assembly, while, in fact, he was absent from the capital, and his place filled by another, to whom an allowance of sixteen dollars per day, as Speaker *pro tem.* has been made.

Your Committee would therefore recommend a deduction of sixteen dollars per day, from the bill of the Hon. Thos. J. White, for the twenty-five days he was absent.

With this deduction they would recommend the payment of the several claims.

Mr. Stowell, from the Committee on Enrolled Bills, reported "a bill authorizing a loan on the faith and credit of the State, to pay the expenses of the Civil Government thereof," correctly enrolled.

Mr. Williams presented the account of J. T. McCarty, one of the extra Clerks. On motion, the account was referred to Committee on Claims.

The House took up Engrossed Bill concerning Coroners, which was, on motion, read a third time.

The question being, "Shall the bill pass?" Mr. Tingley demanded the ayes and nays.

Those who voted in the affirmative were—

Mr. Baldwin	Mr. Patterson
Brackett	Per Lee
Bradford	Stowell
Brown	Tefft
Cardwell	Tingley
Clarke	Walthall
Corey	Watson
Gray	Williams
Hughes	Witherby
Morehead	Speaker.
Ogier	

—21.

In the negative—

Mr. Creaner—1.

The House then took up special order of the day, to wit:—

Report of Select Committee on "bill concerning the salaries of officers."

Mr. Williams moved that the House resolve itself into Committee of the Whole, on said bill. Not agreed to.

The question was then taken on second branch of the report, to wit:—"To Secretary of State, $4000."

Mr. Clarke moved to strike out "$4000," and insert "$8000." On which, Mr. Brackett demanded the ayes and nays.

Those who voted in the affirmative were—

Mr. Baldwin	Mr. Stephens
Bradford	Stewart
Brown	Stowell
Cardwell	Watson
Clarke	Williams
Corey	Witherby
Morehead	Speaker
Ogier	—15.

Those who voted in the negative were—

Mr. Brackett	Mr. Moore
Covarubias	Patterson
Creaner	Per Lee
Crittenden	Tefft
Gray	Tingley
Hughes	Walthall—12.

So the amendment prevailed.

The question recurring on the third branch of the report, viz:—"To the Comptroller of State, $6000."

Mr. Clarke moved to strike out "$6000," and insert "8000." On this motion, Mr. Moore demanded the ayes and nays.

Those who voted in the affirmative were—

Mr. Bradford	Mr. Stephens
Cardwell	Stewart
Clarke	Stowell
Corey	Tingley
Creaner	Walthall
Morehead	Watson
Ogier	Williams
Patterson	Witherby
Per Lee	Speaker—18.

Those who voted in the negative were—

Mr. Baldwin	Mr. Hughes
Brackett	Moore
Covarubias	Tefft
Gray	—7.

So the motion prevailed.

The question being on the fourth branch of the report, to wit:—"To the Treasurer of State, $6000," Mr. Williams moved to strike out "$6000," and insert "$8000."

Agreed to.

The question was taken on the fifth branch of the report, viz.: "To the Attorney General, $5,000."

Mr. Cardwell moved to amend by striking out "$5,000," and inserting "$8,000," on which the ayes and nays were demanded.

Those who voted in the affirmative were—

Mr. Bradford	Mr. Watson
Cardwell	Williams
Tingley	Witherby
Walthall	Speaker—8

Those who voted in the negative were—

Mr. Baldwin	Mr. Corey
Brackett	Covarubias
Brown	Creaner
Clarke	Gray

Mr. Hughes	Mr. Per Lee
Morehead	Stephens
Moore	Stewart
Ogier	Stowell
Patterson	Tefft—18

So the amendment did not prevail.

Mr. Cardwell then moved to strike out "$5,000" and insert "$7,900."

Not agreed to.

Mr. Watson moved to strike out "$5,000" and insert "$7,500."

Not agreed to.

Mr. Morehead moved to strike out "$5,000" and insert "$7,000," on which motion the ayes and nays were demanded.

Those who voted in the affirmative were—

Mr. Baldwin	Mr. Stowell
Bradford	Tingley
Cardwell	Walthall
Creaner	Watson
Morehead	Williams
Ogier	Witherby
Stewart	Speaker—14

Those who voted in the negative were—

Mr. Brackett	Mr. Hughes
Brown	Moore
Clarke	Patterson
Corey	Per Lee
Covarubias	Stephens
Crittenden	Tefft
Gray	—13

So the amendment was agreed to.

Mr. Cardwell moved a re-consideration of the vote fixing the salary of Secretary of State at $8,000, on which the ayes and nays were demanded.

Those who voted in the affirmative were—

Mr. Baldwin	Mr. Hughes
Brackett	Moore
Brown	Patterson
Cardwell	Per Lee
Covarubias	Tefft
Creaner	Tingley
Crittenden	Walthall
Gray	—15

Those who voted in the negative were—

Mr. Bradford	Mr. Stewart
Clarke	Stowell
Corey	Watson
Morehead	Williams
Ogier	Witherby
Stephens	Speaker—12

So the vote was re-considered.

The question recurring on inserting "$8,000," the ayes and nays were demanded.

Those who voted in the affirmative were—

Mr. Bradford	Mr. Stewart
Clarke	Stowell
Corey	Watson
Morehead	Williams
Stephens	—9

Those who voted in the negative were—

Mr. Baldwin	Mr. Moore
Brackett	Ogier
Brown	Patterson
Cardwell	Per Lee
Covarubias	Tefft
Creaner	Tingley
Crittenden	Walthall
Gray	Speaker
Hughes	—17

The amendment did not prevail.

Mr. Stowell then moved to insert "$7,500," on which the ayes and nays were demanded.

Those who voted in the affirmative were—

Mr. Bradford	Mr. Ogier
Clarke	Stephens
Corey	Stewart
Creaner	Stowell
Morehead	Williams—10

Those who voted in the negative were—

Mr. Baldwin	Mr. Moore
Brackett	Patterson
Brown	Per Lee
Cardwell	Tefft
Covarubias	Tingley
Crittenden	Walthall
Gray	Watson
Hughes	Speaker—16

So the amendment was not adopted.

Mr. Cardwell then moved to insert "$7,000," on which the ayes and nays were demanded.

Those who voted in the affirmative were—

Mr. Baldwin	Mr. Stephens
Bradford	Stewart
Brown	Stowell
Cardwell	Tingley
Clarke	Walthall
Corey	Watson
Creaner	Williams
Morehead	Speaker
Ogier	—17

Those who voted in the negative were—

Mr. Brackett	Mr. Moore	
Covarubias	Patterson	
Crittenden	Per Lee	
Gray	Tefft	
Hughes		—9

The amendment was agreed to.

The question being on the sixth branch of the report, fixing the salary of the Surveyor General at $6,000, Mr. Watson moved to strike out and insert "$8,000."

On which the ayes and nays were demanded.

Those who voted in the affirmative were—

Mr. Baldwin	Mr. Per Lee	
Bradford	Stephens	
Cardwell	Stewart	
Clarke	Walthall	
Morehead	Watson	
Patterson		—11

Those who voted in the negative were—

Mr. Brackett	Mr. Moore	
Brown	Ogier	
Corey	Stowell	
Covarubias	Tefft	
Creaner	Tingley	
Crittenden	Williams	
Gray	Speaker	
Hughes		—15

So the motion did not prevail.

Mr. Williams then moved to insert "$7,000," which was agreed to.

Seventh branch of the report, to wit: "To the Judges of the Supreme Court $10,000," was adopted.

The question was then taken on the eighth branch of the report, viz. "To each District Judge $6,000."

A motion to strike out and insert "$8,000," was not agreed to.

Mr. Baldwin moved to insert $7000.

Not agreed to.

Mr. Morehead moved to lay the Report on the table.

Agreed to.

Mr. Creaner then moved to reconsider the vote just taken to lay said Report on the table.

Not agreed to.

On motion of Mr. Bradford, the Report was taken up with the exception of the eighth Branch which relates to District Judges.

The question was taken on the ninth Branch of the Report, "to each District Attorney, $2000."

Tenth Branch. "To the State Translator, $6000."

Mr. Clarke moved to strike out "$6000," and insert "$8000."

On which the Ayes and Nays were demanded.

Those who voted in the affirmative were—

Mr. Bradford	Mr. Stowell
Clarke	Tefft
Covarubias	Tingley
Patterson	Walthall
Per Lee	Watson
Stewart	Williams—12.

Those who voted in the negative were—

Mr. Baldwin	Mr. Hughes
Brown	Moore
Cardwell	Ogier
Creaner	Stephens
Gray	Speaker—10.

So the amendment was adopted.

In the eleventh and last Branch of the Report, fixing the salary of the Governor's Private Secretary at $1000, Mr. Williams moved to strike out "$1000," and insert "$2500."

Mr. Bradford called for a division of the question.

The question was first taken on striking out.

Not agreed to.

The question recurring on the amount fixed in the Report, it was agreed to.

Mr. Ogier moved to strike out the ninth and eleventh subdivisions of the original Bill.

Agreed to.

On motion of Mr. Walthall, the Bill was considered as engrossed, and the rules being suspended, was read a third time.

The question being on the final passage of the Bill, the Ayes and Nays were demanded.

Those who voted in the affirmative were—

Mr. Bradford	Mr. Stewart
Brown	Tingley
Clarke	Walthall
Creaner	Watson
Morehead	Williams
Ogier	Witherby
Stephens	Speaker—14.

Those who voted in the negative were—

Mr. Brackett	Mr. Crittenden
Cardwell	Hughes
Covarubias	Moore —6.

So the Bill passed.

Mr. Brown gave notice that, on to-morrow or some future day, he would introduce the following named Bills, to wit:—"An Act concerning Water Craft found adrift, and Lost Money, and other Property;" "An Act concerning Estray Animals;" and "An Act concerning lawful Fences, and Animals trespassing on premises lawfully inclosed."

On motion of Mr. Bradford, the House adjourned until 2 o'clock P.M.

AFTERNOON SESSION—TWO O'CLOCK P.M.

On motion of Mr. Stephens, it was

Resolved, That the Assembly are ready to meet the Senate in Convention for the purpose of proceeding to the election of Clerk of the Supreme Court, and that a Committee of two be appointed to notify the Senate thereof.

Whereupon the Speaker appointed Messrs. Stephens and Patterson said Committee.

IN CONVENTION.

The Senate and Assembly being assembled in Convention for the purpose of proceeding to the election of Clerk of the Supreme Court,

Mr. Vermeule	nominated	Mr. Bela Dexter.
Per Lee	"	Wm. G. Marcy.
Moore	"	Jno. M. Muscott.
Crittenden	"	E. H. Tharp.

On motion of Mr. Heydenfeldt of the Senate, it was

Resolved (as the sense of the Convention), That in all elections by the Legislature, a majority of the votes of all the members present is necessary to the election of any candidate.

The Convention then proceeded to ballot, Mr. Douglass of the Senate and Mr. Per Lee of the House acting as tellers.

The President announced the result of the first balloting as follows:—

Whole number of votes . . .	39
Necessary to a choice . . .	20

Those who voted for Mr. Bela Dexter were—

Mr. Bassham	Mr. Gray
Bidwell,	Patterson
Vallejó	Scott
Vermeule	Stewart—8.

Those who voted for Mr. Wm. G. Marcy were—

Mr. Chamberlain	Mr. Moore
Crosby	Per Lee
Woodworth	Witherby—7.
Clarke	

Those who voted for Mr. John M. Muscott were—

Mr. Ogier	Mr. Tefft—2.

Those who voted for Mr. E. H. Tharp were—

Mr. Baldwin	Mr. Hughes
Bradford	Morehead
Broderick	Robinson
Brown	Stephens
Cardwell	Stowell
Corey	Tingley
Covarubias	Walthall
Crittenden	Watson
De la Guerra	Williams
Douglass	Speaker
Green	—21.

Mr. E. H. Tharp, having received a majority of all the votes cast, was declared duly elected Clerk of the Supreme Court, and until his successor is duly qualified.

The Senate then withdrew, and on motion the House adjourned.

HOUSE OF ASSEMBLY.

THURSDAY, *Feb.* 21*st*, 1850.

House met, pursuant to adjournment.

The roll was called, and the following members were absent, to wit—Messrs. Baldwin, Clarke, Creaner, Gray, McKinstry, Ogier, Patterson, Randolph, Stewart, and Tefft.

The Journal of yesterday was read and approved.

The Speaker laid before the House a communication from Mr. E. H Tharp, tendering his resignation as Clerk of the Assembly.

Mr. Stephens moved a call of the House, when the following members were absent, to wit—Messrs. Baldwin, Creaner, Gray, Ogier, Patterson, Randolph, and Tefft.

On motion of Mr. Bradford, further proceedings under the call were dispensed with.

A message from the Senate was received.

A message from the Governor was received, notifying the House that

he had signed "an Act concerning the Revenue, Funds, Expenditure, and Property of the State, and management thereof."

Also, a message, disapproving of the "Bill to incorporate the City of Sacramento."

GOVERNOR'S SPECIAL MESSAGE.

GENTLEMEN OF THE ASSEMBLY:—

The bill originating in the Assembly, entitled "an Act to incorporate Sacramento City," is herewith returned, together with such objections as have compelled me to withhold my approval of the same. There are two objections existing in my view to the bill; the first founded upon questions of expediency, and the second upon constitutional grounds.

The first objection to the bill is to be found in the fact that it is a special Act to incorporate a single city.

The practice of passing a special Act of incorporation for each city has been productive of great and serious evils in the different States of the Union; and if adopted in this State, considering our peculiar condition, would lead to much greater expense and injury. By comparing various Acts of incorporation together, it will be readily seen that nearly all their numerous provisions are essentially the same in substance, and by repeating these provisions in each separate Act, the expenses of legislating are greatly increased. Each bill has to pass through all the regular stages of other bills, to undergo a separate examination and discussion, be separately printed, and the time of the Legislature is thus consumed upon separate and distinct bills that are in substance but one. The members of the Legislature must make themselves acquainted with all the provisions of these long bills or vote at random, and thus permit abuses to creep in. In the history of legislation in the different States, such instances have not unfrequently occurred.

That the evils growing out of this system of special legislation, upon a subject general in its character, are great and obvious, must be conceded, and could the same end be accomplished by a general and comprehensive Act for the incorporation of all the cities in the State, it would certainly save a great amount of time, labor, and expense, and in the end be far more beneficial and better understood. That this could be practically done, there seems to be no doubt; and although the system

might not be perfected in the beginning, it might be amended from time to time, as experience might dictate.

The Constitution requires the Executive to "communicate by message to the Legislature, at every session, the condition of the State, and to recommend such matters as he shall deem expedient."

The fact that the Executive has a qualified negative upon the acts of the Legislative body, and that it is the object of the Constitution to combine all the aids to legislation, must constitute the reason of the above provision; and although it is usual and proper for him to make most of his recommendations in his first message, at the commencement of the session, still the same *reason* that requires him to make suggestions at any time, must often arise from time to time during the progress of legislation; it would also seem but reasonable and just that when the Executive objects to a particular measure upon a subject in reference to which some legislation is indispensable, he should accompany such objection with the suggestion of one that he deems more expedient. It was for these reasons that, in my message returning the bill incorporating the City of Los Angeles, I suggested the leading features of a general Act upon this subject; and it is for these reasons (and for the further reason that that bill and the one under consideration are very similar in nearly all their features), that I deem it my duty to repeat in this communication the same suggestions.

To establish a general system it would be necessary to distinguish between villages and cities, by requiring the latter to contain a given population. To ascertain the number of inhabitants at any period between the time of taking the census by the State and the United States, the County Court of the proper County could be empowered to have an enumeration of the inhabitants made; and if the required population appear, to make an order of record declaring the City incorporated. One of the great advantages of this provision would be this: That in California, such is the rapid increase of population, and the consequent growth of towns and villages, that in many cases incorporations of places would be greatly needed while the Legislature would not be in session, and this provision would afford relief at any time. Nor would this provision be liable to the objection that it is a delegation of legislative power to the County Courts, for this reason: that the Court is duly empowered to ascertain the existence of the *fact* whether the place contain the requisite population; and it is the existence of this fact

that entitles the place to be incorporated. The power of the Court would be simply that of investigation and *decision*, and not legislative in its character.

In specifying the powers to be conferred upon city corporations, it might be useful to divide them into two classes.

1st. Cities upon navigable waters.

2d. Cities inland.

All cities upon navigable waters would require substantially the same powers, and so of the inland cities as a class. Upon each class might be conferred all the powers necessary for any one of that class, and in case more powers than necessary should be thus conferred upon any particular city, those powers would simply remain dormant, as their exercise would not be required; and whether their exercise would be beneficial to the particular city, would properly be a question for the city authorities to determine. For example, the City of San Francisco, being the largest and most commercial point in the State, would require as extended powers as any other; and by conferring the same powers necessary for that City upon all of the same class, you place them all upon the same footing, and do injustice to none. And should the condition of any place be so peculiar as to its boundaries, or in any other respect, as still to require further provision, a short special act could be passed for that additional purpose. As there are several commercial and inland places in the State that are known to possess the requisite number of inhabitants, a provision might be included allowing them to be incorporated under such general Act, without the trouble of taking the census.

The second and by far the most serious objection against the bill, is the unlimited powers of taxation conferred upon the city authorities, under the condition that when the taxes exceed a certain amount they must be approved by a majority of the electors of the City before they can be collected.

It is provided by the thirty-first and thirty-seventh Sections of the fourth Article of the Constitution, that "corporations shall not be created by special act, except for municipal purposes," and that "it shall be the duty of the Legislature to provide for the organization of cities and incorporated villages, and to restrict their power of taxation, assessment, borrowing money, contracting debts and loaning their credit, so

as to prevent abuses in assessments and in contracting debts by such municipal corporations."

The following conclusions would seem to follow necessarily from these provisions:

1st. That a "municipal corporation" is the only corporation that the Legislature can create by special act.

2d. That the power of taxation can only be conferred upon "municipal corporations," and upon none other.

3d. That the power of taxation thus conferred must be *restricted*. That the limits of this restriction must be fixed by the Legislature itself, and cannot be fixed by any other tribunal or department of the government.

That the bill to incorporate Sacramento City is a special act creating a municipal corporation must be conceded, and the power of taxation conferred by the act is certainly conferred upon the *corporation thus created*. By giving a majority of the electors a voice in the passage of measures imposing taxes, the bill makes them compose, for that purpose, a part of the corporation, or else the act would be unconstitutional for giving the power of taxation to a body not authorized to receive it by the Constitution. The Legislature cannot, under the Constitution, confer the same power of taxation upon corporations other than municipal.

But whether the Legislature can or cannot confer such power upon corporations not municipal in their character, it is plain that the power itself, when conferred upon municipal corporations, must be *restricted*. It is the "duty of the Legislature to *restrict* their *power* of taxation." What is the natural, usual, and obvious meaning of the word *restrict?* The learned Noah Webster, in the large edition of his Dictionary of the English Language, published in 1848, thus defines the term: "Restrict —to limit, to confine; to restrain within bounds; as to restrict words to a particular meaning; to restrict a patient to a certain diet."

Now I take it to be clear that to *restrict* anything, you must fix definite and certain limits or bounds, beyond which the thing restricted cannot go. That the Constitution, in making it the duty of the Legislature to "restrict" the power of taxation bestowed upon these corporations, intended that certain fixed and definite limits or bounds should be set to the *power* itself, would seem to be equally clear. There is a plain and intelligible distinction between the power itself and the *mere*

mode in which a power may be carried out. To restrict the power is one thing, and to restrict the mere manner of exercising it is a very different thing. Now the bill under consideration conferred the *power itself without limit*, while it does restrict the *mode* of its exercise to a particular manner. For example, it gives the corporation the power to levy taxes without *limit as to amount*, but requires a particular mode to be pursued, and a particular path to be followed, to attain the *end* prohibited by the Constitution. If by pursuing the mode pointed out in the Act, the corporation can impose taxes to an unlimited amount, the *power* of taxation thus exercised is certainly not *restricted* but *unlimited*. There are no limits defined, no bounds set beyond which the power conferred by the Bill may not be carried. The power of taxation must not only be *restricted*, but the restriction must be fixed by the Legislature itself. The Constitution requires the Legislature to do this, and that body cannot divest itself of that duty and delegate legislative power to a bare majority of the voters of a particular city, and give them the right to determine whether the "power of taxation" shall or shall not be restricted at all. Whether the right to determine the limits of the restriction would be as safely exercised by the majority of the voters of the city as by the Legislature, is not the question to be determined. It is enough for us that the Constitution has imposed the duty upon the Legislature.

The right to levy and collect taxes is a substantive power of great importance and liable to great abuse, and its exercise affects the rights and interests of individuals so seriously that it should be watched with jealous vigilance. The Constitution has conferred this power upon the Legislature without limit, because the power had, of necessity, to be placed somewhere; but I cannot but think it a very dangerous step to confer the same unlimited power upon a bare majority of a single city. Municipal corporations had often committed great abuses in levying taxes, borrowing money, contracting debts, and loaning their credit; and it was to prevent these abuses that the thirty-seventh Section was adopted. These abuses had been committed by city officers elected by a majority of the electors, and who were for that reason supposed to represent a majority of their constituents; and the fact that the bill before me requires the assent of a majority of the voters of the city does not in practical effect essentially diminish the tendency to abuse.

To confer upon a bare majority of the people of a single city unlimited

powers of taxation is, in my opinion, a very dangerous experiment, fraught with very serious consequences. Minorities need the safeguards of the Constitution, while majorities are able to take care of themselves. The population of cities may have, and often do have, very adverse interests; and as the revenues of cities are mostly expended upon certain city improvements, combinations would most certainly occur between different portions of the city, in favor of a very exorbitant tax for particular "purposes and objects;" these purposes and objects might not be of any particular benefit to those portions of the city that, from circumstances, might be compelled to pay most of the tax. The Town Council would frequently have urged upon it extravagant objects of improvement, requiring large sums to be raised from taxation, and the Council being authorized to do so, would naturally refer the question to the people for a direct vote; the city would then be kept in a continual state of excitement, and the people be called upon to vote many times during the year; and unless they were always attentive and vigilant, a small portion of the population might be able to carry the measure. The population of our cities is so fluctuating and transitory that many of the voters would scarcely be able to inform themselves of the merits of the question within the short time allowed.

For these reasons I return the bill to the Assembly in which it originated. I should not have considered myself compelled to withhold, and should not have withheld my signature, had it not been for the Constitutional objection.

PETER H. BURNETT.

Mr. Clarke moved to lay the Veto Message on the table, and that sixty copies be ordered to be printed.

Mr. Brackett moved to amend, by printing 500 copies. Which motion was not agreed to.

The question recurring on the motion of Mr. Clarke, it was agreed to.

On motion of Mr. Cardwell, the resignation of Mr. E. H. Tharp was accepted.

On motion of Mr. Morehead, the House proceeded to the election of Chief Clerk, to fill the vacancy of Mr. Tharp, Mr. Morehead and Mr. Williams acting as Tellers.

Mr. Stephens nominated Mr. John Nugent.

Mr. Cardwell nominated Mr. A. D. Ohr.

Mr. Per Lee nominated Mr. E. Dickey.
The following was the result of the first ballot:—

Whole number of votes, ...	22
Necessary to a choice, ...	12

Those who voted for Mr. Jno. Nugent were—

Mr. Brown	Mr. Stephens
Clarke	Stewart
Corey	Stowell
Covarubias	Tefft
Crittenden	Watson
Morehead	Witherby
Per Lee	Speaker.
Scott	—15.

Those who voted for A. D. Ohr were—

Mr. Bradford	Mr. Tingley
Cardwell	Walthall
Hughes	Wilhams.
Moore	—7.

John Nugent having received a majority of all the votes cast, was declared duly elected, came forward, and took the usual oath of office.

The Speaker laid before the House a communication from sundry citizens of Sacramento City, in relation to the charter of said city.

On motion of Mr. Tingley, the communication was referred to a Select Committee, composed of the delegation from the district of Sacramento.

Mr. Crittenden, from the Committee on the Judiciary, made the following report:

MR. SPEAKER:—

The Committee on the Judiciary, to whom was referred an "Act to provide for the superseding of certain courts, for the transfer of causes, for the hearing of appeals in certain cases, and for other purposes," report the same with the accompanying amendments.

Your committee would remark that the time fixed by law for holding the first term of the Supreme Court is now near at hand, and, as yet, no law has been passed to regulate appeals to this court. To define the mode in which appeals are to be taken from the courts of first instance, and to prescribe some rules for their disposition, are main objects of this bill. Believing that prompt action in this matter is required, your committee respectfully recommend the immediate passage of the bill as amended.

Mr. Crittenden, from the same committee, reported "A Bill authorizing the Clerk of the Supreme Court to rent a court-room in the City of San Francisco, and providing for the payment of the expenses thereof."

On motion, the same was laid on the table.

Mr. Stephens, from Committee on Commerce, reported "A Bill to license and tax Pedlars," which was read first and second time, and ordered to be printed.

Mr. Stowell, from Committee on Enrolled Bills, made the following

REPORT:—

The Joint Committee on Enrolled Bills, have this day presented to the Governor for his signature, the following bills, to wit:—

"An Act, authorizing a loan on the faith and credit of the State, to pay the expenses of the Civil Government thereof."

"An Act concerning the revenue, funds, expenditures, and property of the State, and management thereof."

"An Act defining the amount of revenue to be collected, to defray the expenses of the government of the State of California, for the year eighteen hundred and fifty."

And, "an Act to establish Pilots and Pilot regulations for the Port of San Francisco."

L. STOWELL,
Chairman of the Assembly Committee.
W. R. BASSHAM,
Chairman of the Senate Committee.

February 20, 1850.

Mr. Crittenden, from Committee of Conference, made the following

REPORT:—

MR. SPEAKER:—

The Committee of Conference appointed by the House to confer with a corresponding committee on the part of the Senate, relative to the disagreeing votes of the two Houses, on the "Act to provide for holding the first county election," report, That it has been agreed that the Senate should recede from all its amendments, and that the 4th section of the act should be amended by striking out the words "Santa Clara," and inserting the words "San Joaquin."

The report was adopted.

The following message from the Senate was received.

SENATE CHAMBER,
February 21, 1850.

MR. SPEAKER:—

I am directed by the Senate to inform the Assembly, that the President of the Senate has signed bills, entitled "an Act concerning the revenue, funds, expenditure, and property of the State, and management thereof;" "an Act to establish Pilots and Pilot regulations for the Port of San Francisco;" "an Act authorizing a loan on the faith and credit of the State, to pay the expenses of the civil government thereof;" "an Act defining the amount of Revenue to be collected, to defray the expenses of the government of the State of California for the year 1850," and a "Joint Resolution in regard to the Mails." Also, that the Governor has notified the Senate that he did, on the eighteenth instant, sign bill originating in the Senate, entitled "an Act subdividing the State into counties, and establishing the Seats of Justice therein;" also, that the Senate have passed a Joint Resolution, herewith transmitted, "in relation to the formation of new Senatorial Districts."

J. F. HOWE,
Secretary of the Senate.

The House took up the Joint Resolution of the Senate, "in relation to the Formation of New Senatorial Districts." Read first and second time.

Mr. Williams presented the accounts of the several clerks, and on motion they were referred to the Committee on Claims.

Engrossed Bill, to Authorize the Formation of Limited Partnerships, was taken up, and read a third time.

On motion of Mr. Hughes, the Bill was referred to a Select Committee, with certain instructions, and Messrs. Hughes, Crittenden, and Tefft were appointed said Committee.

The Committee then reported in accordance with instructions given.

The question recurring on the passage of the Bill, the Ayes and Nays were demanded.

Those who voted in the affirmative were—

Mr. Baldwin	Mr. Morehead
Brackett	Patterson
Bradford	Per Lee
Brown	Scott
Cardwell	Stewart
Clarke	Stowell
Corey	Tefft
Covarubias	Tingley
Creaner	Walthall
Crittenden	Williams
Hughes	Speaker—22.

In the negative—none.

So the Bill passed.

Mr. Bradford moved a call of the House, and the following Members were absent without leave, viz. Messrs. Clarke, Creaner, McKinstry, Per Lee, Watson, and Witherby.

The Serjeant-at-Arms being dispatched after absentees, Messrs. Per Lee and Clarke appeared, were admitted, and excused.

On motion of Mr. Morehead, the remaining absentees were excused.

"A Joint Resolution, in relation to the pay of Judges of the Supreme and District Courts," was taken up.

On motion of Mr. Cardwell, the Joint Resolution was indefinitely postponed.

On motion of Mr. Crittenden, the "Bill to provide for the Superseding of certain Courts, for the Transfer of Causes, for the Hearing of Appeals in certain Cases, and for other purposes;" and "a Bill

Authorizing the Clerk of the Supreme Court to Rent a Room in San Francisco," were taken up, and read a first and second time.

On motion of Mr. Crittenden, the House resolved itself into Committee of the Whole on said bills, Mr. Stephens in the Chair. After having spent some time therein, the Committee rose, the Chairman reported the bills with amendments, which amendments were severally concurred in, and the Committee discharged.

On motion of Mr. Crittenden, the Rules were suspended, and the "Bill to provide for the Superseding of certain Courts, for the Transfer of Causes, &c.," was read a third time.

The question being, "Shall the Bill pass?" the ayes and nays were demanded.

Those who voted in the affirmative were—

Mr. Baldwin	Mr. Patterson
Brackett	Per Lee
Bradford	Scott
Brown	Stowell
Cardwell	Tefft
Clarke	Tingley
Corey	Walthall
Covarubias	Williams
Crittenden	Speaker
Hughes	—19.

In the negative—none.

So the Bill passed.

On motion of Mr. Tefft, the rules were suspended and "a Bill authorizing the Clerk of the Supreme Court to rent a room in San Francisco," was read a third time and passed.

Mr. Stephens asked leave of absence for four days. Granted.

Mr. Brackett asked leave of absence from the 25th instant to the 2d of March. Granted.

On motion of Mr. Baldwin, the House adjourned until Monday morning next.

HOUSE OF ASSEMBLY.

MONDAY, *February 25th*, 1850.

House met, pursuant to adjournment.

The roll was called and the following members were absent, to wit—Messrs. Aram, Brackett, Brown, Crittenden, Gray, Ogier, Per Lee, Randolph, Stephens, Stewart, Watson, and Williams.

A quorum being present, the Journal of Thursday was read and approved.

Messrs. Crittenden and Ogier being indisposed, were excused.

Mr. Morehead presented a memorial from sundry citizens of Stockton, desiring the continuance of California coin of the value of five dollars. On motion, the memorial was referred to the Committee of Ways and Means.

Mr. Witherby, from the Committee on Claims, reported as follows :—

The Committee on Claims, to whom were referred the several accounts of the Officers and Clerks of the Assembly, and others, beg leave respectfully to report, that they have examined the same and find them correct, and recommend their payment.

The report was adopted.

The House took up Joint Resolution of Senate, in relation to new Senatorial Districts. Read a third time.

Mr. Creaner moved to amend as follows : "Except from the Districts of Sacramento and San Joaquin, from which districts there shall be two appointed." The amendment was adopted, and the resolution, as amended, passed.

Bills concerning the Office of County Treasurer and Assessors, were taken up, and on motion of Mr. Tingley, were referred to Committee on Ways and Means.

On motion of Mr. Bradford the House resolved itself into Committee of the Whole, Mr. Creaner in the chair, on a "Bill defining the duties of State Printer and fixing his Compensation." After having spent some time therein, the Committee rose, the chairman reported progress, and asked leave to sit again. Agreed to.

A message from the Governor was received informing the House that he had signed Assembly Bill "Defining the amount of Revenue to

be collected to defray the expenses of the Government of the State of California for the year 1850."

On motion of Mr. Walthall, the House again resolved itself into Committee of the Whole, Mr. Creaner in the chair, on the "Bill defining the duties of State Printer, and fixing his Compensation."

After its consideration, the Committee rose, the chairman reported the Bill with amendments, which amendments were concurred in, and the Committee was discharged from the further consideration thereof.

On motion of Mr. Bradford, the Bill was ordered to be engrossed.

Mr. Brown, agreeably to previous notice, introduced "a Bill in relation to Estray Animals," and "a Bill concerning Lawful Fences, and Animals trespassing upon premises lawfully inclosed," which were read first and second time, and the usual number of copies ordered to be printed.

Mr. Watson gave notice that on to-morrow he would introduce "a Bill supplemental to and explanatory of an Act, subdividing the State into Counties, and establishing the seats of Justice therein," approved Feb. 18th, 1850.

On motion, the House adjourned until 2½ o'clock P.M.

AFTERNOON SESSION, 2½ O'CLOCK P.M.

The roll was called, and the following members absent, to wit.—Messrs. Baldwin, Clarke, Covarubias, Patterson, Per Lee, Randolph, Scott, Stewart, Stowell, Tefft, Tingley, and Watson.

There being no quorum present, and the Sergeant-at-Arms being absent, the assistant Doorkeeper was dispatched after said officer.

The Sergeant-at-Arms appeared, and on motion, was dispatched after absentees. Messrs. Clarke, Stowell, and Tingley appeared, and were admitted, and on motion of Mr. Cardwell, were excused, by paying the usual fee.

On motion of Mr. Morehead, the vote just taken, requiring the above named absentees to pay the usual fee, was re-considered.

Mr. Hughes then renewed the motion, requiring the absentees to pay the usual fee.

It was not agreed to.

On motion of Mr. McKinstry, the absentees generally were excused.

The following message from the Senate was received by their Secretary:

SENATE CHAMBER,
February 25th, 1850.

MR. SPEAKER:—

I am directed by the Senate to inform the Assembly that they have passed a bill, entitled, "an Act for the remuneration of Charles White," herewith transmitted; a Joint Resolution herewith transmitted, "regulating elections in the Senate and Assembly on Joint Ballot."

Also, that the Senate have appointed as the Joint Committee on their part, under the Joint Resolution of the Senate, in reference to the formation of new Senatorial and Representative Districts, Messrs. Chamberlin, of San Diego; De la Guerra, of Santa Barbara; Woodworth, of Monterey; Bassham, of San José; Broderick, of San Francisco; Vallejó, of Sonoma; Green, of Sacramento; Douglass, of San Joaquin.

Also, that they have passed a Joint Resolution, herewith transmitted, authorizing the Hon. S. E. Woodworth to cause the transportation of the Public Archives from Monterey to this Capital.

Also, that the Senate have concurred in the Joint Resolution of the Assembly, in relation to the pay of Chaplains of the Legislature, with amendment, inserting "sixteen dollars" as a substitute for "eight dollars."

Also, that the Senate request a further conference of the Joint Select Committee, on the disagreeing votes of the two Houses, on the Bill entitled "an Act providing for the holding of the First County Election."

Also, that the Senate have concurred in the amendment of the Assembly to the Joint Resolution of the Senate, "in relation to the formation of new Senatorial Districts."

Also, that the Senate have passed Assembly Bill, entitled "an Act authorizing the Clerk of the Supreme Court to rent a Court Room in the City of San Francisco," with an amendment, as a proviso to the first section, viz.—"Provided the rent of said room shall not exceed one thousand dollars per month."

Also, that the Governor has notified the Senate that he has this day

signed bill, originating in the Senate, entitled "an Act to establish Pilots and Pilot Regulations for the Port of San Francisco."

Also, that the Senate has passed bills, herewith transmitted, entitled "an Act creating Officers of Health for the City of San Francisco, and defining their duties;" "an Act regulating the Quarantine of Vessels in the Port and Harbor of San Francisco;" and "an Act to organize the District Courts of the State of California."

J. F. Howe,
Secretary of the Senate.

Mr. Watson gave notice that on to-morrow he would move to repeal so much of the Rules as relates to the detention of members without the bar.

The House then took up Senate "Bill for the remuneration of Chas. White for money advanced to Caleb Lyons for furnishing the design and making the great Seal of the State." It was read the first and second time, and referred to the Committee on Claims.

Also a Joint Resolution of the Senate "regulating elections in the Senate and Assembly on Joint Ballot," which, on motion, was read the first and second time.

The "Joint Resolution in relation to the removal of the Public Archives" was taken up, and read the first, second, and third time, and passed; the rules being suspended for that purpose.

Mr. Tingley moved that a Committee of Conference be appointed to meet a corresponding Committee of the Senate in relation to the disagreeing votes of the two Houses on "A Bill to provide for holding the first County Election."

Whereupon the Speaker appointed Messrs. Crittenden, Tingley, and Creaner said Committee.

The House took up Assembly "Bill authorizing the Clerk of the Supreme Court to rent a room in San Francisco," returned from the Senate with an amendment; and the amendment was concurred in.

Senate "Bill creating Officers of Health for the City and Port of San Francisco, and defining their Duties," and "Bill regulating the Quarantine of Vessels at the Port and Harbor of San Francisco," were taken up, each read a first and second time, and, on motion of Mr. Clarke, made the order of the day for to-morrow.

Senate "Bill to organize the District Courts of the State of California, was taken up, and read the first time.

The "Joint Resolution in relation to the pay of Chaplains of the two Houses," returned from the Senate with an amendment, was taken up.

The question being on the Senate's amendment to strike out "eight," and insert "sixteen" dollars per diem, Mr. Cardwell demanded the ayes and nays.

Those who voted in the affirmative were:—

Mr. Brown	Mr. Stowell	
Clarke	Tefft	
Corey	Tingley	
Hughes	Walthall	
McKinstry	Watson	
Moore	Williams	
Scott	Speaker	—14.

Those who voted in the negative were:—

Mr. Baldwin	Mr. Creaner	
Cardwell	Per Lee	
Covarubias	Witherby	—6.

So said amendment was concurred in.

Mr. Baldwin moved to adjourn.

Not agreed to.

The Speaker announced the following Committee on the part of the House under the Joint Resolution of the Senate in reference to the formation of new Senatorial and Representative Districts:

Mr. Witherby, of San Diego.
Mr. Tefft, of Santa Barbara.
Mr. Per Lee, of Monterey.
Mr. Corey, of San José.
Mr. Clarke, of San Francisco.
Mr. Bradford, of Sonoma.
Messrs. Hughes and McKinstry, of Sacramento.
Messrs. Creaner and Morehead, of San Joaquin.

Mr. Cardwell moved to adjourn.

Not agreed to.

On motion of Mr. Bradford, the House went into Committee of the

Whole, Mr. Stowell in the chair, on "a bill defining the duties of State Librarian, and prescribing rules for the government of the State Library;" after its consideration the committee rose, the chairman reported the bill, with amendments, and asked to be discharged from the further consideration thereof. The committee was discharged, and the amendments were concurred in.

Mr. Creaner then moved to strike out in section 8th the words "in neat substantial binding."

On which motion the ayes and nays were ordered.

Those who voted in the affirmative were—

Mr. Brown	Mr. Creaner
Clarke	Walthall
Corey	—5.

Those who voted in the negative were—

Mr. Baldwin	Mr. Scott
Bradford	Stowell
Cardwell	Tefft
Covarubias	Tingley
Hughes	Williams
Moore	Witherby
Per Lee	Speaker—14.

So the motion did not prevail.

On motion of Mr. Bradford, the bill was ordered to be engrossed.

Mr. Clarke offered the following resolution,

Resolved, That so much of the resolution as requires this House to adjourn at one o'clock, and meet again at half-past two P.M., be rescinded. Agreed to.

On motion of Mr. Cardwell, the House adjourned.

HOUSE OF ASSEMBLY.

TUESDAY, *February* 26, 1850.

House met, pursuant to adjournment.

Prayer by Rev. Mr. Briarly.

The roll was called, and the following members were absent, to wit—

Messrs. Aram, Brackett, Crittenden, Gray, Morehead, Moore, Ogier, Randolph, Stephens, and Watson.

The journal of yesterday was read and approved.

The Speaker announced Mr. Covarubias in place of Mr. Tefft, from Santa Barbara, as a member of the Joint Committee, to form Senatorial districts.

Mr. Bradford presented a petition from the citizens of Napa Valley, praying the establishment of a separate county in said valley.

On motion, the petition was referred to the Committee on Counties and County boundaries.

Mr. Walthall, from the Committee of Ways and Means, to whom was referred a petition of sundry citizens of Stockton, in relation to the issuing of gold coin, made a report, and recommended that the prayer be rejected.

Which report, on motion, was adopted, and the committee discharged.

Mr. Stowell, from Committee on Enrolled Bills, reported "an Act authorizing the Clerk of the Supreme Court to rent a room in San Francisco," and "a Joint Resolution in relation to the pay of Chaplains of the Legislature," correctly enrolled.

The House took up "Engrossed Bill, defining the duties of State Printer, and fixing his Compensation."

Mr. Tefft moved to refer said bill to a Select Committee, with genera instructions. Agreed to.

And Messrs. Tefft, Witherby, Per Lee, Bradford, and Stowell were appointed said committee.

Engrossed Bill, "defining the duties of State Librarian, and prescribing rules for the government of the State Library," was taken up, and read third time.

The question being, "Shall the bill pass?" the ayes and nays were demanded.

Those who voted in the affirmative were—

Mr. Baldwin	Mr. Corey
Bradford	Covarubias
Brown	Hughes
Cardwell	McKinstry
Clarke	Morehead

Mr. Patterson	Mr. Tingley
Per Lee	Walthall
Scott	Watson
Stewart	Williams
Stowell	Witherby
Tefft	Speaker—22.

In the negative—Mr. Creaner—1.

So the bill passed.

On motion of Mr. Tingley, the House resolved itself into Committee of the Whole, Mr. Tefft in the chair, on a bill "regulating the Quarantine of vessels at the Port and Harbor of San Francisco;" also, "a bill creating Officers of Health, for the city and port of San Francisco, and defining their Duties." After having spent some time therein, the committee rose, the Chairman reported the bills, with amendments, and asked to be discharged from the further consideration thereof.

Mr. Creaner moved that the bills be referred to a Select Committee, with instructions to report on to-morrow. Agreed to.

Whereupon the Speaker appointed Messrs. Creaner, Cardwell, Stowell, Scott, and Per Lee, said committee.

Mr. Watson, pursuant to notice, introduced "a bill supplemental to, and explanatory of, an Act, subdividing the State into Counties and establishing Seats of Justice therein," approved Feb. 18, 1850. The bill was read a first and second time, and, on motion of Mr. Bradford, was referred to the Committee on Counties and County Boundaries.

Mr. Watson, pursuant to notice, offered the following resolution:—

Resolved, That so much of the Rules of this House as relates to the detention of members without the bar be, and the same is hereby repealed.

On which the ayes and nays were demanded.

Those who voted in the affirmative were—

Mr. Baldwin	Mr. Watson.
Stewart	—3.

Those who voted in the negative were—

Mr. Bradford	Mr. P[illegible]
Brown	Per Lee
Cardwell	Scott
Clarke	Stowell
Corey	Tefft
Covarubias	Tingley
Creaner	Walthall
Hughes	Williams
Morehead	Speaker
Moore	—19.

So the motion did not prevail.

A "Joint Resolution of Senate regulating the election in Senate and Assembly on Joint Ballot," was taken up, and read a third time.

Mr. Creaner moved that said resolution be indefinitely postponed.

Not agreed to.

Mr. Tingley moved to refer it to the Committee on the Judiciary, with instructions to inquire into the constitutionality of passing such a resolution.

Mr. Morehead moved to amend by referring to the Committee on Ways and Means. Not agreed to.

The question recurring on referring to the Judiciary Committee, it was agreed to.

The Speaker announced Messrs. Covarubias and Scott a committee on the part of the House, to examine laws and documents to be published in the Spanish language.

Senate Bill "to organize the District Courts of the State of California," was taken up, read second time, and, on motion, the same was referred to the Committee on the Judiciary.

The House took up the Veto Message of the Governor, on "Bill to incorporate the City of Sacramento."

On motion of Mr. McKinstry, the message was laid on the table until to-morrow.

Mr. Williams offered the following resolution:—

Resolved, That an opinion in writing be requested of the Attorney General, in relation to the constitutionality of the Joint Resolution, passed by the Senate, respecting elections by the Legislature in Joint Convention. Adopted.

moved to adjourn. Not agreed to.

' moved to adjourn until 3 o'clock P.M. Agreed to.

House adjourned.

AFTERNOON SESSION, 3 O'CLOCK P.M.

On motion of Mr. Stowell there was a call of the House, and the following members were absent:—

Messrs. Aram, Brackett, Caldwell, Clarke, Crittenden, Gray, Ogier, Patterson, Per Lee, Randolph, Stephens, Tefft, and Williams.

No quorum being present, on motion of Mr. Stowell the House adjourned.

HOUSE OF ASSEMBLY.

WEDNESDAY, *February 27th*, 1850.

House met, pursuant to adjournment.

Prayer by Rev. Mr. Douglass.

The roll was called, and the following members were absent, to wit —Messrs. Aram, Baldwin, Brackett, Crittenden, Gray, Ogier, Per Lee, Randolph, Stephens, Stewart, and Witherby.

The journal of yesterday was read and approved.

Mr. Tingley, from the Committee of Ways and Means, to whom was referred "A bill concerning the office of County Treasurer," reported the same back without amendment.

It was ordered that the bill be engrossed.

Mr. Tingley, from the same committee, to whom was referred "A bill concerning the office of County Assessors," reported the same to the House with an amendment; which amendment was concurred in, and, on motion, the bill was laid on the table.

Mr. Crittenden, from the Committee on the Judiciary, reported the following bills, to wit:—

"An Act concerning Crimes and Punishments."

"An Act concerning the office of District Attorney."

"An Act concerning the office of County Attorney."

"An Act concerning Jails and Jailors."

"An Act concerning Notaries Public."

"An Act to prevent the coining of money by individuals."

"An Act empowering the Governor to appoint Commissioners of Deeds, and defining the duties of such officers." And

"An Act to regulate the interest of money."

All of which were severally read first and second time, and the usual number of copies ordered to be printed.

Mr. Bradford, from the Committee on Roads and Canals, to whom was referred "an Act concerning Public Roads," made the following report:

The Committee on Roads and Canals, to whom was referred "an Act concerning Public Roads," beg leave to report, that in their opinion its provisions are too indefinite in their character, and their adoption will not meet the expectations and necessities of the people of the State. The Committee are also of the opinion that a complete road system should be adopted at an early day, adequate to a rapidly growing population; and such a bill is now in progress and will be introduced in a few days.

For the above reasons they are obliged to report adverse to the bill, and recommend its indefinite postponement, and ask to be discharged from its further consideration.

On motion of Mr. Walthall, the Bill was laid on the table.

Mr. Tefft, from the Select Committee, to whom was referred a "Bill defining the duties of State Printer and fixing his Compensation," made the following report:

The Special Committee, to whom was referred a "Bill defining the duties of State Printer and fixing his Compensation, with instructions to inquire into the probable expense of the Statute Laws of the State, and to report as to the propriety of having these Statutes furnished by the State Printer, or if the expense should, under the provision of the Bill, be very great, to report whether in point of time and economy it would not be advisable to order the printing to be done in the States, and still do full justice to the State Printer,"

Beg leave respectfully to report, that by an actual calculation made by your Committee, it appears that the total expense of publishing and binding 1000 copies of the Statutes in a volume of 600 pages, 750

copies in English and 250 in Spanish, would amount to the sum of $24,728 at the rates mentioned in the Bill. Should it be thought advisable to order the publication of 1000 copies more, the expense would be for the second one thousand, $9,960, and in the same proportion for [illegible] number.

Mr. Cardwe[illegible] [illegible]mittee would also report, that so far as to the propriety of [illegible]tatutes and Journals published by the State Printer, in the [illegible]our Committee, it would be bad faith on the part of the [illegible] of the contract entered into between the State and the [illegible], to take this work from him and order its execution else- [illegible]r Committee are well satisfied that the expectation that [illegible] Mr. More[illegible]rk was to be done by him was one principal inducement for him [illegible] the [illegible]er into the contract with the State; that the mere printing of the Bills for the House would nothing like pay the expenditures.

Your Committee, therefore, believing that the rates named in the Bill are as low as could be had in this State, and believing that the publication of the Statute Laws and Journals is a part of the contract entered into between the State and the State Printer, would report that in the opinion of your Committee the Bill should pass without amendment, and the entire printing of the State be done by the State Printer.

All of which is respectfully submitted.

HENRY A. TEFFT,
Chairman.

On motion of Mr. Patterson, the report was accepted and the Committee discharged.

The Bill was then read a third time.

The question being on its final passage, the ayes and nays were demanded.

Those who voted in the affirmative were:—

Mr. Bradford	Mr. Per Lee
Cardwell	Stowell
Corey	Tefft
Hughes	Watson
McKinstry	Williams
Morehead	Speaker
Patterson	—13.

Those who voted in the negative were—

Mr. Brown	Mr. Randolph
Clarke	Scott
Crittenden	Tingley
Moore	Walthall—8.

So the Bill passed.

Mr. Bradford offered "a Joint Resolution instructing the Secretary of State to furnish copies of Laws to State Translator," which was read three several times and passed.

Mr. Morehead offered "a Joint Resolution in relation to the adjournment of the Legislature." Read first time.

Mr. Brown, pursuant to notice, introduced "a Bill concerning Water Craft found adrift, and lost Money and Property," which was read first and second time, and ordered to be printed.

Mr. Brown gave notice that on to-morrow or some future day he would introduce "a Bill concerning Marks and Brands," and "a Bill concerning forcible Entry and Detainer."

Senate "Bill regulating Public Ferries," was taken up, read first and second time, and referred to the Committee on Corporations.

Senate's "Joint Resolution authorizing the Post Master at San Francisco to employ temporarily an additional Clerk," was read second time.

Senate's "Bill to prevent Obstructions in navigable Streams," was taken up, read first and second time, and on motion, referred to the Committee on Commerce.

On motion of Mr. Tingley, the House went into Committee of the Whole, Mr. Watson in the chair, on "a Bill declaring certain rivers herein named navigable streams." After its consideration, the committee rose, and reported the bill with amendments. The amendments were concurred in, and the committee discharged.

On motion of Mr. Morehead, it was ordered that the bill be engrossed.

"A Bill concerning the writ of Habeas Corpus" was taken up, and on motion was laid on table for the present.

A Bill "prescribing the mode of maintaining and defending Possessory Actions," "Bill to provide for the early publication of the Laws of California," and "a Joint Resolution of Senate in relation to the publi-

cation of the General Laws," were taken up, and on motion were laid on the table.

On motion of Mr. Walthall, the House proceeded to the consideration of the bill "to incorporate the City of Sacramento," returned from the Governor with his objections.

The question was taken on reconsidering the vote by which said bill passed. It was so reconsidered.

The question then recurred on the passage of said bill, the Governor's objections to the contrary, on which the ayes and nays were demanded.

Those who voted in the affirmative were:—

Mr. Bradford	Mr. Per Lee
Brown	Randolph
Corey	Tefft
Covarubias	Tingley
Hughes	Walthall
McKinstry	Watson
Morehead	Williams
Patterson	Speaker—16.

Those who voted in the negative were:—

Mr. Baldwin	Mr. Moore
Clarke	Stowell
Creaner	—5.

So the bill passed.

On motion of Mr. Tingley, the House resolved itself into committee of the Whole, Mr. Williams in the chair, on "a Bill concerning the office of County Recorder and Auditor;" after its consideration, the committee rose, the Chairman reported the bill with amendments, and asked to be discharged from the further consideration thereof. Agreed to.

On motion of Mr. Tingley, the bill was laid on the table.

On motion of Mr. Walthall, the House resolved itself into committee of the Whole, Mr. Stowell in the chair, on "a Bill to regulate proceedings in Criminal Cases;" after having spent some time therein, the committee rose, reported progress, and asked leave to sit again. Agreed to.

Mr. Creaner, from the Select Committee to whom were referred cer-

tain bills with instructions to report on to-day, asked further time. Agreed to.

Mr. Stowell, from the Committee on Enrolled Bills, reported "an Act to supersede certain Courts and regulate Appeals therefrom to the Supreme Court," correctly enrolled.

On motion of Mr. Patterson, the House adjourned.

HOUSE OF ASSEMBLY.

THURSDAY, *February 28th*, 1850.

House met, pursuant to adjournment.

Prayer by Rev. Mr. Briarly.

The roll was called, and the following members absent—Messrs. Baldwin, Clarke, Patterson, Per Lee, Randolph, Stephens, Stewart, and Watson.

On leave,—Messrs. Aram, Brackett, Gray, and Ogier.

The Journal of yesterday was read and approved.

A message from the Governor was received by his private Secretary, informing the House that he had signed "an Act authorizing a Loan on the faith and credit of the State, to pay the expenses of the Civil Government thereof."

Mr. Bradford, from the Committee on Commerce, to whom was referred a Report and "Joint Resolutions of instructions to our delegation in Congress in relation to the Marine Hospital Fund," made the following

REPORT:

The Committee on Commerce, to whom was referred a Report and Joint Resolutions of instructions to our delegation in Congress in relation to the Marine Hospital Fund, beg leave respectfully to report, that they have had the subject under consideration, and believe its importance demands the prompt action of the Legislature, in order that it may be urged upon the attention of Congress at as early a day as possible.

Your Committee, therefore, report them back without amendment, and recommend that the resolutions be passed.

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

The question being on the passage of the Joint Resolutions, it was decided in the affirmative.

Mr. Crittenden, from the Committee of Conference, to whom was referred "a Bill to provide for holding the First County Election," made the following Report:—

MR. SPEAKER:

The Committee appointed to confer with a corresponding Committee on the part of the Senate, in reference to the disagreeing votes of the two Houses on the "Bill to provide for holding the First County Election," report, That it has been agreed by the two Committees to adopt the bill as it was originally reported to the House from the Committee on the Judiciary, with the following amendments:

Insert after Section 5 the following Section:—Sec. 6. If in any county, election precincts be not established according to the directions of this Act, the election may be held at any place or places where there are not less than thirty electors present, and it may be held without any notice given by the Prefect. The numbers of the succeeding sections to be changed accordingly.

In the last section of the bill strike out the concluding words, "for at least three weeks next preceding the day of election." Also, strike out in this section the words, "some newspaper," and insert in lieu thereof, "three newspapers."

The report was adopted.

Mr. Bradford moved a call of the House, and the following members were absent without leave, to wit—Messrs. Baldwin, Clarke, Morehead, Patterson, Per Lee, Randolph, Stewart, and Watson.

On motion, the Sergeant-at-Arms was dispatched after the absentees.

Messrs. Clarke and Per Lee appeared, and on motion of Mr. Williams were admitted. Their excuses not being sufficient, on motion of Mr. Stowell they were excused by paying the usual fee.

On motion of Mr. Cardwell, Mr. Watson was admitted and excused by paying the usual fee.

Mr. Morehead appeared, was admitted, and excused, his excuse being deemed sufficient.

On motion of Mr. Morehead, further proceedings under the call were dispensed with.

Engrossed Bill, declaring certain Rivers herein named Navigable Streams, was taken up and read a third time.

The question being, "Shall the Bill pass?" Mr. Bradford demanded the ayes and nays.

Those who voted in the affirmative were—

Mr. Brackett	Mr. Morehead
Bradford	Moore
Brown	Stowell
Cardwell	Tefft
Corey	Tingley
Covarubias	Walthall
Hughes	Watson
McKinstry	Speaker—16.

Those who voted in the negative were—

Mr. Baldwin	Mr. Per Lee
Clarke	Scott
Creaner	Williams—6.

So the Bill passed.

Engrossed Bill, concerning the Office of County Treasurer, was taken up and read a third time.

On the passage of the Bill, Mr. Stowell demanded the ayes and nays.

Those who voted in the affirmative were :—

Mr. Baldwin	Mr. Covarubias
Bradford	Creaner
Brown	Hughes
Clarke	McKinstry
Corey	Morehead

Mr. Per Lee	Mr. Walthall
Scott	Williams
Stowell	Watson
Tefft	Witherby
Tingley	Speaker—20.

Those who voted in the negative were:—

Mr. Brackett Mr. Moore—2.

So the Bill passed.

Mr. Crittenden, being indisposed, was excused for the remainder of the week.

"A Bill concerning the Writ of Habeas Corpus," was taken up, and, on motion of Mr. Tingley, was ordered to be engrossed.

"Joint Resolution in relation to the Adjournment of the Legislature," was taken up and read second time.

On motion of Mr. Tingley, the House resolved itself into Committee of the Whole, Mr. Walthall in the Chair, on "a Bill to Provide for the Early Publication of the Laws of California." After some consideration therein, the Committee rose, the Chairman reported progress, and asked leave to sit again. Agreed to.

The following message from the Senate was received:—

SENATE CHAMBER,
February 28th, 1850.

MR. SPEAKER:—

I am directed by the Senate to inform the Assembly that they have passed, by the constitutional majority, the bill, entitled "an Act to Incorporate Sacramento City," the objections of the Governor notwithstanding.

Also, that the Senate have passed bills, herewith transmitted, "Providing for the Erection of a Marine Hospital, in or adjacent to the city of San Francisco;" and "for the Remuneration of E. O. Crosby."

Also, that the Senate have appointed, as additional members of the Committee on the Formation of New Senatorial and Representative Districts, Messrs. Crosby, of Sacramento, and Lippincott, of San Joaquin.

Also, that the President *pro tempore* yesterday signed bill, originating in the Assembly, "Authorizing the Clerk of the Supreme Court to

Rent a Court Room in the city of San Francisco," and the "Joint Resolution in relation to the Pay of the Chaplains of the Legislature."

Also, that the Senate have concurred in the Report of the Conference Committee of the two Houses, on the disagreeing votes of the Senate and Assembly on the bill, entitled "an Act to provide for the Holding of the first County Elections."

Also, that they have passed the Joint Resolution of the Assembly, "Instructing the Secretary of State to furnish copies of the laws to the State Translator."

J. F. HOWE,
Secretary of the Senate.

On motion of Mr. Walthall, the House again resolved itself into Committee of the Whole, Mr. Walthall resuming the chair, on the "Bill to provide for the Early Publication of the Laws of California." After its consideration, the Committee rose, reported the Bill to the House, with amendments, and the Committee was discharged from the further consideration thereof. On motion, said amendments were concurred in.

On motion of Mr. Tingley, the bill was considered as engrossed, and read a third time, the rules being suspended for that purpose.

Mr. Clarke moved to refer the bill to a Select Committee, with instructions to report the following:—

Resolved, That all the Laws passed by this Legislature be published in all the newspapers in this State forthwith.

Not agreed to.

Mr. Clarke then moved to refer the bill to a Select Committee, with instructions to report the following:—"That all laws passed by this Legislature be published in pamphlet form forthwith;" upon which he demanded the ayes and nays.

Those who voted in the affirmative were—

Mr. Baldwin	Mr. Moore
Clarke	Scott—4.

Those who voted in the negative were—

Mr. Bradford	Mr. Cardwell
Brown	Corey

Covarubias	Tefft
Creaner	Tingley
Hughes	Walthall
Morehead	Williams
Per Lee	Speaker—15.
Stowell	

So the motion was not agreed to. The Bill passed.

Mr. Bradford offered the following resolution :—

Resolved, That the proper officers of this House be directed to keep this room *warm*, *clean*, and *clear of smoke*.

Mr. Baldwin moved to lay the motion on the table. Not agreed to.

Mr. Hughes moved that the resolution be rejected. Agreed to.

Mr. Morehead offered the following resolution :—

"*Resolved*, That the Speaker be authorized to have furnished for the use of this House, suitable stoves, and all other necessaries, and that the Hall of the Assembly be placed under his direction," upon which the ayes and nays were demanded.

Those who voted in the affirmative were—

Mr. Bradford	Mr. Moore
Covarubias	Scott
Creaner	Stowell
Hughes	Tingley
McKinstry	Walthall
Morehead	Williams—12.

Those who voted in the negative were—

Mr. Baldwin	Mr. Corey
Brackett	Per Lee
Brown	Tefft
Cardwell	Speaker—9.
Clarke	

So the resolution was adopted.

Mr. Baldwin presented a communication from J. H. Bean, Alcalde of San Diego, in relation to the appointment of District Judge of that

District. On motion of Mr. Walthall, the communication was laid on the table.

Senate "Bill for the erection of a Marine Hospital in or adjacent to the City of San Francisco," was taken up, and read first and second time.

On motion of Mr. Tingley, the House went into Committee of the Whole, Mr. Brackett in the Chair, on said Bill. After its consideration, the Committee rose, reported the Bill with amendments, and asked to be discharged from the further consideration thereof. Agreed to.

On motion of Mr. Hughes, the Bill was referred to the Select Committee, to whom was referred "A Bill creating Officers of Health, &c.;" and, on motion, Messrs. Corey, Walthall, and Randolph were added to said Committee.

The House then took up Senate "Bill for the remuneration of E. O. Crosby," which was read first and second time, and on motion of Mr. Walthall, was referred to the Committee on Claims.

Mr. Brown, pursuant to notice, introduced "A Bill concerning Marks and Brands," which was read first and second time, and the usual number of copies ordered to be printed.

Mr. Morehead moved that the House adjourn until 3 o'clock P.M. Not agreed to.

Mr. Cardwell moved to adjourn.

Mr. Clarke moved, as an amendment, "to meet again at seven o'clock, P.M.," which amendment was not agreed to.

The question recurring on the motion to adjourn, it was decided in the negative.

Mr. Baldwin moved to adjourn until 4 o'clock P.M. Not agreed to.

Mr. Morehead moved to adjourn until 5 o'clock. Not agreed to.

Mr. Cardwell moved that the House do now adjourn. Decided in the negative.

Mr. Stowell, from the Committee on Enrolled Bills, made the following report :—

The Joint Committee on Enrolled Bills have this day presented to the Governor for his signature the following bills :—

"An Act authorizing the Clerk of the Supreme Court to rent a room in the City of San Francisco."

"An Act to supersede certain Courts and regulate Appeals therefrom to the Supreme Court."

"Joint Resolution in relation to the pay of Chaplains of the Legislature."

L. STOWELL,
Chairman Assembly Committee.
W. R. BASSHAM,
Chairman Senate Committee.

February 28, 1850.

The Joint Committee on Enrolled Bills have examined a "Joint Resolution, instructing the Secretary of State to furnish copies of laws to the State Translator," and find the same correctly enrolled.

L. STOWELL,
Chairman Assembly Committee.
W. R. BASSHAM,
Chairman Senate Committee.

February 28, 1850.

Mr. Morehead asked leave of absence for two hours. Granted.

Mr. Brackett moved that the House now resolve itself into Committee of the Whole, on "Bill to regulate proceedings in Criminal Cases;" and on this question Mr. Brackett demanded the ayes and nays.

Those who voted in the affirmative were:—

Mr. Brackett	Mr. Stowell
Bradford	Walthall
Brown	Williams
Corey	Watson
Creaner	Speaker
Hughes	—11

Those who voted in the negative were:—

Mr. Baldwin	Mr. Morehead
Cardwell	Moore
Clarke	Per Lee
Covarubias	Scott
McKinstry	Tingley—10

The motion prevailed.

Mr. Stowell then resumed the Chair, and the committee proceeded to the consideration of the bill.

After having spent some time therein, the committee rose, the Chairman reported progress, and asked leave to sit again. Leave was granted.

Mr. McKinstry then moved to adjourn, on which Mr. Bradford demanded the ayes and nays.

Those who voted in the affirmative were—

Mr. Clarke	Mr. Scott
Covarubias	Watson
McKinstry	—5

Those who voted in the negative were—

Mr. Brackett	Mr. Stowell
Bradford	Tingley
Brown	Walthall
Corey	Williams
Creaner	Speaker
Hughes	—11

So the House refused to adjourn.

Mr. Clarke asked leave of absence until to-morrow. Not granted, there being no quorum present.

Mr. Bradford then moved a call of the House, and the following members were absent without leave, to wit:—

Messrs. Baldwin, Cardwell, Clarke, Moore, Patterson, Per Lee, Randolph, Stewart, Tefft, and Witherby.

On motion of Mr. Creaner, the House adjourned.

HOUSE OF ASSEMBLY.

FRIDAY, *March 1st*, 1850.

House met, pursuant to adjournment.

Prayer by Rev. Mr. Douglass.

The roll was called, and the following members were absent, viz.—Messrs. Baldwin, Corey, Covarubias, Creaner, Randolph, Stephens, Stewart, Tefft, Watson, and Witherby.

On leave: Messrs. Aram, Crittenden, Gray, and Ogier.

There being no quorum present, on motion of Mr. Clarke, the Sergeant-at-Arms was dispatched after absentees.

Messrs. Corey, Covarubias, and Tefft appeared, and were excused.

On motion of Mr. Moore, Mr. Stewart had leave of absence for ten days.

On motion of Mr. Morehead, further proceedings under the call of the House were dispensed with.

The Journal of yesterday was read and approved.

A Message from the Governor was received, informing the House that he had signed "An Act authorizing the Clerk of the Supreme Court to rent a room in the City of San Francisco;" also "A Joint Resolution in relation to the Pay of Chaplains of the Legislature."

Engrossed "Bill concerning the writ of Habeas Corpus," was taken up and read a third time.

The question being "Shall the Bill pass?" the ayes and nays were demanded.

Those who voted in the affirmative were:—

Mr. Aram	Mr. McKinstry
Baldwin	Morehead
Brackett	Moore
Bradford	Patterson
Brown	Per Lee
Cardwell	Tefft
Clarke	Tingley
Corey	Walthall
Covarubias	Williams
Hughes	Speaker—20.

In the negative:—None.

So the Bill passed.

Joint Resolution in relation to the Adjournment of the Legislature was taken up, and, on motion of Mr. Clarke, was laid on the table.

On motion of Mr. Cardwell, the House went into Committee of the

Whole, Mr. Patterson in the Chair, on "A Bill to regulate Proceedings in Criminal Cases."

After having spent some time therein, the Committee rose, reported progress, and asked leave to sit again.

Agreed to.

A Message from the Senate was received.

On motion of Mr. Walthall, the House again went into Committee of the Whole, Mr. Patterson resuming the Chair, on "A Bill to regulate proceedings in Criminal Cases."

After some consideration therein, the Committee rose, reported progress, and asked leave to sit again.

Agreed to.

Mr. Morehead moved to adjourn.

Mr. Hughes moved as an amendment to meet again at 4 o'clock P M.

Accepted by Mr. Morehead, and the motion as amended was agreed to by the House.

So the House adjourned.

FOUR O'CLOCK P.M.

On motion of Mr. Walthall, the House resolved itself into Committee of the Whole, Mr. Creaner in the chair on "A Bill to regulate proceedings in Criminal Cases."

After having spent some time therein, the Committee rose, reported progress, and asked leave to sit again.

Agreed to.

The following Message from the Senate, received this morning, was read:—

SENATE CHAMBER,
March 1, 1850.

MR. SPEAKER:—

I am directed by the Senate to inform the Assembly that they have passed Assembly Bill, entitled "An Act concerning the Salaries of Officers," with amendments, viz.

1. Striking out "$7000," as the salary of the Secretary of State, and inserting therefor "$8000."

2. Striking out "$8000" as the salary of the Treasurer, and inserting therefor "$9000."

3. Striking out "$7000," as the salary of the Attorney General, and inserting therefor "$8000."

4. Striking out "$7000," as the salary of the Surveyor General, and inserting therefor "$ 8000."

5. Striking out "$1000 as the salary of the Governor's Private Secretary, and inserting therefor "$3000."

6. Inserting as Subdivision 12 of Section 1 the following: "13. To the Clerk of the Supreme Court, $3000."

I am also directed to inform the Assembly that the Governor has this day notified the Senate, that he, on yesterday, signed Bill, entitled "'An Act to supersede certain Courts, and regulate Appeals therefrom to the Supreme Court." Also, that the Senate has passed Assembly Bill, entitled "An Act defining the Duties of State Printer, and fixing his Compensation." Also, that the President *pro tem.* of the Senate has signed "A Joint Resolution instructing the Secretary of State to furnish copies of the laws to the State Translator," and "Joint Resolutions in relation to the establishment of a Marine Hospital at San Francisco."

J. F. HOWE,
Secretary of the Senate.

The House then proceeded to consider Senate's amendments to Assembly Bill, "concerning the Salaries of Officers."

Mr. Brackett moved to amend Senate's first amendment, by striking out "$8,000," as salary to Secretary of State, and inserting "$5,000."

Which motion the Speaker decided out of order.

Mr. Brackett appealed from the decision of the Speaker.

The question then was, "Shall the decision of the chair stand as the judgment of the House?" On this question Mr. Morehead demanded the ayes and nays.

Those who voted in the affirmative were—

Mr. Aram	Mr. Creaner
Baldwin	Crittenden
Bradford	Morehead
Cardwell	Patterson
Clarke	Per Lee

Randolph	Tefft
Scott	Walthall
Stowell	Williams—16.

Those who voted in the negative were—

Mr. Brackett	Mr. McKinstry
Covarubias	Moore
Hughes	Tingley—6.

So the decision of the chair was sustained.

The question then recurred on concurring in Senate's first amendment. On this question Mr. Cardwell demanded the ayes and nays.

Those who voted in the affirmative were—

Mr. Aram	Mr. Stowell
Bradford	Williams
Clarke	—5.

Those who voted in the negative were—

Mr. Baldwin	Mr. Moore
Brackett	Patterson
Brown	Per Lee
Cardwell	Randolph
Covarubias	Scott
Creaner	Tefft
Crittenden	Tingley
Hughes	Walthall
McKinstry	Speaker
Morehead	—19.

So the first amendment was not concurred in.

On Senate's second amendment, viz. "Strike out $8000," as the salary of the Treasurer of State, and insert "$9000," Mr. Moore demanded the ayes and nays.

Those who voted in the affirmative were—

Mr. Bradford	Mr. Per Lee
Clarke	Stowell
Morehead	Williams—6.

Those who voted in the negative were—

Mr. Aram	Mr. McKinstry
Baldwin	Moore
Brackett	Patterson
Brown	Randolph
Cardwell	Scott
Covarubias	Tefft
Creaner	Tingley
Crittenden	Walthall
Hughes	Speaker—18.

So the amendment was not concurred in.

On third amendment, to wit: "Strike out $7,000," as the salary of Attorney General, and insert "$5,000," Mr. Cardwell demanded the ayes and nays.

Those who voted in the affirmative were—

Mr. Clarke	Mr. Per Lee
Hughes	Stowell
McKinstry	Williams—6.

Those who voted in the negative were—

Mr. Aram	Mr. Morehead
Baldwin	Moore
Brackett	Patterson
Bradford	Randolph
Brown	Scott
Cardwell	Tefft
Covarubias	Tingley
Creaner	Walthall
Crittenden	Speaker—18.

So the third amendment was not concurred in.

Mr. Brackett moved to adjourn, on which motion Mr. Patterson demanded the ayes and nays.

Those who voted in the affirmative were—

Mr. Baldwin	Mr. Moore
Brackett	—3.

Those who voted in the negative were—

Mr. Aram	Mr. Patterson
Bradford	Per Lee
Brown	Randolph
Cardwell	Scott
Clarke	Stowell
Covarubias	Tefft
Creaner	Tingley
Crittenden	Walthall
Hughes	Williams
McKinstry	Speaker
Morehead	—21.

So the House refused to adjourn.

The 4th and 5th amendments to said Bill were non-concurred in.

Mr. Baldwin moved to lay the Bill and pending amendment on the table. Not agreed to.

The question recurring on concurring in Senate's sixth and last amendment; it was not agreed to.

Mr. Clarke then moved that a Committee of Conference be appointed in relation to the disagreeing votes of the two Houses on said Bill. Not agreed to.

Mr. Morehead moved to adjourn, on which motion Mr. Patterson demanded the ayes and nays.

Those who voted in the affirmative were—

Mr. Aram	Mr. Brown
Bradford	Cardwell

Mr. Hughes	Mr. Tingley
McKinstry	Walthall
Moore	Speaker
Tefft	—11.

Those who voted in the negative were—

Mr. Baldwin	Mr. Patterson
Brackett	Per Lee
Clarke	Randolph
Covarubias	Scott
Creaner	Stowell
Crittenden	Williams
Morehead	—13.

The House refused to adjourn.

Mr. Stowell, from the Committee on Enrolled Bills, reported "a Bill for holding the first County Election," correctly enrolled.

On motion of Mr. Baldwin, the House went into Committee of the Whole, Mr. Creaner in the chair, on "a Bill to regulate Proceedings in Criminal Cases." After some consideration therein, the committee rose, reported progress, and asked leave to sit again. Agreed to.

Mr. Brackett moved to adjourn.

Mr. Baldwin moved as an amendment, "to meet again at 7 o'clock." Not agreed to.

The question recurring on the motion to adjourn, Mr. Cardwell demanded the ayes and nays.

Those who voted in the affirmative were :—

Mr. Brackett	Mr. Stowell
Brown	Tefft
Hughes	Walthall
McKinstry	Williams
Moore	Watson
Randolph	Speaker
Scott	—13.

Those who voted in the negative were:—

Mr. Baldwin	Mr. Creaner
Cardwell	Patterson
Clarke	Tingley
Covarubias	—7.

So the House adjourned.

HOUSE OF ASSEMBLY.

SATURDAY, *March 2d*, 1850.

House met, pursuant to adjournment.

The roll was called, and the following members absent, to wit:—

Messrs. Aram, Clarke, Covarubias, Morehead, Per Lee, Randolph, Stephens, Stowell, and Tefft.

On leave, Messrs. Crittenden, Gray, Ogier, and Stewart.

On motion of Mr. Williams, the Sergeant-at-Arms was despatched to request the attendance of absent members.

A quorum appearing, the Journal of yesterday was read and approved.

Mr. Stowell, from the Committee on Enrolled Bills, made the following

REPORT:—

The Joint Committee on Enrolled Bills have this day presented to the Governor for his signature, "A Joint Resolution in relation to the Secretary of State, to furnish copies of Laws to the State Translator."

L. STOWELL,
Chairman of the Assembly Com.
W. R. BASSHAM,
Chairman of the Senate Com.

March 1st, 1850.

Mr. Williams gave notice that on Monday he would introduce "A Bill for the protection of Ornamental Trees, Hedges," &c.

"A Bill concerning the office of County Assessors," was taken up,

and on motion of Mr. Tingley, was recommitted to the Committee of Ways and Means.

Mr. Tefft asked leave of absence for the day. Granted.

On motion of Mr. Randolph, the House went into Committee of the Whole, Mr. Per Lee in the Chair, on "A Bill concerning the office of Surveyor General;" after having spent some time therein, the committee rose, reported progress, and asked leave to sit again. Agreed to.

A Message from the Senate was received, informing the Assembly that they had passed Assembly Bill, "prescribing the mode of assessing and collecting the Public Revenue," with sundry amendments; also, "That the Senate adhere to their amendments to the Bill of the Assembly, "concerning the Salaries of Officers," and request a committee of conference thereon, having appointed as such committee on their part, Messrs. Green, Heydenfeldt, and Crosby.

The House then proceeded to the consideration of the Senate's Amendments to the "Bill prescribing the mode of assessing and collecting Public Revenue;" when, on motion of Mr. Walthall, said Bill and amendments were referred to the Committee on Ways and Means.

In relation to the disagreeing votes of the two Houses, on the "Bill concerning the Salaries of Officers," Mr. Walthall moved the appointment of a Committee of Conference. Whereupon the Speaker appointed Messrs. Walthall, Tefft, and Corey, said committee.

On motion of Mr. Randolph, the House again went into Committee of the Whole, Mr. Per Lee in the Chair, on "A Bill concerning the Office of Surveyor General;" after having spent some time therein, the committee rose, the Chairman reported progress, and asked leave to sit again. Agreed to.

On motion of Mr. Patterson, the vote to give the committee leave to sit again was reconsidered.

The question recurring on giving the committee leave to sit again—it was not agreed to.

On motion of Mr. Brackett, the bill was referred to a Select Committee.

On motion of Mr. Cardwell, the House resolved itself into Committee of the Whole, Mr. Patterson in the Chair, on "A Bill to regulate proceedings in Criminal Cases;" after some consideration therein, the committee rose, reported progress, and asked leave to sit again. Agreed to.

Mr. Per Lee moved that the House adjourn until 4 o'clock P.M.

Mr. Cardwell moved to amend, "until Monday morning next" Not agreed to.

The question recurring on the motion to adjourn until 4 o'clock—it was agreed to.

FOUR O'CLOCK P.M.

Mr. Morehead moved a call of the House, and the following members were absent without leave, to wit:—

Messrs. Clarke, Covarubias, Creaner, and Stephens.

A Message from the Governor was received, informing the House that he had signed Assembly "Bill to provide for holding the first County Election;" also, "A Joint Resolution, instructing the Secretary of State to furnish copies of Laws to the State Translator."

Mr. Walthall, from the Committee of Ways and Means, to whom was recommitted Assembly "Bill prescribing the mode of assessing and collecting the Public Revenue," returned from Senate with amendments, reported the same back to the House.

Mr. Morehead moved that the bill be laid on the table. Not agreed to.

The House then refused to concur in the 1st, 6th, and 7th, and concurred in the 2d, 3d, 4th, 5th, 8th, 9th, 10th, 11th, and 12th of said amendments.

Mr. Walthall submitted the following resolution:—

Resolved, That 500 copies each, of the act fixing the time of holding the first County Election, and the act subdividing the State into counties, &c., be printed forthwith, and that 440 of each be delivered to the Governor.

On motion of Mr. Patterson, the resolution was laid on the table.

Mr. Per Lee gave notice that on Monday he would introduce a bill to change the name of "Branceforte" county to that of "Santa Cruz."

Mr. Creaner, from the Select Committee, to whom was referred "A Bill regulating the quarantine of vessels at the port and harbor of San Francisco," "A Bill to provide for the erection of a Marine Hospital," and "An Act creating Officers of Health for the city and port of San Francisco, and defining their duties," reported the same to the House with amendments, and moved that they be laid on the table, and made the order of the day for Monday next. Agreed to.

Mr. Morehead offered the following resolution :—

Resolved, That a standing Committee of Conference shall be appointed by the Speaker, which shall act in conjunction with all similar committees, on the part of the Senate, in relation to the disagreeing votes of the two Houses.

On motion of Mr. Cardwell, the resolution was laid on the table indefinitely.

Mr. Williams moved a reconsideration of the vote just taken. Not agreed to.

A message from the Senate was received, informing the House that the President *pro tempore* had signed Assembly " Bill to provide for holding the first County Election ;" also, that the Senate had passed Assembly " bill to provide for the Incorporation of Cities," with amendments.

Mr. Per Lee offered the following resolution :—

Resolved, That the Sergeant-at-Arms be and he is hereby authorized and directed to furnish locks to the desks of the members of this House. Adopted.

Mr. M'Kinstry moved, that when the House adjourns, it adjourn to meet again at 7 o'clock P.M. Not agreed to.

Mr. Cardwell moved that the House do now adjourn.

Mr. Moore moved to amend, thus :—" to meet again at half-past 7." Not agreed to.

The question recurring on the motion to adjourn, it was not agreed to.

Mr. Baldwin then offered the following resolution :—

Resolved, That half-past 11 o'clock to-night be the time fixed for the adjournment of this day's session.

Mr. Tingley moved to amend, as follows :—" Strike out half-past 11 o'clock P.M.," and insert " 6 o'clock to-morrow," and that " the doors be closed, and that no one be permitted to leave the House till that hour."

Mr. Walthall moved to lay the whole matter on the table. On this motion, Mr. Cardwell demanded the ayes and nays.

Those who voted in the affirmative were—

Mr. Aram	Mr. Scott
Brown	Stowell
Corey	Walthall
Hughes	Williams
McKinstry	Speaker
Randolph	—11.

Those who voted in the negative were—

Mr. Baldwin	Mr. Morehead
Cardwell	Moore
Clarke	Patterson
Covarubias	Per Lee
Creaner	Tingley—10.

So said motion prevailed.

On motion of Mr. Stowell the House adjourned until Monday morning.

HOUSE OF ASSEMBLY.

MONDAY, *March 4th*, 1850.

House met, pursuant to adjournment.

Prayer by Rev. Mr. Douglass.

The roll was called, and the following members were absent, to wit—Messrs. Covarubias, Crittenden, Randolph, and Tefft.

On leave, Messrs. Gray, Ogier, and Stewart.

Mr. Walthall presented the credentials of W. Grove Deal, member elect from the District of Sacramento, to fill the vacancy of P. B. Cornwall, resigned.

On motion of Mr. Creaner the credentials were received, and Mr. Deal came forward and took the usual oath of office.

The Speaker announced Messrs. Randolph, Brackett, Morehead, Creaner, and Hughes, Select Committee on "bill concerning the office of Surveyor General."

The Speaker laid before the House a communication from J. F. Stephens, tendering his resignation as member from the District of San Joaquin.

On motion of Mr. Cardwell, the resignation was accepted, and it was ordered that the Governor be notified.

Mr. Witherby, from the Committee on Claims, to whom was referred Senate's "Joint Resolution for the remuneration of Charles White," reported the same back to the House.

