JOURNALS

OF THE

LEGISLATURE

OF THE

STATE OF CALIFORNIA;

AT ITS

SECOND SESSION:

HELD AT THE CITY OF SAN JOSE, COMMENCING ON THE SIXTH DAY OF JANUARY, AND ENDING ON THE FIRST DAY OF MAY, 1851.

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OF THE

PROCEEDINGS OF THE SENATE.

JOURNAL OF THE SENATE.

SENATE OF CALIFORNIA.

SECOND SESSION.

SAN JOSÉ, *January* 6, 1851.

Pursuant to the provisions of the Constitution, the Hon. JOHN MCDOUGAL, President of the Senate, called the Senate to order, and requested J. F. Howe, Esq., the Secretary of the last Senate, to call the names of the members of the last Senate holding over, when the following Senators answered to their names, viz.:

Hon. E. Heydenfeldt, of the Sixth Senatorial District, composed of the County of San Francisco:

Hon. David F. Douglass, of the Eighth Senatorial District, composed of the County of Calaveras:

Hon. Benjamin S. Lippincott, of the Ninth Senatorial District, composed of the County of Tuolumne:

Hon. E. O. Crosby, of the Fourteenth Senatorial District, composed of the Counties of Sutter and Yuba.

The President then directed the vacant Districts to be called, when the following Senators answered to their names, and the oath of office was administered to them by Mr. Justice Lyons, of the Supreme Court, to wit:

Hon. G. B. Tingley, from the Fifth Senatorial District, composed of the Counties of Santa Clara and Contra Costa:

Hon. David C. Broderick, from the Sixth Senatorial District, composed of the County of San Francisco:

Hon. Thomas B. Van Buren, from the Seventh Senatorial District, composed of the County of San Joaquin:

Hon. James Miller, from the Seventh Senatorial District, composed of the County of Mariposa:

Hon. Martin E. Cooke, from the Eleventh Senatorial District, composed of the Counties of Sonora, Solano, Napa, Marin, Mendocino, Yolo, Colusi, and Trinity:

Hon. Alonzo W. Adams, from the Fifteenth Senatorial District, composed of the Counties of Butte and Shasta; who also severally subscribed the oath prescribed by the Constitution.

The Lieutenant Governor laid before the Senate a communication from Hon. William D. Fair, contesting the seat of Hon. Thomas B. Van Buren, and a similar communication from Alfred H. Stout, Esq., contesting the seat of Hon. Alonzo W. Adams.

On motion of Mr. Lippincott, the Senate proceeded, *viva voce*, to the election of Secretary for the present session.

Mr. Lippincott nominated J. F. Howe.

Mr. Heydenfeldt nominated Wilson Roach.

And the President announced the result to be as follows:

Whole number of votes	10
Necessary to a choice	6
Of which Mr. Howe received	10 votes.

Those who voted for Mr. Howe, were—Messrs. Adams, Broderick, Cooke, Crosby, Douglass, Heydenfeldt, Lippincott, Miller, Tingley, and Van Buren—10.

Whereupon the President declared that Mr. J. F. Howe, having received a majority of all the votes given, was duly elected Secretary for the present session, and he was duly qualified and assumed his duties as such.

On motion of Mr. Crosby, the Senate proceeded in like manner to the election of Assistant Secretary for the present session.

Mr. Crosby nominated William B. Olds.

Mr. Douglass nominated William W. Porter.

The President announced the result to be as follows:

Whole number of votes	10
Necessary to a choice	6
Of which Mr. Olds received	7 votes
Mr. Porter	3 "

Those who voted for Mr. Olds were—Messrs. Adams, Broderick, Cooke, Crosby, Lippincott, Miller, and Tingley—7.

Those who voted for Mr. Porter were—Messrs. Douglass, Heydenfeldt, and Van Buren—3.

And the President declared that Mr. William B. Olds, having received a majority of all the votes given, was duly elected Assistant-Secretary for the present Session, and Mr. Olds was duly qualified and assumed his duties as Assistant Secretary of the Senate.

On motion of Mr. Broderick, the Senate proceeded to the election of an Engrossing Clerk.

Mr. Van Buren nominated Mr. Elam Covington.

Mr. Tingley nominated David H. Mason.

The President announced the result to be as follows:

Whole number of votes	10
Necessary to a choice	6
Of which Mr. Covington received	9 votes
Mr. Mason	1 "

Those who voted for Mr. Covington were—Messrs. Adams, Broderick, Cooke, Crosby, Douglass, Heydenfeldt, Lippincott, Miller, and Van Buren—9.

Mr. Tingley voted for Mr. Mason.

And the President declared that Mr. Elam Covington, having received a majority of all the votes, was duly elected Engrossing Clerk for the present session, and he was duly qualified as such.

On motion of Mr. Cooke, the Senate proceeded to the election of Enrolling Clerk.

Mr. Cooke nominated Horace W. Carpentier.

Mr. Douglass nominated Alfred W. Luckett.

Mr. Heydenfeldt nominated George W. Williams.

And the President announced the result to be as follows:

Whole number of votes	10
Necessary to a choice	6
Of which Mr. Carpentier received	6 votes
Mr. Luckett	2 "
Mr. Williams	2 "

Those who voted for Mr. Carpentier were—Messrs. Adams, Broderick, Cooke, Crosby, Miller, and Van Buren—6.

Those who voted for Mr. Luckett were—Messrs. Douglass and Lippincott—2.

Those who voted for Mr. Williams were—Messrs. Heydenfeldt and Tingley—2.

And the President declared that Mr. Horace W. Carpentier, having received a majority of all the votes, was duly elected Enrolling Clerk for the present session, and Mr. Carpentier was duly qualified as such.

On motion of Mr. Adams, the Senate proceeded to the election of Sergeant-at-Arms.

Mr. Adams nominated Clark Burnham.

Mr. Douglass nominated James Black.

Mr. Lippincott nominated George H. Wyatt.

Mr. Tingley nominated Elison Dickey.

And the President announced the result to be as follows:

Whole number of votes		10
Necessary to a choice		6
Of which Mr. Burnham received	5 votes	
Mr. Black	1	
Mr. Wyatt	3	
Mr. Dickey	1	

Those who voted for Mr. Burnham were—Messrs. Adams, Broderick, Cooke, Crosby, and Miller—5.

Those who voted for Mr. Wyatt were—Messrs. Heydenfeldt, Lippincott, and Van Buren—3.

Mr. Douglass voted for Mr. Black, and Mr. Tingley for Mr. Dickey.

No person having received a majority of all the votes, the Senate proceeded to a second vote for Sergeant-at-Arms, when the President declared the result to be as follows:

Whole number of votes		10
Necessary to a choice		6
Of which Mr. Burnham received	6 votes	
Wyatt	4	

Those who voted for Mr. Burnham were—Messrs. Adams, Broderick, Cooke, Crosby, Miller, and Van Buren—6.

Those who voted for Mr. Wyatt were—Messrs. Douglass, Heydenfeldt, Lippincott, and Tingley—4.

And the President declared that Mr. Clark Burnham, having received a majority of all the votes, was duly elected Sergeant-at-Arms for the present Session, who was thereupon qualified as such.

Mr. Van Buren moved that the Senate proceed to the election of Doorkeeper, upon which question the yeas and nays were demanded by Messrs. Douglass and Heydenfeldt, and resulted as follows:

YEAS.

Mr. Adams, Broderick, Cooke, Crosby, Miller, Van Buren—6.

NAYS.

Mr. Douglass, Heydenfeldt, Lippincott, Tingley—4.

So the question was decided in the affirmative, and the Senate proceeded to the election of Doorkeeper.

Mr. Van Buren nominated William B. Stockton.

Mr. Tingley nominated Stephen P. Remington.

Mr. Heydenfeldt nominated Jacob Lefevre.

And the President announced the result to be as follows:

Whole number of votes	10
Necessary to a choice	6
Of which Mr. Stockton received	6 votes
Lefevre	4

Those who voted for Mr. Stockton were—Messrs. Adams, Broderick, Cooke, Crosby, Miller, and Van Buren—6.

Those who voted for Mr. Lefevre were—Messrs. Douglass, Heydenfeldt, Lippincott, and Tingley—4.

And the President declared that Mr. Stockton, having received a majority of all the votes, was duly elected Doorkeeper for the present Session, and he was thereupon duly qualified as such.

A message was received from the Assembly by Messrs. Bradford and McCandless, Committee, informing the Senate that the Assembly had organized by the election of Hon. John Bigler, as Speaker, Mr. G. O. McMullin, as Principal Clerk, and Mr. R. Gaillard, Assistant Clerk.

On motion of Mr. Tingley, amended on motion of Mr. Heydenfeldt, it was

Resolved, That the Standing Rules adopted by the last Senate be and are declared the rules by which the present Senate will be governed, until otherwise ordered by the Senate; and that a Select Committee be appointed by the President to draft and report a code of rules and regulations for the government of the Senate.

The President appointed as such Committee, Messrs. Heydenfeldt, Tingley, and Cooke.

On motion of Mr. Tingley, it was ordered, that the Secretary inform the Assembly that the Senate have organized, and are ready to proceed with the business of the session.

Mr. Heydenfeldt submitted a concurrent resolution, which was adopted, for the appointment of a Joint Committee to wait on the Governor, and inform him that the two Houses have organized, and are ready to receive any communication from him. The President appointed as such Committee, on the part of the Senate, Messrs. Heydenfeldt and Van Buren.

Mr. Tingley submitted a resolution, which was adopted, that the Secretary of State be requested to furnish, for the use of the Senate, a copy of the Journal of the last Session, as also a copy of the bound Statutes, also of the debates of the Convention, to each member of the Senate; and if unable so to do, to state the reasons for such inability.

On motion of Mr. Crosby, it was

Resolved, That the President of the Senate be requested to invite the Ministers of the Gospel to officiate as Chaplains of the Senate, and to arrange among themselves as to the days on which they will severally so officiate.

On motion of Mr. Van Buren, the Senate adjourned.

(Signed) JOHN MCDOUGAL, President of the Senate.

J. S. HOWE, Secretary of the Senate.

IN SENATE.

TUESDAY, *January* 7, 1851.

The Senate assembled pursuant to adjournment.

The Journal of Monday was read and approved.

Mr. Heydenfeldt, from the select committee appointed to draft Rules and Regulations for the Government of the Senate, made a report in writing, accompanied by a Code of Rules, which were read, amended on motion of Mr. Tingley, and, as amended, were adopted. On motion of Mr. Tingley 100 copies were ordered to be printed for the use of the Senate. His motion was subsequently, on motion of Mr. Crosby, reconsidered; and on motion of Mr. Van Buren, was laid on the table. (See Appendix.)