And on motion of Mr. Walthall, it was laid on the table for the present.

Mr. Randolph offered the following resolution:—

Resolved, That the State Printer be instructed to proceed forthwith to print in the English language the report of the Special Committee on the subject of the Civil Fund of California.

Mr. Walthall, from the Committee of Conference, appointed in relation to the disagreeing votes of the two Houses, on "a Bill concerning the Salaries of Officers," reported as follows:

The Joint Committee of Conference, to whom was referred the disagreeing votes of the two Houses on the Bill concerning the salaries of officers, have agreed to report to the two Houses, and recommend the adoption of the following as the amount of salaries for each of the following officers of State:

The Governor,	$10,000
Secretary of State,	7,000
Attorney General,	7,000
Comptroller,	8,000
Treasurer,	9,000
Surveyor General,	7,500
Supreme Justices,	10,000 each
District Attorney,	2,000
Translator,	8,000
Governor's Private Secretary,	2,000

Mr. Tingley moved a call of the House, Mr. Corey absent.

On motion of Mr. Morehead, further proceedings under the call of the House were dispensed with.

The question recurring on the adoption of the report, Mr. Cardwell demanded the ayes and nays.

Those who voted in the affirmative were—

Mr. Aram	Mr. Corey
Bradford	Covarubias
Brown	Creaner
Cardwell	Deal
Clarke	Morehead

Mr. Per Lee	Mr. Walthall
Scott	Williams
Tefft	Witherby
Tingley	Speaker—18.

Those who voted in the negative were—

Mr. Baldwin	Mr. Moore
Brackett	Patterson
Hughes	Randolph
McKinstry	Stowell—8.

So the report was adopted.

Mr. Williams, pursuant to notice, introduced "a Bill for the protection of Ornamental Trees, Hedges," &c., which was read first and second time, and referred to the Committee on the Judiciary.

The House took up "a Bill to provide for the incorporation of Cities," returned from the Senate with amendments, which, on motion of Mr. Patterson, was referred to the Committee on Corporations.

The report of the Select Committee, together with "a Bill creating Officers of Health for the City and Port of San Francisco;" "a Bill regulating the Quarantine of Vessels at the Port and Harbor of San Francisco;" and "a Bill providing for the erection of a Marine Hospital," were taken up, and on motion of Mr. Tingley, were laid on the table for the present.

On motion of Mr. Tingley the House resolved itself into Committee of the Whole, Mr. Patterson in the chair, on a "Bill to regulate proceedings in Criminal Cases." After its consideration the Committee rose, reported the bill with amendments, and asked to be discharged from the further consideration thereof. Agreed to.

Mr. Morehead moved to lay said bill on the table for the present. Not agreed to.

On motion of Mr Brackett, the amendments made in Committee of the Whole to said bill were generally concurred in.

Mr. Tingley then moved to strike out Sections 507, 508, and 509 of said Bill, and insert at the close of Sec. 512 as follows:—"Unless the defendant be a female, in which case the punishment shall be imprisonment for not less than twenty years."

Mr. Clarke called for a division of the question.

The question was first taken on striking out, on which question Mr. Bradford demanded the ayes and nays.

Those who voted in the affirmative were—

Mr. Bradford	Mr. Tefft
Creaner	Tingley
Deal	Williams
Patterson	Speaker
Per Lee	—9.

Those who voted in the negative were—

Mr. Aram	Mr. Hughes
Baldwin	McKinstry
Brackett	Morehead
Brown	Moore
Cardwell	Randolph
Clarke	Stowell
Corey	Walthall
Covarubias	—15.

So the House refused to strike out.

On motion of Mr. Cardwell, the Bill was considered as engrossed, the Rules suspended, and the Bill read a third time.

The question being, "Shall the bill pass?" Mr. Tingley demanded the ayes and nays.

Those who voted in the affirmative were—

Mr. Aram	Mr. McKinstry
Baldwin	Morehead
Brackett	Moore
Brown	Patterson
Cardwell	Randolph
Corey	Stowell
Covarubias	Tingley
Creaner	Walthall
Deal	Williams
Hughes	Speaker—20

Those who voted in the negative were—

Mr. Clarke Mr. Per Lee—2

Mr. Per Lee, agreeably to previous notice, introduced "A Bill supplemental to 'An Act subdividing the State into Counties,' changing the name of '*Branceforte*' County to that of 'Santa Cruz,'" which was read a first and second time, and, on motion of Mr. Baldwin, referred to the Committee on Counties and County Boundaries.

Mr. Stowell, from the Joint Committee on Enrolled Bills, reported as correctly enrolled, "An Act defining the duties of State Printer and fixing his Compensation."

Also, that they had presented to the Governor for his signature, "An Act to provide for holding the first County Election."

A message from the Senate was received, informing the House that they had concurred in the report of the Committee of Conference of the two Houses on the disagreeing votes in relation to the "Bill concerning the salaries of Officers."

Also, that the President had signed "Bill defining the duties of State Printer, and fixing his Compensation."

Also, that the Senate had passed "an Act to regulate Elections," with sundry amendments.

Mr. Per Lee gave notice that, on to-morrow, he would introduce "A Bill to Incorporate the City of Monterey."

On motion of Mr. Morehead, the "Bill to regulate Elections," returned from the Senate with amendments, was taken up, and the House concurred in the 1st, 4th, 5th, 6th, 7th, 8th, 9th, 10th, and 11th, and non-concurred in the 2d and 3d of said amendments.

On the motion to concur in the second amendment,

Mr. Patterson demanded the ayes and nays.

Those who voted in the affirmative were—

Mr. Clarke	Mr. Per Lee
Covarubias	Stowell
Deal	Williams
Patterson	—7

Those who voted in the negative were—

Mr. Aram	Mr. McKinstry
Baldwin	Morehead
Brackett	Randolph
Brown	Tefft
Cardwell	Tingley
Creaner	Walthall
Crittenden	Speaker
Hughes	—15

So the amendment was not concurred in.

Mr. Patterson moved that a Committee of Conference be appointed in relation to the disagreeing votes of the two Houses on said bill. Agreed to.

Whereupon the Speaker appointed Messrs. Crittenden, Brackett, and Tingley as said committee.

Mr. Clarke offered the following resolution :—

Resolved, That hereafter the House commence its morning session at 10 o'clock A.M., and adjourn at 2 P.M. That it commence its evening session at 4 P.M., and adjourn on motion. Adopted.

On motion of Mr. Brackett, the House adjourned until 4 o'clock P.M.

FOUR O'CLOCK P.M.

On leave, Mr. Crittenden, from the Committee on the Judiciary, to whom was referred "an Act to establish a Municipal Court in the City of San Francisco, to be called the Superior Court of the City of San Francisco;" and, also, "an Act to organize the District Courts of the State of California," reported the same to the House, with amendments.

On motion, the last named bill was laid on the table for the present; and the House proceeded to the consideration of the "Bill to establish a Municipal Court in the City of San Francisco," &c.

Mr. Clarke moved to lay said bill and amendments on the table for the present. Not agreed to.

The amendments were severally read, and, on motion of Mr. Cardwell, were generally concurred in, the bill considered as engrossed, the Rules suspended, and the bill read a third time.

The question being, "Shall the bill pass?" Mr. Cardwell demanded the ayes and nays.

Those who voted in the affirmative were—

Mr. Aram	Mr. Moore
Brown	Patterson
Cardwell	Randolph
Corey	Stowell
Covarubias	Tefft
Crittenden	Tingley
Deal	Walthall
Hughes	Witherby
McKinstry	Speaker—18.

In the negative—

Mr. Clarke	Mr. Scott
Creaner	—3.

So the bill passed.

On motion of Mr. Crittenden, the House resolved itself into Committee of the Whole, Mr. Morehead in the chair, on Senate Bill "to organize the District Court of the State of California." After its consideration the committee rose, reported the bill with amendments, and asked to be discharged from the further consideration thereof.

Agreed to.

Mr. Moore then moved that the bill and amendments be referred to a Select Committee.

Mr. Randolph moved as an amendment "A Select Committee of one from each Senatorial District, with certain instructions." Which amendment was accepted, and the motion, as amended, adopted by the House.

Messrs. Witherby, of San Diego, Covarubias, of Santa Barbara, Per Lee, of Monterey, Brown, of San José, Patterson, of San Francisco, Brackett, of Sonoma, Walthall, of Sacramento, and Moore of San Joaquin, were appointed said committee.

Mr. Morehead offered the following resolution:—

Resolved, That each member of the House contribute one dollar for the purpose of purchasing locks for the drawers of the tables, authorized in a former resolution, and that the amount so collected be placed in the hands of the Sergeant-at-Arms for accomplishing the desired purpose.

On motion of Mr. Walthall the resolution was laid on the table.

On motion of Mr. Cardwell the House adjourned.

HOUSE OF ASSEMBLY.

TUESDAY, *March* 5, 1850.

House met, pursuant to adjournment.

Prayer by Rev. Mr. Briarly.

The roll was called, and the following members were absent, to wit—Messrs. Aram, Baldwin, Brackett, Covarubias, Morehead, Patterson, and Per Lee.

On leave, Messrs. Gray, Ogier, and Stewart.

The journal of yesterday was read and approved.

The Speaker appointed Mr. Deal on the Standing Committees on Education and Commerce.

Mr. Tingley, from the Committee on Ways and Means, to whom was referred "A bill concerning the office of County Assessor," reported the same back to the House without amendment, and recommended its passage.

On motion of Mr. Tingley, the bill was considered as engrossed, and read a third time, the rules being suspended for that purpose.

The question being, "Shall the bill pass?" Mr. Bradford demanded the ayes and nays.

Those who voted in the affirmative were—

Mr. Bradford	Mr. Per Lee
Brown	Randolph
Cardwell	Scott
Corey	Stowell
Creaner	Tefft
Crittenden	Tingley
Deal	Walthall
Hughes	Williams
McKinstry	Witherby
Moore	Speaker—20.

In the negative—None.

So the bill passed.

Mr. Tingley, from the same Committee, reported "A bill prescribing the mode of appointing Auctioneers, and defining their duties," which

was read first and second time, and the usual number of copies ordered to be printed.

Mr. Witherby, from the Committee on Claims, to whom was referred Senate "Bill for the Remuneration of E. O. Crosby," reported the same without amendments, and recommended its passage.

Mr. Brown moved to lay the Bill on the table. Not agreed to.

After some subsequent discussion, the Bill, on motion of Mr. Per Lee, was laid on the table.

Mr. Crittenden, from the Committee on the Judiciary, to whom was referred "a Joint Resolution regulating Elections in Senate and Assembly on Joint Ballot," made the following Report:—

MR. SPEAKER:—

The Committee on the Judiciary, to whom was referred a "Joint Resolution regulating Elections in the Senate and Assembly on Joint Ballot," with instructions to inquire into its constitutionality, beg leave to report as follows:—

The question intended to be submitted for inquiry is, whether the Legislature can, without violating the Constitution, declare a majority of the votes given in an election upon a joint ballot of the two Houses necessary to a choice, notwithstanding the Twentieth Section of the Eleventh Article of that instrument, which provides that "a plurality of votes given at any election shall constitute a choice, where not otherwise directed in this Constitution."

Though the words of this provision seem, at the first glance, to be exceedingly explicit, and to comprehend all elections, as well those by the Legislature as those by the people, yet your Committee are inclined to believe that such was not the intention of the framers of the Constitution, and is not the necessary construction of its terms, but, on the contrary, that the provision is applicable only to the case of popular elections.

This opinion might be sustained by strong considerations of inconvenience resulting from the opposite conclusion, and by arguments drawn from this clause of the Constitution itself, in connexion with other clauses relating to the same subject matter. Your Committee have not, however, deemed it necessary to enter at length into a discussion of the question, because, after all had been said which might be said upon it,

there would still be room for doubt, and because your Committee do not consider it essential, at this time, for any legislative opinion to be expressed. Until now, the question has been passed over. The Legislature has, by its acts, by the forms under which elections have heretofore been conducted, assumed a construction of this clause of the Constitution. It may with propriety, your Committee think, pursue the same course in reference to the election of District Judges, the only election yet to take place for offices created by the Constitution. There can be no reason to apprehend that any difficulty will arise from thus proceeding upon an implied construction of the Constitution, without any positive declaration in the matter.

Your Committee recommend that the Joint Resolution be laid upon the table, and they ask to be discharged from the further consideration of the subject.

On motion of Mr. Morehead, the Report was adopted, and the Joint Resolution laid on the table.

Mr. Tefft, from the Committee on the Judiciary, reported "a Bill concerning Fraudulent Conveyances," and "a Bill concerning Conveyances," which were read first and second time, and the usual number of copies ordered to be printed.

Mr. Bradford, from the Committee on Counties and County Boundaries, to whom was referred a Bill "for an Act, supplemental to and explanatory of an Act subdividing the State into Counties, and establishing Seats of Justice therein," approved February 18th, 1850, reported "That they had framed the Bill so as to conform to the Twenty-fifth Section of the Fourth Article of the Constitution, which prescribes that the act revised or the section amended, shall be re-enacted and published at length." They had also included in the Bill the amendments to other sections contemplated by the references made to the Committee.

The Report was accepted, and on motion of Mr. Bradford, the reading of the Bill was dispensed with, and it was laid on the table for the present.

Mr. Crittenden, from the Committee on Corporations, to whom was referred "a Bill to provide for the Incorporation of Cities," together with the Senate's amendment thereto, reported the same back to the

House. The Report was accepted, and the Bill was laid on the table for the present.

Mr. Stowell, from the Committee on Enrolled Bills, made the following

REPORT:

The Joint Committee on Enrolled Bills have presented to the Governor for his signature, a bill entitled "An Act defining the duties of State Printer, and fixing his compensation."

March 4th, 1850.

The Joint Committee on Enrolled Bills have examined a bill entitled "An Act concerning the Salaries of Officers," and find the same correctly enrolled.

March 5th, 1850.

Mr. Brown offered the following resolution:—

Resolved, That a committee of five be appointed to examine into the propriety of paying a compensation to the Prefects, Judges, and Inspectors of election, and other officers employed in conducting the election for a Governor, Members of Congress, and of the Legislature held in November last, and also the special elections held to supply the places of Members of the Legislature who have resigned, or may hereafter resign. The resolution was adopted, and Messrs. Brown, Moore, Witherby, Tingley, and Scott, were appointed said committee.

Mr. Per Lee, pursuant to notice, introduced "A Bill to incorporate the city of Monterey," which was read first and second time, and made the order of the day for to-morrow.

On motion of Mr. Crittenden, the Senate's amendments to Assembly "Bill to provide for the Incorporation of Cities," were taken up; when the House refused to concur in 1st, and concurred in 2nd, 3rd, 4th, 5th, and 6th of said amendments.

Mr. Crittenden moved a reconsideration of the vote to non-concur in Senate's 1st amendment to said bill. Agreed to.

The question then recurred, on concurring in said amendment, when Mr. Crittenden moved to amend, by adding—

"The number of Councilmen to be elected at the first election shall be fixed by the Legislature, or by the County Court, as the case may

be, and such number may be subsequently increased or diminished by the Common Council, within the limits aforesaid," which was adopted, and the amendment as amended concurred in.

Mr. Brackett, from the Select Committee, to whom was referred "A Bill to organize the District Courts of the State of California," reported the same back to the House with amendments.

Mr. Clarke moved to lay said report and amendment on the table for the present. Agreed to.

Mr. Baldwin moved that the House resolve itself into Committee of the Whole, on "A Bill creating Officers of Health for the city and port of San Francisco, and defining their duties," "A Bill regulating the quarantine of vessels at the port and harbor of San Francisco," and "A Bill providing for the erection of a Marine Hospital in or adjacent to the city of San Francisco."

On this motion Mr. Clarke demanded the ayes and nays.

Those who voted in the affirmative were—

Mr. Aram	Mr. Patterson
Baldwin	Per Lee
Clarke	Scott
Corey	Stowell
Covarubias	Tefft
Creaner	Tingley
Crittenden	Williams
McKinstry	Witherby
Morehead	Speaker
Moore	—19.

Those who voted in the negative were—

Mr. Brackett	Mr. Deal
Bradford	Hughes
Brown	Walthall
Cardwell	—7.

The motion prevailed, and the Committee proceeded to the consideration of said bills, Mr. Hughes in the Chair. After having spent some time therein, the Committee rose, the Chairman reported progress, and asked leave to sit again. Agreed to.

On motion of Mr. Clarke, the House took up Senate "Bill to organize the District Courts of the State of California," and on motion of Mr. McKinstry, the House concurred generally in the amendments made in Committee of the Whole.

Mr. Walthall moved that the House concur generally in the amendments made by the Select Committee. Mr. Moore offered the following as a substitute :—

The First Judicial District shall consist of the Counties of San Diego, Los Angeles, and Santa Barbara. The Judge of this District shall reside at the Puebla of Los Angeles.

The Second Judicial District shall consist of the Counties of San Luis Obispo, Monterey, Branceforte, Santa Clara, and Contra Costa. The Judge of this District shall reside at the Puebla of San José.

The Third Judicial District shall consist of the Counties of San Francisco, Marin, Mendocino, Sonoma, Solano, and Napa. The Judge of this District shall reside at the City of San Francisco.

The Fourth Judicial District shall consist of the Counties of Sacramento, El Dorado, Sutter, and Yola. The Judge of this District shall reside at Sacramento City.

The Fifth Judicial District shall consist of the Counties of Yuba, Butte, Colusi, Trinity, Shasta. The Judge of this District shall reside at ——.

The Sixth Judicial District shall consist of the Counties of Calaveros, Tualumne, San Joaquin, and Mariposa.

The substitute was not adopted.

Mr. Tefft then moved that said bill and amendments be recommitted to a Select Committee of one from each Senatorial District, with instructions to inquire into the expediency of holding three terms of the District Court each year in the most populous county, and to report the times for holding such Courts in each County. Agreed to.

Mr. Witherby of San Diego, Tefft of Santa Barbara, Per Lee of Monterey, Brown of San José, Randolph of San Francisco, Bradford of Sonoma, Tingley of Sacramento, and Baldwin of San Joaquin, were appointed said Committee.

On motion, the House adjourned.

FOUR O'CLOCK P.M.

Mr. Witherby, from the Select Committee to whom was referred

Senate "Bill to organize the District Courts of the State of California," with certain instructions, reported the same back to the House, in accordance with instructions given, and the amendments were generally concurred in, and on motion, the bill was read a third time.

The question being, "Shall the Bill pass?" Mr. Tingley demanded the ayes and nays.

Those who voted in the affirmative were—

Mr. Aram	Mr. Morehead
Bradford	Patterson
Brown	Per Lee
Cardwell	Randolph
Clarke	Scott
Corey	Stowell
Covarubias	Tefft
Creaner	Tingley
Crittenden	Walthall
Deal	Williams
Hughes	Witherby
McKinstry	Speaker—24.

In the negative—none.

The bill passed.

Mr. Tefft, from the Committee on the Judiciary, reported "A Bill establishing Recorders' Offices, and defining the Duties of the Recorder," which was read first and second time, and the usual number of copies ordered to be printed.

On motion of Mr. Clarke, the House went into Committee of the Whole, Mr. Hughes in the Chair, on "Bill creating Officers of Health," "Bill regulating Quarantine of Vessels at the Port and Harbor of San Francisco," and "A Bill providing for the Erection of a Marine Hospital in or adjacent to the City of San Francisco." After some consideration therein, the Committee rose, reported progress, and asked leave to sit again. Agreed to.

A message from the Senate was received, informing the House that they adhere to their amendments to Assembly Bill to Regulate Elections, and have acceded to the request of the Assembly for the appointment of a Committee of Conference thereon, and had appointed on

their part, as such Committee, Messrs. Green, Hope, and Heydenfeldt; also, that they had concurred in the Assembly's amendment to Senate's first amendment to the "Bill to provide for the Incorporation of Cities;" also, that the President of the Senate had signed "Bill concerning the Salaries of Officers;" also, that the Senate had passed Assembly "Bill to Provide for the Early Publication of the Laws of California, with Amendments."

Mr. Morehead moved that the House again resolve itself into Committee of the Whole, on "Bills creating Officers of Health, regulating quarantine of vessels &c., from the Port and Harbor of San Francisco." Not agreed to.

On motion, the House concurred in Senate's amendment to "Bill to provide for the early publication of the Laws of California."

On motion of Mr. Crittenden, the House resolved itself into Committee of the Whole (Mr. Moore in the chair) on "A Bill amendatory of sections 7, 8, 9, 10, and 14, of 'an Act subdividing the State into counties, and establishing Seats of Justice therein;'" approved Feb. 18, 1850. After having spent some time therein, the committee rose, the Chairman reported the Bill to the House without amendment, and asked to be discharged from the further consideration thereof. Agreed to.

Mr. Clarke then moved to amend "the Boundary of Contra Costa, by inserting "to low water mark in the Bay of San Francisco." Not agreed to.

On motion of Mr. Morehead, the bill was considered as engrossed, and on motion of Mr. Cardwell, the rules were suspended, and the bill read a third time.

The question being, "Shall the bill pass?" the ayes and nays were demanded.

Those who voted in the affirmative were—

Mr. Aram	Mr. Hughes
Bradford	Morehead
Brown	Moore
Cardwell	Per Lee
Corey	Scott
Covarubias	Tingley
Creaner	Walthall
Crittenden	Witherby
Deal	Speaker—18.

In the negative—

Mr. Clarke Mr. Patterson—2.

The bill passed.

Mr. Walthall offered the following resolution:—

Resolved, That 500 copies in the English, and 250 copies in the Spanish language, be printed in pamphlet form, of the Act for holding the first county election, the Act for holding the general election, the Act for subdividing the State into Counties, the Act supplemental to the last named Act, and the Act to organize the District Courts. Adopted.

Mr. Patterson moved to adjourn. Not agreed to.

Mr. Per Lee moved a call of the House. Not agreed to.

Mr. Cardwell moved that the House adjourn, on which motion Mr. Morehead demanded the ayes and nays.

Those who voted in the affirmative were—

Mr. Brackett	Mr. Per Lee
Bradford	Scott
Cardwell	Tefft
Clarke	Witherby
Moore	Speaker
Patterson	—11.

Those who voted in the negative were—

Mr. Aram	Mr. Deal
Brown	Hughes
Corey	Morehead
Covarubias	Tingley
Creaner	Walthall
Crittenden	—11.

So the House did not adjourn.

On motion of Mr. Clarke, the House went into Committee of the Whole (Mr. Clarke in the chair) on "A Bill concerning Marks and Brands;" after its consideration, the committee rose, reported the bill with an amendment, and asked to be discharged from the further consideration thereof. Agreed to.

The House refused to concur in the amendment made in Committee of the Whole.

On motion of Mr. Tefft, the bill was considered as engrossed, the rules suspended, and the bill read a third time.

On the passage of the bill, the ayes and nays were demanded.

Those who voted in the affirmative were—

Mr. Aram	Mr. Morehead
Baldwin	Moore
Bradford	Patterson
Brown	Per Lee
Clarke	Scott
Corey	Tefft
Covarubias	Tingley
Creaner	Walthall
Crittenden	Williams
Deal	Witherby
Hughes	Speaker
McKinstry	—23.

In the negative— .

Mr. Cardwell—1.

The Bill passed.

Mr. Stowell, from the Committee on Enrolled Bills, reported, that they had this day presented to the Governor for his signature, "an Act concerning the Salaries of Officers."

Mr. Cardwell moved that the House take up "A Bill authorizing the Governor to appoint Commissioners of Deeds." Not agreed to.

On motion of Mr. Per Lee, the House adjourned.

HOUSE OF ASSEMBLY.

WEDNESDAY, *March* 6, 1850.

House met, pursuant to adjournment.

Prayer by Rev. Mr. Douglass.

The roll was called, and the following members were absent, to wit—Messrs. Baldwin, Patterson, Randolph, and Williams.

On leave: Messrs. Gray, Ogier, and Stewart.

Mr. Hughes, from the Committee on Corporations, to whom was referred Senate "Bill creating and regulating Public Ferries," reported the same back to the House with amendments, and

On motion of Mr. Crittenden, the Bill and amendments were laid on the table.

Mr. Crittenden, from the Committee of Conference, appointed in relation to the disagreeing votes of the two Houses on "Bill to regulate Elections," reported as follows:

MR. SPEAKER:—

The Committee of Conference, appointed to confer with a corresponding Committee on the part of the Senate relative to the disagreeing votes of the two Houses on the "Bill to regulate Elections,"

REPORT:—

That it has been agreed by the two Committees to recommend that the Senate should recede from its amendments to the 17th and 22d Sections, and that the following words should be added to Section 47, to wit: "The returns of all Elections for Officers chosen by the qualified electors of the State, which are required by this Act to be transmitted to the Secretary of State, shall likewise be opened on the sixteenth day after the day of election, or so soon as the returns shall have been received from all the Counties of the State, if received within that time."

The Report was adopted.

A Message from the Senate was received informing the House that they had passed a "Joint Resolution, providing for the final adjournment of the Legislature."

The House took up said Resolution.

Mr. Brackett moved to lay it on the table.

On this motion Mr. Bradford demanded the ayes and nays.

Those who voted in the affirmative were—

Mr. Baldwin	Mr. McKinstry
Brackett	Morehead
Cardwell	Moore
Clarke	Patterson
Covarubias	Per Lee
Crittenden	Stowell
Hughes	—13.

Those who voted in the negative were—

Mr. Aram	Mr. Scott
Bradford	Tefft
Brown	Tingley
Corey	Walthall
Creaner	Witherby
Deal	Speaker—12.

So the motion prevailed.

Mr. Morehead submitted a concurrent Resolution.

Resolved, That the two Houses meet in Convention on the 15th inst. for the purpose of electing District Judges. It was read the first time.

Mr. Patterson submitted a concurrent Resolution, authorizing the State Translator to rent a room, which was read the first time.

Mr. Crittenden moved a reconsideration of the vote by which the House concurred in the Senate's amendments to Assembly "Bill providing for the early publication of the Laws of California."

Agreed to.

The question then recurred on concurring in said amendments, and they were non-concurred in.

Mr. Crittenden moved the appointment of a Committee of Conference in relation to the disagreeing votes of the two Houses on said Bill.

Agreed to.

Whereupon the Speaker appointed Messrs. Crittenden, Witherby, and Bradford said Committee.

The House took up the special order of the day, "A Bill to incorporate the City of Monterey;" when,

On motion of Mr. Per Lee, it was laid on the table.

Mr. Per Lee moved that the House resolve itself into Committee of the Whole, on a Bill "providing for the erection of a Marine Hospital in or adjacent to the City of San Francisco."

Not agreed to.

On motion of Mr. Per Lee, the House went into Committee of the Whole, Mr. Per Lee in the chair, on "A Bill concerning Estray Animals."

After its consideration, the Committee rose, reported the Bill without amendments, and were discharged from the further consideration thereof.

On motion of Mr. Walthall, the Bill was considered as engrossed, the rules were suspended, and the Bill read a third time.

The question being "Shall the Bill pass?" Mr. Bradford demanded the ayes and nays.

Those who voted in the affirmative were—

Mr. Aram	Mr. McKinstry
Brackett	Patterson
Bradford	Per Lee
Brown	Randolph
Cardwell	Scott
Clarke	Stowell
Corey	Tefft
Crittenden	Tingley
Deal	Walthall
Hughes	Speaker—20.

In the negative—None.

The Bill passed.

On motion of Mr. Crittenden, the House resolved itself into Committee of the Whole (Mr. Walthall in the chair) on a "Bill empowering the Governor to appoint Commissioners of Deeds;" "a Bill concerning Notaries Public;" and "a Bill concerning the office of District Attorney." After having spent some time therein, the Committee rose, reported the Bill with amendments, and asked to be discharged from the further consideration thereof.

Agreed to.

The amendments were severally concurred in, the Bills considered as

engrossed, and each read a third time, the rules being suspended for that purpose.

On the passage of the "Bill empowering the Governor to appoint Commissioners of Deeds," Mr. Tingley demanded the ayes and nays.

Those who voted in the affirmative were—

Mr. Aram	Mr. Hughes
Baldwin	McKinstry
Brackett	Moore
Bradford	Per Lee
Brown	Randolph
Cardwell	Scott
Clarke	Stowell
Corey	Tefft
Creaner	Tingley
Crittenden	Walthall
Deal	Speaker—22.

In the negative—None.

The Bill passed.

On the passage of "Bill concerning Notaries Public," Mr. Randolph demanded the ayes and nays.

Those who voted in the affirmative were—

Mr. Aram	Mr. Morehead
Brackett	Moore
Bradford	Patterson
Brown	Per Lee
Cardwell	Randolph
Clarke	Scott
Corey	Stowell
Covarubias	Tefft
Crittenden	Tingley
Deal	Walthall
Hughes	Speaker
McKinstry	—23.

Those who voted in the negative were—

Mr. Baldwin Mr. Creaner—2.

The bill passed.

On the passage of "Bill concerning District Attorneys," Mr. Walthall demanded the ayes and nays.

Those who voted in the affirmative were—

Mr. Aram	Mr. McKinstry
Baldwin	Morehead
Brackett	Moore
Bradford	Patterson
Cardwell	Per Lee
Clarke	Randolph
Corey	Scott
Covarubias	Stowell
Creaner	Tefft
Crittenden	Tingley
Deal	Walthall
Hughes	Speaker—24.

In the negative—

Mr. Brown—1.

The bill passed.

On motion of Mr. Crittenden, the House went into Committee of the Whole (Mr. Stowell in the chair) on "a Bill concerning the office of County Attorney;" "a Bill to regulate the Interest of Money;" and "a Bill concerning Jails and Jailors. After some consideration therein, the Committee rose, reported the Bills with amendments, and asked to be discharged from the further consideration thereof.

Agreed to.

The amendments were concurred in, the bills considered as engrossed and read a third time, the rules being suspended for that purpose.

On the passage of the "Bill concerning the office of County Attorney," Mr. Walthall demanded the ayes and nays.

Those who voted in the affirmative were—

Mr. Aram	Mr. Hughes
Baldwin	McKinstry
Brackett	Morehead
Bradford	Patterson
Brown	Per Lee
Cardwell	Randolph
Clarke	Scott
Corey	Stowell
Covarubias	Tefft
Creaner	Tingley
Crittenden	Walthall
Deal	Speaker—24.

In the negative—None.

So the bill passed.

On the passage of the "Bill to regulate the Interest of Money," Mr. Tingley demanded the ayes and nays.

Those who voted in the affirmative were—

Mr. Aram	Mr. McKinstry
Bradford	Patterson
Brown	Per Lee
Clarke	Randolph
Corey	Scott
Covarubias	Stowell
Creaner	Tingley
Crittenden	Walthall
Deal	Speaker—18

Those who voted in the negative were—

Mr. Baldwin	Mr. Hughes
Brackett	Morehead—4.

So the bill passed.

On the passage of "Bill concerning Jails and Jailors," the ayes and nays were demanded.

Those who voted in the affirmative were—

Mr. Aram	Mr. Hughes
Baldwin	McKinstry
Brackett	Morehead
Bradford	Moore
Brown	Patterson
Cardwell	Per Lee
Clarke	Randolph
Corey	Scott
Covarubias	Stowell
Creaner	Tingley
Crittenden	Walthall
Deal	Speaker—24.

In the negative—None.

The bill passed.

Mr. Morehead gave notice that on to-morrow he would move to amend the rules of the House, as follows:—

"That upon the passage of all bills and joint resolutions, the ayes and nays shall be taken without a motion."

The House took up Senate Bill, No. 17, "creating and regulating Public Ferries," and on motion of Mr. Crittenden, went into Committee of the Whole, Mr. Creaner in the chair, on the amendments made by the Committee on Corporations to said bill. After having spent some time therein, the committee rose, reported the amendments to the House, and asked to be discharged from the further consideration thereof. Agreed to.

The amendments were then concurred in by the House, and the bill read a third time, the rules being suspended for that purpose.

Mr. Bradford demanded the ayes and nays on the passage of the bill.

Those who voted in the affirmative were—

Mr. Aram	Mr. Creaner
Baldwin	Crittenden
Brackett	Deal
Bradford	Hughes
Brown	McKinstry
Corey	Morehead

Mr. Moore	Stowell
Patterson	Tingley
Per Lee	Walthall
Randolph	Speaker—20.

In the negative—none.

So the bill passed.

On motion of Mr. Tingley, the House took up "a bill to prevent the Coining of Money by Individuals," when, on motion of Mr. Crittenden, the House went into Committee of the Whole, Mr. Aram in the chair, on said bill. After its consideration, the committee rose, reported the bill, without amendment, and were discharged from the further consideration thereof.

Mr. Baldwin then moved to amend by adding the following as section 3.

"This act to take effect from and after the establishment of a branch mint in California, by the United States Government." On which motion, Mr. Morehead demanded the ayes and nays.

Those who voted in the affirmative were—

Mr. Baldwin	Mr. Moore
Clarke	Per Lee
Morehead	—5.

Those who voted in the negative were—

Mr. Aram	Mr. McKinstry
Brown	Patterson
Corey	Randolph
Creaner	Stowell
Crittenden	Tingley
Deal	Walthall
Hughes	Speaker—14.

So the amendment was not agreed to.

Mr. Creaner moved to amend, by adding the following proviso:

Provided, That nothing in this act shall be so construed as to refer to the Mint now in operation at Stockton.

On which, Mr. Morehead demanded the ayes and nays.

Those who voted in the affirmative were—

Mr. Baldwin	Mr. Moore
Creaner	Per Lee
Morehead	—5.

Those who voted in the negative were—

Mr. Aram	Mr. Hughes
Brackett	McKinstry
Brown	Patterson
Cardwell	Randolph
Clarke	Stowell
Corey	Tingley
Covarubias	Walthall
Crittenden	Speaker
Deal	—17.

The amendment was not agreed to.

Mr. Crittenden moved to amend, by adding "This Act to take effect in ten days from and after its passage;" Mr. Baldwin moved to amend, by inserting "three months," on which he asked the ayes and nays.

Those who voted in the affirmative were—

Mr. Baldwin	Mr. Morehead
Creaner	Per Lee—4.

Those who voted in the negative were—

Mr. Aram	Mr. Hughes
Brackett	McKinstry
Brown	Moore
Cardwell	Patterson
Clarke	Randolph
Corey	Stowell
Covarubias	Tingley
Crittenden	Walthall
Deal	Speaker—18.

The amendment did not prevail.

The question recurring on the amendment offered by Mr. Crittenden, it was agreed to.

Mr. Morehead moved to postpone said bill indefinitely. Not agreed to.

A message from the Governor was received, informing the House that he had signed "a bill concerning the Salaries of Officers."

The following message from the Senate was received.

SENATE CHAMBER,
March 6th, 1850.

MR. SPEAKER:—

I am directed by the Senate to inform the Assembly, that they have refused to recede from their amendments to Assembly Bill, entitled "an Act to provide for the early publication of the Laws of California," and have acceded to the request of the Assembly for the appointment of a Committee of Conference thereon; having appointed, as such committee on their part, Messrs. Chamberlin, Lippincott, and Bidwell. Also, that the Senate have adopted a "Joint Resolution in relation to the election of District Judges," herewith transmitted. Also, that the Senate have adopted a "Joint Resolution," herewith transmitted, "for the appointment of additional Translators." Also, that the Senate have passed a bill, herewith transmitted, entitled "an Act to regulate practice in the Courts of Records of the State of California, in Civil Actions." Also, a bill, entitled "an Act regulating the Duties of Harbor Master of the Port of San Francisco, and for other purposes," herewith transmitted. Also, that the Senate have passed an Act, herewith transmitted, entitled "an Act supplementary to an Act to provide for holding the first County Elections."

Mr. Clarke then moved to amend first section of "Bill to prevent the coining of money by individuals," by inserting after the word "shall," in third line, the words "redeem the same at the value for which it was issued, or shall." Not agreed to.

Mr. Morehead moved to amend as follows: "Provided that nothing in this Act shall be considered as extending to any coiner who is willing to redeem his issues." Not agreed to.

On motion of Mr. Crittenden the Bill was considered as engrossed.

Mr. Morehead moved to adjourn. Not agreed to.

Mr. Baldwin moved to rescind so much of the resolution as requires the House to meet at 4 o'clock P.M. Not agreed to.

Mr. Moore then moved to recommit said Bill to a Select Committee with instructions. On which motion Mr. Morehead demanded the ayes and nays.

Those who voted in the affirmative were—

Mr. Baldwin	Mr. Morehead
Clarke	Moore
Covarubias	Per Lee—6.

Those who voted in the negative were—

Mr. Aram	Mr. Hughes
Brackett	McKinstry
Bradford	Patterson
Brown	Randolph
Cardwell	Stowell
Corey	Tingley
Creaner	Walthall
Crittenden	Speaker
Deal	—17.

So the motion did not prevail.

And the hour of adjournment having arrived, the House adjourned until 4 o'clock P.M.

FOUR O'CLOCK P.M.

On motion of Mr. Morehead the "Bill to prevent the coining of money by individuals" was taken up, and read a third time.

The question being, "Shall the Bill pass?" Mr. Cardwell demanded the ayes and nays.

Those who voted in the affirmative were—

Mr. Aram	Mr. Brown
Brackett	Cardwell
Bradford	Corey

Mr. Covarubias	Mr. Randolph
Creaner	Scott
Crittenden	Stowell
Deal	Tefft
Hughes	Tingley
McKinstry	Walthall
Moore	Speaker
Patterson	—21.

In the negative—

Mr. Morehead—1.

So the Bill passed.

Mr. Morehead gave notice that on Saturday he would introduce a Bill for the benefit of Mr. Norris, of the City of Stockton.

On motion of Mr. Walthall, the House proceeded to the consideration of the several Bills and Joint Resolutions, received this morning from the Senate.

A Joint Resolution "in relation to the election of District Judges," was taken up, and, on motion of Mr. Tingley, was laid on the table.

A Joint Resolution "in relation to the appointment of additional Translators," was taken up, and adopted.

"An Act to regulate practice in the Courts of Record of the State of California, in Civil Actions," was read first and second time, and, on motion of Mr. Tingley, referred to the Committee on the Judiciary.

A message from the Senate was received informing the House that the Senate had non-concurred in all of the Assembly's amendments to Senate "Bill to organize the District Courts of the State of California," and request a Committee of Conference in reference to the disagreeing votes thereon, and have appointed as such Committee on their part Messrs. Heydenfeldt, Crosby, Broderick, Chamberlin, and Bidwell.

On motion of Mr. Tingley, the House refused to recede from their amendments to said bill.

Mr. Baldwin moved that a Committee of Conference be appointed in reference to the disagreeing votes on said bill. Agreed to.

And the Speaker appointed Messrs. Baldwin, Crittenden, Brackett, Clarke, Moore, Deal, and Per Lee, said committee.

Senate "Bill regulating the duties of Harbor Master for the Port of San Francisco," was taken up and read first and second time.

"An Act supplementary to 'an Act to provide for holding the first County Election,'" was taken up and read three several times and passed, the rules being suspended for that purpose.

On motion of Mr. Baldwin, the House went into Committee of the Whole, Mr. Baldwin in the Chair, on "A bill to establish a standard of Weights and Measures."

After its consideration, the committee rose, reported the bill with amendments, and were discharged from the further consideration thereof. The amendments were then concurred in.

On motion of Mr. Morehead, the bill was considered as engrossed, and read a third time, the rules being suspended for that purpose.

The question being, "Shall the bill pass?" Mr. Morehead demanded the ayes and nays.

Those who voted in the affirmative were—

Mr. Aram	Mr. McKinstry
Baldwin	Morehead
Brackett	Moore
Bradford	Patterson
Brown	Per Lee
Cardwell	Randolph
Clarke	Scott
Covarubias	Tefft
Creaner	Tingley
Crittenden	Walthall
Deal	Speaker
Hughes	

—23.

In the negative—None.

So the Bill passed.

On motion of Mr. Tingley, the House went into Committee of the Whole, Mr. Moore in the Chair, on "a Bill concerning lawful fences, and animals trespassing upon premises lawfully inclosed."

After its consideration, the committee rose, reported the bill with amendments, and asked to be discharged from the further consideration thereof. Agreed to.

The amendments were then concurred in.

On motion of Mr. Baldwin, the bill was considered as engrossed, and read a third time.

On its passage, the yeas and nays were demanded.

Those who voted in the affirmative were—

Mr. Aram	Mr. McKinstry
Baldwin	Morehead
Brackett	Moore
Bradford	Patterson
Brown	Per Lee
Cardwell	Randolph
Clarke	Scott
Covarubias	Tefft
Creaner	Tingley
Crittenden	Walthall
Deal	Speaker
Hughes	—23

In the negative—None.

So the bill passed.

On motion of Mr. Clarke, the House resolved itself into Committee of the Whole, Mr. Tingley in the Chair, on "A Bill regulating the duties of Harbor Master for the Port of San Francisco."

After having spent some time therein, the committee rose, reported the bill without amendments, and were discharged from the further consideration thereof.

Mr. Deal moved to take up the bill regulating the quarantine of vessels, and a bill providing for the erection of a Marine Hospital in or adjacent to the City of San Francisco. Not agreed to.

On motion of Mr. Brackett, the House adjourned.

HOUSE OF ASSEMBLY.

THURSDAY, *March 7th*, 1850.

House met.

Prayer by the Rev. Mr. Briarly.

The roll was called, and the following Members were absent, to wit:

Messrs. Aram, Baldwin, Corey, Covarubias, Per Lee, Randolph, Scott, Tefft, and Witherby.

On leave: Messrs. Gray, Ogier, and Stewart.

No quorum being present, on motion of Mr. Morehead, the Serjeant-at-Arms was sent to request the attendance of absent Members.

Several absent Members appeared.

The Journal of yesterday was read and approved.

Mr. Brackett, from the Committee on Military Affairs, made a report accompanied with "a Bill concerning the Organization of the Militia." Mr. Hughes, from the same Committee, reported a "Bill concerning Volunteer and Independent Companies," which were each read first and second time.

Mr. Hughes moved that 500 copies of the Report, and 60 copies of each Bill be printed.

Mr. Brackett called for a division of the question.

The question was taken on printing 500 copies of the Report. Not agreed to.

On motion of Mr. Creaner, 60 copies each of the Bills and Report were ordered to be printed.

Mr. Williams, from the Committee on Mileage, reported the mileage account of W. Grove Deal as correct.

Mr. Morehead, agreeably to notice, moved to amend the Rules of the House as follows:—

"On the passage of all Bills and Joint Resolutions, the Ayes and Nays shall be taken without a motion." Adopted.

The Speaker laid before the House a communication from the Secretary of State, transmitting the credentials of Mr. Alfred Wheeler, Member elect from the district of San Francisco, to fill the vacancy of Hon. John H. Watson, resigned.

On motion of Mr. Cardwell, the communication was received, and Mr. Wheeler came forward and took the usual oath of office.

Joint Resolution in relation to the election of District Judges was taken up.

Mr. Morehead moved its indefinite postponement. On this motion Mr. Randolph asked the ayes and nays.

Those who voted in the affirmative were —

Mr. Baldwin	Mr. Morehead
Brackett	Patterson
Bradford	Tingley
Brown	Walthall
Cardwell	Williams
Clarke	Wheeler
Hughes	Speaker
McKinstry	—15.

Those who voted in the negative were—

Mr. Aram	Mr. Randolph
Deal	Stowell
Moore	—5.

The motion prevailed, and the Resolution was indefinitely postponed.

Joint Resolution, "Authorizing the State Translator to Rent a Room," was taken up.

Mr. Creaner moved to strike out "$300," and insert "$150," when Mr. Moore moved lay the Resolution and amendment on the table and demanded the ayes and nays.

Those who voted in the affirmative were —

Mr. Baldwin	Mr. McKinstry
Brackett	Moore
Brown	Randolph
Creaner	Walthall—8.

Those who voted in the negative were —

Mr. Aram	Mr. Corey
Bradford	Deal
Cardwell	Hughes
Clarke	Morehead

Mr. Patterson	Williams
Stowell	Speaker
Tingley	—13.

So the House refused to lay the Resolution on the table.

The question then recurred on the amendment of Mr. Creaner. Agreed to, and it was adopted.

The question being on the passage of the Resolution as amended, the ayes and nays were demanded.

Those who voted in the affirmative were—

Mr. Aram	Mr. Morehead
Bradford	Patterson
Brown	Stowell
Cardwell	Tingley
Clarke	Wheeler
Corey	Williams
Crittenden	Speaker
Hughes	—15.

Those who voted in the negative were—

Mr. Brackett	Mr. Moore
Creaner	Randolph
Deal	Walthall
McKinstry	—7.

So the Resolution was adopted.

On motion of Mr. Randolph, the House resolved itself into Committee of the Whole, Mr. Cardwell in the Chair, on "a Joint Resolution in relation to a National Railroad, from the Pacific Ocean to the Mississippi River." After its consideration, the Committee rose, reported the Joint Resolution without amendments, and asked to be discharged from the further consideration thereof. Agreed to.

On motion of Mr. Walthall, the Resolution was considered as engrossed, and on motion of Mr. Patterson, the Rules were suspended, and it was read a third time.

On its passage the ayes and nays were demanded.

Those who voted in the affirmative were—

Mr. Baldwin	Mr. McKinstry
Brackett	Morehead
Bradford	Moore
Brown	Patterson
Cardwell	Randolph
Clarke	Stowell
Corey	Tingley
Creaner	Walthall
Crittenden	Williams
Deal	Wheeler
Hughes	Speaker—22.

In the negative—None.

So the joint resolution passed.

On motion of Mr. Cardwell, Senate Bill for the remuneration of Charles White was taken up, and read a third time.

The question being, "Shall the bill pass?" the ayes and nays were as follows:—

In the affirmative—

Mr. Aram	Mr. McKinstry
Bradford	Patterson
Brown	Randolph
Cardwell	Stowell
Clarke	Tingley
Corey	Walthall
Creaner	Williams
Crittenden	Wheeler
Deal	Speaker—17.

In the negative—

Mr. Baldwin	Mr. Hughes
Brackett	Morehead—4.

So the bill passed.

On motion of Mr. Patterson, the "Bill regulating the duties of Har-

bor Master for the Port of San Francisco," was recommitted to the Committee of the Whole (Mr. Deal in the chair). After its consideration, the committee rose, reported the bill with amendments, and were discharged from its further consideration.

On motion of Mr. Brown, the amendments made in Committee of the Whole to said bill were generally concurred in.

Mr. Brackett then moved to amend Section 4 as follows :—Strike out the words " the Treasurer of the Hospital of said City," and insert " the State of California" in same section. Strike out the words " said Treasurer for the use of said Hospital," and insert the words " the Treasurer of the State, to be placed to the credit of the Marine Hospital Fund."

On which Mr. Stowell demanded the ayes and nays.

Those who voted in the affirmative were—

Mr. Brackett	Mr. Hughes
Bradford	Morehead.
Covarubias	—5.

Those who voted in the negative were—

Mr. Aram	Mr. Stowell
Baldwin	Tefft
Brown	Tingley
Clarke	Walthall
Crittenden	Wheeler
Deal	Williams
McKinstry	Speaker.
Patterson	—15.

So the amendment was not adopted.

The bill was then read a third time, the rules, on motion of Mr. Brown, having been suspended for that purpose.

On the passage of the bill, the ayes and nays were demanded.

Those who voted in the affirmative were—

Mr. Aram	Mr. Covarubias
Baldwin	Creaner
Brown	Crittenden
Clarke	Deal

Mr. Hughes
McKinstry
Patterson
Stowell
Tefft
Mr. Tingley
Walthall
Wheeler
Williams
Speaker—18.

In the negative—

Mr. Brackett
Bradford
Mr. Morehead
—3.

So the bill passed.

Mr. Tefft asked and obtained leave of absence for two weeks.

"Joint Resolution authorizing the Postmaster at San Francisco to employ temporarily an additional Clerk," was taken up.

Mr. Williams moved to lay it on the table indefinitely.

On this motion Mr. Morehead demanded the ayes and nays.

Those who voted in the affirmative were—

Mr. Brackett
Brown
Clarke
Creaner
Crittenden
Deal
Hughes
McKinstry
Mr. Patterson
Stowell
Tingley
Walthall
Wheeler
Williams
Speaker
—15.

In the negative—

Mr. Aram
Baldwin
Morehead
Mr. Per Lee
Tefft
—5.

So the resolution was indefinitely postponed.

Mr. Morehead gave notice that on to-morrow he would introduce a bill in reference to the Mails.

Mr. Brown, from the Committee on Agriculture, introduced "A bill concerning Roads and Highways," which was read first and second time, and the usual number of copies ordered to be printed.

On motion of Mr. Williams, the House adjourned until 4 o'clock P.M.

AFTERNOON SESSION, 4 O'CLOCK P.M.

On motion of Mr. Per Lee, the House resolved itself into Committee of the Whole (Mr. McKinstry in the chair) on "A Bill to incorporate the city of Monterey." After its consideration, the committee rose, reported the bill with amendments, and were discharged from the further consideration thereof. The amendments were then concurred in.

Mr. Baldwin moved to amend by adding the following proviso to Section 1st, "Provided its limits do not extend beyond 3 square miles." Mr. Per Lee moved to amend, by striking out "3," and inserting "4" square miles. When, on motion of Mr. Deal, the amendments were laid on the table.

Mr. Baldwin then moved to lay the bill on the table. Not agreed to.

On motion of Mr. Morehead, the bill was considered as engrossed, the Rules suspended, and the bill read a third time.

On its passage, the ayes and nays were demanded.

Those who voted in the affirmative were—

Mr. Aram	Mr. Morehead
Brackett	Moore
Bradford	Patterson
Brown	Per Lee
Cardwell	Randolph
Clarke	Stowell
Corey	Tingley
Creaner	Walthall
Deal	Wheeler
Hughes	Williams
McKinstry	Speaker—22.

In the negative:—

Mr. Baldwin	Mr. Brackett—2.

So the bill passed.

A message from the Senate was received, informing the House that they had passed "A Bill in relation to the coining of money by individuals."

Mr. Covarubias, being in attendance on a committee, was excused.

On motion of Mr. Morehead, the House resolved itself into Committee of the Whole (Mr. Corey in the chair) on "A Joint Resolution on the subject of Public Domains, Mineral Lands, Branch of the U. S. Mint," &c. After having spent some time therein, the committee rose, reported progress, and asked leave to sit again. Not agreed to.

Mr. Patterson moved to adjourn. On this motion Mr. Per Lee demanded the ayes and nays.

Those who voted in the affirmative were :—

Mr. Aram	Mr. Crittenden
Brackett	McKinstry
Brown	Patterson
Cardwell	Stowell
Corey	Williams—10.

Those who voted in the negative, were :—

Mr. Baldwin	Mr. Per Lee
Clarke	Randolph
Creaner	Tingley
Deal	Walthall
Hughes	Wheeler
Morehead	Speaker
Moore	—13.

The motion did not prevail.

Mr. Deal moved to take up the "Joint Resolution in relation to the Public Domains, Mineral Lands, Branch of the U. S. Mint," &c. Not agreed to.

Mr. Patterson moved to adjourn. On this motion Mr. Morehead demanded the ayes and nays.

Those who voted in the affirmative were—

Mr. Aram	Mr. Patterson
Brown	Stowell
Cardwell	Tingley
Corey	Walthall
Crittenden	Wheeler
Hughes	Williams
McKinstry	Speaker
Morehead	—15.

In the negative—

Mr. Bradford	Mr. Deal
Clarke	Moore
Creaner	Per Lee—6.

So the motion prevailed, and the House adjourned until to-morrow morning at 10 o'clock.

HOUSE OF ASSEMBLY.

FRIDAY, *March* 8, 1850.

House met, pursuant to adjournment.

Prayer by Rev. Mr. Douglass.

The roll was called, and the following members were absent, to wit—

Messrs. Baldwin, Crittenden, Morehead, Moore, Patterson, Per Lee, Randolph, Scott, and Witherby.

On leave : Messrs. Covarubias, Gray, Ogier, Stewart, and Tefft.

No quorum being present, on motion of Mr. Hughes, the Sergeant-at-Arms was despatched to request the attendance of absent members.

A quorum appearing, the Journal of yesterday was read and approved.

Mr. Scott, being indisposed, was excused.

The Speaker announced no quorum in the House, and, on motion of Mr. Hughes, the Sergeant.at-Arms was despatched to request the attendance of absentees.

Mr. Deal gave notice that, on to-morrow, he would introduce a concurrent resolution, permitting Chief Justice Hastings to visit Oregon or Panama.

On motion of Mr. Deal, a call of the House was ordered, and the following members were absent without leave :—

Messrs. Brackett, Clarke, Crittenden, Moore, Patterson, Randolph, and Witherby.

On motion of Mr. Per Lee, the Sergeant-at-Arms was despatched to arrest the absent members.

Mr. Brackett, on motion of Mr. McKinstry, was excused.

Mr. Witherby, being indisposed, on motion of Mr. Creaner, was excused.

Mr. Randolph appeared, and, on motion of Mr. Baldwin, was admitted and excused, his excuse being indisposition.

Messrs. Clarke and Patterson appeared and were admitted.

Mr. Baldwin moved that they be excused without the usual fee. Not agreed to.

On motion, they were excused by paying the usual fee.

On motion of Mr. Morehead, further proceedings under the call of the House were dispensed with.

A message from the Senate was received, informing the House that they had passed "An Act in continuation of an Act to regulate practice in the Courts of Record of the State of California."

Senate "Bill to prevent the Coining of Money by individuals," was taken up, and read a first and second time.

"Bill in continuation of an Act to regulate Courts of Record of the State of California," was taken up, read first and second time, and, on motion of Mr. Tingley, was referred to the Committee on the Judiciary.

On motion of Mr. Bradford, "Bill to Incorporate the City of Benicia" was taken up, and, on motion of Mr. Stowell, was considered as engrossed, and read a third time, the rules being suspended for that purpose.

On its passage, the ayes and nays were demanded.

Those who voted in the affirmative were—

Mr. Aram	Mr. McKinstry
Brackett	Morehead
Bradford	Patterson
Brown	Per Lee
Cardwell	Randolph
Clarke	Stowell
Corey	Tingley
Covarubias	Walthall
Creaner	Wheeler
Deal	Williams
Hughes	Speaker—22

In the negative—None.

So the bill passed.

On motion of Mr. Deal, the House resolved itself into Committee of the Whole, Mr. Walthall in the Chair, on Senate "Bill creating Officers of Health for the City and Port of San Francisco;" "an Act regulating Quarantine of Vessels at the Port and Harbor of San Francisco;" and "an Act providing for the Erection of a Marine Hospital in or adjacent to the City of San Francisco."

After having spent some time therein, the Committee rose, reported progress, and asked leave to sit again. Agreed to.

Mr. Patterson moved a re-consideration of the vote by which the committee had leave to sit again. Agreed to.

The question recurring on granting the committee leave to sit again, it was not agreed to.

Mr. Patterson moved the printing of forty copies of said bills.

Mr. Morehead moved to amend by adding, "with the amendments of the Select Committee;" the amendment was accepted, but not agreed to by the House.

Mr. Moore then moved that the bills be referred to a Select Committee with general instructions. Agreed to.

Mr. Brown, from the Select Committee, to whom was referred the "resolution to examine into the propriety of allowing compensation to the Prefects and other Officers employed in conducting Elections," made the following

REPORT:—

MR. SPEAKER:

The committee to whom was referred the resolution of the Assembly "to examine into the propriety of allowing a compensation to the Prefects, Judges, and Inspectors of Elections, and other officers employed in conducting the election for Governor, Members of Congress, and of the Legislature, held in November last, and also the special elections held to supply the vacancies of Members of the Legislature who have, or may hereafter resign their seats," beg leave respectfully to say, that they have had the same under consideration, and have instructed me to make the following report:—

By the proclamation of Governor Riley, dated at Monterey on the 3d day of August, 1849, it appears that he recommended the organization of a State government; and in order to complete it with the least possible delay, he, in virtue of authority in him vested, appointed the

1st day of August next thereafter as the day for holding a special election for delegates to a general convention, and for filling the offices of Judges of the Supreme Court, Prefects, and Sub Prefects, and other officers necessary for the organization of a government. He, at the same time, fixed the salaries of those officers by limits, and that of the Prefect was fixed not to exceed the sum of twenty-five hundred dollars per annum. The Judges and Inspectors of Election were not designated by him, nor consequently was there any salary or perquisites allowed those persons who might serve in that capacity. Under the proclamation referred to, Prefects and other officers were elected in the several districts of the then territory, who have held their respective offices, and discharged the duties of the same, with promptitude and ability. The elections were conducted by the Prefects and Sub Prefects, and the State government organized; and having now superseded the former government, and in its Constitution recognising these offices, it would seem, from all principles of justice, that the State should assume, not only the payment of the salaries allowed them by the former government, but that the other necessary and incidental expenses which have arisen in the full discharge of the duties of those officers conducting elections, should also be paid by the State. The duties of the Prefect correspond in a great degree with those of Marshals and Sheriffs in the Atlantic States, and it becomes their duty to superintend and carry into effect all proclamations emanating from the Executive in relation to the elections referred to and embraced in the resolutions submitted to the consideration of your committee. The Prefects have, in many cases, taken upon themselves the responsibility of defraying the expenses of these special elections, and which are necessarily incurred in conducting the same: such as room rent, fuel, lights, stationery, and the other expenses that have arisen in conducting the elections; and it would be a hard rule to deny them compensation for the services they have actually performed and the money they have actually expended to assist in the organization of our present State government.

Your committee are aware that there are a good many claims arising under the resolution referred to their consideration, and which are waiting for legislative action; and as they all originate from the proclamation of the Executive ordering elections, it would seem that the State should be liable for all the necessary expenses attending the same, at least until a law is passed making the respective districts liable for these

expenses. Your committee are of opinion that the salary given to the Prefects is not intended to defray all the expenses incurred by those officers in relation to whatever duties may be required of them; and when it becomes necessary, and they may have paid out of their own funds any expenses necessary to assist in the full discharge of the duties of their offices, such sums should be refunded to them, and a compensation allowed them for the time so employed. The duties of the office are onerous and responsible, and a suitable reward should be given for their faithful discharge.

The State government owes its existence to the proclamation issued by Governor Riley, and any regulations that he may have made previous to the adoption of the Constitution, and which appear therefrom, should be certainly ratified by the Legislature, and the class of cases which originate under the resolution submitted to your committee, come clearly within the first section of the schedule to the Constitution, as far as claims against the government could be allowed, and that those claims, when found to be just, should be allowed. It has been the opinion of most persons conversant with the subject, that these claims would be paid out of the civil fund, which it has been anticipated would have been ere this transferred to the State government. However, we may be disappointed in this matter; still it ought not to operate against those officers who have not only faithfully performed the duties imposed upon them, but have also endeavored to forward the organization of the State government, by furnishing, in some way, means for the same out of their own private funds; and when this appears to the Legislature, it behoves them, in justice, to return the outlays that may have been made. A distinction will necessarily arise in regard to these claims, and as your committee are aware that a great number are awaiting the action of the Legislature, they have endeavored to provide for the same in the accompanying bill.

In the first organization of a State government a great amount of expense will be necessarily incurred, which should be paid by the State, until laws are made and districts defined which will be made liable for all the expenses of the subject mentioned in the resolution submitted to your committee; and this, we believe, is the view entertained by most persons on the subject. It would, indeed, be hard to place upon men in this country onerous and responsible offices, without giving them an adequate equivalent for their services; and though these offices may

have been granted by another power, yet the State recognising that power and adopting its officers, it should certainly pay them a sufficient compensation for the discharge of the duties of such office. The simple question with your committee, is in what manner these claims should be authenticated? A Prefect or a Sub Prefect is liable for the services of the persons he may have employed in conducting elections, and for the incidental expenses. These should be allowed him, under his certificate and affidavit. The compensation justly due, and the accounts of other persons who may be embraced in the resolutions, should be proved and certified either by the District or Circuit Court of their respective counties, in such manner as to leave no doubt but that the services claimed have been rendered.

Your committee have endeavored, in the accompanying bill, to guard against all fraudulent claims, and to recognise only such services and acts as they deem proper should be paid for; and they would recommend that some legislative action be had in relation to election expenses.

It is to be hoped that the patriotism of the people has induced them to endeavor to organize our State government with the least possible expense, and that they lend their aid to the purpose as much as possible; and though these services are not asked gratuitously, yet in consideration of the new state of things, the poverty of the government, and the moral obligations we owe to each other, in the endeavor to frame and organize a government suitable to our wants and wishes, it becomes incumbent upon every good citizen to lend his hand to this good cause, and assist with his purse and energy as much as possible to the acquirement of this desired object.

Your committee have given the resolutions submitted to them the consideration they demand, with their limited time and means, and have instructed me to report the following bill, which they hope may meet with your approbation.

The Report was accompanied by a "Bill to defray certain election expenses," which was read a first and second time.

On motion of Mr. Randolph, the usual number of copies of the Report and Bill was ordered to be printed.

On motion of Mr. Williams, the House adjourned until 4 o'clock P.M.

AFTERNOON SESSION—FOUR O'CLOCK P.M.

On motion of Mr. Brackett, the House went into Committee of the Whole, Mr. Bradford in the chair, on Bill No. 60, "concerning Crimes and Punishments."

After having spent some time therein, the committee rose, reported progress, and asked leave to sit again.

Agreed to.

The following message from the Senate was received:—

SENATE CHAMBER,
March 8th, 1850.

MR. SPEAKER:—

I am directed by the Senate to inform the Assembly that they have adhered to their first, sixth, and seventh amendments, nonconcurred in by the Assembly, to the Bill of the Assembly, entitled "An Act prescribing the mode of assessing and collecting the Public Revenue," and have appointed on their part Messrs. Green, Bidwell, and De la Guerra as a Committee of Conference to meet any corresponding committee of the Assembly, which may be appointed thereon.

Also, that the Senate have passed the Assembly's "Joint Resolution authorizing the State Translator to rent an office."

Also, that the Senate have concurred in the amendments of the Assembly to the Bill of the Senate, entitled "An Act regulating the Duties of Harbor Master of the Port of San Francisco, and for other purposes."

Also, that the Senate have concurred in so much of the Report of the Committee of Conference on the Bill of the Assembly, entitled "An Act to regulate Elections," as relates to Sections 17 and 22, and have nonconcurred in so much of the same Report as relates to the 47th Section of the Bill.

Also, that the Senate have adopted the Joint Resolution of the Assembly "in relation to a National Railroad from the Pacific Ocean to the Mississippi River."

Also, that the Senate have adopted the Report of the Committee of Conference on the disagreeing votes of the two Houses on the Bill of the Assembly, entitled "An Act to provide for the early publication of the Laws of California."

J. F. HOWE,
Secretary of the Senate.

On motion of Mr. Crittenden, so much of the Message as relates to the "Act to regulate Elections" was taken up; when,

On motion of Mr. Tingley, the House receded from their nonconcurrence to the Senate's amendments.

The Speaker appointed Messrs. Moore, Tingley, Baldwin, Patterson, and Creaner, a Select Committee on Bills regulating Quarantine, &c., for the Port of San Francisco.

On motion of Mr. Tingley, the House again went into Committee of the Whole, Mr. Bradford resuming the chair, on Bill No. 60, "concerning Crimes and Punishments."

After some consideration therein, the committee rose, reported progress, and asked leave to sit again.

Agreed to.

On motion of Mr. Stowell, Mr. Deal was added to the Committee on "Bills regulating Quarantine, &c. Messrs. McKinstry, Stowell, and Brackett were also added to said committee.

The Speaker appointed Messrs. Tingley, Aram, and Wheeler a Committee of Conference on the disagreeing votes in relation to "Bill prescribing the mode of assessing and collecting the Public Revenue."

Mr. Baldwin moved that the House adjourn.

Mr. Deal moved to amend by adding "until Monday morning."

The amendment was accepted by Mr. Baldwin.

On this motion Mr. Morehead demanded the ayes and nays.

Those who voted in the affirmative were—

Mr. Baldwin	Mr. Moore
Crittenden	Stowell
Deal	Williams—6.

Those who voted in the negative were—

Mr. Aram	Mr. Hughes
Brackett	McKinstry
Bradford	Morehead
Brown	Tingley
Clarke	Walthall
Corey	Wheeler
Covarubias	Speaker
Creaner	—15.

So the motion did not prevail.

At twenty-five minutes past six, on motion of Mr. Morehead, the House adjourned until to-morrow morning.

HOUSE OF ASSEMBLY.

SATURDAY, *March 9th*, 1850.

House met, pursuant to adjournment.

Prayer by Rev. Mr. Briarly.

The roll was called and the following members were absent, to wit—Messrs. Clarke, Corey, Covarubias, Crittenden, Patterson, and Randolph.

On leave, Messrs. Gray, Ogier, Scott, Tefft, and Witherby.

A quorum being present, the Journal of yesterday was read and approved.

Mr. Bradford, from the Committee of Conference appointed on the disagreeing votes of the two Houses, on the Bill providing for the early Publication of the Laws of California, reported that they had agreed to the Senate's amendments in the following form, in which they ask the concurrence of their respective Houses :—

"Section 3d. That when any such laws are printed as contemplated in this Act, the State Printer shall deposit them with the Secretary of State, who shall deliver to each Member of the Legislature four copies thereof, and two copies to each of the Officers of State and Judges of the District Courts, and shall transmit by the safest, most expeditious, and least expensive manner, to the county clerks of each county, for distribution among the several officers in their respective counties, as follows :—to each judge, sheriff, attorney, clerk, treasurer, assessor, recorder, coroner, surveyor, school commissioner, justice of the peace, and constable, one copy ; *Provided* that not more than eleven hundred copies of such laws shall be published, eight hundred in English, and three hundred in Spanish.

"Section 4. The Secretary of State is hereby required, after the laws have been published and copies of the same furnished, as contemplated in the 3d section, to transmit the surplus copies remaining in his office to the clerks of the several counties, who shall be authorized to dispose

of them at cost prices, and who shall account to Comptroller of State for the proceeds of said sales." The Report was adopted.

Mr. Baldwin, from the Committee of Conference on the disagreeing votes of the two Houses upon the Bill to Organize the District Courts of California, reported as follows :—

"Your Committee recommend that all the amendments of the Assembly be receded from, except the following, to wit: 1st. Amend the Amendment of the Assembly to Section 5 and 6, so as to read as follows: Sacramento District, Sacramento County, five terms, to wit: on the first Monday of January, March, May, July, and October; and Eldorado County, three terms, to wit: on the first Monday of April, June, and November of each year. 2d. Amend the Eighth Section by inserting after the words "Probate Court," in the seventh line of the original Bill, the words, "and in all cases involving the title or possession of real property;" 3d. Amend by adding to the Twentieth Section the following words, "the District Judges may exchange and hold any term or terms of the court in each other's districts." 4th. Amend by striking out Twenty-fifth Section." The Report was adopted.

Mr. Deal, pursuant to notice, submitted a concurrent Resolution, permitting Chief Justice Hastings to visit Oregon or Panama. Adopted.

Mr. Hughes, pursuant to notice, introduced "a Bill for the Relief of Doct. Chas. H. Craigan," which was read first and second time, and the usual number of copies ordered to be printed.

Mr. Hughes gave notice that on Monday, or some future day, he would introduce "a Joint Resolution in relation to a Grant of Land by the General Government to Commissioned Officers, who served in the United States Army during the late war with Mexico."

On motion of Mr. Morehead, the House went into Committee of the Whole, Mr. Bradford in the Chair, on "a Bill concerning Crimes and Punishments."

After its consideration, the Committee rose, reported the bill, with amendments, and asked to be discharged from the further consideration thereof. Agreed to.

Mr. Stowell, from the Joint Committee on Enrolled Bills, reported as correctly enrolled, "A concurrent Resolution authorizing the present Translator, Mr. Lowry, to rent an office;" "a Joint Resolution in relation to the appointment of additional Translators;" "an Act supplementary to an Act to provide for holding the first County Election;"

"an Act for the remuneration of Charles White for money advanced to Caleb Lyons for furnishing the design and making the great Seal of the State," and "an Act regulating the duties of Harbor Master of the Port of San Francisco;" also, that they had this day presented to the Governor for his signature, "an Act supplementary to an Act to provide for holding the first County Election;" "an Act for the remuneration of Charles White," &c., and "a Joint Resolution in relation to the appointment of additional Translators."

Mr. Per Lee moved that when the House adjourn it adjourn to meet on Monday next at 10 o'clock. Agreed to.

At half-past one, Mr. Per Lee moved to adjourn. On this motion Mr. Hughes demanded the ayes and nays.

Those who voted in the affirmative were—

Mr. Aram	Mr. Moore
Baldwin	Per Lee
Brackett	Stowell
Bradford	Tingley
Brown	Walthall
Corey	Wheeler
Creaner	Williams
Deal	Speaker
McKinstry	—17.

In the negative were—

Mr. Cardwell	Mr. Hughes
Clarke	Morehead
Covarubias	—5.

So the House adjourned until Monday morning.

HOUSE OF ASSEMBLY.

MONDAY, *March 11th*, 1850.

House met, pursuant to adjournment.

Prayer by the Rev. Mr. Briarly.

The roll was called and the following members were absent, to wit—

Messrs. Baldwin, Brackett, Clarke, Corey, Covarubias, Morehead, Patterson, Per Lee, and Randolph.

On leave, Messrs. Gray, Ogier, Tefft, and Witherby.

No quorum being present, on motion of Mr. Stowell, the Sergeant-at-Arms was dispatched to request the attendance of absent members.

A quorum appearing, the Journal of Saturday was read and approved.

Mr. Aram asked leave of absence for Mr. Corey during the day. Granted.

A message from the Governor was received informing the House that he had approved Assembly "Bill defining the duties of State Printer and fixing his Compensation." The Speaker laid before the House the following communication from the Attorney General.

SAN FRANCISCO, *March* 8, 1850.

HON. JOHN BIGLER, Speaker of Assembly:

SIR: I herewith transmit my official opinion in writing, in compliance with the resolution of the Assembly passed on the 20th ultimo.

It should have reached you by the steamer previous to this date, but by mistake was delayed.

Respectfully, &c.,
E. J. C. KEWEN,
Attorney General.

SAN FRANCISCO, CAL., *March 5th*, 1850.

HON. JOHN BIGLER, Speaker of the Assembly:

SIR: By your favor of yesterday, I had the honor to receive a certified copy of the following resolution, passed by the Assembly on the 26th ultimo:—

"*Resolved*, That an opinion in writing be requested of the Attorney General, in relation to the constitutionality of the Joint Resolution passed by the Senate, respecting elections by the Legislature in Joint Convention."

The Joint Resolution referred to is as follows:—

"That in conformity with the 6th section of the 11th article of the Constitution, hereafter, all elections by a Joint vote of the Senate and Assembly, shall require a majority of all the votes given to constitute an election."

From the tenor and purport of these resolutions I apprehend this to be the inquiry :—

Is the 6th section of the 11th article of the Constitution, susceptible of the interpretation, that in all elections by the Legislature, the vote of a majority is the legal requisite in contemplation of that instrument?

Or, in other words, what constitutes an election by the Legislature, under the Constitution?

If the question was, as to whether it was constitutional for the Legislature to pass a Joint Resolution, giving an arbitrary interpretation to a doubtful provision of our organic law, I would answer in the negative. It would be taking from the Judiciary Department its legitimate prerogative of deciding upon questions involving constitutional doubts, and would be virtually effecting a change in the Constitution, without the requirements prescribed in the second section of the tenth article of that instrument.

But to establish a rule in strict conformity with the express provisions and unmistakable intention of the Constitution, is certainly not within the scope of any valid objection. In such case, it would only be more definitely declarative, or more forcibly expressive of the meaning of such provision.

Is then the construction of the 6th section of the 11th article, given by the Joint Resolution of the Senate and Assembly, sustained by the plain and manifest meaning of the Constitution? I do not conceive that the requisition of a majority in Joint Convention of the Legislature is established by a reference, simply, to this section. It only refers impliedly to other provisions, which prescribe the manner of elections in certain cases, and in such instances as are not provided for, declares that the election shall be by the people, or the *appointment* made as the Legislature may direct. It is not intended arbitrarily, that the Legislature shall make the appointment, but in the creation of any new office under the Constitution, it shall declare *by law* the manner in which such office shall be filled, or designate the *authority which shall* appoint.

The meaning of this section, I respectfully submit, hath this extent and no more. It is a special grant of power to the Legislature, when required by public utility, to make certain provisions, overlooked by the Constitution. From this section, therefore, the conclusion can no more be derived that a majority is requisite to create an election by the

Legislature, than that the same vote would be required to constitute an election by the people. The language of the section, however, as before remarked, implies the existence of certain provisions in the Constitution, which determine and point out the requisites of all elections, known to it, either by the Legislature or otherwise.

As instance, the last section but one of the eleventh article, declares that a "plurality of votes given at any election shall constitute a choice" —*where not otherwise directed by the Constitution.*

This section evidently has reference to elections by the people, in which the doctrine of pluralities has always governed. This inference will be made more apparent by reference to section fourth of article fifth, prescribing the mode and requisite of electing a Governor; and section twentieth of the same article, providing for the election, in like manner, of the other officers of State therein enumerated. The "highest number of votes" is specifically declared to be the constitutional requisite in these elections holden by the people. In sections sixth, seventh, and eighth, of article sixth, the Constitution in like manner creates certain other officers, and the Legislature is authoritatively instructed to provide for their election by the people; but these sections do not explain in a similar way, what number of votes is necessary to a choice. Without any other provision elucidating this matter, there would be a rational doubt as to what would constitute a valid election by the popular vote. The necessary provision was wisely introduced, and a "plurality of votes" given, declared to be all that was legally requisite.

Not so, however, with elections by the Legislature. The latter clause of the same section declares an exception, and implies the prescription of a different requisite.

Section sixth of the eleventh article also makes the same exception by implication.

The language of both clearly intimates the existence of directions in the Constitution, in conflict with the doctrine of pluralities.

It would be absurd to hold that these exceptions were without meaning, and introduced without aim or purpose.

There has ever been a clear and palpable line of distinction drawn between the Legislature and the people in their respective character of constituents. Without this, elections by the people would prove a

useless experiment on the one hand; and by the Legislature a mockery of the high and holy requirements of Government on the other.

The action of the Legislature is consequently circumscribed by such limitations, and its powers regulated by such wholesome checks and restraints as are best calculated to secure individual rights and promote the general welfare.

On this subject of elections, it is restricted to the same principle, which, in the passage of a law, precludes the absence of unanimity.

Its every action is a law, and no law can be created by a less vote than a majority of each Department of Legislature. An act creating an office which it is the duty of the Legislature to fill by election, requires no more badge of validity to give it the authority of law, than does the simple act of election itself.

Throughout the entire Constitution, great caution is observed in defining the limitations of Legislative power.

A bill negatived by the Executive must receive the votes of two thirds of the members voting in each House, before it can have the authority of a law: no member of either House can be expelled without the concurrence of two thirds of all the members elected to such House of which the offender is a party; nor can the Legislature remove the seat of Government without the votes of two thirds of all the members elected to each House, showing thereby the great necessity of a general concurrence of Legislative mind and opinion, towards the perfection or completion of any important action.

I hold the fact to be indisputably true, that *the election of an officer by the Legislature is as much a law as the act creating the office, and, as such, the requirements of the Constitution in the one case would be the same as in the other.*

This ground is fortified by the additional fact, that a "majority of each House" is necessary to constitute a quorum to do business, wherein the Constitution most plainly shows, that its intention was to prevent any action upon the part of the Legislature from receiving the authority of law, upon the frail tenure of a less vote than a majority of such as may have participated in any such legislative action.

This position is susceptible of much argument, and the reasons, independent of the language of the Constitution, in justification of this interpretation of that instrument, are numerous and well-founded.

I do not propose, however, to enter upon this field of examination,

but do most respectfully submit, for the reasons already assigned—*That in all elections by joint vote of the Legislature, there is necessary to a choice a majority of all the votes that are given*, according to the spirit and meaning of the Constitution.

E. J. C. KEWEN,
Attorney General.

On motion of Mr. Cardwell the communication was laid on the table.

Mr. Bradford gave notice, that on to-morrow or some subsequent day, he would introduce "A Bill to Remove the Seat of Government," also "A Bill to provide for the Erection of Public Buildings."

The following message from the Senate was received.

SENATE CHAMBER,
March 9th, 1850.

MR. SPEAKER:—

I am directed by the Senate to inform the Assembly that the Senate has passed a bill, herewith transmitted, entitled "An Act to Incorporate the City of Monterey;" also, a bill, herewith transmitted, entitled "An Act supplementary to an Act, entitled 'An Act to Incorporate Sacramento City;'" also, a bill, originating in the Assembly, entitled "An Act to Regulate the Interest of Money;" also, a Joint Resolution, originating in the Assembly, entitled a "Resolution permitting Chief Justice Hastings to visit Oregon or Panama:" also that the President of the Senate has signed bills, originating in the Senate, entitled "An Act for the Remuneration of Charles White," "An Act supplementary to 'An Act to Provide for Holding the First County Election,'" and "A Joint Resolution in relation to the Appointment of Additional Translators;" also, that the Senate have adopted the Report of the Committee of Conference of the two Houses, on the disagreeing votes thereof, in relation to the bill entitled, "An Act to Organize the District Courts of California."

J. F. HOWE,
Secretary of Senate.

The House proceeded to the consideration of the bills accompanying the message.

"A Bill to Incorporate the City of Monterey" was taken up, and read first and second times.

"An Act, supplemental to An Act to Incorporate Sacramento City," was read first and second time, and, on motion of Mr. Tingley, referred to the Committee on the Judiciary.

On leave, Mr. Stowell submitted the following Resolution :—

Resolved, That the Committee on Enrolled Bills and the Committee on Engrossed Bills be empowered, whenever in their opinion it may be necessary, to employ, each, an additional clerk to assist in engrossing or enrolling the bills of the Assembly; the clerks so employed to receive, during the time they are actually engaged, the same pay as the engrossing and enrolling clerks of the House.

Adopted.

The amendments made in Committee of the Whole to "Bill concerning Crimes and Punishments" were taken up, and severally concurred in by the House.

On the third amendment, viz. "Strike out in Sec. 15 the words 'one fourth' and insert 'one eighth,'" Mr. Moore demanded the ayes and nays.

Those who voted in the affirmative were—

Mr. Aram	Mr. Moore
Baldwin	Patterson
Brackett	Scott
Bradford	Stewart
Brown	Stowell
Cardwell	Tingley
Covarubias	Walthall
Creaner	Williams
Crittenden	Speaker
Hughes	—19.

Those who voted in the negative were—

Mr. Deal Mr. Wheeler—2.

Mr. Covarubias offered the following proviso to Sec. 15 :—"*Provided* that nothing in this section shall apply to Christianized Indians, when two disinterested credible white persons shall on oath certify that they are known to them, and that they consider their testimony under oath worthy of credit, leaving the credibility of such Indians to the Jury."

On this Mr. Morehead demanded the ayes and nays.

Those who voted in the affirmative were—

Mr. Cardwell	Mr. Patterson
Clarke	Scott
Covarubias	Stewart
Deal	Tingley
Hughes	Walthall
McKinstry	Wheeler—12.

Those who voted in the negative were—

Mr. Aram	Mr. Crittenden
Baldwin	Morehead
Brackett	Moore
Bradford	Williams
Brown	Speaker—10.

So the amendment was agreed to.

Mr. Deal then moved to strike out in Sec. 15 the words "one half Indian blood," and insert "one fourth Indian blood."

Mr. Patterson demanded a division of the question. The question then recurred on striking out, on which Mr. Patterson demanded the ayes and nays.

Those who voted in the affirmative were—

Mr. Baldwin	Mr. Deal
Bradford	McKinstry
Creaner	Moore
Crittenden	Walthall—8.

Those who voted in the negative were—

Mr. Brackett	Mr. Patterson
Brown	Scott
Cardwell	Stewart
Clarke	Stowell
Covarubias	Tingley
Hughes	Wheeler
Morehead	Williams
Ogier	—15.

So the House refused to strike out.

Mr. Wheeler then moved to amend the proviso by inserting before the word "Christianized" the words "Negro or."

Mr. Bradford then moved to lay the amendment on the table indefinitely. On this motion, Mr. Wheeler demanded the ayes and nays.

Those who voted in the affirmative were—

Mr. Aram	Mr. Hughes
Baldwin	McKinstry
Brackett	Moore
Bradford	Ogier
Brown	Stewart
Cardwell	Tingley
Covarubias	Walthall
Creaner	Williams
Crittenden	Speaker—18.

Those who voted in the negative were—

Mr. Deal	Mr. Stowell
Patterson	Wheeler
Scott	—5.

The motion to lay on the table prevailed.

Mr. Creaner moved to strike out Sections 41, 42, 43, and 44, of said Bill. On this motion Mr. Tingley demanded the ayes and nays.