A Message was received from the Governor, by Mr. Ryland, Private Secretary, being his Annual Message to the Legislature, as follows:—

GOVERNOR'S MESSAGE.

GENTLEMEN OF THE SENATE AND ASSEMBLY:

Since the adjournment of the Legislature we have passed through many scenes, some of melancholy and some of pleasing character. Our cities have been visited by fire, pestilence, and flood; and our whole State has passed through a severe monetary crisis, producing extensive failures and great pecuniary embarrassment. We have lost many most valuable citizens by that modern scourge, the cholera, which for the first time visited our shores during the past fall. Under all these untoward circumstances, our population has rapidly increased, our wonderful resources have been greatly developed, and improvements have everywhere marked the progress of an energetic people. California has been admitted to her equal station among the free States of our great Confederacy; and her Senators and Representatives are now heard in the National Councils. We have great reason to be grateful to Him, who, in his wisdom and kindness, mixes the evil with the good, and scatters thorns as well as flowers along the path of national and individual existence.

The application of California for admission into the Union gave rise to bitter and long protracted discussions in both branches of Congress, such as had never before been witnessed in that body. The fearful state

of passionate excitement that followed these criminations and recriminations, at one time seriously threatened a dissolution of the Union, and called forth the patriotic exertions of the great statesmen of all parties.

The people of California in forming their Constitution, in the simplicity and sincerity of their hearts, had supposed that they had adopted the most unobjectionable and effectual mode to allay excitement in reference to the question of slavery. They had acted upon the long established and well known principles of the South, that slavery was simply a domestic institution, with which the General Government had nothing to do, and which must be either prohibited or permitted by each State for herself. In the exercise of their right to form a Constitution for themselves, not repugnant to the Constitution of the United States, they had prohibited slavery within the limits of the State; not supposing that they should thereby give offence to any portion of their fellow-citizens of other States.

Perhaps in the varied history of all mankind there has never occurred an instance of such rapid and surprising progress in all that constitutes true independence and greatness, as that made by the American people under the blessings secured by that great charter that makes us one nation. From distant, oppressed, and dependent colonies, we have risen, in the short space of three quarters of a century, to the front rank among nations. We have now a secure foothold upon the shores of the Pacific; and a new ocean, and a more extended and brilliant career lie open before us, if we shall only have the wisdom and energy to improve the advantages of our position. To be harassed, under such circumstances, with civil discord at home, is most unfortunate indeed. Although our present state of national greatness and felicity might *possibly* have been attained without the Union, still it becomes a wise and prudent people to let *more* than well done alone; and this they have done, and will continue to do.

The events through which our country has recently passed have again proven the virtue and intelligence of the American people, and conclusively shown their ardent and unfaltering attachment to the Union, and to Liberty. If our people born in Republican America—well accustomed to self-government, and unshackled by old and long established monarchical institutions and customs, interwoven with all the frames of society—should yet, under these most favorable circumstances, be unable to preserve the Union and perpetuate our free institutions, then it would

afford a melancholy but conclusive proof that republican systems of government are, in their very nature, impracticable and transitory; and the friends of human happiness and freedom could indulge but one regret, that our fathers wasted their blood and treasure for a purpose so delusive, and that there exists a solitary record in the world to show how much they were mistaken.

The portentous state of things that existed six months ago, it is hoped, has passed away for ever; and our fellow-citizens of every section of our country, once more united in the bonds of fraternal kindness, are ready again to march forward in the path of improvement, progress, and greatness. California will be ready to do her part. She will readily forget the opposition made to her admission, and her people will not remember the aspersions cast upon their motives and character; but she will ever be foremost in all efforts to secure prompt, equal, and exact justice to each and every section of our country. She will know no North, no South, no East, and no West, but only our whole country; and if she has been the innocent but unfortunate cause of an excitement deeply to be deplored, she will henceforth make amends to the Union by her devotion to it, by her love of justice, and by the spirit of conciliation and kindness she will ever exhibit towards all her sister States. From her distant but commanding position—separated as she is from all local causes of excitement—she will be able, and always willing, to exert a great and salutary conservative influence in the legislative councils of the country.

Since the adjournment of the Legislature, repeated calls have been made upon the Executive for the aid of the militia to resist and punish the attacks of the Indians upon our frontier. With a wild, mountainous frontier of more than eight hundred miles in extent, affording the most inaccessible retreats to an Indian foe, so well accustomed to these mountain fastnesses, California is peculiarly exposed to depredations from this quarter. The various small tribes upon the confines of California have no political organization, and no regular government among them. The influence their chiefs have over them arises from that personal popularity gained by superior prowess in war, or wisdom in council. There is therefore no reason to suppose that there has been any regular or well understood combination among them to make war upon the whites. They are all, however, urged on by the *same* causes of enmity; and the result has been, that at almost all points upon our

widely extended and exposed frontier, hostilities more or less formidable have occurred at intervals, and many valuable lives have been lost.

Among the more immediate causes that have precipitated this state of things, may be mentioned the neglect of the General Government to make treaties with them for their lands. We have suddenly spread ourselves over the country in every direction, and appropriated whatever portion of it we pleased to ourselves, without their consent, and without compensation. Although these small and scattered tribes have among them no regular government, they have some ideas of existence as a separate and independent people, and some conception of their right to the country, acquired by long, uninterrupted, and exclusive possession. They have not only seen their country taken from them, but they see their ranks rapidly thinning from the effects of our diseases. They instinctively consider themselves a doomed race; and this idea leads to despair; and despair prevents them from providing the usual and necessary supply of provisions. This produces starvation, which knows but one law, that of gratification; and the natural result is, that these people kill the first stray animal they find. This leads to war between them and the whites; and war creates a hatred against the white man that never ceases to exist in the Indian bosom.

This state of things, though produced at an earlier period by the exciting causes mentioned, would still have followed in due course of time. Our American experience has demonstrated the fact, that the two races cannot live in the same vicinity in peace.

The love of fame, as well as the love of property, is common to all men; and war and theft are established customs among the Indian races generally, as they are among all poor and savage tribes of men, as a means to attain to the one, and to procure a supply of the other. When brought into contact with a civilized race of men, they readily learn the use of their implements and manufactures, but they do not so readily learn the art of *making* them. To learn the use of new comforts and conveniences, which are manifestly superior to the old, is but the work of a day; but to acquire a knowledge of the arts and sciences, is the work of generations. Like the people of all thinly populated but fertile countries, who are enabled to supply the simplest wants of nature from the spontaneous productions of the earth, they are, from habit and prejudice, exceedingly averse to manual labor. While the white man

attaches but little value to small articles, and consequently exposes them the more carelessly, he throws in the way of the Indian that which is esteemed by him as a great temptation and a great prize; and as he cannot make the article, and thinks he must have it, he finds theft the most ready and certain mode to obtain it. Success in trifles but leads to attempts of greater importance. The white man, to whom time is money, and who labors hard all day to create the comforts of life, cannot sit up all night to watch his property; and after being robbed a few times, he becomes desperate, and resolves upon a war of extermination. This is the common feeling of our people who have lived upon the Indian frontier. The two races are kept asunder by so many causes, and having no ties of marriage or consanguinity to unite them, they must ever remain at enmity.

That a war of extermination will continue to be waged between the races, until the Indian race becomes extinct, must be expected. While we cannot anticipate this result but with painful regret, the inevitable destiny of the race is beyond the power or wisdom of man to avert.

Situated as California is, we must expect a long continued and harassing, irregular warfare with the Indians upon our borders, and along the emigrant routes leading to the States. Although few in numbers, and unskilled in the use of fire-arms, they seem to understand well the advantages of their position; and they consequently resort to that predatory warfare most distressing to us, and secure to them. They readily flee before any considerable force called out to meet them, and retire to their haunts in the mountains, where it is vain for us to pursue. As time is to them of no value, they can readily content themselves to lie in wait for weeks, at secure points, ready to attack small parties of miners remote from assistance. From their irregular mode of warfare, and the features of the country in which they wage it, there is reason to believe that they will prove far more formidable than has generally been supposed; and that in the end we shall lose man for man in our encounter with them.

Considering the number and mere predatory character of the attacks, at so many different points along our whole frontier, I had determined in my own mind to leave the people of each neighborhood to protect themselves, believing they would be able to do so, and that a regular force would not find employment in the field. In two instances only have I deviated from the rule I had laid down for the government of

my own action. In these cases the attacks were far more formidable, and made at points where the two great emigrant trails enter the State. These attacks occurred at a period when the emigrants were arriving across the plains with their jaded and broken down animals, and them destitute of provisions. Under these circumstances, I deemed it due to humanity, and to our brethren arriving among us in a condition so helpless, to afford them all the protection within the power of the State. I was well satisfied that the Indians would direct most of their efforts against the emigrants, as they would readily learn that they could be more successful in such attacks; and that if successful in the beginning, these attacks would be annually renewed, and the emigration of each succeeding year more and more exposed to robbery and murder. It occurred to me that it was the wisest and most humane policy, under the circumstances, to afford prompt assistance at the commencement of this system of plunder, and thus give the Indians a timely check, which would be at least likely to exert a salutary influence over them for some time to come. Had it been once known to our fellow citizens east of the Rocky Mountains, that the Indians were most hostile and formidable on the latter and more difficult portion of the route, where the emigrants themselves would be the least capable of self-protection, and that the State of California would render no assistance to parties so destitute, the emigration of families to the State across the plains would have been greatly interrupted and retarded. With all our efforts, we may expect in a few years to see all the tribes between this and the western borders of Missouri hostile, and engaged in a regular system of plunder and murder. The opportunities and temptations are too great to be long withstood by these destitute and wandering people.

The first of these attacks was made on the 23d day of April last, at the confluence of the Gila and Colorado, where Glanton and a party of thirteen men had established a ferry across the latter stream. The attack was preconcerted, sudden, and so unexpected and successful, that eleven of Glanton's party, including himself, were killed on the spot, and only three were able to escape, one of whom was wounded. It is possible that Glanton's party may have been guilty of some impropriety that gave immediate offence to the Indians: but the true motive no doubt arose from that jealousy which the Indian entertains of the white man, and which would naturally be aroused by the establishment of a ferry near the point where the Indians had a ferry of their own across

the same stream. However this may be, the attack was excessive and unjustifiable, and amounted to a decided and serious act of war.