Those who voted in the affirmative were—

Mr. Baldwin	Mr. Moore
Covarubias	Ogier
Creaner	Williams—6.

Those who voted in the negative were—

Mr. Aram	Mr. Patterson
Bradford	Scott
Brown	Stewart
Clarke	Stowell
Crittenden	Tingley
Deal	Walthall
Hughes	Wheeler
McKinstry	Speaker
Morehead	—17.

The motion did not prevail.

Mr. Crittenden moved to strike out Sections 5 and 125. Agreed to.

Mr. Crittenden also moved to amend by inserting the following additional sections :—

Sec. 118. Every person who shall wilfully disquiet or disturb any congregation or assembly of people met for religious worship, by making a noise, or by rude and indecent behavior, or profane discourse within their place of worship, or so near to the same as to disturb the order or solemnity of the meeting, or menace, threaten, or assault any person there being, shall be deemed guilty of a misdemeanor, and punished by fine not exceeding five hundred dollars, or by imprisonment in the County Jail not exceeding three months.

Sec. 119. Every person who shall erect or keep a booth, tent, stall, or other contrivance for the purpose of selling, or otherwise disposing of any wine, or spirituous or fermented liquors, or any drink of which wine, spirituous, or fermented liquors form a part, within one mile of any camp or field-meeting for religious worship, during the time of holding such meeting, shall be deemed guilty of a misdemeanor, and punished by fine not exceeding five hundred dollars.

Also, add as Sec. —— " This Act shall take effect from and after the twentieth day after its passage." Adopted.

Mr. Morehead moved to amend Section 44, by striking out the words "punished by imprisonment in the State Prison for any term not exceeding three years nor less than one year." Not agreed to.

Mr. Walthall moved to reconsider the vote by which the proviso was added to Section 15. Agreed to.

Mr. Creaner then moved to amend the proviso, by inserting after the word " Christianized," the words " of the half blood." Not agreed to.

Mr. Wheeler moved to amend by striking out the word " certify," and inserting the words " testifying in open court." Agreed to.

Mr. Morehead moved to amend by striking out all before the words " when two," and inserting the words, " provided that nothing in this section shall be considered as extending to Indians of the half blood." Not agreed to.

The question recurring on the adoption of the proviso as amended, the ayes and nays were demanded.

Those who voted in the affirmative were—

Mr. Clarke	Mr. Scott
Covarubias	Stewart
Deal	Tingley
Hughes	Walthall
McKinstry	Wheeler
Patterson	—11.

Those who voted in the negative were—

Mr. Aram	Mr. Crittenden
Baldwin	Morehead
Brackett	Moore
Bradford	Ogier
Brown	Stowell
Creaner	Speaker—12.

So the proviso was not adopted.

A message from the Governor was received, informing the House that he had signed "a concurrent Resolution, authorizing the State Translator to rent an Office."

The following message from the Senate was received :—

SENATE CHAMBER,
March 11th, 1850.

MR. SPEAKER :—

I am directed by the Senate to inform the Assembly that they have adopted the Report of the Conference Committee on the disagreeing votes of the two Houses on the Senate's first, sixth, and seventh amendments to the bill, entitled "an Act prescribing the Mode of Assessing and Collecting the Public Revenue."

Also, that the Senate have passed Assembly Bill, entitled "an Act to regulate proceedings in the Courts of Justices of the Peace in Civil Cases," with amendments, herewith transmitted, marked "D."

Also, that the Governor has notified the Senate that on the 9th instant he signed bills, originating therein, entitled "an Act supplementary to an Act to provide for holding the first County Election." "An Act for the remuneration of Charles White, for money advanced to Caleb Lyons for furnishing the design, and making the Great Seal of

the State." And "a Joint Resolution in relation to the appointment of additional Translators."

Also, that the President of the Senate has signed bills entitled "an Act regulating the Duties of Harbor Master of the Port of San Francisco." "A Joint Resolution in relation to a National Railroad from the Pacific Ocean to the Mississippi River." And "a Joint Resolution authorizing the State Translator to rent an office."

Also, that the Senate have concurred in the amendments of the Assembly to Senate Bill, entitled "an Act creating and regulating Public Ferries."

Also, that the Governor has notified the Senate that he this day signed bill originating in the Senate, entitled "an Act regulating the Duties of Harbor Master of the Port of San Francisco, and for other purposes."

J. F. HOWE,
Secretary of the Senate.

Mr. Morehead moved that the "bill concerning Crimes and Punishments" be now considered as engrossed. Agreed to.

Mr. Morehead then moved, that the Rules be suspended, and the bill be read a third time. Mr. Deal moved to lay the bill on the table until to-morrow. Not agreed to.

The question pending to suspend the rules, and the bill be read a third time, on motion of Mr. Patterson, the House adjourned until 4 o'clock.

FOUR O'CLOCK P.M.

No quorum being present, Mr. Clarke moved that the House adjourn. Not agreed to.

On motion of Mr. Morehead, there was a call of the House, and the following members were absent without leave:—

Messrs. Baldwin, Brackett, Cardwell, Crittenden, Patterson, Per Lee, Randolph, and Williams.

On motion, Messrs. Baldwin, Cardwell, Crittenden, Per Lee, Randolph, and Williams, being indisposed, were excused.

The motion pending, when the House adjourned, to suspend the Rules for the purpose of reading "bill concerning Crimes and Punishments" a third time, was not agreed to.

The following message from the Senate was received.

SENATE CHAMBER,
March 11th, 1850

MR. SPEAKER:—

I am directed by the Senate to inform the Assembly, that they have passed Assembly Bill, entitled "an Act declaring certain rivers herein named navigable," with amendments, viz:—

1st. Amend the 1st section, by inserting after the word "streams," in the last line thereof, the words "and so much of Bute Creek as lies between its mouth and the house of Samuel Neal; and so much of Chico Creek, as lies between its mouth and a point five miles therefrom; and so much of Deer Creek, as lies between the house of Peter Lassen and its mouth; and so much of the river called the American Fork, as lies between its mouth and the place called the Mill Dam, at the head of the race made by Captain J. A. Sutter, for the erection of a grist mill."

2d. Strike out "Nyes Rancho," in the twenty-seventh line of the same section, and insert therefor "a point eight miles therefrom."

3d. Amend the title of the bill, by inserting between the word "rivers" and "herein," the words "creeks and sloughs."

Also, that the Senate have passed a Joint Resolution, herewith transmitted, providing for an election, by the joint vote of the two Houses, on the 12th instant, at 12 o'clock M., of "Harbor Master for the Port of San Francisco."

J. F. HOWE,
Secretary of the Senate.

Mr. Tingley, from the Committee of Conference appointed in relation to the disagreeing votes of the two Houses on "Bill prescribing the mode of assessing and collecting Public Revenue," reported as follows:—

1st. The House recede from their non-concurrence to Senate's first amendment.

2d. The House recede from their non-concurrence to Senate's seventh amendment.

3d. The Senate recede from their amendment to the 47th Sec. of said bill, being Senate's 6th amendment.

The report was adopted.

Mr. Stowell, from Joint Committee on Enrolled Bills, reported that they had this day presented to the Governor for his signature, "an Act regulating the duties of Harbor Master, and for other purposes," and "a Joint Resolution, authorizing the State Translator to rent an office."

On motion of Mr. Stowell, Senate's Joint Resolution in relation to the adjournment of the Legislature was taken up.

On motion of Mr. Hughes, the preamble to said resolution was stricken out. The question being on its passage, the ayes and nays were demanded.

Those who voted in the affirmative were—

Mr. Aram	Mr. Morehead
Bradford	Ogier
Brown	Scott
Clarke	Stewart
Covarubias	Stowell
Creaner	Tingley
Crittenden	Walthall
Deal	Wheeler
Hughes	Williams
McKinstry	Speaker—20.

In the negative—None.

So the resolution passed.

Mr. Clarke moved to take up Joint Resolution of Senate "in relation to the Election of Harbor Master." Not agreed to.

The House took up Assembly "Bill declaring certain rivers herein named navigable streams," returned from Senate with amendments; all of which amendments were concurred in by the House.

"Bill to regulate proceedings in Courts of Justices of the Peace, in Civil Cases," returned from Senate with amendments, was taken up, and the House concurred in the 1st, 2d, 3d, 4th, 5th, 6th, and 7th, and non-concurred in the 8th, 9th, 10th, 11th, and 12th of said amendments.

Mr. Crittenden moved the appointment of a Committee of Conference on the disagreeing votes of the two Houses on said bill. Agreed to.

And the Speaker appointed Messrs. Crittenden, Creaner, Tingley, Stowell, and Brackett said Committee.

At 5 o'clock, on motion of Mr. Clarke, the House adjourned.

HOUSE OF ASSEMBLY.

TUESDAY, *March 12th*, 1850.

House met, pursuant to adjournment.

Prayer by Rev. Mr. Briarly.

The roll was called, and the following members were absent, to wit—Messrs. Baldwin, Clarke, Corey, Covarubias, Creaner, Crittenden, McKinstry, Morehead, Ogier, Patterson, Per Lee, Randolph, Stowell, and Williams.

On leave, Messrs. Gray, Tefft, and Witherby.

On motion of Mr. Moore, there was a call of the House, and the following members were absent without leave, to wit—Messrs. Baldwin, Corey, Crittenden, Ogier, Patterson, Per Lee, Randolph, and Stowell.

A quorum appearing, further proceedings under the call of the House, on motion of Mr. Cardwell, were dispensed with.

The Journal of yesterday was read and approved.

Mr. Moore, from the Select Committee to whom were referred certain bills, made the following Report:—

MR. SPEAKER:—

The Select Committee, to whom was referred "an Act regulating the Quarantine of Vessels at the Port and Harbor of San Francisco," and "a Bill entitled an Act providing for the erection of a Marine Hospital in or adjacent to the City of San Francisco;" also, "an Act creating Officers of Health for the City and Port of San Francisco, and defining their duties," have had the same under consideration, and have made various and important amendments, and recommend their adoption.

Your Committee would further recommend, that a sufficient number of copies as amended be printed and laid upon the table of each member of this House, as it will be difficult to properly understand all the

various alterations that have been made from the reading of them by the Clerk at his desk, without having the bills before them.

B. F. MOORE,
Chairman.

On motion, the usual number of copies of each of the bills and amendments was ordered to be printed.

Joint Resolution of Senate, "in relation to the Election of Harbor Master" was taken up.

Mr. Morehead moved to amend, by striking out "to-morrow," and inserting "Wednesday."

Mr. Crittenden moved to amend, by inserting "Monday next." The amendment was accepted by Mr. Morehead, and agreed to by the House.

Mr. Walthall moved to re-consider the vote by which the House, on yesterday, considered as engrossed the "Bill concerning Crimes and Punishments."

Mr. Morehead demanded the previous question.

The question then was, "Shall the main question be now put?" Not agreed to.

The question recurred on re-considering. On this motion, Mr. Morehead demanded the ayes and nays.

Those who voted in the affirmative were—

Mr. Brown	Mr. Scott
Cardwell	Stewart
Clarke	Tingley
Covarubias	Walthall
Creaner	Wheeler
Deal	Williams
Hughes	—13

Those who voted in the negative were—

Mr. Aram	Mr. Morehead
Brackett	Moore
Bradford	Stowell
Crittenden	Speaker
McKinstry	—9

So the vote was re-considered.

Mr. Cardwell then moved to re-commit the bill to a Select Committee, with instructions to report the following addition to section 15:—

"*Provided*, That nothing in this section shall apply to Christianized Indians whom two disinterested white persons, citizens of the State, shall, on oath, testify, in open court, that they are known to them, and that they consider their testimony under oath worthy of credit, leaving the credibility of such Indians to the jury: *Provided*, also, all such evidence may be thrown out if four disinterested white persons citizens of the State, shall, on oath, testify in open court, that they do not consider their testimony worthy of credit."

On this motion, Mr. Crittenden demanded the ayes and nays.

Those who voted in the affirmative were—

Mr. Brown	Mr. McKinstry
Cardwell	Scott
Clarke	Stewart
Covarubias	Walthall
Deal	Wheeler
Hughes	Williams—12

In the negative—

Mr. Aram	Mr. Morehead
Baldwin	Moore
Brackett	Ogier
Bradford	Stowell
Creaner	Tingley
Crittenden	Speaker—12

The motion did not prevail.

Mr. Hughes then moved to lay the bill on the table until to-morrow, on which Mr. Morehead demanded the ayes and nays.

Those who voted in the affirmative were—

Mr. Brown	Mr. Scott
Covarubias	Stewart
Deal	Walthall
Hughes	Wheeler
McKinstry	Williams—10

Those who voted in the negative were—

Mr. Aram	Mr. Crittenden
Baldwin	Morehead
Brackett	Moore
Bradford	Ogier
Cardwell	Stowell
Clarke	Tingley
Creaner	Speaker—14.

The House refused to lay the bill on the table.

The bill, on motion, was then considered as engrossed.

On motion of Mr. Morehead, the Rules were suspended, and the bill read a third time.

On its passage, the ayes and nays were demanded.

Those who voted in the affirmative were—

Mr. Aram	Mr. McKinstry
Baldwin	Moore
Brackett	Ogier
Bradford	Stowell
Brown	Tingley
Creaner	Walthall
Crittenden	Speaker
Deal	—15

Those who voted in the negative were—

Mr. Cardwell	Mr. Scott
Clarke	Stewart
Covarubias	Wheeler
Hughes	Williams
Morehead	—9

The bill passed.

Mr. Stowell, from the Committee on Enrolled Bills, reported as correctly enrolled, "an Act to regulate the Interest of Money;" "an Act to provide for the early Publication of the Laws of California;" also, "A Joint Resolution, permitting Chief Justice Hastings to visit Oregon or Panama."

On motion of Mr. Morehead, the House went into Committee of the Whole, Mr. Morehead in the Chair, on "A Bill to License and Tax Pedlars."

After its consideration, the committee rose, reported the bill with an amendment, by striking out all after the enacting clause, and asked to be discharged from its further consideration. Agreed to

The following message from the Senate was received :—

SENATE CHAMBER,
March 12, 1850.

MR. SPEAKER :—

I am directed by the Senate to request the Assembly to inform the Senate whether his Excellency the Governor has notified the Assembly that he has signed bill, entitled "an Act authorizing a Loan on the faith and credit of the State, to pay the Expenses of the Civil Government thereof, and providing for the redemption of the same?" and, further, if the Governor has so signed said bill, that the Assembly will inform the Senate as to the date of such action.

J. F. HOWE,
Secretary of the Senate.

Mr. Crittenden, from the Committee on Corporations, reported "A Bill concerning Corporations," which was read 1st and 2nd time, and the usual number of copies ordered to be printed.

Mr. Crittenden presented a communication from members of the Bar of San Francisco, recommending Alexander Campbell, Esq., for District Judge for the district of San Francisco.

On motion, the communication was laid on the table.

On motion of Mr. Aram, the House went into Committee of the Whole, Mr. McKinstry in the Chair, on "A Bill to incorporate the city of San José ;" after having spent some time therein, the committee rose, reported progress, and had leave to sit again.

A Message was received from the Senate, informing the Assembly that the Senate had concurred in the amendment of the Assembly to the Joint Resolution providing for the election by the joint vote of the two Houses of Harbor Master for the port of San Francisco. Also, that they had concurred in Assembly's amendment to the Joint Resolution in relation to the final adjournment of the Legislature.

Also, that the Senate have appointed Messrs. Robinson, Crosby, Broderick, Heydenfeldt, and Green, a Committee of Conference, on the disagreeing votes of the two Houses, on the "Bill to regulate proceedings in the Courts of Justices of the Peace in civil cases."

On motion of Mr. Walthall, the House again went into Committee of the Whole, Mr. McKinstry resuming the Chair, on "Bill to incorporate the city of San José;" after its consideration, the committee rose, reported the bill with amendments, and asked to be discharged from the further consideration thereof. Agreed to.

On motion of Mr. Brown, the amendments to said bill were generally concurred in.

On motion of Mr. Brown, the bill was considered as engrossed, and read a third time, the Rules being suspended.

On the passage of the bill,

Those who voted in the affirmative were—

Mr. Aram	Mr. Morehead
Brackett	Moore
Brown	Ogier
Cardwell	Scott
Covarubias	Stewart
Creaner	Stowell
Crittenden	Tingley
Deal	Walthall
Hughes	Wheeler
McKinstry	Speaker—20.

In the negative—none.

Mr. Crittenden, from the Committee on the Judiciary, made the following Report:—

MR. SPEAKER:—

The Committee on the Judiciary, to whom was referred "An Act supplementary to an act entitled 'An Act to incorporate Sacramento City,'"

REPORT:—

That the act is liable to the objection made by his Excellency the

Governor, in his message, returning the original act to incorporate Sacramento City. It is, according to the views expressed in that message, without that restriction upon the power of taxation which the Constitution requires.

Another objection on constitutional grounds has been suggested. This act, in point of fact, is amendatory of some of the sections of the act to which it refers, yet these sections are not re-enacted at length. Your committee do not think the case within the intent of the Constitutiton; yet it is peculiarly advisable, in view of the important power conferred by this act, and of the injurious consequences which must result from its being left open to question, to leave no room for doubt. By changing the form of the act, this is readily effected.

Your committee therefore report the accompanying Act as a substitute for that referred to them, and ask to be discharged from the further consideration of the subject.

A. P. CRITTENDEN, Chairman.

The accompanying bill was read, and, on motion of Mr. Walthall, was referred to a select committee, composed of the delegation from Sacramento District.

Mr. Tingley offered the following resolution:—

Resolved, That the Judiciary Committee be instructed to inquire into the expediency of passing a law authorizing the District Attorneys of this State to demand of all persons heretofore exercising the duties of Alcaldes and Judges of the First Instance, all fines and forfeitures collected by them, by virtue of their offices, and on their failing so to do, to authorize the collection of such fines and forfeitures, and report by bill or otherwise.

The resolution was adopted.

Mr. Morehead moved that the House adjourn until 4 o'clock P.M.

Mr. Deal moved to amend, by inserting "to-morrow morning at 10 o'clock." Agreed to.

And the House adjourned until to-morrow morning at 10 o'clock.

HOUSE OF ASSEMBLY.

WEDNESDAY, *March* 13, 1850.

House met, pursuant to adjournment.

Prayer by Rev. Mr. Douglass.

The roll was called, and the following members were absent, to wit —Messrs. Baldwin, Brackett, Clarke, Morehead, Moore, Ogier, Patterson, Per Lee, Randolph, and Scott.

On leave—Mr. Tefft.

The journal of yesterday was read and approved.

Mr. Scott being indisposed, on motion of Mr. Cardwell, was excused.

Mr. Crittenden asked to be excused from regular attendance during the week. Agreed to.

A message from the Governor was received, informing the House that he had signed "A bill to provide for the early publication of the Laws of California;" also, "A bill to regulate the interest of money."

Mr. Crittenden, from the Committee of Conference, appointed in relation to the "Bill to regulate proceedings in Courts of Justices of the Peace in Civil Cases," reported as follows:—

The Committee of Conference, appointed by the Assembly to confer with a corresponding committee on the part of the Senate, in relation to the disagreeing votes of the two Houses on "An Act to regulate proceedings in Courts of Justices of the Peace in Civil Cases," report, that they have agreed with the Senate Committee, in regard to the matters referred to them, but that, in examining the Act, it has been found to contain a provision which, if suffered to remain unchanged, will be productive of manifest injustice. Your committee entertain no doubt of their power to recommend a change in this point, though it is unconnected with any of the disagreeing votes of the two Houses. But the Committee of the Senate, under a construction of the rules by that body, consider themselves restricted to the particular matters embraced by the disagreeing votes. Your committee therefore ask, to remove all doubt on the subject, that they be expressly empowered to examine the whole Act, and suggest such alteration in any part of it as they may deem necessary, upon consultation with a committee of the Senate, and that the Senate be asked to enlarge the powers of their Committee of Conference to the same extent."

The report was adopted.

Mr. Walthall, from the Select Committee, to whom was referred "An Act, supplementary to an Act to incorporate Sacramento City," reported the same back to the House with amendments, which amendments were concurred in.

On motion of Mr. Walthall, the amendments made by the Judiciary Committee were concurred in.

On motion the Rules were suspended and the bill read a third time.

On the passage of the bill, the ayes and nays were demanded.

Those who voted in the affirmative were :—

Mr. Aram	Mr. McKinstry
Bradford	Moore
Brown	Stewart
Cardwell	Stowell
Corey	Tingley
Covarubias	Walthall
Creaner	Wheeler
Deal	Williams
Gray	Witherby
Hughes	Speaker—20.

In the negative—None.

So the bill passed.

A message from the Senate was received, informing the Assembly that they had passed Bill "providing for the incorporation of Steam Navigation Companies," herewith transmitted for the action of the Assembly.

Also, transmitting a petition from merchants of San Francisco, in relation to the quarantine of vessels at the Port and Harbor of San Francisco.

Also, that the President of the Senate had signed bills originating in the Assembly, entitled "an Act providing for the early publication of the Laws;" "an Act to regulate the interest of Money," and "a Joint Resolution permitting Chief Justice Hastings to visit Oregon or Panama."

The House then took up Senate "Bill, providing for the incorporation of Steam Navigation Companies." It was read first and second time, and on motion of Mr. Tingley, referred to the Committee on Corporations.

The communication from merchants of San Francisco, in relation to the quarantine of vessels at the Port and Harbor of San Francisco, was read, and on motion of Mr. Tingley, was referred to the Select Committee, to whom was referred "a Bill regulating quarantine of vessels, &c.

On motion of Mr. Tingley, the House went into Committee of the Whole, Mr. Wheeler in the chair, on "a Bill establishing Recorders' Offices, and defining their duties." After its consideration, the committee rose, reported the bill with amendments, and asked to be discharged. Agreed to.

The House then concurred in the 4th, 5th, and 6th, and non-concurred in the 1st, 2d, and 3d of said amendments.

On motion of Mr. Tingley, the bill was considered as engrossed, and read a third time, the Rules being suspended for that purpose.

On its passage, the ayes and nays were demanded.

Those who voted in the affirmative were:—

Mr. Aram	Mr. McKinstry
Brackett	Morehead
Bradford	Ogier
Brown	Scott
Cardwell	Stewart
Clarke	Stowell
Corey	Tingley
Covarubias	Walthall
Creaner	Wheeler
Deal	Williams
Gray	Witherby
Hughes	Speaker—24.

In the negative—None.

So the bill passed.

Mr. Stowell, from the Committee on Enrolled Bills, made the following

REPORT:—

The Joint Committee on Enrolled Bills have this day presented to the Governor for his signature, the following bills.

"An Act to regulate the interest of Money."

"An Act to provide for the early publication of the Laws of California."

L. STOWELL,
Chairman of the Assembly Committee.
W. R. BASSHAM,
Chairman of the Senate Committee.

SAN JOSÉ, *March* 12, 1850.

On motion, the House went into Committee of the Whole, Mr. Creaner in the chair, on Joint Resolution on the subject of Public Domains, Mineral Lands, Branch of the U. S. Mint, &c. After having spent some time therein, the committee rose, reported progress, and asked to be discharged from the further consideration of the subject. Agreed to.

Mr. Baldwin moved to refer the resolutions to a Select Committee, with instructions to add the 6th and 7th resolutions in Mr. Hughes's report to that of Mr. Tingley.

Mr. Morehead moved as an amendment, with instructions to select the best of the three reports. Agreed to.

A message from the Senate was received, informing the House that they had passed a Bill to incorporate the City of San José.

When, on motion of Mr. Deal, the House adjourned until to-morrow morning, 10 o'clock.

HOUSE OF ASSEMBLY.

THURSDAY, *March* 14, 1850.

House met, pursuant to adjournment.

The roll was called and the following members were absent, to wit—Messrs. Baldwin, Clarke, Morehead, Ogier, Patterson, Per Lee, Randolph, and Stowell.

On leave, Messrs. Crittenden and Tefft.

The Journal of yesterday was read and approved.

Mr. Randolph, being indisposed, on motion, was excused.

A message from the Senate was received informing the House that they had passed Assembly "Bill to incorporate the City of Benicia."

The House took up Senate "Bill to incorporate the City of San José;" it was read first and second time, and on motion of Mr. Corey, was referred to a Select Committee.

Messrs. Corey, Aram, and Brown, were appointed said Committee.

The Speaker appointed Messrs. Baldwin, Morehead, McKinstry, Ogier, Witherby, Deal, and Bradford, Select Committee on the Joint Resolution, on the subject of Public Domains, Mineral Lands, &c.

Mr. Deal gave notice that on Saturday or some subsequent day, he would introduce a "Bill providing for the Erection of an Hospital and Board of Health Officers in the City of Sacramento."

Mr. Brown, pursuant to notice, introduced "a Bill concerning Forcible Entries and Unlawful Detainers," which was read 1st and 2d time and ordered to be printed.

At half-past 11 o'clock, Mr. Brackett moved to adjourn until to-morrow morning, 10 o'clock. On this motion Mr. Cardwell demanded the ayes and nays.

Those who voted in the affirmative were—

Mr. Brackett	Mr. McKinstry
Bradford	Stewart
Brown	Tingley
Clarke	Walthall
Corey	Wheeler
Deal	Witherby
Hughes	Speaker—14.

In the negative—

Mr. Aram	Mr. Ogier
Cardwell	Per Lee
Covarubias	Scott
Morehead	Williams
Moore	—9.

So the House adjourned until to-morrow morning 10 o'clock.

HOUSE OF ASSEMBLY.

FRIDAY, *March* 15, 1850.

House met, pursuant to adjournment.

Prayer by Rev. Mr. Douglass.

The roll was called and the following members were absent, to wit—Messrs. Baldwin, Clarke, Corey, Covarubias, Morehead, Ogier, Patterson, Per Lee, Stowell.

On leave, Messrs. Crittenden, Randolph, and Tefft.

The Journal of yesterday was read and approved.

Messrs. Stowell and Patterson, on motion, had leave of absence until Monday next.

Mr. Tingley presented a communication from E. O. Crosby, Prefect, from the District of Sacramento, transmitting the official returns of an election for member of the Assembly to fill the vacancy of T. J. White, resigned, when, on motion, Mr. Henley, the member elect, came forward and took the usual oath of office.

A message from the Senate was received informing the House that they had concurred in the report of the Committee of Conference, on the disagreeing votes of the two Houses, in relation to the Senate's amendments to Assembly "Bill to regulate proceedings in the Courts of Justices of the Peace."

Also, that they have concurred in the amendments of the Assembly to the Bill of the Senate, entitled "an Act supplementary to an Act to incorporate Sacramento City;" also, that they have passed "a Bill to incorporate the City of San Diego;" also, that they have passed, with amendments, the Act heretofore returned by the Governor, with his objections thereto, entitled "an Act to incorporate the City of Los Angeles," the original enrolled Bill, vetoed by the Governor, having been re-introduced in the Senate, after due notice by the legally required majority. Also, that the Senate have passed Assembly "Bill concerning the Office of County Assessors," with amendments.

Also, that the Senate have passed Assembly Bills, entitled "an Act concerning the Office of County Attorney;" "an Act concerning the Office of County Treasurer;" "an Act empowering the Governor to appoint Commissioners of Deeds and defining the duties of such Officers."

Also, that the Senate have passed Assembly Bill, entitled "an Act concerning Notaries Public," with amendments.

The Speaker laid before the House a communication from the Secretary of State, transmitting the returns of an election for two members of the Assembly from the District of San Joaquin, to fill the vacancy of R. W. Heath and J. W. Van Benschoten, resigned.

The Speaker also laid before the House a communication from the P. Master of San José, transmitting his account of Postage. On motion of Mr. Ogier it was referred to the Committee on Claims.

The following message was received from the Governor by his private Secretary.

GENTLEMEN OF THE SENATE AND ASSEMBLY:—

In pursuance of the provisions of the Act authorizing a State Loan, the Treasurer of the State caused the proper notice to be given, that he would receive bids up to 12 o'clock M. of the 12th day of March, A.D. 1850. After the expiration of that hour, the Treasurer and myself proceeded to open the only bid received, a copy of which is herewith submitted, marked "A." On the 13th instant, a modified or explanatory proposition was submitted to us, copies of which are also transmitted, marked "B" and "C."

The first proposition we rejected for reasons apparent, and not necessary to be here stated.

The second or supplementary proposition we could not consider, as the 3d, 4th, and 5th sections of the Act, requiring the bids to be sealed, and received only up to the hour of 12 o'clock of the day mentioned in the notice, and regulating minutely the manner in which the Treasurer and Governor were to proceed, prohibited us, as we conceived, from doing so.

Under these circumstances, I considered it my duty to place the facts before the Legislature for its consideration, with reference to any further action that might be thought necessary. I also consider it proper to state, that had we taken the supplementary proposition, in connexion with the first, under our consideration, we could not have accepted it, for the following reasons:—

1st. The first instalment was not within the time allowed by the 5th sec. of the Act.

2d. The contingencies mentioned, we did not consider ourselves authorized to put into the contract.

By the 12th section, the Treasurer and Governor are authorized in their "sound discretion to receive back any bonds advanced by virtue of the provisions of the Act, and remaining unsold," &c. This section only authorizes us to exercise our sound discretion in receiving back the bonds *after* they have been advanced, and *after* the happening of such events as might justify us in doing so, and does not authorize us, as we conceive, to stipulate in advance, that, upon the happening of a particular event, we would receive back the bonds; thus divesting ourselves of the power to decide the fact whether the particular event had, or had not happened, and leaving that question open for future adjustment by others, when the Act imposes the duty upon us.

For these reasons the whole matter is most respectfully submitted to the Legislature for its consideration.

PETER H. BURNETT.

March 14, 1850.

Mr. McKinstry moved that the message, together with accompanying documents, be referred to the Committee of Ways and Means.

Mr. Ogier moved to amend, as follows:—That the further consideration of the proposition be indefinitely postponed. Not agreed to.

Mr. Ogier then moved to amend, "by referring the same to the Committee on Ways and Means, with instructions to examine the bids, and report whether they were in accordance with the Act authorizing the loan." Not agreed to. The question recurring on Mr. McKinstry's motion to refer. It was decided in the affirmative.

Mr. Moore, from the Select Committee, to whom was referred the remonstrance of sundry merchants of San Francisco, against the passage of "Bill regulating the Quarantine of Vessels at the Port of San Francisco," reported as follows:—

MR. SPEAKER:—

The Select Committee, to whom was referred the remonstrance of sundry merchants of the City of San Francisco, against the passage of a bill entitled "an Act regulating the Quarantine of Vessels at the Port and Harbor of San Francisco," have had the same under consideration, and beg leave to report:—

That your Committee are led to doubt the utility and justice of enforcing a strict system of quarantine, under any circumstances; still, they are of the opinion, that regulations of the kind may be so modified and restricted as to avoid much of the inconvenience attending them, and render them productive of good.

In reference to the principal objections advanced by the petitioners above mentioned, to the passage of the law, your Committee believe they have been removed by the amendments they have made, as will be seen by reference to the bill amended by the committee, and reported to the House on the 12th instant.

Your Committee report the petitioners' remonstrance back to the House, and respectfully ask to be discharged from its further consideration.

B. F. MOORE,
Chairman.

On motion, the committee were discharged from the further consideration of the subject.

Senate "Bill, to Incorporate the City of San Diego," was taken up, and on motion of Mr. Cardwell, was read first and second time by title, and referred to the Committee on Corporations.

Senate "Bill to Incorporate the City of Los Angeles," was read the first and second time by title, and, on motion of Mr. Cardwell, referred to the Committee on Corporations.

Assembly "Bill concerning the office of County Assessors," returned from Senate with amendments, was taken up, and the amendments concurred in by the House.

"Bill concerning Notaries Public," returned from Senate with amendments, was taken up, and the House concurred in the first amendment.

Mr. Wheeler moved to amend Senate's second amendment, by striking out the words "iron chest," and inserting "secure chest." Agreed to.

The amendment, as amended, was then non-concurred in.

Mr. Baldwin, from the Select Committee, to whom had been referred "Joint Resolutions on the subject of Public Domains, Mineral Lands, Ports of Entry, Custom Houses, Branches of the United States Mint," &c., reported as follows :—

The committee recommend the adoption of the minority report of

Mr. Tingley, together with the following amendments:—In the fifth line of the sixth section, after the words "San Diego," strike out and insert, "Also for the establishment of Branches of the Mint of the United States at the proper points in California;" after the sixth section insert the following section as section seven:—

Be it further Resolved, To prevent any action of Congress of the United States, which shall in the slightest degree tend to strengthen or impair the title to land in the State of California, and to promote such legislation as shall most speedily and effectually secure the decision of all questions involving title to real property, whether arising between individuals or between the United States and individuals.

Mr. Brackett moved to lay the report and resolution on the table for the present.

Mr. Baldwin moved, as an amendment, "to lay on the table during the session." Not agreed to.

The question recurring on laying the report and resolutions on the table for the present, Mr. Morehead demanded the ayes and nays.

Those who voted in the affirmative were—

Mr. Aram	Mr. McKinstry
Brackett	Walthall
Cardwell	Witherby—6

In the negative—

Mr. Baldwin	Mr. Morehead
Browne	Moore
Clarke	Ogier
Corey	Scott
Covarubias	Stewart
Creaner	Tingley
Deal	Wheeler
Gray	Williams
Henley	Speaker
Hughes	—19

The motion did not prevail.

Mr. Walthall called for a division of the question.

The question was then taken on each resolution separately. On the adoption of the first resolution, Mr. Moore demanded the ayes and nays.

Those who voted in the affirmative were—

Mr. Aram	Mr. McKinstry
Baldwin	Morehead
Brackett	Moore
Brown	Ogier
Cardwell	Scott
Clarke	Tingley
Creaner	Walthall
Deal	Wheeler
Gray	Williams
Henley	Witherby
Hughes	Speaker—22

In the negative—

Mr. Corey	Mr. Stewart—2

So the first resolution was adopted.

The 2d, 3d, 4th, 5th, 6th, and 7th were agreed to.

Mr. Creaner moved to strike out in the eighth resolution the words, "And further, to oppose all measures calculated to enable those persons who paid said duties or imposts, as aforesaid, before the extension of said revenue laws, from recovering the same to their own individual use and benefit."

On this motion, Mr. Tingley demanded the ayes and nays.

Those who voted in the affirmative were—

Mr. Brackett	Mr. Creaner
Clarke	Williams
Corey	—5

In the negative—

Mr. Aram	Mr. Moore
Baldwin	Per Lee
Brown	Scott
Covarubias	Stewart
Deal	Tingley
Gray	Walthall
Henley	Wheeler
Hughes	Witherby
McKinstry	Speaker
Morehead	—19

So the House refused to strike out.

The question recurring on agreeing to the eighth resolution, the ayes and nays were demanded.

Those who voted in the affirmative were—

Mr. Aram	Mr. Morehead
Baldwin	Moore
Brackett	Ogier
Brown	Per Lee
Corey	Scott
Covarubias	Stewart
Creaner	Tingley
Deal	Walthall
Gray	Wheeler
Henley	Williams
Hughes	Witherby
McKinstry	Speaker—24

In the negative—

Mr. Clarke—1

Mr. Deal offered the following additional resolution :—

"*Be it further Resolved*, That our Senators be, and are hereby instructed, and our Representatives requested, to use their best exertions and their influence to prevent any measure that will sever from the State any portion of the territory of California, claimed in article 12th of the Constitution of the State of California."

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

On this motion, Mr. Deal demanded the ayes and nays.

Those who voted in the affirmative were :—

Mr. Aram	Mr. McKinstry
Baldwin	Morehead
Corey	Moore
Covarubias	Ogier
Creaner	Scott
Gray	—11

Those who voted in the negative were:—

Mr. Brown	Mr. Tingley
Clarke	Walthall
Deal	Wheeler
Henley	Williams
Hughes	Witherby
Per Lee	Speaker
Stewart	—13

So the motion to lay on the table did not prevail.

Mr. Baldwin then moved to postpone Mr. Deal's resolution indefinitely.

The ayes and nays were demanded.

Those who voted in the affirmative were—

Mr. Aram	Mr. Gray
Baldwin	McKinstry
Brackett	Morehead
Bradford	Moore
Cardwell	Ogier
Corey	Scott
Creaner	—13

Those who voted in the negative were—

Mr. Brown	Mr. Stewart
Clarke	Tingley
Covarubias	Walthall
Deal	Wheeler
Henley	Williams
Hughes	Witherby
Per Lee	Speaker—14

So the motion did not prevail.

After debate, on leave, Mr. Deal withdrew his resolution.

On motion of Mr. Brackett, the Joint Resolutions were considered engrossed.

Mr. Clarke then moved to recommit them to a Select Committee, with instructions to insert, after the words "American Citizens," in the first

section, the words, "and those that have declared their intention to be such before some proper authority." Not agreed to.

On motion of Mr. Baldwin, the Resolutions were then read a third time, the Rules having been suspended for that purpose.

The question being on the passage of said Resolutions, the ayes and nays were demanded.

Those who voted in the affirmative were—

Mr. Aram	Mr. Henley
Baldwin	Morehead
Brackett	Moore
Bradford	Ogier
Brown	Scott
Corey	Tingley
Covarubias	Walthall
Creaner	Wheeler
Deal	Williams
Gray	Speaker—20.

Those who voted in the negative were—

Mr. Clarke	Mr. Stewart—2.

So the Resolution passed.

Mr. Morehead presented the items of the Post Master's account, which were referred to the Committee on Claims.

Mr. Bradford, from the Committee on Enrolled Bills, reported as correctly enrolled, "an Act to provide for the Incorporation of Cities;" "an Act creating and regulating Public Ferries;" and "an Act to Organize the District Courts of the State of California."

On motion of Mr. Cardwell, the House went into Committee of the Whole, Mr. Cardwell in the Chair, on "a Bill to Defray certain Election Expenses." After having spent some time therein, the Committee rose, reported progress, and asked leave to sit again. Granted.

The hour of adjournment having arrived, the House adjourned until 4 o'clock, P.M.

FOUR O'CLOCK P.M.

House met, pursuant to adjournment.

No quorum being present, Mr. Deal moved that the House adjourn until Monday morning, at 10 o'clock.

A quorum appearing, the question was put, and decided in the affirmative.

So the House adjourned until Monday morning, at 10 o'clock.

HOUSE OF ASSEMBLY.

MONDAY, *March 18th*, 1850.

House met, pursuant to adjournment.

Prayer by the Rev. Mr. Briarly.

The roll was called, and the following Members were absent, to wit—Messrs. Baldwin, Clarke, Covarubias, Creaner, Morehead, Moore, Per Lee, and Stewart.

On leave, Messrs. Stowell and Tefft.

The Journal of Friday was read and approved.

Mr. Witherby, from the Committee on Claims, to whom was referred the Account of the Post Master of San José, reported the same back to the House, and recommended its payment.

On the adoption of this report, Mr. Cardwell demanded the ayes and nays.

Those who voted in the affirmative were—

Mr. Aram	Mr. Ogier
Baldwin	Patterson
Corey	Per Lee
Crittenden	Scott
Deal	Stewart
Henley	Tingley
Hughes	Witherby
McKinstry	Speaker
Morehead	—17.

Those who voted in the negative were—

Mr. Brackett	Mr. Moore
Bradford	Randolph
Brown	Walthall
Cardwell	Wheeler
Gray	Williams—10.

The report was adopted.

The following message was received from the Senate, by their Secretary.

MR. SPEAKER :—

I am directed by the Senate to inform the Assembly, that the Senate have receded from their second amendment to the Bill of the Assembly, entitled "an Act concerning Notaries Public," also, that the Senate have passed Assembly Bill, entitled "an Act concerning the office of District Attorney," with amendments, viz. 1st, inserting after the word "Attorney," in the first line of the fifth section, the words "when not attending at any term of the District Court," and 2d, by striking out the words "reasonably suspected of," in the third line of the same section.

Also, that the Senate have passed Assembly Bill, entitled "an Act to authorize the formation of Limited Partnerships," with amendments, viz. 1st, Strike out in the first line of section 5, the word "six," and insert the word "three;" 2d, in the fourth and fifth lines of section 7, strike out the words "without the addition of the word company or any other general terms."

3d. In section 12th, substitute the word "three" in the eleventh line, for the word "six."

4th. In the first line of section 2d, substitute the word "two" for the word "one."

5th. Amend the title by substituting the word "Act" for the word "Bill."

Also, that the Senate have adopted a Joint Resolution, herewith transmitted, "in relation to the immediate publication of the General Laws," and have appointed on their part, as the Committee therein mentioned, Messrs. Chamberlin, Douglass, and Lippincott.

I am also directed to inform the Assembly, that the President of the Senate has signed Bills entitled "an Act to organize the District Courts of the State of California," "an Act creating and regulating Public Ferries," and "an Act to provide for the incorporation of Cities."

Also, in reply to the request of the Assembly, that the Senate would inform the Assembly "whether they have appointed a Committee of Conference on the disagreeing votes of the two Houses, on the Bill

entitled "an Act to provide for the Incorporation of Towns," in compliance with the request of the Assembly to that effect, conveyed through their Clerk to the Senate on the 30th day of January last, that the Senate did appoint such Committee on the following day, that such Committee discharged the duties assigned them, reported, and that their report was adopted. All of which appears, at length, upon the Journals of the Senate.

Also, that the Senate have appointed a second Committee of Conference on their part, consisting of Messrs. Douglass, Chamberlin, Robinson, and Heydenfeldt, on the disagreeing votes of the two Houses on the Bill entitled "an act to regulate proceedings in Courts of Justices of the Peace in Civil Cases," to meet any corresponding Committee which may be appointed on the part of the Assembly.

Also, that the Senate have passed Assembly Bill entitled "An Act establishing Recorders' Offices, and defining the duties of Recorder and County Auditor," with an amendment, viz. inserting an additional section, as follows:—

"Section 32. The Recorders are hereby required to keep all books and papers belonging to their offices in iron proof chests."

Mr. Crittenden, from the Committee on the Judiciary, reported the following Bills, to wit: "An Act, to provide for the erection of Court Houses." "An Act, prescribing the Duties and fixing the compensation of County Surveyors." "An Act, to prohibit the exercise of Banking Privileges." "An Act, concerning Wills." "An Act, to regulate Descents and Distributions," which, on motion of Mr. Crittenden, were severally read a first and second time, the Rules having been suspended for that purpose, and the usual number of copies ordered to be printed.

Mr. Crittenden, from the same Committee, to whom was referred "A Bill to provide for the protection of ornamental trees and hedges," reported "that the provisions of the Act concerning Crimes and Punishments, which have been passed by the Assembly, sufficiently include the objects sought by this bill, and that in the opinion of your Committee any further legislation on the subject at the present term is unnecessary, and they ask to be discharged from the further consideration of the Bill." The Committee were discharged.

Mr. Crittenden, from the same Committee, to whom was referred the petition of certain members of the Bar of San Francisco, made the following report:—

MR. SPEAKER :—

The Committee on the Judiciary to whom was referred the petition of certain practising members of the Bar of the City of San Francisco, praying the establishment of a Municipal Court in that City, report, that, concurring entirely in the views expressed by the petitioners, your Committee have already reported to the House a Bill for the establishment of a Superior Court of the City of San Francisco, which court will, it is believed, under the organization proposed, be sufficient for the prompt administration of justice in that city. They now ask to be discharged from the further consideration of the petition.

The committee were discharged.

Mr. Bradford, from the Joint Committee on Enrolled Bills, reported as correctly enrolled, "an Act, supplementary to an Act, to incorporate the City of Sacramento." Also, that they have this day presented to the Governor for his signature, the following bills, to wit:—

"An Act, to provide for the Incorporation of Cities." "An Act, to organize the District Courts of California," "An Act, creating and regulating Public Ferries."

Mr. Corey, from the Select Committee, to whom was referred Senate "Bill to incorporate the City of San José," reported the same back to the House, with amendments, which amendments were generally concurred in.

On motion of Mr. Corey, the Bill was then read a third time. The question being on its passage, the ayes and nays were demanded.

Those who voted in the affirmative were

Mr. Aram	Mr. McKinstry
Brackett	Morehead
Bradford	Moore
Brown	Ogier
Cardwell	Patterson
Clarke	Per Lee
Corey	Randolph
Covarubias	Scott
Crittenden	Tingley
Deal	Walthall
Gray	Wheeler
Henley	Williams
Hughes	Speaker—26

In the negative—

Mr. Stewart—1.

The bill passed.

Mr. Crittenden, from the Select Committee, to whom was referred "A bill to provide for the Liens of Mechanics and others," reported as follows:—

MR. SPEAKER:—

The Select Committee, to whom was referred "An Act providing for the Liens of Mechanics and others," with instructions to make certain specified amendments, report:—

That the Chairman of the Committee is absent, and that they have no copy of the amendments directed to be made, and no means of ascertaining what those amendments were. They therefore report the bill to the House without change, and ask to be discharged from the performance of the duty assigned them.

The committee were discharged.

Mr. Crittenden then moved to refer said bill to a Select Committee, with instructions to strike out all after the enacting clause, and report a new bill. Agreed to.

Whereupon the Speaker appointed Messrs. Crittenden, Tingley, Brackett, Morehead, and Ogier, said committee.

The committee immediately reported a bill, which was ordered to be printed.

Mr. Randolph, from the Select Committee, to whom was referred "A bill concerning the office of Surveyor General," reported the same back with amendments.

On motion the bill was laid on the table for the present.

Mr. Morehead offered the following resolution:—

Resolved, That the Clerk be requested to inform the Senate that they are ready to meet the Senate in Convention, in the Hall of the Assembly, this day at 12 o'clock M., for the purpose of going into an election for Harbor Master for the Port of San Francisco. Adopted.

Mr. Covarubias submitted the following preamble and resolution:—

A Joint Committee of both Houses having been appointed on the 26th day of February last, to examine and correct the translations of the Laws into the Spanish language; and as, during all this time, the committee has examined no other translation than the very short one of the Act for holding the first County Election, the following resolution is submitted to the Assembly for its consideration:—

Resolved, That the Temporary State Translator, Mr. Lourie, be requested to state to this House the reasons which have prevented him from presenting his Translations to the Joint Committee appointed to examine and correct them.

The resolution was adopted.

Mr. Deal, pursuant to notice, introduced "A bill providing for the purchase or erection of an Hospital in Sacramento City, and creating a Board of Health Commissioners," which was read first and second time by title, the Rules having been suspended for that purpose, and the usual number of copies ordered to be printed.

The House then took up Assembly Bill, No. 62, "concerning the office of District Attorney," returned from Senate this morning with two amendments. The House concurred in the first, and non-concurred in the second of said amendments.

A message was received from the Senate, informing the Assembly that they had accepted the invitation of the Assembly, "to meet them in Convention in the Hall of the Assembly, at 12 o'clock M. of this day, for the purpose of going into an election of Harbor Master for the Port of San Francisco."

Assembly Bill, No. 52, "authorizing the formation of Limited Partnerships," returned from Senate with amendments, was taken up.

The House concurred in the 1st, 2d, 3d, and 5th, and non-concurred in the 4th of said amendments.

Concurrent Resolution from Senate "in relation to the publication of the General Laws," was taken up and adopted, and the Speaker appointed, on the part of the House, Messrs. Witherby, Creaner, and McKinstry, the committee under said resolution.

Mr. Ogier submitted the following resolution:—

Resolved, That a committee of three be appointed to address the Justices of the Supreme Court, and inquire from them whether they have appointed several Clerks of Courts of First Instance for the District of

Sacramento, and if they have done so, under what authority they have acted. Adopted.

Whereupon the Speaker appointed Messrs. Ogier, Bradford, and Walthall, said Committee.

"A bill establishing Recorders' Offices, and defining the duties of the Recorder and County Auditor," returned from the Senate with an amendment, was taken up, and the amendment was non-concurred in.

Mr. Morehead moved that the House resolve itself into Committee of the Whole on "A bill to defray certain election expenses."

Not agreed to.

Mr. Ogier moved that the House adjourn until 12 o'clock.

On this motion Mr. Morehead demanded the ayes and nays.

Those who voted in the affirmative were—

Mr. Baldwin	Mr. Ogier
Brackett	Per Lee
Covarubias	—5.

In the negative—

Mr. Aram	Mr. Hughes
Bradford	McKinstry
Brown	Morehead
Cardwell	Moore
Clarke	Patterson
Corey	Scott
Creaner	Tingley
Crittenden	Walthall
Deal	Wheeler
Gray	Speaker
Henley	—21.

So the motion did not prevail.

Mr. Moore moved to take up Senate Bill "creating Officers of Health for the Port of San Francisco." Not agreed to.

Mr. Morehead moved that the House take a recess until 12 o'clock. On this motion Mr. Baldwin demanded the ayes and nays.

Those who voted in the affirmative were—

Mr. Clark	Mr. Per Lee
Corey	Scott
Crittenden	Wheeler
Patterson	—7.

Those who voted in the negative were—

Mr. Aram	Mr. McKinstry
Baldwin	Morehead
Bradford	Moore
Covarubias	Ogier
Deal	Tingley
Gray	Williams
Henley	Speaker
Hughes	—15.

The motion did not prevail.

A message was received from the Governor, by his Private Secretary, informing the House that he had this day signed Assembly Bill entitled "An Act to Provide for the Incorporation of Cities."

IN CONVENTION.

The Senate and Assembly met in Convention in the Hall of the Assembly, for the purpose of electing Harbor Master for the Port of San Francisco, Mr. Douglass of the Senate and Crittenden of the House acting as tellers.

Mr. Robinson of the Senate nominated James Hagan.

Mr. Vermeule of the Senate nominated James B. Kay.

Mr. Baldwin of the Assembly nominated Geo. O. McMullin.

The following was the result of the first ballot:

Whole number of votes cast . .	41
Necessary to a choice . . .	21

Those who voted for James Hagan were—

Mr. Bassham	Mr. Bradford
Bidwell	Clarke
Broderick	Corey
Chamberlin	Crittenden
Crosby	Deal
De la Guerra	Henley
Green	Hughes
Lippincott	McKinstry
Robinson	Randolph
Aram	Speaker—20.

Those who voted for Thos. B. Kay were—

Mr. Douglass	Mr. Patterson
Vermeule	Per Lee
Cardwell	Scott
Covarubias	Stewart
Gray	Tingley
Morehead	Williams
Ogier	Witherby—14.

Those who voted for Geo. O. McMullin were—

Mr. Fair	Mr. Moore
Heydenfeldt	Walthall
Baldwin	Wheeler
Brown	—7.

No person having received a majority of all the votes cast, the Convention proceeded to a second balloting, which was as follows :—

Whole number of votes . . .	41
Necessary to a choice . . .	21

Those who voted for James Hagan were—

Mr. Bassham	Mr. Clarke
Bidwell	Corey
Broderick	Crittenden
Chamberlin	Henley
Crosby	Hughes
De la Guerra	McKinstry
Green	Ogier
Robinson	Randolph
Bradford	Witherby
Brown	Speaker—20.

Those who voted for Thos. B. Kay were—

Mr. Vermeule	Mr. Patterson
Aram	Per Lee
Cardwell	Scott
Covarubias	Stewart
Deal	Williams
Gray	—11.

Those who voted for Geo. McMullin were—

Mr. Douglass	Mr. Morehead
Fair	Moore
Lippincott	Tingley
Heydenfeldt	Walthall
Baldwin	Wheeler

No person having received a majority of the votes cast, the Convention proceeded to a third balloting, which resulted as follows:—

Whole number of votes . . .	41
Necessary to a choice . . .	21

Those who voted for James Hagan were—

Mr. Bassham	Mr. Clarke
Bidwell	Corey
Broderick	Crittenden
Chamberlin	Henley
Crosby	Hughes
De la Guerra	McKinstry
Green	Ogier
Lippincott	Randolph
Robinson	Tingley
Bradford	Witherby
Aram	Speaker—22.

Those who voted for Thos. B. Kay were—

Mr. Douglass	Mr. Morehead
Vermeule	Patterson
Aram	Per Lee
Baldwin	Scott
Cardwell	Stewart
Covarubias	Williams
Gray	—13.

Those who voted for Geo. O. McMullin were—

Mr. Fair	Mr. Moore
Heydenfeldt	Walthall
Deal	Wheeler—6.

Mr. James Hagan having received a majority of all the votes cast, the President declared him duly elected, for the time prescribed by law.

The Senate then withdrew, and on motion of Mr. Morehead, the House went into Committee of the Whole, Mr. Randolph in the chair, on

"a Bill to defray certain Election Expenses." After some consideration therein, the Committee rose, reported the Bill with amendments, and asked to be discharged from the further consideration thereof. Agreed to.

The hour of 2 o'clock having arrived, the Speaker announced the House adjourned until 4 o'clock P.M.

AFTERNOON SESSION—4 O'CLOCK P.M.

On motion of Mr. Randolph, the unfinished business, to wit—"A Bill to defray certain Election Expenses," reported from Committee of the Whole with amendments, was laid on the table.

On motion of Mr. Randolph, the House went into Committee of the Whole, Mr. Per Lee in the Chair, on "a Bill concerning the Office of Surveyor General." After having spent some time therein, the Committee rose, reported the Bill with amendments, and asked leave to sit again. Agreed to.

A Message from the Senate was received by their Secretary, informing the Assembly, that his Excellency the Governor this day notified the Senate, that on the 16th inst. he had signed Bill entitled "An Act to organize the District Courts of the State of California;" also, that he had this day signed Bill entitled "An Act creating and regulating Public Ferries." Also that the Senate have passed Assembly Bill, entitled "An Act to regulate Proceedings in the County Courts, in Cases of Appeal from the Courts of Justices of the Peace," with amendments, viz.

1st, in the second line of Sec. 4, "de novo," and substitute therefor, "Anew." 2d, Insert after Sec. 10th an additional Sec., as Sec. 11th, as follows: "Sec. 11. If the Party against whom Judgment is rendered before a Justice of the Peace, for a sum of Money, appeal, and fail in the County Court to appear, or if appearing, fail to prosecute the same, Judgment shall be rendered against him for the amount of the Judgment appealed from, together with the per cent. damages and costs, and shall be rendered against the Sureties in the Appeal Bond, as well as against such Party."

3d, Amend Sec. 11th by inserting after the word "Appellant" in the 1st line, the words "in cases other than those mentioned in the preceding section."

4th, Insert after the 14th Sec. an additional Sec. as follows: Sec. 16. Whenever Judgment shall be rendered, in the County Court, in Cases of Appeals from Courts of Justices of the Peace,

it shall have the same force and effect and be enforced in the same manner, as Judgments rendered in the District Courts; and the Costs incurred in the Justices Courts shall be added to the Judgment in the County Courts, and when collected shall be by the County Clerk paid over to the person entitled thereto."

5th, Strike out section 15th.

6th, Amend section 16th by adding at the close thereof; "And such Justice and his Sureties shall also be liable to the party appealing for all damages occasioned by such neglect or refusal."

Also, that the Senate have passed Assembly Bill, entitled "An Act to organize the Court of Sessions, with amendments, viz. 1st, Strike out the word "Townships," in 2d line of the 5th subdivision of section 6th, and substitute therefor, "Towns." 2d, Insert after the word "present," in the 2d line of section 11th, the words, "then any Judge who may be present may adjourn the Court from day to day, five days: and at the expiration of said term, may adjourn the same until the next regular term of said Court, and should not any Judge be present." 3d, Amend the Bill, as specified in the paper accompanying this Message, marked "E." 4th, Amend the Title of the Bill so as to make it read "An Act," instead of "A Bill," &c.

Also, the President of the Senate has signed Bill entitled "An Act Supplementary to an Act, to incorporate Sacramento City."

On motion of Mr. Moore the House adjourned until to-morrow morning, 10 o'clock.

HOUSE OF ASSEMBLY.

TUESDAY, *March 19th*, 1850.

House met, pursuant to adjournment.

Prayer by Rev. Mr. Douglass.

The roll was called, and the following members absent, to wit—

Messrs. Aram, Baldwin, Cardwell, Clark, Covarubias, Morehead, Moore, Ogier, Per Lee, Randolph, Scott, and Stewart.

On leave, Messrs. Stowell and Tefft.

No quorum being present, on motion of Mr. Patterson, the Sergeant-at-Arms was sent to request the attendance of absent members.

A quorum appearing, the journal of yesterday was read and approved.

Mr. Cardwell and Mr. Scott, being indisposed, were excused.

A Message from the Senate was received by their Secretary, informing the Assembly that they have passed a bill, herewith transmitted, entitled "An Act to regulate the Senatorial and Assembly Districts."

Mr. Wheeler presented the petition of John L. Le Conte, in reference to a geological survey of the State, which, on motion of Mr. Wheeler, was referred to a select committee, with instructions to report by bill or otherwise.

Mr. Tingley, from the Committee of Ways and Means, reported "A Bill defining the compensation of Clerks employed by the Secretary, Treasurer, and Comptroller of State," which was read 1st and 2d time.

Mr. Crittenden, from the Committee on Corporations, to whom was referred "A Bill to provide for the creation of Corporations," reported the same back, and asked to be discharged. Agreed to.

Mr. Crittenden, from the same committee, to whom was referred the petition of William R. Wadsworth, and others, praying the passage of An Act to incorporate the Washington Ferry Company of Upper California, reported, that the passage of such an act is prohibited by that clause of the Constitution which declares that corporations shall not be created by special act, except for municipal purposes, and asked to be discharged from the further consideration of the subject.

The report was adopted, and the committee discharged.

Mr. Hughes, from the same committee, to whom was referred Senate "Bill to incorporate the City of St. Diego," reported the same back without amendment, and were discharged from its further consideration.

Mr. Crittenden, from the Committee of Conference, appointed on the disagreeing votes of the two Houses, on "Bill to regulate proceedings in Courts of Justices of the Peace in Civil Cases," reported—

That it has been agreed by the two committees, to recommend that the Senate should recede from its 8th and 9th amendments; that instead of the 10th amendment of the Senate (to the 76th section), the sec. be amended by striking out 75 and inserting in lieu thereof 74; that the Assembly should concur in the 11th amendment by adopting the additional sec. to be added after sec. 90, and to be numbered sec. 91, only changing the last line by striking out "90" and inserting "89," and that the 93d sec. be amended by striking out "84" and inserting "83."

The report was adopted.

Mr. Crittenden, on behalf of Mr. Covarubias, gave notice that on to-morrow he would introduce "A Bill to incorporate the City of Santa Barbara."

Mr. Morehead gave notice that on to-morrow he would introduce "A Bill to abolish the office of Prefect."

Mr. Crittenden also gave notice that on to-morrow he would introduce "A Bill to incorporate the City of Los Angeles."

The House took up "Bill to regulate proceedings in County Courts, in cases of appeal from Justices' Courts," returned from Senate with amendments, and the amendments were non-concurred in.

The Speaker, being indisposed, appointed Mr. Tingley to preside in his necessary absence from the House during the day.

(Mr. Tingley in the Chair) Assembly "Bill to organize the Courts of Sessions," returned from Senate with amendments, was taken up, and the House non-concurred in the 1st, 2d, 3d, 4th, 5th, 6th, and concurred in the 7th of said amendments.

Senate "Bill to regulate the Senatorial and Assembly Districts," was taken up and read 1st and 2d time.

Mr. Williams moved the printing of 60 copies of said bill, when, on motion of Mr. McKinstry, it was laid on the table.

On motion of Mr. Randolph, there was a call of the House, and the following members were absent, Messrs. Baldwin, Gray, Patterson, and Per Lee.

On motion of Mr. Randolph, the Sergeant-at-Arms was sent to request the attendance of absent members.

On motion of Mr. Clarke, further proceedings under the call of the House were dispensed with.

On motion of Mr. Clarke, the House went into Committee of the Whole, Mr. Creaner in the Chair, on Bills entitled "An Act regulating the quarantine of vessels at the Port and Harbor of San Francisco," "An Act creating Officers of Health for the City and Port of San Francisco, and defining their duties," and "An Act providing for the erection of a Marine Hospital, in or adjacent to the city of San Francisco." After having spent some time therein the committee rose, reported the bill creating Officers of Health with an amendment, and asked to be discharged. Agreed to.

The amendment was then concurred in. On motion of Mr. Randolph, the bill was laid on the table for the present.

Mr. Bradford, from the Joint Committee on Enrolled Bills, reported as correctly enrolled, the following bills:—

"An Act empowering the Governor to appoint Commissioners of Deeds, and defining the duties of said Officers;" "an Act declaring certain Rivers, Creeks, and Sloughs herein named, navigable."

Also, that they had this day presented to the Governor for his signature, "an Act supplementary to an Act, entitled 'an Act to incorporate Sacramento City.'"

The Speaker laid before the House the following communication from the State Translator.

SAN JOSÉ, *March* 19, 1850.

TO THE HON. THE SPEAKER OF THE ASSEMBLY:—

SIR,

In answer to your communication of yesterday, inclosing copy of "a Resolution adopted by the House of Assembly," on that day, the tenor of which is as follows:

"A Joint Committee of both Houses having been appointed on the 26th day of February last, to examine and correct the translations of the laws into the Spanish language; and, as during all this time the committee has examined no other translation than the very short one of 'an Act for holding the first County Election,' the following resolution is submitted to the Assembly for its consideration.

"*Resolved*, That the temporary State Translator, Mr. Lourie, be requested to state to this House the reasons which have prevented him from presenting his translations to the Joint Committee appointed to examine and correct them."

I, in consequence thereof, submit to the consideration of the House, the following statement.

After presenting myself to the committee appointed by both Houses, for the examination of the capability of all applicants for the office of State Translator, and subjecting to their inspection one or two translations, they thought fit, on the 13th of last month, to report to the Legislature, that while they would recommend the postponement of the election of a person to fill that office, yet, as in the words of the report, I "had evinced over all other applicants superior qualifications as Translator," they recommended that I should "be engaged to translate such

laws, resolutions, &c., as may be ordered to be printed in the Spanish, until a State Translator shall be elected by the Legislature," and at the same time it was resolved, "that the President of the Senate and the Speaker of the Assembly, be instructed to furnish me with such laws, resolutions, and other documents, as may be ordered by the Legislature."

Acting upon this resolution, although I never received any official notice of it, nor of the temporary appointment which the Legislature had thought fit to confer upon me, I nevertheless presented myself to the President of the Senate, Mr. McDougall, and made known to him my willingness and wish to occupy myself in translating whatever laws, &c., he might think fit to give me. He being at the time sick, referred me to Dr. Chamberlin, who referred me to the Secretary of State, and this latter gentleman told me that he had no notice of what I applied for, and had nothing to give me to translate. Under these circumstances, I awaited the time when I should be employed, presenting myself daily for that purpose, as I believe many honorable members know, and can vouch for; and ultimately about the latter end of last month, your Honor sent for me and gave me the "Report of the committee on certain claims of the State of California." I proceeded to translate the same when it was required of me for printing, and again returned after a few days. At the same time Mr. Tefft (say on the 7th of March) sent for me and gave me for translation, "an Act to provide for holding the first County Elections," and the next morning at a very early hour, I delivered it to him translated, which after being examined by Messrs. De la Guerra and Covarubias was printed. On the 9th of the same month, I received from the Secretary of State, "an Act defining the amount of revenue to be collected," which, after translating and submitting to Mr. Covarubias for inspection, I returned to the Secretary of State on the 11th. On the 12th, I received from the Secretary of State "an Act concerning the Official Bonds of Officers," which, after translation, I delivered to Mr. De la Guerra for examination. On the 18th, at the time the Secretary of State handed me this last, the Governor handed me several documents, one in French, and the rest in Spanish, for translation into English; some of which, I have translated and some not; as I am at present occupied in the translation of "an Act to organize the Supreme Court of California," which I received from the Secretary of State on the 16th, and which I shall pass to committee for examination, as soon as translated.

With this, Mr. Speaker, I conclude the statement, your Honorable House by a resolution requested me to make, and respectfully submit the same for consideration, while I have the honor to subscribe myself,

Sir, respectfully

Your obed't. Servant,

WILLIAM LOURIE.

On motion of Mr. Randolph, the communication was referred to the Select Committee on Translations, consisting of Messrs. Scott and Covarubias.

On motion of Mr. Morehead, the House went into Committee of the Whole, Mr. Baldwin in the chair, on "Bill concerning the office of Surveyor General." After its consideration, the Committee rose, reported the bill with amendments, and were discharged from the further consideration thereof.

The hour of adjournment having arrived, the House adjourned until 4 o'clock P.M.

AFTERNOON SESSION, 4 O'CLOCK P.M.

Mr. Tingley resuming the chair, the following message from the Senate was received by their Secretary :—

The Senate have concurred in all the amendments of the Assembly to Senate Bill, entitled "an Act to incorporate the City of San José."

Also, that the Governor has notified the Senate that he has signed bill originating in the Senate, entitled "an Act supplementary to an Act, entitled an Act to Incorporate Sacramento City."

Also, that the Senate have passed a bill, herewith transmitted, for the action of the Assembly, entitled "an Act providing for the Salaries of District Judges."

Also, that the President of the Senate has signed bills originating in the Assembly, entitled "an Act empowering the Governor to appoint Commissioners of Deeds, and defining the duties of such officers," and "an Act declaring certain Rivers, Creeks, and Sloughs herein named navigable."

The House took up the unfinished business of morning session, to wit—amendments of Committee of the Whole to "Bill concerning the office of Surveyor General;" all of which were concurred in.

Mr. Bradford moved to amend Sec. 6 by adding the following :—

"And shall deliver as aforesaid all instruments and other things belonging to his office." Adopted.

Mr. Henley moved to amend 6th Sec by striking out the words "is authorized to employ a competent draughtsman, and also a clerk, who shall each receive such compensation as may be allowed by law, and he,"—pending which motion, Mr. Morehead moved the previous question. The question then was, Shall the main question be now put?

Agreed to.

The question recurring on striking out in the 6th Sec., Mr. Morehead demanded the ayes and nays.

Those who voted in the affirmative were—

Mr. Aram	Mr. Henley
Baldwin	Hughes
Brackett	McKinstry
Bradford	Moore
Brown	Ogier
Clarke	Tingley
Covarubias	Walthall
Creaner	—15.

In the negative—

Mr. Deal	Mr. Stewart
Gray	Wheeler
Morehead	Witherby
Randolph	—7.

So the motion prevailed.

The question recurring on the engrossment of the bill, Mr. Brown demanded the ayes and nays.

Those who voted in the affirmative were—

Mr. Aram	Mr. Morehead
Brackett	Moore
Bradford	Ogier
Deal	Randolph
Gray	Tingley
Henley	Walthall
Hughes	Wheeler
McKinstry	Witherby—16.

in the negative—

Mr. Baldwin	Mr. Covarubias
Brown	Creaner
Cardwell	Stewart
Clarke	—7.

So the Bill was ordered to be engrossed.

Mr. Randolph then moved to recommit the bill to a Select Committee, with instructions to report the following:—Strike out all after the word "letter" in the first line of Sec. 10, to the word "instructing" in the second line, and insert "the County Surveyors and County Assessors," and after the word "them" in the second line insert, "and it is hereby made a part of their official duties."

Mr. Creaner also moved to add the following instructions:—"to strike out all after the enacting clause, and substitute therefor, that it shall be the duty of the Surveyor General to make a map of the State from the best data that he may be able to obtain."

Mr. Brackett called for a division of the question.

The question was on recommitting to report the instructions proposed by Mr. Randolph. Agreed to.

On recommitting, with the instructions proposed by Mr. Creaner, Mr. Clarke demanded the ayes and nays.

Those who voted in the affirmative were—

Mr. Baldwin	Mr. Creaner
Brown	Moore
Clarke	Stewart—6.

In the negative—

Mr. Aram	Mr. McKinstry
Brackett	Morehead
Bradford	Ogier
Cardwell	Randolph
Covarubias	Tingley
Deal	Walthall
Gray	Wheeler
Henley	Witherby
Hughes	—17.

So the motion did not prevail.

The Speaker appointed Messrs. Randolph, Brackett, and Morehead said Select Committee.

The Committee then reported in accordance with the instructions given, and the report was adopted.

Mr. Deal moved that the Rules be suspended, and the bill be read a third time by title. Mr. Creaner demanded the ayes and nays.

Those who voted in the affirmative were—

Mr. Aram	Mr. McKinstry
Brackett	Morehead
Bradford	Ogier
Cardwell	Randolph
Deal	Tingley
Gray	Wheeler
Henley	Witherby
Hughes	—15.

In the negative—

Mr. Baldwin	Mr. Creaner
Brown	Moore
Clarke	Stewart
Covarrubias	Walthall—8.

The motion did not prevail, not having received two thirds.

Senate "Bill providing for the salaries of District Judges," was read first and second time, the rules having been suspended for that purpose.

Mr. McKinstry moved to amend by striking out "$8,000," as the salaries of said Judges, and inserting "$6,000."

Mr. Moore moved to amend the amendment, by inserting "$4,000," and on this motion demanded the ayes and nays.

Those who voted in the affirmative were—

Mr. Baldwin	Mr. Moore
Brackett	Ogier
Cardwell	—5.

In the negative were—

Mr. Aram	Mr. McKinstry
Brown	Morehead
Clarke	Randolph
Deal	Stewart
Gray	Tingley
Henley	Walthall
Hughes	Wheeler—14.

So the amendment was not agreed to.

Mr. Ogier moved to amend the amendment as follows: To the Judge of the first, second, and ninth Districts "$4,000," remaining Districts "$6,000." On this motion the ayes and nays were demanded.

Those who voted in the affirmative were—

Mr. Baldwin
Mr. Randolph
Ogier
—3.

In the negative—

Mr. Aram
Brackett
Brown
Cardwell
Covarubias
Deal
Gray
Henley
Hughes
Mr. McKinstry
Morehead
Per Lee
Stewart
Tingley
Walthall
Wheeler
Witherby
—17.

The amendment was not agreed to.

Mr. Morehead moved to lay the Bill and pending amendment on the table. Decided in the negative.

Mr. Baldwin then moved to amend the amendment as follows: To the Judge of first District, "$4,500;" second District, "$3,000;" ninth District, "$5,000;" on this motion the ayes and nays were demanded.

Those who voted in the affirmative were—

Mr. Baldwin
Bradford
Moore
Mr. Ogier
Randolph
—5.

In the negative—

Mr. Aram
Brackett
Brown
Cardwell
Clarke
Corey
Deal
Gray
Henley
Hughes
Mr. McKinstry
Morehead
Patterson
Per Lee
Stewart
Tingley
Walthall
Wheeler
Witherby
—19.

So the amendment did not prevail.

The question recurring on the motion to strike out "$8,000," and insert "$6,000," Mr. Cardwell demanded the ayes and nays.

Those who voted in the affirmative were—

Mr. Baldwin	Mr. Moore
Brown	Ogier
Cardwell	Randolph
Gray	Tingley
Henley	Walthall
McKinstry	—11.

In the negative—

Mr. Aram	Mr. Hughes
Bradford	Morehead
Clarke	Patterson
Corey	Per Lee
Covarubias	Stewart
Creaner	Wheeler
Crittenden	Witherby
Deal	—15.

So the amendment was not agreed to.

On motion of Mr. Morehead the House adjourned until to-morrow morning 10 o'clock.

HOUSE OF ASSEMBLY.

WEDNESDAY, *March* 20, 1850.

House met, pursuant to adjournment.

The Speaker being indisposed, Mr. Tingley was appointed Speaker *pro tem.* for the day.

Prayer by Rev. Mr. Brairly.

The roll was called, and the following members were absent, to wit—Messrs. Baldwin, Brackett, Cardwell, Covarubias, McKinstry, Morehead, Moore, Patterson, Per Lee, Randolph, Scott, Stewart, Stowell.

On leave, Messrs. Tefft and Speaker.

No quorum being present, on motion of Mr. Williams, the Sergeant-at-Arms was dispatched to request the attendance of absent members.

Messrs. Cardwell, Patterson, and Scott, being indisposed, were excused.

A quorum appearing, the Journal of yesterday was read and approved.

The Speaker appointed Messrs. Wheeler, Henley, and Corey, Select Committee on the petition of John L. de Conte.

Mr. Walthall, chairman of the Committee on Ways and Means, to whom was referred communication of the Governor respecting a Loan, made the following report:—

The Committee of Ways and Means to whom was referred the Communication of the Governor on the subject of a proposed Loan under the Act authorizing a permanent Loan on the faith and credit of the State, have had the same under consideration and beg leave to report:—

That they find accompanying the said Communication a Copy of an offer and a supplemental explanation thereof made by R. M. Price, which is the only offer made under said Act; they have looked at the objections which the Governor states in his Communication why he could not accept the offer; the objections the Committee believe to be well taken.

The ——— Section of the Ac trequires 10 per cent. on the amount contracted for to be paid within twenty days before the adjournment of the Legislature.

The 5th Section of the Act requires that the first instalment of any Loan be paid not later than the first day of July.

The 15th Section of the Act provides that a portion of said Loan may be contracted for conditionally.

The 12th Section of the Act gives the Governor and Treasurer a discretion to take back in discharge of the obligation of the contractor, any bonds which may be advanced and not paid for.

The offer made by Mr. Price is for $150,000, under the general provisions of the Act, provided the first instalment be postponed to August and September, instead of 1st July, as required by the Act, and if accepted, to pay in the time prescribed under the Act, 10 per cent. in cash or the liabilities of the State, and to contract conditionally under the 15th Section of the Act, for as much more of said Loan as the wants of the State might require, not exceeding in the whole One Million of Dollars, and to pay 10 per cent. thereon in cash or the liabilities of the State, immediately after it is ascertained that the contract can be consummated, requiring the insertion in the contract of certain contingencies, the happening of any one of which, if the credit of the bonds should

be so affected thereby as to render the negotiation impracticable, and as controlling the entire discretion of the Governor and Treasurer under the 12th Section of the Act.

The Governor and Treasurer objected to this condition, because as they allege, and perhaps correctly, that other contingencies could arise which might be proper subjects for the excercise of their discretion if called on to act under that Section.

It may be fairly presumed, that the Act contemplated that if a bill was made for the whole amount, the Governor and Treasurer should fix the amount to be taken under the general provisions of the Act, and on which the 10 per cent. is required to be paid in cash, as also the amount contracted for conditionally under the 15th Section of the Act, and that the certain amount would be the larger, and the conditional amount the smaller, but the offer reverses this order, and makes the smaller amount certain and the greater amount conditional; the Committee can see no legal impediment, however, in the way of accepting the offer made this way, and if there be none it is a matter for the discretion of the House to accept or not.

The condition of postponing the payment of the first instalment to August and September, is clearly without the provisions of the Act, and however trivial the difference in time may be regarded in its practical results, Legislative action is necessary to legalize the offer before it can be accepted; all who are acquainted with the history of this Act, know that a sufficient time was intended to be given for the payment of the first instalment, for the contractor to visit New York and return, allowing a reasonable time to effect a sale of the bonds there, and that the 1st of July was supposed would give that time, but the passage of the Bill was delayed beyond the time it was at first thought it might pass into a law.

This delay leaves but three instead of four months, a time too short, as is alleged by the bidder, to effect the object, and hence the postponement asked for.

The Committee believe that the adoption of some certain mode by which the necessary sum of money can be obtained during the year to meet the expenses of the Government up to the first January next, is the first and chief object to be accomplished; temporary conveniences are of secondary consideration, desirable, however, if to be accomplished without hazarding the main and chief object.

The Committee do not understand that this reference is made with any specific instructions, but the reference is general. In parliamentary usages a committee of ways and means, or a finance committee, is charged with the duty of proposing plans to the House for raising the means of conducting the Government, or for other purposes requiring money, and the House takes its own action upon the proposition; rejects, modifies, or approves, as they may think best. If any proposition be rejected either by an affirmative or negative vote, it is not deemed respectful to the House for the committee to again press it on the House in the absence of any change of opinion on the part of the House.

Early in the present session this Committee reported a bill authorizing a permanent loan to be negotiated in New York, or elsewhere in the East. That bill met with opposition in the House, and was ordered to be laid on the table, and the Committee instructed to report a bill to accomplish the same object in this State, which was accordingly done, and became a law. A trial was made, and failed to accomplish the object. Another bill was reported in accordance with the wishes of the House, to make another trial, and framed to meet what was understood, out of the House, an offer to take the loan on certain conditions. That bill passed into a law, an offer under which Act was made, and is the subject of the present report.

The estimated revenue of the State, heretofore made to the House, will not exceed $700,000. That estimate is, however, made on very imperfect data, and is made, at best, on conjecture alone, and may be well supposed to vary materially from the estimates; but should the estimates be correct, it will not, it is believed, more than meet the expenditure of the present year, it leaving nothing in the Treasury in January next.

The taxes to be collected in 1851 will not be available to the Treasury until January, 1852. Nor the taxes for 1850 be available at the Treasury until January, 1851.

The expenses of the Government up to January, 1852, will not, it is believed, fall below one and a half millions of dollars, while the estimated revenue, that is, the taxes for the year 1850, will alone be received into the Treasury during that time, amounting to less than one half of the expenditures for the two years. It is true the taxes for 1851 will be paid in at the end of the two years, but not as a fund to carry

on the Government in future, but will be absorbed to pay liabilities already incurred. And this state of things will continue from year to year, and until a sufficient amount be raised, either from additional taxes, or from some other source, to place the finances of the State one year ahead of its expenditures.

A modification of the present Act, authorizing a permanent loan, so as to make it general as to time and place of negotiating a loan, and such other general provisions as might be necessary to keep it alive and operative until its object should be accomplished, seems to be the most practical plan which presents itself to the Committee. All of which is respectfully submitted for the pleasure of the House.

The Committee beg leave to be discharged from further consideration of the subject.

M. WALTHALL, Chairman.

Mr. Deal moved to lay the Report on the table for the present.

Mr. Morehead moved to amend by adding "indefinitely." The Speaker decided the amendment out of order. Mr. Morehead appealed from the decision of the Chair.

The question then was, "Shall the decision of the Chair stand as the judgment of the House?" The decision of the Chair was sustained.

The question recurring on the motion to lay on the table for the present, it was agreed to.

A message from the Governor was received by his Private Secretary, informing the House that he had signed Assembly Bills, entitled "an Act declaring certain Rivers, Creeks, and Sloughs, herein named, Navigable;" and "an Act empowering the Governor to appoint Commissioners of Deeds, and defining the duties of such Officers."

Mr. Crittenden, from the Committee on the Judiciary, to whom was referred "a Bill to provide for the Collection of Demands against Vessels and Boats," reported the same to the House, with amendments, all of which were concurred in.

On motion of Mr. Brown, the Bill was ordered to be engrossed for a third reading on to-morrow.

Mr. Crittenden, pursuant to notice, introduced "a Bill to Incorporate the city of Los Angeles," which was read first and second time, the Rules being suspended for that purpose.

Mr. Ogier, on behalf of Mr. Covarubias, introduced "a bill to Incor-

porate the City of Santa Barbara," which was read first and second time, the Rules having been suspended for that purpose.

Mr. Bradford, from the Joint Committee on Enrolled Bills, reported as correctly enrolled, "an Act concerning the Office of County Attorney," "an Act to regulate Elections;" also, that they had presented to the Governor for his signature, bills, entitled "an Act empowering the Governor to appoint Commissioners of Deeds, and defining the Duties of such Officers," and "an Act declaring certain rivers, creeks, and sloughs, herein named, navigable."

On motion of Mr. Williams, Senate "bill to regulate Senatorial and Assembly Districts," was taken up in Committee of the Whole, Mr. Bradford in the chair. After having spent some time therein the committee rose, reported progress, and had leave to sit again.

On motion of Mr. Bradford, the bill was laid on the table, and the usual number of copies ordered to be printed.

On motion of Mr. Ogier, there was a call of the House, and the following members were absent, to wit—

Messrs. Baldwin, Brackett, Clarke, Gray, Morehead, Patterson, Per Lee.

On motion of Mr. Williams, further proceedings under the call of the House were dispensed with.

Senate "Bill to provide for the Salaries of District Judges," was taken up. Mr. Randolph moved to refer the bill to a Select Committee, with the following instructions, "to proportion the Salaries of Judges of the several Districts, as nearly as possible to the amount of labor to be performed and the expenses of living." On this motion the ayes and nays were demanded.

Those who voted in the affirmative were—

Mr. Brackett	Mr. Ogier
Corey	Randolph
Gray	Wheeler
Moore	—7.

Those who voted in the negative were—

Mr. Aram	Mr. Covarubias
Bradford	Creaner
Brown	Crittenden
Cardwell	Deal
Clarke	Henley

Mr. Hughes	Mr. Stewart
McKinstry	Tingley
Morehead	Walthall
Per Lee	Williams—18.

The motion did not prevail.

Mr. McKinstry moved to amend by striking out "$8000," and inserting "7000."

Mr. Ogier demanded the ayes and nays.

Those who voted in the affirmative were—

Mr. Aram	Mr. Hughes
Brackett	McKinstry
Bradford	Moore
Brown	Ogier
Corey	Randolph
Covarubias	Tingley
Crittenden	Walthall
Gray	Wheeler
Henley	—17.

Those who voted in the negative were—

Mr. Cardwell	Mr. Per Lee
Clarke	Stewart
Deal	Williams
Morehead	—7.

The amendment prevailed.

The bill was then read a third time; and on its passage,

Those who voted in the affirmative were—

Mr. Aram	Mr. Henley
Brackett	McKinstry
Bradford	Moore
Brown	Ogier
Clarke	Per Lee
Corey	Randolph
Covarubias	Tingley
Crittenden	Walthall
Deal	Wheeler
Gray	—19.

In the negative—

Mr. Cardwell
Morehead
Mr. Stewart
Williams—4

The bill passed.

Mr. Bradford, from the Joint Committee on Enrolled Bills, reported as correctly enrolled "an Act, concerning Notaries Public" "an Act, concerning the office of County Attorney," "an Act, to regulate Elections."

Engrossed Bill "concerning the office of Surveyor General," was taken up, and read a third time.

On its passage,

Those who voted in the affirmative were—

Mr. Aram
Brackett
Bradford
Corey
Crittenden
Deal
Gray
Henley
McKinstry
Morehead
Mr. Moore
Ogier
Per Lee
Randolph
Tingley
Walthall
Wheeler
Williams
Witherby
—19

In the negative—

Mr. Brown
Cardwell
Clarke
Mr. Covarubias
Creaner
—5

The bill passed.

Mr. Creaner moved a reconsideration of the vote by which the Committe of the Whole were discharged from the further consideration of Bills, entitled "an Act regulating the quarantine of vessels at the Port and Harbor of San Francisco," "an Act providing for the erection of a Marine Hospital," &c. and "an Act creating officers of Health for the Port of San Francisco."

The motion prevailed.

The question then recurred on discharging the committee.

Not agreed to.

On motion of Mr. Ogier, the House then resolved itself into Committee of the Whole, Mr. Brackett in the chair, on said Bills. After

having spent some time therein, the committee rose, reported the bills with amendments, and asked leave to sit again.

Not agreed to.

On motion of Mr. Creaner, the amendments were generally concurred in.

On motion of Mr. Clarke, the House adjourned until four o'clock.

FOUR O'CLOCK P.M.

No quorum being present, Mr. Baldwin moved that the House adjourn until to-morrow morning.

Not agreed to.

A quorum appeared, when the House took up Senate Bills Nos. 32, 33, and 34, "relating to Quarantine of Vessels," "the Erection of a Marine Hospital," and "creating Officers of Health for the Port and Harbor of San Francisco."

Mr. Moore moved to strike out in 1st line of section 9, Bills Nos. 32, the words "subject to quarantine immediately."

Mr. Walthall moved as a substitute to said amendment, line 1st, after "vessels" to insert "bound for the Port of San Francisco or."

Mr. Brackett moved the previous question, which was, "shall the main question be now put?" Decided in the affirmative.

The question then recurred on the substitute to the amendment. Not adopted.

The question recurring on the amendment of Mr. Moore, it was agreed to.

Mr. Deal moved that the Bill be read a third time by title.

Mr. Creaner called for the reading of the Bill by Sections.

The Speaker ruled that a Bill may be read a third time by title when objection is made, provided the House so decide by vote.

From this decision Mr. Creaner appealed.

The question then was, "Shall the decision of the chair stand as the udgment of the House?" Mr. Creaner demanded the ayes and nays.

Those who voted in the affirmative were—

Mr. Aram	Mr. Corey
Baldwin	Covarubias
Brackett	Deal
Bradford	Henley
Clarke	Hughes

Mr. Ogier
Per Lee
Walthall
Mr. Wheeler
Witherby
—15.

Those who voted in the negative were

Mr. Brown
Creaner
Gray
Mr. McKinstry
Moore
Randolph—6.

So the decision of the chair was sustained.

The Bills were then each read a third time by title.

On the passage of "Bill regulating Quarantine of Vessels, &c., the ayes and nays were demanded.

Those who voted in the affirmative were—

Mr. Aram
Baldwin
Cardwell
Clarke
Deal
Mr. Gray
Moore
Per Lee
Williams
Witherby—10.

Those who voted in the negative were—

Mr. Brackett
Bradford
Brown
Corey
Covarubias
Creaner
Henley
Mr. Hughes
Ogier
Randolph
Tingley
Walthall
Wheeler
—13.

So the Bill did not pass.

On the passage of "Bill providing for the erection of a Marine Hospital," &c. the ayes and nays were demanded.

Those who voted in the affirmative were—

Mr. Aram
Baldwin
Clarke
Deal
Gray
Mr. Moore
Per Lee
Williams
Witherby
—9.

Those who voted in the negative were—

Mr. Brackett
Bradford
Brown
Mr. Cardwell
Corey
Covarubias

Mr. Creaner	Mr. Randolph
Henley	Tingley
Hughes	Walthall
Ogier	Wheeler—14.

So the Bill did not pass.

On the passage of the "Bill creating Officers of Health," &c. the ayes and nays were demanded.

Those who voted in the affirmative were—

Mr. Aram	Mr. Gray
Baldwin	Moore
Clarke	Williams
Deal	Witherby—8.

Those who voted in the negative were—

Mr. Brackett	Mr. Hughes
Bradford	Ogier
Brown	Randolph
Corey	Tingley
Covarubias	Walthall
Creaner	Wheeler
Henley	—13.

So the Bill did not pass.

Mr. Deal gave notice that, at the expiration of five days, he would introduce Bills, entitled "An Act regulating the Quarantine of Vessels at the Port and Harbor of San Francisco:" "An Act providing for the erection of a Marine Hospital;" and "An Act creating Officers of Health for the City and Port of San Francisco, and defining their Duties."

Mr. Baldwin moved to adjourn.

Not agreed to.

The following Message from the Senate was received by their Secretary:—

SENATE CHAMBER,
March 20, 1850.

MR. SPEAKER:—

I am directed by the Senate to inform the Assembly that they have receded from their second amendment to the Bill of the Assembly, entitled "An Act concerning the Office of District Attorney."

Also, that the Senate have receded from their fourth amendment to

the Bill of the Assembly, entitled "An Act to authorize the formation of Limited Partnerships."

Also, that the Senate refuse to recede from their amendment to the Bill of the Assembly, entitled "An Act establishing Recorders' Offices, and defining the Duties of the Recorder and County Auditor;" and have appointed thereon as a Committee of Conference on their part to meet any corresponding Committee which may be appointed on the part of the Assembly, Messrs. Crosby, Douglass, and Fair.

Also, that the Senate have receded from their first amendment to the Bill, entitled "An Act to organize the Court of Sessions," and have refused to recede from their second amendment, and from so much of their third amendment marked E., as relates to the seventh subdivision of the sixth Section, and to the tenth and twelfth Sections; and have receded from so much of the same amendment, so marked, as relates to the second Section, and that they have appointed, on the disagreeing votes of the two Houses thereon, a Committee of Conference on their part, consisting of Messrs. Crosby, Heydenfeldt, and Robinson, to meet any corresponding Committee which may be appointed on the part of the Assembly.

Also, that the President of the Senate has signed Bill, entitled "An Act to regulate Elections."

J. F. HOWE, Secretary of the Senate.

Mr. Brackett moved that a Committee of Conference be appointed on the disagreeing votes of the two Houses on "Bill establishing Recorders' Offices, and defining the Duties of Recorder and County Auditor."

Agreed to.

Whereupon the Speaker appointed Messrs. Brackett, Wheeler, and McKinstry said Committee.

Mr. Walthall moved the appointment of a Committee of Conference on the disagreeing votes of the two Houses on "Bill to organize the Court of Sessions."

Whereupon the Speaker appointed Messrs. Walthall, Crittenden, and Brackett said Committee.

Mr. Brackett moved that the House adjourn.

Not agreed to.

"Bill defining the Compensation of Clerks employed by the Secretary, Treasurer, and Comptroller of State," was taken up.

Mr. Bradford moved to amend as follows:—

"That the Clerks employed by the Secretary of State and Treasurer be and are hereby allowed the sum of Three Hundred Dollars per month; and the Clerk employed by the Comptroller be and is hereby allowed the sum of Four Hundred per month, for their services, to be paid out of the General Fund, founded on the certificate of services rendered by the Officer of State in whose office the services were performed."

Pending the amendment, on motion of Mr. Per Lee, the House adjourned until to-morrow morning at 10 o'clock.

HOUSE OF ASSEMBLY.

THURSDAY, *March* 21, 1850.

House met, pursuant to adjournment.

Mr. Henley was appointed Speaker *pro tem.* for the day.

Prayer by the Rev. Mr. Briarly.

The roll was called, and the following members were absent, to wit—Messrs. Baldwin, Clarke, Covarubias, Crittenden, Moore, Patterson, Per Lee, Scott, and Tingley.

On leave, Mr. Tefft, and Speaker.

Messrs. Cardwell and Scott being indisposed, were excused.

The Journal of yesterday was read and approved.

Mr. Creaner presented the following protest, and moved the same be entered on the Journal of to-day.

Agreed to.

"I most strenuously and earnestly protest against the decision of the Speaker *pro tem.*, delivered yesterday, and afterwards sustained by a vote of the House, to the effect that bills on their third reading shall not be read through by sections, if a mere majority of the House vote that they shall not be so read. CREANER."

Messrs. Brackett and Bradford presented petitions from citizens of the District of Sonoma, in reference to the office of District Judge of said District, and moved their reference to a select committee.

Agreed to,

And Messrs. Bradford, Brackett, and Wheeler were appointed said committee.

Mr. Wheeler presented proceedings of a meeting of the members of the Bar of San Francisco, in reference to the election of Judges of the Superior Court of said city.

On motion, the communication was laid on the table.

Mr. Wheeler also presented a Petition of Wm. H. Smith, requesting authority to alter his name to Wm. Smith Hosford. On motion the Petition was laid on the table.

Mr. Wheeler gave notice that on to-morrow he would introduce a bill in accordance with the prayer of the petitioner.

Mr. Crittenden, from the Committee on the Judiciary, reported "A Bill defining the rights of Husband and Wife," which was read first and second times, the Rules having been suspended for that purpose, and 100 copies ordered to be printed.

Mr. Brackett, from the same committee, reported "A Bill concerning the office of Reporter," which was read first and second times, the Rules having been suspended for that purpose. On motion of Mr. Brackett the bill was made the order of the day in Committee of the Whole for to-morrow.

Mr. Bradford, from the Joint Committee on Enrolled Bills, reported as correctly enrolled "an Act to incorporate the City of San José," and "an Act concerning the office of County Assessor," also, that they had this day presented to the Governor, for his signature, "an Act to regulate elections."

Mr. Wheeler submitted the following resolution, which was adopted:

Resolved, That the Judiciary Committee be instructed to inquire into the expediency of passing a law requiring the District Attorneys of this State, without delay, to demand of those persons within their respective Districts, who have been or are now exercising the duties of Alcaldes, or Judges of the Courts of first instance, a full and true account, verified by oath, of all fines, forfeitures, unclaimed money or other property of deceased persons, unclaimed, witnesses' and jurors' fees, and all moneys paid to or collected by them as fees, court costs, or charges, and all other moneys and property received or taken possession of by them in the exercise of their official power; and also a like true account, verified by oath, of what disposition and payments of said moneys, or any part thereof, have been made. And if the same or any part thereof have been appropriated by the said Alcaldes or Judges of the Courts of first instance as fees or salaries to themselves, or have been paid away as salaries or fees to officers of their respective Courts, or to other persons,

then what amounts have been so appropriated or paid, and to whom, with the particular amounts so appropriated or paid; and also, whether the fees or salaries, charged, or received, or paid by the said Alcaldes, or Judges of the Courts of first instance, whether to themselves or to the officers of their courts, or to other persons, have been uniform, or whether they have been altered during the official term of the said Alcaldes or Judges of the Courts of first instance; and if the latter, then to what extent, and by what authority they have been so altered.

Resolved, That the Judiciary Committee be also instructed to inquire into the expediency of requiring the said District Attorneys of this State to enforce the demand referred to hereinbefore, and to demand from the said Alcaldes and Judges of the Courts of first instance, of their respective districts, the payment and surrender of such moneys or property, if any, as may have been illegally collected or detained by them, and to enforce the said payment, and surrender by law, if necessary.

Mr. Morehead, pursuant to notice, introduced "A Bill to abolish the office of Prefect and Sub-Prefect," which was read first and second time, and, on motion of Mr. Randolph, was laid on the table.

Mr. Crittenden gave notice that on to-morrow or some subsequent day, he would introduce Bill, entitled "an Act to provide for an inspection of Steamboats at the City of San Francisco."

Unfinished business of yesterday, to wit:—"Bill defining the compensation of Clerks employed by the Secretary, Treasurer, and Comptroller of State," was taken up. The question was on the pending substitute to Sec. 1, offered on yesterday, by Mr. Bradford, on the adoption of which Mr. Morehead demanded the ayes and nays.

Those who voted in the affirmative were—

Mr. Aram	Mr. Henley
Corey	Witherby—4.

In the negative—

Mr. Baldwin	Mr. Morehead
Brackett	Moore
Brown	Randolph
Creaner	Stewart
Crittenden	Stowell
Deal	Tingley
Gray	Walthall
Hughes	Wheeler
McKinstry	Williams—18.

The substitute was not adopted.

Mr. Baldwin moved to amend the bill by striking out "$300," and inserting "$200." Not agreed to.

Mr. Williams moved to amend, by striking out "$300," and inserting "$400." Not agreed to.

Mr. Bradford offered the following, as a substitute for Sec. 1. "That the Clerk employed by the Secretary of State, and the Clerk employed by the Treasurer, be, and are hereby allowed the sum of three hundred dollars per month, and the Clerk employed by the Comptroller be allowed the sum of four hundred dollars per month; and the extra Clerks employed by the Secretary of State, 50 cents per 100 words for all work done in that office, to be paid out of the general fund founded on the certificate of services rendered by the officer of State in whose office the services were performed."

Mr. Ogier moved to amend the amendment, by striking out the words "fifty," and inserting "thirty." Adopted.

Mr. McKinstry moved to amend by prefixing to the section, the words, "for the present year." Adopted.

Mr. Williams moved to amend the amendment, by striking out "$400," and inserting "$300." Carried.

The question recurring, on the adoption of the substitute as amended, the ayes and nays were demanded.

Those who voted in the affirmative were—

Mr. Aram	Mr. McKinstry
Brown	Moore
Corey	Randolph
Creaner	Stowell
Crittenden	Walthall
Deal	Wheeler
Gray	Williams
Henley	Witherby
Hughes	—17.

In the negative—

Mr. Baldwin	Mr. Per Lee
Bradford	Stewart
Covarubias	Tingley
Morehead	—7.

The amendment prevailed.

The bill was then considered as engrossed, read third time, and passed.

Mr. Creaner moved a reconsideration of the vote by which the House on yesterday refused to pass Bill, entitled "an Act creating Officers of Health for the Port and Harbor of San Francisco." On this question the ayes and nays were demanded.

Those who voted in the affirmative were—

Mr. Aram	Mr. Morehead
Baldwin	Moore
Bradford	Ogier
Brown	Per Lee
Clarke	Stewart
Creaner	Tingley
Crittenden	Walthall
Deal	Wheeler
Gray	Williams
Henley	Witherby
McKinstry	—21.

In the negative—

Mr. Corey	Mr. Hughes
Covarubias	Randolph—4.

So the vote was reconsidered, and on motion, the bill was laid on the table for the present.

On motion, the vote by which the House on yesterday refused to pass Bills, entitled "an Act providing for the erection of a Marine Hospital," and "an Act regulating Quarantine of Vessels at the Port and Harbor of San Francisco," was reconsidered, and on motion, the bills were severally laid on the table.

On motion, the three bills were then taken up separately, and on motion of Mr. Ogier, the vote by which they were ordered to a third reading was reconsidered, and the bills were referred to a Select Committee with special instructions.

Mr. Covarubias, from the committee to whom was referred the communication of Mr. Lourie, the present State Translator, reported as follows:—

That your committee have had said communication under their careful consideration, and from the information they have obtained, as to the causes of the delay on the part of the Translator in the performance

of his duties, they are satisfied that that delay was attributable to a misunderstanding between the State Translator and the committee having the supervision of the translation of the Laws, as to the time when the Translator was to commence his labors and the Laws he was to translate, and that no blame can be attached to Mr. Lourie for any delay in such translations.

To guard against the recurrence of the evils arising from such delays, your committee recommend the passage of the following resolution :—

Resolved, That a Joint Committee on the part of the Senate and Assembly be appointed to facilitate the translations of such Laws as may be directed to be translated into Spanish, and that said committee shall designate what Laws the Translator shall so translate.

The resolution was adopted.

On motion of Mr. Tingley, the House went into Committee of the Whole, Mr. McKinstry in the chair, on "Bill prescribing the mode of appointing Auctioneers, and defining their duties." After its consideration, the committee rose, and reported the bill with amendments, which amendments were concurred in by the House.

On motion of Mr. Deal, the bill was considered as engrossed, and read a third time, the Rules having been suspended for that purpose.

On the passage of the bill, members voting in the affirmative were—

Mr. Aram	Mr. Henley
Baldwin	Hughes
Bradford	McKinstry
Brown	Ogier
Corey	Stewart
Covarubias	Tingley
Creaner	Walthall
Deal	Williams
Gray	Witherby—18.

In the negative—

Mr. Clarke	Mr. Wheeler
Moore	—3.

So the bill passed.

"Bill defraying certain Election Expenses," was taken up, and ordered to be engrossed for a third reading on to-morrow.

Senate Bill "to incorporate the City of San Diego," was taken up, and read a third time.

On its passage, those who voted in the affirmative were—

Mr. Aram	Mr. McKinstry
Bradford	Morehead
Brown	Moore
Clarke	Ogier
Corey	Stewart
Covarubias	Tingley
Creaner	Walthall
Deal	Wheeler
Gray	Williams
Henley	Witherby
Hughes	—21.

In the negative were—

Mr. Baldwin—1.

So the bill passed.

Mr. Ogier offered the following resolution, which was adopted:—

Resolved, That the State Printer be, and he is hereby, required to lay before this House, on some day during the present week, a statement exhibiting the whole cost, to the State, for the printing and folding, and all incidental expenses incurred in the printing, folding, and stitching of all the documents or papers ordered to be printed by either or both Houses of the Legislature up to this date. The statement to include the cost of all stationery used by the printer for State purposes.

On motion of Mr. McKinstry, the House adjourned until 4 o'clock P.M.

AFTERNOON SESSION, 4 O'CLOCK P.M.

Mr. Morehead moved a call of the House, and the following members were absent:—

Messrs. Creaner, Crittenden, Gray, Ogier, Patterson, Per Lee, Randolph, Stewart, Stowell.

A quorum appearing, further proceedings under the call were dispensed with.

The Speaker appointed Messrs. Bradford, Ogier, Deal, Wheeler, Brown, and Baldwin, Select Committee on "Bills regulating Quarantine, creating Officers of Health," &c.

On motion of Mr. Brown, the House went into Committee of the Whole, Mr. Clarke in the chair, on "Bill concerning Water Craft found adrift, Lost Money, and Lost Property." After its consideration, the

committee rose, and reported the bill with amendments, all of which the House concurred in.

On motion of Mr. Deal, the bill was cousidered as engrossed, and read a third time, the Rules having been suspended for that purpose.

On its passage, members voting in the affirmative were—

Mr. Aram	Mr. McKinstry
Bradford	Moore
Brown	Ogier
Clarke	Per Lee
Corey	Tingley
Covarubias	Walthall
Creaner	Wheeler
Deal	Williams
Henley	Witherby
Hughes	—19.

In the negative—

Mr. Morehead Mr. Stewart—2.

The bill passed.

A message from the Senate was received, informing the House that they have refused to recede from their amendments to the bill of the Assembly, entitled "An Act to regulate proceedings in the County Courts in cases of appeal from the Courts of Justices of the Peace," and have appointed a Committee of Conference thereon, consisting of Messrs. Fair, Crosby, and Heydenfeldt, to meet any corresponding committee which may be appointed on the part of the Assembly.

Also, that they have refused to concur in the amendment of the Assembly, to the bill of the Senate, entitled "An Act providing for the Salaries of District Judges," and have appointed thereon, a Committee of Conference, consisting of Messrs. Green, Lippincott, and Chamberlin, to meet any corresponding committee which may be appointed on the part of the Assembly.

Also, that they have passed Assembly Bill, entitled "An Act to incorporate the City of Monterey," without amendment.

Mr. Morehead, pursuant to notice, moved to amend the Rules of the House, by striking out all after the first Rule. Not agreed to.

Mr. Stewart moved to adjourn. Not agreed to.

On motion of Mr. Per Lee, House went into Committee of the Whole, Mr. Moore in the chair, on "Bill concerning Roads and Highways."

After having spent some time therein, the committee rose, reported progress, and asked leave to sit again.

Leave was granted.

On motion of Mr. Bradford, the House adjourned until to-morrow morning at 10 o'clock.

HOUSE OF ASSEMBLY.

FRIDAY, *March 22d*, 1850.

House met, pursuant to adjournment.

On motion of Mr. Walthall, Mr. Tingley was appointed Speaker *pro tem*, for the day.

Prayer by Rev. Mr. Douglass.

The roll was called, and the following members were absent, to wit —Messrs. Baldwin, Brackett, Cardwell, Clarke, Corey, Covarubias, Creaner, Crittenden, Deal, Henley, Morehead, Ogier, Per Lee, Stewart, Wheeler, Williams.

On leave, Messrs. Scott, Tefft, and Speaker.

No quorum being present, on motion of Mr. Morehead, the Sergeant-at-Arms was sent to request the attendance of absent members.

A quorum appearing, the Journal of yesterday was read and approved.

Mr. Henley gave notice, that on to-morrow he would move to repeal so much of the Rules of the House as requires the ayes and nays to be taken on the passage of all bills and joint resolutions.

Mr. Crittenden, from the Committee on Corporations, to whom was referred the petition of J. P. Robinson, praying the Legislature to give him the "right for five years to keep a public ferry at a certain point on the Sanislaus river," reported as follows:—

That though in the opinion of your committee there is no constitutional restraint upon the power of the Legislature to grant the privilege asked by the petitioner, yet it is a power the frequent exercise of which is unnecessary and objectionable. It is unnecessary, because a general act has already been passed providing for the establishment of ferries, and in ordinary cases giving ample security and protection to the proprietors. It is dangerous, because the grant of an exclusive privilege is

always so, and because upon applications of this kind, the Legislature must act to a great extent in the dark; still there may be cases which the general law would not reach, and where the special interposition of the Legislature would be productive of great public convenience, while it would do no private wrong. When a large expenditure is required for the establishment of a ferry, the advantages held out by the provisions of the law would be an inadequate inducement to individuals to engage in the enterprise.

In such a case, the grant of a ferry for a term of years by the Legislature upon conditions prescribed by law, might be advisable. Other cases might be suggested in which some change or modification of the general law would be required.

Your committee have no knowledge of the facts of this particular case on which to found an opinion as to the propriety of granting the prayer of the petitioner. Even if satisfied of the propriety of doing so, for want of the necessary information, they would be unable to bring in a bill upon the subject.

Your committee recommend that the petition be referred to the Select Committee composed of the members from the district of Sa Joaquin, in which the petitioner resides, and they ask to be discharged from the further consideration of the petition.

A. P. CRITTENDEN.

The Report was adopted, and the petition referred to a Select Committee composed of the San Joaquin delegation.

The Speaker appointed Messrs. Walthall, Crittenden, and Brackett, a Committee of Conference on the part of the Assembly, on the disagreeing votes of the two Houses, on "Bill to regulate proceedings in the County Courts in cases of appeal from the Courts of Justices of the Peace."

Mr. Walthall, from the Committee of Conference, appointed on the disagreeing votes of the two Houses, on "Bill to organize the Court of Sessions," reported, and recommended that the Assembly concur in all the Senate's amendments, from which the Senate has not receded." Adopted.

Mr. Walthall, from the Committee of Conference, appointed on the disagreeing votes of the two Houses, on the "Bill to regulate proceedings in the County Courts, in cases of Appeal from the Courts of Justices

of the Peace," reported that they had performed the duty assigned them, and recommend the adoption of the following report:—

"That the Assembly concur in the Senate's 1st, 4th, 5th, and 6th amendments, and that the Senate recede from its 2d and 3d amendments, and add to the end of Sec. II. the words, "or may render judgment with damage as provided in Sec 13." The report was adopted.

The Speaker appointed Messrs. Covarubias, Ogier, Crittenden, Bradford, and Wheeler, Special Committee under the resolution in reference to the translation of the laws.

The Speaker appointed as Committee of Conference on the disagreeing votes of the two Houses, on "Bill to regulate the salaries of District Judges," Messrs. Williams, Randolph, and Bradford.

Mr. Crittenden, pursuant to notice, introduced "A Bill to provide for the Inspection of Steamboats at the Port of San Francisco," which was read 1st and 2d time, the Rules being suspended for that purpose, and the usual number of copies was ordered to be printed.

M. Walthall gave notice that to-morrow he would introduce "A Bill to suppress Gaming."

Mr. Wheeler, agreeably to previous notice, introduced "A Bill to change the name of Wm. H. Smith to the name of Wm. Smith Hosford." Read 1st and 2d time.

On motion of Mr. Hughes, the House went into Committee of the Whole, Mr. Bradford in the Chair, on Bills Nos. 80 and 81, entitled "An Act concerning the organization of the Militia," "An Act concerning volunteer or independent companies;" after having spent some time therein, the committee rose, reported progress, and asked leave to sit again. Leave was granted.

The hour of adjournment having arrived, the House adjourned until 4 o'clock.

FOUR O'CLOCK P.M.

The Speaker laid before the House the following communication from the State Printer.

STATE PRINTING OFFICE,
San José, 22d March.

TO THE SPEAKER OF THE ASSEMBLY:

SIR,—In reply to the resolution of your body, passed yesterday, I beg leave respectfully to state, that the following is a correct aggregate

of all the work done, and stationery furnished for the State, from the day I began the execution of my duties to the present time :—

Composition, 2833 thousand ems . .	$20,680.90
Press Work, 475 tokens . . .	3,467.50
Folding and Stitching.	
Folding 126,920 pages . . .	1,269.20
Folding and stitching 99,140 pages .	1,982.80
Blanks for Comptroller, 8 quires . .	68.00
Stationery (over one half yet on hand) .	1,013.00
	$28,481.40

Very respectfully,
H. H. ROBINSON, *State Printer.*

On motion of Mr. Bradford, the communication was laid on the table.

On motion of Mr. Ogier, Mr. Cardwell had leave of absence for ten days.

A message was received from the Senate, informing the Assembly that they had passed Assembly bill entitled "An Act to establish a Municipal Court in the City of San Francisco, to be called the Superior Court of the City of San Francisco," with an amendment as affixed to the margin of the bill.

On motion of Mr. Williams, the House went into Committee of the Whole, Mr. Bradford resuming the Chair, on Bills Nos. 80 and 81, entitled "An Act concerning the Organization of the Militia," "An Act concerning Volunteer or Independent Companies." After their consideration, the Committee rose, and reported the Bills with amendments.

In the first named Bill, House concurred in the 1st, 2d, 3d, 4th, 5th, 8th, 9th, 10th, and non-concurred in the 6th and 7th of said amendments.

Mr. Hughes moved to amend Bill No. 80, by inserting, at the end of the second section, "and all persons with certificates of disability signed by two physicians of their vicinage, such certificates stating the causes of such disability." Not adopted.

Mr. Hughes moved to amend Bill No. 80, 1st line of Sec. 28, by striking out the word "one" and inserting "two." The amendment was adopted.

The amendments made in Committee to Bill No. 81 were all concurred in.

Mr. McKinstry moved to strike out Sec. 7 of said Bill. Agreed to.

Mr. Bradford offered the following additional Section to said Bill:—"When any money is drawn from the general fund for the use of the military fund, as contemplated in this act, the same shall be charged to the military fund." Not adopted.

Mr. Morehead moved to strike out the 18th Section of Bill No. 80, and demanded the ayes and nays.

Those who voted in the affirmative were—

Mr. Gray	Mr. Randolph
Morehead	Stewart
Moore	Wheeler
Ogier	—7.

Those who voted in the negative were—

Mr. Aram	Mr. McKinstry
Bradford	Patterson
Brown	Stowell
Corey	Tingley
Deal	Walthall
Henley	Williams
Hughes	—13.

The motion did not prevail. The Bills were ordered to be engrossed for a third reading on to-morrow.

Assembly "Bill to establish a Municipal Court in the City of San Francisco, to be called the Superior Court of San Francisco," returned from Senate with an amendment, was taken up, and the amendment was non-concurred in by the House.

"Bill concerning the office of Reporter" was taken up in Committee of the Whole, Mr. Stowell in the Chair. After some consideration therein, the Committee rose, reported progress, and asked leave to sit again. Leave was granted.

On motion of Mr. Patterson, the House adjourned until to-morrow morning, 10 o'clock.

HOUSE OF ASSEMBLY.

SATURDAY, *March* 23, 1850.

House met, pursuant to adjournment.

Mr. Tingley, Speaker *pro tem.*, in the Chair.

The roll being called, the following members were absent:—

Messrs. Baldwin, Cardwell, Clarke, Corey, Covarubias, Crittenden, Gray, Morehead, Ogier, Patterson, Per Lee, Randolph, Scott, Stewart, Tefft, Wheeler, Williams, Witherby, and Speaker.

No quorum being present, on motion of Mr. Creaner, the Sergeant-at-Arms was sent to request members to attend.

A quorum appearing, the Journal of yesterday was read and approved.

A message from the Governor was received, informing the House that he had signed Bill entitled "An Act to regulate Elections."

Mr. Brackett, from the Committee of Conference appointed on the disagreeing votes of the two Houses in reference to "An Act creating the Office of County Recorder, and defining the Duties of Recorder and Auditor," reported, that it is agreed by the Committee to recommend that the amendment of the Senate be agreed to, with the following modification, viz. to add at the close of the amendment these words, "or in some fire-proof vault or building." The report was adopted.

Mr. Walthall, pursuant to notice, introduced "a Bill to suppress Gaming," which was read first time, when Mr. Moore moved to lay it on the table.

On this question, Mr. Bradford demanded the ayes and nays.

Those who voted in the affirmative were—

Mr. Creaner	Mr. Ogier
Morehead	Stowell
Moore	—5.

In the negative—

Mr. Aram	Mr. Henley
Brackett	Hughes
Bradford	Patterson
Brown	Randolph
Corey	Tingley
Covarubias	Walthall
Deal	Wheeler
Gray	—15.

The motion did not prevail.

Mr. Henley moved that the bill be read a second time by title. Not agreed to.

On motion of Mr. Morehead, the House took up "Joint Resolution in

reference to the Election of District Judges," when Mr. Wheeler moved to amend, by inserting 6th of April.

On adopting the resolution, with Mr. Wheeler's amendment, Mr. Morehead demanded the ayes and nays.

Those who voted in the affirmative were—

Mr. Aram	Mr. Henley
Baldwin	Tingley
Brackett	Walthall
Bradford	Wheeler
Brown	Williams
Deal	—11.

In the negative—

Mr. Clarke	Mr. Morehead
Corey	Moore
Covarubias	Ogier
Crittenden	Randolph
Gray	Stewart
McKinstry	Stowell—12.

The motion did not prevail.

Mr Wheeler then moved to amend, by inserting "Saturday, 30th of March," and on adopting the resolution, with Mr. Wheeler's amendment, Mr. Morehead demanded the ayes and nays.

Those who voted in the affirmative were—

Mr. Baldwin	Mr. Patterson
Brackett	Stewart
Bradford	Tingley
Brown	Walthall
Covarubias	Wheeler
Deal	Williams
Henley	—13.

In the negative—

Mr. Aram	Mr. Morehead
Clarke	Moore
Corey	Ogier
Crittenden	Randolph
Gray	Stowell
McKinstry	—11.

So the motion prevailed.

Mr. Williams offered the following resolution :—

Resolved, the Senate concurring, That when this House proceeds to the election of District Judges, it will elect in the order of the Districts, commencing with the first District.

The resolution was not adopted.

On motion of Mr. Crittenden, the vote ordering the printing of 60 copies of "Bill concerning Corporations," was rescinded.

Mr. Ogier offered the following resolution :—

Resolved, That one of the copies of the Journal of this House, now being made, is hereby directed to be discontinued.

Mr. Baldwin moved that said resolution be referred to a Select Committee. Agreed to.

The Speaker appointed as said Committee, Messrs. Baldwin, Moore, and Wheeler.

Engrossed "Bill concerning certain Election Expenses," was taken up. Mr. Patterson moved to lay it on the table for the remainder of the session. Agreed to.

A message from the Senate was received by their Secretary, informing the House that the Senate had passed bill, herewith transmitted, entitled "an Act to Incorporate the City of San Francisco."

Also, that they had passed bill, entitled "an Act relating to the duties of Public Administrator of the City and County of San Francisco."

Also, that they have adopted the concurrent resolution of the Assembly "in relation to the Translation of the Laws."

Also, that they have adopted the Report of the Conference Committee on the disagreeing votes of the two Houses, in relation to the bill, entitled "an Act to regulate proceedings in County Courts, in Cases of Appeal from the Courts of Justices of the Peace."

Also, the Report of the Conference Committee on the disagreeing votes of the two Houses on the bill, entitled "an Act creating the office of County Recorder, and defining the duties of Recorder and County Auditor."

Also, the Report of the Committee of Conference on the disagreeing votes of the two Houses on the bill, entitled "an Act to organize the Court of Sessions."

Also, that the Senate have receded from their amendment to the bill of the Assembly, entitled "an Act to establish a Municipal Court in

the city of San Francisco, to be called the Superior Court of the City of San Francisco."

Also, that the Senate have passed Assembly bill, entitled "an Act concerning Jails and Jailors," with amendments, as affixed to the margin of the bill, and marked No. 1 and No. 2.

Senate bill, No. 45, accompanying the message, "to Incorporate the City of San Francisco," was taken up, and, on motion of Mr. Patterson, was read first and second time, and referred to a Select Committee composed of the delegation from San Francisco.

Senate bill, No. 41, also accompanying the message, "relating to the office of Public Administrator of the City of San Francisco," was read first and second time, and, on motion, referred to the Judiciary Committee, with general instructions.

Assembly bill, No. 65, "concerning Jails and Jailors," returned from the Senate with amendments, was taken up, and the amendments concurred in.

Mr. Bradford, from the Committee of Conference appointed on the disagreeing votes of the two Houses, in relation to "an Act providing for the Salaries of District Judges," reported that they had agreed upon $7,500 as the salaries of said Judges, and asked the adoption of said report.

On the question to adopt the report, Mr. Moore demanded the ayes and nays.

Those who voted in the affirmative were—

Mr. Aram	Mr. Deal
Bradford	Henley
Brown	Tingley
Clarke	Wheeler
Covarubias	—9.

In the negative—

Mr. Baldwin	Mr. Ogier
Crittenden	Patterson
Gray	Randolph
Hughes	Stewart
McKinstry	Stowell
Moore	Walthall—12.

So the report was not adopted.

On motion of Mr. Brown, the House resolved itself into Committee

of the Whole, Mr. Bradford in the Chair, on bill No. 82, "concerning Roads and Highways." After some time spent therein, the Committee rose, reported progress, and asked leave to sit again. Granted.

A message from the Senate was received by their Secretary, informing the House that they had concurred in the amendment of the Assembly to the Joint Resolution of the Senate, entitled "a Joint Resolution in relation to the Election of District Judges."

Also, that the Senate have concurred in the Report of the Conference Committee on the disagreeing votes of the two Houses on the bill, entitled "an Act providing for the Salaries of District Judges."

The hour of adjournment having arrived, the House adjourned until 4 o'clock P.M.

AFTERNOON SESSION, 4 O'CLOCK P.M.

On motion of Mr. Brown, the House resolved itself into Committee of the Whole, Mr. Bradford in the chair, on "Bill concerning Roads and Highways." After some time spent therein, the Committee rose, reported the bill with amendments, and asked to be discharged from the further consideration thereof. Granted.

On motion of Mr. Brown, the House concurred generally in all the amendments made in Committee of the Whole.

A message from the Senate was received by their Secretary, informing the House that they had passed Assembly Bill, entitled "an Act concerning Offices," with amendments affixed to the bill, and numbered, consecutively, from "No. 1 to No. 14," inclusive, and amending the title so as to make it read "An Act" instead of "A Bill."

Also, that the Senate have passed Assembly Bill, entitled "An Act to establish Weights and Measures," without amendment.

Also, Assembly Bill, entitled "an Act defining the Duties of State Librarian, and prescribing the Rules for the Government of the State Library," with amendments, numbered "Nos. 1 and 2," and affixed to the margin of the bill; and, also, amending the title of the bill so as to make it read "An Act" instead of "A Bill."

On motion, "Bill concerning Roads and Highways" was ordered to be engrossed for a third reading on Monday next.

On motion, the House resolved itself into Committee of the Whole, Mr. Baldwin in the Chair, on "Bill to change the name of William H. Smith to that of William Smith Hosford."

After some time spent therein, the committee rose, reported the bill back to the House, and asked to be discharged.

The committee was discharged.

Mr. Henley moved to lay the bill on the table.

Not agreed to.

It was moved that the bill be engrossed for a third reading on Monday next.

On motion of Mr. Deal, the Rules were suspended, and the bill was read a third time and passed.

Yeas, 17. Nays, 6.

Mr. Randolph moved that a Committee of Free Conference be appointed to meet the Senate's Committee on the disagreeing Votes of the two Houses, in relation to the "Bill fixing the Salaries of the District Judges." Agreed to.

Whereupon, the Speaker appointed as said committee, Messrs. Brackett, Moore, and Ogier.

On motion of Mr. Baldwin, bill No. 80, "concerning the organization of the Militia," was considered as engrossed, and read a third time, the Rules having been suspended for that purpose.

On its passage, the yeas and nays were demanded.

Those who voted in the affirmative were—

Mr. Aram	Mr. Crittenden
Baldwin	Henley
Brackett	Hughes
Bradford	McKinstry
Brown	Ogier
Clarke	Randolph
Corey	Tingley
Covarubias	Walthall
Creaner	—17

Those who voted in the negative were—

Mr. Deal	Mr. Stewart
Gray	Wheeler
Morehead	—5

So the Bill passed.

On motion of Mr. Baldwin, Bill No. 81, "concerning Volunteer and Independent Companies," was read a third time.

On its passage, the ayes and nays were demanded.

Those who voted in the affirmative were—

Mr. Aram	Mr. Henley
Baldwin	Hughes
Brackett	McKinstry
Bradford	Morehead
Brown	Moore
Clarke	Ogier
Corey	Randolph
Covarubias	Stewart
Creaner	Tingley
Crittenden	Walthall
Deal	Wheeler—22

In the negative—None.

So the Bill passed.

On motion of Mr. Baldwin, the House adjourned until Monday morning, at 10 o'clock.

HOUSE OF ASSEMBLY.

MONDAY, *March 25th*, 1850.

House met, pursuant to adjournment.

Prayer by the Rev. Mr. Briarly.

The roll was called, and the following members were absent, to wit—Messrs. Baldwin, Brackett, Clarke, Crittenden, Gray, Morehead, Moore, Patterson, Per Lee, Randolph, Stewart, and Williams.

On leave: Messrs. Cardwell, Tefft, and Speaker.

No quorum being present, the Sergeant-at-Arms was sent to request the attendance of absent members.

A quorum appearing, the Journal of Saturday was read and approved.

Mr. Walthall, from the Committee on Commerce, reported "A Bill concerning protested Bills of Exchange," which was read a first and second time, and the usual number of copies ordered to be printed.

Mr. Deal offered the following resolution:—

"*Resolved*, That the Committee on the Judiciary be, and is hereby instructed to prepare and report a bill, at as early a day as possible, to

prevent the emigration of all persons not Citizens of the United States from any of the penal settlements of Europe."

Adopted.

Mr. Wheeler gave notice that, on to-morrow, he would introduce a Joint Resolution, authorizing a portrait of his Excellency Peter H. Burnett, Governor of California, to be painted and placed in the Hall of the Legislature.

Assembly "Bill concerning Officers," returned from Senate, with amendments, was taken up, and on motion was re-committed to the Committee on the Judiciary, with instructions to report thereon.

Assembly "Bill defining the duties of State Librarian and prescribing rules for the Government of the State Library," returned from Senate, with amendments, was taken up, and the amendments concurred in.

Assembly Bill No. 102, "for the Suppression of Gaming," was taken up, read second time, and ordered to be printed.

On motion of Mr. Ogier, the House went into Committee of the Whole, Mr. Stowell in the chair, on "Bill concerning the Office of Reporter." After its consideration, the Committe rose, reported progress, and were discharged from the further consideration thereof.

Mr. Crittenden then moved to refer the bill to a Select Committee. Carried.

Whereupon the Speaker appointed Messrs. Brackett, Ogier, and Randolph, said Committee.

On motion of Mr. Brackett, the House went into Committee of the Whole, Mr. Morehead in the chair, on "a Bill defining the right of maintaining and defending possessory actions on lands belonging to the United States." After some consideration therein, the Committee rose, reported progress, and were discharged from its further consideration.

Mr. Wheeler moved to refer the Bill to a Select Committee, with instructions to report thereon. Carried.

The Speaker appointed Messrs. Wheeler, Brackett, and Walthall, said Committee.

On motion of Mr. Crittenden the House went into Committee of the Whole, Mr. Deal in the chair, on "a Bill to incorporate the City of Los Angeles," and "a Bill to incorporate the City of Santa Barbara." After having spent some time therein the Committee rose, reported the Bills, with an amendment, and asked to be discharged. Granted.

The amendment was concurred in by the House.

The first named bill, on motion of Mr. Ogier, was considered as engrossed, and read a third time, the Rules having been suspended for that purpose.

On its passage, those who voted in the affirmative were—

Mr. Aram	Mr. Ogier
Brown	Randolph
Clarke	Scott
Corey	Stewart
Covarubias	Stowell
Crittenden	Tingley
Deal	Walthall
Henley	Wheeler
Hughes	Witherby
Moore	—19.

In the negative—None.

So the Bill passed.

Agreeably to notice, Mr. Henley moved to rescind so much of the Rules of the House as requires the ayes and nays to be taken on the passage of all Bills and Joint Resolutions. The motion was agreed to.

A message from the Senate was received informing the Assembly that they have passed a bill, herewith transmitted, entitled "an Act to provide for the Contingent Expenses of the Legislature."

Also, that the Senate have passed Assembly Bill, entitled "an Act concerning lawful Fences and Animals trespassing on Premises lawfully enclosed," without amendment.

Also, that the Senate have agreed to the request of the Assembly for a free conference on the bill of the Senate, entitled "an Act providing for the Salaries of the District Judges," and have appointed as such Committee, on their part, Messrs. Heydenfeldt, Douglass, and Green.

Also, that the Senate have passed a bill herewith transmitted, entitled "an Act concerning Wrecks and Wrecked Property."

Also, that the Senate have appointed, as the Committee on their part, under the concurrent resolution of the Assembly in relation to the translation of the laws, Messrs. Robinson, Vallejó, Fair, Lippincott, and Woodworth.

Also that the Senate have passed Assembly Bill, entitled "an Act concerning Water Craft found adrift, and lost Money and Property."

Also, that they have passed Assembly Bill, entitled "an Act to provide for the collection of demands against Vessels and Boats," with amendments as affixed to the margin of the Bill and numbered "one" and "two."

Also, that the Senate have passed a Bill, herewith transmitted, entitled "an Act to create Port Wardens for the Port of San Francisco, and define their duties."

"Bill to incorporate the City of Santa Barbara," on motion, was considered as engrossed, read a third time, and passed.

Senate "Bill to provide for the Contingent Fund of the Legislature" was taken up, read first and second time, the Rules being suspended for that purpose, and, on motion of Mr. Henley, referred to the Committee on the Judiciary.

Senate "Bill concerning Wrecks and Wrecked Property," was taken up, read first and second time, and, on motion of Mr. Walthall, referred to the Committee on Commerce.

Assembly "Bill to provide for the collection of demands against Vessels and Boats," returned from the Senate, with amendments, was taken up, and the House concurred in the first, and non-concurred in the second of said amendments.

Senate "Bill to create Port Wardens for the Port of San Francisco," was taken up and read first and second time, and, on motion of Mr. Ogier, referred to the Committee on Commerce, with general instructions.

On motion of Mr. Crittenden, the House went into Committee of the Whole, Mr. Creaner in the chair, on "Bill defining the duties of County Surveyor." After some time spent therein, the Committee rose, reported progress, and asked to be discharged from its further consideration. The committee was discharged.

Pending a motion to concur generally in the amendments made in Committee of the Whole, the hour of adjournment arrived, and the Speaker declared the House adjourned until 4 o'clock.

FOUR O'CLOCK, P.M.

Mr. Bradford in the Chair.

Mr. Henley moved that the House proceed to the election of Speaker *pro tempore*, during the present indisposition of the Speaker. Agreed to.

Whereupon Mr. Henley nominated Mr. Tingley.
" Mr. Per Lee „ Mr. Creaner

Whole number of votes . . 20
Necessary to a choice . . 11

Of which Mr. Tingley received . . 13 votes.
„ Mr. Creaner „ . . . 7 „

Those who voted for Mr. Tingley were—

Mr. Aram	Mr. Deal
Brackett	Henley
Bradford	McKinstry
Brown	Scott
Corey	Walthall
Covarubias	Wheeler
Creaner	—13.

Those who voted for Mr. Creaner were—

Mr. Clarke	Mr. Stowell
Morehead	Tingley
Moore	Witherby
Per Lee	—7.

Mr. Tingley having received a majority of all the votes cast, was declared duly elected Speaker *pro tempore.*

Speaker *pro tempore* in the Chair. The House took up unfinished business of the morning, and concurred in the amendments made in Committee of the Whole, to "Bill defining the Duties of Count Surveyor."

Mr. Brown moved to amend Section 14, by striking out "ten" and inserting "five." Not agreed to.

When, on motion, the Bill was ordered to be engrossed for a third reading on to-morrow.

Mr. Brackett, from the Committee of free Conference appointed on the disagreeing votes of the two Houses, on "Bill providing for the Salaries of District Judges," reported, that they could not agree on any recommendation in regard to said Salaries, and asked to be discharged from any further consideration of the bill.

On motion, the Committee were discharged.

Mr. Walthall offered the following Resolution:—*Resolved*, That the Clerk inform the Governor, and also the Senate, that the Hon. Geo. B.

Tingley, a Member from Sacramento District, has been elected Speaker *pro tempore*, during the absence of the Speaker of this House. Adopted.

Mr. Bradford, from the Joint Committee on Enrolled Bills, reported that they had examined, and find correctly enrolled—

"An Act concerning the Office of County Treasurer;" and "an Act to incorporate the City of Benicia."

Mr. Henley offered the following concurrent Resolution:—

Resolved, That (if the Senate concur) each Member of the Convention to form the Constitution of this State, General Riley, the Executive Officers of this State, and each Member of the present Legislature, shall be furnished by the Secretary of State, when he shall receive them, with a copy of the Report of the Proceedings and Debates in the Convention, as prepared by J. Ross Browne, and printed by order of the Convention. Adopted.

Mr. Baldwin moved that the House adjourn. Mr. Morehead demanded the ayes and nays.

Those who voted in the affirmative were—

Mr. Baldwin	Mr. McKinstry
Bradford	Moore
Corey	Scott
Covarubias	Wheeler—8.

Those who voted in the negative were—

Mr. Aram	Mr. Morehead
Brackett	Ogier
Brown	Per Lee
Clarke	Stewart
Creaner	Tingley
Deal	Walthall
Henley	Witherby—14.

The House refused to adjourn.

Mr. Baldwin moved a reconsideration of the vote by which the House refused to adopt the Report of the Committee of Conference on Salaries of District Judges, on Saturday last. Agreed to.

The question recurring on adopting the Report of the Conference Committee, Mr. Moore demanded the ayes and nays.

Those who voted in the affirmative were—

Mr. Aram	Mr. Per Lee
Bradford	Scott
Brown	Stewart
Clarke	Tingley
Deal	Walthall
Henley	Wheeler
Morehead	Witherby—14.

Those who voted in the negative were—

Mr. Baldwin	Mr McKinstry
Corey	Moore
Covarubias	Ogier—6.

The Report was adopted.

On motion of Mr. Per Lee, the House adjourned until to-morrow morning, 10 o'clock.

HOUSE OF ASSEMBLY.

TUESDAY, *March* 26, 1850.

House met, pursuant to adjournment.

Prayer by Rev. Mr. Douglass.

The roll was called, and the following members were absent, to wit—Messrs. Baldwin, Brackett, Clarke, Covarubias, Creaner, Crittenden, Moore, Ogier, Patterson, Per Lee, Scott, Stewart.

On leave, Messrs. Cardwell, Tefft, and Speaker.

The journal of yesterday was read and approved.

Mr. Wheeler, pursuant to notice, heretofore given, introduced "A Joint Resolution authorizing a Portrait of his Excellency Peter H. Burnett, Governor of California, to be painted and placed in the Halls of the Legislature," which was read first and second time, and, on motion of Mr. Randolph, referred to committee of the whole House, for this afternoon.

House took up Senate Bill "to regulate Senatorial and Assembly Districts." Mr. Walthall moved to amend 13th section, by striking out "one," and inserting "two;" also, 14th section, strike out "two," and insert "one." Adopted.

On motion of Mr. Walthall, the bill was laid on the table for the present.

On motion of Mr. Crittenden, the House went into Committee of the Whole, Mr. Creaner in the chair, on bills, entitled "An Act concerning Conveyances," and "An Act concerning Fraudulent Conveyances." After having spent some time therein, the committee rose, reported progress, and asked to be discharged. Agreed to.

Mr. Crittenden then moved to recommit said bill to the Committee on the Judiciary. Agreed to.

Messages from the Senate were received, informing the Assembly that they refuse to recede from their second amendment to the Bill of the Assembly, entitled "An Act to provide for the Collection of Demands against Vessels and Boats;" also, that the President *pro tem.* of the Senate has signed bills, severally entitled, "An Act concerning the office of County Attorney," "An Act concerning Notaries Public," "An Act to incorporate the City of San José," "An Act concerning the office of County Assessors," "An Act to incorporate the City of Benicia," "An Act concerning the office of County Treasurer," "An Act to incorporate the City of San Diego," "An Act concerning Jails and Jailors," "An Act concerning the office of District Attorney," and "An Act to provide for the incorporation of Towns."

Mr. Stowell, from Joint Committee on Enrolled Bills, reported, as correctly enrolled, "An Act to provide for the incorporation of Towns," "An Act to incorporate the City of San Diego," "An Act concerning Jails and Jailors," and "An Act concerning the office of District Attorney."

Mr. Baldwin announced the presence of Mr. Shepherd, member elect from the District of San Joaquin, when, on motion, Mr. Shepherd came forward and took the usual oath.

Mr. McKinstry, from the majority of the Committee on the Judiciary, to whom was referred "An Act to provide for the Contingent Expenses of the Legislature," reported the same back to the House, and recommended its passage, with an amendment, viz.—Strike out "thirty thousand" wherever it occurs in section 1st, and insert "fifteen thousand."

Pending the question on the adoption of the report, the House, on motion of Mr. Brackett, adjourned until 4 o'clock.

AFTERNOON SESSION, 4 O'CLOCK P.M.

Mr. Witherby announced the presence of Mr. Cave, member elect from

the District of San Joaquin, when, on motion, Mr. Cave came forward and took the usual oath of office.

The Speaker *pro tempore* added Mr. Shephard to the Committee on Commerce and Committee on Education; Mr. Wheeler to the Committee on the Judiciary and Committee on Corporations; Mr. Cave to the Committee on Claims, and Public Buildings and Grounds.

The unfinished business of the morning was the report of a majority of Committee on the Judiciary, on the bill "to provide for the Contingent Expenses of the Legislature."

On motion of Mr. Brackett the bill and report were laid on the table.

On motion of Mr. Patterson, the House went into Committee of the Whole, Mr. Moore in the chair, on "A Joint Resolution authorizing a Portrait of his Excellency Peter H. Burnett, Governor of California, to be painted and placed in the Halls of the Legislature." After having spent some time therein, the committee rose, reported the Joint Resolution to the House, and were discharged from its further consideration.

Mr. Brackett moved to lay the resolution on the table for the remainder of the Session.

On this motion Mr. Patterson demanded the ayes and nays.

Those who voted in the affirmative were—

Mr. Aram	Mr. Ogier
Brackett	Patterson
Cave	Per Lee
Corey	Randolph
Creaner	Scott
Crittenden	Stewart
Gray	Tingley
Hughes	Walthall
Moore	—17.

In the negative—

Mr. Bradford	Mr. McKinstry
Clarke	Wheeler
Covarubias	Williams
Deal	Witherby
Henley	—9.

So the motion prevailed.

Mr. Crittenden moved the appointment of a Committee of Conference on the disagreeing votes of the two Houses, on "Bill to provide for the Collection of Demands against Vessels and Boats." Agreed to.

Whereupon the Speaker appointed Messrs. Crittenden, Wheeler, and Hughes, said committee.

Mr. Wheeler, from the Select Committee, to whom were referred Senate Bills, Nos. 32, 33, and 34, "in relation to Quarantine of Vessels," "creating Officers of Health," and "providing for the erection of a Marine Hospital, in or adjacent to the City of San Francisco," reported bill No. 33 back with sundry amendments. When, on motion, the bill was re-committed to the same committee, with instructions to report on to-morrow.

On motion of Mr. Crittenden, the House went into Committee of the Whole, Mr. Clarke in the chair, on "Bill concerning Wills." After its consideration the committee rose, reported the bill with amendments, and were discharged from its further consideration.

The amendments, on motion, were concurred in. On motion of Mr. Deal, the bill was considered as engrossed, read a third time, and passed.

On motion of Mr. Crittenden, the House went into Committee of the Whole, Mr. Morehead in the chair, on "Bill to prohibit the exercise of Banking Privileges;" after having spent some time therein, the Committee rose, reported progress, and asked leave to sit again. Leave was granted.

On motion of Mr. Clark, the House adjourned until to morrow morning, ten o'clock.

HOUSE OF ASSEMBLY.

WEDNESDAY, *March* 27, 1850.

House met, pursuant to adjournment.

Prayer, by Rev. Mr. Briarly.

The roll was called, and the following members were absent, to wit—Messrs. Baldwin, Brackett, Cave, Clarke, Henley, Hughes, McKinstry, Morehead, Ogier, Per Lee, Randolph, and Witherby.

On leave, Messrs. Cardwell, Tefft, and Speaker.

The Journal of yesterday was read and approved.

Mr. Crittenden, from the Committee on the Judiciary, to whom were referred Amendments of Senate to Assembly Bill, entitled "an Act concerning Offices," reported the bill back to the House, recommending the

non-concurrence of the House in said amendments, in which recommendation the House concurred.

Mr. Crittenden then moved the appointment of a Committee of Conference on the disagreeing votes of the two Houses on said Bill. Carried.

Whereupon the Speaker appointed Messrs. Crittenden, Wheeler, and Creaner, said committee.

Mr. Morehead offered the following concurrent resolution—

Resolved, That, with the concurrence of the Senate, Monday, the 1st day of April, be appointed for the election of a State Translator. Adopted.

Mr. Crittenden, on leave, introduced "A Bill to provide for the permanent location of the Seats of Justice of the Several Counties," which was read first and second time, the Rules being suspended for that purpose, and the usual number of copies ordered to be printed.

Mr. Stowell, from the Joint Committee on Enrolled Bills, reported that they had this day presented to the Governor, for his signature, the following bills, entitled—

"An Act to Incorporate the City of San José," "an Act to Incorporate the City of San Diego," "an Act concerning the Office of County Treasurer," "an Act concerning the Office of County Assessor," "an Act to Incorporate the City of Benicia," "an Act concerning the Office of County Attorney," "an Act concerning Jails and Jailors," "an Act concerning the Office of District Attorney," "an Actconcerning Notaries Public," and "an Act to provide for the Incorporation of Towns."

A message from the Senate was received, informing the House that they have concurred in the Report of the Joint Committee of the two Houses, appointed to select laws of a general character for immediate publication, made on yesterday, the 27th instant, designating of a general character acts severally entitled "an Act concerning the Official Bonds of Officers," "an Act subdividing the State into Counties, and establishing Seats of Justice therein," "an Act, superseding certain Courts, and regulating Appeals therefrom," "an Act organizing the District Courts," "an Act creating and regulating Ferries," "an Act regulating Interest," "an Act regulating the General Elections," and "an Act organizing the Supreme Court." Also, that the Senate have passed Assembly Bill, entitled "an Act to change the name of Wm. H. Smith to William Smith Hosford," and Senate Bill, entitled "an Act to

provide for the expenses incurred, by order of the Senate of 27th February, 1850, in taking care of a certain Lunatic." Also, that the Senate have acceded to the request of the Assembly for the appointment of a Committee of Conference on the disagreeing votes of the two Houses, on the Bills of the Assembly, entitled "an Act to provide for the collection of Demands against Vessels and Boats," and "an Act concerning Offices," and have appointed as such committee on their part, Messrs. Heydenfeldt, Broderick, and Fair. Also that they have passed, with an amendment, affixed to the margin thereof, Assembly Bill, entitled, "an Act to organize County Courts," also, Assembly Bill entitled "an Act concerning the Office of Surveyor General," with amendments, marked "Nos. 1 and 2," also, without amendments, Assembly Bill, entitled "an Act to Incorporate the City of Los Angeles;" also that they have passed "a Joint Resolution, granting leave of absence from the State to Hon. Henry A. Lyons."

On motion of Mr. Crittenden, the House went into Committee of the Whole, Mr. Baldwin in the Chair, on Bill No. 89, "to prohibit the exercise of Banking Privileges." After having spent some time therein, the Committee rose, reported the Bill with amendments, and were discharged from the further consideration thereof.

On concurring in first amendment of Committee of the Whole, which was—"If any Person, Association, Company, or Corporation in this State shall put into general circulation, to circulate as Money, any bill, check, ticket, certificate, or other promissory note, paper, or the paper of any bank, or shall make, sign, countersign, endorse, or issue, for the purpose of putting the same into general circulation as money, any such bill, check, certificate, promissory note, or other paper, or the paper of any bank," Mr. Randolph demanded the ayes and nays.

Those who voted in the affirmative were—

Mr. Aram	Mr. Clarke	Mr. Stewart
Baldwin	Corey	Tingley
Brackett	Henley	Walthall
Brown	Morehead	Wheeler —12.

In the negative—

Mr. Bradford	Mr. Crittenden	Mr. Ogier	
Cave	Deal	Randolph	
Covarubias	Gray	Scott	
Creaner	McKinstry	Stowell	—12

So the amendment was not concurred in.

On concurring in second amendment, viz. insert before the word, "printed," in 3d section, the word "written," Mr. Morehead demanded the ayes and nays.

Those who voted in the affirmative were—

Mr. Aram	Mr. Creaner	Mr. Randolph	
Baldwin	Crittenden	Scott	
Bradford	Deal	Stowell	
Brown	Gray	Tingley	
Cave	Henley	Walthall	
Clark	Ogier	Wheeler	
Corey			—19.

In the negative—

Mr. Covarubias	Mr. Morehead	Mr. Stewart	
McKinstry	Moore		—5.

The amendment was adopted.

The remaining amendments, made in Committee of the Whole, were concurred in.

Mr. Walthall offered the following as a substitute for the first five sections :—

"Section 1. If any association, authorized by law for the deposit of gold and silver, shall make, issue, or put in circulation, any bill, check, certificate, promissory note, or other paper, or the paper of any Bank, to circulate as money, every such association, and every person connected therewith, assenting thereto, upon conviction, shall be punished by fine, not less than $100, nor over $500, or by imprisonment in the County Jail for a term not less than one, nor more than six months, or by both fine and imprisonment, for each offence.

"Section 2. If any person or persons, associations, company, or corporation, shall be concerned in banking, by creating, issuing, discounting, or circulating any paper to circulate as money, every such person or persons, association, company, or corporation assenting thereto, upon

conviction, shall be fined and punished in the same manner as is prescribed in the foregoing section."

The ayes and nays were demanded.

Those who voted in the affirmative were—

Mr. Aram	Mr. Corey	Mr. Tingley
Brown	Henley	Walthall
Clarke	Morehead	Wheeler—9

Those who voted in the negative were—

Mr. Baldwin	Mr. Crittenden	Mr. Randolph
Bradford	Deal	Scott
Cave	Gray	Stewart
Covarubias	McKinstry	Stowell
Creaner	Ogier	—14.

So the substitute was not adopted.

Mr. Brown moved to amend by adding the following to section 1:—

"*Provided* nothing in the foregoing section shall go to affect any private transaction on a promissory note."

The amendment was lost.

Mr. Morehead moved to strike out all after the enacting clause, and on this motion demanded the ayes and nays.

Those who voted in the affirmative were—

Mr. Baldwin	Mr. Morehead	Mr. Walthall
Brown	Stewart	Wheeler
Clarke		—7

In the negative—

Mr. Aram	Mr. Crittenden	Mr. Ogier
Bradford	Deal	Randolph
Cave	Gray	Scott
Corey	Henley	Stowell
Covarubias	McKinstry	Tingley
Creaner		—16

So the motion did not prevail.

Mr. Crittenden then moved to amend by striking out the word "to," after the word "bank" in section 1, and inserting the words, "with intent that it shall." Adopted.

Mr. Baldwin moved to lay said bill and amendments on the table until to-morrow. Not agreed to.

Mr. Clarke moved to adjourn. Decided in the negative.

The hour of adjournment having arrived, the Speaker declared the House adjourned until 4 P.M.

FOUR O'CLOCK P.M.

Mr. Morehead moved to lay the unfinished business of the morning on the table. Carried.

Mr. Bradford, in behalf of the committee to whom was referred Senate Bills Nos. 32, 33, and 34, in relation to the quarantine of vessels, &c., for the Port of San Francisco, with instructions to report on to-day, asked longer time to make said report. Granted.

Mr. Creaner, from the Special Committee appointed to select Laws of a general character for immediate publication, reported that they had selected the following :—

"An Act concerning the Official Bonds of Officers;" "an Act subdividing the State into Counties, and establishing the seats of Justice therein;" "an Act superseding certain Courts, and regulating Appeals therefrom;" "an Act organizing the District Courts;" "an Act creating and regulating Ferries;" "an Act regulating Interest;" "an Act regulating general Elections;" and "an Act organizing the Supreme Court."

The report was adopted.

Mr. Morehead moved a re-consideration of the vote by which the House laid Bill No. 89, "an Act to prohibit the exercise of Banking Privileges," on the table.

The motion prevailed.

After debate, Mr. Wheeler moved to lay the bill on the table until next week. Agreed to.

The House took up Senate "Bill to provide for the expenses incurred by order of the Senate of the 27th of February, 1850, in taking care of a certain lunatic." It was read a first time.

Assembly "Bill to organize County Courts," returned from the Senate with an amendment, was taken up, and the House non-concurred in said amendment.

Also, Assembly "Bill concerning the Office of Surveyor General," returned with amendments, was taken up, and the amendments non-concurred in.

Senate's "Joint Resolution, granting leave of absence to the Hon. Henry A. Lyons," was taken up and read first and second time.

Mr. Moore moved to amend "by requesting the remaining associate Justice to leave with him," when, on motion of Mr. Brackett, the Joint resolution was laid on the table during the Session.

Mr. Scott presented a petition in Spanish and English from sundry Citizens of San José, praying for the prohibition of gambling. It was read and laid on the table.

Mr. Aram also presented a petition in English from sundry Citizens of San José on the same subject. It was read, and laid on the table.

Mr. Stowell, from the Joint Committee on Enrolled Bills, reported as correctly enrolled, "An Act providing for the Salaries of District Judges."

On motion of Mr. Morehead, the House went into Committee of the Whole, Mr. Brackett in the chair, on "Bill to suppress Gaming;" after having spent some time therein, the committee rose, reported the bill to the House, and were discharged from its further consideration.

Mr. Morehead then moved to indefinitely postpone the consideration of said bill. Mr. Deal demanded the ayes and nays.

Those who voted in the affirmative were—

Mr. Clarke	Mr. Morehead	Mr. Stewart—3.

In the negative—

Mr. Aram	Mr. Crittenden	Mr. Randolph
Brackett	Deal	Scott
Bradford	Henley	Tingley
Brown	McKinstry	Walthall
Cave	Moore	Wheeler
Covarubias	Ogier	Williams—18.

The House refused to indefinitely postpone.

Mr. Walthall then moved to refer the bill, together with the petitions of citizens of San José on the same subject, to a Select Committee. Agreed to.

Whereupon the Speaker appointed Messrs. Walthall, Randolph, Moore, Henley, and Creaner said committee.

On motion of Mr. McKinstry, the House adjourned until to-morrow morning, 10 o'clock.

HOUSE OF ASSEMBLY.

THURSDAY, *March* 28, 1850.

House met, pursuant to adjournment.

Prayer by Rev. Mr. Douglass.

The roll was called, and the following members absent, to wit—Messrs. Baldwin, Brackett, Clarke, Corey, Creaner, Crittenden, Moore, Patterson, Per Lee, Randolph, Scott, Williams, and Witherby.

On leave, Messrs. Tefft and Speaker.

Mr. Stowell asked and obtained leave of absence for Mr. Crittenden, for one week.

Messrs. Scott, Williams, and Witherby being indisposed, were excused.

The Journal of yesterday was read and approved.

A message from the Governor was received, informing the House that he had signed Bills severally entitled "an Act concerning the office of District Attorney;" "an Act concerning the office of County Attorney;" "an Act concerning Jails and Jailors;" "an Act concerning the office of County Assessors;" "an Act to provide for the incorporation of Towns;" "an Act concerning Notaries Public;" "an Act concerning the Office of County Treasurer;" "an Act to incorporate the City of Benicia."

Mr. Wheeler, from the Committee on the Judiciary, to whom was referred "Bill concerning Conveyances," together with the amendments made in Committee of the Whole, reported the same back, and recommended the adoption of said amendments; also, the following additional amendments.

1st. Amend Sec. 27, in 2d line, by inserting after "Act," the word, "To operate as notice to third person," and also add to the section the words "but shall be valid and binding between the parties thereto, without such record."

2d. Amend Sec. 39, by striking out in 2d line, the words "and as embracing all Chattels real."

3d. Add to Sec. 52, "The legality of the execution, acknowledgment, proof, form, or record, of any conveyance or other instrument heretofore made, executed, acknowledged, proved, or recorded, shall not be affected by anything contained in this Act, but shall depend for its validity or legality upon the laws then existing, and in force."

The amendments were concurred in by the House, and the bill was ordered to be engrossed for a third reading on to-morrow.

Mr. Wheeler, from the Committee of Conference, appointed on the disagreeing votes of the two Houses on "Bill to provide for the collection of demands against Vessels and Boats," reported, that they had agreed that the Senate recede from their amendment, No. 2, to the 5th Section of said bill. The report was adopted.

Mr. Stowell, from the Joint Committee on Enrolled Bills, reported as correctly enrolled, "an Act to establish a Standard of Weights and Measures;" "an Act concerning lawful Fences and Animals trespassing on Premises lawfully inclosed;" and "an Act to change the name of William H. Smith to William Smith Hosford."

Engrossed "Bill concerning Roads and Highways," was taken up, read a third time, and passed.

Also, Engrossed "Bill prescribing the duties and fixing the compensation of County Surveyor," was read a third time and passed.

Senate "Bill to provide for the expenses incurred by order of the Senate, of 27th of February, 1850, in taking care of a certain Lunatic," was taken up, read a second time, and, on motion of Mr. Brown, referred to the Committee on Claims.

On motion of Mr. Walthall, the House took from the table, Senate "Bill to regulate Senatorial and Assembly Districts."

Mr. Walthall moved to amend, by adding the following additional section as Sec. 16: "That the first, fifth, seventh, tenth, eleventh, twelfth, and fifteenth Senatorial Districts, shall elect one member of the Senate for each of said districts at the second General Election, to be held in the year 1850, and thereafter every two years; and that the second, third, fourth, eighth, ninth, thirteenth, and fourteenth Senatorial Districts shall elect one member of the Senate for each of said districts at the third General Election, to be held in the year 1851, and every two years thereafter; and that the sixth Senatorial District shall elect one member of the Senate at the second General Election, to be held in the year 1850, and thereafter every two years; and shall also elect in like manner, one member of the Senate at the third General Election, to be held in the year 1851, and thereafter every two years."

Mr. Wheeler moved to indefinitely postpone the further consideration of said Bill. Not agreed to.

Mr. Walthall moved to insert the words "otherwise Branciforte, after the words "Santa Cruz." Adopted.

The question recurring on the amendment of Mr. Walthall, it was adopted.

Mr. McKinstry moved to refer the Bill to a Select Committee, with special instructions. Not agreed to.

On motion of Mr. Creaner, the Bill was laid on the table for the present.

Mr. Wheeler, from the Select Committee, to whom were referred Senate Bills Nos. 32, 33, and 34, reported the same to the House with sundry amendments, when, on motion of Mr. Deal, the House went into Committee of the Whole on said Bills and amendments, Mr. Baldwin in the Chair. After having spent some time therein, the Committee rose, reported progress, and asked leave to sit again. Leave was granted.

Mr. Stowell, from the Joint Committee on Enrolled Bills, reported as correctly enrolled, Bills entitled "An Act prescribing the Mode of Assessing and Collecting the Public Revenue," and "An Act to Incorporate the City of Monterey."

The hour of adjournment having arrived, the House adjourned until 4 o'clock.

FOUR O'CLOCK P.M.

On motion of Mr. Henley there was a call of the House, and the following members were absent:—Messrs. Baldwin, Cardwell, Clarke, Creaner, Crittenden, Deal, Gray, Morehead, Patterson, Per Lee, Scott, Shepherd, Stowell, Tefft, Wheeler, Williams, Witherby, and Speaker.

On motion, the Sergeant-at-Arms was sent to request the attendance of absent members.

Mr. McKinstry moved that the House adjourn until 7 o'clock.

Mr. Creaner moved, as an amendment, "until half-past 10 o'clock to-morrow."

Not agreed to, and the motion to adjourn until 7 o'clock prevailed. So the House adjourned until 7 o'clock.

SEVEN O'CLOCK P.M.

House met, pursuant to adjournment. No quorum being present, on motion of Mr. Stewart, the House adjourned.

HOUSE OF ASSEMBLY.

FRIDAY, *March* 29, 1850.

House met, pursuant to adjournment.

Prayer by Rev. Mr. Briarly.

The roll was called, and the following members were absent, viz.—Messrs. Baldwin, Brackett, Clarke, Moore, Ogier, Patterson, Per Lee, Shepherd, and Williams.

On leave, Messrs. Crittenden, Tefft, and Speaker.

The Journal of yesterday was read and approved.

Mr. McKinstry, from the Committee on the Judiciary, who were instructed by resolution to report "A Bill to Prevent the Emigration of all persons not American citizens from any of the Penal Settlements of Europe," reported—"That it is their opinion that a law, of so general a character as that contemplated in the resolution, would accord neither with the spirit of our institutions, nor with the existing treaties between the United States and European nations. But anxious to meet the views of the House so far as possible, they beg leave to report and recommend the passage of the accompanying Bill, the provisions of which it is believed extend as far as the Legislature can consistently go.

"An Act to prevent the Importation of Convicts into this State," accompanying the report, was read the first time.

Mr. Bradford, from the Select Committee to whom were referred sundry petitions from the 7th Judicial District, praying for the selection of a Judge from among the citizens now resident within said District, reported, and recommended that the prayer of the petition should be granted. The delegation, when the proper time arrives, will present the name of a gentleman, in whose capacity and integrity they have every confidence, and whose election to the office of Judge of that District will give general satisfaction to the people within said District.

Mr. Stowell, from the Joint Committee on Enrolled Bills, reported that they had this day presented to the Governor for his signature, the following Bills, entitled "An Act providing for the Salaries of District Judges," "An Act concerning Lawful Fences, and Animals Trespassing on Premises lawfully enclosed," "An Act to establish a Standard of Weights and Measures," and "An Act to change the name of Wm. H. Smith to Wm. Smith Hosford."

Engrossed "Bill concerning Conveyances," was taken up and read a

third time, when on motion of Mr. Walthall it was laid on the table for the present.

A Message from the Senate was received, informing the House that they have passed without amendment Assembly Bill entitled "An Act concerning Volunteer and Independent Companies."

Also, that they have refused to recede from their amendments to Assembly Bill, entitled "An Act concerning the Office of Surveyor General," and have appointed a Committee of Conference thereon, consisting of Messrs. Robinson, Crosby, and Douglass, to meet any corresponding Committee which may be appointed on the part of the Assembly.

Also, that they have refused to recede from their amendment to Assembly Bill entitled "An Act to organize the County Courts," and have appointed thereon a Committee of Conference, consisting of Messrs. Heydenfeldt, Fair, and Lippincott, to meet any corresponding Committee on the part of the Assembly.

Also, that the Senate have passed a concurrent Resolution herewith transmitted, in relation to the Harbor Master of San Francisco.

Also, that the Senate have passed Assembly Bill entitled "An Act to incorporate the City of Santa Barbara," with an amendment marked "No. 1," and affixed to the margin of the Bill.

Also, that the Senate have passed without amendment, Assembly Bill entitled "An Act amendatory of Sections 7, 8, 9, 10, and 14, of an Act subdividing the State into Counties, and establishing the Seats of Justice therein."

Also, that they have passed without amendment, Assembly Bill entitled "An Act defining the Compensation of Clerks employed by the Secretary, Treasurer, and Comptroller of State."

Also, that they have passed Bills herewith transmitted, entitled "An Act relative to the Money of Account of this State," "An Act to Incorporate the City of Sonoma," "An Act relating to Bills of Exchange and Promissory Notes."

Mr. Wheeler, from the Select Committee to whom was referred Senate Bill No. 32, "regulating Quarantine of Vessels for the Port and Harbor of San Francisco," reported the same back with sundry amendments, when on motion, the House went into Committee of the Whole, Mr. Baldwin in the Chair, on said Bill, together with "Bill providing for the creation of a Marine Hospital for the State of California," and "Bill creating

Officers of Health;" after having spent some time therein the Committee rose, reported progress, and asked leave to sit again. Not agreed to.

A Message from the Senate was received, informing the House that they have passed Assembly Bill entitled "An Act concerning the organization of the Militia," without amendment: Also, with an amendment marked A, and affixed to the margin of the Bill, Act of the Assembly, "concerning Roads and Highways:" Also, that they have adopted the Report of the Conference Committee on the disagreeing votes of the two Houses, on the Bill entitled "An Act to provide for the collection of Demands against Vessels and Boats:" Also, that the President *pro tempore* of the Senate has signed Bills, entitled "An Act to Incorporate the City of Monterey," and "An Act prescribing the mode of Assessing and Collecting the Public Revenue."

On motion of Mr. Morehead, the House adjourned until 8 o'clock.

EIGHT O'CLOCK P.M.

The Speaker laid before the House a communication from members of the "American Eagle Club," inviting Members of the Assembly to join them in a torchlight procession on Saturday evening, 30th inst., which was read.

On motion of Mr. Henley the communication was laid on the table.

The house then took up unfinished business of morning session, viz. the amendments made in Committee of the Whole to Bill providing for the Creation of a Marine Hospital, in or adjacent to San Francisco; Bill creating Officers of Health; and Bill regulating Quarantine of Vessels, &c.

The amendments to first named Bill were concurred in, and Bill laid over informally.

The amendments to second named Bill were concurred in, and laid over informally.

The amendments to third named Bill were concurred in.

Mr. Wheeler moved to strike out the latter clause of Section 26. Agreed to.

Mr. Randolph offered the following amendment to 9th Section of said Bill:—

"*Provided*, That no Disease, except the Plague, Cholera, Ship Fever, and Small-Pox, shall be considered Diseases, subjecting a vessel to Quarantine."

On motion of Mr. Morehead, the amendment was laid on the table.

Mr. Shepherd announced the presence of Mr. E. B. Bateman, Member elect from the District of San Joaquin, to fill the vacancy of J. F. Stephens, resigned.

On motion of Mr. Creaner, Mr. Bateman came forward, presented his credentials, and took the usual oath of office.

The question recurred on the third reading of the "Bill regulating Quarantine," &c. After some debate, Mr. Morehead moved the previous question.

The question being, "Shall the main question be now put?" it was decided in the affirmative.

The Bill was then read a third time. On its passage, Members voting in the affirmative were—

Mr. Aram	Mr. Henley	Mr. Per Lee
Baldwin	Hughes	Shepherd
Cardwell	McKinstry	Wheeler
Clarke	Morehead	Witherby
Corey	Moore	—16.
Gray	Patterson	

Members voting in the negative were—

Mr. Bradford	Mr. Creaner	Mr. Stowell
Cave	Ogier	Tingley
Covarubias	Randolph	Walthall—9.

So the Bill passed.

Bill for the Erection of a Marine Hospital was taken up, and read a third time.

On its passage, Members voting in the affirmative were—

Mr. Aram	Mr. Hughes	Mr. Randolph
Baldwin	McKinstry	Shepherd
Cardwell	Morehead	Stowell
Clarke	Moore	Tingley
Corey	Ogier	Walthall
Gray	Patterson	Wheeler
Henley	Per Lee	Witherby—21.

Members voting in the negative were—

Mr. Bradford	Mr. Covarubias
Cave	Creaner—4.

The Bill passed.

"Bill creating Officers of Health for the Port and Harbor of San Francisco," was read a third time.

On its passage those who voted in the affirmative were—

Mr. Aram	Mr. Henley	Mr. Randolph
Baldwin	Hughes	Shepherd
Bradford	McKinstry	Stowell
Cardwell	Morehead	Tingley
Clarke	Moore	Walthall
Corey	Ogier	Wheeler
Gray	Patterson	Witherby—21.

Those who voted in the negative were—

Mr. Cave Mr. Covarubias Mr. Per Lee—3.

The Bill passed.

Mr. Cardwell moved that the House adjourn. Decided in the negative.

Mr. Moore moved the appointment of a Committee of Conference on the disagreeing votes of the two Houses on "Bill concerning the Office of Surveyor General." Carried.

Whereupon the Speaker appointed Messrs. Moore, Wheeler, and Bradford said Committee.

Mr. Baldwin moved the appointment of a Committee of Conference on the disagreeing votes of the two Houses on "Bill to Organize the County Courts." Carried.

Messrs. Baldwin, Brackett, and Henley, were appointed said Committee.

Concurrent Resolution of Senate, "relative to Governor's proclaiming Harbor Master," was taken up, when, on motion of Mr. Henley, the resolution was laid on the table until to-morrow.

"Bill to Incorporate the City of Santa Barbara," returned from the Senate with amendments, was taken up, and the amendments concurred in.

Senate bill, entitled "an Act relative to the Money of Account of this State," was taken up and read first time.

Mr. Ogier, from the Committee of Conference to whom was referred "an Act to create Port Wardens for the Port and Harbor of San Francisco," reported the same back with an amendment, when, on motion of Mr. Brackett, the Bill and amendment were laid on the table.

On motion of Mr. Per Lee, the House adjourned until to-morrow morning, 10 o'clock.

HOUSE OF ASSEMBLY.

SATURDAY, *March* 30, 1850.

House met, pursuant to adjournment.

Prayer by Rev. Mr. Douglass.

The roll was called, and the following Members were absent, to wit—Messrs. Cave, Clarke, Corey, Creaner, Gray, McKinstry, Morehead, Ogier, Patterson, Per Lee, Randolph, Stewart, and Witherby.

On leave, Messrs. Crittenden and Tefft.

The Journal of yesterday was read and approved.

On motion, leave of absence for one week was extended to Mr. Tefft.

Mr. Stowell, from the Joint Committee on Enrolled Bills, reported, that they had this day presented to the Governor for his signature, "An Act to Incorporate the City of Monterey," and "An Act prescribing the mode of assessing and collecting Public Revenue."

On motion of Mr. Bigler, it was

Resolved, That the Clerk be requested to invite the Senate to meet the Assembly at half past 11 o'clock A.M., in the Hall of Assembly, for the purpose of proceeding to the election of District Judges.

Mr. Covarubias, on behalf of the Committee appointed under a Joint Resolution of the two Houses, to examine into the qualifications of candidates to fill the office of State Translator, reported, "That of the several gentlemen whom they have examined, Mr. Schleiden, in their opinion, is the best qualified to fill the office, and your committee have instructed me to put him in nomination for the office alluded to."