The papers communicating intelligence of this melancholy event, consisting of the sworn depositions of the three men who escaped, the proceedings of a meeting of the people of San Diego, and a letter from the Hon. Abel Stearns, Judge of the Court of First Instance for Los Angeles, were received at the seat of government on the 23d May, during my temporary absence at Sacramento City. On the first day of June orders were issued to the Sheriff of San Diego to call out twenty men, and to the Sheriff of Los Angeles for forty, who were directed to rendezvous at Los Angeles on the 22d June, or as soon thereafter as practicable, and were placed under the command of Maj. General Bean. Subsequently the number was increased to one hundred men. Gen. Bean was instructed to let the company select its own commander, and to direct "the officer in command to proceed promptly to the ferry upon the Colorado, and pursue such energetic measures as might be necessary to punish the Indians, bring them to terms, and protect the emigrants on their way to California." He was also instructed that when the objects contemplated should have been accomplished, the company should be discharged; and that much must be left to the discretion of himself and the officer in command, which they would have to use according to circumstances. Subsequently I learned from unofficial sources that the Indians had not proved so hostile to the emigrants travelling the route as had been anticipated — that troops of the United States would be sent to the scene of disturbance, and that the expedition had failed from the impossibility of procuring the requisite number of men. I received no official report from General Bean, which I supposed was owing to the distance and the difficulty of communication; and under the circumstances, I did not then deem any order from me to disband the troops either proper or necessary.

From a communication written by General Moorehead on the 15th August, and addressed to the Hon. Richard Roman, and received by him about the first September, I was led to the belief that a party of militia were in the field under his command. I immediately issued an order to Maj. Gen. Bean, dated September 4th, to have them disbanded. All the orders issued by me to that officer, I am informed

from private sources, were received by him; and yet I have received from him no official report in reference to the expedition.

The other instance in which I deemed it my duty to order out a portion of the militia of the State, occurred in the County of El Dorado, in the vicinity of Ringgold. From a communication written by William Rogers, Sheriff of that county, and dated the 23d of October, 1850, addressed to the Executive, as well as from other sources, it appeared that the Indians had sent off their women and children—had assembled in considerable numbers, and had killed several miners, and wounded and robbed several of the emigrants. On the 25th October I issued an order to William Rogers, directing him, as Sheriff of that county, to call out two hundred men armed and equipped; to cause them to assemble at as early a day as practicable, and when assembled to permit them to elect their own commander. The officer in command was instructed to proceed to punish the Indians engaged in the late attacks in the vicinity of Ringgold, and along the emigrant trail leading from Salt Lake to California. He was further directed to afford all the assistance in his power to the emigrants and others travelling the route, and not to keep more men under command than might be indispensable to accomplish the object intended; and to disband them at the earliest day when the same should be accomplished. Under the call of the Sheriff some two hundred and fifty men were mustered into service, who elected William Rogers as their commander. Not having authorized the call but for two hundred men, and not deeming the services of the others necessary, I refused commissions to the officers of the last company received into service by Maj. Rogers.

The forces were divided by Maj. Rogers into smaller parties and sent in different directions, and had different skirmishes with the Indians, in which some sixteen of their number were killed, and three of Major Rogers's command—the brave Col. McKinney, Dr. Dixon, and a Delaware Indian.

On the 15th November orders were issued to Maj. Rogers to reduce his command to one hundred men, and to make a further reduction whenever circumstances would justify such a step. This order was promptly obeyed; and subsequently, as I learn from unofficial sources, the remainder of the troops were disbanded by Maj. Rogers.

Although the troops were not able to accomplish any brilliant achievement, owing to the features of the country and the character of

the foe, still they performed some hard service, and their efforts have secured peace in the vicinity, and protected the wearied emigrants. Had no determined resistance been made, the Indians would doubtless have become emboldened from this apathy, and would most likely have committed depredations far more serious.

In my former message to the Legislature I recommended the necessity and propriety of excluding free persons of color from the State. I then expressed the opinion that there was 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." Subsequent observation has but confirmed this opinion.

I am aware that it is a subject of great delicacy, and one that cannot be touched without exciting the prejudices and sensibilities of men; and yet it is a question that must of necessity be met, and should be calmly and justly considered. While the Legislator should entertain the most enlarged and liberal views, and should act upon all questions without hostility or partiality for or against any class of the community, he is still *forced* by a desire to accomplish *practical* good to respect the honest prejudices of men, which are not in his power either to mitigate or remove.

Our Constitution excludes this class of persons from the right of suffrage, and from all offices of honor or profit under the State; and our laws exclude them from serving on juries, and from appearing as witnesses against a white man. Although it is assumed in the Declaration of Independence as a self-evident truth, that all men are born free and equal, it is equally true that there must be *acquired* as well as *natural* abilities to fit men for self-government. Without considering whether there be any reason for the opinion entertained by many learned persons that the colored races are by nature inferior to the white, and without attaching any importance to such opinion, still it may be safely assumed that no race of men, under the precise circumstances of this class in our State, could ever hope to advance a single step in knowledge or virtue. Placed by our institutions and our usages (stronger than law) in a degraded and subordinate political and social position, which but reminds them at every step of their inferiority, and of the utter hopelessness of all attempts to improve their condition as a class, they are left *without motive* to waste their labor for that improvement which,

when attained, *brings them no reward.* However talented, wise, and virtuous, they are not permitted to enter the race for fame; and if they should acquire wealth, not being permitted to testify against a white man even in a criminal case, they are left in many cases without *actual* protection, to be plundered with perfect impunity. They have no ideas and no recollections of a separate national existence—no alliance with great names or families—no page of history upon which are recorded the glorious deeds of the past—no present privileges—and no hope for the future. To expect any race of men thus situated to make any sensible improvement as a *class*, is the wildest dream of the imagination, and utterly incompatible with all our sober experience.

That there are excellent and intelligent persons of color is doubtless true; but our legislation must regard them as a class, and not as individuals. While our laws professedly admit *all* of this class to reside in the State, they are so framed as effectually to exclude the better portion; for surely there can exist no intelligent and independent man of color, who would not promptly scorn the pitiful boon we offer him of a residence in the State, under conditions so humiliating.

The *practical* question then arises whether it is not better for humanity, and for the mutual benefit of both classes, that they should be separated? Is it not better for the colored man himself? I am sure, that were the question put to the more intelligent portion of this class, they would unhesitatingly say at once: "Either give us *all* the privileges you claim for yourselves, or give us *none.* Make us *equal*, or keep us *separate.*" As all experience has demonstrated that it is for the mutual benefit of the parties to separate even husband and wife when they cannot live happily together, so it is the best humanity to separate two races of men whose prejudices are so inveterate that they never mingle in social intercourse, and never contract any ties of marriage.

If the measure recommended can be justified in the State of Ohio, there are still more powerful reasons applicable to the peculiar condition of California. We have here a mixed population from all the world. We have here the Southern man, with his particular opinions and feelings in reference to this class, and the Northern man, with opposite sentiments and usages; and the presence of this people among us has already resulted in death in some instances, and will continue to produce a state of embittered feeling between our fellow-citizens from different portions of the Union, and prevent that cordial unanimity so necessary to

the happiness of our community. As was anticipated, numbers of this race have been manumitted in the slave States by their owners, and brought to California, bound to service for a limited period as hirelings. We have thus, in numerous instances, practical slavery in our midst.

That this class is rapidly increasing in our State is very certain. If this increase is permitted to continue for some years to come, we may readily anticipate what will then be the state of things here, from what we see now occurring in some of the free States. We shall have our people divided and distracted by those distressing domestic controversies respecting the abolition of slavery which have already produced so much bitterness between different portions of the Union. When those who come after us shall witness a war in California between the two races, and all the disgraces and disasters following in its train, they will have as much cause to reproach us for not taking timely steps, when they were practicable, to prevent this state of things, as we now have for reproaching our ancestors for the evils entailed upon us by the original introduction of slavery into the colonies. We have the warning voice of experience—they had not.

I would call the attention of the Legislature to the propriety of amending the twenty-first section of the eleventh article of the Constitution, which provides that "all laws, decrees, regulations, and provisions, which from their nature require publication, shall be published in English and Spanish."

This provision of the Constitution must remain in force under every change of circumstance until amended, and the Legislature can exercise no discretion, but is forced to carry it out in its true spirit and intent. The necessity and propriety of publishing the laws in Spanish, it occurs to me, should have been left to the judgment and liberality of the Legislature to be governed by circumstances, and should not have been made a permanent Constitutional provision.

From the best estimate I have been enabled to make, the translation of the present statutes into Spanish, and their publication in that language, will cost the State from forty to fifty thousand dollars. It is difficult to procure correct translations, and so many delays have occurred in publishing them in that language, that they are not yet ready for distribution. When distributed they will impart very little information to those for whom they are designed, for the reason that the statutes form but a small portion of the law that affects the daily transactions of

business. The great mass of every community do not derive any knowledge of the law from the reading of statutes, but from intercourse with intelligent men, and especially from witnessing legal proceedings in Court. These must necessarily be in English, as they cannot be in both languages. We have now, or soon will have, as many citizens in the State who alone speak the French or German language as we have of those who speak the Spanish. To publish all the laws in all these different languages would be almost impracticable. Besides it would be of very doubtful utility. To speak the one common language forms a strong tie between citizens of the same State, and so long as the laws are published in different languages, so long one great incentive to learn the prevailing language is taken away, and the causes of a separation of different classes of our fellow-citizens must continue.

I would earnestly invite the attention of the Legislature to the urgent necessity of amending the criminal laws of the State in several particulars. The original criminal jurisdiction in cases of felony is confined to the District Courts. These Courts are only required to hold certain terms in each county at different periods of the year, with long intervals between. There are very few prisons in the State, and the expense of detaining prisoners from one term to another is exceedingly oppressive upon some of the counties; and these circumstances, joined to the impossibility of procuring the attendance of witnesses in cases where the trials have been delayed, have rendered the administration of the Criminal Laws of the State, especially in the mining counties, almost wholly impracticable. As administered, our laws have afforded no protection to the innocent, but have given great encouragement to offenders. Some more prompt, decisive, and efficient mode of enforcing the Criminal Laws of the State must be adopted, or the great ends of criminal punishment cannot be attained. I would, under the circumstances, suggest the propriety of conferring criminal jurisdiction upon the Courts of Sessions for some of the counties, requiring them to hold frequent regular terms and also called terms at any time when necessary to try a criminal, and giving the right of appeal as in other cases.

The punishment generally inflicted by our criminal statutes in cases of felony not capital is fine and imprisonment. These punishments taken together, or singly, for very obvious reasons, have little or no practical effect under existing circumstances. I would therefore recommend that other modes of punishment be adopted. For grand larceny

and robbery I would suggest the punishment of death. This severe punishment I would not recommend as a permanent one, to be continued when the State shall have her county prisons, and her penitentiary; but such has been the frightful increase of these crimes since the adjournment of the Legislature that I know of no other mode of punishment, under present circumstances, that would be at all likely to check the evil, and prevent our citizens from taking justice into their own hands. The crime of grand larceny, in stealing horses and cattle, has become so common, in many places, as to diminish their value fifty per cent. In some instances whole bands of tame cattle have been stolen, and farmers have lost all their teams, and been compelled to abandon their business in consequence. A firm and determined stand should be taken by the Legislature, and all the good citizens of the State, to extirpate these prevailing crimes. In the early periods of new communities, it has often been indispensably necessary to adopt more severe modes of punishment than would be justifiable in better regulated and older States. The State of Tennessee was infested, at an early day, with bands of horse thieves, and she was forced to adopt capital punishment in such cases; and a few years' rigid and prompt execution of the law effectually checked the commission of the crime.

By an act of the Legislature parties to contracts are allowed to bind themselves to pay any rate of interest they may agree upon, and the Courts are bound to enforce the contract. In support of the principle involved in this measure, it has been often urged that money is but an article of commerce; and that, as such, if lenders have a right to charge *any* interest for the use of it, they surely have the same right to stipulate as to the *rate* to be charged as the landlord who rents out a house or a farm; and that the law has no right to interfere, but should enforce the contract in the one case as promptly as in the other.

However simple and apparently unanswerable this plausible *theory* may be, all experience has demonstrated its ruinous *practical* effects upon communities; and therefore it must be wrong in principle. I apprehend the error consists in considering money as simply an article of commerce, when it is in truth a *standard of value*, made so by law, and *must* be received in satisfaction of all debts.

The credit system itself is sufficiently dangerous, but when connected with an extravagant and unlimited rate of interest, produces irreparable ruin to a large portion of the community. Few men rightly calculate

the legitimate effects of paying a high rate of interest for money. If an individual borrows a considerable sum of money at a high rate of interest, and should not be able to pay it when due, the accumulation of a few months' interest puts it for ever beyond his power to pay. He sees himself ruined for life—makes no further efforts to pay—leaves his creditor to sustain the loss of both principal and interest, while the borrower himself becomes a hopeless idler, and from thenceforward a useless, if not an evil member of society. If each individual stood alone, unconnected with others, there might be some truth in the principle assumed. But the State has an interest in the protection of individuals, as the prosperity or ruin of individuals makes up the prosperity or ruin of the whole. If a practice be injurious to public morals, or public policy, it is the right of the State to restrain it.

The idea that competition among lenders would reduce the rate of interest to a fair and just standard, such as the legitimate profits of business would justify, seems to be delusive. Our own sad experience in California has conclusively shown that competition among lenders does not diminish the rate of interest; but the rates now asked, and the amount of security now demanded, are equal to, if not greater, than those required one year ago. I cannot but express the opinion that the late monetary crisis in California has been more the legitimate result of the oppressive rates of interest charged than of any other one cause. The result in many, if not in most cases, has been ruin to both lenders and borrowers. If the system is permitted to continue for some years longer, the productive industry of the State will be seriously crippled.

By the act of the Legislature in reference to Notaries Public, the Executive is authorized to appoint as many Notaries for each county as he may deem necessary. As Justices of the Peace are not empowered to take the acknowledgments of deeds and other instruments, having no seal with which to authenticate the same, and as Notaries only reside in the towns and cities, it is exceedingly inconvenient for persons at a distance from the residence of a Notary to procure the authentication of instruments, especially where females are parties. It is difficult for the Executive to know what number of Notaries may be required for each county, and more difficult for him to know the character and qualifications of the applicants; and when appointments are made, the incumbents change their residence so frequently that it is almost impossible to keep a sufficient number in office in some of the remote counties. I

would therefore suggest that the law be so amended as to require Notaries Public to be elected in the same manner as Justices of the Peace, and required to reside in their respective townships; the number to each township to be determined by the County Court, or the Court of Sessions.

In pursuance of the act authorizing the Executive to appoint Commissioners of Deeds, appointments have been made for many of the States, the incumbents to reside at the principal commercial points. To appoint a Commissioner for each county in every State in the Union would be a laborious task, if not impracticable at this distance; and yet where appointments are made at only one or two points in each State, people who reside at a distance from the Commissioner would be compelled to incur much expense before they could avail themselves of his services. It is difficult for the Executive to know the character and qualifications of the different applicants, especially as those most meritorious are not always the most active in procuring recommendations. These officers when appointed are not subject to the control of the State authorities where they reside, and they are beyond our reach, and practically irresponsible for any malfeasance in office; and the present system must, in the end, lead to great abuses.

The laws in the different States in relation to taking and certifying the acknowledgments of instruments and the depositions of witnesses, are substantially the same; and if the effort were made in a spirit of enlightened liberality, it is thought that a uniform law upon these subjects might be adopted by the different States, containing the same provisions in reference to instruments and depositions *to be sent out of the State*. This system, if once adopted, would avoid the evils of the present one, and afford much greater facility and security for the transaction of this kind of business. The law might be so framed as to be operative between all the States adopting it; and a few years' experience would demonstrate its practical benefits, and thus ultimately secure its adoption by all. It would form another link in the golden chain that binds together the States. California has a special and particular interest in this matter, at this period of her history, as her people are from every State in the Union, and have left behind them friends, relatives, and property, in almost every village and neighborhood in the Republic.

The beneficial effects of a system of direct taxation have already been seen in the increased impulse given to our agriculture during the past

year. The large tracts of land have, in many cases, been subdivided, and smaller portions sold to agriculturists, who have thus become permanent and prosperous residents. The agricultural resources of California are much greater than have usually been supposed, and are equal to those of most of the States. In the language of one of her most intelligent citizens, "her fertile valleys and rich prairies are capable, when cultivated, of producing an untold store of agricultural wealth."

In pursuance of an Act of the Legislature defining the duties of the Surveyor General, it was expected that that officer would be enabled to embody in his report much useful and statistical information in reference to the geography and agriculture of the State. For reasons stated in his report, he has not been able to do so. This information would have been exceedingly useful in the present infant state of that branch of industry. The climate and soil of California are *peculiar*, and the mode of cultivation best adapted to them is consequently very little understood. The result has been that the most incorrect views have been entertained by most persons in reference to these matters. While the opinion has generally been indulged that irrigation was indispensable to the success of the farmer, the past year's experience has shown that all the grains and nearly all the garden vegetables can be grown in great abundance without it.

Were it not for the fact that our State is embarrassed in her finances, I should recommend the establishment of a separate and distinct Bureau of Statistics; but as the duties of the Surveyor General are not so onerous as to prevent his attention to this subject, and as they are, from their nature, somewhat connected with it, I would recommend the continuance of the provision requiring him to collect information from the different County Surveyors.

In connexion with this subject, I cannot but express my regret that the Legislature (owing to a difference of opinion as to the best mode) failed to carry out that wise and humane provision of the Constitution, which was designed to protect from forced sale a certain portion of the homestead of all heads of families. This provision is peculiarly appropriate to California, and is another evidence of the wisdom and enlightened liberality of the framers of our excellent Constitution. Without families it is impossible for any State or community to exist and prosper. This provision, if carried out in the same enlightened spirit in which it originated, and especially if followed (as it is hoped it will be) by an

Act of Congress making grants in limited quantities to actual settlers upon the public lands, will soon fill up our State with energetic, industrious, and virtuous families, who will thus secure a permanent home, not dependent upon the fluctuations of trade and business. There can be no doubt but that the practical operation of this just and liberal provision will be eminently beneficial to both debtors and creditors, as it will have a tendency to check the excesses of the credit system, and to make the credit of individuals, as it should ever be, more dependent upon their integrity, capacity, and industry, than upon the amount and value of the property they may temporarily control.

I may deem it my duty to call the attention of the Legislature to the necessity of a general reduction in the salaries of officers whose compensation is fixed by the Legislature. It is not in the power of the Legislature to reduce the salaries of most of the present State officers during their continuance in office; but any reduction made will affect their successors.

The present rate of compensation, as fixed by the last Legislature, was perhaps too high under the then existing circumstances; but however that may be, since that time a great reduction has taken place in the prices of labor, both manual and professional, in property and rents, as well as in the expenses of living, and a corresponding reduction, it would seem, should be made in salaries. It is contrary to the genius and simplicity of a republican Government, to pay extravagant salaries. While an officer should be allowed such compensation for his services as will afford him a plain, decent support, he should not be allowed such a salary as would amount to a *speculation*, in a case where there is no *risk* incurred. The opinion entertained by many that high salaries will secure the services of men of superior merit is not correct in all cases. High salaries excite more the cupidity of men than their patriotism; and more of that class succeed in obtaining office, when salaries are high, than when they are at a fair rate. When salaries afford a *certain* but only a *moderate* living to incumbents, their duties are discharged with an eye to the approbation of their constituents, and to the acquirement of honest fame, motives more powerful in securing a faithful discharge of official duties than the desire of high salaries.

In this connexion I would suggest the propriety of reducing the fees of clerks, recorders, and other officers. The rates at present allowed are exceedingly oppressive upon those who seek justice in our Courts.

Cheap and speedy justice is one of the cardinal maxims of Republican Government: but when the Courts are only open by the payment of exorbitant costs in advance, it is better for men to suffer wrong than to seek redress.

At the late general election there was elected a Superintendent of Public Instruction. It will be necessary to pass an Act prescribing his duties, and fixing his compensation. Under existing circumstances, before any of the public lands to which the State will be entitled have been assigned to her, and while we have so few families in the State, and our population is so unsettled, it may not be practicable to establish any general system of free schools, or to endow any university. But the time must soon arrive when we shall have both the families and the means to adopt and carry out such a system. In the meantime it might be made the duty of the Superintendent to collect useful statistical information, to be reported annually to the Executive, and by him laid before the Legislature at each regular session.

By the provisions of the second section of the ninth article of the Constitution, "all estates of deceased persons, who may have died without leaving a will or heir, shall remain a perpetual fund, the interest of which shall be inviolably appropriated to the support of common schools throughout the State." It would be wise to make some efficient provision by law for the security of such funds, and for lending them out by responsible officers. I would recommend that they be deposited in the State Treasury, and invested in State securities.

I take great pleasure in referring to the passage by Congress, at its late session, of the Act granting the swamp and overflowed public lands to the several States in which they may be situated. By this law the State of California will be entitled to immense bodies of fertile land bordering upon the bays of San Francisco, San Pablo, and Suisun, and upon the rivers San Joaquin and Sacramento. These lands, it is thought by many intelligent persons, when properly drained and cultivated, will produce bountiful crops of rice, and perhaps of sugar-cane.

For the want of the necessary surveys and plats, no estimate approaching towards accuracy can be made as to their extent and quantity, and a considerable time must elapse before their limits can be defined. It will be expedient for the Legislature, at an early period, to adopt some permanent line of policy in reference to the disposition to be made of

these lands, and the proceeds arising from them, after deducting the necessary expenses of the levees and drains.