On motion of Mr. Walthall, the House took up "Bill concerning Conveyances." Mr. Walthall moved to refer the same to a Select Committee, with instructions "to strike out all after the word 'unmarried,' beginning with the word 'best,'" adopted. Whereupon the Speaker appointed Messrs. Walthall, Brackett, and Wheeler, said committee.

Senate "Bill to incorporate the City of Sonoma," was taken up, read three several times, and passed, the Rules being suspended for that purpose.

Senate "Bill relating to Bills of Exchange and Promissory Notes," was

taken up, read 1st and 2d times, the Rules having been suspended, and on motion of Mr. Bradford, was referred to the Committee on the Judiciary.

Assembly "Bill concerning Roads and Highways," returned from Senate with amendments, was taken up, and the amendments concurred in.

Senate "Bill relative to the money of account of this State," was taken up, read 2d time, and referred to the Committee on Commerce.

Assembly "Bill to prevent the importation of convicts into this State," was taken up and read 2d time.

A message from the Senate was received by their Secretary, informing the Assembly that they have accepted the invitation of the Assembly to meet in convention, in the Hall of Assembly, at half past 11 o'clock, this day, to go into the election of District Judges.

Mr. Walthall, from the Select Committee, to whom was referred "Bill concerning Conveyances," with certain instructions, reported in accordance with instructions given, which report was concurred in by the House. The bill was then, on motion, laid on the table.

Mr. Bradford offered the following resolution :—

Resolved, That the Standing Committee of Public Printing be instructed to ascertain if arrangements cannot be made with the State Printer, to submit to a very considerable reduction in the prices of printing the laws and journals, from the prices now fixed by law, providing authority be given him to select his own choice of place for doing said work; provided also that said change shall not prolong the time for delivering the laws and journals for distribution. Adopted.

Joint Resolution of Senate "relative to Governor proclaiming Harbor Master," was taken up, and on motion, was laid on the table.

On motion of Mr. Bradford, House took up Senate "Bill regulating Senatorial and Assembly Districts," it was read a third time and passed.

On motion of Mr. Morehead, the House adjourned until 20 minutes past 11 o'clock.

TWENTY MINUTES PAST ELEVEN O'CLOCK.

House met, pursuant to adjournment.

Mr. Bigler moved a call of the House, when the following members were absent, to wit—Messrs. Baldwin, Brackett, Clarke, Creaner, More-

head, Per Lee, Randolph, Stowell, Wheeler, Williams, and Witherby. The absentees appeared.

IN CONVENTION.

The Senate and Assembly met in convention for the purpose of electing Judges of the several districts.

On motion of Mr. Henley, it was

Resolved, That the Secretary of the Senate and the Clerk of the House be directed to prepare ballots to correspond with the number of the Judicial Districts, and that they be placed in a hat, and that the convention proceed to ballot for Judges in the order in which they shall be drawn by the President *pro tempore* of the Senate.

Messrs. Fair of the Senate, and Stowell of the Assembly, acting as tellers.

THE THIRD JUDICIAL DISTRICT WAS DRAWN.

Mr. Woodworth, of the Senate, nominated Jno. H. Watson,
„ Bassham „ „ John T. Hughes.

The result of the ballot was as follows:—

Whole number of votes cast	39
Necessary to a choice	20
Of which Jno. H. Watson received	18
John T. Hughes	17
Scattering	4

Those who voted for John H. Watson were—

Mr. Chamberlin	Mr. Vermeule	Mr. Morehead
De la Guerra	Woodworth	Moore
Douglass	Baldwin	Patterson
Fair	Bateman	Per Lee
Green	Brackett	Scott
Heydenfeldt	Clarke	Shepherd—18.

Those who voted for John T. Hughes were—

Mr. Bassham	Mr. Brown	Mr. Tingley
Crosby	Corey	Walthall
Lippincott	Covarubias	Wheeler
Vallejó	Deal	Williams
Aram	Gray	Speaker
Bradford	Henley	—17.

Mr. Randolph and Mr. McKinstry voted for P. O. Minor, Mr. Stewart for Mr. Devine, and Mr. Stowell for Mr. Hoslip.

No person having received a majority of all the votes cast, the Convention proceeded to a second balloting, which resulted as follows :—

Whole number of votes, ... 37
Necessary to a choice, ... 18

Those who voted for John H. Watson were—

Mr. Chamberlin	Mr. Woodworth	Mr. Moore
De la Guerra	Baldwin	Patterson
Douglass	Bateman	Per Lee
Fair	Brackett	Scott
Green	Clarke	Shepherd
Heydenfeldt	Covarubias	Stewart
Vermeule	Morehead	—20.

Those who voted for John T. Hughes were—

Mr. Bassham	Mr. Cave	Mr. Walthall
Lippincott	Corey	Wheeler
Vallejó	Deal	Williams
Aram	Gray	Speaker
Bradford	Henley	—16.
Brown	Tingley	

Mr. Randolph voted for P. O. Minor—1.

Mr. Watson having received a majority of all the votes cast, was declared duly elected for the time specified by the Constitution.

THE NINTH DISTRICT WAS NEXT DRAWN.

Mr. Woodworth nominated W. Scott Sherwood.

The result of the ballot was as follows :—

Whole number of votes, ... 44
Necessary to a choice 23

Of which Mr. Sherwood received the whole number.

Members voting for W. Scott Sherwood were—

Mr. Broderick	Mr. Green	Mr. Woodworth
Chamberlin	Heydenfeldt	Aram
Crosby	Lippincott	Baldwin
De la Guerra	Robinson	Bateman
Douglass	Vallejó	Brackett
Fair	Vermeule	Bradford
Brown	Hughes	Shepherd

Mr. Cardwell	Mr. McKinstry	Mr. Stewart
Cave	Morehead	Stowell
Clarke	Moore	Tingley
Corey	Ogier	Walthall
Covarubias	Patterson	Wheeler
Deal	Per Lee	Williams
Gray	Randolph	Speaker
Henley	Scott	—44.

Mr. Sherwood having received all the votes cast, was declared elected for the time specified by the Constitution.

FIFTH DISTRICT WAS NEXT DRAWN.

Mr. Fair nominated Charles M. Creaner.

The result of the ballot was as follows:—

Whole number of votes, ... 41
Necessary to a choice, ... 21

Those who voted for Charles M. Creaner were—

Mr. Bassham	Mr. Baldwin	Mr. Moore
Broderick	Bateman	Patterson
Chamberlin	Brackett	Per Lee
Crosby	Bradford	Shepherd
De la Guerra	Brown	Stewart
Douglass	Cave	Tingley
Fair	Clarke	Walthall
Green	Covarubias	Wheeler
Heydenfeldt	Deal	Williams
Lippincott	Henley	Speaker
Vallejó	Hughes	
Vermeule	McKinstry	
Aram	Morehead	—37.

Mr. Woodworth voted for Wm. Smith Hosford.
Robinson " " Mr. Devine.
Corey " " Smith
Randolph " " David Terry.

Mr. Creaner having received a majority of all the votes cast, was declared duly elected for the time prescribed by the Constitution.

SIXTH DISTRICT DRAWN.

Mr. Robinson, of the Senate, nominated Jas. S. Thomas.

The ballot was as follows—

Whole number of votes, ... 43
Necessary to a choice, ... 22

Those who voted for Jas. S. Thomas were—

Mr. Broderick	Mr. Bateman	Mr. Ogier
Chamberlin	Brackett	Patterson
Crosby	Bradford	Per Lee
De la Guerra	Brown	Randolph
Douglass	Cardwell	Scott
Fair	Cave	Shepherd
Green	Clarke	Stewart
Heydenfeldt	Corey	Stowell
Lippincott	Covarubias	Tingley
Robinson	Deal	Walthall
Vallejó	Henley	Wheeler
Vermeule	Hughes	Williams
Woodworth	McKinstry	Speaker
Aram	Morehead	
Baldwin	Moore	—43.

Mr. Thomas having received all the votes cast, was declared duly elected for the time prescribed by the Constitution.

FIRST DISTRICT DRAWN.

Mr. Morehead nominated O. S. Witherby.

The result was as follows:—

Whole number of votes, ... 40
Necessary to a choice, ... 21

Members voting for O. S. Witherby were—

Mr. Bassham	Mr. Baldwin	Mr. Morehead
Broderick	Bateman	Moore
Chamberlin	Brackett	Patterson
Crosby	Bradford	Per Lee
De la Guerra	Brown	Scott
Douglass	Cave	Shepherd
Fair	Clarke	Stewart
Green	Covarubias	Tingley
Heydenfeldt	Deal	Walthall
Lippincott	Henley	Wheeler
Vallejó	Hughes	Williams
Vermeule	McKinstry	Speaker—36.

Members voting for Wm. Smith Hosford were—

Mr. Woodworth Mr. Aram Mr. Corey—3.

Mr. Randolph voted for Hall McAllister—1.

Mr Witherby having received a majority of all ; votes cast, was delared duly elected for the time prescribed by the C astitution.

SECOND DISTRICT DRAWN.

Mr. Lippincott nominated Henry A. Tefft.

Mr. Vermeule nominated John H. Gass.

The result was as follows:—

Whole number of votes, ... 38

Necessary to a choice, ... 20

Members voting for Henry A. Tefft were—

Mr. Broderick	Mr. Aram	Mr. Moore
Chamberlin	Bradford	Patterson
Crosby	Brown	Per Lee
De la Guerra	Covarubias	Scott
Green	Henley	Walthall
Lippincott	Hughes	Williams
Vallejó	McKinstry	Speaker
Vermeule		—22.

Members voting for John H. Gass were—

Mr. Bassham	Mr. Woodworth	Mr. Morehead
Douglass	Baldwin	Shepherd
Fair	Bateman	Stewart
Heydenfeldt	Clarke	Wheeler
Robinson	Deal	—14.

Mr. Randolph and Mr. Tingley voted for Richard Roman—2.

Mr. Tefft, having received a majority of all the votes cast, was declared duly elected, for the time prescribed in the Constitution.

SEVENTH DISTRICT DRAWN.

Mr. Brackett nominated Robert Hopkins.

The result was as follows:—

Whole number of votes 44

Necessary to a choice 23

Those who voted for Mr. Hopkins were:—

Mr. Bassham	Mr. Baldwin	Mr. Moore
Broderick	Bateman	Ogier
Chamberlin	Brackett	Patterson
Crosby	Bradford	Per Lee
De la Guerra	Brown	Randolph
Douglass	Cardwell	Scott
Fair	Cave	Shepherd
Green	Clarke	Stewart
Heydenfeldt	Corey	Stowell
Lippincott	Covarubias	Tingley
Robinson	Deal.	Walthall
Vallejó	Henley	Wheeler
Vermeule	Hughes	Williams
Woodworth	McKinstry	Speaker
Aram	Morehead	—44.

Mr. Hopkins having received all the votes cast, was declared duly elected for the time specified by the Constitution.

EIGHTH DISTRICT DRAWN.

Mr. Vermeule nominated Wm. R. Turner.
Crosby " J. W. M'Corkle.

The result was as follows:—

Whole number of votes	41
Necessary to a choice	21

Those who voted for Wm. R. Turner were:—

Mr. Douglass	Mr. Brackett	Mr. Patterson
Fair	Cardwell	Per Lee
Green	Cave	Randolph
Heydenfeldt	Clarke	Scott
Lippincott	Covarubias	Shepherd
Vermeule	Hughes	Stewart
Woodworth	Morehead	Tingley
Baldwin	Moore	Walthall
Bateman	Ogier	Wheeler—27.

Members voting for J. W. M'Corkle were:—

Mr. Bassham	Mr. Aram	Mr. Henley
Chamberlin	Bradford	Stowell
Crosby	Brown	Williams
Robinson	Corey	Speaker
Vallejó		—13.

Mr. McKinstry voted for Mr. Hester.

Mr. Turner, having received a majority of all the votes, was declared duly elected.

FOURTH DISTRICT DRAWN.

Mr. Heydenfeldt nominated Levi Parsons.
Randolph " Alex. Campbell

The result was as follows :—

Whole number of votes	46
Necessary to a choice	24

Those who voted for Levi Parsons were :—

Mr. Bassham	Mr. Brown	Mr. Per Lee
Douglass	Cardwell	Scott
Fair	Cave	Shepherd
Green	Creaner	Stewart
Heydenfeldt	Deal	Tingley
Vallejó	Hughes	Walthall
Woodworth	Morehead	Wheeler
Baldwin	Moore	Witherby
Bateman	Patterson	—26.

Those who voted for Alexander Campbell were :—

Mr. Broderick	Mr. Aram	Mr. McKinstry
Chamberlin	Brackett	Ogier
Crosby	Bradford	Randolph
De la Guerra	Clarke	Stowell
Lippincott	Corey	Williams
Robinson	Covarubias	Speaker
Vermeule		—19.

Mr. Levi Parsons having received a majority of all the votes cast, was declared duly elected for the time prescribed in the Constitution.

The Senate then withdrew, and, on motion of Mr. Clarke, the House adjourned until Monday morning, 10 o'clock.

HOUSE OF ASSEMBLY.

MONDAY, *April* 1, 1850.

House met, pursuant to adjournment.

Prayer by Rev. Mr. Briarly.

The roll was called, and the following members were absent, to wit—Messrs. Baldwin, Brackett, Clarke, Corey, Covarubias, Creaner, Deal, Gray, Morehead, Moore, Ogier, Patterson, Per Lee, Randolph, Scott, Shepherd, and Witherby.

On leave, Messrs. Crittenden and Tefft.

Mr. Deal was excused.

No quorum being present, Mr. Cardwell moved that the House adjourn until to-morrow morning 10 o'clock.

Not agreed to.

When, on motion of Mr. Cave, the House adjourned until eight o'clock P.M.

EIGHT O'CLOCK P.M.

Mr. Tingley in the chair.

The roll was called, and the following members absent, to wit—

Messrs. Baldwin, Bateman, Cardwell, Clarke, Deal, Morehead, Moore, Patterson, Per Lee, Scott, Shepherd, Stewart, Stowell, Walthall, Williams, Witherby, and Speaker.

The Speaker, being indisposed, was excused.

No quorum being present, Mr. Bradford moved that the House adjourn.

Not agreed to.

On motion of Mr. Randolph, the Sergeant-at-Arms was despatched to arrest absent members.

Some time having elapsed, and no quorum appearing, on motion of Mr. McKinstry, the House adjourned until to-morrow morning.

HOUSE OF ASSEMBLY.

TUESDAY, *April* 2, 1850.

House met, pursuant to adjournment.

The roll was called and the following members were absent, to wit—

Messrs. Baldwin, Bateman, Brackett, Cardwell, Clarke, Covarubias, Creaner, Gray, Morehead, Ogier, Patterson, Per Lee, Shepherd, Stewart, and Witherby.

On leave, Messrs. Crittenden, Deal, Tefft, and Speaker.

No quorum being present, on motion of Mr. Williams, the Sergeant-at-Arms was dispatched to request the attendance of absent members. A quorum appearing, Journals of Saturday and yesterday were read and approved.

A message from the Governor was received informing the Assembly that he had signed bills, entitled "an Act concerning lawful fences and animals trespassing on premises lawfully inclosed;" "an Act to incorporate the City of Monterey;" "an Act prescribing the mode of assessing and collecting the Public Revenue;" "an Act to establish a standard of Weights and Measures;" and "an Act to change the name of William H. Smith to William Smith Hosford."

Mr. Randolph, from the Committee of Commerce, to whom was referred Senate Bill, entitled "an Act relative to the money of account of this State," reported the same back, without amendment, and recommended its passage. The bill was then read a third time and passed.

Mr. Moore offered the following resolution:—

Resolved, That the State Printer be directed to stop the printing of all messages, reports, and all extra printing that may have been ordered by this House up to this date. Adopted.

Mr. Williams introduced a "Joint Resolution in reference to the Public Archives," which was read three several times and passed, the Rules being suspended for that purpose.

Mr. Morehead introduced a concurrent Resolution, repealing the resolution fixing the time of adjournment. Mr. Cave moved to lay it on the table. Mr. Morehead demanded the ayes and nays.

Those who voted in the affirmative were—

Mr. Aram	Mr. Gray	Mr. Scott
Brackett	Henley	Shepherd
Bradford	Hughes	Stowell
Brown	McKinstry	Tingley
Cardwell	Moore	Walthall
Cave	Patterson	Wheeler
Corey	Randolph	—20.

In the negative—

Mr. Bateman Mr. Morehead Mr. Williams—3.

The resolution was laid on the table.

A message from the Senate was received informing the Assembly that they adopted the concurrent resolution of the Assembly, "in relation to the election of State Translator," with an amendment, striking out "Monday, the 1st day of April," and inserting therefor, "Wednesday, the 3d day of April."

Also, that they have passed Bill herewith transmitted, entitled "an Act for the better regulation of the Mines and government of Foreign Miners."

Mr. Walthall, from the Select Committee, to whom was referred "a Bill to suppress Gaming," reported the same back, with an amendment, by striking out all after the enacting clause, and submitting a substitute therefor," which was read, and, on motion of Mr. Morehead, laid on the table for the present.

"Concurrent Resolution, in relation to the election of State Translator," returned from the Senate with an amendment, was taken up, and the amendment concurred in.

Senate "Bill for the better regulation of the Mines and government of Foreign Miners," was taken up, and read first and second time.

Mr. Henley moved to refer the bill to the Committee on the Judiciary. Not agreed to.

Mr. Randolph moved to refer it to a Select Committee from the District of San Joaquin and Sacramento. Agreed to.

The Speaker appointed Messrs. Shepherd, Cave, and Morehead of San Joaquin, and Messrs. Walthall and Henley, of Sacramento, said Committee.

Mr. Brackett, from the Select Committee, to whom was referred "Bill concerning the office of Reporter," reported the same back, with amendments.

Mr. Randolph moved to lay the bill and amendments on the table for the present. Not agreed to.

The amendments were then concurred in; on the 1st amendment, viz. to fill the first blank with "one hundred and fifty," and the second with "sixteen."

Mr. Moore demanded the ayes and nays.

Those who voted in the affirmative were—

Mr. Aram	Mr. Henley	Mr. Stewart,
Brackett	Hughes	Stowell
Bradford	McKinstry	Tingley
Brown	Patterson	Walthall
Cave	Randolph	Wheeler
Clarke	Scott	Williams
Corey	Shepherd	—20.

In the negative—

Mr. Baldwin	Mr. Cardwell	Mr. Moore
Bateman	Morehead	—5.

The third blank was afterwards, on motion, filled with two thousand. The bill was then ordered to be engrossed for a third reading on to-morrow.

Mr. Clarke presented a petition from numerous citizens of the State, remonstrating against the passage of a law for the Suppression of Gaming.

On motion of Mr. Bradford the petition was laid on the table.

Mr. Wheeler, from the Committee on the Judiciary, who were instructed to inquire into the expediency of introducing "a Bill requiring Alcaldes and Judges of the Courts of first instance to account for moneys received and expended by them," reported a bill, the title as above mentioned, which was read a first and second time and ordered to be printed.

Mr. Wheeler, from the Select Committee, to whom was referred "Bill prescribing the mode of maintaining and defending possessory actions on lands belonging to the United States," and also the substitute for said bill, reported and submitted the substitute, with amendments. The first amendment was concurred in.

Mr. Tingley moved to lay the bill and pending amendments on the table. Not agreed to.

The question recurring, on concurring in the second amendment of the committee, which was, to strike out "one hundred and sixty," and insert "eighty," Mr. Brackett demanded the ayes and nays.

Those who voted in the affirmative were—

Mr. Brown	Mr. McKinstry	Mr. Tingley
Covarubias	Moore	Walthall
Henley	Randolph	Wheeler—9.

Those who voted in the negative were—

Mr. Aram	Mr. Corey	Mr. Shepherd
Brackett	Gray	Stewart
Bradford	Hughes	Stowell
Cave	Morehead	Williams
Clarke	Ogier	—14.

So the House refused to concur in said amendment. The third amendment was then adopted.

On motion of Mr. Williams, the bill was considered as engrossed, and read a third time. On its final passage, Mr. Brackett demanded the ayes and nays.

Those who voted in the affirmative were—

Mr. Aram	Mr. Covarubias	Mr. Shepherd
Bateman	Gray	Stewart
Brackett	Henley	Stowell
Bradford	Morehead	Tingley
Brown	Moore	Walthall
Cave	Ogier	Wheeler
Clarke	Randolph	Williams
Corey		—22.

In the negative—none.

The bill passed.

Mr. Wheeler, from the Select Committee, composed of the delegation from the District of San Francisco, to whom was referred "Senate Bill to Incorporate the City of San Francisco," reported the same back, with amendments.

When, on motion of Mr. Randolph, the House went into Committee of the Whole, Mr. Morehead in the chair, on said bill and amendments. After having spent some time therein, the committee rose, reported progress, and asked leave to sit again. Leave was granted.

A message from the Senate was received, informing the Assembly, that they had passed Assembly Bill, entitled "an Act to regulate Proceedings in Criminal Cases," with sundry amendments. Also, that they have concurred in the amendments of the Assembly to Senate Bill, entitled "an Act to regulate the Senatorial and Assembly Districts." Also, that they have refused to recede from their amendment to Assembly Bill, entitled "an Act concerning Roads and Highways," and have appointed a Committee of Conference thereon, consisting of Messrs. Robinson, Douglass, and Heydenfeldt, to meet any

corresponding committee, which may be appointed on the part of the Assembly. Also, that they have passed, without amendment, Assembly Bill, entitled "an Act prescribing the Duties, and fixing the Compensation of County Surveyors." Also, that the Governor has notified the Senate, that on the 30th ult. he had signed Senate Bill, entitled, "an Act providing for the Salaries of District Judges."

On motion of Mr. Randolph, the House adjourned until 4 o'clock.

Four o'clock p.m.

Mr. Bradford presented the account of George W. Crane, which was, on motion, referred to Committee on Claims.

On motion of Mr. Wheeler, the House went into Committee of the Whole, Mr. Morehead in the chair, to resume the consideration of bill "to Incorporate the City of San Francisco." After having spent some time therein, the committee rose, reported bill, with amendments, and were discharged from its further consideration.

On motion of Mr. Wheeler, the House concurred generally in the amendments of the Committee of the Whole to said bill. The bill was then read a third time and passed.

Mr. McKinstry, from the Committee on Claims, to whom was referred the account of George W. Crane, reported the same back as correct.

The report was concurred in.

Mr. Henley gave notice, that on to-morrow or some future day, he would introduce a bill, entitled "an Act to amend an Act, organizing the District Courts of the State of California."

Mr. Morehead, pursuant to notice, introduced "a Bill for the benefit of Private Coiners, and for the punishment of Fraud in the conducting of Private Mints," which was read first time.

On motion of Mr. Stowell, the House took up Senate Bill in relation to the Coinage of Money by Individuals. It was read a third time, and the question being "Shall the bill pass?" it was decided in the negative.

Assembly "Bill to regulate proceedings in Criminal Cases," returned from Senate with amendments, was taken up, and on motion of Mr. Randolph, was referred to the Committee on the Judiciary.

Mr. Brown moved the appointment of a Committee of Conference, on the disagreeing votes of the two Houses, on "Bill concerning Roads and Highways." Agreed to.

Whereupon, the Speaker appointed Messrs. Brown, Cave, and Aram, said committee.

Senate Bill, to provide for the contingent expenses of the Legislature, with the amendment, as reported from the Committee on the Judiciary, was taken up, and after debate, on motion of Mr. Ogier, was laid on the table.

The Speaker laid before the House a communication from Charles M. Creaner, tendering his resignation as member of the Assembly from the District of San Joaquin.

On motion, the resignation was accepted, and it was ordered that the Governor be notified.

Mr. Randolph, from the Committee on Commerce, to whom was referred Senate "Bill to prevent obstructions in Navigable Streams," reported the same back, with amendments, which amendments were concurred in, and the bill was read a third time and passed.

Mr. Brackett gave notice, that on to-morrow or some future day, he would introduce a Bill, entitled "an Act concerning the Common Law."

On motion of Mr. Ogier, the House took up Senate "Bill to create Port Wardens for the Harbor of San Francisco, and defining their Duties," together with the amendments of the Committee of Commerce to said Bill—which amendments were concurred in.

Mr. Walthall moved to amend by inserting the words "Sacramento City" after the words "San Francisco." Adopted.

The bill was then read a third time and passed.

On motion of Mr. Henley, the House adjourned until 8 o'clock P.M.

EIGHT O'CLOCK P.M.

"An Act concerning Conveyances" was taken up. Mr. Walthall moved to amend Sec. 4, by striking out the words "Recorder of Deeds," and inserting the words "Justice of the Peace of the proper county." Adopted.

The Bill was then passed.

On motion of Mr. Bradford, the House went into Committee of the Whole, Mr. Moore in the Chair, on "Bill to provide for the Erection of Court Houses." After having spent some time therein, the Committee rose, reported the Bill with amendments, and were discharged from its further consideration.

The amendments were then concurred in; the Bill considered as engrossed, read a third time, and passed.

On motion of Mr. Henley, the House went into Committee of the Whole, Mr. McKinstry in the Chair, on Bills entitled, "An Act to provide for the permanent Location of Seats of Justice in the several Counties," and "An Act concerning Corporations." After having spent some time therein, the Committee rose, reported the first named Bill without amendment, and were discharged from its further consideration.

The Bill was then, on motion, considered as engrossed, read a third time, and passed.

On last named bill, the Committee reported progress, and asked leave to sit again. Leave was granted.

On motion of Mr. Covarubias, the House adjourned until to-morrow morning, 10 o'clock.

HOUSE OF ASSEMBLY.

Wednesday, *April* 3, 1850.

House met, pursuant to adjournment.

Mr. Tingley, Speaker *pro tem.*, in the Chair.

Prayer by Rev. Mr. Briarly.

The roll was called, and the following members were absent:—

Messrs. Aram, Baldwin, Bateman, Brown, Cave, Clarke, Covarubias, Morehead, Moore, Ogier, Per Lee, Randolph, Shepherd, Stewart, Witherby.

On leave: Messrs. Crittenden, Deal, Tefft, and Speaker.

No quorum being present, the Sergeant-at-Arms was directed to request the attendance of absentees.

A quorum appearing, the Journal of yesterday was read and approved.

Mr. Brackett, pursuant to notice, introduced a "Bill concerning the Common Law," which was read the first time.

Speaker *pro tem.* laid before the House a communication from the Hon. O. S. Witherby, resigning his seat as member of the Assembly, which was accepted, and, on motion, it was ordered that the Governor be informed thereof.

Mr. Bradford presented the account of Geo. F. Pitts and J. F. Ankeney,

and moved that the same be referred to the Committee on Claims. Agreed to.

On motion of Mr. Walthall, the House took up "Bill concerning Bills of Exchange," which, on motion of Mr. Walthall, was referred to the Judiciary Committee.

On motion of Mr. Walthall, the House resolved itself into Committee of the Whole, Mr. McKinstry in the Chair, on "Bill concerning Corporations." After some time spent therein, the Committee rose, reported progress, and asked leave to sit again. Leave was granted.

Mr. Morehead offered the following resolution:—

Resolved, That the Clerk be requested to invite the Senate to meet the Assembly in their Hall, at 12 o'clock, to go into an election for State Translator. The resolution was adopted.

Mr. McKinstry, from the Committee on Claims, to whom was referred the account of J. F. Ankeney and Geo. F. Pitts, reported the same as correct, and recommended their payment. The report was adopted.

Mr. Brown, from the Committee of Conference, appointed on the disagreeing votes of the two Houses on "Bill concerning Roads and Highways," reported that it had been agreed upon by the Conference Committee to recommend that the Senate recede from its amendment. The report was concurred in.

IN CONVENTION.

The Senate and Assembly met in Convention, at the hour of 12 o'clock M., to elect a State Translator.

Messrs. Bassham of the Senate and Corey of the House were appointed tellers.

Mr. Covarubias nominated Mr. Schleiden.

Mr. Green nominated Mr. Jno. H. Schull.

Mr. Vermeule nominated Mr. Wm. Lowry.

Mr. Woodworth nominated Mr. Jos. Henriques.

Mr. Moore nominated Mr. Alfred Luckett.

The result of the first ballot was as follows:—

Whole number of votes cast . .	38
Necessary to a choice . . .	20

Of which Mr. W. Schleiden received . . 17
Mr. J. H. Schull 6
Mr. W. Lowry 15

Those who voted for Mr. Schleiden were—

Mr. Broderick	Mr. Brown	Mr. Ogier
Chamberlin	Corey	Randolph
Robinson	Covarubias	Stowell
Vallejó	Henley	Walthall
Aram	Hughes	Speaker
Bradford	McKinstry	—17

Those who voted for Mr. Schull were—

Mr. Bassham	Mr. Fair	Mr. Baldwin
Douglass	Green	Bateman—6

Those who voted for Mr. Lowry were—

Mr. Heydenfeldt	Mr. Gray	Mr. Scott
Vermeule	Morehead	Shepherd
Woodworth	Moore	Stewart
Cave	Patterson	Tingley
Clarke	Per Lee	Williams—15

No one having received a majority of all the votes cast, the Convention proceeded to a second ballot, which resulted as follows :—

Whole number of votes cast . . . 38
Necessary to a choice 20
Of which Mr. W. Schleiden received . . 18 votes
Mr. J. H. Schull 6
Mr. William Lowry . . . 14

Those who voted for Mr. W. Schleiden were—

Mr. Broderick	Mr. Bradford	Mr. McKinstry
Chamberlin	Brown	Ogier
Fair	Corey	Randolph
Robinson	Covarubias	Stowell
Vallejó	Henley	Walthall
Aram	Hughes	Speaker—18

Those who voted for Mr. Schull were—

Mr. Bassham	Mr. Green	Mr. Bateman
Douglass	Baldwin	Morehead—6

Those who voted for Mr. Lowry were—

Mr. Heydenfeldt	Mr. Gray	Mr. Shepherd
Vermeule	Moore	Stewart
Woodworth	Patterson	Tingley
Cave	Per Lee	Williams
Clarke	Scott	—14

There being no election, the Convention proceeded to a third ballot, which resulted as follows :—

Whole number of votes cast . . .	38
Necessary to a choice	20
Of which Mr. W. Schleiden received . .	17 votes
Mr. J. H. Schull	7
Mr. W. Lowry	14

Those who voted for Mr. Schleiden were—

Mr. Broderick	Mr. Brown	Mr. Ogier
Chamberlin	Corey	Randolph
Robinson	Covarubias	Stowell
Vallejó	Henley	Walthall
Aram	Hughes	Speaker
Bradford	McKinstry	—17

Those who voted for Mr. Schull were—

Mr. Bassham	Mr. Green	Mr. Bateman
Douglass	Baldwin	Clarke
Fair		—7

Those who voted for Mr. Lowry were—

Mr. Heydenfeldt	Mr. Morehead	Mr. Shepherd
Vermeule	Moore	Stewart
Woodworth	Patterson	Tingley
Cave	Per Lee	Williams
Gray	Scott	—14

There was no election.

Mr. Randolph moved that the Convention do adjourn, to convene again this evening at eight o'clock. Not agreed to.

The Convention then proceeded to ballot the fourth time, which resulted as follows :—

Whole number of votes cast . . .	37
Necessary to a choice	20

Of which Mr. Schleiden received . . . 16 votes
Mr. Schull 6
Mr. Lowry 15

Those who voted for Mr. Schleiden were—

Mr. Broderick	Mr. Brown	Mr. Ogier
Chamberlin	Corey	Randolph
Robinson	Covarubias	Stowell
Vallejó	Henley	Walthall
Aram	McKinstry	Speaker
Bradford		—16

Those who voted for Mr. Schull were—

Mr. Bassham	Mr. Fair	Mr. Baldwin
Douglass	Green	Bateman—6

Those who voted for Mr. Lowry were—

Mr. Heydenfeldt	Mr. Gray	Mr. Scott
Vermeule	Morehead	Shepherd
Woodworth	Moore	Stewart
Cave	Patterson	Tingley
Clarke	Per Lee	Williams—15

There being no election, the Convention proceeded to the fifth ballot, which resulted as follows :—

Whole number of votes cast . . . 38
Necessary to a choice 20
Of which Mr. Schleiden received . . . 16 votes
Mr. Schull 7
Mr. Lowry 15

Those who voted for Mr. Schleiden were—

Mr. Broderick	Mr. Brown	Mr. Ogier
Chamberlin	Corey	Randolph
Robinson	Covarubias	Stowell
Vallejó	Henley	Walthall
Aram	McKinstry	Speaker
Bradford		—16

Those who voted for Mr. Schull were—

Mr. Bassham	Mr. Green	Mr. Bateman
Douglass	Baldwin	Hughes
Fair		—7

Those who voted for Mr. Lowry were—

Mr. Heydenfeldt	Mr. Gray	Mr. Scott
Vermeule	Morehead	Shepherd
Woodworth	Moore	Stewart
Cave	Patterson	Tingley
Clarke	Per Lee	Williams—15

There being no election, Mr. Henley moved to adjourn. Not agreed to.

The Convention then proceeded to ballot the sixth time, which resulted as follows :—

Whole number of votes cast . . .	38
Necessary to a choice	20
Of which Mr. Schleiden received . . .	17 votes
Mr. Schull	7
Mr. Lowry	13
Mr. Henrique	1

Those who voted for Mr. Schleiden were—

Mr. Broderick	Mr. Brown	Mr. Ogier
Chamberlin	Corey	Randolph
Robinson	Covarubias	Stowell
Vallejó	Henley	Walthall
Aram	Hughes	Speaker
Bradford	McKinstry	—17

Those who voted for Mr. Schull were—

Mr. Bassham	Mr. Baldwin	Mr. Morehead
Fair	Bateman	Tingley
Green		—7

Those who voted for Mr. Lowry were—

Mr. Heydenfeldt	Mr. Gray	Mr. Scott
Vermeule	Moore	Shepherd
Woodworth	Patterson	Stewart
Cave	Per Lee	Williams
Clarke		—13

Mr. Douglass voted for Mr. Henrique—1.

There being no election, Mr. Henley moved that the Convention do adjourn *sine die.*

The motion prevailed, and the Senate withdrew.

Mr. Stowell, from the Joint Committee on Enrolled Bills, reported, as correctly enrolled, the following Acts :—

"An Act to incorporate the City of Sonoma."

"An Act to regulate the Senatorial and Assembly Districts."

"An Act relative to the Money of Account of this State."

"An Act establishing Recorders' Offices, and defining the duties of the Recorder and County Auditor."

"An Act defining the compensation of Clerks employed by the Secretary, Treasurer, and Comptroller of State."

"An Act to authorize the formation of Limited Partnerships."

"An Act concerning Volunteer or Independent Companies."

"An Act to incorporate the City of Los Angeles."

Mr. Morehead moved to adjourn until 4 o'clock P.M. Not agreed to.

On motion, there was a call of the House.

Those who were absent were—Messrs. Baldwin, Cardwell, Clarke, Covarubias, Crittenden, Deal, Morehead, Ogier, Patterson, Per Lee, Randolph, Shepherd, Tefft, Wheeler.

A quorum afterwards appearing, on motion of Mr. Tingley, the House went into Committee of the Whole, Mr. McKinstry in the chair, on "Bill concerning Corporations." After some time spent therein, the committee rose, reported progress, and asked leave to sit again. Leave was granted.

On leave, Mr. Henley, pursuant to notice, introduced a bill, entitled "An Act to amend an Act organizing the District Courts of the State of California," which was read first and second time, and, on motion of Mr. Tingley, referred to the Judiciary Committee with instructions to report to-morrow morning.

On motion, the House adjourned until 4 o'clock.

AFTERNOON SESSION, 4 O'CLOCK P.M.

Mr. Henley moved a call of the House. Agreed to.

When the following members were absent—Messrs. Baldwin, Bateman, Cardwell, Clarke, Coley, Crittenden, Deal, Hughes, Morehead, Ogier, Patterson, Per Lee, Randolph, Shepherd, Stewart, Stowell, Tefft, Williams.

No quorum present. Mr. Covarubias moved that the bar of the House be closed, and the Sergeant-at-Arms be dispatched after the absentees. Agreed to.

Messrs. Williams, Bateman, and Per Lee, appeared without the bar, and, on motion, were admitted and excused by paying the usual fee.

Messrs. Clarke and Hughes appeared, and, on motion, were admitted within the bar and excused without paying the usual fee.

Mr. Henley moved that further proceedings under the call, so far as retards the progress of business of the House, be suspended. Agreed to.

A message from the Senate was received, informing the House that they had passed a bill, herewith transmitted, entitled "An Act concerning Attorneys and Counsellors at Law." Also, that the Senate have concurred in the report of the Conference Committee on the disagreeing votes of the two Houses, in relation to the bill, entitled "An Act concerning Roads and Highways."

On motion of Mr. Brackett, "Bill concerning the Common Law," was taken up, read a second time, and ordered to be engrossed for a third reading on to-morrow.

Messrs. Morehead, Ogier, and Shepherd, absentees, under the call of the House, appeared without the bar, and, on motion, were admitted and excused by paying the usual fee.

Mr. McKinstry, from the Committee on Claims, to whom was referred Senate Bill, for "An Act to provide for the expenses incurred by the order of the Senate of 27th February, 1850," &c., reported, that the accompanying accounts appear to be correct and reasonable. It seems that certain individuals were induced to undertake the care of a lunatic, by virtue of a promise of the Senate that they should be paid: believing, no doubt, that that body was aware of the extent both of its powers and liability. The question is, shall the Legislature assume this debt, or rather, shall the Legislature, in its benevolence, pass an Act for the relief of the persons thus employed by "*order*" of the Senate? The Assembly are better judges of the propriety of this than the committee, and they accordingly ask to report the bill back, and to be discharged from its further consideration.

The report was adopted, and the committee discharged.

When, on motion, the bill was laid on the table.

Mr. Brackett, from the Judiciary Committee, on leave, introduced a bill "regulating proceedings against debtors by attachment," which was read first and second time, and ordered to be printed.

On motion of Mr. Walthall, the House went into Committee of the Whole, Mr. McKinstry in the chair, on "Bill concerning Corporations." After some time spent therein, the committee rose, reported progress, and asked to be discharged from its further consideration.

The committee was discharged.

Mr. Deal moved that the bill be referred to a Select Committee, with general instructions. Agreed to.

Whereupon the Speaker appointed, as said committee, Messrs. Deal, Brackett, and Hughes.

Senate Bill "concerning Attorneys and Counsellors at Law," was read first and second time, and, on motion, was referred to the Judiciary Committee.

Assembly Bill "for the benefit of Private Coiners, and for the Punishment of Fraud in the conducting of Private Mints," was taken up, read second time, and, on motion, referred to the Judiciary Committee, with instructions to report at an early day.

Messrs. Randolph and Baldwin, absentees, under the call of the House, appeared, and, on motion, were admitted and excused on account of indisposition, without paying the usual fee.

On motion of Mr. Williams, the House adjourned until to-morrow morning at 10 o'clock.

HOUSE OF ASSEMBLY.

THURSDAY, *April 4th*, 1850.

House met, pursuant to adjournment.

Prayer by the Rev. Mr. Douglass.

The roll was called, and the following Members were absent, to wit—Messrs. Baldwin, Cave, Clarke, Corey, Deal, McKinstry, Morehead, Moore, Ogier, Per Lee, Randolph, Scott.

On leave, Mr. Tefft.

Leave of absence was granted to Mr. Ogier until Monday.

The Journal of yesterday was read and approved.

Mr. Wheeler presented a petition from sundry citizens of San Francisco, in reference to a geological survey of the State, and moved its reference to the Select Committee to whom was referred another petition on the same subject some time since. The motion was agreed to.

Mr. Bigler presented a petition from sundry citizens of the State and residents of the north bank of the River Mercede, remonstrating against a charter being granted to certain individuals for a ferry on said river.

On motion it was referred to a Select Committee, composed of the delegation from the District of San Joaquin.

Mr. Bigler presented a memorial from Associate Justice Nathaniel Bennett, asking leave of absence for a sufficient length of time to enable him to go to the Atlantic States.

Mr. Brackett moved to lay the communication on the table for the remainder of the session.

On this motion Mr. Morehead demanded the ayes and nays.

Those who voted in the affirmative were—

Mr. Aram	Mr. Cave	Mr. McKinstry
Bateman	Covarubias	Moore
Brackett	Gray	Patterson
Brown	Henley	Randolph
Cardwell	Hughes	—14.

Those who voted in the negative were—

Mr. Baldwin	Mr. Shepherd	Mr. Wheeler
Bradford	Stewart	Williams
Clarke	Stowell	Speaker
Crittenden	Tingley	—13.
Morehead	Walthall	

The motion prevailed.

Mr. Bigler presented a communication from Horace Hawes, Prefect of San Francisco, asking that his Excellency, Peter H. Burnett, Governor of California, be impeached, and moved the same to be laid on the table. The motion prevailed.

Mr. Randolph presented a petition from sundry citizens of San Francisco, praying the suppression of gambling, which, on motion, was laid on the table.

Mr. Bradford, from the Select Committee to whom was referred the resolution of inquiry in relation to the appointment of several clerks for the courts of first instance, for the District of Sacramento, by the Supreme Court, reported, That a copy of the Resolution was duly transmitted to said Court by your Committee, and in answer to which the following letter was this day received, which is herewith transmitted. And the Committee asked to be discharged from any further consideration of the subject.

SUPREME COURT ROOM, SAN FRANCISCO,
March 28th, 1850.

HON. J. S. K. OGIER,
Chairman of Select Committee.

SIR:

We have the honor to acknowledge the receipt of your communication of the 18th inst., covering a copy of a resolution adopted by the Assembly, inquiring of the Justices of the Supreme Court, "Whether they had appointed several Clerks for the Courts of First Instance for the District of Sacramento, and if they had done so, under what law or authority they acted?"

In reply we have to say, that we have not made any appointment of clerk of the Court of First Instance for the District of Sacramento, or for any other district. The Resolution of the Assembly probably originated out of a misapprehension of the facts, which were as follows:—

On the first day of the Term two applications were made to this Court for the confirmation of the appointment of clerks of Courts of First Instance, one by the Judge of First Instance in criminal cases for the District of Sacramento, and the other by the Judge of First Instance in civil cases for the District of San Francisco. In each case we understood that the clerk had not only been appointed by the Court of First Instance, but had been acting as such for some time.

Under the Mexican law, clerks of Courts of First Instance were appointed by such courts, and confirmed by the Superior Tribunal; and the above applications were made to us under the supposition that it was necessary to the validity of the acts of the Courts that such confirmation should be made, and that, the Superior Tribunal having ceased to exist, the power of confirmation could reside nowhere except in the Superior Court. Whether this court has that power or not is a question about which there seems to be a diversity of opinion, not only amongst the members of the bar, but also amongst ourselves, and in relation to which we do not feel inclined to pronounce a definite opinion without the benefit of agreement on both sides.

We, therefore, took the following view of the cases. If the court have the power of confirmation, then the cases presented to it were proper cases for the exercise of that power—if they have it not, then there is no constituted authority in which it does reside; and as a matter

of necessity the appointment by the Court of First Instance must be sufficient for the validity of all the acts of the Clerk *de facto*. In either event, the confirmation could work no prejudice.

We stated to the applicants the doubts we entertained in relation to the matter, and that we should not undertake to decide on such an *ex parte* application the question of the power of the Court in the premises. We nevertheless thought proper to allow an order of confirmation to be entered, subject to the right of any person to question the validity of the order, either upon a direct motion to vacate it, or upon any collateral matter in which such a position would be necessary. The matter then stands thus: If we have the power, it was properly exercised; if not, the order is a nullity.

If the power does exist, it is to be deduced from the fact already stated, that such power was vested in the Superior Tribunal, being the Court of First Instance, and that such power became vested in this Court, by virtue of the 3d Section of the Act of Feb. 28th, entitled "an Act to supersede certain Courts," &c., which transfers to and vests in this Court *all business* of the former *Court of Third Instance* which remains undisposed of. We have the honor to remain,

Very respectfully,
Your obed't Servants,
S. C. HASTINGS.
H. A. LYONS.
NATHANIEL BENNET.

On motion, the report and communication were laid on the table.

Mr. Randolph, from the Committee of Commerce, to whom was referred Senate "Bill concerning Wrecks and Wrecked Property," reported the same back without amendment.

The bill was then read a third time and passed.

Mr. Wheeler, from the Committee on the Judiciary, to whom was referred Bill, entitled "An Act to amend an Act, to organize the District Courts of California," reported the same back, when, and on motion, it was laid on the table.

Mr. Stowell, from the Committee on Enrolled Bills, reported that they had this day presented to the Governor for his signature, Bills entitled "an Act to regulate the Senatorial and Assembly Districts;" "an Act to incorporate the City of Sonoma;" "an Act in relation to the Money of account of this State;" "an Act to authorize the forma-

tion of Limited Partnerships;" "an Act establishing Recorders' Offices, and defining the duties of the Recorder and County Auditor;" "an Act defining the compensation of Clerks employed by the Secretary, Treasurer, and Comptroller of State;" "an Act to incorporate the City of Los Angeles;" "an Act concerning Volunteer or Independent Companies."

Engrossed "Bill concerning the Office of Reporter," taken up and read a third time. Mr. Moore moved to refer the bill to a Select Committee with instructions to strike out "$16," and insert "$10," in Sec. 4, and demanded the ayes and nays.

Those who voted in the affirmative were—

Mr. Bateman	Mr. Crittenden	Mr. Shepherd
Brown	Deal	Walthall
Covarubias	Moore	Williams—9.

In the negative—

Mr. Baldwin	Mr. Henley	Mr. Stowell
Bradford	McKinstry	Tingley
Cave	Patterson	Wheeler
Gray	Randolph	Speaker—12.

The motion to refer did not prevail.

The question being, "Shall the bill pass?" the ayes and nays were demanded.

Those who voted in the affirmative were—

Mr. Baldwin	Mr. Gray	Mr. Stowell
Bradford	Henley	Tingley
Brown	McKinstry	Walthall
Cave	Randolph	Wheeler
Crittenden	Shepherd	Speaker
Deal	Stewart	—17.

In the negative—

Mr. Bateman	Mr. Morehead	Mr. Williams
Cardwell	Moore	—5.

So the bill passed.

Engrossed "Bill concerning the Common Law" was taken up and read a third time.

Mr. Randolph moved to refer the bill to a select committee, with instructions to substitute "the English Law of Evidence and English

Commercial Law, as understood in the Courts of the United States," and demanded the ayes and nays.

Those who voted in the affirmative were—

Mr. Bateman	Mr. Gray	Mr. Randolph
Brown	Moore	Stowell
Cardwell	Patterson	Wheeler
Covarubias		—10

In the negative—

Mr. Baldwin	Mr. Henley	Mr. Stewart
Brackett	Hughes	Tingley
Bradford	McKinstry	Walthall
Cave	Morehead	Williams
Crittenden	Shepherd	Speaker
Deal		—16

The motion did not prevail.

Mr. Crittenden then moved to refer the bill to a Select Committee, with instructions to strike out all after the enacting clause, and insert the following :—

Sec. 1. "The Common Law of England, so far as it is not repugnant to or inconsistent with the Constitution of the United States, or the Constitution or Laws of the State of California, shall be the rule of decision in all the Courts of this State."

Agreed to.

Whereupon the Speaker appointed Messrs. Crittenden, Brackett, and Hughes, said Committee.

Mr. Randolph, from the Committee on the Judiciary, to whom was referred "Bills for the benefit of Private Coiners, and for the punishment of fraud in conducting Private Mints," reported, "That a bill prohibiting private coining having passed this House, and been transmitted to the Senate, they can look upon this Bill in no other light than as a proposition to reconsider or to repeal the former action of this House. In either light they are of the opinion that the House cannot entertain this proposition, as a Bill cannot be reconsidered, after the time allowed for reconsideration has expired. It has been transmitted to the other branch of the Legislature, and cannot be repealed until it has passed both branches, and become a law. If, however, the Committee are wrong in the view they have taken of the powers of the House, they are of the opinion that the Bill, if entertained, ought to

be rejected. They believe that the public interest requires the suppression of the practice which this Bill proposes to legalize. They therefore recommend that this bill be postponed indefinitely, and that this House adhere to its former action.

After some debate, Mr. Hughes demanded the previous question, which was carried.

The question recurring on the indefinite postponement of the bill, Mr. Morehead demanded the ayes and nays.

Those who voted in the affirmative were—

Mr. Brackett	Mr. Crittenden	Mr. Shepherd
Bradford	Deal	Stowell
Brown	Gray	Tingley
Cardwell	Hughes	Walthall
Cave	McKinstry	Wheeler
Covarubias	Randolph	Williams

—18.

In the negative—

Mr. Bateman	Mr. Morehead	Stewart
Henley	Moore	—5

So the Bill was indefinitely postponed.

Mr. Crittenden, from the Select Committee, to whom was referred "Bill concerning the Common Law," with special instructions, reported in accordance with instructions given.

The question being on the passage of the Bill as amended, the ayes and nays were demanded.

Those who voted in the affirmative were—

Mr. Brackett	Mr. Hughes	Mr. Tingley
Bradford	McKinstry	Walthall
Cave	Morehead	Wheeler
Crittenden	Shepherd	Williams
Deal	Stewart	Speaker
Henley	Stowell	—17.

In the negative

Mr. Brown	Mr. Covarubias	Mr. Moore
Cardwell	Gray	Randolph

—6

So the bill passed.

Mr. Cardwell moved to amend the title of the Bill by striking out the word "concerning," and inserting "adopting."

Agreed to.

On motion of Mr. Wheeler, the House went into Committee of the Whole, Mr. Stowell in the Chair, on "Bill requiring Alcaldes and Judges of the Courts of first instance to account for moneys received and expended by them." After having spent some time therein, the Committee rose, reported the Bill with amendments, and asked to be discharged from its further consideration.

Agreed to.

The amendments were then concurred in.

Mr. Wheeler moved to amend by inserting after the word "instance," in 3d Section, the words "who may have exercised their official duties in any part." Adopted.

Mr. Crittenden moved to refer the Bill to a Select Committee, with general instructions. Carried.

The Speaker appointed Messrs. Wheeler, Crittenden, and Hughes, said Committee.

A Message from the Senate was received, by their Secretary Mr. Howe, informing the House that the Senate have concurred in the amendments of the Assembly to the Bill of the Senate entitled "An Act providing for the erection of a Marine Hospital in or adjacent to the City of San Francisco;" also, in the amendments of the Assembly to Senate Bill entitled "An Act creating Officers of Health for the City and Port of San Francisco, and defining their duties;" also, in the amendments of the Assembly to Senate Bill entitled "An Act regulating the Quarantine of Vessels at the Port and Harbor of San Francisco;" also, in the amendment of the Assembly to Bill entitled "An Act to prevent Obstructions in Navigable Streams;" also, with amendments, affixed to the amendments of the Assembly, and numbered 1, 2, 3, and 4, in the amendments of the Assembly to the Bill of the Senate, entitled "An Act to create Port Wardens for the Harbor of San Francisco, and define their duties."

Also, that they have passed without amendment, Joint Resolutions relative to the Public Archives, and with an amendment numbered "27" the Joint Resolution concerning the Reports of the Proceedings of Convention of Monterey;" also, Bill entitled "An Act preservatory of the Records of the Proceedings in Courts of Alcaldes and Judges of First

Instance;" also, that they have passed Assembly Bill entitled "An Act concerning Wills," with an amendment affixed to the margin of the Bill;" also, that they have adopted a Joint Resolution herewith transmitted, to postpone for the remainder of the Session, Joint Rules Nos. 16 and 17;" also, that they have passed a Bill herewith transmitted, authorizing a Loan for the State of California.

On motion of Mr. McKinstry, the House adjourned until 8 o'clock P.M.

EIGHT O'CLOCK P.M.

Mr. Stowell, from the Joint Committee on Enrolled Bills, reported as correctly enrolled, "An Act to establish a Municipal Court in the City of San Francisco, to be called the Superior Court of the City of San Francisco."

Assembly "Bill concerning Wills," returned from Senate with an amendment, was taken up, and the amendment concurred in.

Joint Resolution of the Senate "to postpone for the present Session the operation of the Joint Rules Nos. 16 and 17," was taken up, and on motion was laid on the table.

"Bill to create Port Wardens for the Harbor of San Francisco, and defining their Duties," returned from the Senate with amendments to the amendments of the Assembly, was taken up, and the amendments concurred in.

Assembly Concurrent Resolution concerning the Reports of the Convention of Monterey, returned from Senate with amendments, was taken up, and the amendments were concurred in.

Senate Bill entitled "An Act, preservatory of the Records of the Proceedings in Courts of Alcaldes and Judges of First Instance," was taken up and read the first time.

Mr. Clarke moved to take up Joint Resolution rescinding Joint Resolution fixing the Day of Adjournment. Not agreed to.

Mr. Randolph, from the Committee on the Judiciary, to whom was referred "Bill to regulate Proceedings in Criminal Cases," with the amendments of the Senate to said Bill, reported, and recommended a non-concurrence in all of said amendments. The report was adopted.

Mr. Randolph then moved the appointment of a Committee of Conference, on the disagreeing votes of the two Houses on said Bill. Carried.

Whereupon the Speaker appointed Messrs. Randolph, Brackett, and Crittenden said Committee.

Mr. Walthall moved to take up "Bill for the Suppression of Gaming." Not agreed to.

Mr. Per Lee offered the following resolution :—

Resolved, That the Select Committee, to whom was referred "An Act for the better Regulation of the Mines and the Government of Foreign Miners," be requested to report said Bill to the House on to-morrow morning. The resolution was adopted.

Mr. Hughes moved to take up "Bill for the Relief of Charles H. Craigin." Agreed to.

Mr. Patterson moved to postpone said Bill indefinitely. After some debate, Mr. Hughes demanded the previous question, which was seconded by the House.

The question recurring on the indefinite postponement of the Bill, the ayes and nays were demanded.

Those who voted in the affirmative were—

Mr. Baldwin	Mr. Gray	Mr. Shepherd
Brackett	McKinstry	Stewart
Bradford	Morehead	Walthall
Brown	Moore	Wheeler
Clarke	Patterson	Speaker
Covarubias	Per Lee	—19
Crittenden	Randolph	

Those who voted in the negative were—

Mr. Cardwell	Mr. Hughes	Mr. Tingley
Deal		—4

So the Bill was indefinitely postponed.

A message from the Senate was received, informing the Assembly that they have passed Assembly Bill entitled "An Act concerning Conveyances," without amendment; also, that the President of the Senate has signed Bills, severally entitled "An Act to incorporate the City of Sonoma," "An Act to authorize the Formation of Limited Partnerships," "An Act establishing Recorders' Offices, and defining the duties of the Recorder and County Auditor," "An Act defining the Compensation of Clerks employed by the Secretary, Treasurer, and Comptroller of State," "An Act to Incorporate the City of Los Angeles," "An Act concerning Volunteer or Independent Companies," "An Act in relation to the

Money of Account of this State," "An Act to regulate the Senatorial and Assembly Districts," "An Act to establish a Municipal Court in the City of San Francisco, to be called the Superior Court of the City of San Francisco." Also, that the Senate have passed Assembly Bill entitled "An Act to provide for the Erection of Court Houses."

On motion of Mr. Bigler, the Clerk of the Assembly was directed to inquire, by message of the Senate, what disposition they have made of bill, entitled "an Act to exempt a Homestead from forced Sale in certain cases."

"Bill to prevent the Importation of Convicts into this State," was taken up, considered as engrossed, read a third time, and passed.

On motion of Mr. Randolph, the House went into Committee of the Whole, Mr. Walthall in the chair, on "Bill to establish an Inspection on Steamboats." After its consideration the committee rose, reported the bill, with amendments, and asked to be discharged from its further consideration. The committee were discharged.

On motion of Mr. Morehead, the House adjourned until to-morrow morning, 10 o'clock.

HOUSE OF ASSEMBLY.

FRIDAY, *April 5th*, 1850.

House met, pursuant to adjournment.

Mr. Tingley, Speaker *pro tempore*, in the chair.

Prayer by Rev. Mr. Briarly.

The roll was called and the following members were absent—Messrs. Baldwin, Brackett, Clarke, Crittenden, Ogier, Per Lee, and Randolph. On leave—Mr. Tefft.

On motion of Mr. Williams, Mr. Clarke had leave of absence, on account of indisposition.

The journal of yesterday was read and approved.

Mr. Bradford, from the Committee on Public Printing, to whom was referred a resolution of inquiry with regard to the State Printer, reported that they transmitted a copy of said resolution to the State Printer, with a request that he would take the same into serious consideration, and answer at his earliest convenience: which answer was this morning received, and is herewith presented.

Your Committee respectfully request that a copy of said resolution and report be transmitted by the Clerk to the Senate.

Your Committee also ask to be discharged from the further consideration of said resolution.

The committee were discharged, and the following communication accompanying the report was read.

STATE PRINTING OFFICE,
San José, *April 4th.*

J. S. BRADFORD, Esq.
Chairman of the Committee on Printing.

SIR:—

A resolution has been communicated to me from the Assembly, making the inquiry whether "an arrangement cannot be made with the State Printer to submit to a very considerable reduction in the prices of printing the Laws and Journals from the prices now fixed by law, provided authority be given him to select his own choice of place for doing said work, &c."

It was in anticipation of being required to do the printing of the Laws and Journals at this point, that we sent to the Atlantic States at an early day, and at a very heavy expense brought out a large selection of presses and all the variety of materials essential in such business. Much of this material is of a kind that cannot be made useful in ordinary printing, and will, to some extent, if not used in the printing of the laws here, be idle in our office. This, however, will not forbid my giving to the Assembly's resolution an affirmative answer, for I can then have the work executed where labor and materials are cheaper, and always at command.

The law fixing the compensation of the State Printer was no doubt constructed to operate consistently with the law defining the duties of Secretary of State. The latter Act, you will observe, required the Secretary of State to superintend the printing, and read the proofs of the Laws and Journals, while at the same time it prohibits that officer *from leaving the State.* These two conditions of that officer's duty of necessity, if they are exacted, will *compel* the printing to be executed here. I suppose the framers of the Printer's Bill had this fact distinctly in their minds when they were fixing the tariff of compensation, and I suppose it very properly influenced them in recommending much higher rates than

they would have done had the privilege been allowed which is contemplated in the resolution before me.

I know that the work can be executed more expeditiously, and infinitely better, in some one of the Atlantic cities than here; and if the privilege is granted me, on the condition alluded to, I will not fear to take the responsibility of having it completed at an early day, and in such a manner that the art of printing, even in this new State, shall not suffer depreciation, while every reasonable expectation of our people shall be gratified.

I am perfectly willing to assume all the responsibility of printing, under my own personal supervision and care, the Laws and Journals, performing the duty expeditiously, correctly, and creditably to the art, and at a rate of compensation full half less than the prices called for in the Printing Act, provided the Legislature is pleased to confer upon me the discretion contemplated in the resolution of inquiry. To effect the condition, on *my* part, I will execute a relinquishment of all claim and right to one half say of the cost of said printing, and place it in the possession of the Comptroller, for him to be governed by, when he comes to audit the bills.

Very respectfully,
H. H. ROBINSON, State Printer.

Mr. Wheeler, from the Select Committee, to whom was referred Assembly bill No. 106, entitled "An Act requiring Alcaldes and Judges of first instance to account for money received and expended by them," reported, that they have had the same under consideration, and respectfully submit the bill, with amendments and additions which they have made thereto.

The report was adopted, and the amendments were agreed to generally.

Mr. Shepherd, from the Select Committee, to whom was referred "An Act for the better regulation of the Mines," &c., reported the bill back to the House with amendments.

On motion of Mr. Morehead, the bill and amendments were laid on the table for the present.

Mr. Stowell, from the Joint Committee on Enrolled Bills, reported that they had presented to the Governor for his signature the following acts:—

"An act amendatory of sections 7, 8, 9, 10, and 14, of An Act subdividing the State into Counties, and establishing the seats of Justice therein, approved, February 18th, 1850."

"An Act concerning watercraft found adrift, and lost money and property."

"An Act to establish a Municipal Court in the City of San Francisco, to be called the Superior Court of the City of San Francisco."

A Message from the Governor was received, informing the House that he had signed the following acts:—

"An Act concerning Volunteer or Independent Companies;" "An Act to authorize the formation of limited partnerships;" "An Act defining the compensation of Clerks employed by the Secretary, Treasurer, and Comptroller of State;" "An Act to Incorporate the City of Los Angeles;" "An Act establishing Recorders' Offices, and defining the duties of the Recorder and County Auditor;" and "An Act to establish a Municipal Court in the City of San Francisco, to be called the Superior Court of the City of San Francisco."

Mr. Henley offered the following resolution:—

Resolved, That the Senate be invited to attend in the Hall of Assembly at half past 4 o'clock P.M., for the purpose of electing three Judges of the Superior Court of San Francisco.

The resolution was adopted.

Mr. Crittenden offered the following resolution:—

Resolved, That the Committee on Printing be instructed to inquire whether under any act which has been passed the publication of the laws is required to be made in book form, and, if so, the committee is instructed to bring in a bill declaring such publication unnecessary.

The resolution was adopted.

On motion of Mr. Crittenden, the House concurred generally in the amendments made in Committee of the Whole on yesterday, to "Bill providing for the inspection of Steamboats at San Francisco."

On motion, the bill was considered as engrossed, and read a third time. On its passage, Mr. Covarubias demanded the ayes and nays.

Those who voted in the affirmative were:—

Mr. Aram	Mr. Corey	Mr. Henley
Bateman	Covarubias	Hughes
Brackett	Crittenden	Mc Kinstry
Bradford	Deal	Morehead

Mr. Brown	Mr. Gray	Mr. Moore
Randolph	Stowell	Williams
Scott	Tingley	Speaker
Shepherd	Walthall	—25
Stewart	Wheeler	

In the negative—none.

The bill passed.

Mr. Crittenden moved to amend the title of the bill, by striking out "at the Port of San Francisco." Agreed to.

Mr. Bradford offered the following resolution:—

Resolved, That the Standing Committee on revisal and unfinished business be instructed to report to this House the position in which every bill and Joint Resolution stands, in the order in which they were reported and stand upon the calendar.

The resolution was adopted.

A Message from the Senate was received by their Secretary, informing the Assembly in reply to the inquiry of the Assembly as to what disposition has been made by the Senate of Assembly bill entitled "An Act to exempt the homestead from forced sale in certain cases," that said bill was considered by the Senate on the 25th March, and was on that day laid on the table.

On motion of Mr. Wheeler, "An Act requiring Alcaldes and Judges of first instance to account for money," &c., was taken up and read second time—

When Mr. Randolph moved to amend the 4th sec. of the act, by striking out "and no Alcalde or Judge of first instance shall remove from his individual district until he shall have fully complied with the requirements of this act." Agreed to.

Mr. Wheeler moved to amend the 1st section in the third line, by striking out "of his respective district," and insert "the district in which he shall have resided when performing his official duties." Agreed to.

Mr. Morehead moved the indefinite postponement of the bill, and demanded the ayes and nays.

Those who voted in the affirmative were—

Mr. Clarke	Mr. Deal	Mr. Stewart
Covarubias	Morehead	—5.

In the negative—

Mr. Baldwin	Mr. Hughes	Mr. Stowell
Bateman	McKinstry	Tingley
Bradford	Moore	Walthall
Brown	Patterson	Wheeler
Corey	Randolph	Speaker
Henley	Scott	—17.

The motion was lost.

Mr. Wheeler moved to amend the seventh section of the Act by adding "and the Treasurer shall be authorized to pay said moneys to any legal claimant thereto." Agreed to.

On motion, the bill was read third time. On its passage the ayes and nays were demanded.

Those who voted in the affirmative were—

Mr. Baldwin	Mr. Henley	Mr. Scott
Bateman	Hughes	Stowell
Bradford	McKinstry	Tingley
Brown	Moore	Walthall
Corey	Patterson	Wheeler
Crittenden	Randolph	Speaker—18.

In the negative—

Mr. Clarke	Mr. Deal	Mr. Stewart
Covarubias	Morehead	—5.

So the bill passed.

A message from the Senate was received, inquiring of the Assembly whether the Governor has notified the Assembly that he has signed bill, entitled "an Act to establish a Municipal Court in the City of San Francisco, to be called the Superior Court of the City of San Francisco."

Mr. Deal, from the Select Committee, to whom was referred "an Act concerning Corporations," reported the bill back to the House, with amendments.

Mr. Hughes, from the Select Committee, to whom was referred Senate bill, entitled "an Act providing for the incorporation of Steam Navigation Companies," reported that they have had the same under consideration and beg leave to return the bill, with an amendment, and recommend its incorporation into the Assembly bill, entitled "an Act concerning Corporations"—

When, on motion, the bill and reports were laid on the table for the present.

A message from the Senate was received, informing the Assembly that they have acceded to the request of the Assembly for a Committee of Conference on the disagreeing votes of the two Houses, on the bill entitled "an Act to regulate proceedings in criminal Cases," and have appointed, on their part, Messrs. Heydenfeldt, Vermeule, and Fair, to meet the Committee appointed on the part of the Assembly.

Also, that the Senate have acceded to the invitation of the Assembly to meet in Convention for the election of Judges of the Supreme Court of San Francisco, with an amendment, fixing the time at 1 o'clock P.M. to-day instead of half-past four o'clock of to-day.

On motion the House concurred in the Senate's amendment to the proposition of the Assembly respecting the time of going into the election of Judges of the Superior Court of San Francisco.

Mr. Crittenden, from the Conference Committee, appointed on the disagreeing votes of the two Houses upon the bill entitled "an Act concerning Offices," reported that it had been agreed to recommend that the Assembly concur in the amendments of the Senate numbered 7, 8, and 14, and that the Senate recede from all the other amendments.

The report was adopted.

Mr. Hughes gave notice that he would, on to-morrow, introduce a resolution to amend the rules and orders of the Assembly for the balance of this session.

On motion of Mr. Crittenden, the House went into Committee of the Whole, Mr. Brackett in the chair, on "Bill providing for the Lien of Mechanics and others," and "an Act to regulate Descents and Distributions." After some time spent therein, the Committee rose, reported the bills back to the House, and were discharged from their further consideration.

The amendments made in Committee of the Whole to both of said bills were concurred in generally by the House, when the bills were considered as engrossed, read a third time, and passed.

IN CONVENTION.

The Senate and Assembly met in Convention to go into an election for a Chief Justice and two Associate Justices for the Superior Court of the City of San Francisco.

Messrs. Broderick, of the Senate, and Morehead, of the Assembly, were appointed Tellers.

The convention proceeded first to the election of Chief Justice.

Mr. Randolph nominated Mr. P. A. Morse.

Mr. Cardwell nominated Mr. Geo. W. Macrea.

Whole number of votes cast, ... 39
Necessary to a choice, ... 20

Of which Mr. Morse received 22 votes
" Macrea " 14 "
Scattering . . . . . 1 "

Those who voted for Mr. Morse were—

Mr. Bassham	Mr. Bradford	Mr. Patterson
Broderick	Cave	Per Lee
Chamberlin	Corey	Randolph
Robinson	Covarubias	Stowell
Vermeule	Crittenden	Williams
Aram	Henley	Speaker
Bateman	Hughes	
Brackett	McKinstry	—22.

Those who voted for Mr. Macrea were—

Mr. Douglass	Mr. Cardwell	Mr. Stewart
Fair	Clarke	Tingley
Green	Deal	Walthall
Heydenfeldt	Morehead	Wheeler
Baldwin	Moore	—16.
Brown	Shepherd	

Mr. Woodworth voted for Mr. John Smith Hosford.

Mr. P. A. Morse having received a majority of all the votes cast, was declared duly elected Chief Justice of the Superior Court of the City of San Francisco, for the time prescribed by law.

The Convention then proceeded to the election of an Associate Justice.

Mr. Green nominated Mr. J. C. Smith.

Whole number of votes cast 38
Necessary to a choice 20
Of which Mr. Smith received . . . 37 votes.
Scattering . . . . . 1 "

Those who voted for Mr. Smith were—

Mr. Bassham	Mr. Bradford	Mr. Moore
Broderick	Brown	Patterson
Chamberlin	Cardwell	Per Lee
Douglass	Cave	Randolph
Fair	Clarke	Shepherd
Green	Corey	Stewart
Heydenfeldt	Covarubias	Stowell
Robinson	Crittenden	Tingley
Vermule	Deal	Walthall
Aram	Henley	Williams
Baldwin	Hughes	Speaker
Bateman	McKinstry	—37.
Brackett	Morehead	

Mr. Woodworth voted for Mr. J. Smith Hosford.

Mr. Smith, having received a majority of all the votes cast, was declared duly elected Associate Justice of the Superior Court of the City of San Francisco, for the time prescribed by law.

The Convention then proceeded to the election of another Associate Justice.

Mr. Green nominated Mr. G. W. Macrea.
Mr. Stowell „ Mr. H. C. Murray.

Whole number of votes cast . . .	39
Necessary to a choice	20
Of which Mr. Geo. W. Macrea received . .	16 votes.
„ Mr. Murray	22 „
Scattering	1 „

Those who voted for Mr. Macrea were—

Mr. Douglass	Mr. Cardwell	Mr. Stewart
Fair	Clarke	Tingley
Green	Deal	Walthall
Heydenfeldt	Morehead	Wheeler
Baldwin	Moore	—16.
Brown	Shepherd	

Those who voted for Mr. Murray were—

Mr. Aram	Brackett	Mr. Cave
Bassham	Bradford	Chamberlin
Bateman	Broderick	Corey

Covarubias	Mr. Patterson	Vermeule
Crittenden	Per Lee	Williams
Henley	Randolph	Speaker
Hughes	Robinson	
McKinstry	Stowell	—22.

Mr. Woodworth voted for Mr. J. S. Hosford.

Mr. Murray, having received a majority of all the votes cast, was declared elected an Associate Justice of the Superior Court of San Francisco, for the time prescribed by law.

The Senate then withdrew.

On motion, the House adjourned until 4 o'clock P.M.

FOUR O'CLOCK P.M.

No quorum present. On motion, the Sergeant-at-Arms was dispatched to request the attendance of absentees.

A quorum appearing, a Message from the Senate was received, informing the Assembly that the Governor this day notified the Senate, that he had signed Bills severally entitled, "An Act to Regulate the Senatorial and Assembly Districts;" "An Act to Incorporate the City of Sonoma;" "An Act in relation to the Money of Account of this State;" also, that the President of the Senate has signed Bills entitled, "An Act concerning Water Craft found adrift, and Lost Money and Property;" "An Act amendatory of Sections 7, 8, 9, 10, and 14, of an Act subdividing the State into Counties, and establishing the seats of Justice therein;" also, that the Senate have concurred in the Report of the Committee of Conference on the Bill entitled "An Act concerning Offices."

Senate "Bill No. 63, authorizing a Loan for the State of California," was taken up and read a first time.

On motion of Mr. Moore, the House resolved itself into Committee of the Whole, Mr. Wheeler in the Chair, on Senate Bill No. 51, for the better Regulation of Mines, and the Government of Foreign Miners. After some time spent therein, the Committee rose, reported progress, and asked to be discharged from its further consideration. Agreed to.

On motion of Mr. McKinstry, the Bill was referred to a Select Committee with general instructions.

Whereupon the Speaker appointed Messrs. McKinstry, Randolph, Moore, Brackett, and Wheeler, said Committee.

On motion of Mr. Morehead, the Committee were directed to report the Bill back on to-morrow.

On motion of Mr. Deal, the House took up Bill "concerning Corporations," when the House resolved itself into Committee of the Whole on said Bill, and Amendments made by Select Committee, Mr. Morehead in the Chair. After some time spent therein, the Committee rose, reported progress, and had leave to sit again.

On motion, the unprinted portion of the Bill, with amendments, was ordered to be printed.

Mr. Crittenden asked and obtained leave of absence for the remainder of the Session.

The House then adjourned until to-morrow morning, 10 o'clock.

HOUSE OF ASSEMBLY.

SATURDAY, *April* 6, 1850.

House met, pursuant to adjournment, Mr. Speaker Bigler in the Chair.

The roll was called and the following members were absent, to wit—Messrs. Aram, Baldwin, Brackett, Bradford, Clarke, Covarubias, Gray, Morehead, Per Lee, Randolph, Shepherd, and Stowell.

On leave, Messrs. Crittenden, Ogier, and Tefft.

No quorum present.

On motion, the Sergeant-at-Arms being absent, the messenger was despatched to request the attendance of absentees.

A quorum appearing, the Journal of yesterday was read and approved.

Mr. Bateman, on leave, introduced a "Bill providing for the Election of Representatives to Congress," which was read first and second time, the rules being suspended for that purpose.

Mr. Tingley moved to lay the bill on the table, and demanded the ayes and nays.

Those who voted in the affirmative were—

Mr. Aram	Mr. Cardwell	Mr. Tingley
Bradford	Corey	Williams
Brown	Moore	—8

In the negative—

Mr. Bateman	Mr. Hughes	Mr. Scott
Cave	McKinstry	Stowell
Crittenden	Patterson	Walthall
Deal	Per Lee	Speaker
Henley	Randolph	—14.

The motion did not prevail.

Mr. Randolph moved the indefinite postponement of the bill.

On this motion, Mr. Tingley demanded the ayes and nays.

Those who voted in the affirmative were—

Mr. Cave	Mr. Patterson	Mr. Scot
Covarubias	Per Lee	Stowell
McKinstry	Randolph	—8

In the negative—

Mr. Aram	Mr. Corey	Mr. Tingley
Bateman	Deal	Walthall
Bradford	Henley	Williams
Brown	Hughes	Speaker
Cardwell		—13

The motion did not prevail.

Mr. Tingley moved that the Bill be referred to a Select Committee, composed of one member from each of the Districts.

Agreed to.

Mr. Hughes, in pursuance to notice given, offered the following resolution :—

Resolved, That for the remainder of the Session, no member shall speak for a longer time than ten minutes, nor more than once to the same question.

The Resolution was adopted.

Bill "preservatory of Records of the Proceedings in Courts of Alcaldes and Judges of first instance," was taken up and read a second time, and, on motion, laid on the table for the present.

Mr. Stowell, from the Joint Committee on Enrolled Bills, reported the following Bills as correctly enrolled :—"an Act to Incorporate the City of Santa Barbara," "an Act defining the duties of the State Librarian, and prescribing rules for government of the State Library,"—"A Joint Resolution, relative to the Public Archives," "an Act providing for the creation of a Marine Hospital for the State of California."

"An Act creating Officers of Health for the Port of San Francisco, and defining their duties."

"An Act regulating the Quarantine of Vessels at the Port and Harbor of San Francisco."

"Bill authorizing a loan for the State of California" was read, and, on motion, the House went into Committee of the Whole on said Bill, Mr. Hughes in the Chair. After some time spent therein, the Committee rose, reported the Bill back to the House, and asked to be discharged from its further consideration. The Committee was discharged.

Mr. Morehead moved to lay the Bill on the table, and demanded the yeas and nays.

Those who voted in the affirmative were—

Mr. Baldwin	Mr. McKinstry	Mr. Stowell
Bateman	Moore	Tingley
Cardwell	Randolph	Wheeler
Covarubias	Scott	—11.

In the negative—

Mr. Aram	Mr. Deal	Mr. Stewart
Bradford	Henley	Walthall
Brown	Hughes	Williams
Cave	Morehead	Speaker
Corey		—13

The motion was not agreed to.

Mr. Moore moved the indefinite postponement of the Bill.

On this motion Mr. Henley demanded the ayes and nays.

Those who voted in the affirmative were—

Mr. Baldwin	Mr. Covarubias	Mr. Stewart
Bateman	Moore	Stowell
Cardwell	Randolph	Wheeler—9

In the negative—

Mr. Aram	Mr. Deal	Mr. Scott
Bradford	Henley	Tingley
Brown	Hughes	Walthall
Cave	McKinstry	Williams
Corey	Morehead	Speaker—15.

The motion was not agreed to.

Mr. Deal moved to refer the bill to a Special Committee, with general instructions.

Agreed to.

Whereupon the Speaker appointed, as said Committee, Messrs. Deal, Morehead, Hughes, Aram, and Bateman.

A Message from the Senate was received by their Secretary, informing the House that they have passed with amendments marked Nos. 1, 2, and 3, affixed to the margin of the Bill, an Act, entitled "An Act to provide for the permanent location of the Seats of Justice of the several Counties."

The House then took up the Bill and amendments accompanying the Message, and concurred in the first amendment, and non-concurred in the second and third amendments made by the Senate.

Mr. Tingley moved that a Committee of Conference be appointed on the disagreeing votes of the two Houses in relation to the Senate's amendments made to "Bill providing for the permanent location of the Seats of Justice of the several Counties." Agreed to.

Whereupon the Speaker appointed, as said Committee, Messrs. Tingley, Cave, and Randolph.

On motion of Mr. Randolph, the concurrent resolution, rescinding the time of adjournment of the Legislature, was taken up and made the special order for 5 o'clock P.M. of this day.

On motion, the House adjourned until 4 o'clock P.M.

FOUR O'CLOCK P.M.

No quorum being present, the Messenger was despatched to request the attendance of absentees.

A quorum appearing, on motion of Mr. McKinstry, the House went into Committee of the Whole, Mr. McKinstry in the Chair, on "Bill to provide for the Contingent Expenses of the Legislature." After some time spent therein, the Committee rose, reported the Bill back to the House, and were discharged from its further consideration.

Mr. Morehead moved to lay the Bill on the table. Agreed to.

Senate "Bill No. 50, relative to Expenses incurred by order of the Senate of 27th February, 1850, in taking care of a certain Lunatic," was taken up, when Mr. Hughes moved the indefinite postponement of the Bill, and demanded the ayes and nays.

Those who voted in the affirmative were—

Mr. Baldwin	Mr. Cave	Mr. Stowell
Brackett	Corey	Walthall
Bradford	Covarubias	Wheeler
Brown	Hughes	
Cardwell	Moore	—13

Those who voted in the negative were—

Mr. Henley	Mr. Scott	Mr. Williams
Morehead	Tingley	—5

No quorum voting, Mr. Morehead moved to lay the Bill on the table, and demanded the ayes and nays.

Those who voted in the affirmative were—

Mr. Henley	Mr. Morehead	Mr. Walthall
McKinstry	Moore	Williams—6

Those who voted in the negative were—

Mr. Brackett	Mr. Corey	Mr. Randolph
Bradford	Covarubias	Scott
Brown	Crittenden	Stowell
Cardwell	Deal	Tingley
Cave	Hughes	—14

The motion was not agreed to.

The question then recurred on the indefinite postponement of the Bill, and on this question the ayes and nays were demanded.

Those who voted in the affirmative were—

Mr. Brackett	Mr. Corey	Mr. Randolph
Bradford	Covarubias	Stowell
Brown	Crittenden	Walthall
Cardwell	Hughes	—13
Cave	Moore	

Those who voted in the negative were—

Mr. Deal	Mr. Morehead	Williams
Henley	Scott	
McKinstry	Tingley	—7

So the motion prevailed.

A message from the Senate was received by their Secretary, informing the House that they have passed Bill entitled "An Act to provide for the Inspection of Steamboats," with amendments as affixed to the margin of the Bill, and numbered 1, 2, and 3; also, inquiring of the Assembly as to what disposition has been made of the Bill of the

Senate entitled "An Act to regulate Practice in the Courts of Record of the State of California."

Also, informing the Assembly that they have passed Bill of Assembly entitled "An Act requiring Alcaldes and Judges of First Instance to account for Moneys Received and Expended by them," with amendments, as affixed to the margin of the Bill, marked Nos. 1, 2, and 3.

Also, that they have passed Bill entitled "An Act to provide for the permanent Location of the Seats of Justice of the several Counties," with amendments numbered 1, 2, and 3.

A message from the Governor was received, informing the House that he had signed "An Act concerning Water Craft found Adrift, and Lost Money and Property;" also, "An Act, amendatory of Sections 7, 8, 9, 10, and 14, of an Act subdividing the State into Counties and establishing the Seats of Justice therein, approved February 18th, 1850."

Concurrent Resolution rescinding Joint Resolution relative to the Adjournment of the Legislature on the 10th inst., was taken up and adopted.

A message from the Senate was received, informing the Assembly that they have passed a bill herewith transmitted, entitled "an Act to take the sense of the people of California upon the subject of the permanent location of the seat of Government."

On motion, the Clerk was directed to inform the Senate that the Assembly had rescinded the joint resolution fixing the 10th instant as the day of adjournment of the Legislature.

A message from the Senate was received informing the Assembly that they had passed a joint resolution herewith transmitted, fixing the 15th day of April as the day for the adjournment of the Legislature.

Resolution of Senate, accompanying the message, as follows:—

Resolved (the Assembly concurring), The resolution fixing the 10th instant as the day for adjournment of the Legislature, is hereby repealed, was read, when Mr. Deal moved to lay the whole matter on the table. Not agreed to.