Without the passage of this Act, the right of eminent domain which resides in the State would entitle her, upon general principles, to all the lots in the City of San Francisco, covered by ordinary high tide, so soon as the same should be reclaimed from the dominion of the sea. By this Act, however, every doubt may be considered as removed; I would, therefore, recommend that these lots be ceded to that City upon such conditions as may be just. I would also recommend that the right of pre-emption be granted to actual settlers upon these lands, on such equitable and liberal terms as may best promote their rapid improvement and cultivation.

Under the Joint Resolution authorizing the Governor to procure a suitable rock, to be contributed by the State to the Washington Monument, I caused notice to be published in the public prints, asking information and soliciting proposals from individuals. Having received no proposals, I found it necessary to employ a special agent for this purpose. The agent employed was William L. Smith, Esq., who proceeded to the South Mines, and succeeded in procuring a beautiful specimen of gold-bearing quartz, from the quarry of Messrs. Jackson and Elliston. It was placed in the care of the Hon. John Bidwell and Henry A. Schoolcraft, Esq. I cannot but mention, in this place, the generous liberality of Messrs. Howland, Aspinwall & Co., who transported the rock from San Francisco to New York City, and Messrs. Adams & Co., who conveyed it from thence to Washington, *free of charge*. It was there delivered to our delegation in Congress, who delivered it to the President of the Washington Monument Association.

The past year has witnessed the rapid improvement of our cities, and the increasing development of our great commercial resources. Our trade with all the world, and more especially with China, the Islands of the Pacific, and the northwest coast of America, has greatly increased in amount and importance, and our principal commercial points have already assumed the beautiful forms of regular cities. The people of California are destined to become a great commercial people; and every obstacle that has a tendency to shackle and trammel commerce, without a corresponding benefit, should be removed by the Legislature, so far as that body may have the power. With this view, I recommend an entire repeal of the act establishing quarantine regulations at San Fran-

cisco. These regulations have proved a vexatious burden to commerce, while they have been impotent for good. I would also recommend a thorough revision of the act creating a Marine Hospital and a Board of Health at that point. I would also recommend the repeal of the act establishing the Superior Court of that city, and the passage of an act creating additional District Courts. The people of San Francisco not only pay their proportion of revenue to support the Judiciary of the whole State, but they are compelled, in addition to this, to pay the *entire expenses* of the Superior Court. I take it to be clear that the people of every portion of the State are of right entitled to as many Courts, created and paid by the State, as may be required to administer justice. Where a Court is required to enforce mere local ordinances, not common to the whole State, it constitutes an exception to the general rule; but the Superior Court has as much civil jurisdiction as the District Courts, and consequently comes within the general rule.

As the law exists, it is matter of doubt whether appeals lie from the decisions of Justices of the Peace to the Supreme Court. Although the amount involved in each case tried before these inferior Courts is small, except in cases of Forcible Entry and Detainer, yet they make up in number what they lack in amount. The principles, and the aggregate amounts involved in these cases, are of as much importance to the community as those arising in civil cases brought in the District Courts. As appeals only lie to the County Courts, there can be no uniformity of decision; and what will be law in one county will not be law in another.

The late period of the session at which California was admitted into the Union, and the press of other business, occasioned by the long and protracted debates in both Houses upon the disturbing question of slavery, prevented Congress from passing acts for the establishment of a Mint at San Francisco, and for refunding to the State the duties collected in California previous to the recognition of our State government. For the want of a Mint the industry of the State has been severely taxed, and we have been forced to become tributary to other portions of the world to the amount of millions.

The act of Congress passed in the beginning of the year 1849, extending the revenue laws of the United States over California, was perhaps the most extraordinary act ever passed by that body, and was a plain and palpable violation of the most prominent principle, the disregard of which by the mother country led to the American Revo-

lution. If there was one single principle well understood, and inflexibly cherished by the heroes of that great struggle, it was the self-evident truth that taxation could not rightfully exist without representation. In other words, that both the government and the governed have some rights, which rights are mutual, and the exercise of the one depends upon the exercise of the other; and that while it is the duty of the citizen to pay his taxes, it is equally the duty of the government, at one and the *same time*, to afford him protection in his person and property.

One cannot contemplate the astonishing provisions of that act without the most painful regret. It extended the revenue laws over California, not only without representation in Congress, but without giving or allowing us any government at all. The act imposed upon us *burdens*, but extended to us no *benefits*. It *practically*, although not in terms, placed judicial and ministerial power in the same hands; thus making the Collector of the Port of San Francisco both the collecting officer and the judge of the *law*, in cases in which he had a direct interest himself; and when the injured party complained, he was mocked with a delusive show of justice, by being referred to the distant and inaccessible courts of Oregon and Louisiana; a provision about as equitable and just as the practice of Great Britain in transporting our people across the Atlantic to be tried in England, for alleged offences committed in the Colonies. Not a single case, to my knowledge, among the many decisions of the Collector, the correctness of which was called in question, was ever taken to the courts either of Oregon or Louisiana, for the very plain and simple reason, that justice in such cases would have cost more than it would have been worth, when attained.

The history of all governments having colonies has shown how natural and usual it is for the mother country to *oppress*, and at the same time *neglect* a distant and helpless people. It is so natural and easy for legislative bodies, as well as for individuals, to form prejudiced and disparaging opinions of others at a distance, and thus to find pretexts for oppressive exactions, while benefits are conferred with great reluctance. The fruits of these exactions never fail to reach the seat of the oppressor, while the indignant complaints of the oppressed fade and vanish in travelling over the intervening distance, and are never heard nor regarded.

The act in question forms another strong and irresistible evidence of the truth of the great republican maxim, that an oft and frequent recurrence to first principles is indispensably necessary to the preservation of

our institutions in their original purity. California will always be among the most devoted to this just sentiment; and while she has the honor and happiness to remain a member of the Confederacy, she will strenuously insist that justice be meted out to her, by refunding the moneys thus unjustly collected. This she owes to herself—to her own honor—but above all to sacred principle and to the Union.

This act seems to have been passed at the close of the session, when there was not sufficient time for calm and deliberate reflection; and since the date of its passage, the attention of Congress has been almost wholly taken up with the consideration of other measures of more immediate and pressing importance. To doubt that justice will yet be done California, is to doubt the justice of Congress; and to doubt the ultimate justice of Congress, is to doubt the justice of the American people, their capacity for self-government, and the perpetuity of our institutions.

The question of revenue and expenditures, so important to individuals, families, and States, will necessarily occupy much of your attention. Of the temporary State loan there have been issued bonds to the amount of two hundred and ninety thousand one hundred dollars, of which the sum of nineteen thousand four hundred and fifty dollars has been redeemed, leaving outstanding on the 15th December, 1850, the sum of two hundred and seventy thousand six hundred and fifty dollars, upon which interest had accrued to the amount of seventy-one thousand eight hundred and thirty-six dollars and four cents, making the sum total of the State Debt created under the act authorizing a temporary State loan, amount to the sum of three hundred and forty-two thousand four hundred and eighty-six dollars and four cents. In addition to this, there were unredeemed Comptroller's warrants to the amount of one hundred and forty-two thousand nine hundred and seventy-four dollars and twenty-four cents, which, added to the outstanding three per cent. bonds, and the interest due upon them up to December 15, would make the sum total of the State Debt on that day four hundred and eighty-five thousand four hundred and sixty dollars and twenty-eight cents. The total amount of receipts into the Treasury up to the 15th December, amounted to the sum of three hundred and twenty-four thousand nine hundred and seventy four dollars, while the expenditures up to the same period amounted to the sum of four hundred and forty-seven thousand one hundred and fifty-three dollars and eighty-five cents; leaving an excess of expenditures, over and above receipts, of one hundred and

twenty-two thousand one hundred and seventy-nine dollars and eighty-five cents. The estimated receipts for the second fiscal year, ending on 30th day of June, 1851, amount to the sum of five hundred and nineteen thousand five hundred and fifty dollars; while the estimated expenditures under the present rates of compensation amount to the sum of four hundred and ninety-five thousand seven hundred and forty-seven dollars, leaving an excess of receipts over expenditures, of twenty-three thousand eight hundred and three dollars. But should the expenditures be reduced, as suggested by the Comptroller, to the sum of two hundred and eighty-nine thousand two hundred and three dollars and fifty cents, and the receipts into the Treasury equal the estimates, then there would remain a balance in the Treasury, on the 30th day of June, 1851, of two hundred and thirty thousand three hundred and forty-six dollars and fifty cents, applicable to the payment of the State Debt.

The act for the better regulation of the mines met with serious opposition in various portions of the State, and the amount of revenue derived from this source fell far short of what was confidently anticipated. Under the act there was collected and paid into the Treasury up to the 15th December, the sum of twenty-nine thousand seven hundred and thirty-one dollars and sixteen cents; and the further sum of nine thousand nine hundred and forty-one dollars yet remains in the hands of L. A. Bensançon, the former Collector of Tuolumne County.

The necessity of convening the Legislature for the purpose of passing an act to procure a loan for the State, was seriously urged upon my attention, and the subject received all the consideration its great importance demanded. Extra sessions of the Legislatures of several States, as well as of Congress, have been frequently called, and not one of them, to my knowledge, has ever equalled the expectations of its friends. The only result that is *certain* to follow an extra session of a legislative assembly is a heavy amount of additional expense, while the benefits are matters of doubt. In the present case, whether a quorum of both Houses could have been obtained, admitted of some question; and whether, when assembled, a majority of both Houses could have agreed upon a bill for creating a State loan, was more than problematical.

Our Constitution only authorizes the Executive to convene the Legislature upon "extraordinary occasions;" and to guard against the abuse of this power, the Governor is required to "state to both Houses when assembled the purpose for which they shall have been convened."

From this language, as well as from the nature and reason of the case, the "extraordinary occasion" contemplated by the framers of the Constitution must be some new and very important event, such as the happening of war, or other serious cause, arising after the adjournment of the Legislature, and which could not have come under its consideration while in regular session. The propriety of authorizing a loan in *addition* to the temporary State loan of three hundred thousand dollars, was elaborately discussed in the Legislature before its adjournment; but the bill did not pass. It is true that the State was not then admitted into the Union, but that event was confidently anticipated. It is also true, that the act imposing a tax upon foreign miners had not then been tested, and had not then failed; and the present financial condition of the State was not then foreseen. But the mere deficit in the revenue was not, in my opinion, such an "extraordinary occasion" as required an extra session of the Legislature. The condition of the Treasury of the United States, at the time President Van Buren convened Congress, in consequence of the suspension of the Deposit Banks, was certainly as critical as the present situation of our State Treasury; and yet the result proved the action of the President in that case to have been unwise and unnecessary.

But there were other powerful reasons, founded upon principle, that had their due share of influence in forming my opinion upon this question. To have effected a loan it would have been necessary to issue bonds running some fifteen or twenty years, and bearing a high rate of interest. Capitalists, knowing that the money was only wanted to defray the current expenses of the civil administration, and not for the purposes of constructing some great, permanent, and profitable improvement, which itself would probably afford the means of ultimate reimbursement, would have demanded these conditions.