On motion, the Clerk was directed to return the message and accompanying resolution to Senate, and request an explanation respecting the discrepancy between the resolution and message.

"Bill requiring Alcaldes and Judges of First Instance to account for moneys received and expended by them," returned from the Senate with amendments, was taken up, and the House concurred in the 1st amend-

ment, and non-concurred in the 2d and 3d amendments made by the Senate.

A message from the Senate was received, informing the House that they have rescinded the joint resolution of the two Houses, to adjourn *sine die* on the 10th instant, and have passed a concurrent resolution to adjourn on the 15th instant.

Concurrent resolution of Senate rescinding the day of adjournment of the Legislature, was taken up, and concurred in by the House.

Joint resolution of the Senate fixing the 15th instant as the day of final adjournment of the two Houses, was read, and on motion was laid on the table.

Mr. Crittenden, from the Committee on Conference, appointed on the disagreeing votes of the two Houses, on the "Act to regulate proceedings in Criminal Cases," reported that it had been agreed that the Senate should recede from their 2d and 7th amendments, and that the House should concur in the 1st, 3d, 4th, 5th, and 6th amendments.

The report was concurred in.

"An Act to prohibit the exercise of Banking Privilege," was taken up, read, and ordered to be engrossed for a third reading on Monday next.

Mr. Walthall offered the following resolution:—

Resolved, That the Comptroller be instructed to report to this House a detailed statement of the expenditures of the State up to the date of the adjournment of the Legislature, as near as he can; specifying particularly the several warrants issued on the Treasury since the commencement of his official duties; in whose favor issued, and for what amount; designating what part thereof has been for contingent expenses of the two Houses of the Legislature respectively; also, to report an estimate of the probable expenses of the State for the balance of the year up to the 31st day of December next.

The resolution was adopted.

"Bill to provide for the Inspection of Steamboats," returned from the Senate with amendments, was taken up, and all of said amendments concurred in by the House.

Mr. Stowell, from the Committee on Enrolled Bills, reported that they had this day presented to the Governor for his signature—

"An Act creating Officers of Health for the Port of San Francisco, and defining their duties"

"An Act regulating the quarantine of vessels at the Port and Harbor of San Francisco."

"An Act providing for the creation of a Marine Hospital for the State of California."

"An Act defining the duties of the State Librarian, and prescribing rules for the government of the State Library."

"Joint Resolution relative to the Public Archives."

"An act prescribing the duties and fixing the compensation of County Surveyors."

"An Act to Incorporate the City of Santa Barbara."

The Speaker appointed as committee on "Bill providing for the election of Representatives to Congress," Messrs. Tingley, Bateman, Covarubias, Per Lee, Patterson, Bradford, and Crittenden.

Senate "Bill to take the sense of the people of California upon the subject of the permanent location of the seat of Government," was taken up, read first and second times, and on motion referred to the Committee on Public Buildings and Grounds.

The House then adjourned until Monday morning, 10 o'clock.

HOUSE OF ASSEMBLY.

MONDAY, *April* 8, 1850.

House met, pursuant to adjournment.

Prayer by Rev. Mr. Briarly.

The roll was called, and the following members absent, to wit—Messrs. Baldwin, Clarke, Crittenden, Gray, Morehead, Moore, Ogier, Per Lee, Scott, Shepherd, and Stewart.

On leave, Mr. Tefft.

A quorum being present, the Journal of Saturday was read and approved.

Mr. Scott being indisposed, was excused.

Mr. Randolph, from the Committee on the Judiciary, reported the following bills, entitled "an Act to authorize Whipping, in punishment of Petit Larceny and Grand Larceny;" "an Act to provide for the holding of a Special Term of the District Court, for the Fourth Judicial District;" "an Act to amend the Act, entitled 'an Act to regulate proceedings in Criminal Cases;'" "an Act to amend an Act to organ-

ize the Supreme Court of California;" "an Act concerning persons in custody under sentence of imprisonment;" all of which were, on motion of Mr. Tingley, severally read first and second time, the Rules being suspended for that purpose.

Mr. Walthall offered the following resolution:—

Resolved, That a Select Committee be appointed to inquire into the expediency of making suitable provisions by law to meet any conditions which the Congress of the United States may require to be performed by this State, and also to provide for any contingencies which may probably result from any such conditions, before admitting it into the Union on an equal footing with the original States, and to report by bill or otherwise. The resolution was, on motion, laid on the table.

On leave, Mr. McKinstry from the Select Committee, to whom was referred "Senate Bill No. 51, for the better regulation of the Mines, and the government of Foreign Miners," reported the same back with an amendment, by striking out all after the enacting clause, and inserting a substitute, which was adopted.

The bill was then read a third time. Mr. Randolph moved to lay it on the table until 5 o'clock. Not agreed to.

The question recurring on the passage of the bill, the ayes and nays were demanded.

Those who voted in the affirmative were—

Mr. Aram	Mr. Corey	Mr. Stewart
Bateman	Deal	Tingley
Brackett	McKinstry	Walthall
Bradford	Morehead	Wheeler
Brown	Moore	Speaker
Cardwell	Randolph	
Cave	Shepherd	—19.

In the negative—

Mr. Hughes Mr. Williams—2.

The bill passed.

A message from the Senate was received, informing the Assembly that they have receded from their 2d and 3d amendments to the bill, entitled "an Act to provide for the permanent location of the Seats of Justice, of the several counties," and have adopted the amendment of the Assembly to the Senate's 1st amendment to the same bill.

Also, that they have passed without amendment, Assembly Bill, entitled "an Act concerning Crimes and Punishments."

Also, without amendment, Assembly Bill concerning "Marks and Brands."

Also, that the President of the Senate has signed bills, severally entitled "an Act prescribing the duties and fixing the compensation of County Surveyors;" "an Act regulating the Quarantine of Vessels at the Port and Harbor of San Francisco;" "an Act providing for the creation of a Marine Hospital for the State of California;" "an Act creating Officers of Health for the Port of San Francisco, and defining their duties;" "an Act defining the duties of State Librarian, and prescribing Rules for the government of the State Library;" "an Act to incorporate the City of Santa Barbara;" "a Joint Resolution relative to the Public Archives."

Mr. Hughes, pursuant to notice, introduced a Joint Resolution concerning grants of land by the General Government to commissioned officers who served in the late war with Mexico, which was read three several times and passed, the Rules being suspended for that purpose.

On motion of Mr. Tingley, the House went into Committee of the Whole, Mr. Bateman in the chair, on bills Nos. 112, 115, and 113, entitled "an Act to authorize Whipping in Punishment of Petit Larceny and Grand Larceny;" "an Act to amend an Act to regulate proceedings in Criminal Cases;" and "an Act concerning persons in custody under sentence of Imprisonment." After having spent some time therein, the committee rose, reported progress, and asked leave to sit again. Leave was granted.

A message from the Senate was received, requesting the Assembly to return to the Senate a bill "entitled an Act to take the sense of the people, in relation to the permanent location of the Capitol," the bill having on Saturday, 6th instant, been by mistake communicated to the Assembly as *passed*, when it had only been ordered to its *third reading on to-day.*

Also, informing the Assembly that the Governor has notified the Senate, that he did this day sign bill, entitled "an Act creating Officers of Health for the Port of San Francisco."

Also, that the Senate has this day passed a concurrent resolution, herewith transmitted, fixing this day at 12 o'clock meridian, for the

election of a Resident Physician, Health Commissioner, and Health Officer for the Port and Harbor of San Francisco.

On motion of Mr. Tingley, the Chairman on Public Buildings and Grounds (Mr. Corey) reported back to the House, Senate Bill, entitled "an Act to take the sense of the people, in relation to the permanent location of the Capitol," when, on motion of Mr. Tingley, it was ordered that the Clerk be requested to return the same to the Senate according to request.

Joint Resolution of the Senate, "fixing this day, 12 o'clock M., for the election of a Resident Physician, Health Commissioner, and Health Officer for the Port and Harbor of San Francisco," was taken up.

Mr. Deal moved to amend by striking out "12 M," and inserting "1 P.M." Adopted.

The resolution, as amended, was concurred in.

On motion of Mr. Walthall, the House went into Committee of the Whole, Mr. Morehead in the chair, to resume the consideration of bills Nos. 112, 115, and 113, entitled "an Act to authorize whipping, in punishment of Petit Larceny and Grand Larceny," "an Act to amend an Act to regulate proceedings in Criminal Cases," "an Act concerning persons in custody under Sentence of Imprisonment." After some consideration therein, the committee rose, reported the bills, without amendment, and asked to be discharged. Agreed to.

On motion of Mr. Tingley, the two last named bills were each considered as engrossed, read a third time by title, and passed.

On motion, the first named bill was considered as engrossed, and read a third time.

After debate, Mr. Tingley moved the previous question, which was, "Shall the main question be now put?" It was decided in the affirmative.

The question being, "Shall the bill pass?" the ayes and nays were demanded.

Those who voted in the affirmative were—

Mr. Bradford	Mr. Moore	Mr. Tingley
Brown	Randolph	Walthall
Corey	Stowell	—8.

Those who voted in the negative were—

Mr. Aram	Mr. Covarubias	Mr. Morehead
Baldwin	Deal	Shepherd
Bateman	Henley	Stewart
Cardwell	Hughes	Wheeler
Cave	McKinstry	Speaker
Clarke		—16.

So the bill did not pass.

A message was received from the Senate informing the Assembly, that they had concurred in the amendment of the Assembly to the concurrent resolution of the Senate, providing for the election of Resident Physician, Health Commissioner, and Health Officer, of the Port and Harbor of San Francisco.

On motion of Mr. Tingley, the House went into Committee of the Whole, Mr. Cave in the chair, on bills No. 110, 114, and 116, entitled "an Act to regulate proceedings against Debtors of Attachment," "an Act to provide for the holding of a special term of the District Court for the fourth Judicial District," and "an Act to amend an Act to organize the Supreme Court of California." After having spent some time therein the committee rose, reported the bills, with an amendment to Bill No. 114, and the committee was discharged from their further consideration.

The amendment to Bill No. 114 was concurred in.

On motion, the bill was considered as engrossed, read a third time, and passed.

Bill No. 110, on motion of Mr. Randolph, was laid on the table.

To Bill No. 116, Mr. Deal moved to amend, by adding after the word "and" the words "the first two regular terms," strike out the words "two regular terms in each year," also, add to section "Provided, after the above named terms, the Court shall hold its sessions at the seat of Government." The amendments were adopted.

On motion of Mr. Randolph, the bill was considered as engrossed, read a third time, and passed.

Mr. Stowell, from the Joint Committee on Enrolled Bills, reported as correctly enrolled, bills entitled, "an Act to regulate proceedings in Courts of Justices of the Peace in Civil Cases:" "an Act to provide for the Collection of Demands against Vessels and Boats;" "Joint Resolution concerning the Reports of the Proceedings of the Convention of Monterey;" "an Act concerning Wills;" "an Act to provide

for the Erection of Court Houses;" and "an Act to prevent obstructions in Navigable Streams."

Mr. Wheeler, from the Committee on the Judiciary, to whom was referred Senate Bill No. 59, entitled "an Act concerning Attorneys and Counsellors-at-Law," reported, and recommended to strike out all after the enacting clause, and adopt a substitute accompanying the report, when, on motion, the bill and substitute were laid on the table.

Mr. Deal, from a majority of the Select Committee to whom was referred "an Act authorizing a Loan for the State of California," reported the same back, with amendments, which, on motion, was laid on the table.

On motion of Mr. Henley, "Bill to amend an Act organizing the District Courts of the State of California," was taken up, and, on motion of Mr. Morehead, said bill was made the order of the day for this afternoon.

On motion of Mr. Morehead, the Clerk was requested to invite the Senate to the House of Assembly, for the purpose of going into the Election of Resident Physician, Health Commissioner, and Health Officer for the Port and Harbor of San Francisco.

In Convention.

Mr. Heydenfeldt, of the Senate, and Mr. Randolph, of the House, acting as Tellers.

Nominations for Resident Physician were in order.

Mr. Chamberlin nominated Lorenzo Hubbard.

The result of the ballot was as follows:—

Whole number of votes	36
Necessary to a choice	19

Those who voted for Lorenzo Hubbard were—

Mr. Bassham	Mr. Brown	Mr. Moore
Chamberlin	Cardwell	Per Lee
Douglass	Cave	Randolph
Green	Clarke	Scott
Heydenfeldt	Corey	Shepherd
Robinson	Covarubias	Stewart
Vallejó	Deal	Stowell
Vermeule	Gray	Tingley
Aram	Henley	Walthall
Baldwin	Hughes	Wheeler
Bateman	McKinstry	Williams
Bradford	Morehead	Speaker—36

Mr. Hubbard, having received the whole number of votes cast, was declared duly elected.

The Convention then proceeded to ballot for Health Commissioner.

Mr. Deal nominated John T. Thorp.

Mr. Randolph nominated Dr. McMillin.

The result was as follows :—

Whole number of votes	36
Necessary to a choice	19

Those who voted for Mr. Thorp were—

Mr. Bassham	Mr. Cardwell	Mr. Morehead
Robinson	Corey	Scott
Vermeule	Covarubias	Tingley
Aram	Deal	Walthall
Bradford	Henley	Williams
Brown	Hughes	Speaker—18

Those who voted for Mr. McMillin were—

Mr. Chamberlin	Mr. Cave	Mr. Randolph
Douglass	Clarke	Shepherd
Green	McKinstry	Stewart
Heydenfeldt	Moore	Stowell
Vallejó	Per Lee	Wheeler
Bateman		—16

Mr. Woodworth voted for Mr. William Smith Hosford—1.

Mr. Gray voted for Mr. Brown—1.

No person having received a majority of all the votes cast, the Convention proceeded to a second ballot, which resulted as follows :—

Whole number of votes	36
Necessary to a choice	19

Those who voted for Mr. Thorp were—

Mr. Bassham	Mr. Brown	Mr Hughes
Chamberlin	Cardwell	Scott
Robinson	Corey	Tingley
Vermeule	Covarubias	Walthall
Aram	Deal	Williams
Bradford	Henley	Speaker—18

Those who voted for Mr. McMillin were—

Mr. Douglass	Mr. Cave	Mr. Randolph
Green	Clarke	Shepherd
Heydenfeldt	McKinstry	Stewart
Vallejó	Moore	Stowell
Baldwin	Per Lee	Wheeler
Bateman		—16

Mr. Woodworth voted for William Smith Hosford—1.

Mr. Gray voted for Mr. Brown—1.

No person having received a majority of all the votes cast, the Convention proceeded to a third ballot, which resulted as follows:—

Whole number of votes cast, ...	38
Necessary to a choice, ...	20

Those who voted for Mr. Thorp were—

Mr. Bassham	Mr. Brown	Mr. Hughes
Chamberlin	Cardwell	Scott
Robinson	Corey	Tingley
Vallejó	Covarubias	Walthall
Vermeule	Deal	Williams
Aram	Gray	Speaker
Bradford	Henley	—20.

Those who voted for Dr. McMillin were—

Mr. Douglass	Mr. Cave	Mr. Randolph
Green	Clarke	Shepherd
Heydenfeldt	McKinstry	Stewart
Lippincott	Morehead	Stowell
Baldwin	Moore	Wheeler
Bateman	Per Lee	—17.

Mr. Woodworth voted for Mr. Smith Hosford—1.

Jno. T. Thorp, having received a majority of all the votes cast, was declared duly elected.

The Convention then proceeded to ballot for Health Officer.

Mr. Robinson nominated Dr. J. H. Rogers.

Mr. Woodworth nominated Awful Gardner.

The result was as follows:—

Whole number of votes, ...	38
Necessary to a choice, ...	20

Those who voted for J. H. Rogers were—

Mr. Chamberlin	Mr. Cardwell	Mr. Per Lee
Douglass	Cave	Randolph
Green	Clarke	Scott
Lippincott	Corey	Shepherd
Robinson	Covarubias	Stewart
Vallejó	Deal	Stowell
Vermeule	Gray	Tingley
Aram	Henley	Walthall
Baldwin	Hughes	Wheeler
Bateman	McKinstry	Williams
Bradford	Morehead	Speaker
Brown	Moore	—35.

Mr. Heydenfeldt and Mr. Woodworth voted for Mr. Awful Gardner—2.

Mr. Bassham voted for Mr. Risbitchy—1.

Dr. Jas. H. Rogers, having received a majority of all the votes cast, was declared duly elected.

The Senate then withdrew, and, on motion of Mr. Deal, the House adjourned until 4 o'clock P.M.

AFTERNOON SESSION—FOUR O'CLOCK P.M.

On motion of Mr. Cardwell, there was a call of the House, and the following members were absent—Messrs. Aram, Baldwin, Bateman, Cave, Clarke, Corey, Crittenden, Deal, Gray, Henley, Morehead, Moore, Ogier, Patterson, Per Lee, Randolph, Scott, Shepherd, Stewart, and Williams.

No quorum being present, the Sergeant-at-Arms, on motion, was sent to request the attendance of absent members. A quorum appeared, and a message from the Senate was received, informing the Assembly that they have concurred in the report of the Conference Committee, on the disagreeing votes of the two Houses, on the bill, entitled "An Act to regulate proceedings in Criminal Cases."

Also, that they have passed, with an amendment, Assembly Bill, entitled "An Act to prevent the Coining of Money by Individuals," which amendment is affixed to the margin of the bill, and numbered "1."

Also, that they have passed, Act of the Assembly "to regulate Descents and Distributions," with an amendment, affixed to the margin of the bill, and numbered "1."

Also, that they have passed, without amendment, Assembly Bill "providing for the Lien of Mechanics and others."

Also, that the Senate have receded from their second and third amendments to Assembly Bill, entitled "An Act requiring Alcaldes and the Judges of the First Instance, to account for moneys received and expended by them."

Also, that the Senate have passed a bill, herewith transmitted, entitled "An Act to take the Sense of the People of California upon the subject of the Permanent Location of the Seat of Government."

Also, with an amendment affixed to the margin of the bill, and numbered "1," the bill of the Assembly, entitled "An Act to prevent the importation of Convicts into this State."

Also, without amendment, Assembly Bill "prescribing the mode of maintaining and defending possessory actions on lands belonging to the United States."

Also, with amendments, Assembly Bill, entitled "An Act concerning the office of Reporter," which amendments are affixed to the margin of the bill, and numbered 1, 2, and 3.

Bill to amend an Act organizing the District Courts of the State of California, was taken up, and, on motion of Mr. Tingley, was considered as engrossed, and laid on the table.

Engrossed "Bill to prohibit Banking Privileges," was taken up, and read a third time.

The question being, "Shall the Bill pass?" Mr. Morehead demanded the ayes and nays.

Those who voted in the affirmative were—

Mr. Brackett	Mr. Deal	Mr. Patterson
Bradford	Gray	Randolph
Brown	Henley	Stowell
Cardwell	Hughes	Tingley
Corey	McKinstry	Speaker—15.

Those who voted in the negative were—

Mr. Clarke	Mr. Morehead	Mr. Walthall
Covarubias	Moore	—5.

So the Bill passed.

Assembly "Bill, to prevent the Coining of Money by Individuals," returned from the Senate with an amendment, was taken up, and the amendment concurred in.

Assembly "Bill to regulate Descents and Distributions," returned from Senate with an amendment, was taken up, and the amendment was concurred in.

Assembly "Bill, to prevent the Importation of Convicts into this State," returned from the Senate with an amendment, was taken up, and the amendment was concurred in.

Assembly "Bill concerning the Office of Reporter," returned from the Senate with amendments, was taken up, and the amendments all concurred in.

Senate "Bill, to take the Sense of the People of the State of California upon the subject of the Permanent Location of the Capitol," was taken up, and read first time. Mr. Tingley moved to lay the Bill on the table. Mr. Bradford demanded the ayes and nays.

Those who voted in the affirmative were—

Mr. Aram	Mr. Deal	Mr. Walthall
Brown	Henley	Speaker
Corey	Stowell	—10.
Crittenden	Tingley	

Those who voted in the negative were—

Mr. Brackett	Mr. Covarubias	Mr. Moore
Bradford	Gray	Patterson
Cardwell	McKinstry	Randolph
Clarke	Morehead	Wheeler—12.

The motion did not prevail.

The Bill was then on motion read a second time.

Mr. Crittenden moved to postpone it indefinitely. On this motion Mr. Bradford demanded the ayes and nays.

Those who voted in the affirmative were—

Mr. Aram	Mr. Deal	Mr. Stowell
Brown	Gray	Tingley
Cave	Henley	Walthall
Corey	Hughes	Williams
Crittenden	Morehead	Speaker—15.

Those who voted in the negative were—

Mr. Brackett	Mr. Clarke	Mr. Moore
Bradford	Covarubias	Randolph
Cardwell	McKinstry	Wheeler—9.

So the motion prevailed, and the Bill was postponed indefinitely.

Mr. Morehead moved to take up Senate "Bill, No. 63, authorizing a Loan for the State of California." Not agreed to.

Senate Bill, preservative of Records of the Proceedings in Courts of

Alcaldes and Judges of First Instance, was taken up, and, on motion of Mr. Crittenden, was indefinitely postponed.

Senate "Bill, to provide for the Contingent Expenses of the Legislature," was taken up, and, on motion of Mr. Morehead, was indefinitely postponed.

On motion of Mr. Moore, the House adjourned until 10 o'clock to-morrow morning.

HOUSE OF ASSEMBLY.

Tuesday, *April 9th*, 1850.

House met, pursuant to adjournment.

Prayer by the Rev. Mr. Briarly.

The roll was called and the following members were absent, to wit—Messrs. Gray, Morehead, Moore, Ogier, Patterson, Per Lee, Tingley.

On leave, Messrs. Tefft and Crittenden.

The Journal of yesterday was read and approved.

Mr. Tingley, on motion, had leave of absence.

Mr. McKinstry, from the Committee on the Judiciary, reported "a Bill to prohibit Lotteries and the sale of Lottery Tickets," which was read first and second time.

On motion of Mr. Deal the House went into Committee of the Whole, Mr. Bradford in the chair, on bills entitled "an Act to prohibit Lotteries and the sale of Lottery Tickets," and "an Act to suppress Gaming." After having spent some time therein the Committee rose, reported both bills, with an amendment to the last named bill, and asked to be discharged. Agreed to.

In first named bill, Mr. Randolph moved to strike out 4th section. Not agreed to.

On motion of Mr. Deal, the bill was considered as engrossed and read a third time. On its passage the ayes and nays were demanded.

Those who voted in the affirmative were—

Mr. Aram	Mr. Corey	Mr. Shepherd
Bateman	Deal	Stewart
Brackett	Hughes	Stowell
Bradford	McKinstry	Walthall
Brown	Morehead	Wheeler
Cardwell	Randolph	Williams
Cave	Scott	Speaker—21.

In the negative—

Mr. Baldwin—1.

The "Bill to Suppress Gaming," Mr. Morehead moved to postpone indefinitely.

Mr. Hughes demanded the ayes and nays.

Those who voted in the affirmative were—

Mr. Baldwin	Mr. McKinstry	Mr. Shepherd
Brackett	Morehead	Stewart
Cardwell	Moore	Stowell
Cave	Per Lee	Williams—12.

In the negative—

Mr. Aram	Mr. Covarubias	Mr. Walthall
Bateman	Deal	Wheeler
Bradford	Hughes	Speaker
Brown	Randolph	
Corey	Scott	—13.

The motion did not prevail.

On motion of Mr. Morehead there was a call of the House, and Messrs. Clarke, Crittenden, Gray, and Ogier, absent.

On motion of Mr. Cave, further proceedings under the call were dispensed with.

Mr. Morehead then moved to strike out all after the enacting clause of the "Bill to Suppress Gaming." On this motion the ayes and nays were demanded.

Those who voted in the affirmative were—

Mr. Baldwin	Mr. McKinstry	Mr. Scott
Cardwell	Morehead	Shepherd
Cave	Moore	Stewart
Clarke	Patterson	Stowell
Crittenden	Per Lee	Williams—15.

In the negative—

Mr. Aram	Mr. Corey	Mr. Randolph
Bateman	Covarubias	Walthall
Brackett	Deal	Wheeler
Bradford	Henley	Speaker
Brown	Hughes	—14.

So the motion prevailed.

Mr. Morehead then moved the indefinite postponement of the title of said Bill. Mr. Walthall demanded the ayes and nays.

Those who voted in the affirmative were—

Mr. Baldwin	Mr. McKinstry	Mr. Per Lee
Cardwell	Morehead	Shepherd
Cave	Moore	Stewart
Crittenden	Patterson	Stowell—12.

In the negative—

Mr. Aram	Mr. Covarubias	Mr. Walthall
Bateman	Deal	Wheeler
Brackett	Henley	Williams
Bradford	Hughes	Speaker
Brown	Randolph	
Corey	Scott	—16.

So the motion did not prevail.

Mr. Morehead moved reconsideration of the vote on Senate Bill to take the sense of the people upon the subject of a permanent location of the Seat of Government. Mr. Moore demanded the ayes and nays.

Those who voted in the affirmative were—

Mr. Baldwin	Mr. Covarubias	Mr. Per Lee
Brackett	McKinstry	Randolph
Bradford	Morehead	Scott
Cardwell	Moore	Shepherd
Clarke	Patterson	Wheeler—15.

In the negative—

Mr. Aram	Mr. Crittenden	Mr. Stowell
Bateman	Deal	Walthall
Brown	Henley	Williams
Cave	Hughes	Speaker
Corey	Stewart	—14.

The vote was reconsidered.

Mr. Brackett then moved to refer the Bill to a Committee, with general instructions. Carried.

Messrs. Brackett, Per Lee, Moore, Wheeler, and Stewart, were appointed said Committee.

On motion of Mr. Williams, the Committee were instructed to report on Thursday next.

Mr. Henley moved that the Senate be respectfully requested, by mes-

sage, to permit the withdrawal, by the Assembly, of the notice given this day of the Assembly's concurrence in the Senate's amendments to "Bill concerning the Office of Reporter."

Mr. Stowell, from the Committee on Enrolled Bills, reported as correctly enrolled, "An Act to create Port Wardens for the City of San Francisco, and other Ports of California;" "An Act concerning the organization of the Militia;" and "An Act to provide for the Inspection of Steamboats."

On motion of Mr. Deal, the House went into Committee of the Whole, Mr. McKinstry in the Chair, on "Bill concerning Corporations;" after having spent some time therein, the committee rose, reported the bill with amendments, and were discharged. The amendments were partially concurred in, when, on motion of Mr. Randolph, the bill was laid on the table for the present.

A Message from the Governor was received by his private Secretary, informing the Assembly that he had this day signed bills entitled "An Act defining the duties of the State Librarian, and prescribing rules for the government of the State Library;" "An Act to incorporate the City of Santa Barbara;" "An Act prescribing the duties and fixing the compensation of County Surveyors;" and "A Joint Resolution relative to the Public Archives."

Mr. Henley moved to take up concurrent resolution of the Senate, fixing the 15th inst. for the adjournment of the Legislature.

Mr. Hughes demanded the ayes and nays.

Those who voted in the affirmative were—

Mr. Brown	Mr. Henley	Mr. Shepherd
Covarubias	Hughes	Walthall
Deal		—7

In the negative—

Mr. Aram	Mr. Cave	Mr. Patterson
Baldwin	McKinstry	Stowell
Bateman	Morehead	Williams
Brackett	Moore	Speaker
Bradford		—13

The motion did not prevail.

Mr. McKinstry offered the following concurrent resolution:—

Resolved, the Senate concurring, That no new bill or joint resolution shall be introduced into either House of Legislature after the 15th inst.

On this Mr. Morehead demanded the ayes and nays.

Those who voted in the affirmative were—

Mr. Aram	Mr. Henley	Mr. Stowell
Brackett	Hughes	Walthall
Bradford	McKinstry	Wheeler
Brown	Patterson	Williams
Covarubias	Shepherd	Speaker
Deal		—16

In the negative—

Mr. Baldwin	Mr. Cave	Mr. Moore
Bateman	Morehead	—5

The resolution was adopted.

Mr. Morehead offered the following resolution:—

Resolved, That the Committee on the Judiciary be instructed to inform the House, the number of Bills to be reported, and the number actually necessary to be passed, in order to put the judiciary system in successful operation. Adopted.

The following Message was received from the Senate by their Secretary, "I am directed by the Senate to deliver to the Assembly a sealed Message, which they desire may be opened and considered in Secret Session of the Assembly."

On motion, the doors were closed, and the House proceeded to consider the Message of Senate in Secret Session; after remaining some time therein, the doors were opened, and on motion, the House adjourned until four o'clock P.M.

FOUR O'CLOCK P.M.

On motion of Mr. Stewart, there was a call of the House, and Messrs. Aram, Baldwin, Brackett, Cardwell, Cave, Clarke, Gray, Hughes, Morehead, Ogier, Patterson, Per Lee, Scott, and Stowell, were absent.

On leave, Messrs. Tefft and Tingley.

No quorum being present, the Sergeant-at-Arms was sent to request the attendance of absent members.

A quorum appeared.

"Bill concerning protested Bills of Exchange" was taken up, and, on motion of Mr. Walthall, referred to the Committee on the Judiciary.

On motion of Mr. Brown, the House went into Committee of the Whole, Mr. Henley in the Chair, on "Bill concerning Forcible Entry

and Unlawful Detainers." After its consideration, the Committee rose, reported the Bill with an amendment, and were discharged.

The amendment was then concurred in, and, on motion of Mr. Brown, the Bill was laid on the table.

Mr. Bradford, from the Committee on Enrolled Bills, reported that they had this day presented to the Governor, for his signature, Bills entitled "an Act concerning the Organization of Militia," "an Act to provide for the Inspection of Steamboats," "an Act to create Port Wardens for the Cities of San Francisco, Sacramento, and other Ports of California," "an Act to prevent obstructions in Navigable Streams," "an Act concerning Wrecks and Wrecked Property," "an Act to regulate Proceedings in Courts of Justice of the Peace in Civil Cases," "an Act concerning Wills," "an Act to provide for the erection of Court Houses," "an Act to provide for the collection of Demands against Vessels and Boats," and "Joint Resolution concerning the Reports of the Proceedings of the Convention of Monterey."

On motion of Mr. Crittenden the House went into Committee of the Whole, Mr. Clarke in the Chair, on "Bill defining the rights of Husband and Wife." After its consideration the Committee rose, reported the Bill with amendments, and were discharged from its further consideration.

On motion, the amendments were generally concurred in.

Mr. Wheeler then moved to strike out Section 12 of said Bill.

Mr. Moore demanded the ayes and nays.

Those who voted in the affirmative were—

Mr. Brackett	Mr. Henley	Mr. Walthall
Bradford	Shepherd	Wheeler
Clarke		—7.

In the negative—

Mr. Aram	Mr. Covarubias	Mr. Moore
Bateman	Crittenden	Randolph
Brown	Deal	Williams
Corey	McKinstry	Speaker—12.

So the motion to strike out did not prevail.

The Bill was ordered to be engrossed.

On motion of Mr. Randolph, Bill concerning Corporations was recommitted to Committee of the Whole, Mr. Bradford in the Chair.

After remaining some time therein, the Committee rose, reported progress, and asked leave to sit again. Granted.

A message was received from the Senate by their Secretary, transmitting a sealed message, which they respectfully request may be considered in secret session.

On motion of Mr. Randolph, the House again went into Committee of the Whole, Mr. Bradford resuming the chair, on "Bill concerning Corporations." After its consideration, the committee rose, reported the bill with amendments, and were discharged.

The amendments were then generally concurred in, and the bill, on motion, was laid on the table.

The doors of the House were then closed, and the House proceeded in secret session to the consideration of the sealed message of the Senate.

After remaining some time therein, the doors were opened.

A message from the Senate was received by their Secretary, informing the Assembly that they have concurred in the amendment of the Assembly to Senate bill entitled "an Act for the better regulation of the Mines, and the government of Foreign Miners," with two amendments thereto, numbered one and two, and affixed to the margin of the same.

Also, that they have adopted the joint resolution of the Assembly, "concerning Grants of Land by the General Government to Commissioned Officers who served in the late war with Mexico."

Also, that they have adopted the concurrent resolution of the Assembly, in relation to the introduction of Bills and Joint Resolutions.

Also, that they have passed Assembly bill entitled "an Act to provide for the holding of a Special Term of the District Court for the Fourth Judicial District."

Also, that the Senate have consented to the withdrawal of so much of the Assembly message of to-day as notified the Senate of the concurrence of the Assembly in Senate amendments to Assembly bill "concerning the office of Reporter."

Also, that the President of the Senate has signed bills severally entitled "an Act concerning the organization of the Militia," "an Act to create Port Wardens for the Cities of San Francisco and Sacramento, and other Ports of California," "an Act to provide for the Inspection of Steamboats," "an Act to provide for the Collection of Demands against Vessels and Boats," "an Act to provide for the erection of Court Houses," "an Act concerning Wills," "an Act to regulate proceedings in Courts

of Justices of the Peace in Civil Cases," "an Act to prevent Obstructions in Navigable Streams," "an Act concerning Wrecks and Wrecked Property," and "a Joint Resolution concerning the Reports of the Proceedings of the Convention of Monterey."

Also, that they have passed Assembly bill entitled "an Act to amend an Act to regulate proceedings in Criminal Cases."

On motion of Mr. McKinstry, the seal of secresy was removed from so much of the proceedings of the secret session of the morning as related to the following resolution, and the appointment of the committee made under it.

Mr. Deal offered the following resolution, which was adopted :—

Resolved, That a committee of five be appointed to hear any charges that may be preferred against the Comptroller of State.

The Speaker appointed as such committee Messrs. Baldwin, Henley, Brackett, Patterson, and Per Lee.

On motion of Mr. Cardwell the House adjourned until to-morrow morning, 10 o'clock

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HOUSE OF ASSEMBLY.

WEDNESDAY, *April 10th*, 1850.

House met, pursuant to adjournment.

Prayer by Rev. Mr. Douglass.

The roll was called and the following members were absent, to wit—Messrs. Clarke, Covarubias, Morehead, Ogier, Per Lee, Randolph, Shepherd, Stewart, Stowell, Wheeler.

On leave, Messrs. Tefft, Tingley, and Crittenden.

The journal of yesterday was read and approved.

Mr. Shepherd, being indisposed, was excused.

Mr. Cardwell asked and obtained leave of absence for the remainder of Session.

Mr. McKinstry, from the Committee on the Judiciary, to whom was referred "Bill concerning Fraudulent Conveyances," reported the same back, with amendment, by striking out all after the enacting clause, and inserting a substitute, which, on motion, was laid on the table for the present.

Mr. McKinstry, from the same committee, reported a "Bill concerning County Officers for the County of Santa Clara," which was read

three several times, and passed, the Rules being suspended for that purpose.

"Bill for the better regulation of the Mines, and the government of Foreign Miners," returned from Senate, with amendments, was taken up. On concurring in the first amendment, to strike out "sixteen," and insert "twenty," Mr. Moore demanded the ayes and nays.

Those who voted in the affirmative were—

Mr. Aram	Mr. Gray	Mr. Walthall
Bateman	Hughes	Wheeler
Brown	Morehead	Williams
Corey	Patterson	Speaker
Deal	Shepherd	—14.

Those who voted in the negative were—

Mr. Baldwin	Mr. Clarke	Mr. Moore
Brackett	Henley	Scott
Cave		—7.

So the amendment was concurred in. In the second amendment the House concurred.

Mr. Morehead moved a reconsideration of the vote just taken, on concurring in second amendment of Senate to said bill. Mr. Moore demanded the ayes and nays.

Those who voted in the affirmative were—

Mr. Baldwin	Mr. Cave	Mr. Patterson
Bateman	Clarke	Randolph
Bradford	Hughes	Scott
Cardwell	Moore	Wheeler—12.

Those who voted in the negative were—

Mr. Aram	Mr. Gray	Mr. Stowell
Brackett	Henley	Walthall
Brown	McKinstry	Williams
Corey	Morehead	Speaker
Deal	Shepherd	—14.

The motion to reconsider did not prevail.

Mr. Brackett moved a reconsideration of the vote by which the House concurred in Senate's second amendment to "Bill concerning the Office of Reporter," viz. Strike out "sixteen," and insert "ten." Mr. Moore demanded the ayes and nays.

Those who voted in the affirmative were—

Mr. Aram	Mr. Covarubias	Mr. Shepherd
Baldwin	Deal	Walthall
Brackett	Henley	Wheeler
Bradford	Hughes	Williams
Brown	McKinstry	Speaker
Corey	Scott	—17.

In the negative—

Mr. Bateman	Mr. Gray	Mr. Moore
Clarke		—4.

The vote was reconsidered.

The question recurring on the concurrence of the House in said amendment, it was not agreed to.

Mr. Bradford, from the Committee on Enrolled Bills, reported as correctly enrolled, "an Act to provide for the permanent location of the Seats of Justice of the several Counties."

Engrosssed "Bill defining the rights of Husband and Wife," was taken up, and read a third time.

Mr. Brackett moved to refer it to a Select Committee, with instructions to strike out section 12.

Mr. Moore moved to lay the bill on the table, and make it the special order for 5 o'clock to-day. *Not agreed to.*

The question recurring on the motion to refer to a Select Committee, Mr. Brackett demanded the ayes and nays.

Those who voted in the affirmative were—

Mr. Aram	Mr. Clarke	Mr. Morehead
Baldwin	Corey	Shepherd
Bateman	Henley	Walthall
Brackett	Hughes	Wheeler
Bradford	McKinstry	—14.

Those who voted in the negative were—

Mr. Brown	Mr. Deal	Mr. Scott
Cave	Gray	Williams
Covarubias	Moore	Speaker
Crittenden	Randolph	—11.

So the motion to refer prevailed.

Mr. McKinstry moved a reconsideration of the vote just taken. Mr. Randolph demanded the ayes and nays.

Those who voted in the affirmative were—

Mr. Baldwin	Mr. Crittenden	Mr. Randolph
Brown	Deal	Scott
Cave	Gray	Stowell
Corey	McKinstry	Williams
Covarubias	Moore	Speaker—15.

In the negative—

Mr. Bateman	Mr. Henley	Mr. Walthall
Brackett	Hughes	Wheeler
Bradford	Morehead	
Clarke	Shepherd	—10.

So the vote was re-considered.

The question recurring on the motion to refer said bill to a Select Committee, with instructions to strike out Section 12, the ayes and nays were demanded.

Those who voted in the affirmative were—

Mr. Bateman	Mr. Clarke	Mr. Shepherd
Brackett	Henley	Walthall
Bradford	Morehead	Wheeler—9.

In the negative—

Mr. Brown	Mr. Deal	Mr. Scott
Cave	Gray	Stowell
Corey	McKinstry	Williams
Covarubias	Moore	Speaker
Crittenden	Randolph	—14.

The motion did not prevail.

The question being, "Shall the bill pass?" the ayes and nays were demanded.

Those who voted in the affirmative were—

Mr. Bradford	Mr. Deal	Mr. Stowell
Brown	Gray	Walthall
Cave	McKinstry	Wheeler
Corey	Moore	Williams
Covarubias	Randolph	Speaker
Crittenden	Scott	—17.

In the negative—

Mr. Baldwin	Mr. Clarke	Mr. Shepherd
Brackett		—4.

So the bill passed.

Mr Randolph moved to re-consider the vote on the passage of said bill.

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

Decided in the affirmative.

Mr. Stowell, from the Committee on Enrolled Bills, reported as correctly enrolled, "an Act concerning Roads and Highways;" "an Act to provide for the holding of a Special Term of the District Court for the Fourth Judicial District;" "an Act to prevent the Coining of Money by Individuals;" "an Act to prevent the importation of Convicts into this State;" "an Act prescribing the mode of Maintaining and Defending Possessory Actions on Lands belonging to the United States;" "an Act to regulate proceedings in the County Courts in Cases of Appeal from the Courts of Justices of the Peace;" "an Act to organize the Court of Sessions;" "an Act concerning Offices."

On motion of Mr. Brown, the House took up "Bill concerning Forcible Entries and Unlawful Detainers."

Mr. Brown moved to strike out Sec. 8, and insert a substitute, which was adopted.

Mr Brown also moved to strike out the word "three," in Sec. 13, and insert "one." Adopted.

The bill, on motion, was then considered as engrossed, read a third time, and passed.

"Bill concerning Corporations" was taken up, and, on motion, considered as engrossed, and read a third time.

On the passage of the bill, the ayes and nays were demanded.

Those who voted in the affirmative were—

Mr. Baldwin	Mr. Deal	Mr. Scott
Bateman	Gray	Stowell
Bradford	Henley	Walthall
Brown	Hughes	Wheeler
Cave	Morehead	Williams
Corey	Moore	Speaker
Covarubias		—19.

In the negative—none.

The Bill passed.

Mr. Williams moved to take up "Bill authorizing a Loan for the State of California." Not agreed to.

On motion of Mr. Wheeler, the House went into Committee of the Whole, Mr. Stowell in the Chair, on "Bill concerning Attorneys and Counsellors at Law." After its consideration, the Committee rose, reported the Bill with amendments, and asked to be discharged. Agreed to.

The amendments were concurred in; the Bill, on motion, considered as engrossed, read a third time, and passed.

On motion of Mr. Walthall, Senate "Bill authorizing a Loan for the State of California" was taken up, and, on motion, made the order of the day for to-morrow.

A message from the Senate was received, informing the Assembly that they have passed Assembly Bill, entitled "An Act to prohibit the exercise of Banking privileges," with an amendment, viz. striking out all after the enacting clause, and inserting therefor the sections herewith transmitted, as contained in the paper marked "L."

Also, that the Governor has notified the Senate, that he did, on the 9th instant, sign Bills originating in the Senate, severally entitled "An Act regulating the Quarantine of Vessels at the Port and Harbor of San Francisco," "An Act providing for the Erection of a Marine Hospital."

"Bill to prohibit the Exercise of Banking privileges," returned from Senate with amendments, was taken up, and on motion of Mr. McKinstry, made the special order for 5 o'clock to-day.

On motion of Mr. Cave, the House adjourned until 4 o'clock P.M.

FOUR O'CLOCK P.M.

On motion of Mr. Hughes, there was a call of the House, and the following members were absent, to wit—Messrs. Baldwin, Bateman, Cave, Clarke, Corey, Crittenden, Deal, Gray, McKinstry, Morehead, Moore, Ogier, Patterson, Per Lee, Randolph, Shepherd, Stewart, Stowell, Tefft, Tingley, Wheeler, and Williams.

No quorum being present, the Sergeant-at-Arms was sent to request the attendance of absent members.

A quorum appeared.

Mr. Crittenden, from the Committee on the Judiciary, reported "An Act to regulate the Settlement of the Estates of Deceased Persons," and "An Act to provide for the appointment of Guardians and prescribe their duties."

The first named Bill was, on motion, read first and second time.

Mr. Moore moved to recommit the same to the Committee on the Judiciary, with instructions to select such portions as they may think it necessary to print. Not agreed to.

On motion of Mr. Wheeler, 100 copies were ordered to be printed.

The second named Bill was read first and second time.

A message from the Senate was received, informing the Assembly that the President of the Senate has signed Bills, severally entitled "An Act to provide for the permanent Location of the Seats of Justice of the several Counties;" "An Act prescribing the mode of Maintaining and Defending Possessory Actions on Lands belonging to the U. States;" "An Act concerning Offices;" "An Act to prevent the Coining of Money by Individuals;" "An Act to prevent the Importation of Convicts into this State;" "An Act to regulate Proceedings in the County Courts, in Cases of Appeal from the Courts of Justices of the Peace;" "An Act to organize the Court of Sessions;" "An Act concerning Roads and Highways;" "An Act to provide for the holding of a Special Term of the District Court for the Fourth Judicial District;" "A Joint Resolution concerning Grants of Land by the General Government to Commissioned Officers who served in the late War with Mexico."

Mr. Crittenden, from the Committee on the Judiciary, to whom was referred Senate Bill No. 41, entitled "An Act relating to the Office and Duties of Public Administrators of the City and County of San Francisco," reported, that the "Act to regulate the Settlement of the Estates of Deceased Persons," which has been reported by your Committee and is now before the House, provides for the appointment of Public Administrator in each County, and prescribes his duties. Your Committee think the passage of a special act for the appointment of such an officer in the County of San Francisco unnecessary; they therefore report the Bill back to the House, and recommend its indefinite postponement.

Mr. Crittenden, from the same committee, to whom was referred, Senate Bill No. 60, entitled "an Act relating to Bills of Exchange and Promissory Notes," reported the same back, and recommended its passage. The bill was then read a third time and passed.

Mr. Brackett, from the Select Committee, to whom was referred Senate Bill, entitled "an Act to take the sense of the people of California upon the subject of the permanent location of the Seat of Government,"

reported that they have had the same under consideration, and herewith report a substitute, in which they ask the concurrence of the House, and ask to be discharged from its further consideration.

On motion, the bill was laid on the table. The House proceeded to the consideration of the special order of the day, viz. "Bill to prohibit the exercise of Banking Privileges." The question being, "The concurring in Senate's amendments to said bill," Mr. Morehead demanded the ayes and nays.

Those who voted in the affimative were:—

Mr. Walthall Mr. Williams—2.

In the negative—

Mr. Aram	Mr. Covarubias	Mr. Moore
Baldwin	Crittenden	Randolph
Bateman	Deal	Scott
Brackett	Henley	Shepherd
Bradford	Hughes	Stowell
Cave	McKinstry	Wheeler
Corey	Morehead	Speaker—21.

So the House refused to concur in said amendments.

Mr. Stowell, from the Committee on Enrolled Bills, reported that they had this day presented to the Governor for his signature, "an Act concerning Roads and Highways;" "an Act to provide for the permanent location of the Seats of Justice of the several Counties;" "an Act to organize the Court of Sessions;" "an Act to prevent the Coinage of Money by individuals;" "an Act to regulate proceedings in the County Courts in Cases of Appeal from the Courts of Justices of the Peace;" "an Act prescribing the mode of maintaining and defending Possessory Actions on lands belonging to the United States;" "an Act concerning Offices;" "an Act to prevent the Importation of Convicts into this State;" and "an Act to provide for the holding of a Special Term of the District Court, for the Fourth Judicial District."

Mr. Bradford moved to take up "Bill to take the sense of the people of California upon the subject of the permanent location of the Seat of Government." Not agreed to.

On motion of Mr. McKinstry, the House went into Committee of the Whole, Mr. Baldwin in the chair, on "Bill concerning Fraudulent Conveyances." After its consideration, the committee rose, reported the bill to the House, and were discharged from its further consideration.

The bill, on motion, was considered as engrossed, read a third time, and passed.

Mr. Covarubias presented the following preamble and concurrent resolution in reference to the election of State Translator.

MR. SPEAKER:—

As representative of a southern district almost entirely inhabited by people who do not know any other language than the Spanish, I feel perhaps more than any other of this honorable body the necessity of a State Translator for the purpose of having our Laws known to all those who are in the same situation as the greater part of the people I represent.

Though our last efforts at an election proved unsuccessful, we are aware of the necessity of possessing a responsible individual, who takes the translation of our Laws under his particular care.

Various individuals of the County I represent, have addressed communications to their delegates in the Senate and Assembly, desiring them to use all their influence with the Secretary of State for the purpose of becoming acquainted with the Laws which are to govern them, and that these Laws be translated into Spanish agreeably to the Constitution (Art 9, Sec. 21), and that they felt very sorry for not knowing what was going on in the Legislature, as the information they received from their representatives was a very limited one, given by private letters. Influenced by these reasons, and by the position occupied by all those who are in the same situation as the people of Santa Barbara, I wish that the Legislature may at once proceed to the election of a State Translator, and as a member of the Joint Committee, I repeat my recommendation of Mr. Schleiden, whom I consider the most capable of the candidates who presented themselves. I consequently offer to the Assembly the following resolution:—

Resolved, That (if the Senate concur) the Legislature meet in Convention to-morrow (Thursday) at one o'clock, for the purpose of electing a State Translator.

On the adoption of the resolution, Mr. Moore demanded the ayes and nays.

Those who voted in the affirmative were—

Mr. Aram	Bradford	Mr. Covarubias
Baldwin	Corey	Henley

Hughes	Mr. Ogier	Williams
McKinstry	Scott	Speaker
Morehead	Walthall	—14

In the negative—

Mr. Brown	Mr. Deal	Mr. Randolph
Cave	Moore	—5

So the resolution was adopted.

Mr. Randolph offered the following resolution :—

Resolved, That the State Printer be instructed to present to this House, on Monday next, a statement of his account against the State for work executed up to date, and an estimate of the cost of work which has been ordered by the House, and remaining unexecuted.

Adopted.

On motion of Mr. McKinstry, the House adjourned until to-morrow morning at 10 o'clock.

HOUSE OF ASSEMBLY.

THURSDAY, *April* 11, 1850.

House met, pursuant to adjournment.

Prayer by the Rev. Mr. Briarly.

The roll was called, and the following members were absent, to wit—Messrs. Baldwin, Brackett, Brown, Clarke, Corey, Covarubias, Deal, McKinstry, Ogier, Per Lee, Randolph, Shepherd, and Stewart.

On leave : Messrs. Crittenden, Tefft, and Tingley.

No quorum being present, the Sergeant-at-Arms was sent to request the attendance of absentees.

A quorum appearing, the Journal of yesterday was read and approved.

The Speaker laid before the House a communication from John F. Williams, tendering his resignation as member from the District of Sacramento, to take effect after the adjournment of the Legislature.

On motion, the resignation was accepted, and it was ordered that the Clerk inform the Governor thereof.

The Speaker also laid before the House the following communication from the Comptroller of State :—

COMPTROLLER'S OFFICE, *April 11th*, 1850.

GENTLEMEN OF THE ASSEMBLY :—

In accordance with the resolution of your honorable body, I beg leave to submit the following report of the Expenditure of the State up to April 15th inclusive, and an estimate of the probable expenses for the remainder of the year, ending December 31st, 1850 :—

Whole amount of warrants drawn on the Treasurer up to April 10th, 1850	$208,550 66

Expenditure of the Legislative Department up to April 15th inclusive, will be as follows :

Whole amount of per diem of Senators . . .	29,120 00
Whole amount of Mileage of Senators . . .	7,529 60
Whole amount of per diem of Members of the Assembly	66,120 00
Whole amount of Mileage of Members of the Assembly	17,526 00
Whole amount per diem and Mileage . . .	$120,295 60

For Contingent Expenses of the Senate, as follows :

J. F. Howe, Secretary	$3,416 00
W. B. Olds, Assistant Secretary	2,684 00
A. W. Luckett, Enr. Clerk	2,684 00
B. Dexter, Eng. Clerk	2,684 00
Thos. S. Austin, Serjeant-at-Arms . . .	2,640 00
Eugene Russell, Doorkeeper	2,440 00
James Branham, Page	1,404 00
Francis Stering, Porter	540 00
E. Covington, Extra Clerk	773 50
Jos. Sledham, Porter	252 00
George O. McMullin, Extra Clerk . . .	396 00
William McDaniel, Special Messenger . . .	413 00
Wm. E. Paytor, Court Clerk	902 00
Morris Buckman, for Candles	266 00
S. M. Henderson, for Copying	164 45

M. R. Coleman, Copying, &c.	216 00
James Appleton, for Merchandise	10 00
Davis Devine, for Copying	210 00
Lightstone and Clements, for Merchandise . .	44 33
B. Briarly, Chaplain	448 00
George W. Tyler, for Copying	142 00
Ramon Absolo, for Merchandise	171 00
Morris Buckman, for Freight	156 25
John W. Douglass, Chaplain	448 00
John Bodend, for Lamps	96 00
J. F. Howe, for Stationery	115 50
Ackley and Morrison, for Freight . . .	104 50
Monton, Chavou, and Co., for Lumber . . .	482 50
Lewis Corey, for Merchandise	405 25
Sullivan and Co., for Stationery	966 00
William McNess, for Hauling	41 00
Brown and Co.'s Express, for Freight and Packages	14 00
Lount and Co.'s Express, for Freight . . .	33 50
Lewis Corey, for Merchandise	225 50
F. Hall, Extra Clerk	142 80
Hoppe, Hawkins, and Co., for Merchandise .	390 00
J. H. Gass, Extra Clerk	45 00
W. B. Olds, for Stationery	10 75
S. M. Henderson, for Copying	46 00
George A. Gregory, Carpenter's Work, &c. . .	1773 00
E. Covington, Court Clerk	616 00
J. S. Stedham, Porter	336 00
L. Freeman, for Painting	36 00
W. E. Paytor, Extra Clerk	836 00
F. E. Eldridge, Extra Clerk	195 00
B. Dexter, Special Messenger	60 00
William C. Jones, for Wood	50 00
S. A. and J. G. Phayer, for Lamps, &c. . .	222 00
Theddore Maquer, Porter	504 00
Total Contingent Expense of the Senate	$31,251 33

For Contingent Expenses of the Assembly.

John McCarty, Extra Clerk	$280 00
John Pettit, for Lumber	211 00
Charles A. Leake, Court Clerk	880 00
George O. McMullin, Extra and Trans. Clerk	620 00
Ackley and Maurison, for Freight	20 00
J. M. Purners, Court Clerk	176 00
A. M. Wigginton, Extra Clerk	380 00
James Appleton, for Candles	606 00
P. O. Minor, Court Clerk	1012 00
J. P. Ankeney, Copying	1040 00
Lewis Corey, for Merchandise	126 50
George A. Gregory, for Work, &c.	1176 88
Lightstone and Clement, for Merchandize	139 45
B. Brialy, Chaplain	448 00
F. P. Weinman, for Merchandise	144 50
John W. Douglass, Chaplain	448 00
Wm. H. Eddy, Special Messenger	125 00
Davis Devine, Extra Clerk	242 00
William Ashley, for Wood	100 00
W. J. Lewis, Extra Clerk	40 00
Fred. Hall, Extra Clerk	308 00
A. M. Wigginton, Trans. Clerk	814 00
J. M. Muscott, Extra Clerk	44 00
Hoppe, Hawkins, and Co., for Merchandise	226 75
A. M. Wigginton, Extra Clerk	396 00
Henry Berry, Assistant Doorkeeper	1062 00
James H. Culter, Extra Clerk	616 00
Geo. O. McMullin, Trans. Clerk	616 00
E. Dickey, Extra Clerk	316 00
Henry Berry, Assistant Doorkeeper	684 00
Wm. C. Jones, for Wood	50 00
Geo. F. Pitts, Extra Clerk	300 00
Thos. B. Geoffrey, Assistant Doorkeeper	216 00
Geo. L. Greathouse, Extra Clerk	88 00
P. O. Minor, Court Clerk	990 00
E. H. Tharp and John Nugent, Principal Clerks	3360 00
C. Mitchell, Engr. Clerk	2640 00

F. H Sandford and A. D. Ohr, Asst. Clerks .	3000 00
F. H. Sandford and A. D. Ohr, Enr. Clerks .	2640 00
John Warrington, Doorkeeper	2160 00
J. C. Ogburn, Messenger	2380 00
Sam. B. Houston, Serjeant-at-Arms . . .	2400 00
S. B. Spooner, for Translating	260 00
Total amount of Contingent Expense of Assembly	$33,782 08

Expenditures for the Executive Department up to April 15, 1850, *inclusive.*

Salaries of the State Officers	$21,170 69
Contingent Expenses of Governor's Office . .	17 00
Contingent Expenses of Sec'ry of State's Office .	710 00
Contingent Expenses of Comptroller's Office, including Clerk Hire	1,609 66
Contingent Expenses of the Treasurer's Office, including Clerk Hire and Printing . .	1,883 66
Contingent Expenses of the Surveyor General's Office	387 00
Contingent Expenses of the Attorney General's Office	420 50
Total amount of Expendit. for Executive Dep't .	$26,197 51

Expenditures for the Judicial Department up to April 15, 1850.

Salaries of the Justices of the Supreme Court for the First Quarter, in advance . . .	$7,500 00
Contingent Expenses of the Supreme Court, for Room Rent and Lights	1,500 00
Salaries of the District Judges for the First Quarter, in advance	16,875 00
Total,	$25,875 00

Miscellaneous Expenditures authorized by Law.

Amount paid Charles White, for money advanced for State Seal	1,000 00

Amount paid the Alta California Office for the Publishing Laws, by order of the Governor .	642 00
Amount paid H. H. Robinson, State Printer, for printing Sundry Bills, Resolutions, &c., .	16,391 40
Amount paid Alta California Office for printing Commissions, by order of the Governor, out of his Contingent Fund	500 00
Total,	$18,533 40

Recapitulation of Expenditure up to 15th of April, 1850.

Legislative Department	$185,329 01
Executive Department	26,197 51
Judicial Department	25,875 00
Miscellaneous	18,533 40
Total,	$255,934 92

Estimated Expenses of the Government from April 15th to December 31st, 1850.

FOR THE EXECUTIVE DEPARTMENT.

Salaries of the State Officers	$35,879 21
Contingent Expenses of the State Offices for Furniture, Stationery, Fuel, and Lights (in six) @ $1500 each	9,000 00
For Office Rent for the same @ $200 per month each	10,200 00
Salaries of Clerks for the same	7,650 00

FOR JUDICIAL DEPARTMENT.

Salaries of the Justices of the Supreme Court .	$21,312 08
Contingent Expenses of the Supreme Court for Fuel, Lights, and Room Rent . . .	8,800 00
Salaries of the District Judges	47,358 84
Salaries of the District Attorneys . . .	12,789 00
For Printing the Laws of the State, &c. . .	75,000 00
Total estimated expenses for the remainder of the year ending Dec. 31st, ...	$227,989 13

RECAPITULATION.

Whole Amount of Expenditures up to April 15th, 1850	$255,934 92
Whole Amount of Estimated Expenditures for Balance of the Year ending December 31st, 1850, inclusive	227,089 13
Whole Amount for the Year ending December 31st, 1850	$483,924 05

The foregoing is as near the true amount of expenditures, up to April 15th, as I can arrive at from the evidences now before me.

There are some accounts against the State which have not as yet been presented for payment; among others, those of Messrs. Post and Van Benschoten, members of the Legislature. They, of course, are not reported. I have calculated up to the 15th of April, as the probable day of your adjournment, in the absence of any day fixed by the Legislature.

All of which is respectfully submitted.

JOHN S. HOUSTON,
Comptroller of State.

On motion of Mr. Walthall, the communication was laid on the table.

A message from the Governor was received, informing the House that he had this day signed "An Act to provide for the erection of Court Houses," "An Act to provide for the inspection of Steamboats," "An Act to provide for the collection of demands against Vessels and Boats," "An Act to organize the Militia of the State of California," "An Act concerning Wills," "An Act to regulate proceedings in Courts of Justices of the Peace in Civil Cases," and "Joint Resolution concerning the reports of the proceedings of the Convention of Monterey."

Mr. Walthall, from the Committee on Ways and Means, reported a "Bill concerning the compensation of Members of the Legislature, and the Officers of each House thereof," which was read first and second time, and, on motion, made the special order for Saturday next, at four o'clock.

Mr. McKinstry, from the Committee on the Judiciary, reported a "Bill concerning the transfer of certain Records, Conveyances, and

Papers," which was read three several times and passed, the Rules being suspended for that purpose.

The order of the day, viz. Senate Bill "authorizing a Loan for the State of California," was taken up.

Mr. Moore moved to indefinitely postpone said bill.

Mr. Walthall moved to lay the motion on the table. Agreed to.

On motion of Mr. Walthall, the House went into Committee of the Whole, Mr. Ogier in the chair, on said bill. After its consideration the committee rose, reported the bill with amendments, and were discharged from its further consideration.

The amendments were concurred in.

Mr. Moore moved to postpone the bill indefinitely.

After debate, Mr. Cardwell demanded the previous question, which was, "Shall the main question be now put?" Decided in the affirmative.

The question then recurred on the indefinite postponement of the bill, on which Mr. Williams demanded the ayes and nays.

Those who voted in the affirmative were—

Mr. Baldwin	Mr. Clarke	Mr. Ogier
Bateman	Crittenden	Patterson
Brackett	McKinstry	Randolph
Cardwell	Moore	Stowell—12.

In the negative—

Mr. Aram	Mr. Deal	Mr. Walthall
Bradford	Henley	Wheeler
Brown	Hughes	Williams
Corey	Morehead	
Covarubias	Shepherd	—13.

So the motion to indefinitely postpone, did not prevail.

Mr. Wheeler moved to add to section 4, the following:—Said agents shall negotiate such loan at the lowest rate of interest which may be offered, not exceeding ten per cent. per annum; and should said agents or either of them negotiate any part of said loan at any other rate of interest, other than the lowest rate proposed by *bonâ fide* offer, or receive from any person or persons any compensation of money or other property except as provided by this Act, for giving a preference to any offer which may be made, such agent or agents so doing or assenting thereto, shall be deemed guilty of a felony, and, on conviction, shall

be punished by imprisonment not exceeding five years, and by a fine not exceeding $10,000, the one half of the fine imposed to be paid to the informer; when, on motion of Mr. Morehead, the bill and pending amendment were laid on the table.

A message from the Senate was received, informing the Assembly that they have concurred in the Assembly's 1st, 4th, 6th, 7th, 9th, 10th, 12th, 13th, 14th, 15th, 17th, 18th, 19th, 20th, 21st, and 22d amendments to the bill of the Senate, entitled "An Act to incorporate the City of San Francisco," have non-concurred in the 8th and 16th of such amendments, and have concurred with further amendments, as marked Nos. 1, 2, 3, and 4, affixed to the margin of the Assembly's amendments, in the 2d, 3d, 5th, and 11th of such amendments.

Also, that the Senate have refused to recede from their amendments to Assembly Bill, entitled "An Act to prohibit the exercise of Banking Privileges," and have appointed a Committee of Conference thereon, consisting of Messrs. Heydenfeldt, Green, and Robinson, to meet any corresponding committee which may be appointed on the part of the Assembly.

Also, that they have passed Assembly Bill, entitled "An Act to amend an Act to organize the Supreme Court of California."

Also, that the Senate have adopted the concurrent resolution of the Assembly, providing for the election of State Translator, this day at one o'clock P.M.

Also, that the Senate have passed a bill, herewith transmitted, "to create and appoint Commissioners to investigate and report upon the Missions and Mission Lands of the State of California."

Also, that the Senate have adopted a concurrent resolution, herewith transmitted, providing for the election of Militia Officers this day.

The following communication was received from the Secretary of State:—

Office of Secretary of State,
San José, April 11, 1850.

To the Honorable the Assembly of California:

In pursuance of a Joint Resolution of the Legislature, authorizing "the Secretary of State to forthwith dispatch some suitable person to Monterey to procure the Archives of this State," I accordingly, on the

5th inst., employed Mr. Eddy for this purpose, and directed him "to proceed with all convenient dispatch" to Monterey, and deliver to General Riley a communication, of which the following is a copy:—

"OFFICE OF SECRETARY OF STATE,
"*San José, Cal., April* 5, 1850.

"BREV. BRIG. GEN. BENNETT RILEY,

"SIR,—In pursuance of a Joint Resolution of the Legislature, I have dispatched the bearer, Mr. Eddy, to Monterey, with instructions to apply for, and convey to San José, whatever Archives of the State may be in your possession, which are required by law to be deposited in the Office of the Secretary of State.

"Allow me to request you will afford Mr. E. all the necessary facilities to secure their speedy transmission. It is desirable to have them here at as early a day as practicable, and before the adjournment of the present session of the Legislature.

"I have the honor to be
"Your very obedient Servant,
"W. VAN VOORHIES."

In reply to which the following was received on yesterday from General Riley:—

"HEAD-QUARTERS; 10th MILITARY DEP'T,
"*Monterey, Cal., April* 9, 1850.

"SIR,—Your communication of the 5th inst., by Mr. Eddy, in relation to the Archives of the Departmental Government, was received yesterday, and in reply I have the honor to state, that these Archives have not yet been separated from those belonging to the General Government; and in the absence of Captain Halleck, former Secretary of State, there is no one here sufficiently acquainted with the Archives to make the separation.

"Captain Halleck was sent some time since to San Francisco upon duty that has detained him longer than was anticipated. He is now, however, expected daily; and upon his return I will cause the Archives of the State to be securely packed, and held subjected to your order, or transmit them to San José, as you may deem most expedient. It will give me great pleasure at any time to afford Mr. Eddy, or any person

deputed by you, any facilities, or render them any services that may be in my power.

"Very respectfully, Sir,
"Your obedient Servant,
"B. RILEY, Brev. Brig. Gen., &c."

All which is respectfully submitted.

W. VAN VOORHIES, Sec. of State.

The communication was, on motion, laid on the table.

Mr. Henley in the Chair.

Mr. Ogier offered the following resolution:—

Resolved, That, the Senate concurring, the election for State Translator be postponed until Wednesday next. Adopted.

"Bill to Incorporate the City of San Francisco," returned from Senate with amendments, was taken up, and, on motion, referred to the delegation from San Francisco.

Senate concurrent Resolution, providing for the election of Militia Officers to-day, was taken up.

Mr. Baldwin moved to amend, by inserting "one o'clock." Not agreed to.

Mr. Hughes moved to amend, by inserting "five o'clock." The amendment was adopted.

Mr. Walthall moved to strike out "to-day," and insert "Monday." Adopted.

The Resolution as amended was concurred in.

Mr. Baldwin, from the Committee of Conference appointed on the disagreeing votes of the two Houses, on "An Act to organize the County Courts," reported, and recommended that the Assembly concur in the amendments of the Senate to said Bill. The report was adopted.

Mr. Baldwin, from the Committee on revisal and unfinished business, made a report, which on motion was laid on the table.

Mr. Bradford moved the appointment of a Committee of Conference on the disagreeing votes of the two Houses, on "Bill to prohibit the exercise of Banking privileges." Carried.

Whereupon the Speaker appointed Messrs. Crittenden, Bradford, and Morehead, said Committee.

Senate Bill "to create and appoint a Board of Commissioners to investigate and report upon the Missions and Mission Lands of the

State of California," was taken up, read 1st and 2d time, and, on motion of Mr. Moore, indefinitely postponed.

A Message was received from the Senate, informing the Assembly that they have refused to concur in the amendment of the Assembly to the concurrent Resolution of the Senate, providing for the election of Militia Officers to-day.

Mr. Stowell moved that the House recede from its amendment to said Resolution, providing for the election on Monday. Agreed to.

The Resolution, with the amendment, fixing 5 o'clock to-day, was then concurred in.

Mr. Wheeler, from the Select Committee to whom was referred "An Act to incorporate the City of San Francisco," reported as follows:—

MR. SPEAKER:—

The Committee to whom was referred the Act to Incorporate the City of San Francisco, with the Senate's amendments thereto, report, that they have had the same under consideration, and recommend that the Assembly concur in the 1st, 2d, and 4th amendments of the Senate to the amendments of the Assembly, and recede from the 8th amendment of the Assembly. But that they non-concur in the 3d amendment of the Senate to the amendments of the Assembly, and refuse to recede from the 16th amendment of the Assembly, and also recommend that a Committee of Conference be appointed, to meet a similar Committee on the part of the Senate. The report was adopted.

Whereupon the Speaker appointed as a Committee of Conference on said Bill, Messrs. Stowell, Randolph, and Wheeler.

Mr. Stowell, from the Joint Committee on Enrolled Bills, reported as correctly Enrolled, "An Act to amend An Act to regulate proceedings in Criminal Cases," "An Act concerning Marks and Brands," "An Act providing for the Lien of Mechanics and others," "An Act requiring Alcaldes and Judges of the Courts of first instance to account for moneys received and expended by them," and "An Act for the better regulation of the Mines and the government of foreign Miners."

On motion of Mr. Williams, the House adjourned until 4 o'clock P.M.

FOUR O'CLOCK P.M.

Mr. Henley in the Chair.

On motion of Mr. Morehead, there was a call of the House, and the following Members were absent, to wit—Messrs. Cardwell, Cave, Clarke,

Cory, Crittenden, Gray, Ogier, Patterson, Per Lee, Randolph, Scott, Shepherd, Stowell, Tingley, and Speaker.

On motion, the Sergeant at Arms was sent to request the attendance of absent members. A quorum appeared.

A Message from the Governor was received, informing the House that he had signed "An Act to organize the Court of Sessions," "An Act concerning Roads and Highways," "An Act to provide for the permanent location of the Seats of Justice of the several Counties," "An Act prescribing the mode of maintaining and defending possessory actions on Lands belonging to the United States," "An Act to prevent the importation of Convicts into this State," "An Act to provide for holding of a Special Term of the District Court for the fourth Judicial District," "An Act to regulate proceedings in the County Courts in Cases of Appeal from the Courts of Justices of the Peace," and "Joint Resolution concerning Grants of Land by the General Government, to Commissioned Officers, who served in the late War with Mexico."

"Bill to provide for the appointment of Guardians, and prescribe their duties," was taken up, and on motion considered as engrossed, read a third time, and passed.

Mr. Walthall offered the following resolution :—

Resolved, That the Committee on Claims be instructed to inquire into the payments heretofore made by the Comptroller to all officers and clerks appointed by this House, or by its authority, before reporting in favor of any further claims which such officer or clerk may present, and to adjust such claim by reference to former payments, and the amount paid by law on the resolution of this House. Adopted.

Mr. Bradford, from the Committee on Printing, introduced "A Bill concerning the Publication of Laws in Pamphlet form," which was read first and second times, and on motion of Mr. Moore, referred to a Select Committee, consisting of Messrs. Moore, Randolph, and Bradford.

A message from the Senate was received informing the Assembly that they have concurred in the amendment of the Assembly to Senate's Joint Resolution in relation to the election of Militia Officers, which amendment of the Assembly fixes the time for such election at 5 P.M. of this day.

Also, that they have concurred in the Assembly's amendment to the concurrent resolution of the Assembly in relation to the election of State Translator, which amendment of the Assembly to Assembly's

resolution, postpones the election of State Translator to Wednesday next.

Also, that the Governor has notified the Senate that he on yesterday signed bills severally entitled "an Act to create Port Wardens for the Cities of San Francisco and Sacramento, and other Ports of California," "an Act concerning Wrecks and Wrecked Property," "an Act to prevent Obstructions in Navigable Streams."

Also, that the Senate have adopted the report of the Conference Committee on the disagreeing votes of the two Houses in relation to the bill of the Assembly entitled "an Act to organize County Courts," recommending the concurrence by the Assembly in the amendments of the Senate.

Also, that the Senate have receded from their amendments to the bill of the Assembly entitled "an Act concerning the office of Reporter."

Also, that the Senate have passed Assembly Bill entitled "an Act concerning the transfer of certain Records, Conveyances, and Papers."

On motion of Mr. Deal, the House took a recess until 5 o'clock.

FIVE O'CLOCK P.M.

On motion of Mr. Walthall, the Clerk was requested to invite the Senate to the Hall of Assembly instanter, to go into the election of the different officers of the militia.

IN CONVENTION.

The President announced nominations in order for Major General of the First Division.

Mr. Heydenfeldt nominated Thos. J. Green.

Mr. Bidwell nominated John A. Sutter.

Mr. Chamberlin of the Senate and Messrs. Moore and Aram of the Assembly acted as tellers.

The result of the ballot was as follows:—

Whole number of votes . . .	35
Necessary to a choice . . .	18

Those who voted for Thos. J. Green were—

Mr. Chamberlin	Mr. Bradford	Mr. Moore
Douglass	Cave	Patterson
Fair	Clarke	Per Lee
Heydenfeldt	Covarubias	Shepherd
Lippincott	Deal	Stewa t
Vallejó	Gray	Stowell
Baldwin	Henley	Walthall
Bateman	Hughes	Wheeler
Brackett	Morehead	—26

Those who voted for John A. Sutter were—

Mr. Bidwell	Mr. Aram	Mr. Ogier
Green	Corey	Randolph—6

Mr. Cardwell voted for Kit Carson—1.

Mr. Williams voted for Wm. Smith Hosford—1.

Mr. Green, having received a majority of all the votes, was declared duly elected.

The Convention then proceeded to ballot for Major General of Second Division.

Mr. Heydenfeldt nominated John C. Brackett.

The result was as follows:—

Whole number of votes . . .	33
Necessary to a choice . . .	17

Those who voted for Jno. C. Brackett were—

Mr. Broderick	Mr. Bradford	Mr. Ogier
Chamberlin	Cave	Patterson
Douglas	Clarke	Per Lee
Fair	Corey	Randolph
Green	Covarubias	Shepherd
Heydenfeldt	Deal	Stewart
Lippincott	Henley	Stowell
Vallejó	Hughes	Walthall
Aram	Morehead	Wheeler
Baldwin	Moore	Williams
Bateman		—31

Mr. Cardwell voted for Mr. Divine—1.

Mr. McKinstry voted for E. Dickey—1.

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

The Convention proceeded to ballot for Major General of the Third Division.

Mr. Heydenfeldt nominated David F. Douglass.

Mr. Gray nominated John A. Patterson.

The result was as follows :—

Whole number of votes . . .	22
Necessary to a choice . . .	12

Those who voted for David F. Douglas were—

Mr. Chamberlin	Mr. Baldwin	Mr. Ogier
Fair	Corey	Shepherd
Gray	Covarubias	Stewart
Heydenfeldt	Deal	Walthall
Lippincott	Morehead	Wheeler
Vallejó	Moore	—17

Those who voted for John A. Patterson were—

Mr. Aram Mr. Gray Mr. Williams—3

Mr. Cardwell voted for H. H. Robinson—1.

Mr. McKinstry voted for E. Dickey—1.

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

The Convention then proceeded to ballot for Major General of the Fourth Division.

Mr. Chamberlin nominated Thos. J. Sutherland.

Mr. Cave nominated Joshua H Bean.

Mr. Stowell nominated Thos. H. Bowen.

The result was as follows :—

Whole number of votes . . .	33
Necessary to a choice . . .	17

Those who voted for Mr. Sutherland were—

Mr. Broderick	Mr. Brackett	Mr. Henley
Chamberlin	Bradford	Hughes
Heydenfeldt	Clarke	Ogier
Aram	Corey	Randolph
Bateman	Deal	Williams—15

Those who voted for Joshua Bean were—

Mr. Fair	Mr. Covarubias	Mr. Per Lee
Green	Morehead	Shepherd
Lippincott	Moore	Stewart
Vallejó	Patterson	Walthall
Cave		—13

Messrs. Douglass, Baldwin, and Stowell voted for Mr. E. K. Chamberlin—3.

Mr. Cardwell voted for Saml. N. Houston—1.

Mr. Gray voted for Col. Pluck—1.

No person having received a majority of all the votes cast, the Convention proceeded to a second ballot, which was as follows :—

Whole number of votes	35
Necessary to a choice	18

Those who voted for Mr. Sutherland were—

Mr. Broderick	Mr. Bradford	Mr. Hughes
Chamberlin	Deal	McKinstry
Bateman	Henley	Williams—9

Those who voted for Joshua H. Bean were—

Mr. Douglass	Mr. Brackett	Mr. Ogier
Fair	Cave	Patterson
Green	Clarke	Shepherd
Lippincott	Covarubias	Stewart
Vallejó	Morehead	Walthall
Baldwin	Moore	—17

Those who voted for Thomas H. Bowen were—

Mr. Heydenfeldt	Mr. Corey	Mr. Randolph
Woodworth	Gray	Stowell
Aram	Per Lee	—8

Mr. Cardwell voted for W. S. Shepherd—1.

No person having received a majority of all the votes cast, the Convention proceeded to a third ballot, which resulted as follows :—

Whole number of votes	36
Necessary to a choice	19

Mr. Chamberlin withdrew the name of Mr. Sutherland.

Those who voted for Joshua Bean were—

Mr. Chamberlin	Mr. Bateman	Mr. Morehead
Douglass	Brackett	Moore
Fair	Bradford	Ogier
Green	Brown	Patterson
Lippincott	Cave	Shepherd
Vallejó	Clarke	Stewart
Aram	Deal	Walthall
Baldwin	McKinstry	Wheeler—24

Those who voted for Mr. Bowen were—

Mr. Heydenfeldt	Mr. Covarubias	Mr. Per Lee
Woodworth	Gray	Randolph
Cardwell	Henley	Stowell
Corey	Hughes	—11

Mr. Williams voted for Mr. Hosford—1.

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

The Convention then proceeded to ballot for Brigadier General for 1st Division of 1st Brigade.

Mr. Woodworth nominated Robert A. Parker.

Mr. Henley nominated Major Eastland

The result was as follows:—

Whole number of votes	30
Necessary to a choice	16

Those who voted for Mr. Robert A. Parker were—

Mr. Lippincott	Mr. Corey	Mr. Patterson
Woodworth	Moore	Per Lee
Aram	Ogier	Stowell—9

Those who voted for Major Eastland were—

Mr. Chamberlin	Mr. Bradford	Mr. Hughes
Douglass	Cardwell	McKinstry
Fair	Cave	Randolph
Green	Clarke	Shepherd
Heydenfeldt	Covarubias	Walthall
Baldwin	Deal	Williams
Brackett	Henley	—20

Mr. Broderick voted for Mr. Winn—1.

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

The Convention then proceeded to ballot for Brigadier-General of the 2d Division of the 1st District.

Mr. Henley nominated Colonel Winn.

The result was as follows :—

Whole number of votes	32
Necessary to a choice	17

Those who voted for Colonel Winn were—

Mr. Broderick	Mr. Brackett	Mr. McKinstry
Chamberlin	Bradford	Morehead
Douglass	Brown	Moore
Fair	Clarke	Patterson
Green	Corey	Per Lee
Heydenfeldt	Covarubias	Shepherd
Lippincott	Deal	Stewart
Aram	Henley	Stowell
Baldwin	Hughes	Walthall
Bateman		—28

Messrs. Ogier, Randolph, and Williams voted for E. W. McKinstry —3.

Mr. Cardwell voted for Mr. Fowler—1.

Colonel Winn, having received a majority of all the votes cast, was declared duly elected.

The Convention proceeded to ballot for Brigadier General of the 1st Division of the 2d Brigade.

Mr. Lippincott nominated Robert Semple.

The result was as follows :—

Whole number of votes	29
Necessary to a choice	15

Those who voted for Robert Semple were—

Mr. Chamberlin	Mr. Brackett	Mr. Moore
Douglass	Bradford	Ogier
Fair	Brown	Patterson
Green	Clarke	Per Lee
Heydenfeldt	Covarubias	Randolph
Lippincott	Deal	Shepherd
Aram	Henley	Stewart
Baldwin	Hughes	Stowell
Bateman	Morehead	Walthall—27

Mr. Cardwell voted for Richard Roman—1.

Mr. McKinstry voted for J. S. K. Ogier—1.

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

The Convention then proceeded to ballot for Brigadier General of the Second Brigade of Second Division.

Mr. Brackett nominated . . . Mr. McDonald
" Cardwell " . . . E. Dickey

The result was as follows :—

Whole number of votes 33
Necessary to a choice 17

Those who voted for Mr. McDonald were—

Mr. Broderick	Mr. Bradford	Mr. Ogier
Fair	Clarke	Per Lee
Green	Corey	Randolph
Heydenfeldt	Covarubias	Shepherd
Lippincott	Henley	Stewart
Baldwin	McKinstry	Stowell
Bateman	Morehead	Walthall
Brackett		—22.

Those who voted for E. Dickey were—

Mr. Chamberlin	Mr. Cardwell	Mr. Moore
Douglass	Deal	Patterson
Aram		—7.

Mr. Woodworth voted for . Mr. Kemble—1.
Brown " . Yontz—1.
Hughes " . Muscott—1.
Williams " . Bradford—1.

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

The Convention then proceeded to ballot for Brigadier General of the First Brigade of Third Division.

Mr. Stowell nominated . . . Mr. Addison
Deal " . . . Van Buren

The result was as follows :—

Whole number of votes 31
Necessary to a choice 16

Those who voted for Mr. Addison were—

Mr. Broderick	Mr. Baldwin	Mr. Hughes
Chamberlin	Brackett	McKinstry
Douglass	Brown	Moore
Fair	Cardwell	Ogier
Green	Clarke	Randolph
Heydenfeldt	Corey	Stowell
Lippincott	Covarubias	Walthall
Aram		—22.

Those who voted for Mr. Van Buren were—

Mr. Bateman	Mr. Henley	Mr. Shepherd
Deal	Patterson	Williams
Gray	Per Lee	—8.

Mr. Bradford voted for Mr. Williams—1.

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

The Convention then proceeded to ballot for Brigadier General of the Second Brigade of the Third Division.

Mr. Heydenfeldt nominated . Mr. D. P. Baldwin
Broderick „ . Wm. Mead Huxley

The result was as follows:—

Whole number of votes	30
Necessary to a choice	16

Those who voted for Drury P. Baldwin were—

Mr. Chamberlin	Mr. Bradford	Mr. Ogier
Douglass	Brown	Per Lee
Fair	Clarke	Randolph
Green	Corey	Shepherd
Heydenfeldt	Covarubias	Stewart
Lippincott	Deal	Stowell
Aram	Henley	Walthall
Bateman	Morehead	Wheeler
Brackett	Moore	—26.

Those who voted for Mr. Huxley were—

Mr. Broderick Mr. Gray Mr. Patterson—3.

Mr. Williams voted for Mr. Heydenfeldt—1.

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

The Convention then proceeded to ballot for Brigadier General of the First Brigade of the Fourth Division.

Mr. Stowell nominated Thos. H. Bowen.

The result was as follows:—

Whole number of votes	30
Necessary to a choice	16

Those who voted for Mr. Bowen were—

Mr. Douglass	Mr. Bateman	Mr. McKinstry
Green	Brackett	Ogier
Heydenfeldt	Brown	Per Lee
Lippincott	Clarke	Randolph
Woodworth	Corey	Shepherd
Aram	Covarubias	Stewart
Baldwin	Gray	Stowell—21.

Messrs. Chamberlin, Fair, Deal, Moore, Patterson, and Walthall voted for Mr. Woodworth—6.

Messrs. Bradford and Hughes voted for Mr. Heydenfeldt—2.

Mr. Williams voted for Mr. Whiting—1.

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

The Convention then proceeded to ballot for Brigadier General of the Second Brigade of the Fourth Division.

Mr. Green nominated J. M. Covarubias.
Deal " E. Dickey.

The result was as follows:—

Whole number of votes	30
Necessary to a choice	16

Those who voted for Mr. Covarubias were—

Mr. Chamberlin	Mr. Brackett	Mr. Moore
Douglass	Bradford	Ogier
Fair	Brown	Per Lee
Green	Clarke	Randolph
Heydenfeldt	Corey	Shepherd
Lippincott	Gray	Stewart
Woodworth	Henley	Stowell
Aram	Hughes	Walthall
Baldwin	McKinstry	Wheeler
Bateman	Morehead	—29.

Mr. Deal voted for Mr. Dickey—1.

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

The Convention then proceeded to ballot for Adjutant General.

Mr. Aram nominated C. T. Ryland.
Morehead " T. R. Per Lee.

The result was as follows:—

Whole number of votes	26
Necessary to a choice	14

Those who voted for C. T. Ryland were—

Mr. Aram	Mr. Corey	Mr. Hughes
Brown	Deal	Walthall—6.

Those who voted for Mr. Per Lee were—

Mr. Chamberlin	Mr. Brackett	Mr. Moore
Fair	Bradford	Ogier
Green	Clarke	Patterson
Heydenfeldt	Covarubias	Shepherd
Lippincott	Gray	Stewart
Woodworth	Henley	Wheeler
Baldwin	Morehead	—20.

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

The Convention then proceeded to ballot for Quarter Master General.

Mr. Shepherd nominated Jos. C. Morehead.
Randolph " James F. Reed.
Patterson " Thos. L. Vermeule.

The result was as follows:—

Whole number of votes	31
Necessary to a choice	16

Those who voted for Mr. Morehead were—

Mr. Douglass	Mr. Clarke	Mr. Shepherd
Fair	Covarubias	Stewart
Green	Deal	Stowell
Heydenfeldt	Moore	Walthall
Baldwin	Ogier	Wheeler
Brackett	Per Lee	Williams—18.

Those who voted for Mr. Reed were—

Mr. Aram	Mr. Brown	Mr. Hughes
Bradford	Corey	Randolph—6.

Those who voted for Mr. Vermeule were—

Mr. Broderick	Mr. Bateman	Mr. Henley
Chamberlin	Gray	Patterson
Lippincott		—7.

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

The Senate then withdrew.

On motion of Mr. Clarke, the House adjourned until to-morrow morning 10 o'clock.

HOUSE OF ASSEMBLY.

FRIDAY, *April* 12, 1850.

House met, pursuant to adjournment.

Prayer by Rev. Mr. Douglass.

The roll was called. and the following members absent, to wit—Messrs. Cardwell, Covarubias, Deal, Morehead, Ogier, Per Lee, Scott, Shepherd, Stewart, Williams.

On leave, Messrs. Crittenden, Tefft, and Tingley.

The Journal of yesterday was read and approved.

Mr. Brackett introduced "a Joint Resolution relative to Slavery in States and Territories," which was read first and second time.

Mr. Randolph moved to refer it to a Select Committee, with instructions to report on to-morrow. Agreed to.

Whereupon the Speaker appointed Messrs. Brackett, Randolph, and McKinstry, said committee.

Mr. Stowell, from the Joint Committee on Enrolled Bills, reported as correctly enrolled "an Act to amend an Act to organize the Supreme Court of California," and "an Act to regulate Descents and Distributions." Also, that they have this day presented to the Governor for his signature, "an Act concerning Marks and Brands," "an Act requiring Alcaldes and Judges of the Courts of First Instance to account for Moneys received and expended by them," "an Act providing for the Lien of

Mechanics and Others," and "an Act to amend an Act to regulate proceedings in Criminal Cases."

Mr. Henley in the chair.

Mr. Wheeler, from the Committee on Conference, appointed on the disagreeing votes of the two Houses, on "Bill to Incorporate the City of San Francisco," reported and recommended that the Assembly concur in the Senate's third amendment to the amendments of the Assembly, with a further amendment, viz. After the words "County Clerk," in the third line, insert the word "elect;" and afterwards, whenever the words "County Clerk" occur in said amendment, insert the word "said," before, and the word "elect" after said words. And the Senate concur in the sixteenth amendment of the Assembly, with a further amendment, viz. "Strike out the word 'sewers' wherever it occurs."

"An Act concerning the County Officers of the County of Santa Clara," returned from Senate with amendments, was taken up, and the amendments concurred in.

Mr. Moore offered the following resolution, "That the bill fixing the Terms of the Courts in the Third and Ninth Districts, be taken from the table and referred to a Select Committee, with instructions to strike out the Terms for Trinity and Colusi, and to change the name of "Branceforte" to "Santa Cruz." Adopted.

Messrs. Moore, Corey, and Walthall, were appointed said committee.

On motion of Mr. Walthall the House went into Committee of the Whole, Mr. Bradford in the chair, on "Bill prescribing the mode of collecting certain specific Taxes for County purposes." After having spent some time therein, the committee rose, reported the bill with amendments, and were discharged.

Mr. Cave moved that the bill and amendments be referred to a Select Committee, with instructions to report on to-morrow. Agreed to.

Messrs. Cave, Walthall, and Randolph, were appointed said committee.

Mr. Moore, from the Committee of Conference on the disagreeing votes of the two Houses, on "Bill concerning the office of Surveyor General," reported that they had agreed, with an additional amendment to section 8. The report was adopted.

A message from the Senate was received, informing the Assembly that they have passed Assembly bill entitled "an Act concerning the County Officers for the County of Santa Clara," with an amendment as affixed to the margin of the bill.

Also, that the President of the Senate has signed bills severally entitled "an Act providing for the Liens of Mechanics and others," "an Act to amend an Act entitled an Act to regulate proceedings in Criminal Cases," "an Act requiring Alcaldes and Judges of First Instance to account for moneys received and expended by them," "an Act concerning Marks and Brands."

On motion of Mr. Cave, Senate "Bill to take the sense of the people of the State of California upon the subject of the permanent location of the Capital," was taken up,

Mr. Cave moved to postpone the bill indefinitely. After some debate Mr. Hughes demanded the previous question, which was, "Shall the main question be now put?" and it was decided in the affirmative.

The question recurring on the indefinite postponement of the bill, the ayes and nays were demanded.

Those who voted in the affirmative were—

Mr. Aram	Mr. Crittenden	Mr. Stewart
Bateman	Deal	Stowell
Brown	Henley	Williams—13.
Cave	Hughes	
Corey	Ogier	

In the negative—

Mr. Baldwin	Mr. McKinstry	Mr. Scott
Brackett	Morehead	Walthall
Bradford	Moore	Wheeler
Clarke	Patterson	Speaker
Covarubias	Per Lee	
Gray	Randolph	—16.

So the motion to indefinitely postpone did not prevail.

Mr. Bradford then demanded the previous question, which was, on ordering the Bill to a third reading. Carried.

The question recurring on ordering the Bill to a third reading, the ayes and nays were demanded.

Those who voted in the affirmative were—

Mr. Baldwin	Mr. McKinstry	Mr. Scott
Brackett	Morehead	Walthall
Bradford	Moore	Wheeler
Clarke	Patterson	Speaker
Covarubias	Per Lee	
Gray	Randolph	—16.

In the negative—

Mr. Aram	Mr. Crittenden	Mr. Stewart
Bateman	Deal	Stowell
Brown	Henley	Williams
Cave	Hughes	
Corey	Ogier	—13.

So the Bill was ordered to a third reading.

The Speaker decided that it required two thirds to suspend the Rules and have the Bill read a third time now.

From this decision, Mr. Moore appealed.

The question then was, "Shall the decision of the chair stand as the judgement of the House?" On this question, the ayes and nays were demanded.

Those who voted in the affirmative were—

Mr. Aram	Mr. Deal	Mr. Walthall
Bateman	Hughes	Wheeler
Brown	Ogier	Williams
Cave	Scott	Speaker
Corey	Stewart	
Crittenden	Stowell	—16.

In the negative—

Mr. Baldwin	Mr. Covarubias	Mr. Patterson
Brackett	Gray	Per Lee
Bradford	McKinstry	Randolph
Cardwell	Morehead	
Clarke	Moore	—13.

So the decision of the chair was sustained.

A message from the Senate was received informing the Assembly that they have passed bills, herewith transmitted, entitled "an Act regulating the practice of Medicine and Surgery in the State of California;" "an Act relative to Bonds, Due Bills, and other instruments in writing, and making them assignable."

Also, that they have passed, without amendment, Assembly Bill, entitled "an Act adopting the Common Law."

Also, that the Senate have refused to concur in the amendments of the Assembly to Senate bill, entitled "an Act concerning Attorneys and Counsellors at Law."

Also, that the Senate have adopted the report of the Conference Com-

mittee on the disagreeing votes of the two Houses on the bill, entitled "an Act to incorporate the City of San Francisco."

Mr. Randolph moved to take up Bill authorizing a Loan for the State of California. Carried.

Mr. Randolph moved to lay the Bill on the table indefinitely.

Mr. Bigler called for the reading of the Bill; there being objections, the Speaker put the question to the House, and it was decided in the affirmative.

The Bill was then read.

Mr. Randolph moved a call of the House. Not agreed to.

The question recurring on the motion to indefinitely postpone the Bill, the ayes and nays were demanded.

Those who voted in the affirmative were—

Mr. Baldwin	Mr. Crittenden	Mr. Patterson
Bateman	Gray	Per Lee
Brackett	McKinstry	Randolph
Cardwell	Moore	Stowell
Clarke	Ogier	—14.

In the negative—

Mr. Aram	Mr. Deal	Mr. Walthall
Bradford	Henley	Wheeler
Brown	Hughes	Williams
Corey	Morehead	Speaker
Covarubias	Stewart	—14.

So the motion did not prevail.

On motion of Mr. Deal, the Bill was laid on the table for the present.

On motion, the House adjourned until 4 o'clock P.M.

FOUR O'CLOCK P.M.

On motion of Mr. Bradford, there was a call of the House, and the following members were absent, to wit—Messrs. Baldwin, Bateman, Brackett, Cardwell, Cave, Clarke, Crittenden, Deal, Gray, Hughes, McKinstry, Morehead, Ogier, Patterson, Per Lee, Randolph, Scott, Shepherd, Stewart, Stowell, Tefft, and Tingley.

There being no quorum, the Sergeant-at-Arms was sent to request the attendance of absentees.

A quorum appeared.

Mr. Wheeler, on leave, introduced "a Bill relating to the Partition

of Lands owned by several persons," which was read first and second time, and ordered to a third reading on to-morrow.

Mr. Brown gave notice that he would on to-morrow introduce "a Bill for the Government and Protection of the Indians."

Mr. Deal gave notice that he would on to-morrow introduce "a Bill in relation to Public Schools."

A message from the Senate was received, informing the Assembly that the President of the Senate had signed bills, entitled "an Act to regulate Descents and Distributions;" "an Act to amend an Act to organize the Supreme Court of California;" "an Act for the better regulation of the Mines and the government of Foreign Miners."

Also, that the Senate have passed without amendment Assembly bill, entitled "an Act concerning Forcible Entries and Detainers."

Also, a bill, herewith transmitted, entitled "an Act explanatory of an Act concerning the Revenue, Funds, Expenditures, and Property of the State, and management thereof, approved February 20th, 1850."

Senate Bill, No. 73, entitled "an Act explanatory of an Act, entitled an Act concerning the Revenue, Funds, Expenditures, and Property of the State, and management thereof," was taken up, and read first and second time.

Senate bill, No. 68, entitled "an Act relative to Bonds, Due Bills, and other Instruments in Writing, and making them assignable," was taken up, and read first time.

Senate bill, entitled "an Act regulating the Practice of Medicine and Surgery in the State of California," was taken up, read first and second time, and, on motion of Mr. Cave, referred to a Select Committee, consisting of Messrs. Cave, Deal, Bateman, Corey, and Shepherd.

Mr. Wheeler moved the appointment of a Committee of Conference on the disagreeing votes of the two Houses, on "Bill concerning Attorneys and Counsellors at Law." Carried.

Messrs. Wheeler, McKinstry, and Moore were appointed said Committee.

On motion of Mr. Moore, the House took up Senate "Bill for the remuneration of E. O. Crosby," when, on motion of Mr. Randolph, the House went into Committee of the Whole, Mr. Hughes in the chair, on said bill. After having spent some time therein, the Committee rose, reported the bill with an amendment, and were discharged.

On motion, the House adjourned until to-morrow, 10 o'clock.

HOUSE OF ASSEMBLY.

SATURDAY, *April 13th*, 1850.

House met, pursuant to adjournment.

Prayer by Rev. Mr. Briarly.

The roll was called, and the following members were absent, viz.—Messrs. Brackett, Brown, Clarke, Covarubias, Gray, Ogier, Patterson, Per Lee, Randolph, Scott, Stewart.

On leave, Messrs. Crittenden, Tefft, and Tingley.

The Journal of yesterday was read and approved.

On motion of Mr. Henley, Senate "Bill, authorizing a Loan for the State of California," was taken up. After some debate, the bill, on motion of Mr. Wheeler, was laid on the table for the present.

Mr. Cave, from the Select Committee, to whom was referred "Bill prescribing the mode of collecting certain Specific Taxes," reported the same back with amendments, and the bill and amendments were laid on the table.

Mr. Cave from the Select Committee, to whom was referred "Bill regulating the Practice of Medicine and Surgery in the State of California," reported it back with amendments.

Mr. Bateman moved to lay the bill and amendments on the table until the 1st of January next. After debate, the bill was laid on the table for the present.

A message was received from the Governor, informing the House that he had signed "an Act requiring Alcaldes and Judges of the Courts of First Instance to account for Moneys received and expended by them;" "an Act to amend an Act to organize the Supreme Court of California;" "an Act providing for the lien of Mechanics and others;" "an Act concerning Offices;" "an Act to regulate Descents and Distributions;" "an Act concerning Marks and Brands."

Mr. Stowell, from the Committee on Enrolled Bills, reported as correctly enrolled, "an Act concerning the Office of Reporter;" "An Act concerning the transfer of certain Records, Conveyances, and Papers;" "An Act concerning the County Officers for the County of Santa Clara;" "An Act adopting the Common Law;" "An Act to Organize the County Courts."

Also, that they have presented to the Governor for his signature, "an

Act for the better regulation of the Mines, and the government of Foreign Miners;" "An Act to regulate Descents and Distributions;" and "an Act to amend an Act to organize the Supreme Court of the State of California."

Mr. McKinstry offered the following resolution:—

Resolved, That the Clerk employed by the Chief Clerk to transcribe the journals of this House into the Record Book, shall be allowed $22 per day, during the time he shall be so employed. Adopted.

Mr. Moore, from the Select Committee, to whom was referred bill to amend "an Act organizing the District Courts of the State of California," reported the same back, with amendments, which were concurred in, and the bill, on motion, was considered as engrossed, read a third time, and passed.

Mr. Cardwell moved to take up, "Bill authorizing a loan for the State of California."

Mr. Walthall moved to lay the motion on the table. Carried.

On motion of Mr. Baldwin, Senate "Bill to take the sense of the people of the State of California, upon the permanent location of the seat of Government," was taken up.

Mr. Deal moved to refer the bill to a Select Committee, with instructions to add the following:—

Section 4th. The Surveyor General shall, before the next session of Legislature, visit and examine the different locations proffered for the seat of government, and report the peculiarities of each location, the natural advantage, and all matters of interest in reference to its position for the Capital of the State; he shall also examine the lands between the City of San José and San Francisco, along or near the road between said cities, and ascertain if a plot or plots of land 4 miles square, can be obtained for laying out a city as the future seat of government, and report upon the same as upon the location submitted to the people, which reports shall be made to the next Legislature, immediately after its commencement." The motion prevailed.

Messrs. Deal, Walthall, and Cardwell were appointed said Committee.

The committee immediately reported in accordance with the instructions given, and the report was adopted.

The bill was then read a third time. On its passage, the ayes and nays were demanded.

Those who voted in the affirmative were—

Mr. Baldwin	Mr. Henley	Mr. Per Lee
Bradford	Hughes	Randolph
Cardwell	McKinstry	Shepherd
Clarke	Morehead	Walthall
Covarubias	Moore	Wheeler
Gray	Patterson	Speaker—18.

Those who voted in the negative were—

Mr. Aram	Mr. Corey	Mr. Stewart
Bateman	Crittenden	Stowell
Brown	Deal	Williams
Cave	Ogier	—11.

So the bill passed.

Mr. Stowell, from the Joint Committee on Enrolled Bills, reported that they had this day presented to the Governor for his signature "an Act concerning the transfer of certain Records, Conveyances, and Papers." An Act concerning the Office of Reporter." "An Act concerning the County Officers for the County of Santa Clara." "An Act adopting the Common Law." "An Act to organize County Courts."

Mr. Crittenden, from the Committee on the Judiciary, reported "a Bill to provide for the complete organization of all the Counties in this State," which was read three several times, and passed, the Rules having been suspended for that purpose.

Mr. Crittenden, from the same Committee, reported the following bills, entitled "an Act to amend an Act to supersede certain Courts, and regulate appeals therefrom to the Supreme Court." "An Act regulating marriages." "An Act to fix the terms of the Superior Court of the City of San Francisco," and "a Joint Resolution classifying the Justices of the Superior Court of the City of San Francisco;" all of which were severally read first and second time.

The "Bill to amend an Act to supersede certain Courts, and regulate appeals therefrom to the Supreme Court," was read a third time, and passed.

"Bill to fix the terms of the Superior Court of the City of San Francisco," was also read a third time, and passed.

A message from the Governor was received, informing the House that he had signed "an Act concerning the County Officers for the County

of Santa Clara." "An Act adopting the Common Law." "An Act concerning the transfer of certain Records, Conveyances, and Papers."

Mr. Brown, pursuant to notice, introduced "a Bill for the Government and Protection of Indians," which was read first and second time.

"Bill regulating Marriages," was taken up.

Mr. Ogier moved to amend section 7, by striking out the words "twenty-one," and inserting "eighteen," also, to strike out in the same section the words "eighteen," and insert "sixteen." Not agreed to.

Mr. Randolph moved to amend section 11, by adding the following, "Shall be punished by fine not less than one hundred nor more than ten thousand dollars, and by imprisonment not less than three months nor more than ten years." Adopted.

Mr. Crittenden moved to amend section 4, by adding the words "the fine to be not less than one hundred nor more than ten thousand dollars, and the imprisonment to be not less than three months nor more than ten years."

Mr. Baldwin moved to strike out Section 7.

A Message from the Senate was received, informing the Assembly that they have passed Bill entitled "An Act concerning fraudulent Conveyances and Contracts," also, Bill entitled "an Act defining the duties of Husband and Wife."

Also, that they have appointed Messrs. Fair, Heydenfeldt, and Crosby, a Committee of Conference, on the disagreeing votes of the two Houses on the Bill "concerning Attorneys and Counsellors at Law."

On motion of Mr. Hughes, the House adjourned.

FOUR O'CLOCK P.M.

Mr. Bradford in the Chair.

The House took up the special order of the day, viz. Bill concerning the Compensation of Members of the Legislature, and Officers of each House thereof; when, on motion, the House went into Committee of the Whole on said bill, Mr. McKinstry in the Chair. After some consideration therein, the Committee rose, reported the Bill with amendments, and were discharged from its further consideration.

Mr. Crittenden moved to postpone the Bill and Amendments indefinitely.

On this motion Mr. Walthall demanded the ayes and nays.

Those who voted in the affirmative were—

Mr. Baldwin	Mr. Covarrubias	Mr. Morehead
Bateman	Crittenden	Patterson
Brackett	Gray	Shepherd
Brown	McKinstry	Wheeler
Corey		—13.

In the negative—

Mr. Aram	Mr. Hughes	Mr. Walthall
Bradford	Moore	Williams
Henley	Randolph	Speaker—9.

So the motion to postpone indefinitely prevailed.

On leave, Mr. Baldwin introduced a "Bill changing the names of the towns of 'Pleasant Valley' and 'Stewart,'" accompanied with a petition from inhabitants of the District of San Joaquin, on the same subject. The petition was read, and, on motion, was laid on the table, and the Bill was read first and second times, and, on motion of Mr. Baldwin, referred to a Select Committee, consisting of Messrs. Baldwin, Morehead, and Stewart.

Mr. Crittenden, from the Committee on the Judiciary, reported "an Act to fix the Compensation of County Judges and Associate Justices of the Court of Sessions," and "an Act in relation to Contracts, Conveyances, and other Instruments of Writing," which were severally read first and second time.

On motion of Mr. Morehead, "Bill authorizing a Loan for the State of California" was taken up.

Mr. Walthall moved to amend Sec. 6, by adding the following proviso:—

"*Provided*, that no larger amount shall be negotiated under this Act than three hundred thousand dollars, until the first day of November next, when the Governor, in his discretion, may negotiate for any further sum which the wants of the State may require, to meet the amount of expenditures of the State up to the 31st day of December, 1850, clear of the nett revenue from taxes to be collected under the Act entitled 'an Act defining the amount of Revenue to be collected to defray the expenses of the Government of the State for the year 1850,' leaving said revenue to be collected, applicable to the expenditures of the State for the year 1851."

The amendment was adopted.

Mr. Walthall also moved to amend Section 2 by striking out in the second and third lines the words "at the earliest practicable time."

The amendment was adopted.

Mr. Brackett then moved to strike out all after the enacting clause. After debate, Mr. Cardwell demanded the previous question, which was, "Shall the main question be now put?" Carried.

The question recurring, on striking out, the ayes and nays were demanded.

Those who voted in the affirmative were—

Mr. Baldwin	Mr. Clarke	Mr. McKinstry
Bateman	Covarubias	Moore
Brackett	Crittenden	Patterson
Cardwell	Gray	Randolph—12.

In the negative—

Mr. Aram	Mr. Henley	Mr. Stewart
Bradford	Hughes	Walthall
Brown	Morehead	Williams
Corey	Shepherd	Speaker—12.

So the motion did not prevail.

Mr. Morehead moved to refer the bill to a Select Committee with instructions to strike out "10 per centum," and insert "8 per centum."

Mr. Williams moved to lay the bill and motion on the table for the present. On this motion the ayes and nays were demanded.

Those who voted in the affirmative were—

Mr. Aram	Mr. Henley	Mr. Wheeler
Bradford	Hughes	Williams
Brown	Morehead	Speaker
Corey	Walthall	—11.

In the negative—

Mr. Baldwin	Mr. Covarubias	Mr. Patterson
Bateman	Crittenden	Randolph
Brackett	Gray	Shepherd
Cardwell	McKinstry	Stewart
Clarke	Moore	—14.

So the motion to lay on the table did not prevail.

Mr. Morehead then moved a call of the House. Mr. Henley demanded the ayes and nays on this question.

Those who voted in the affirmative were—

Mr. Aram	Mr. Covarubias	Mr. Shepherd
Baldwin	Henley	Stewart
Bradford	Hughes	Walthall
Cardwell	McKinstry	Williams
Corey	Morehead	Speaker—15.

In the negative—

Mr. Bateman	Mr. Crittenden	Mr. Patterson
Brown	Gray	Randolph
Clarke	Moore	Stowell—9.

So the motion prevailed.

Mr. Morehead moved that the House adjourn. On this motion the ayes and nays were demanded.

Those who voted in the affirmative were—

Mr. Aram	Mr. Brown	Mr. Stewart
Baldwin	Henley	Walthall
Bradford	Morehead	Williams—9.

In the negative—

Mr. Bateman	Mr. Crittenden	Mr. Randolph
Brackett	Gray	Shepherd
Cardwell	Hughes	Stowell
Clarke	McKinstry	Speaker
Corey	Moore	
Covarubias	Patterson	—16.

The motion did not prevail.

The question recurring on the motion to refer the bill to a Select Committee with instructions, the ayes and nays were demanded.

Those who voted in the affirmative were—

Mr. Aram	Mr. Crittenden	Mr. Stowell
Baldwin	Henley	Walthall
Bradford	Hughes	Williams
Brown	Morehead	Speaker
Corey	Stewart	—14.

In the negative—

Mr. Bateman	Mr. Covarubias	Mr. Randolph
Brackett	Gray	Shepherd
Cardwell	McKinstry	
Clarke	Patterson	—10.

The motion was agreed to.

Messrs. Morehead, Henley, and Aram were appointed said committee.

Mr. Corey introduced "a Bill for the incorporation of Colleges," which was read first and second time, and referred to the Committee on Corporations.

Mr. Morehead moved that the House adjourn. On this motion the ayes and nays were demanded.

Those who voted in the affirmative were.

Mr. Baldwin	Mr. Henley	Mr. Walthall
Bateman	Hughes	Speaker
Bradford	Morehead	
Brown	Stewart	—10.

In the negative—

Mr. Aram	Mr. Crittenden	Mr. Randolph
Cardwell	Gray	Shepherd
Clarke	McKinstry	Stowell
Corey	Moore	
Covarubias	Patterson	—13.

The motion did not prevail.

Mr. Crittenden moved that the Select Committee, to whom was referred the Loan Bill, report immediately. Mr. Morehead demanded the ayes and nays.

Those who voted in the affirmative were—

Mr. Baldwin	Mr. Covarubias	Mr. Patterson
Bateman	Crittenden	Randolph
Brackett	Gray	Shepherd
Cardwell	McKinstry	Stowell
Clarke	Moore	—17.

In the negative—

Mr. Aram	Mr. Corey	Mr. Stewart
Bradford	Henley	Walthall
Brown	Morehead	Speaker—9.

The motion prevailed.

Mr. Morehead then moved that the House adjourn. On this motion the ayes and nays were demanded.

Those who voted in the affirmative were—

M. Aram	Mr. Corey	Mr. Shepherd
Baldwin	Henley	Stewart
Bradford	Hughes	Walthall
Brown	Morehead	Speaker—12.

In the negative—

Mr. Bateman	Mr. Covarubias	Mr. Moore
Brackett	Crittenden	Patterson
Cardwell	Gray	Randolph
Clarke	McKinstry	Stowell—12.

So the motion to adjourn did not prevail.

Mr. Walthall then moved to adjourn.

The Speaker decided the motion in order.

Mr. Brackett appealed from the decision of the chair.

The question then was, "Shall the decision of the chair stand as the judgment of the House?"

The ayes and nays were demanded on this question.

Those who voted in the affirmative were—

Mr. Aram	Mr. Henley	Mr. Stewart
Brown	Morehead	Stowell—6.

In the negative—

Mr. Baldwin	Mr. Covarubias	Mr. Moore
Bateman	Crittenden	Patterson
Brackett	Gray	Randolph
Cardwell	Hughes	Shepherd
Clarke	McKinstry	Walthall—15.

So the decision of the chair was not sustained.

Mr. Moore then demanded the previous question, which was, "Shall the main question be now put?" Decided in the affirmative.

The question then recurred on the motion that the committee be instructed to report in five minutes, previously made by Mr. Randolph, and not stated by the chair.

On this question the ayes and nays were demanded.

Those who voted in the affirmative were—

Mr. Baldwin	Mr. Covarubias	Mr. Patterson
Bateman	Crittenden	Randolph
Brackett	Gray	Shepherd
Cardwell	McKinstry	Stowell
Clarke	Moore	—14.

In the negative—

Mr. Aram	Mr. Henley	Mr. Walthall
Bradford	Hughes	Speaker
Brown	Morehead	
Corey	Stewart	—10.

So the motion prevailed.

Mr. Morehead moved that the House adjourn.

On this question the ayes and nays were demanded.

Those who voted in the affirmative were—

Mr. Aram	Mr. Henley	Mr. Walthall
Bradford	Hughes	Speaker
Brown	Morehead	
Corey	Stewart	—10.

In the negative—

Mr. Baldwin	Mr. Covarubias	Mr. Patterson
Bateman	Crittenden	Per Lee
Brackett	Gray	Randolph
Cardwell	McKinstry	Shepherd
Clarke	Moore	Stowell—15.

The motion to adjourn was lost.

The committee then reported in accordance with the instructions given.

Mr. Brackett then moved that the bill and amendments be indefinitely postponed.

Mr. Morehead demanded the ayes and nays.

Those who voted in the affirmative were—

Mr. Baldwin	Mr. Covarubias	Mr. Moore
Bateman	Crittenden	Patterson
Brackett	Gray	Randolph
Cardwell	McKinstry	Stowell
Clarke	Morehead	Walthall—15.

In the negative—

Mr. Aram	Mr. Corey	Mr. Shepherd
Bradford	Henley	Stewart
Brown	Hughes	Speaker—9.

So the motion to postpone said bill indefinitely prevailed.

Mr. Cardwell then moved that the vote just taken, by which said bill was indefinitely postponed, be reconsidered.

Mr. Morehead moved that the House adjourn.

On this motion the ayes and nays were demanded.

Those who voted in the affirmative were—

Mr. Aram	Mr. Henley	Mr. Walthall
Bradford	Hughes	Speaker
Brown	Morehead	
Corey	Stewart	—10.

In the negative—

Mr. Baldwin	Mr. Covarubias	Mr. Patterson
Bateman	Crittenden	Randolph
Brackett	Gray	Stowell
Cardwell	McKinstry	
Clarke	Moore	—13.

So the motion was not agreed to.

The question recurring on the motion to reconsider, Mr. Brackett moved to postpone said motion indefinitely.

On this question the ayes and nays were demanded.

Those who voted in the affirmative were—

Mr. Baldwin	Mr. Covarubias	Mr. Moore
Bateman	Cuttenden	Patterson
Brackett	Gray	Randolph
Cardwell	McKinstry	Stowell
Clarke	Morehead	Walthall—15.

In the negative—

Mr. Aram	Mr. Corey	Mr. Stewart
Bradford	Henley	Speaker
Brown	Hughes	—8.

So the motion prevailed.

On motion of Mr. Bigler, the House adjourned until Monday morning at 10 o'clock.

HOUSE OF ASSEMBLY.

MONDAY, *April* 15, 1850.

House met, pursuant to adjournment.

Prayer by Rev. Mr. Briarly.

The Roll was called, and the following members absent, viz.—Messrs. Clarke, Covarubias, McKinstry, Morehead, Patterson, Per Lee, Randolph, Scott, and Shepherd.

On leave, Messrs. Cardwell, Crittenden, and Tefft.

The Journal of Saturday was read and approved.

Mr. Tingley, from the Committee on Ways and Means, reported "A Bill amendatory of an Act prescribing the Mode of Assessing and Collecting Public Revenue," which was read three several times and passed, the Rules being suspended for that purpose.

A Message from the Governor was received, informing the House that he had signed "An Act concerning the Office of Reporter;" and "An Act to organize the County Courts."

Mr. Wheeler, from the Committee on the Judiciary, reported "A Bill in relation to Real Estate or other property belonging to the Pueblo or City of San Francisco," which was read three several times and passed, the Rules being suspended for that purpose.

A Message from the Senate was received, informing the Assembly that the Governor has notified the Senate that he did, on the 13th instant, sign Bill originating in the Senate, entitled "An Act for the better regulation of the Mines, and the government of Foreign Miners."

Also, that the President of the Senate has signed Bills severally entitled "An Act concerning the County Officers of the County of Santa Clara;" "An Act concerning the transfer of certain Records, Conveyances, and Papers;" "An Act concerning the Office of Reporter;" "An Act to organize County Courts;" "An Act adopting the Common Law."

Also, that the Senate have adopted a concurrent resolution, herewith transmitted, providing for the final adjournment of the Legislature on the 18th instant.

Also, that the Senate have passed without amendment Assembly Bill entitled "An Act to fix the Terms of the Superior Court of the City of San Francisco."

Also, that the Senate have concurred in Assembly's amendments to Senate Bill entitled "An Act to take the sense of the people of California on the subject of the permanent location of the Seat of Government," with a further amendment, marked "No. 1," and affixed to the margin of the Assembly's amendment, to be inserted at the close of the fourth section thereof.

Mr. Morehead moved a reconsideration of the vote by which the motion to reconsider the vote on the indefinite postponement of "Bill authorizing a Loan for the State of California" was laid on the table indefinitely.

The Speaker decided the motion in order.

Mr. Brackett appealed from the decision of the Chair.

After debate, Mr. Hughes demanded the previous question.

Mr. Brackett then moved to adjourn. On this question the ayes and nays were demanded.

Those who voted in the affirmative were—

Mr. Brackett	Mr. Moore	Mr. Scott
Clarke	Ogier	Shepherd
Covarubias	Randolph	—8.

In the negative—

Mr. Aram	Mr. Deal	Mr. Stewart
Baldwin	Gray	Stowell
Bateman	Henley	Tingley
Bradford	Hughes	Walthall
Brown	McKinstry	Wheeler
Cave	Morehead	Williams
Corey	Patterson	Speaker
Crittenden		—22.

The motion did not prevail.

Mr. Walthall moved a call of the House. Mr. Moore demanded the ayes and nays.

Those who voted in the affirmative were—

Mr. Brackett	Mr. Morehead	Mr. Shepherd
Brown	Moore	Stowell
Cave	Patterson	Walthall
Clarke	Randolph	Williams
Covarubias	Scott	Speaker
Deal		—16.

In the negative—

Mr. Aram	Mr. Crittenden	Mr. Ogier
Baldwin	Gray	Stewart
Bateman	Henley	Tingley
Bradford	Hughes	Wheeler
Corey	McKinstry	—14.

So the motion for a call of the House prevailed.

The call was then had, and Mr. Per Lee absent.

On motion, the Sergeant-at-Arms was dispatched after the absent

member. Mr. Per Lee appeared, and, on motion of Mr. Brown, further proceedings under the call were dispensed with.

The question recurring on the appeal from the decision of the chair, the ayes and nays were demanded.

Those who voted in the affirmative were—

Mr. Aram	Mr. Henley	Mr. Stewart
Baldwin	Hughes	Tingley
Bradford	Morehead	Walthall
Brown	Per Lee	Wheeler
Corey	Shepherd	Williams
Deal		—16

In the negative—

Mr. Bateman	Mr. Gray	Mr. Patterson
Brackett	McKinstry	Randolph
Clarke	Moore	Scott
Covarubias	Ogier	Stowell
Crittenden		—13.

So the decision of the chair was sustained.

Mr. Morehead then demanded the previous question, which was, "Shall the main question be now put?" It was decided in the affirmative.

The question recurring on the motion to re-consider, the ayes and nays were demanded.

Those who voted in the affirmative were—

Mr. Aram	Mr. Henley	Mr. Tingley
Bradford	Hughes	Walthall
Brown	Morehead	Williams
Corey	Shepherd	Speaker
Deal	Stewart	—14.

In the negative—

Mr. Baldwin	Mr. Crittenden	Mr. Patterson
Bateman	Gray	Randolph
Brackett	McKinstry	Scott
Clarke	Moore	Stowell
Covarubias	Ogier	Wheeler—15.

So the motion did not prevail.

Mr. Brackett, from the Select Committee, to whom was referred

"a Joint Resolution relative to Slavery in States and Territories," reported the same back with an amendment.

Mr. Deal moved to lay the whole matter on the table, and, on this motion the ayes and nays were demanded.

Those who voted in the affirmative were—

Mr. Brown	Mr. Deal	Mr. Stewart
Clarke	Gray	Tingley
Corey	Scott	Wheeler—9.

In the negative—

Mr. Aram	Mr. Crittenden	Mr. Ogier
Baldwin	Henley	Stowell
Bateman	McKinstry	Walthall
Brackett	Morehead	Williams
Bradford	Moore	Speaker—15.

The motion was not agreed to.

The question recurred on the adoption of the amendment, when, on motion of Mr. Crittenden, the resolutions were laid on the table until 8 o'clock P M.

Mr. Crittenden, from the Committee on the Judiciary, reported the following bills, severally entitled "an Act to provide for the arrest of Seamen who desert their Vessels;" "an Act of Limitations;" "an Act to prescribe the Duties of Constable;" "an Act to prescribe the Duties of Sheriffs;" "an Act to prescribe the Duties of County Clerk;" which were severally read first and second time.

The two last named bills were, on motion of Mr. Crittenden, referred back to the Committee on the Judiciary

On motion of Mr. Crittenden, the House went into Committee of the Whole, Mr. Bradford in the chair, on "an Act to prescribe the Duties of Constable;" "an Act to prescribe the Duties of Sheriffs;" and "an Act to prescribe the Duties of County Clerk." After having spent some time therein, the Committee rose, reported the bills to the House, and were discharged from their further consideration.

The bills were then considered as engrossed, and severally read a third time and passed.

Mr. Bateman, from the Select Committee, to whom was referred, "Bill in relation to the Election of Members of Congress from the State of California," reported the same back with amendments, which amendments were concurred in, and the bill, on motion, laid on the table."

Mr. Brackett offered a concurrent resolution concerning the publication of the General Laws, which was, on motion, laid on the table for the present.

Mr. Walthall, from the Committee of Ways and Means, reported a "Bill concerning the collection of certain Taxes," which was read first and second time, and referred to the Committee of Ways and Means.

Mr. Walthall offered the following resolution :—

Resolved, That the Secretary of State furnish the State Printer with a complete list of the titles of all Acts and Joint Resolutions passed by the present Legislature up to its final adjournment, and that one thousand copies be ordered to be printed as soon thereafter as practicable, for the use of the Members of each House. The resolution was adopted.

Mr. Walthall introduced "a Joint Resolution in relation to the Stationery, Furniture, and other property of the two Houses of the Legislature." Adopted.

Mr. Crittenden introduced a Joint Resolution, granting leave of absence to Justices Lyons and Bennett. Laid on the table.

On motion, the House went into Committee of the Whole, Mr. Baldwin in the chair, on "Bill prescribing the mode of collecting certain specific Taxes for County purposes." After its consideration the Committee rose, reported the bill to the House, and were discharged.

On motion of Mr. Henley, the bill was recommitted to the Committee on Ways and Means.

On motion of Mr. Stowell, the House went into Committee of the Whole, Mr. Baldwin in the chair, on "Bill to regulate the Settlement of Deceased Persons." After having spent some time therein, the Committee rose, reported the bill to the House, and were discharged from its further consideration.

On motion of Mr. McKinstry, the bill was made the special order for 4 o'clock.

Mr. Stowell, from the Joint Committee on Enrolled Bills, reported as correctly enrolled, "an Act relating to Bills of Exchange and Promissory Notes;" "an Act, to incorporate the City of San Francisco;" and "an Act concerning Conveyances."

Also, that they have presented to the Governor, for his signature, the above named bills.

Mr. Hughes offered the following resolution :—

Resolved, that hereafter the Assembly meet at 9 o'clock A.M. of each day instead of 10 o'clock, as heretofore.

Mr. Baldwin moved to lay the resolution on the table. Not agreed to.

The resolution was then adopted.

Mr. Baldwin, from the Select Committee, to whom was referred bill to change the names of the towns of "Pleasant Valley" and "Stewart," reported the same back, with an amendment, which was adopted. And the bill, on motion, was considered as engrossed, read a third time, and passed.

The following communication was received from the State Printer.

STATE PRINTING OFFICE,
San José, 15th April, 1850.

TO THE SPEAKER OF THE ASSEMBLY.

SIR:

The resolution of your body, of the 10th instant, instructing me to present a statement to-day of my "account against the State, for work executed up to date, and an estimate of work which has been ordered by the House, and remaining unexecuted," is not so clear in its meaning as I would like but I will reply to it as minutely and correctly as in my power, taking the liberty of assuming for the resolution a meaning which I think was intended, but which it does not express, viz. an estimate of the cost of work which has been ordered by the Legislature, and remaining unexecuted, and this simply for the reason that I will have no work on hand unexecuted after to-day that was "ordered by the *House*," whereas there will be considerable unexecuted that has been ordered by a law of the two branches jointly.

Statement of Work executed from 11th January to date:

Composition, 3483 1000 ems . . .	$25,425 90
Press Work, 692 Tokens	5,051 60
Folding and Stitching 482,420 Pages. .	4,824 20
Stationery	1,013 00
	$36,314 70

Respecting the work ordered by law, and yet unexecuted, I cannot go

beyond a conjecture what it will cost. Assuming, however, as the basis of a calculation, that there will be sufficient of the general laws, in pamphlet form, published to amount to a 400 page volume, eight hundred copies, and it will be for

Composition, 537½ 1000 ems . . .	$3,023 75
Press Work, 320 Tokens	2,336 00
Folding and Stitching, estimate . . .	4,800 00
	$11,059 75
For 300 copies in Spanish:	
Composition, 537½ 1000 ems . . .	$7,847 50
Press Work, 120 Tokens	876 00
Folding, &c., estimate	1,800 00
	$9,523 50

I don't pretend to offer this as a reliable estimate, for the reason that I do not know the extent of the work contemplated; but it will probably answer as a basis for the judgment of the Assembly.

Very respectfully,

H. H. ROBINSON,
State Printer.

On motion of Mr. Moore, the communication was referred to a Select Committee, consisting of Messrs. Moore, Morehead, and Ogier.

On motion of Mr. Bateman, the House adjourned until 4 o'clock.

FOUR O'CLOCK P.M.

Mr. Tingley in the Chair.

Mr. Crittenden, from the Committee on the Judiciary, reported "A Bill to regulate Fees of Office," and "an Act to change or abolish certain Provisions of the Law," which were each read a first and second time, and referred to the Committee on the Judiciary.

The special order for the day, viz.: "Bill to regulate the Estates of Deceased Persons," was taken up, and, on motion, considered as engrossed, read a third time, and passed.

A message from the Senate was received, informing the Assembly that they had passed Assembly Bill, entitled "An Act concerning Persons in custody, under sentence of Imprisonment," with amendments,

viz. strike out all after the enacting clause, and insert the contents of the paper herewith transmitted, marked Z, and amend the title of the bill by substituting therefor the following: "An Act relative to Prisons and Imprisonment for Offences."

Also, that the Senate have passed Assembly Bill, entitled "An Act concerning Coroners," with an amendment, as affixed to the margin of the bill, and numbered "No. 1."

Also, that they have concurred in the report of the Conference Committee on the disagreeing votes of the two Houses, in relation to the bill entitled "An Act concerning the Office of Surveyor General."

Also, that they have passed a bill, herewith transmitted, entitled "an Act amendatory of the 13th section of an Act entitled 'an Act to Incorporate the City of San José, approved March 28, 1850.'"

Also, without amendment, Assembly Bill, entitled "an Act amendatory of 'an Act prescribing the mode of Assessing and Collecting the Public Revenue.'"

Also, Assembly bill, entitled "an Act to provide for the Appointment of Guardians, and prescribe their Duties."

Also, that the President of the Senate had signed bills, severally entitled "an Act relating to Bills of Exchange and Promissory Notes;" "an Act to Incorporate the City of San Francisco;" and "an Act concerning Conveyances."

"Bill concerning Persons in Custody under Sentence of Imprisonment," returned from Senate with amendments, was taken up, and the amendments non-concurred in.

"Bill concerning Coroners," returned from the Senate with amendments, was taken up, and the amendments concurred in.

Senate Bill, No. 75, entitled "an Act amendatory of the 13th Section of an Act to Incorporate the City of San José," was taken up, read three several times, and passed, the Rules having been suspended for that purpose.

Concurrent Resolution of the Senate, providing for the Final Adjournment of the Present Legislature, was taken up, and laid on the table.

"Bill to take the Sense of the People of the State of California upon the Permanent Location of the State Capital," returned from the Senate with an amendment, was taken up.

Mr. Crittenden moved to postpone the Bill and amendment indefinitely.

The Speaker decided the motion in order. Mr. Morehead appealed from the decision of the Chair. After debate, Mr. Clarke demanded the previous question, which was, "Shall the main question be now put?" Carried.

The question recurring on the appeal from the decision of the Chair, the ayes and nays were demanded.

Those who voted in the affirmative were—

Mr. Aram	Mr. Deal	Mr. Stowell
Bateman	Hughes	Walthall
Brown	Ogier	Wheeler
Cave	Scott	Williams
Corey	Shepherd	Speaker
Crittenden	Stewart	—17.

Those who voted in the negative were —

Mr. Baldwin	Mr. Clarke	Mr. Moore
Brackett	McKinstry	Randolph
Bradford	Morehead	—8.

So the decision of the Chair was sustained.

Mr. Clarke then moved that the House adjourn until 8 o'clock P.M. On this motion the ayes and nays were demanded.

Those who voted in the affirmative were :—

Mr. Baldwin	Mr. Morehead	Mr. Randolph
Clarke	Moore	—5.

Those who voted in the negative were—

Mr. Aram	Mr. C ittenden	Mr. Stewart
Bateman	Deal	Stowell
Brackett	Hughes	Tingley
Bradford	McKinstry	Walthall
Brown	Ogier	Wheeler
Cave	Scott	Williams
Corey	Shepherd	Speaker—21.

So the motion did not prevail.

Mr. Morehead moved a call of the House. Not agreed to.

Mr. Crittenden moved the previous question, which was, "Shall the main question be now put?" Carried.

Mr. Morehead moved that the House adjourn.

Those who voted in the affirmative were—

Mr. Baldwin	Mr. Morehead	Mr. Randolph
Clarke	Moore	—5.

Those who voted in the negative were—

Mr. Aram	Mr. Crittenden	Mr. Stewart
Bateman	Deal	Stowell
Brackett	Hughes	Tingley
Bradford	McKinstry	Walthall
Brown	Ogier	Wheeler
Cave	Scott	Williams
Corey	Shepherd	Speaker—21.

The motion did not prevail.

Mr. Morehead then moved a call of the House. On this motion the ayes and nays were demanded.

Those who voted in the affirmative were—

Mr. Baldwin	Mr. Corey	Mr. Randolph
Bateman	Morehead	Scott
Brackett	Moore	Speaker
Bradford	Ogier	
Clarke	Patterson	—13.

Those who voted in the negative were—

Mr. Aram	Mr. Gray	Mr. Stowell
Brown	Hughes	Tingley
Cave	McKinstry	Walthall
Crittenden	Shepherd	Wheeler
Deal	Stewart	Williams —15.

The motion did not prevail.

Mr. Wheeler moved that the House adjourn. Not agreed to.

The question recurring on the motion to indefinitely postpone the Bill, the ayes and nays were demanded.

Those who voted in the affirmative were—

Mr. Aram	Mr. Crittenden	Mr. Stowell
Bateman	Deal	Tingley
Brown	Ogier	Walthall
Cave	Shepherd	Williams
Corey	Stewart	—14.

Those who voted in the negative were—

Mr. Baldwin	Mr. Gray	Mr. Patterson
Brackett	Hughes	Randolph
Bradford	McKinstry	Scott
Clarke	Morehead	Wheeler
Covarubias	Moore	Speaker—15.

So the motion did not prevail.

Mr. Bradford demanded the previous question, which was, "Shall the main question be now put?" Carried.

The question then recurred on concurring in the amendment of the Senate to said Bill. On this question, the ayes and nays were demanded.

Those who voted in the affirmative were—

Mr. Cave	Mr. Ogier	Mr. Wheeler
Crittenden	Randolph	Williams
Deal	Scott	—8

Those who voted in the negative were—

Mr. Aram	Mr. Corey	Mr. Patterson
Baldwin	Covarubias	Shepherd
Bateman	Gray	Stewart
Brackett	Hughes	Stowell
Bradford	McKinstry	Tingley
Brown	Morehead	Walthall
Clarke	Moore	Speaker—21

So the amendment was non-concurred in.

Mr. Brackett, from the Committee on the Judiciary, reported "A Bill concerning Jurisdiction in certain Counties in this State," which was read first and second time, and referred back to the Committee on the Judiciary.

Mr. Ogier, from the same Committee, reported "A Bill to prevent the Immigration of Free Negroes and persons of color into this State," which was read first and second time, and referred back to the Committee on the Judiciary.

Mr. Deal, pursuant to notice, introduced "A Bill relative to Public Schools," which was read first and second time, and referred to the Committee on Education.

"Bill relating to the Partition of Lands owned by several Persons" was taken up, and, on motion, referred to the Committee on the Judiciary.

Mr. Moore, from the Select Committee, to whom was referred "Bill concerning the Publication of the Laws in Pamphlet Form," reported the same back, with an amendment, which was concurred in.

Mr. Clarke offered the following resolution:—

Resolved, That the resolution requiring the House to meet at 9

o'clock A.M. be rescinded, and that hereafter the House meet at 10 o'clock A.M., 4 o'clock P.M., and 8 o'clock P.M. Adopted.

"Joint Resolution relative to Slavery in States and Territories" was taken up, and, on motion of Mr. Ogier, was made the special order for 12 o'clock to-morrow.

On motion of Mr. Brown, the House went into Committee of the Whole, Mr. Brackett in the Chair, on "Bill for the Government and Protection of Indians." After its consideration, the Committee rose, reported the Bill to the House, and were discharged from its further consideration. The Bill was, on motion, referred to the Committee on the Judiciary.

Mr. Deal introduced "A Bill for the Relief of the Sick," which was read first and second time.

Mr. Ogier, from the Committee on the Judiciary, reported "A Bill respecting Vagrants," which was read first and second time, and referred to the Committee on the Judiciary.

Mr. Aram introduced "A Bill providing for the Payment of certain Post Office Expenses," which was read first and second time.

The Speaker added Messrs. Brackett and Ogier to Committee heretofore appointed under the joint resolution in relation to the immediate publication of the laws.

On motion of Mr. Baldwin, the House adjourned until 8 o'clock P.M.

EIGHT O'CLOCK P.M.

On motion of Mr. Moore, there was a call of the House, and the following members were absent:—Messrs. Brown, Cardwell, Cave, Corey, Gray, Henley, Patterson, Per Lee, Scott, Stewart, and Williams. A quorum present.

Mr. Stowell, from the Committee on Enrolled Bills, reported as correctly enrolled "An Act concerning Crimes and Punishments" and "An Act concerning Forcible Entries and Unlawful Detainers."

On motion of Mr. Deal, the House took up "Bill regulating Marriages." The question recurred on the pending motion, when the House adjourned on Friday, to strike out the 7th section. Not agreed to.

Mr. Moore moved to strike out in 7th section the words "twenty-one" and insert "seventeen;" also, strike out, in same section, the word "eighteen" and insert "fourteen:" on which motion he demanded the ayes and nays.

Those who voted in the affirmative were—

Mr. Baldwin	Mr. Deal	Mr. Moore
Clarke	Morehead	Shepherd
Covarubias		—7

Those who voted in the negative were—

Mr. Aram	Mr. Gray	Mr. Stowell
Bateman	Hughes	Tingley
Brackett	McKinstry	Walthall
Bradford	Patterson	Wheeler
Cave	Randolph	Speaker
Crittenden		—16

The motion did not prevail.

Mr. Deal moved to amend by striking out in Section 7 "twenty-one" and inserting "eighteen;" also, striking out in same Section "eighteen" and inserting "fifteen." Not agreed to.

Mr. Morehead moved to lay the bill and amendments on the table. Not agreed to.

Mr. Baldwin then moved to strike out "eighteen" and insert "sixteen." Not agreed to.

Mr. Walthall moved the previous question, which was, "Shall the bill be engrossed for a third reading on to-morrow?" The motion prevailed.

A message from the Senate was received, informing the Assembly that they have passed a bill, herewith transmitted, entitled "An Act creating the office of State Assayer, Melter, and Refiner of Gold, and defining his duties."

Also, that they have passed Assembly bill entitled "An Act to amend an act organizing the District Courts of the State of California."

Also, that they have adopted a concurrent resolution, herewith transmitted, in relation to the immediate admission of California into the Union.

Concurrent Resolution of the Senate rescinding the 16th and 17th Joint Rules of the two Houses was taken up and adopted.

Mr. Morehead moved to take up concurrent resolution of Senate, fixing the time of adjournment of the Legislature. Not agreed to.

Senate "Bill creating the office of State Assayer, Melter, and Refiner of Gold, and defining his duties," was taken up and read first time.

Mr. Baldwin moved to postpone the bill indefinitely. The ayes and nays were demanded.

Those who voted in the affirmative were—

Mr. Baldwin	Mr. Cave	Mr. Moore
Bateman	Hughes	Patterson
Brackett	Morehead	Shepherd
Brown		—10.

In the negative—

Mr. Aram	Mr. Crittenden	Mr. Tingley
Bradford	Gray	Walthall
Clarke	Randolph	Wheeler
Covarubias	Stowell	Speaker—12.

The motion did not prevail.

The bill was then read a second time, and on motion of Mr. Wheeler, referred to a Select Committe, consisting of Mr. Wheeler, Baldwin, and Brown.

Concurrent Resolution of Senate in relation to the admission of California into the Union, was taken up, and concurred in.

Mr. Baldwin moved the appointment of a committee to correspond with a similar one of Senate, under said Joint Resolution. Carried.

Whereupon the Speaker appointed Mr. Baldwin, Walthall, and Crittenden said committee.

On motion of Mr. Cave, the House adjourned until to-morrow morning, 10 o'clock.

HOUSE OF ASSEMBLY.

TUESDAY, *April* 16, 1850.

House met, pursuant to adjournment.

Prayer by Rev. Mr. Douglass.

The Roll was called, and the following members were absent, viz.—Messrs. Baldwin, Bateman, Brackett, Bradford, Clarke, Deal, Gray, McKinstry, Morehead, Moore, Patterson, Per Lee, Randolph, Scott, and Stewart.

On leave, Messrs. Cardwell and Tefft.

No quorum being present, the Sergeant-at-Arms was dispatched to request the attendance of absentees. A quorum appearing, the Journal of yesterday was read and approved.

Mr. Morehead presented the following account of Samuel N. Houston, the Sergeant at-Arms, which was, on motion, referred to the Committee on Claims.

State of California,

1850. To Samuel N. Houston. *Dr.*

For arrests of members, for absenting themselves without leave before the 5th of Feb. Thirty-three arrests @ $2 each	$66	00
For arresting R. W. Heath . . . $2 00		
„ 1 day's custody and releasement . . 1 00		
	3	00
Feb. 5. By order of House, arrested for absence Messrs. Aram, Moore, Watson, Witherby, and Heath	10	00
„ 6. By order of House, arrested Ogier and Watson for disorderly conduct. $2 each	4	00
For 2 days' custody and releasement of Messrs. Ogier and Watson. $1 per day each	4	00
„ 10. By order of House, arrested Messrs. Morehead, Williams, Bradford, and Witherby, for absenting themselves without leave	8	00
„ 21. By order of House, arrested Messrs. Creaner, Ogier, Per Lee, Watson, and Witherby, for absenting themselves during session without leave	10	00
„ 25. By order of House, arrested Messrs. Stowell, Creaner, Tingley, Per Lee, Watson, Tefft, McKinstry, Covarubias, Clarke, and Baldwin, for absenting themselves without leave, @ $2 each	20	00
„ 28. By order of House, arrested Messrs. Stewart, Morehead, and Brackett, for absence during session, @ $2	6	00
Mar. 1. By order of House, arrested Messrs. Tefft and Corey, for absence without leave	4	00
„ 8. By order of the House, arrested Messrs. Covarubias, Moore, Randolph, and Brackett, for absence, @ $2	8	00
April 3. By order of House, arrested Messrs. Corey, Baldwin, Randolph, Clarke, and Shepherd, for absence without leave, @ $2	10	00
	$153	00

I certify on honor that the above is correct,

Samuel N. Houston,

Sergeant-at-Arms.

Mr. Hughes, from the Committee on Corporations, to whom was referred "Bill to provide for the Incorporation of Colleges," reported the same back without amendments, and, on motion, the Bill was considered as engrossed, read a third time, and passed.

Engrossed Bill, concerning the publication of laws in pamphlet form, was taken up, read a third time, and passed.

Engrossed Bill, "regulating Marriages," was taken up and read a third time. On its passage, the ayes and nays were demanded.

Those who voted in the affirmative were—

Mr. Aram	Mr. Corey	Mr. Tingley
Bateman	Hughes	Walthall
Brackett	McKinstry	Wheeler
Bradford	Patterson	Williams
Brown	Stowell	Speaker
Cave		—16.

In the negative—

Mr. Baldwin	Mr. Morehead	Mr. Shepherd
Covarubias	Ogier	Stewart—6.

The Bill passed.

Mr. Bateman moved to take up Bill in relation to the Election of Members of Congress. Not agreed to.

On motion of Mr. Baldwin, Senate Bill explanatory of "an Act concerning the Revenue, Funds, Expenditures, and Property of the State, and management thereof," was taken up, read a third time, and passed.

A Message from the Senate was received, informing the Assembly that they have passed Assembly Bill entitled "An Act to Prescribe the Duties of Sheriffs." Also, Senate Bills herewith transmitted, entitled "An Act amendatory of section second of an Act creating a Marine Hospital for the State of California," and "An Act to appoint a Board of Commissioners to Report upon the Missions and Mission Lands of this State." Also, that they have adopted a Joint Resolution in relation to the disposition of the Furniture, Stationery, &c., of the Legislature, at the close of the present session, which is herewith transmitted. Also that they have refused to recede from their amendments to the Bill of the Assembly entitled "An Act concerning Persons in Custody under Sentence of Imprisonment." Also, that the President of the Senate has signed Bills entitled "An Act concerning Crimes and

Punishments," and "An Act concerning Forcible Entries and Detainers."

Also, that the Senate have adopted a concurrent Resolution herewith transmitted, in relation to Emigrants to California by the Northern Route.

Also, that the Senate have passed Assembly Bill "to provide for the complete organization of all the Counties in this State," with an amendment, marked "No. 1," and affixed to the margin of the Bill.

Senate Bill, amendatory of 2d Section of "An Act for the erection of a Marine Hospital for the State of California," was taken up, read 1st and 2d time, and, on motion, referred to a Select Committee composed of the Delegation from San Francisco.

Senate Bill "to appoint a Board of Commissioners to report upon the Missions and Mission Lands of this State," was then taken up, read 1st time, and, on motion of Mr. Williams, was indefinitely postponed.

Mr. Brackett then moved a reconsideration of the vote just taken, by which said Bill was indefinitely postponed. Decided in the negative.

Senate's "Joint Resolution in relation to the disposition of the Furniture, Stationery, &c., of the Legislature," was taken up, and laid on the table.

Mr. McKinstry moved the appointment of a Committee of Conference on the disagreeing votes of the two Houses, on "Bill concerning persons in Custody, under Sentence of Imprisonment." Carried.

Whereupon the Speaker appointed Messrs. McKinstry, Baldwin, and Aram, said Committee.

Senate's "Joint Resolution, in relation to Emigrants by the Northern Route to California," was taken up, and on motion, was laid on the table.

Assembly "Bill to provide for the complete organization of all the Counties in this State," returned from Senate with amendments, was taken up, and the amendments were concurred in.

Mr. Stowell, from the Joint Committee on Enrolled Bills, reported as correctly enrolled, "An Act amendatory of An Act prescribing the mode of Assessing and Collecting Public Revenue;" "An Act to fix the Terms of the Superior Court of the city of San Francisco;" and "An Act defining the Rights of Husband and Wife."

Also, that they have this day presented to the Governor for his signature, "an Act concerning forcible Entries and unlawful Detainers," and "an Act concerning Crimes and Punishments."

Mr. McKinstry, from the Committee on Claims, to whom was referred the account of the Sergeant-at-Arms for Fees, reported the same back, and recommended its payment.

On motion of Mr. Clarke, the account was laid on the table.

"Bill to provide for the payment of Post Office Expenses" was taken up and read a third time. Mr. Randolph moved its indefinite postponement. Not agreed to.

The question recurred on the passage of the Bill, pending which the hour of 12 arrived, and the special order, viz. "Joint Resolution relative to Slavery in States and Territories" was taken up.

On motion of Mr. Ogier, there was a call of the House, and the following members were absent, viz.—Messrs. Bateman, Crittenden, Henley, Patterson, Per Lee, and Scott.

On motion, Messrs. Henley, Per Lee, and Scott were excused.

On motion, further proceedings under the call were dispensed with.

The question recurred on the amendment proposed by the Select Committee to said Resolution, to strike out the words "when any such territory applies for admission into the Union," when, on motion of Mr. Moore, the Bill was laid over, and 60 copies were ordered to be printed.

The question recurring on the pending motion, when the House took up the special order of the day on the passage of Bill to "provide for certain Post Office Expenses," the ayes and nays were demanded.

Those who voted in the affirmative were—

Mr. Baldwin	Mr. Deal	Mr. Tingley
Brown	Hughes	Walthall
Cave	McKinstry	Wheeler
Clarke	Morehead	Williams
Corey	Shepherd	Speaker
Covarubias	Stewart	—17.

In the negative—

Mr. Bateman	Mr. Gray	Mr. Ogier
Brackett	Moore	Randolph—6.

The Bill passed.

A message from the Senate was received, informing the Assembly that they have passed Assembly Bill, entitled "an Act to prescribe the duties of County Clerks," without amendment.

Mr. Wheeler, from the Select Committee, to whom was referred

Senate Bill creating the office of State Assayer, Melter, and Refiner of Gold, and prescribing his duties, reported the same back with amendments.

Mr. Bateman moved to postpone said Bill indefinitely.

On this question, the ayes and nays were demanded.

Those who voted in the affirmative were—

Mr. Baldwin	Mr. Gray	Mr. Patterson
Bateman	Morehead	Stewart
Cave	Moore	—8

In the negative—

Mr. Aram	Mr. Crittenden	Mr. Stowell
Brackett	Deal	Tingley
Bradford	Hughes	Walthall
Brown	McKinstry	Wheeler
Clarke	Ogier	Williams
Corey	Randolph	Speaker
Covarubias	Shepherd	—20.

So the motion did not prevail.

The Bill was then, on motion of Mr. Clarke, referred to a Select Committee, consisting of Messrs. Clarke, Ogier, Brackett, Deal, and Walthall.

A difficulty arose here between Messrs. Baldwin and McKinstry, who were ordered to be arrested.

Mr. Stowell, from the Committee on Enrolled Bills, reported as correctly enrolled, "an Act concerning the Office of the Surveyor General."

Mr. Randolph offered the following resolution:—

Resolved, That there be now a call of the House, that the lobby be cleared, the doors closed, and the House proceed to such investigation, and to the making such order as may be necessary to protect its dignity in view of the events which have just transpired. Adopted.

A call of the House was then had, and the following members were absent, viz.—Messrs. Baldwin, Cave, Crittenden, McKinstry, Morehead, Moore, Ogier, and Stewart.

On leave. Messrs. Cardwell, Per Lee, Scott, and Tefft.

On motion of Mr. Wheeler, the House took a recess until four o'clock.

FOUR O'CLOCK P.M.

Mr. Randolph offered the following resolution:—

Resolved, That Messrs. Walthall, Shepherd, and Bateman be appointed a Committee to investigate the circumstances which led to the disorderly conduct which occurred in the House this morning, and report thereon to-morrow morning.

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

Not agreed to.

The Resolution was then adopted.

"Bill of Limitations" was taken up and read a third time. On the passage of the Bill, Mr. Covarubias demanded the ayes and days.

Those who voted in the affirmative were—

Mr. Aram	Mr. Covarubias	Mr. Randolph
Bateman	Deal	Shepherd
Brown	Gray	Tingley
Cave	Henley	Wheeler
Clarke	Ogier	Williams
Corey	Patterson	Speaker—18.

In the negative—

Mr. Moore—1.

The bill passed.

"Bill to fix the Compensation of County Judges and Associate Justices of the Court of Sessions," was taken up.

Mr. Deal moved to lay it on the table. Not agreed to.

Mr. Clarke moved to refer the bill to a Select Committee of one from each Senatorial District. Agreed to.

Whereupon the Speaker appointed Messrs. Deal, of Sacramento; Brackett, of Sonoma; Crittenden, of Los Angeles; Covarubias, of Santa Barbara; Ogier, of San Joaquin; Randolph, of San Francisco; Aram, of San José; Corey, of Monterey—said Committee.

Mr. Ogier, from the Committee on the Judiciary, to whom was referred "Bill to prevent the Immigration of free Negroes or Persons of Color into this State," reported the same back, without amendment.

Mr. Wheeler moved to indefinitely postpone the bill. Mr. Ogier demanded the previous question, which was, "Shall the main question be now put?" Carried.

The question recurring on the indefinite postponement of the bill, the ayes and nays were demanded.

Those who voted in the affirmative were—

Mr. Brackett	Mr. Gray	Mr. Patterson
Clarke	Henley	Wheeler—6.

In the negative—

Mr. Aram	Mr. Deal	Mr. Stowell
Bateman	Morehead	Tingley
Bradford	Moore	Walthall
Brown	Ogier	Williams
Cave	Randolph	Speaker
Corey	Shepherd	
Covarrubias	Stewart	—19.

So the motion did not prevail.

The bill was then, on motion, considered as engrossed, and read a third time. On its passage the ayes and nays were demanded.

Those who voted in the affirmative were—

Mr. Aram	Mr. Covarrubias	Mr. Stewart
Bateman	Deal	Stowell
Bradford	Morehead	Tingley
Brown	Moore	Walthall
Cave	Ogier	Williams
Corey	Shepherd	Speaker—18.

In the negative

Mr. Brackett	Mr. Henley	Mr. Wheeler
Clarke	Patterson	
Gray	Randolph	—7.

So the bill passed.

Mr. Brown, from the Committee on the Judiciary, to whom was referred "Bill for the Government and Protection of Indians," reported the same back, without amendment The bill was then, on motion, considered as engrossed, read a third time, and passed.

"Bill in relation to Contracts, Conveyances, and other Instruments of Writing," was taken up and ordered to be engrossed for a third reading.

Joint Resolution, classifying the Justices of the Superior Court of the City of San Francisco, was taken up and ordered to be engrossed for a third reading on to-morrow.

"Bill to provide for the arrest of Seamen who desert their Vessels," was taken up, and, on motion of Mr. Ogier, was postponed indefinitely.

The Speaker appointed Mr. Shepherd in place of Mr. Crittenden, who declined serving on the Committee under the Joint Resolution in relation to the admission of California into the Union.

A message from the Governor was received informing the House that he had signed "an Act concerning Conveyances," and "an Act concerning Crimes and Punishments."

The Speaker laid before the House a communication from Hon. Joseph C. Morehead, tendering his resignation as member from the District of San Joaquin, to take effect from and after the adjournment of the Legislature.

On motion, the resignation was accepted, and it was ordered that the Clerk inform the Governor thereof.

Mr. Wheeler, from the Select Committee, to whom was referred Senate Bill amendatory of section 2 of "an Act creating a Marine Hospital for the State of California," reported the same back, without amendment.

Mr. Wheeler moved that the Bill be read a third time by title now. Mr. Moore demanded the ayes and nays.

Those who voted in the affirmative were—

Mr. Aram	Mr. Covarrubias	Mr. Patterson
Bateman	Deal	Tingley
Bradford	Gray	Wheeler
Corey	Ogier	—11.

In the negative—

Mr. Brown	Mr. Moore	Mr. Walthall
Clarke	Shepherd	Williams
Morehead	Stewart	Speaker—9.

So the motion did not prevail, not having received a two thirds vote.

Mr. Deal, from the Select Committee, to whom was referred bill to fix the Compensation of County Judges and Associate Justices of the Court of Sessions, reported the same back with amendments.

Mr. Clarke moved to amend first Section by striking out "$6,000" and inserting "$4,000." Not agreed to.

Mr. Morehead moved to amend by striking out Calaveras County in the fourth Subdivision of the first Section, and inserting it at the end of the third Subdivision. Adopted.

The amendments of the Select Committee were then concurred in, and the bill, on motion, considered as engrossed.

Mr. Stowell, from the Joint Committee on Enrolled Bills, reported as correctly enrolled "an Act to prescribe the Duties of Sheriffs."

On motion of Mr. Morehead, the House adjourned until 8 o'clock P.M.

EIGHT O'CLOCK P.M.

Engrossed "Bill to fix the Compensation of County Judges and Associate Justices of the Court of Sessions," was taken up, read a third time, and passed.

Joint Resolution of Senate, fixing the day of the final adjournment of the Legislature, was taken up.

Mr. Hughes moved to amend by striking out "Thursday" and inserting "Monday."

Mr. Clarke moved to lay the Resolution and amendments on the table.

Mr. Hughes demanded the ayes and nays.

Those who voted in the affirmative were—

Mr. Bateman	Mr. Clarke	Mr. Moore—3.

In the negative—

Mr. Aram	Mr. Deal	Mr. Randolph
Brackett	Gray	Shepherd
Bradford	Hughes	Tingley
Cave	Morehead	Walthall
Covarrubias	Ogier	Wheeler
Crittenden	Patterson	Speaker—18.

The motion did not prevail.

The question recurring on the adoption of the resolution with the amendment proposed by Mr. Hughes, the ayes and nays were demanded.

Those who voted in the affirmative were—

Mr. Aram	Mr. Deal	Mr. Stowell
Brackett	Hughes	Tingley
Bradford	Morehead	Walthall
Cave	Patterson	Wheeler
Covarrubias	Randolph	Speaker
Crittenden	Shepherd	—17

In the negative—

Mr. Bateman	Mr. Gray	Mr. Moore
Clarke,		—4.

So the amendment was adopted.

A communication from the City Council of San José, tendering the use of this building for the next session of the Legislature free of charge, was taken up; and, on motion, it was accepted, and ordered that the Speaker notify the City Council thereof.

Mr. Clarke, from the Select Committee to whom was referred Senate "Bill creating the Office of State Assayer," &c. asked for longer time to report. Granted.

"Bill in relation to Contracts, Cor es, and other Instruments of Writing," was taken up, and, on , considered as engrossed, and read a third time.

On its passage, the ayes and nays were demanded.

Those who voted in the affirmative were—

Mr. Aram	Mr. Deal	Mr. Shepherd
Bateman	Gray	Stowell
Brackett	Morehead	Tingley
Bradford	Ogier	Walthall
Cave	Patterson	Wheeler
Crittenden	Randolph	Speaker—18.

In the negative—

Mr. Hughes—1.

So the Bill passed.

A communication from Gen. Riley, in relation to the Public Archives, was taken up, and referred to a Select Committee, consisting of Messrs. Moore, Brackett, and Clarke, with instructions to report on to-morrow.

Mr. Ogier offered the following Resolution :—

Resolved, That the Committee on Claims be, and they are hereby instructed to report to this House at as early an hour as it is practicable, a statement of all claims against this House, either paid or unpaid; and that a distinct statement of those claims originating under the direction of the presiding officer of this House up to the date of adjournment be also made.

Adopted.

On motion of Mr. Patterson, the House adjourned until to-morrow morning at 10 o'clock.

HOUSE OF ASSEMBLY.

Wednesday, *April 17th*, 1850.

House met, pursuant to adjournment.

Prayer by the Rev. Mr. Briarly.

The roll was called, and the following Members were absent, to wit—Messrs. Baldwin, Brackett, Clarke, Gray, McKinstry, Morehead, Moore, Ogier, Patterson, Per Lee, Randolph, Scott, Stewart, and Wheeler.

On leave, Messrs. Cardwell, Crittenden, and Tefft.

No quorum being present, the Sergeant-at-Arms was dispatched to request the attendance of absent members.

A quorum appeared.

The Journal of yesterday was read and approved.

Mr. Tingley, from the Committee on Ways and Means, to whom was referred "Bill prescribing the mode of collecting certain specific taxes," reported the same back with amendments.

The amendments were concurred in, and the Bill, on motion, was considered as engrossed, read a third time, and passed.

Mr. Walthall, from the Select Committee to whom was referred the difficulty between two members which occurred yesterday in the House while in session,

Reported:

That they have made inquiries into the matter, and are satisfied that there were no grounds of quarrel between Mr. Baldwin and Mr. McKinstry, the two members alluded to. Mr. Baldwin did not intend to insult Mr. McKinstry in what he said, nor did Mr. McKinstry intend to insult Mr. Baldwin in the reply which he made.

The Committee recommend that each of the gentlemen be discharged from arrest on their making suitable apologies to the House for a violation of its decorum.

The Report was adopted.

The two gentlemen were then admitted, made apologies to the House, and took their seats.

A message from the Governor was received, informing the House that he had signed "an Act to prescribe the Duties of Sheriffs."

Also, another message returning with his objections "an Act concerning Forcible Entries and Unlawful Detainers," as follows:—

GENTLEMEN OF THE ASSEMBLY:

I herewith return the Bill, entitled "an Act concerning Forcible Entries and Unlawful Detainers," with the suggestion of an omission, which no doubt has been the necessary result of the immense press of business before the Assembly. The 18th section of the sixth Article of the Constitution, requires the style of all process to be "The People of the State of California."

The forms of writs given in the bill do not comply with this section, and as much litigation must arise under the Act, I deemed it my duty to return the bill, that the correction might be made, so as to prevent the failure of suits from a mere want of compliance in point of form with the Constitution.

The Constitutions of several of the different States have a similar provision, and it has been settled by judicial decisions (at least in some of the States) that this special provision, prescribing an exact form for process, must be complied with, or the writ will be void.

I would also suggest that there is an ambiguity in the 9th section of the bill, in which it is stated in substance, that upon the trial the complaint (complainant) shall only be required to prove, in addition to other facts mentioned, that he was "in possession of the premises at the time of a forcible holding over." I presume it was intended to say he was *entitled* to the "possession of the premises at the time of the forcible holding over," as the complainant and defendant could not both be in possession at the same time.

PETER H. BURNETT,

April 17th, 1850.

The House proceeded to reconsider the vote by which the bill passed.

The question recurring on the passage of the Bill, the Governor's objections to the contrary, the ayes and nays were demanded.

In the affirmative—none.

In the negative—

Mr. Aram	Mr. Clarke	Mr. Hughes
Baldwin	Corey	McKinstry
Bateman	Covarrubias	Ogier
Brackett	Deal	Randolph
Bradford	Gray	Shepherd
Brown	Henley	Stewart

Tingley	Wheeler	Speaker
Walthall	Williams	—23.

So the bill did not pass.

Mr. Cave offered a "Concurrent Resolution, fixing the hour of election for State Translator to-day." Adopted.

Mr. Brown, from the Committee on the Judiciary, to whom was referred "Bill respecting Vagrants," reported the same back, with amendments, which amendments were concurred in, and the bill read a third time.

The question being on the passage of the bill, the ayes and nays were demanded.

Those who voted in the affirmative were—

Mr. Aram	Mr. Covarrubias	Mr. Shepherd
Bateman	Deal	Stewart
Bradford	Hughes	Tingley
Brown	Morehead	Walthall
Cave	Moore	Wheeler
Clarke	Ogier	Speaker
Corey	Randolph	—20.

In the negative—none.

So the bill passed.

Mr. Corey, from the Committee on Education, to whom was referred "Bill relating to Public Schools," reported as follows :—

MR. SPEAKER :—

The Committee, to whom was referred the Assembly Bill, entitled "an Act relating to Public Schools," have carefully examined the same, and beg leave to make the following report :—The Committee have not heretofore reported "an Act concerning Public Schools," for various reasons, viz. :—We are just organizing our State system, which, from the stress of circumstances, is necessarily very expensive. The taxes laid upon the people for State, County, and Municipal purposes, make an aggregate so large that the Committee on Education have not deemed it practicable to report a bill taxing the people still further for school purposes ; feeling convinced that the people of California having children to educate, will, by private subscription and municipal regulations, establish and maintain schools throughout the State, until a school fund can be obtained for the establishment of *Public* Schools. The

Committee are convinced that it will be at least two or three years before a school fund will come into the State Treasury, from the liberal grants made for that purpose in our State Constitution; and being impressed with this belief, the Committee have thought it best to postpone the consideration of this subject for the action of a future Legislature, which will have at its disposal more ample materials than we have at our command, from which to cull and frame a correct Public School system. With these few remarks, the Committee have instructed me to report the bill back to the House, and respectfully recommend its indefinite postponement.

The report was adopted, and the bill postponed indefinitely.

"Joint Resolution classifying the Justices of the Superior Court of the City of San Francisco," was taken up. Mr. Morehead moved to refer the same to a Select Committee, with special instructions. Carried.

Whereupon the Speaker appointed Messrs. Morehead, Clarke, and Randolph said committee.

A message from the Senate was received, informing the Assembly that they have appointed Messrs. Heydenfeldt, Robinson, and Fair, a Committee of Conference, on their part, on the disagreeing votes of the two Houses in relation to the bill entitled "An Act concerning persons in custody under sentence of imprisonment."

Also, that they have concurred in the amendment of the Assembly to the concurrent resolution of the Senate, providing for the final adjournment of the Legislature.

Also, that they have passed Assembly "Bill amendatory of the 28th and 30th sections of the act subdividing the State into counties, and establishing the Seats of Justice therein."

Also, that they have adopted the Concurrent Resolution of the Assembly "in relation to the election of State Translator," and accept the invitation therein specified.

IN CONVENTION.

The Senate and Assembly assembled in Convention for the purpose of proceeding to the election of State Translator.

Mr. Lippincott of the Senate, and Gray of the House, were appointed tellers.

Mr. Ogier nominated . . Wm. Schleiden
Bassham „ . . Wm. H. Schull
Heydenfeldt . . Wm. Lowry

The result of the ballot was as follows:—

Whole number of votes 39
Necessary to a choice 20

Those who voted for Mr. Schleiden were—

Mr. Broderick	Mr. Brown	Mr. Ogier
Robinson	Covarrubias	Randolph
Aram	Henley	Stowell
Bradford	McKinstry	Walthall—12.

Those who voted for William H. Schull were—

Mr. Bassham	Mr. Green	Mr. Clarke
Chamberlin	Lippincott	Corey
Douglass	Vallejó	Shepherd
Fair	Bateman	Speaker—12.

Those who voted for Mr. William Lowry were—

Mr. Bidwell	Mr. Gray	Mr. Per Lee
Crosby	Hughes	Scott
Heydenfeldt	Morehead	Stewart
Cave	Moore	Tingley
Deal	Patterson	Williams—15.

No person having received a majority of all the votes cast, the Convention proceeded to a second ballot.

Mr. Morehead nominated S. W. Spooner.

Mr. Moore nominated Hopeful Toler.

Mr. Ogier withdrew the name of William Schleiden. The result was as follows:—

Whole number of votes 39
Necessary to a choice 20

Those who voted for William H. Schull were—

Mr. Bassham	Mr. Robinson	Mr. Covarrubias
Chamberlin	Vallejó	Henley
Douglass	Bateman	McKinstry
Fair	Bradford	Morehead
Green	Clarke	Tingley
Lippincott	Corey	Speaker—18.

Those who voted for William Lowry were—

Mr. Bidwell	Mr. Gray	Mr. Per Lee
Crosby	Hughes	Scott
Heydenfeldt	Moore	Stewart
Cave	Patterson	Williams—12.

Those who voted for Mr. Hopeful Toler were—

Mr. Broderick	Mr. Ogier	Mr. Stowell
Brown	Randolph	Walthall
Deal	Shepherd	—8.

Mr. Aram voted for William Schleiden—1.

No person having received a majority of all the votes cast, the Convention proceeded to a third ballot, which resulted as follows:—

Whole number of votes	39
Necessary to a choice	20

Those who voted for William H. Schull were—

Mr. Bassham	Mr. Robinson	Mr. Covarrubias
Broderick	Vallejó	McKinstry
Chamberlin	Aram	Morehead
Douglass	Bateman	Tingley
Fair	Bradford	Walthall
Green	Clarke	Speaker
Lippincott	Corey	—20.

Those who voted for William Lowry were—

Mr. Bidwell	Mr. Henley	Mr. Per Lee
Crosby	Hughes	Scott
Heydenfeldt	Moore	Stewart
Cave	Ogier	Williams
Gray	Patterson	—14.

Those who voted for Mr. Toler were—

Mr. Brown	Mr. Randolph	Mr. Stowell
Deal	Shepherd	—5.