The practice of contracting State debts, especially for the mere purpose of defraying the ordinary expenses of the State Government, and when these debts are not to be paid until after the lapse of years, is one of pernicious tendency and of evil example, and would seem to be a plain violation of just and honest principle. Most of the States have contracted debts for the purpose of internal improvement; but few of them have borrowed money to defray ordinary expenses. There is a vicious principle in the practice of putting our burdens upon posterity without their consent. Those who have the *liberty* to contract debts

should bear the *responsibility* of paying them. It would be exceedingly convenient for individuals, as well as States, to enjoy the happy privilege of contracting debts for their *own* use and benefit, while the burden of their payment would be thrown upon the shoulders of others. If such a system could once be successfully adopted, it would be found so easy and so tempting that there would remain no check and no limit to the evils to be entailed upon future generations.

The expenses of the Convention which framed the Constitution having all been paid the only use the State had for the money to be obtained by loan would have been to defray *ordinary* and *present* expenses. If for instance, the State had borrowed one million of dollars, every dollar of it would have been expended to pay our *present expenses*, and would have saved us, of the present day, that amount of taxation; but the *payment* of this debt would have been postponed for years, and forced upon others against their will and without their consent, while they would have received none of the benefits and would have the expenses of the State accruing in their *own* time to pay besides. While we are complaining, and justly too, that Congress has taxed us without representation or government, thus imposing upon us the burdens without giving us the benefits of government, we are urged to commit the same violation of principle, by borrowing money and expending it for our own temporary purposes, and at the same time putting the *entire* burden of payment upon our successors; thus in effect taxing them without bestowing any corresponding benefit in return.

It may be said that we confer benefits upon posterity, and they ought therefore to pay our debts. But it is plain that we shall confer no greater benefits upon them than those we have received from our ancestors, and no greater than they will confer upon their successors; and if we have the right to place our burdens upon them, they in their turn will have the same right to place their burdens upon the next succeeding generation; so that each existing generation, one after the other, will have the right to borrow money to defray their own daily expenses, and to put the task of payment upon their successors to the end of time.

Had the Legislature been convened, and a loan obtained, it would have precipitated the State into a system of extravagance which would have been difficult to lay aside. In two years from this time, the State would have been in a condition as much embarrassed as at present, if not in a worse condition. There can perhaps no greater misfortune befal

a young State, than a large surplus in the treasury produced by a loan. It puts the people and the government upon delusive hopes, and *starts* a system of expenditures that cannot be sustained and continued. Young States, like young and inexperienced individuals, never cease expenditures while there is money in the treasury; and seldom stop while they have any credit left. The time must come when the State expenditures must fall within the limits of her income, and the *sooner* this is brought about the better for all parties in the end. It would, perhaps, be best for her to adopt a system of rigid economy at the commencement, so as to be certain to come within their limits.

As the Legislature has now no Constitutional power to borrow money, and as there are no cash funds in the treasury, the question arises how the current and necessary expenses of the State are to be paid. I would recommend that the present rate of taxation upon real and personal estate be continued, and that a reasonable reduction be made in the rate of the capitation tax. This latter tax has been generally considered too high, and this feeling has materially diminished the amount of revenue expected from that source. Were the rate less, a much larger amount could be collected. I would also recommend that Comptroller's Warrants be made by law receivable in payment of all State dues; and that the law requiring that officer to draw these warrants be amended, as suggested by him in his able report. These warrants may fall below their par value, but being made receivable in payment of the State dues, they will be absorbed by the incoming revenue, and this circumstance will facilitate the collection of taxes, and prevent any great depreciation in the value of the warrants. If the whole amount issued should be *less* than the amount of the State revenue, then they will rise nearly if not quite to par value. To bring about this desirable state of things, I recommend a rigid system of retrenchment in the expenditures of every department of the State. It occurs to me that the most rational, just, and certain mode of getting out of debt, is to make *more*, expend *less*, and borrow *none*. I also recommend a reduction of the rate of taxation imposed on property sold at auction. A larger amount of revenue can be collected from this source, it is thought, were the rates reduced. As at present established, the rates are so high as to materially diminish the amount of sales.

The attempt to administer the State Government during the past year has been attended by many difficulties. To start a new system,

under ordinary circumstances, is no easy task,—but no new State has ever been encompassed with so many embarrassments as California. Our people formed a mixed and multitudinous host from all sections of our widely extended country, and from almost every clime and nation in the world, with all their discordant views, feelings, prejudices, and opinions; and thrown together like the sudden assemblage of a mighty army, had no time to compare notes or interchange opinions. Besides this, a majority considered themselves only temporary residents, and had therefore no permanent interest in sustaining the State Government. Serious resistance to the execution of the laws was threatened in some instances, and a very unfortunate disturbance occurred at Sacramento City, in reference to which it would be improper to express an opinion, as the facts of the case will be inquired into by the competent judicial tribunals.

The first session of the Legislature had more difficulties to meet than perhaps the Legislature of any other State. That body had no beaten road to travel, no safe precedents to follow; California required a *new* system, adapted to her new and anomalous condition. What that new system should be, time and experience could *alone* determine. With the experience of the past year before us, we may be enabled to make some useful and necessary amendments. I have suggested such as have appeared to me the most important. It will be doubtless necessary to amend the acts of the last session in many other respects; but I would respectfully suggest the propriety of making no amendments except where manifestly required. The people have now become accustomed to the laws as they are; and by making but few amendments a heavy amount of expense may be saved to the State.

The report of the Comptroller, herewith submitted, contains many valuable suggestions, to which I would respectfully invite your attention.

In conclusion, I would make but one other suggestion, more important than any yet made, because it concerns the virtue and honor of our community. The fourth section of the first chapter of the "act to regulate proceedings in civil cases," is in these words: "Sec. 4. No action shall be maintained for criminal conversation or for seduction."

I recommend an entire repeal of this section, that the law may throw around the chastity of our wives and daughters that protection which ought to be afforded by the laws of every civilized country in the world.

SAN JOSÉ, *January* 6, 1851. PETER H. BURNETT.

Accompanying the Message was the Annual Report of the Comptroller of State (see Appendix B). The Message having been read, Mr. Broderick moved that 10,000 copies thereof be printed for the use of the Senate. Mr. Adams moved 1,500 copies. Mr. Tingley moved 1,000 copies.

And the question being first taken on the motion to print 10,000 copies, the yeas and nays were demanded by Messrs Heydenfeldt and Douglass, and resulted as follows:

YEAS.

Mr. Broderick
Mr. Lippincott—2.

NAYS.

Mr. Adams
Cooke
Crosby
Douglass
Mr. Heydenfeldt
Miller
Tingley
Van Buren—8.

So the question was decided in the negative.

The question recurring on the motion of Mr. Adams to print 1,500 copies, the yeas and nays were demanded by Messrs. Douglass and Heydenfeldt, and resulted as follows:

YEA.

Mr. Adams—1.

NAYS.

Mr. Broderick
Cooke
Crosby
Douglass
Heydenfeldt
Mr. Lippincott
Miller
Tingley
Van Buren
—9.

So the question was decided in the negative.

The question then recurring on the proposition of Mr. Tingley to print 1,000 copies, the yeas and nays were demanded by Messrs. Heydenfeldt and Douglass, and resulted as follows:

YEAS.

Mr. Adams
Miller
Mr. Tingley
Van Buren—4.

NAYS.

Mr. Broderick	Mr. Douglass
Cooke	Heydenfeldt
Crosby	Lippincott—6.

So the question was decided in the negative.

Mr. Crosby moved the printing of 5,000 copies of the Governor's Message and accompanying documents, on which motion the yeas and nays were ordered, and resulted as follows:

YEAS.

Mr. Broderick	Mr. Lippincott
Cooke	Miller
Crosby	Van Buren—6.

NAYS.

Mr. Adams	Mr. Heydenfeldt
Douglass	Tingley—4.

So the question was decided in the affirmative.

Mr. Broderick gave notice that on to-morrow, or some future day, he would ask leave to introduce the following bills, viz.:

A bill to merge the County and City Government of San Francisco into one.

A bill to repeal the health and quarantine laws of San Francisco.

A bill to create the office of Surrogate for the City of San Francisco.

A bill to create the office of Public Administrator for the City of San Francisco.

A bill to abolish the Court of Sessions of the County of San Francisco.

A bill to abolish the Superior Court of the City of San Francisco.

Mr. Tingley gave notice that on to-morrow, or at an early day, he would ask leave to introduce a bill to repeal an "Act creating officers of health for the port of San Francisco."—Approved April 8, 1850.

Also a bill to repeal "an Act regulating the quarantine of vessels at the port and harbor of San Francisco."—Approved April 9, 1850.

Also a bill to repeal "an Act to create Port Wardens for the City of San Francisco."—Approved April 10, 1850.

Also a bill to Repeal "an Act to provide for the inspection of steamboats."—Approved April 10, 1850.

And that he would introduce a bill concerning the salaries of State officers, and to repeal an Act on that subject.—Approved March 5, 1850.

Also a bill to regulate fees of office, and to repeal an Act on that subject.—Approved April 22, 1850.

Also a bill to repeal an "Act for the better regulation of the miners, and the government of foreign miners."—Approved April 12, 1850.

Mr. Heydenfeldt gave notice that on to-morrow he would ask leave to introduce the following bills, viz. :—

A bill to repeal "an Act requiring Alcaldes and Judges of First Instance to account for moneys received and expended by them."

A bill to repeal "an Act prescribing the mode of appointing auctioneers, and defining their duties."

A bill to repeal "an Act to prevent the coining of money by individuals."

A bill to repeal "an Act concerning licenses."

A bill to repeal "an Act for the government and protection of Indians."

A bill to repeal "an Act concerning the office of State Assayer, Melter and Refiner of Gold and defining his duties."

A bill to repeal "an Act defining the duties of State Printer and fixing his compensation."

A bill to repeal "an Act providing for the creation of a Marine Hospital for the port of San Francisco."

A bill to repeal "an Act to provide for the inspection of steamboats."

A bill to provide for the collection of demands against the State."

Also that at an early day he should ask leave to introduce the following bills, to wit :—

A bill amendatory of the "Act to create the office of State Printer, and defining his duties."—Approved January 8, 1850.

A bill amendatory of the "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." Approved January 9, 1850.

A bill amendatory of the "Act concerning the salaries of officers." Appoved March 5, 1850.

A bill amendatory of the "Act to organize the District Courts of the State of California."—Approved March 16, 1850.

A bill amendatory of the "Act defining the compensation of Clerks

employed by the Secretary, Comptroller, and Treasurer of State." Approved April 4, 1850.

A bill amendatory of the "Act to regulate proceedings in the County Courts, in cases of appeal from the Courts of Justices of the Peace." Approved April 11, 1850.

A bill amendatory of the "Act to regulate proceedings in criminal cases."—Approved April 20, 1850.

A bill amendatory of the "Act to regulate proceedings in civil cases in the District Court, the Superior Court of the City of San Francisco, and Supreme Court."—Approved April 22, 1850.

A bill amendatory of the "Act to organize the Supreme Court of California."—Approved February 14, 1850.

A bill amendatory of the "Act to incorporate the City of San Francisco."—Approved April 15, 1850.

Mr. Tingley submitted a resolution which was adopted, directing the Sergeant-at-Arms to contract with the proprietors of the "*State Journal*" and "*Argus*," printed at San José, for four copies per day of each of their respective daily papers, for the President and each Senator, during the present session, at a cost not to exceed ten cents per copy.

Mr. Crosby submitted a resolution which was adopted, instructing the Committee on Rules and Orders to prepare and report to the Senate a selection of such statistical matter as shall be, in their opinion, proper to be incorporated in a book of rules for the use of the Senate.

Mr. Tingley submitted a concurrent resolution, which was adopted, instructing the Select Committee on Rules and Orders to act with any similar committee which may be appointed on the part of the Assembly, in the preparation of joint rules for the government of the two Houses. [See Appendix A.]

On motion of Mr. Van Buren, the Senate adjourned.

JNO. MCDOUGAL, President of the Senate.

J. F. HOWE, Secretary of the Senate.

IN SENATE.

WEDNESDAY, *January* 8, 1851.

The Senate assembled, in accordance with the standing rules yester-

day adopted, at ten A. M.; but a quorum not being present, took a recess, on motion of Mr. Heydenfeldt, until eleven A. M.

On assembling, the journal of Tuesday was read and approved.

On motion of Mr. Van Buren, the Senate then adjourned in honor of the day—the anniversary of the battle of New Orleans.

JOHN MCDOUGAL, President of the Senate.

J. F. HOWE, Secretary of the Senate.

IN SENATE.

THURSDAY, *January* 9, 1851.

The Senate assembled pursuant to adjournment.

The Lieutenant Governor called Mr. Heydenfeldt to the chair, when the journal of Wednesday was read and approved.

Mr. Crosby presented a petition from Thomas J. White and three hundred others, citizens of Sacramento City, praying leave to construct a bridge over the American Fork, opposite that city; which, on motion, was referred to a select Committee, consisting of Messrs. Crosby, Tingley, and Van Buren.

Mr. Tingley, agreeably to previous notice, asked and obtained leave to introduce a bill to repeal the Act entitled "An Act for the better regulation of the Mines and the Government of Foreign Miners," approved 12th April, 1850, which was read the first time, and ordered to lie on the table until the Standing Committees shall have been appointed.

The President *pro tempore* laid before the Senate a communication from John E. Durivage, Esq., on behalf of the editors and proprietors of the "*Alta California*," tendering daily copies of that paper to the President, members, and officers of the Senate, gratuitously, during the present session of the Legislature; and a similar communication from James M. Crane, Esq., on behalf of the editors and publishers of the "*California Courier*," which were read: when on motion, the thanks of the Senate were tendered to those gentlemen, and the communications were ordered to be entered on the journal.

A Message was received from the Assembly by Mr. McMullin, their Clerk, informing the Senate that the Assembly had appointed Messrs.

Wilkins, Bradford, and Cook a Committee to act with Senate's Committee in preparing Joint Rules for the government of the two Houses.

Several Messages in writing were received from the Governor by Mr. Ryland, Private Secretary, viz :—

A statement showing, so far as returns have been received, the number of cases on the calendar in the District and Supreme Courts, the number heard and determined, and the number still remaining undetermined. (See Appendix C, No. 4.)

A statement—in compliance with the 46th section of the Act in relation to "Officers"—of appointments made by the Executive since the preceding session of the Legislature. (See Appendix C, No 3.)

A statement—in compliance with the 16th section of the fifth article of the Constitution—of pardons granted by the Executive during the past year. (See Appendix C, No. 5.)

A copy of a communication from Adam Johnston, in relation to recent depredations committed by the Indians. (See Appendix C, No. 1.)

Which were severally ordered to lie on the table until the Standing Committees shall have been appointed.

Also, a Message nominating Captains Holder, Ainy, and William G. Oliver as Pilots for the port of San Diego, which nominations, on motion, were confirmed by the Senate.

Also, the following Message, resigning his office as Governor of California :—

GENTLEMEN OF THE SENATE AND ASSEMBLY :

Circumstances entirely unexpected and unforeseen by me, and over which I could have no control, render it indispensable that I should devote all my time and attention to my private affairs. I therefore tender to both Houses of the Legislature my resignation as Governor of the State.

I leave the high office to which I was called by the voluntary voice of my countrymen with but one only regret—that my feeble abilities have allowed me to accomplish so little for the State. In the humble sphere of a private citizen, I shall still cherish for her that ardent attachment she so justly merits. Within her serene and sunny limits I intend to spend the remainder of my days, many or few ; and should an unfortunate crisis ever arise when such a sacrifice might be available and

necessary for her safety, my limited fortune and fame, and my life, will be at her disposal.

PETER H. BURNETT.

San José, January 8th, 1851.

On motion of Mr. Tingley, amended by Mr. Crosby, it was

Resolved (if the Assembly concur), That the communication of the Governor, Peter H. Burnett, tendering his resignation, be received, and his resignation be accepted.

On motion of Mr. Lippincott, it was

Resolved (if the Assembly concur), That the two Houses will meet in Convention this day at one o'clock, to receive the resignation of His Excellency Governor Burnett, and proceed with the inauguration of the Lieutenant-Governor as Governor of the State of California.

On motion of Mr. Tingley, the Secretary was authorized to furnish the State Printer with the original instead of a duplicate copy of the Governor's Message, from which to have printed the five thousand copies ordered by the Senate.

On motion of Mr. Crosby, it was ordered that the printing of the Comptroller's Report be suspended until the further order of the Senate.

Mr. Broderick, agreeably to previous notice, asked and obtained leave to introduce the following bills:

A bill to repeal "an Act regulating the quarantine of vessels at the Port and Harbor of San Francisco."

A bill to repeal "an Act creating Officers of Health for the Port of San Francisco."

Which were severally read the first time, and on motion, were ordered to lie on the table until the Standing Committees shall have been appointed.

Mr. Broderick gave notice that he would at an early day ask leave to introduce a bill to prohibit Lotteries—and subsequently, by unanimous consent, introduced the same, and it was read the first time and ordered to lie on the table until the Standing Committees shall have been appointed.

On motion of Mr. Van Buren, the Senate took a recess for fifteen minutes.

On reassembling, the President laid before the Senate a communication from the Secretary of State, in compliance with the resolution of

the Senate of 6th instant, in relation to the Journals and Laws of the last Session, and to the Debates of the Convention at Monterey, which was read and ordered to lie on the table. [See Appendix B, No. 2.]

Also a communication from the Secretary of State, transmitting an abstract of such official returns as have been received at that office, of Senators voted for at the general election held October 7, 1850; an abstract of the returns of the vote for the permanent location of the seat of government of the State; and sealed papers relating to the contested election between Alonzo W. Adams and Alfred H. Stout, which were read, and with the accompanying papers, ordered to lie on the table until the Standing Committee shall have been appointed. [See Appendix B, No. 3.]

A message was received from the Assembly by Mr. McMullin, their Clerk, informing the Senate that they had adopted the Senate Joint Resolution to receive and accept the Governor's resignation. Also that the Assembly had concurred in the Senate Joint Resolution, providing for a Convention of the two Houses at one o'clock this day, to receive the resignation of His Excellency the Governor, and proceed to the inauguration of the Lieutenant-Governor as Governor of the State of California.

On motion of Mr. Van Buren, the Senate took a recess until five minutes before one o'clock, P.M.

On reassembling, Mr. Crosby moved that the Senate proceed to an election of President, but the President *pro tem.* decided the motion to be "not now in order;" and on motion of Mr. Broderick, "the decision of the chair was ordered to stand as the judgment of the Senate."

A message was received from the Assembly by Messrs. Bennett and McCorkle, Committee, informing the Senate that the Assembly was ready to meet the Senate in Convention, for the inauguration of the Lieutenant-Governor as Governor of California.

On motion of Mr. Van Buren, the Senate proceeded to the Hall of Assembly.

IN CONVENTION.

Hon. Elcan Heydenfeldt, President *pro tempore* of the Senate, presided, assisted by Hon. John Bigler, Speaker of the House.

The President stated the object of the Convention. The resignation of the Governor was read by the Secretary of the Senate. The President decided that the acceptance or non-acceptance of the Governor's resig-

nation, under the joint Resolutions this day adopted by the two Houses, must be decided in Convention. From this decision Mr. Broderick appealed; and the question being, "Shall the decision of the President stand as the judgment of the Convention?" it was decided in the affirmative, by yeas and nays, as follows:

Yeas: Messrs. Adams, Douglass, Lippincott, and Miller, of the Senate; and Messrs. Bennett, Bradford, Brown, Carr, Cook, Crane, Hall, Kellogg, Kendrick, Lisle, Lind, McCorkle, Merritt, Moore, Murphy, Randall, Richardson, Robinson, Saunders, Thorne, Wethered, Yeiser, and Speaker of the Assembly—27.

Nays: Messrs. Broderick, Cooke, Crosby, Tingley, and Van Buren, of the Senate; and Messrs. Baldwin, Bodley, Campbell, Field, Hoff, McDougal, Pico, and Wilkins, of the Assembly—13.

The question then being "Shall the resignation of the Governor be accepted?" it was decided in the affirmative by yeas and nays as follows:

Yeas: Messrs. Adams, Cooke, Crosby, Douglass, Heydenfeldt, Lippincott, Miller, Tingley, and Van Buren, of the Senate; and Messrs. Baldwin, Bodley, Bradford, Brown, Campbell, Cook, Crane, Field, Hall, Hoff, Kendrick, Lisle, Lind, McCorkle, McDougal, Merritt, Murphy, Pico, Richardson, Robinson, Saunders, Thorne, Wethered, Wilkins, and Speaker of the Assembly—34.

Nays: Mr. Broderick of the Senate; and Messrs. Bennett, Carr, Kellogg, Moore, Randall, and Yeiser, of the Assembly—7.

On motion of Mr. Tingley, amended by Mr. Lippincott, it was resolved that a Committee of two be appointed on the part of the Senate, and two on the part of the Assembly, to wait on the Lieutenant Governor, Hon. John McDougal, and inform him that the two Houses are ready to proceed with his inauguration as Governor; and also, to invite his Excellency Ex-Governor Burnett to be present at the ceremony. The President appointed Messrs Tingley and Adams as such Committee on the part of the Senate, and the Speaker appointed Messrs. Field and Carr on the part of the Assembly.