Mr. Schull, having received a majority of all the votes cast, was declared duly elected for the time prescribed by law.

The Senate then withdrew.

Mr. Clarke moved that the House adjourn. Not agreed to.

Mr. Stowell, from the Committee on Enrolled Bills, reported as correctly enrolled, "an Act amendatory of the 13th Sec. of an Act to incorporate the City of San José;" "an Act to take the sense of the people of California, upon the subject of the permanent location of the

Seat of Government;" "an Act to define the duties of County Clerk;" "an Act to provide for the complete organization of all the Counties in this State;" "an Act concerning Coroners;" "an Act to regulate proceedings in Criminal Cases."

Mr. Randolph, from the Committee on the Judiciary, to whom was referred Senate "Bill relative to Bonds, Due Bills, and other instruments of Writing, and making them assignable," reported the same back with amendments, which were concurred in.

On motion of Mr. Wheeler, the House adjourned until 4 o'clock P.M.

FOUR O'CLOCK P.M.

On motion of Mr. Bradford there was a call of the House, and the following members were absent, viz. Messrs. Baldwin, Brackett, Brown, Cave, Corey, Covarrubias, Deal, Gray, Hughes, McKinstry, Morehead, Ogier, Patterson, Per Lee, Randolph, Scott, Shepherd, Stewart.

On leave, Messrs. Cardwell, Crittenden, and Tefft.

Senate Joint Resolution in relation to the disposition of the Furniture, Stationery, &c., of the Legislature, was taken up and adopted.

A message from the Senate was received, informing the Assembly that the Governor had notified the Assembly, that he had signed bills, entitled "an Act relating to Bills of Exchange and Promissory Notes;" "an Act to incorporate the City of San Francisco."

Also, that the President of the Senate has signed bills severally entitled "an Act amendatory of an Act prescribing the mode of assessing and collecting the Public Revenue," "an Act to fix the Terms of the Superior Court for the City of San Francisco," "an Act defining the duties of Husband and Wife," "an Act concerning the office of Surveyor General," "an Act to prescribe the duties of Sheriffs," "an Act to provide for the complete organization of all the Counties in this State," "an Act amendatory of the thirteenth section of an Act entitled an Act to Incorporate the City of San José," "an Act to take the sense of the people of California on the subject of the permanent location of the seat of Government," "an Act to regulate proceedings in Criminal Cases," "an Act concerning Coroners."

Also, that the Senate have passed bill, herewith transmitted, entitled "an Act to abolish all Laws now in force in this State, except such as have been passed at the present session of the Legislature."

Also, that they have passed Assembly bill entitled "an Act to prescribe the duties of Constable."

Also, that they have refused to pass Assembly bill entitled "an Act regulating Marriages."

Also, that they have passed, with amendments, Assembly bill "providing for certain Post Office Expenses," which amendments are affixed to the margin of the bill, and numbered "one" and "two."

Senate bill No. 80, "to abolish all laws now in force except such as have been passed by the present session of the Legislature," was taken up, read a first and second time, and referred to the Committee on the Judiciary.

"Bill to provide for the payment of certain Post Office Expenses," returned from Senate with amendments, was taken up, and the amendments non-concurred in.

Mr. Clarke, from the Select Committee to whom was referred "Bill creating the Office of State Assayer, Melter, and Gold Refiner, and defining his duties," reported the same back with amendments, when on motion of Mr. Stowell the House went into Committee of the Whole on said bill, Mr. Baldwin in the chair. After having spent some time therein, the committee reported the bill with amendments, and were discharged.

On motion, the amendments were generally concurred in.

Mr. Moore moved to amend the bill, by inserting after the word "Stockton," the words "or Sonora," on which he demanded the ayes and nays.

Those who voted in the affirmative were—

Mr. Aram	Mr. Henley	Mr. Stewart
Baldwin	Hughes	Tingley
Bateman	Morehead	Walthall
Cave	Moore	Wilhams—13.
Clarke		

In the negative—

Mr. Brown	Mr. Ogier	Mr. Wheeler
Deal	Stowell	Speaker—6.

The amendment was adopted.

On motion of Mr. Hughes, the bill was laid on the table.

Mr. Wheeler presented a list of names of the members of the Assembly, and moved its reference to a Select Committee. Carried.

Messrs. Cave, Clarke, and Deal were appointed said Commitee.

Mr. Morehead, from the Select Committee, to whom was referred Joint Resolutions, classifying the Justices of the Superior Court of the City of San Francisco, with certain specific instructions, reported the same back with amendments, in accordance with the instructions given, which amendments were concurred in, and the Joint Resolutions passed.

Mr. Bateman moved that the House adjourn until to-morrow morning at 10 o'clock.

Mr. Morehead demanded the ayes and nays.

Those who voted in the affirmative were—

Mr. Aram	Mr. Henley	Mr. Stowell
Bateman	Hughes	Tingley
Brown	McKinstry	Walthall
Cave	Shepherd	Williams
Covarrubias	Stewart	Speaker
Gray		—16.

In the negative—

Mr. Clarke	Mr. Morehead	Mr. Moore—3.

The motion prevailed, and the house adjourned until to-morrow morning 10 o'clock.

HOUSE OF ASSEMBLY.

Thursday, *April* 18*th*, 1850.

House met, pursuant to adjournment.

Prayer by Rev. Mr. Douglass.

The roll was called, and the following members were absent, viz.—Messrs. Baldwin, Brackett, Clarke, Covarrubias, Gray, McKinstry, Ogier, Patterson, Per Lee, Randolph, Scott.

On leave—Messrs. Cardwell, Crittenden, and Tefft.

No quorum being present, Mr. Morehead moved that the Sergeant-at-Arms be dispatched to arrest absentees, and that the bar be closed.

The motion prevailed.

Mr. Covarrubias appeared, and was excused.

On motion of Mr. Morehead, further proceedings under the call were dispensed with.

The journal of yesterday was read and approved.

A message from the Senate was received, informing the Assembly that they have refused to pass Assembly Bill, entitled "an Act concerning Forcible Entries and Unlawful Detainers."

Also, that they have refused to recede from their amendments to Assembly Bill, entitled "an Act providing for the payment of certain Post-Office Expenses."

Also, to request the Assembly to return to the Senate Assembly Bill "concerning Marriages," as the Senate have re-considered the vote by which they refused to pass the same.

Also, that the President of the Senate has signed bill, entitled "an Act concerning Fraudulent Conveyances and Contracts."

Also, that the Governor has notified the Senate that he has signed bill, entitled "an Act to incorporate the City of San José," approved March 28th, 1850.

A message from the Governor was received by his Private Secretary, informing the House that he had signed bills, entitled "an Act to provide for the complete Organization of all the Counties in this State;" "an Act to define the duties of County Clerk;" "an Act to fix the Terms of the Superior Court of the City of San Francisco;" "an Act defining the rights of Husband and Wife;" "an Act concerning the office of Surveyor General;" and "an Act amendatory of an Act prescribing the mode of Assessing and Collecting Public Revenue."

Mr. Bradford presented a petition from members of the Bar of San José, praying for the passage of "an Act amendatory of an Act to organize the District Courts," which was, on motion, laid on the table.

Mr. Cave, from the Select Committee, to whom was referred a proposition to report a list of the members of the present Legislature, together with a descriptive roll of the same, reported the same back with amendments, and, on motion, it was laid on the table.

Mr. Walthall offered the following resolution:—

Resolved, the Senate concurring, That the Report of the Comptroller, with any supplemental Report on the expenditures of the State, be published with the Laws passed at the present Session of the Legislature. Adopted.

Mr. Bradford offered the following resolution:—

Resolved, the Senate concurring, That the Secretary of State is hereby authorized and required to furnish to each of the principal officers of

both Houses, copies of all Laws, Reports, and other documents placed in his hands for distribution. Adopted.

Mr. Stowell moved the appointment of a Committee of Conference on the disagreeing votes of the two Houses on "Bill relative to certain Post Office Expenses."

The motion prevailed, and Messrs. Stowell, Moore, and Cave were appointed said committee.

Mr. Stowell, from the Committee on Enrolled Bills, reported as correctly enrolled, "an Act concerning fraudulent Conveyances and Contracts;" "an Act explanatory of an Act concerning the Revenue, Funds, and Property of the State;" "an Act amendatory of the 28th and 30th sections of the Act sub-dividing the State into Counties, and establishing Seats of Justice therein;" "an Act to amend an Act organizing the District Courts of the State of California;" "an Act to provide for the appointment of Guardians, and prescribing their duties;" "and "an Act to prescribe the duties of Constables."

Also, that they have this day presented to the Governor for his signature, "an Act amendatory of the 14th section of an Act to Incorporate the City of San José;" "an Act to take the sense of the people of California upon the subject of the permanent location of the seat of Government;" "an Act to provide for the complete organization of all the Counties in this State;" "an Act to define the duties of County Clerk;" and "an Act to regulate proceedings in Criminal Cases."

"Bill for the Relief of the Sick" was taken up, and, after debate, on motion of Mr. Deal, was laid on the table.

On motion of Mr. Williams, "Bill creating the Office of State Assayer" was taken up.

Mr. Morehead moved to postpone said bill indefinitely.

On this question, the ayes and nays were demanded.

Those who voted in the affirmative were—

Mr. Cave	Mr. Morehead	Mr. Stewart
Covarrubias	Per Lee	Williams—6

Those who voted in the negative were—

Mr. Aram	Mr. Henley	Mr. Stowell
Bradford	McKinstry	Tingley
Brown	Moore	Walthall
Corey	Randolph	Wheeler
Deal	Shepherd	Speaker—15

The motion did not prevail.

The bill was then read a third time, and on its passage, the ayes and nays were demanded.

Those who voted in the affirmative were—

Mr. Aram	Mr. Deal	Mr. Stowell
Bateman	Henley	Tingley
Bradford	Moore	Walthall
Brown	Randolph	Wheeler
Corey	Shepherd	Speaker
Crittenden	Stewart	—17

In the negative—

Mr. Cave	Mr. Morehead	Mr. Per Lee
Covarrubias		—4

So the bill passed.

A message from the Senate was received, informing the Assembly that they had passed Assembly Bills, entitled "an Act concerning Corporations;" "a Joint Resolution classifying the Justices of the Superior Court of the City of San Francisco;" "an Act to regulate the settlement of the Estates of Deceased Persons; and "an Act to provide for the Incorporation of Colleges."

Also, with an amendment, striking out the second section, "an Act to fix the Compensation of County Judges, and associate Justices of the Court of Sessions," and "an Act concerning the Writ of Habeas Corpus," with an amendment as affixed to the margin of the bill.

Mr. Moore, from the Select Committee, to whom was referred the communication in relation to the Archives of the State, reported "A Joint Resolution relative to the Public Archives," which was read a first and second time, and laid on the table.

"Bill to fix the Compensation of County Judges, and Justices of the Court of Sessions," returned from Senate with amendments, was taken up, and the amendments were non-concurred in.

Mr. Crittenden, from the Committee on the Judiciary, to whom was referred Senate "Bill to regulate Practice in the Courts of Record," made the following Report:—

MR. SPEAKER:

The Committee on the Judiciary, to whom was referred Senate Bill, entitled "an Act to regulate Practice in the Courts of Record of

the State of California," report the same back to the House with amendments. The amendments being numerous, your committee have incorporated them in the bill itself, and now report it under the title of " an Act to regulate proceedings in Civil Cases in the District Court, the Superior Court of the City of San Francisco, and Supreme Court." They recommend the passage of the bill in its amended form.

Your committee also report back Senate Bill No. 27, entitled " an Act in continuation of the Act to regulate Practice in the Courts of Record of the State of California," and recommend that it be laid on the table. The subject of this bill is embraced in the amended bill herewith reported.

The report was adopted, and the bill read a third time and passed.

Mr. Crittenden, from the same Committee, to whom was referred " A Bill to regulate Fees of Office," reported the same back with amendments, which were concurred in, and the bill was read a third time and passed.

" Bill concerning the Writ of Habeas Corpus," returned from Senate with amendments, was taken up, and the amendments concurred in.

On motion of Mr. Walthall, the House adjourned until 4 o'clock.

FOUR O'CLOCK P.M.

Mr. Brackett, from the Select Committee, to whom was referred the resolution relative to the early publication of the laws, reported as follows:—

The Committee, to whom was referred the duty of recommending the order in which the General Laws originating in this House should be published, recommend their publication in the following order, as soon as they become Laws.

1. An Act to regulate Proceedings in Civil Cases in the District Court, the Superior Court of the City of San Francisco, and Supreme Court.
2. An Act to regulate Fees of Office.
3. An Act concerning Crimes and Punishment.
4. An Act to organize County Courts.
5. An Act to organize the Court of Session.
6. An Act concerning the Office of County Recorder and Auditor.
7. An Act concerning the Office of County Treasurer.
8. An Act concerning Coroners.

9. An Act prescribing the Duties and fixing the Compensation of County Surveyors.

10. An Act prescribing the Duties of County Clerks.

11. An Act to prescribe the Duties of Sheriffs.

12. An Act concerning the Office of County Assessor.

13. An Act to prescribe the Duties of Constable.

14. An Act to regulate Proceedings in Courts of Justice of the Peace in Civil Cases.

15. An Act to regulate Proceedings in Criminal Cases.

16. An Act adopting the Common Law.

17. An Act concerning Offices.

18. An Act defining the Amount of Revenue to be collected to defray the Expenses of the State of California for the Year 1850.

19. An Act prescribing the Mode of Collecting certain Specified Taxes for County Purposes.

20. An Act concerning the Writ of Habeas Corpus.

21. An Act to provide for the Incorporation of Towns.

22. An Act to regulate Proceedings in County Courts in Cases of Appeal from Justices of the Peace.

23. An Act to regulate Elections.

24. An Act fixing the Time for Acts and Joint Resolutions to take effect.

25. An Act concerning Wills.

26. An Act to regulate Descents and Distributions.

27. An Act to regulate the Settlement of the Estates of Deceased Persons.

28. An Act defining the Rights of Husband and Wife.

29. An Act to change or abolish Certain Provisions of the Law.

30. An Act to organize the Supreme Court.

31. An Act concerning Conveyances.

32. An Act concerning Fraudulent Conveyances.

33. An Act prescribing the Mode of Maintaining and Defending Possessory Actions on Lands belonging to the United States.

34. An Act concerning Forcible Entries and Unlawful Detainers.

35. An Act concerning the Organization of the Militia.

36. An Act providing for the Liens of Mechanics and Others.

37. An Act to provide for the Collection of Demands against Vessels and Boats.

38. An Act concerning the Transfer of Certain Records, Conveyances, and Papers.

The report was adopted.

Mr. McKinstry, from the Committee of Conference, on the disagreeing votes of the two Houses on "Bill concerning Persons in Custody under Sentence of Imprisonment," reported, that they could not agree, and the bill was laid on the table.

Mr. Hughes moved to take up "Bill for the Suppression of Gaming." Not agreed to.

"Joint Resolution relative to the Public Archives" was taken up, considered as engrossed, and read a third time. On its passage, the ayes and nays were demanded.

Those who voted in the affirmative were—

Mr. Aram	Mr. Gray	Mr. Shepherd
Bateman	McKinstry	Stewart
Cave	Morehead	Tingley
Clarke	Moore	Walthall
Covarrubias	Randolph	Speaker
Deal		—16

Those who voted in the negative were—

Mr. Bradford	Mr. Corey	Mr. Williams
Brown	Stowell	—5

The Joint Resolution passed.

"Bill for the remuneration of E. O. Crosby," was taken up.

Mr. Ogier moved to postpone the bill indefinitely.

The previous question was demanded, which was—Shall the main question be now put? Carried.

The question recurring on the motion to indefinitely postpone the bill, the ayes and nays were demanded.

Those who voted in the affirmative were—

Mr. Bateman	Mr. Covarrubias	Mr. Ogier
Brackett	Gray	Randolph
Bradford		—7.

In the negative—

Mr. Aram	Corey	Mr. Henley
Brown	Crittenden,	Hughes
Clarke	Deal	McKinstry

Mr. Morehead	Mr. Tingley	Mr. Speaker
Moore	Walthall	
Stewart	Williams	—16.

So said motion did not prevail.

On motion of Mr. Moore, the bill was then referred to a Select Committee, consisting of Messrs. Moore, Covarrubias, and Morehead, with instructions.

On motion of Mr. Morehead, the House adjourned until eight o'clock P.M.

EIGHT O'CLOCK P.M.

The House took up the report of the Committee of Conference, on bill concerning persons in custody under sentence of imprisonment.

Mr. Randolph moved the appointment of a Committee of free conference. Carried.

Whereupon the Speaker appointed Messrs. Crittenden, Henley, and Bradford, said committee.

Joint Resolution granting leave of absence to Justices Lyons and Bennett, was taken up and read a third time; on its passage the ayes and nays were demanded.

Those who voted in the affirmative were—

Mr. Aram	Mr. Morehead	Mr. Stewart
Baldwin	Moore	Stowell
Bradford	Ogier	Tingley
Covarrubias	Randolph	Walthall
Crittenden	Shepherd	Speaker
Henley		—16.

In the negative—

Mr. Brackett	Mr. Corey	Mr. Hughes
Cave	Gray	—5.

So the resolution passed.

Mr. Moore moved a reconsideration of the vote just taken, on which the ayes and nays were demanded.

Those who voted in the affirmative were—

Mr. Baldwin	Mr. Clarke	Mr. Hughes
Bateman	Corey	McKinstry
Brackett	Gray	Moore
Cave		—10

In the negative—

Mr. Aram	Mr. Henley	Mr. Stewart
Bradford	Morehead	Stowell
Covarrubias	Ogier	Tingley
Crittenden	Randolph	Walthall
Deal	Shepherd	Speaker—15

The vote was not reconsidered.

Mr. Stowell, from the Committee on Enrolled Bills, reported, that they had this day presented to the Governor for his signature, "An Act concerning fraudulent Conveyances and Contracts;" "An Act concerning Coroners;" "An Act explanatory of an act, entitled 'An Act concerning the Revenue Funds and Property of the State;'" "An Act amendatory of the 28th and 30th sections of the act subdividing the State into Counties, and establishing Seats of Justice therein;" "An Act to amend an act organizing the District Courts of the State of California;" "An Act to provide for the appointment of Guardians, and prescribe their duties;" "An Act to prescribe the duties of Constables."

Senate Bill relative to "Bonds, due Bills, and other instruments in writing and making them Assignable," was taken up.

Mr. Crittenden moved to strike out Section 5 of said Bill.

The motion prevailed.

The Bill was then read a third time and passed.

Senate Bill, to abolish all laws now in force, except such as have been passed by the present Legislature, was taken up, read a second time, and referred to a Select Committee, consisting of Messrs. Brown, Covarrubias, and Aram.

Senate Bill, regulating the practice of Medicine and Surgery in the State of California, was taken up.

Mr. Bateman moved to postpone the Bill indefinitely, on which the ayes and nays were demanded.

Those who voted in the affirmative were—

Mr. Aram	Mr. Brackett	Mr. Ogier
Baldwin	Bradford	Per Lee
Bateman	Gray	Randolph—9.

In the negative—

Mr. Clarke	Mr. Hughes	Mr. Stowell
Covarrubias	McKinstry	Tingley
Deal	Morehead	Walthall
Henley	Moore	Speaker—12.

So the motion did not prevail.

Mr. Per Lee moved that the House adjourn.

Mr. Morehead demanded the ayes and nays.

Those who voted in the affirmative were—

Mr. Aram	Mr. Brackett	Mr. Per Lee
Baldwin	Bradford	Randolph
Bateman	McKinstry	—8.

In the negative—

Mr. Clarke	Mr. Hughes	Mr. Stowell
Covarrubias	Morehead	Tingley
Deal	Moore	Walthall
Gray	Ogier	Speaker
Henley		—13

On motion of Mr. Baldwin, *Bill to regulate Practice of Medicine, &c.*, was laid on the table.

Mr. Moore offered the following resolution :—

Resolved, That it is the opinion all who are in favor of this Resolution, that the Joint Resolution which passed this House, granting leave of absence from the State to the Justices of the Supreme Court, is unjust and injurious to the interest of the State, and that it is their opinion the State of California is unable at this time, even though it were just, to pay state officers large salaries, for the purpose of defraying their expenses in travelling abroad, either on pleasure or to attend to their private business.

Mr. Per Lee moved to lay the resolution on the table, on which motion Mr. Moore demanded the ayes and nays.

Those who voted in the affirmative were—

Mr. Aram	Mr. Morehead	Mr. Stowell
Bradford	Ogier	Tingley
Covarrubias	Per Lee	Walthall
Deal	Randolph	Speaker
Hughes		—13.

In the negative—

Mr. Baldwin	Mr. Clarke	Mr. Henley
Bateman	Gray	Moore
Brackett		—7

So the Resolution was laid on the table.

Mr. Per Lee moved that the House adjourn.

The ayes and nays were demanded.

Those who voted in the affirmative were—

Mr. Aram	Mr. Deal	Mr. Randolph
Baldwin	Gray	Walthall
Bateman	Ogier	Speaker
Bradford	Per Lee	—11.

In the negative—

Mr. Clarke	Mr. Hughes	Mr. Moore
Covarrubias	Morehead	Tingley
Henley		—7.

So the motion prevailed, and the House adjourned until to-morrow morning ten o'clock.

HOUSE OF ASSEMBLY.

FRIDAY, *April 19th*, 1850.

House met, pursuant to adjournment.

Prayer by Rev. Mr. Briarly.

The roll was called, and the following members were absent, viz. Messrs. Baldwin, Brackett, Brown, Clarke, Gray, Morehead, Moore, Ogier, Patterson, Per Lee, Randolph, Scott, Tefft, Wheeler, and Williams.

On leave, Messrs. Cardwell and Crittenden.

No quorum being present, on motion of Mr. Cave, the Sergeant-at-Arms was dispatched to request the attendance of absent members.

A quorum appeared. The Journal of yesterday was read and approved.

Mr. Crittenden, from the Committee on the Judiciary, to whom was referred "Bill relating to Set-off," reported the same back with amendments, which amendments were concurred in, and the Bill, on motion of Mr. Walthall, considered as engrossed, read a third time, and passed.

Mr. McKinstry, from the Committee on Claims, presented the account of Evans and Co. for furniture, and recommended its payment. The Report was adopted.

"Bill to regulate Proceedings against Debtors by Attachment," was taken up, and on motion of Mr. Crittenden, referred to the Committee on the Judiciary.

Mr. Stowell, from the Joint Committee on Enrolled Bills, reported as

correctly enrolled, "an Act to provide for the Incorporation of Colleges;" "a Joint Resolution classifying the Justices of the Superior Court of the City of San Francisco."

Mr. Crittenden, from the Committee on the Judiciary, to whom was referred a "Bill for the Relief of Persons Imprisoned on Civil Process," reported the same back with amendments, which amendments were concurred in. The Bill was considered as engrossed, read a third time, and passed.

Mr. Crittenden, from the same Committee, to whom was referred "Bill relating to the Partition of Lands owned by several Persons," reported the same back, and recommended its indefinite postponement. The Report was adopted, and the Bill postponed indefinitely.

Mr. Stowell, from the Committee of Conference on the disagreeing votes of the two Houses, on "Bill to Defray certain Post Office Expenses," reported the same back with a further amendment to Senate amendment, viz. Strike out of the first line of Senate's amendment, No. 1, the words "ten thousand," and insert "twenty-five hundred."

Mr. Moore moved to postpone the Report and Bill indefinitely.

On this question the ayes and nays were demanded.

Those who voted in the affirmative were—

Mr. Bateman	Mr. Clarke	Mr. Randolph
Brackett	Moore	—5.

Those who voted in the negative were—

Mr. Aram	Mr. Covarrubias	Mr. Stowell
Baldwin	Crittenden	Tingley
Bradford	Deal	Walthall
Brown	Gray	Speaker
Cave	Hughes	—16.
Corey	McKinstry	

The motion did not prevail.

The question recurring on adopting the Report of the Committee, Mr. Moore demanded the ayes and nays.

Those who voted in the affirmative were—

Mr. Aram	Mr. Corey	Mr. McKinstry
Baldwin	Crittenden	Morehead
Bradford	Deal	Stowell
Brown	Gray	Tingley
Cave	Henley	Walthall
Clarke	Hughes	Speaker—18.

Those who voted in the negative were—

Mr. Brackett Mr. Moore Mr. Randolph
Covarrubias —4.

So the Report was adopted.

A message from the Senate was received, informing the Assembly that they have refused to recede from their amendments to Assembly Bill, entitled "an Act to Fix the Compensation of County Judges and Associate Justices of the Court of Sessions."

Also, that they have passed, without amendment, Assembly Bills, entitled "an Act to regulate Fees of Office;" "an Act regulating Marriages;" "an Act concerning Forcible Entries and Unlawful Detainers."

Also, that the Senate have appointed another Committee of Conference, consisting of Messrs. Robinson, Douglass, and Fair, on the disagreeing votes of the two Houses, on the Bill, entitled "an Act concerning Prisoners in Custody, under Sentence of Imprisonment."

Also, that they have appointed Messrs. Heydenfeldt, Bassham, and Douglass, a Committee of Conference on the disagreeing votes of the two Houses, on the Bill "to provide for the Payment of certain Post Office Expenses."

Also, that the President of the Senate has signed bills, severally entitled "an Act to amend an Act, entitled an Act Organizing the District Courts of the State of California;" "an Act explanatory of an Act entitled, an Act concerning the Revenue, Funds, Expenditure, and Property of the State, and Management thereof, approved Feb. 20th, 1850;" "an Act amendatory of the 28th and 30th Sections of an Act, subdividing the State into Counties, and establishing the Seats of Justice therein, approved Feb. 18th, 1850;" "an Act to prescribe the Duties of Sheriffs."

Also, that they have concurred in the amendments of the Assembly to Senate Bill, entitled "An Act relative to Bonds, Due Bills, and other instruments in writing, and making them assignable."

Also, that they have passed, with an amendment affixed to the margin of the bill, and changing the title, Assembly Bill, entitled "An Act of Limitations."

Also, with amendments, as affixed to the margin of the bill, "Joint Resolution of the Assembly, ordering certain reports of the Comptroller to be published, with the laws passed at this Session of the Legislature."

Mr. Crittenden moved the appointment of a Committee of Conference

on the disagreeing votes of the two Houses on "Bill to fix the Compensation of County Judges and Associate Justices of the Court of Sessions." Carried.

Whereupon the Speaker appointed Messrs. Crittenden, Hughes, and Cave, said committee.

"Bill of Limitations," returned from Senate with amendments, was taken up, and the amendments concurred in.

"Joint Resolution ordering certain reports of the Comptroller to be published," returned from Senate with amendments, was taken up.

Mr. Randolph moved to postpone the resolution and amendments indefinitely.

On this question the ayes and nays were demanded.

Those who voted in the affirmative were—

Mr. Aram	Mr. Crittenden	Mr. Moore
Bateman	Deal	Randolph
Brackett	Gray	Stowell
Clarke	McKinstry	Tingley
Corey	Morehead	Speaker
Covarrubias		—16.

In the negative—

Mr. Baldwin	Mr. Brown	Mr. Henley
Bradford	Cave	Walthall—6.

So the resolution and amendments were indefinitely postponed.

Mr Brackett moved a reconsideration of the vote just taken. Not agreed to.

A message from the Governor was received, informing the House that he had signed bills, entitled "An Act concerning Fraudulent Conveyances and Contracts," "An Act to prescribe the duties of Constables," "An Act concerning Coroners," "An Act to provide for the appointment, and prescribe the duties of Guardians," "An Act to amend an Act organizing the District Courts of the State of California." "An Act amendatory of the 28th and 30th sections of the Act subdividing the State into Counties, and establishing Seats of Justice therein, approved Feb. 18, 1850."

Mr. Brackett, from the Committee on the Judiciary, to whom was referred "Bill concerning jurisdiction in certain Counties of this State," reported the same back with amendments, which amendments were con-

curred in, and the bill, on motion, considered as engrossed, read a third time, and passed.

Mr. Crittenden offered the following resolution:—

Resolved, That all the Committees of Conference appointed by the House, are instructed to report at the afternoon Session of to-day.

Adopted.

Mr. Crittenden, from the Committee on Corporations, reported back "Bills to incorporate Los Angeles," and a petition from sundry Citizens of Sacramento City, praying for an Act of Incorporation.

All of which were laid on the table.

Mr. Aram, from the Select Committee, to whom was referred Senate Bill "to abolish all Laws now in force in this State, except such as have been passed by the present Session of the Legislature," reported the same back without amendment.

On motion of Mr. Crittenden the bill was referred to the Committee on the Judiciary.

On motion of Mr. Clarke, the House went into Committee of the Whole, Mr. McKinstry in the chair, on "Joint Resolution relative to Slavery in States and Territories." After its consideration the committee rose, reported the resolution to the House, with an amendment, and were discharged. The amendment was concurred in, the resolution considered as engrossed, and read a third time.

On its passage the ayes and nays were demanded.

Those who voted in the affirmative were—

Mr. Aram	Mr. Corey	Mr. Ogier
Baldwin	Covarrubias	Randolph
Bateman	Crittenden	Shepherd
Brackett	Deal	Stowell
Bradford	Henley	Tingley
Brown	McKinstry	Walthall
Cave	Morehead	Speaker
Clarke	Moore	—23.

In the negative—

Mr. Gray—1.

So the Joint Resolution passed.

Mr. Clarke moved to reconsider the vote just taken. Not agreed to.

A message from the Senate was received informing the Assembly, that they have concurred in the amendments of the Assembly to Senate

bill, entitled "an Act to regulate Practice in the Courts of Record of California, in civil cases."

Also, that they have refused to concur in the amendments of the Assembly to Senate bill, entitled "an Act to create the office of State Assayer, Melter, and Refiner, and define his duties," and have appointed a Committee of Conference thereon, consisting of Messrs. Crosby, Douglass, and Heydenfeldt, to meet any corresponding Committee which may be appointed on the part of the Assembly.

Also, that they have adopted a Joint Resolution of the Assembly, granting leave of absence to Justices Lyons and Bennett.

Also, that they have adopted the Report of the Conference Committee on the disagreeing votes of the two houses in relation to the bill, "to provide for the payment of certain Post-office expenses."

Also, that they have passed Assembly Bill "for the Government and Protection of the Indians," with an amendment affixed to the margin of the bill, and numbered "1."

Also, that the Governor has notified the Senate that he has signed bill entitled an Act explanatory of an Act concerning the Revenue, Funds, Expenditure, and Property of the State, and management thereof, approved February 20, 1850.

Mr. Stowell moved the appointment of a Committee of Conference, on the disagreeing votes of the two houses, on bill creating the Office of State Assayer. Carried.

Messrs. Crittenden, Cave, and Deal, were appointed said Committee.

"Bill for the Government and Protection of Indians," returned from Senate with amendments, was taken up, and the amendments were concurred in.

Mr. Bradford in the Chair.

The account of the Serjeant-at-Arms for fees was taken up, and allowed.

Mr. Hughes moved to take up "Bill for the Suppression of Gaming." On this motion the ayes and nays were demanded.

Those who voted in the affirmative were—

Mr. Aram	Mr. Covarrubias	Mr. Stowell
Bateman	Deal	Tingley
Brackett	Henley	Walthall
Brown	Hughes	Speaker
Corey	Randolph	—14.

In the negative—

Mr. Cave	Mr. Morehead	Mr. Shepherd
Clarke	Moore	Stewart
Gray		—7.

The motion did not prevail.

The Speaker decided the bill open for amendment. From this decision Mr. Morehead appealed. The question then was, "Shall the decision of the chair stand as the judgment of the House?" It was decided in the affirmative, and the decision of the chair was sustained.

Mr. Hughes offered the following amendment:—

Amend the Bill by inserting after the enacting clause the following Sections:

Section 1. All wagers, bets, or stakes, made to depend upon gaming by lot or chance, or upon any bet, chance, casualty, or unknown or contingent event whatever, shall be unlawful; and all contracts for and on account of any money or property or thing in action so wagered, bet, or staked, shall be void.

Section 2. Every person who shall by playing at any game, or by betting on the side or sides, or hands of such as do play, lose, at any one time or sitting, the sum or value of Fifty Dollars or upwards, and shall pay or deliver the same, or any part thereof, may, within three calendar months after the payment and delivery of such amount, sue for, and recover from the winner or winners thereof the money or value so lost.

Section 3. No person shall exhibit or play, or suffer to be exhibited or played, in his, her, or their house, outhouse, or lot, in view of the public, or in any place to which the public has access during such play, nor on any public grounds, streets, or highways, nor in any public building, any game or games played with cards or dice, as declared unlawful in this Act; and every person so offending, shall forfeit and pay for every such offence not less than Fifty Dollars, nor more than One Hundred Dollars.

Section 4. That if any person or persons, having a license to carry on any trade, business, or occupation, shall suffer any game or games prohibited in this Act to be exhibited, or played, in his, her, or their house, outhouse, lot, or grounds, he shall forfeit such license.

Mr. Baldwin moved to postpone the Bill and amendments indefinitely.

On this question the ayes and nays were demanded.

Those who voted in the affirmative were—

Mr. Baldwin	Mr. Gray	Mr. Shepherd
Cave	Morehead	Stewart
Clarke	Moore	—8.

In the negative—

Mr. Aram	Mr. Covarrubias	Mr. Randolph
Bateman	Deal	Stowell
Bradford	Henley	Tingley
Brown	Hughes	Speaker
Corey	Ogier	—14.

So the motion did not prevail.

Mr. Morehead moved to lay the Bill and amendments on the table, and make it the special order for half past 4 o'clock.

On this question the ayes and nays were demanded.

Those who voted in the affirmative were—

Mr. Baldwin	Mr. Gray	Mr. Ogier
Cave	Morehead	Shepherd
Clarke	Moore	Stewart—9.

In the negative—

Mr. Aram	Mr. Covarrubias	Mr. Stowell
Bateman	Deal	Tingley
Bradford	Henley	Walthall
Brown	Hughes	Speaker
Corey	Randolph	—14.

So the motion did not prevail.

Mr. Morehead moved a call of the House.

Agreed to.

The call was had, and Messrs. Brackett, Crittenden, McKinstry, Patterson, Per Lee, Scott, Wheeler, and Williams were absent.

The Sergeant-at-Arms was sent to request the attendance of the absentees.

On motion of Mr. Stowell, further proceedings under the call were dispensed with, and the Bill was made the special order for five o'clock.

On motion of Mr. Crittenden, the House adjourned until four o'clock P.M.

FOUR O'CLOCK P.M.

Mr. Moore, from a majority of the Select Committee, to whom was referred Bill for the remuneration of E. O. Crosby, reported the same back, with amendments.

Mr. Covarrubias, from the minority of the same Committee, reported as follows :—

Mr. Speaker:

As a minority of the Select Committee to whom was referred the bill for the remuneration of E. O. Crosby, I beg leave to submit the following report:—

All the expenses incurred in framing the Constitution of the State, as well as the election held under that Constitution, and in regard to its adoption on the 13th of November last, ought to have been paid by General Riley, who was the representative of the Government of the United States in this country. General Riley, at the proper time, issued a proclamation requiring all officers entitled to pecuniary compensation for their services, to present their claims, those of the Southern portion of the State at Monterey, and those of the Northern portion at San Francisco, before the 31st day of December.

There is no reason to doubt that Mr. Crosby had notice of this proclamation, nor is there any doubt that if he had presented his claim within the time specified by General Riley, as he should have done, he would have been paid. But his neglect to do so does not cast any liability on the State. In this matter I can regard the State in no other light than in that of an individual; and if it were between man and man I could not decide that Mr. Crosby has a just claim, notwithstanding that I have no doubt whatever that the services for which he asks compensation were faithfully and conscientiously rendered. For these reasons I cannot in any manner consent that the people of California should pay a debt which they do not owe.

I therefore recommend that the Bill be indefinitely postponed.

All of which is respectfully submitted.

J. M. Covarrubias.

The question recurred on the adoption of the amendments made by the majority of the Committee.

On this question the ayes and nays were demanded.

Those who voted in the affirmative were—

Mr. Aram	Mr. McKinstry	Mr. Tingley
Bateman	Morehead	Walthall
Corey	Moore	Speaker
Hughes	Stewart	—11.

In the negative—

Mr. Baldwin	Mr. Clarke	Mr. Randolph
Brackett	Covarrubias	Stowell
Bradford	Gray	
Cave	Ogier	—10.

So the amendments were adopted.

Mr. Ogier then moved to postpone the Bill indefinitely. On this question the ayes and nays were demanded.

Those who voted in the affirmative were—

Mr. Baldwin	Mr. Clarke	Mr. Ogier
Brackett	Covarrubias	Randolph
Bradford	Crittenden	Stowell
Cave	Gray	—11.

In the negative—

Mr. Aram	Mr. McKinstry	Mr. Tingley
Bateman	Morehead	Walthall
Corey	Moore	Speaker.
Hughes	Stewart	—11.

The motion did not prevail.

Mr. Hughes then moved to amend by striking out "$900," and inserting "$1200."

Mr. Morehead moved to lay the amendment on the table. Not agreed to.

The amendment was then adopted.

Mr. Bradford offered the following amendment:—

Also, the sum of $5,000 be, and the same is hereby appropriated to pay all necessary expenses in conducting the election in the District of Sonoma, subject to the restrictions as prescribed in the presentation of Claims as herein before provided. Adopted.

Mr. Cave offered the following amendment:—

That the sum of $500 be allowed Wm. Kincaid, as salary of Judge

of District of San José, from the 1st of December, 1849, to 1st of April, 1850. Adopted.

The Bill was then, on motion of Mr. Morehead, indefinitely postponed.

Mr. Brackett moved a reconsideration of the vote just taken. Not agreed to.

A message from the Senate was received, informing the Assembly that they have passed Assembly Bill, entitled "an Act concerning Licenses," with amendments accompanying the Bill, and marked "R. S. T."

Also, that Messrs. Fair, Crosby, and De la Guerra, have been appointed, by the Senate, a Committee of Conference on the disagreeing votes of the two Houses in relation to the bill, entitled "an Act fixing the compensation of County Judges."

Also, that they have passed "Bill prescribing the mode of appointing Auctioneers and defining their Duties."

Also, that they have appointed a Committee of Conference, consisting of Messrs. Crosby, Douglass, and Heydenfeldt, on the Bill entitled "An Act to create the Office of Assayer, Melter, and Refiner of Gold, and define his Duties."

Also, that the President of the Senate has signed Bill "to provide for the Incorporation of Colleges," and "a Joint Resolution classifying the Justices of the Superior Court of the City of San Francisco."

Also, that they have passed Assembly Bill entitled "An Act prescribing the mode of appointing Auctioneers, and defining their Duties," with amendments, as affixed to the margin of the Bill, and marked Nos "1" and "2."

Also, that they have adopted a Resolution, herewith transmitted, "in regard to a certain lunatic."

"Bill concerning Licenses," returned from Senate with amendments, was taken up, and the amendments were concurred in.

"Bill prescribing the mode of appointing Auctioneers, and defining their Duties," returned from Senate with amendments, was taken up, and the amendments concurred in.

Mr. Crittenden, from the Committee of Conference appointed on the disagreeing votes of the two Houses on Bill concerning Persons in Custody under Sentence of Imprisonment, reported that they had agreed that the Senate should recede from its amendment.

The report was concurred in.

Mr. Crittenden, from the Committee of Conference appointed on the disagreeing votes of the two Houses on Bill to fix the compensation of County Judges, and Associate Justices of the Court of Session, reported that they had agreed that the Assembly should concur in the amendment of the Senate.

The report was adopted.

Mr. Crittenden, from the Committee of Conference appointed on the disagreeing votes of the two Houses on Bill to prohibit the exercise of Banking privileges, reported that the Committee could come to no agreement on the subject.

Mr. Randolph moved that a Committee of Free Conference be appointed on the disagreeing votes on said Bill. Carried.

Messrs. Randolph, Clarke, and Deal, were appointed said Committee.

Special order of the day, viz. Bill for the Suppression of Gaming, was taken up.

The question was, on the adoption of the amendment proposed by Mr. Hughes.

Mr. Cave offered the following amendment as a substitute:—

Section ——. The Judges of each County Court shall, and are hereby authorized to regulate, license, tax, restrain, or suppress, billiard tables, tippling houses, dram shops, gaming, and gambling-houses, where such authority is not vested in city or town authorities by Acts of Incorporation.

Section ——. Before the County Court, or any city or town authorities, shall license any person or persons to conduct any business enumerated in section —— of this Act, the person or persons asking such license shall produce to the Court the names of at least fifty persons, signed by the persons whose names are on the petition, citizens, householders of the town, city, or neighborhood, where such business is intended to be located, recommending such license.

Section ——. The Court of Sessions, at their first meeting after the passage of this Act, or as soon thereafter as possible, shall determine, fix, and give public notice of, the rates for such license or licenses. On each license granted shall be printed the words "Sundays excepted;" and any person or persons conducting such business, having interest therein, or permitting it to be carried on in their or his house, or on his

or their premises, without such license, or shall fraudulently obtain, or apply for any person other than the person or persons named as asking for such license, shall be guilty of a misdemeanor, and shall, upon conviction thereof, be imprisoned not more than twelve months nor less than one month, and be punished by fine of not more than $5000, nor less than $25.

Section ——. Any person or persons licensed according to the provisions of this Act, who shall conduct such business in public, by exposing it to view in front rooms, or on the streets, lanes, avenues, alleys, or public walks or highways, or shall use drugging or any coercive measures to induce persons to play or bet, or shall persuade or allow any minor to be present, play, or bet, or shall keep open or carry on such business on the Sabbath day, or permit it to be kept open or carried on in his or their house, or on his or their premises on Sunday, shall forfeit his or their license, which shall not be renewed to him or them, or to any person for him or them, for twelve months thereafter; he or they shall also be guilty of a misdemeanor, and, upon conviction thereof before any Justice of the Peace, City Recorder, or court of competent jurisdiction, shall be imprisoned not less than thirty days, nor more than three months, and punished by fine of not less than $20, nor more than $1000.

Section ——. Any fine collected under the provisions of this Act, shall, one half go to the person or persons, officer or officers securing such conviction, the other half into the city, town, or county treasury, where such fine is imposed. On this the ayes and nays were demanded.

Those who voted in the affirmative were—

Mr. Cave	Mr. Deal	Mr. Stewart
Clarke	Moore	—5.

Those who voted in the negative were—

Mr. Aram	Mr. Crittenden	Mr. Shepherd
Baldwin	Gray	Tingley
Bateman	Henley	Walthall
Bradford	Hughes	Wheeler
Brown	Ogier	Speaker
Covarrubias	Randolph	—17.

So the amendment was not adopted.

Mr. Morehead moved to postpone the bill and amendments indefinitely. On this question the ayes and nays were demanded.

Those who voted in the affirmative were—

Mr. Baldwin	Mr. Gray	Mr. Ogier
Cave	Morehead	Shepherd
Clarke	Moore	Stewart
Crittenden		—10.

Those who voted in the negative were—

Mr. Aram	Mr. Covarrubias	Mr. Tingley
Bateman	Deal	Walthall
Bradford	Henley	Wheeler
Brown	Hughes	Speaker
Corey	Randolph	—14.

So the motion did not prevail.

Mr. Bateman moved the previous question, which was, "Shall the main question be now put?" Carried.

The question recurring on the adoption of the amendment proposed by Mr. Hughes, the ayes and nays were demanded.

Those who voted in the affirmative were—

Mr. Aram	Mr. Covarrubias	Mr. Stowell
Bateman	Deal	Tingley
Bradford	Henley	Walthall
Brown	Hughes	Wheeler
Corey	Randolph	Speaker—15.

Those who voted in the negative were—

Mr. Baldwin	Mr. Gray	Mr. Ogier
Cave	Morehead	Shepherd
Clarke	Moore	Stewart
Crittenden		—10.

So the amendments were adopted.

The question then recurred on the engrossment of the bill.

Mr. Morehead moved to adjourn. The ayes and nays were demanded.

Those who voted in the affirmative were—

Mr. Baldwin	Mr. Morehead	Mr. Shepherd
Cave	Moore	Stewart
Clarke		—7.

Those who voted in the negative were—

Mr. Aram	Brown	Mr. Crittenden
Bateman	Corey	Deal
Bradford	Covarrubias	Gray

Mr. Henley	Mr. Stowell	Mr. Wheeler
Hughes	Tingley	Speaker
Randolph	Walthall	—17.

So the motion to adjourn did not prevail.

The question recurring on the engrossment of the bill for a third reading on to-morrow, the ayes and nays were demanded.

Those who voted in the affirmative were—

Mr. Aram	Mr. Covarrubias	Mr. Stowell
Bateman	Deal	Tingley
Bradford	Henley	Walthall
Brown	Hughes	Wheeler
Cave	Randolph	Speaker
Corey		—16.

Those who voted in the negative were—

Mr. Baldwin	Mr. Gray	Mr. Shepherd
Clarke	Morehead	Stewart
Crittenden	Moore	—8.

So the bill was ordered to be engrossed.

Mr. Clarke moved to refer the bill to a Select Committee, with instructions to insert the following:—That the provisions of this Act shall extend to all dram shops, tippling shops, and bawdy-houses." Also, to amend section — by striking out "$50" to "$100," and inserting "$1000" to "$5000."

Mr. Bradford moved to lay the motion on the table; on this motion the ayes and nays were demanded.

Those who voted in the affirmative were—

Mr. Aram	Mr. Covarrubias	Mr. Tingley
Bateman	Henley	Walthall
Bradford	Hughes	Wheeler
Brown	Randolph	Speaker
Corey	Stowell	—14.

Those who voted in the negative were—

Mr. Baldwin	Mr. Deal	Mr. Moore
Cave	Gray	Shepherd
Clarke	Morehead	Stewart
Crittenden		—10.

So the motion prevailed.

Mr. Deal, from the Committee of Conference on the disagreeing votes

of the two Houses on "Bill creating the office of State Assayer," reported as follows:—

MR. SPEAKER:—

The Committee of Conference have had under consideration a bill establishing a State Assaying office, and report as follows:—That the Senate will concur in the amendments of House with the following amendments:

Sec. 2. Strike out "100," and insert "50."

Sec. 15. Strike out, and insert as follows:—The Governor may, when petitioned so to do, direct the Director and Assayer to establish a branch or branches of their office at *Sacramento*, and Stockton, or Sonora. They shall cause all business of such branch or branches to be conducted in all respects in accordance with the provisions of this Act, regulating the office at San Francisco. The Director and Assayer shall give an additional bond of fifty thousand dollars for each branch formed under the provisions of this Act, and all ingots or bars made at either branch shall be stamped, marked, and numbered as directed in Sec. 9, and, in addition, the words "Sacramento," or "Stockton," or "Sonora."

Sec. 16. Strike out "Each and every," and insert "The."

Mr. Morehead moved to lay the Report on the table.

On this motion, the ayes and nays were demanded.

Those who voted in the affirmative were—

Mr. Baldwin	Mr. Covarrubias	Mr. Moore
Bateman	Morehead	Stewart
Cave		—7.

In the negative—

Mr. Aram	Mr. Deal	Mr. Stowell
Bradford	Gray	Tingley
Brown	Henley	Walthall
Clarke	Hughes	Wheeler
Corey	Randolph	Speaker
Crittenden	Shepherd	—17.

The motion did not prevail.

Mr. Moore then moved to adjourn. On this question, the ayes and nays were demanded.

Those who voted in the affirmative were—

Mr. Bateman	Mr. Hughes	Mr. Shepherd
Cave	Morehead	Stewart
Covarrubias	Moore	Speaker—9.

In the negative—

Mr. Aram	Mr. Crittenden	Mr. Randolph
Bradford	Deal	Stowell
Brown	Gray	Tingley
Clarke	Henley	Walthall
Corey		—13.

So the motion did not prevail.

Mr. Stowell demanded the previous question, which was, "Shall the main question be now put?" Carried.

The question recurring on the adoption of the report, it was agreed to.

Mr. Stowell moved a re-consideration of the vote just taken, by which the Report was adopted. Not agreed to.

On motion of Mr. Henley, the House adjourned until 8 o'clock PM.

EIGHT O'CLOCK P.M.

No quorum appearing, on motion of Mr. Ogier the House adjourned until to-morrow morning, 10 o'clock.

HOUSE OF ASSEMBLY.

SATURDAY, *April* 20, 1850.

House met, pursuant to adjournment.

Prayer by Rev. Mr. Douglass.

The roll was called, and the following members were absent, viz.—Messrs. Baldwin, Brackett, Clarke, Covarrubias, Corey, Hughes, Morehead, Moore, Patterson, Per Lee, Randolph, Scott, Shepherd, and Williams.

No quorum being present, the Sergeant-at-Arms was, on motion of Mr. Bateman, sent to request the attendance of absent members.

A quorum appearing, the Journal of yesterday was read and approved.

Mr. Bradford, from the Committee on Enrolled Bills, reported as

correctly enrolled, "an Act relative to Bonds, Due Bills, and other instruments in writing, and making them assignable;" "an Act providing for the payment of certain Post-Office Expenses of the Assembly, and certain contingent expenses of the Senate;" "an Act concerning the Writ of Habeas Corpus;" "an Act creating the office of State Assayer, Melter, and Refiner of Gold, and defining his Duties."

Also, that they have presented to the Governor, for his signature, "an Act to provide for the Incorporation of Colleges;" "an Act providing for the payment of certain Post-office Expenses of the Assembly, and certain contingent Expenses of the Senate;" and "a Joint Resolution, classifying the Justices of the Superior Court of the City of San Francisco."

The Speaker laid before the House communication from Hon. Henry A. Tefft, tendering his resignation as member, to take effect from the 1st day of April.

On motion, the same was accepted, and ordered that the Governor be informed thereof.

Mr. Crittenden, from the Committee of the Judiciary, to whom was referred, "bill to regulate proceedings against debtors by attachment," reported the same back with amendments, which amendments were concurred in, and the bill, on motion, was considered as engrossed, read a third time, and passed.

Mr. Crittenden, from the same Committee, to whom was referred Senate "bill to Abolish all Laws now in force in this State, except such as have been passed by the present Session of the Legislature," reported the same back with amendments, which amendments were concurred in, and the bill read a third time, and passed.

(Mr. Tingley in the chair.)

A message from the Senate was received, informing the Assembly that they have concurred in the report of the Conference Committee on the disagreeing votes of the two houses, in relation to the bill entitled "an Act creating the office of State Assayer, Melter, and Refiner, and defining his duties." Also, in the report of the Committee of Conference, on the disagreeing votes of the two Houses in relation to the act entitled "an Act concerning persons in custody under sentence of Imprisonment."

Also, that the President of the Senate has signed bill, entitled "an Act providing for the payment of certain Post Office Expenses of the

Assembly, and Contingent Expenses of the Senate;" and a "Joint Resolution, granting leave of absence to Justices Lyons and Bennett."

Also, that the Senate have concurred in the report of the Committee of Conference, on the disagreeing votes of the two Houses, in relation to the "Act to fix the compensation of County Judges and Associate Justices of the Court of Sessions."

Also, that the Senate, in compliance with the request of the Assembly, have appointed another Committee of Conference, consisting of Messrs. Fair, Woodworth, and Robinson, on the disagreeing votes of the two Houses, on the bill entitled "an Act to prohibit the exercise of Banking Privileges."

Also, that the Senate have passed Assembly Bills, severally entitled "an Act concerning the Counties of Maine and other unorganized Counties of the State;" "an Act in relation to Set-Off;" "an Act for the Relief of persons imprisoned on Civil Process."

Also, that the President of the Senate has signed bills, severally entitled "an Act concerning the Writ of Habeas Corpus;" "an Act creating the office of State Assayer, Melter, and Refiner of Gold, and defining his duties;" "an Act relative to Bonds, Due Bills, and other instruments in writing, and making them Assignable."

"Bill to Suppress Gaming" was taken up and read a third time, when, on motion of Mr. Cave, there was a call of the House, and the following members were absent, viz.—Messrs. Bracket, Cardwell, Covarrubias, Gray, Morehead, Moore, Patterson, Per Lee, Randolph, Scott, Shepherd, and Williams.

On motion of Mr. Deal, further proceedings under the call were dispensed with.

The question being on the passage of the Bill, the ayes and nays were demanded.

Those who voted in the affirmative were—

Mr. Aram	Mr. Corey	Mr. Tingley
Bateman	Deal	Walthall
Bradford	Hughes	Wheeler
Brown	Stowell	—11.

In the negative—

Mr. Baldwin	Mr. Crittenden	Mr. Ogier
Cave	McKinstry	Shepherd
Clarke	Moore	Stewart—9.

The bill passed.

Mr. Clarke then moved to amend the title, by striking out the word "Suppress," and insert "Allow." Not agreed to.

A message was received from the Governor, by his Private Secretary, informing the House that he had signed "an Act to provide for the incorporation of Colleges;" "an Act to regulate proceedings in Criminal Cases;" "an Act providing for the payment of certain Post Office expenses of Assembly, and of certain contingent expenses of the Senate;" "an Act to amend an Act entitled an Act to regulate proceedings in Criminal Cases," and "a Joint Resolution classifying the Justices of the Superior Court of the City of San Francisco."

Mr. Stowell, from the Joint Committee on Enrolled Bills, reported that they had this day presented to the Governor for his signature, "an Act concerning the writ of Habeas Corpus;" "an Act creating the office of State Assayer, &c.;" "an Act relative to Bonds, Due Bills, and other instruments in writing, and making them assignable."

Mr. Crittenden, from the Committee on the Judiciary, reported a substitute for an Act to change or abolish certain provisions of the Common Law, which substitute was adopted, and on motion considered as engrossed, read a third time, and passed.

On motion of Mr. Deal, the House adjourned until 4 o'clock.

FOUR O'CLOCK P.M.

No quorum being present, the House adjourned until 8 o'clock P.M.

EIGHT O'CLOCK P.M.

Mr. Bradford, from the Committee on Enrolled Bills, reported as correctly enrolled, "an Act to regulate proceedings in Civil Cases in the District Court, the Superior Court of San Francisco, and Supreme Court;" also, that they have this day presented to the Governor for his signature, "an Act to regulate proceedings in Civil Cases, in the District Court, the Superior Court of the City of San Francisco, and the Supreme Court;" "an Act concerning Forcible Entries and Unlawful Detainers;" "an Act concerning persons in Custody, under Sentence of Imprisonment."

Mr. Clarke presented a petition from sundry Physicians of San Francisco remonstrating against the passage of "an Act to regulate the Practice of Medicine and Surgery in California." Laid on the table.

A message from the Senate was received, informing the Assembly that they have concurred in the 1st and 2d amendments of the Assembly, to Senate Bill, entitled "Act to abolish all Laws now in force in this State, except such as have been passed by the present Session of the Legislature," and have non-concurred in the 3d of those amendments.

Also, that they have passed without amendment Assembly Bill, entitled "an Act to regulate proceedings against Debtors by attachment."

Also, that the Senate have passed a concurrent resolution, herewith transmitted, authorizing the State Translator to employ an assistant.

Senate "Bill to abolish all Laws now in force except such as have been passed by the present Legislature," returned from the Senate with a message that they refuse to concur in Assembly's 3d amendment, was taken up.

On motion of Mr. Tingley, the House receded from their amendment.

Concurrent Resolution of the Senate in relation to an Assistant Translator was taken up, read 1st time, and on motion laid on the table.

Mr.. Baldwin offered the following resolution:

Resolved, That the transcribing Clerks be continued in their office after the adjournment of the Legislature until they have completed the copying of the Journals of this House, to be under the direction and supervision of the Secretary of State. Adopted.

A message from the Senate was received, informing the Assembly that they have passed a bill, herewith transmitted, entitled "an Act to provide for the distribution of the Journals, Laws, Supreme Court Reports, and other documents."

A message was received from the Governor, informing the House that he had signed "an Act concerning the writ of Habeas Corpus," and "an Act to prevent the Coining of Money by Individuals."

Senate Bill to provide for the distribution of Journals, Laws, Court Reports, and other documents, was taken up, read 1st and 2d time, and referred to the Committee on Printing.

On motion, the House adjourned until Monday morning, 10 o'clock.

HOUSE OF ASSEMBLY.

MONDAY, *April* 22, 1850.

House met, pursuant to adjournment.

Prayer by Rev. Mr. Briarly.

The roll was called, and the following members were absent, viz.—Messrs. Brackett, Cardwell, Cave, Clarke, Corey, Crittenden, Deal, Gray, McKinstry, Morehead, Moore, Per Lee, Randolph, Scott, Shepherd, and Stewart.

No quorum being present, the Sergeant-at-Arms was sent to request the attendance of absent members. A quorum appeared, and the Journal of Saturday was read and approved.

On motion of Mr. Tingley, the vote by which the House receded from their third amendment to Senate "Bill to abolish all Laws now in force in this State, except such as have been passed by the present session of the Legislature," was re-considered.

The question recurring on the motion to recede from said amendment, it was not agreed to.

On motion of Mr. Moore, the House took up Senate concurrent resolution, in relation to Assistant Translator.

Mr. Moore moved to postpone the same indefinitely. On this question, the ayes and nays were demanded.

Those who voted in the affirmative were—

Mr. Bateman	Mr. Patterson	Mr. Walthall
Corey	Stewart	Williams
McKinstry	Stowell	Speaker—10.
Moore		

In the negative—

Mr. Aram	Mr. Deal	Mr. Per Lee
Covarrubias	Henley	Shepherd
Crittenden	Hughes	Tingley—9.

So the motion prevailed.

The Speaker laid before the House communications from Hon. E. W. McKinstry and J. M. Covarrubias, tendering their resignations as members from their respective districts.

The resignations were, on motion, accepted, and it was ordered that the Clerk inform the Governor thereof.

Mr. Bradford, from the Committee on Printing, to whom was referred

Senate "Bill for the Distribution of Journals, Laws, Court Reports, and other documents," reported the same back with amendments, which amendments were concurred in, and the bill read a third time and passed.

Senate "Bill amendatory of an Act providing for the erection of a Marine Hospital," was taken up, read a third time, and passed.

Mr. Walthall offered the following resolution :—

Resolved, That the thanks of this House be tendered to the Hon. John Bigler, for the impartial and gentlemanly manner in which he has exercised the duties of Speaker of the Assembly, at its present session.

The resolution was unanimously adopted.

Mr. Baldwin, from the committee appointed under a joint resolution to draft an address in relation to the admission of California into the Union, reported the following address :—

AN ADDRESS

By the People of California to the Citizens of the United States on the Application of California for admission into the Union.

Prepared by a Joint Committee of the two Houses of the Legislature.

PUEBLO DE SAN JOSE,
April 22d, 1850.

FELLOW COUNTRYMEN :

We address you in the name of the People of California, as Citizens of a common country, to which our earliest affection was pledged, and the love of the patriot is now devoted ; and we ask an audience such as *Americans* may ask and *Americans* will give. This request, circumstances, with which you are acquainted, render proper, and it may be necessary ; for we are pained to know that the deep agitation which unhappily prevails throughout the broad limits of the Union, is attributed to our application for admission into the Union as a State ; and the occasion has been used to excite your minds to a degree which directs all true patriots, and, indeed, all genuine friends of Liberty throughout the world, to look to the hazards and jeopardy of the Union, and to reproach in their very souls the bad spirits that conspire its ruin. We may declare that our highest boast is allegiance to the Union, and a right to an equal participation in the glory and Constitution of our country.

We feel, too, that the greatest calamity which could befall us as a

people, would be an insensibility of our political obligations; and our cup of misery would be full, when such an assurance was engraved upon our hearts.

We pray to avert any such calamity from us, and wash our hands, before God and the world, of treason to the Constitution and disloyalty to the Union.

Our young and adventurous State seems to experience, by some strange combination of events, less favor from our own countrymen than from the rest of mankind; for, while our golden valleys and mountains are exciting universal wonder, and attracting the bold and hardy from every quarter of the globe, and our institutions, modelled after the *American* structure, are calling forth the admiration of the nations of the earth—*its* people congregated here from every part of the Union—*Americans, all* are made the subject of bitterest debate and most reckless legislation in the Halls of Congress. This ought not to be so. They who have employed their time in this way, could have served their country far better, we humbly believe, had they been engaged in the enactment of a law uniform in operation, prohibiting, under the penalties of high crimes and misdemeanors, all persons from creating the unholy excitement that menaces the Union. We submit this suggestion to your wisdom and consideration.

We are not altogether ignorant of the natural and inherent rights of a people, nor of the inalienable rights of man. We proudly turn to the early struggles of freemen for these rights, and point with admiration and gratitude to the great men of the Revolution, who so illustriously defended and firmly established them, and gave to *Americans* the glory of being the first to enjoy the blessings of legal liberty and constitutional freedom. Our early education taught us the paramount importance of these Rights, both to our social and political welfare and happiness; and experience has confirmed our attachment, and enlarged our devotion, to the wise institutions and enlightened policy of our Government. We are aware that these things are as "familiar as household words," and need not either recapitulate or attempt to enlarge upon them. As citizens of California, we claim the great privilege, and all the benefits, of American citizenship; and we tell our countrymen, that, whatever evil may result to our common country, or to any portion thereof, from this profound excitement, will be the work of other hands, and the effect of other counsels, than our own. We repel the

charge, or the suspicion of any and all participation on our part in the schemes now in agitation, affecting the integrity of the Union, planned, continued, and advocated, as we believe, by vehement partisans, and often, we grieve to add, by bad men and silly fanatics, who appear to us not to feel the impulse of pure patriotism, and to be incapable of rising in sentiment to the dignity of honest devotion to the Union.

Studiously avoiding elaboration upon the absorbing question that now excites and agitates the American nation, we come to a brief assertion of our political rights. We say, that, though young in political existence, we are old in political rights; we repudiate the construction that we must remain for a number of years in apprenticeship, before we may properly and constitutionally memorialize Congress to admit California into the Union, or Congress may constitutionally and rightfully admit us. The doctrine, if it deserve the title, is inconsistent with the rights of freemen, and conflicts with the spirit of our institutions. As a people, we believe, and assert, that we have now, as well as we would have fifty years hence, an entire and exclusive direction and control of our political affairs, provided only that we conform to the requirements of the Constitution of the United States, which does not, in our humble opinion, restrict us, save in the *form* of the government we ordain. We assert, that we can do all acts and things which a free people may rightfully do. We solemnly deny that Congress has the power to exercise any political jurisdiction or authority over *the people* of California, even under the construction, that, in contemplation of the Constitution, this country is a territory, and not a State, of the Union.

We grant the power of Congress to make all needful rules and regulations concerning the *Territory* or other *property* of the United States, and we deny to the people of this State to interfere in the primary disposal of the soil, or to pass any laws that might conflict with any regulations which Congress may find necessary concerning such territory or public property. But we boldly declare that in emigrating to, and settling in a territory of the Union, we have not, nor cannot be considered to have lost our guaranteed right; and repudiate the dogma that mere change of residence from one part of the Union to another vitiates or impairs our claims to the political privileges and benefits conferred by the Constitution upon all citizens equally. Such an interpretation is repugnant to reason, justice, and good faith; and is applicable only to men who are alike unworthy of the name, and beneath the respect due to

those who, knowing their own rights, know best how to appreciate those of others.

Here, as elsewhere, we hold that in political freedom we are all equals, and equally entitled to participate in the glory of our Country, and in the benefits of its Constitution. We will never yield the belief, we cannot. We have left our homes in "the States," and have become citizens of California; but we have not expatriated ourselves, nor lost the honored name of *Americans*. Herein we have met as brethren from every section and state of the Union, bringing with us every variety and peculiarity of the American character. Like members of a large family, who have not enjoyed a familiar acquaintance, we have convened in this wonderful country, and linked ourselves in political destiny. Besides, we have among us thousands of aliens, emigrants from every quarter of the world, and island of the sea. And yet, notwithstanding the diversity of religious, political, and, we may add, sectional sentiment and opinion, and the constant excitement pervading our entire population in search of our vast treasures of precious metals, it is astonishing to know that no people on the earth present such an example of patience, such a restraint of the passions, and such a mastery of sectarian and partisan feeling, as the law-abiding people of California.

We are mingling daily in all the ramifications of society, trade, and adventurous commerce, yet it cannot but be a moral wonder that crime among us should be comparatively a rare occurrence, disorder and proper commotion more rare, and general tranquillity, as usual as the rising and setting of the sun. Wise men could learn from the condition of things herein a salutary lesson, and we hope our example will not be lost upon our countrymen. We are satisfied that the unity of feeling that prevails here is not unworthy of emulation, and are assured, that whether right or wrong in the position we have taken, the agitation of the delicate question to which allusion has been often made in this address, and of which the people of this country, as far as it concerns them, have the exclusive disposition and control, might very properly give place to moderation, at least, if not to a praiseworthy renunciation of all interference with the constitutional rights of the people of California.

A decent regard to a well known maxim, not less true in private than in public matters, will at once suggest our meaning and apply our advice. The contest between the sectional parties of the Union upon this point, is a serious farce and calamitous occurrence—so far it seems

to us, as we are involved in it. If the North, for example, would oppose our admission, because our Constitution contained a provision which was not in agreement with the celebrated proposition of a notorious citizen of Pennsylvania, the people of this country would as one man frown upon such opposition, and hold up the enormity to the reprobation of freemen. In our opinion, these truths are evident:—

1st. That the government of the United States is a government of limited powers, clearly defined in the Constitution.

2d. That Congress cannot, under the Constitution, exercise exclusively even the powers granted, except in three cases. First, Where the Constitution grants an exclusive authority to the Union, in express terms. Secondly, Where it grants in one instance an authority to the Union, and in another prohibits the States from the exercise of a like authority. Thirdly, Where it grants an authority to the Union, to which a like authority exercised by the States would be absolutely and totally contradictory and repugnant.

3d That, in all these cases, the power to pass any such proposition as is referred to above is neither granted expressly nor impliedly. Twelve out of the original thirteen States maintained and engrafted upon the Constitution their rights, which cannot be changed nor impaired by this odious proviso, and which it would be unconstitutional, impolitic, and grossly violative of good faith to enact; and the people of a territory, North and South, East or West, should resist, as becomes men who value republican liberty, and respect the Constitution of their country, any such proposition.

Our fellow citizens of the Northern States will fully concur with us in this truth.

4th. That Congress has no power to interfere with the domestic institutions of any State, and each State is a sovereignty, restrained in the exercise of sovereign rights only by the powers transferred and surrendered by it to the general government. And again in this:

5th. That any interference on the part of Congress with the domestic institutions of a territory, after the people thereof have in convention framed a constitution and afterwards adopted the same, is unauthorized by the Constitution, is wrong in itself, dangerous in tendency, and destructive of the inherent rights of a people to establish and ordain their own government, or to abolish or alter an existing one.

6. That a Territory of the Union is the common property of all the

States, vested in the Union as the Trustee of the American People, and restricted only in its disposal and control by Congress in accordance with the inherent and inalienable rights embodied in the foregoing statement.

A similar reply we could make to the opposition of the South based upon a contrary proviso in our Constitution. But the good sense of our brethren of the South, we trust, renders any remarks on this point unnecessary. We, as well as they, have witnessed the fanaticism of certain classes of ultra Abolitionists in the States, few in number, and powerless to consummate their wicked purposes; we too have condemned the Abolition gang that is waging an unholy crusade against the Constitution and integrity of our glorious Union; we, too, have marked their progress, and prayed for the day when these enemies to all that Americans hold most dear, should be arraigned before the tribunal of an outraged people, and forced to suffer the severities of punishment due to national crimes and treason against the Constitution.

The People of this State have established a Government; Congress, it is true, has the constitutional power to alter the same so as to render or continue it as a Territory; but its exercise, in this instance, we believe, would be dangerous, and we beg that wisdom may direct it. We believe that we alone can rightfully alter or abolish it. No other power rightfully can. Whether we will do so or not, *should* rest alone with ourselves. But our admission into the Union is controllable by the Congress of the United States, and our application is now before that august body. Whether our prayer will be heard or not, we, of course, cannot predict. We only know that we have petitioned under the Constitution, and have a right to be heard. We believe there is no sound reason for the rejection of our prayer or a postponement of the anxiously looked for day, when we may behold our young State in the Glorious Sisterhood of American Sovereignties. Yet, whatever be the fate of our prayer, we will not despair, nor will the continued neglect of Congress shake our attachment to our country or love for our countrymen. Nor will we reproach the Legislators of the Union who, in the discharge of their responsible duties, at one time leave their countrymen to the mercy of the laws written in a foreign language, and unsuited to their Government, and then, when these laws are overthrown by *Americans* fresh from "the States," and American Laws and Institutions established in their place, cry out against their brethren, and

denounce the Constitution as the work of ignorant and unworthy men. We will not remind them of our many inconveniences and sufferings under the Mexican System of Laws; we will not narrate the occasions of hardships and grievances that crowd upon our memory; in fine, we will not attempt any supplication—we need not—we would not. But we have one request which, we beg, will be deliberately and patriotically considered, that is to say, should Congress refuse to admit California as a State into the Union, we pray that their action will cease with the refusal, and that, as heretofore, they will neglect to pass any Law for the benefit of California. Upon the happening of this event, we will not further ask the attention of Congress to our interests, and beg that our wishes will be considered as embodied in a simple request contained in three words, "*Let us alone.*"

Our brief address is before you. The undersigned have prepared and published it amid the press of business, at the close of the first Session of our Legislature; but the sentiments and principles contained and advocated herein, are the general sentiments and principles of the people whom we represent.

D. F. DOUGLASS,
ELCAN HEYDENFELDT,
WM. D. FAIR,
Committee of Senate.
D. P. BALDWIN,
MADISON WALTHALL,
WM. M. SHEPHERD,
Committee of Assembly.

The Address was, on motion, laid on the table, and made the special order for 4 o'clock P.M.

A message from the Senate was received, informing the Assembly that they have concurred in the amendments of the Assembly to Senate Bill providing for the distribution of the Journals, Laws, Supreme Court Reports, &c.

Also, that they have concurred in the third amendment of the Assembly to Senate Bill, entitled "An Act to abolish all laws now in force, except such as have been passed by the present Session of the Legislature."

Also, that the President *pro tempore* of the Senate has signed bills,

severally entitled "An Act for the relief of persons imprisoned on civil process;" "An Act to regulate Fees of Office;" "An Act concerning the County of Marin and the other unorganized counties of this State;" "An Act to regulate proceedings against debtors by attachment;" "An Act defining the time for commencing Civil Actions;" "An Act amendatory of section second of an act creating a Marine Hospital for the State of California;" "An Act relating to set-off."

A message from the Governor was received, informing the House that he had signed Bills entitled "An Act for the relief of persons imprisoned on civil process;" "An Act defining the time for commencing Civil Actions;" "An Act prescribing the mode of appointing Auctioneers, and defining their duties;" "An Act concerning persons in custody under sentence of imprisonment;" "An Act concerning licenses;" "An Act concerning the County of Marin, and other unorganized counties in this State;" "An Act concerning forcible entries and unlawful detainers;" "An Act regulating Marriages;" "An Act respecting set-off;" "An Act for the government and protection of Indians;" "An Act to fix the compensation of County Judges, and Associate Justices of the Court of Sessions;" "An Act to regulate Fees of Office;" and "An Act concerning corporations."

On motion, the House adjourned until four o'clock P.M.

FOUR O'CLOCK P.M.

Mr. Stowell, from the Joint Committee on Enrolled Bills, reported that they have examined, and find correctly enrolled, the following bills:—

"An Act relating to Set-Off;" "an Act for the Relief of Persons imprisoned on Civil Process;" "an Act to regulate Fees of Office;" "an Act concerning the County of Marin and other unorganized Counties of this State;" "an Act of Limitations;" "an Act to regulate proceedings against Debtors by Attachment;" "an Act amendatory of section 2nd of an Act creating a Marine Hospital for the State of California;" "an Act to regulate the settlement of the Estates of deceased Persons;" "an Act concerning Corporations;" "an Act for the Government and Protection of Indians;" "an Act regulating Marriages;" "A Joint Resolution in relation to the Care and Protection of the State Property now in use by the Legislature;" "an Act prescribing the mode of appointing Auctioneers and Defining their Duties;" "an Act to fix

the Compensation of County Judges, and Associate Justices of the Court of Sessions;" "an Act concerning Licenses."

Also, that they had presented to the Governor for his signature, "an Act amendatory of section second of an Act creating a Marine Hospital for the State of California;" "an Act to regulate proceedings against Debtors by Attachment;" "an Act relating to Set-Off;" "an Act for the Relief of Persons Imprisoned by Civil Process;" "an Act to regulate Fees of Office;" "an Act concerning the County of Marin and other unorganized Counties of this State;" "an Act of Limitations;" "an Act to regulate Proceedings against Debtors by Attachment;" "an Act concerning Corporations;" "an Act for the Government and Protection of Indians;" "an Act regulating Marriages;" "a Joint Resolution in relation to the Care and Protection of the Property of the State now in use by the Legislature;" "an Act prescribing the mode of appointing Auctioneers, and defining their Duties;" "an Act to fix the Compensation of County Judges, and Associate Justices of the Court of Sessions;" "an Act concerning Licenses;" "an Act to Abolish all Laws now in force in this State, except such as have been passed by the present Session of the Legislature;" "an Act to provide for the distribution of the Journals, Laws, Supreme Court Reports, and other Documents."

Also, that they have examined, and found correctly enrolled, "an Act to Abolish all Laws now in force in this State, except such as have been passed by the present Session of the Legislature."

A message from the Governor was received informing the House that he had signed "an Act to regulate the Settlement of the Estates of Deceased Persons," and "an Act to regulate proceedings against Debtors by attachment."

The address of the Committee in relation to the admission of California into the Union, was taken up, when, on motion of Mr. Moore, it was referred back to same Committee, with instructions to report at 8 o'clock P.M.

A message from the Senate was received informing the Assembly that the Governor has notified the Senate that he did this day sign bills severally entitled, "an Act to regulate proceedings in Civil Cases in the District Court, the Superior Court of the City of San Francisco, and Supreme Court;" "a Joint Resolution in relation to the care and protection of the State Property now in use by the Legislature."

Mr. Tingley moved the appointment of a Committee to act with

a corresponding Committee of Senate to wait upon the Governor, and inform him that the two Houses have completed the business before them. The motion prevailed.

Messrs. Tingley, Stowell, and Morehead were appointed said Committee.

On motion of Mr. Henley, the House adjourned until 8 o'clock P.M.

8 O'CLOCK P.M.

Mr. Wheeler, from the Committee of Conference, appointed on the disagreeing votes of the two Houses on "Bill concerning Attorneys and Counsellors at Law," reported that they had been unable to agree, and recommended the indefinite postponement of the Bill. The report was adopted.

Mr. Wheeler offered the following resolution :—

Resolved, That the Clerk of this House be allowed ten days to manage the Journals and other business of the Clerk's department, and that he be allowed his per diem pay while so engaged. Adopted.

Mr. Tingley, from the Joint Committee of the two Houses, appointed to wait on the Governor and know if he had any further communications to make to the Legislature, reported that they had discharged that duty and received for answer "That he had no further communications to make to that body."

Mr. Randolph, from the Committee of Conference, on disagreeing votes of the two Houses, on "Bill to prohibit the exercise of Banking Privileges," reported that they had been unable to agree.

A message from the Senate was received, informing the Assembly that they have appointed a committee on their part to meet any corresponding Committee which may be appointed on the part of the Assembly, to wait on the Governor, and inform him that the two Houses having completed the business before them, are ready to adjourn *sine die*, if he has nothing further to communicate to them.

Committee, Messrs. Green, Lippincott, and Vallejó.

Mr. Baldwin, from the Committee, to whom was referred the address in relation to the admission of California into the Union, reported the same back with amendments.

Mr. Deal moved to lay the address on the table.

Mr. Morehead demanded the ayes and nays.

Those who voted in the affirmative were—

Mr. Aram	Mr. Deal	Mr. Ogier
Brown	Gray	Patterson
Covarrubias	Henley	Tingley
Crittenden	Hughes	Wheeler—12.

In the negative—

Mr. Baldwin	Mr. Morehead	Mr. Stewart
Bradford	Moore	Stowell
Clarke	Per Lee	Walthall
Corey	Randolph	Speaker
McKinstry	Shepherd	—14

The motion did not prevail.

The address and amendments were then read.

Mr. Cave moved to lay it on the table.

The ayes and nays were demanded.

Those who voted in the affirmative were—

Mr. Aram	Mr. Covarrubias	Mr. Ogier
Bradford	Crittenden	Patterson
Brown	Deal	Stowell
Cave	Gray	Tingley
Clarke	Henley	Wheeler
Corey	Hughes	Speaker—18.

In the negative—

Mr. Baldwin	Mr. Morehead	Mr. Shepherd
Bateman	Moore	Stewart
McKinstry	Randolph	Walthall—9.

The motion prevailed.

Mr. Walthall offered the following resolution :—

Resolved, That the Clerk of the House inform the Senate that they have no further business to transact, and are now ready to adjourn *sine die*. Adopted.

A message was received from the Senate informing the Assembly that they have concurred in the Report of the Conference Committee, on the disagreeing votes of the two Houses, on the bill entitled "an Act concerning Attorneys and Counsellors at Law."

Also, that the Governor has notified the Senate, through his Private Secretary, and also through the Joint Committee of the Senate appointed to wait upon him, that he has no further communication to make at the present Session of the Legislature.

Also, informing the House that the Senate have completed all the business before them, and are now ready to adjourn *sine die.*

The Journal was then read and approved, when the Speaker delivered the following valedictory—

GENTLEMEN OF THE ASSEMBLY—

It is perhaps unnecessary for me to assure you that I feel truly grateful for the expression of your approval of my conduct as your Presiding Officer; but so signally have you, on many occasions, manifested your partiality and confidence, that I feel called upon to give you the most solemn assurance of a proper appreciation of your unvarying kindness.

Before pronouncing the final words dissolving this Assembly, and severing perhaps for ever the relations that have subsisted between us for the last few months, I feel myself called upon, in accordance with universal custom under similar circumstances, to address to you a few words at parting.

We met, gentlemen, under the most peculiar circumstances that ever yet attended the birth of a new State. Drawn from their homes, over the land and sea, braving the summer's heat and the winter's cold, and all the perils and hardships of a tedious journey, in the pursuit of a legitimate enterprise, the people of this country have made themselves a new home in this land of California, hitherto deemed almost unapproachable. As the chosen Representatives of this people, we met together in December last, to lay the foundation of a government, and to frame a system of laws that I trust are destined to last for ages. It was a mission worthy of the loftiest ambition; a work calculated to call into exercise the strongest energies and the best impulses of our nature.

The exercise of our natural faculties, under any circumstances, influences either for good or evil, in some measure, the destinies of present and future generations. How much more so with us, chosen as we are by the people to stamp upon the young State the impress of order and of law? Whether we have succeeded in satisfactorily discharging the duties imposed upon us by the favor of our constituents, time alone can determine. The task, indeed, was one of no ordinary difficulty. It was necessary to frame a system of laws not unsuited to the character of the institutions under which we have heretofore lived, and yet such as would not outrage too much the prejudices and partialities of the natives

of the soil. That this delicate task has been effectively and wholly accomplished, it would be too much to say. Indeed, complete success would have been impossible. It is for future Legislatures to perfect what we have begun. But, at least, let us hope that our labors, however incomplete, will be accepted by our constituents as having been performed in good faith, and with an earnest zeal to do our duty.

When we met together at the commencement of the session, we had a reasonable hope that before the termination of our labors we should be admitted into the Union, on an equal footing with our sister States, and we lost no time in sending our representatives to the National Legislature; but it is a matter of regret that a most embarrassing question of domestic policy has, since December last, engaged the attention of Congress, and has thus far prevented our admission into the Union. It cannot, I think, be doubted, however, that the good sense and patriotism of that body will at length prevail, and that we shall soon be united in the bonds of law, as we are already in those of affection and brotherly regard, with the elder States.

Before we separate, permit me again to express to you in feeble terms how deeply I feel the indulgence and kindness which you have uniformly shown me. Twice you have, by an almost unanimous vote, placed me under obligations which I never can forget. I feel it the more sensibly as at our first meeting I was but partially known to most of you. In so large a body, where there are necessarily so many conflicting interests, it was natural to expect that there should be a conflict of opinions on almost every subject. It is peculiarly gratifying, however, to reflect, that nothing has ever occurred of any moment to disturb the harmony of our proceedings, or to interrupt for any length of time that kindly intercourse which has existed among the Members of this body. For myself, I part with you with the most grateful sense of the kindness which you have ever shown me, and with the most kindly feelings towards every Member of this body; and I look forward with unfeigned pleasure to the time when chance may again throw us together. I now, Gentlemen of the Assembly, in discharge of the last duty that devolves upon me as your presiding officer, pronounce this Assembly adjourned *sine die*.