On motion of Mr. Van Buren, it was resolved that His Honor, Mr. Justice Lyons, of the Supreme Court, be invited to officiate on this occasion. The President appointed Mr. Van Buren on the part of the Senate, and the Speaker appointed Mr. Baldwin on the part of the Assembly, to conduct Judge Lyons to the seat prepared for him in the Convention.

On motion of Mr. Lippincott it was resolved, that our Senator in Congress, the Hon. John C. Frémont, be invited to take a seat within the bar of the Convention; and the President appointed Mr. Lippincott on the part of the Senate, and the Speaker appointed Mr. Cook on the part of the Assembly, as a committee to conduct Mr. Frémont to the seat prepared for him within the bar of the Convention.

The Hon. John McDougal, Lieutenant Governor, was subsequently introduced before the Convention by the Committee appointed for that purpose, and the oath of office prescribed by the Constitution was administered to him by Mr. Justice Lyons, and duly subscribed as required by the Constitution.

His Excellency the Governor then addressed the Convention as follows:

FELLOW CITIZENS OF THE SENATE AND OF THE HOUSE OF ASSEMBLY—

The resignation of the Governor of our State was this day communicated to your respective bodies. Under the requirement of the Constitution the duties of that office devolve upon the Lieutenant Governor.

In assuming, therefore, the high and responsible trusts of the Chief Magistracy of our State, I must take occasion to say that I do so with many distrusts of a proper want of ability to discharge them with that wisdom so essential in our new and anomalous condition. Relying, however, upon your characteristic liberality, and that of our fellow-citizens, to regard with an indulgent consideration whatever I may do in my new capacity, I can only give the assurance that in the discharge of my administrative duties I shall endeavor to be governed and guided by a determination singly to the prosperity and happiness of our people.

You have met, gentlemen, under peculiar and extraordinary circumstances; you have assumed upon yourselves an amount of labor, the great importance of which cannot be overrated nor too frequently reverted to; and I trust that in all of your legislative labors you may be governed by that calmness and consideration so necessary to sound and practical legislation; giving you assurance of my energetic coöperation in all matters necessary to further the wishes and interests of a confiding constituency.

JOHN MCDOUGAL.

San José, January 9, 1851.

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.

IN SENATE.

On motion of Mr. Crosby, the Senate proceeded to the election of a President of the Senate, to fill the vacancy occasioned by the accession of Hon. John McDougal to the office of Governor.

Mr. Heydenfeldt nominated Mr. Broderick.

There being no other nomination, the Senate proceeded to an election of President, *viva voce*, when the President *pro tempore* announced the result to be as follows:—

Whole number of votes	10
Necessary to a choice	6
Of which Mr. Broderick received	6 votes.
Mr. Lippincott . . .	2 "
Mr. Miller . . .	1 "
Mr. De la Guerra . .	1 "

Those who voted for Mr. Broderick were—Messrs. Adams, Cooke, Crosby, Heydenfeldt, Miller, and Van Buren—6.

Those who voted for Mr. Lippincott were—Messrs. Douglass and Tingley—2.

Mr. Broderick voted for Mr. Miller, and Mr. Lippincott for Mr. De la Guerra—2.

And the President *pro tempore* declared, that Mr. Broderick having received a majority of all the votes given, was duly elected President of the Senate, to fill the vacancy occasioned by the accession of Hon. John McDougal to the office of Governor.

Messrs. Douglass and Adams were appointed a Committee to conduct the President elect to the chair, on assuming which he briefly addressed the Senate, returning his thanks for the high honor conferred, and expressing his determination to perform to the best of his ability the duties of the office with fidelity and impartiality. For any errors he

might commit he should rely on the indulgence and wisdom of the Senate to correct them—a reliance which, he felt assured, would never fail him.

On motion of Mr. Heydenfeldt the Senate adjourned.

DAVID C. BRODERICK, President of the Senate.

J. F. HOWE, Secretary of the Senate.

IN SENATE.

FRIDAY, *January* 10, 1851.

The Senate assembled pursuant to adjournment.

The Journal of Thursday was read and approved.

The President announced the following as Standing Committees for the present session, viz:

ON CLAIMS:

Messrs. Warner, Douglass, and Robinson.

ON FINANCE:

Messrs. Green, Cooke, Adams, Tingley, and Miller.

ON THE JUDICIARY:

Messrs. Crosby, Heydenfeldt, Tingley, Van Buren, and Cooke.

ON THE MILITIA:

Messrs. Adams, Douglass, and Woodworth.

ON COUNTY BOUNDARIES:

Messrs. De la Guerra, Green, and Crosby.

ON ELECTIONS:

Messrs. Woodworth, Cooke, and Crosby.

ON STATE PRISONS:

Messrs. Lippincott, Douglass, and Van Buren.

ON PUBLIC PRINTING:

Messrs. Robinson, Douglass, and Miller.

ON CORPORATIONS:

Messrs. Tingley, Robinson, and Hope.

ON STATE LIBRARY.

Messrs. Van Buren, Tingley, and Miller.

ON ENGROSSED BILLS.

Messrs. Hope, Adams, and Van Buren.

ON PUBLIC BUILDINGS.

Messrs. Cooke, Lippincott, and Adams.

ON EDUCATION.

Messrs. Heydenfeldt, Van Buren, and Green.

ON ROADS AND HIGHWAYS.

Messrs. Douglass, Miller, and Warner.

ON AGRICULTURE.

Messrs. Miller, De la Guerra, and Green.

ON CONTINGENT EXPENSES.

Messrs. Heydenfeldt, Hope, and Adams.

Mr. Tingley, from the Joint Select Committee appointed to report Joint Rules for the government of the business of the two houses, reported a code of Joint Rules and Orders of the Senate and Assembly, which were read and adopted. (See Appendix A.)

Mr. Heydenfeldt, agreeably to previous notice, asked and obtained leave to introduce bills, as follows, viz:

An Act to provide for the collection of demands against the State.

An Act to repeal "an Act providing for the creation of a Marine Hospital for the port of San Francisco."

An Act to repeal "an Act defining the duties of State Printer, and fixing his compensation."

An Act to repeal "an Act to provide for the inspection of Steamboats."

An Act to repeal "an Act concerning the office of State Assayer, Melter, and Refiner of Gold, and defining his duties."

An Act to repeal "an Act prescribing the mode of appointing Auctioneers, and defining their duties."

An Act to repeal "an Act to prevent the coining of money by individuals."

An Act to repeal "an Act for the government and protection of Indians."

An Act to repeal "an Act requiring Alcaldes and Judges of First Instance to account for moneys received and expended by them."

An Act to repeal "an Act concerning Licenses."

All of which were read the first and second times, the rules having been suspended for that purpose, and were appropriately referred.

On motion of Mr. Tingley, the Senate resolved itself into Committee of the Whole, Mr. Heydenfeldt in the chair, with a view to the reference of the different portions of the Governor's Annual Message to the appropriate Committees. After some time spent therein the Committee rose, and the Chairman thereof reported, that their Committee had had under consideration the business referred to them, and had directed him to report the following resolutions, and ask for their adoption:

Resolved, That so much of the Governor's Message as relates to "Indian difficulties" be referred to the Committee on Military Affairs.

That so much as relates to the revenues of the State be referred to the Committee on Finance.

That so much as relates to Education and Common Schools be referred to the Committee on Education.

That so much as relates to hanging for stealing be referred to the Judiciary Committee.

That so much as relates to the Act of Congress in relation to the grant of swamp and overflowed land, be referred to the Committee on the Judiciary.

That so much of the Message as relates to the repeal, amendment, or enactment of laws, be referred to the Judiciary Committee.

And the question being on the adoption of the report of the Committee of the Whole, on motion of Mr. Tingley, that portion of the report which relates to the grant of swamp and overflowed lands to the

State, was so amended as to make the reference to the Committee on Finance; and thus amended, the report of the Committee of the Whole was adopted.

Mr. Cooke, on leave, submitted a joint resolution, which was adopted, granting leave of absence for five months from the 15th January instant, to Judge Hopkins, of the seventh Judicial District.

Mr. Tingley gave notice that he would, on to-morrow, or at an early day, ask leave to introduce a bill defining the pay and mileage of members of the two Houses, and to repeal the existing laws on that subject.

On motion of Mr. Heydenfeldt, the Senate adjourned.

DAVID C. BRODERICK, President of the Senate.

J. F. HOWE, Secretary of the Senate.

IN SENATE.

SATURDAY, *January* 11, 1851.

The Senate assembled pursuant to adjournment.

The Journal of Friday was read and approved.

Messrs. Green and Woodworth appeared and took their seats.

On motion of Mr. Heydenfeldt, Mr. Warner, Senator elect from the first Senatorial District, composed of the county of San Diego, was duly qualified and took his seat.

On motion of Mr. Crosby, it was ordered that a standing Committee on Commerce and Navigation be appointed; and on motion of Mr. Woodworth that a standing Committee on Public Lands and Mexican Claims be appointed. The President appointed as the first named Committee, Messrs. Robinson, Heydenfeldt, and Van Buren, and as the second named Committee, Messrs. Woodworth, Warner, and Crosby.

Mr. Douglass, from the Committee on Roads and Highways, to whom had been referred the bill entitled "an Act to repeal an act to provide for the inspection of steamboats," reported the same without amendment, and it was read the third time and passed.

A message was received from the Assembly by Mr. McMullin, their Clerk, informing the Senate that they had adopted the code of rules

and orders of the Senate and Assembly, reported by the joint Committee on that subject. Also, that they had passed the Senate's joint resolution, granting leave of absence to Judge Hopkins of the 7th Judicial District. Also, that they had passed a joint resolution, therewith transmitted, granting leave of absence to Hon. Charles M. Creaner, Judge of the fifth Judicial District.

On motion of Mr. Douglass, the last named resolution granting leave of absence to Judge Creaner was considered and adopted.

Messrs. Tingley and Green were appointed additional members of the Committee on Public Buildings.

Mr. Heydenfeldt was appointed chairman of the Committee on Claims, and Mr. Warner chairman of the Committee on Contingent Expenses.

Mr. Green gave notice that he would on Monday offer a resolution for the appointment of a select Committee on the Public Domain of California.

Mr. Warner gave notice that he would on Monday introduce a resolution for the appointment of a Select Committee on Mexican Claims due the State of California.

Mr. Adams gave notice that he would, at an early day, ask leave to introduce a bill to abolish the office of State Printer, and to let out the Public Printing by contract upon the most liberal terms offered.

Also, a bill to reduce the salaries of certain public officers, and for other purposes.

On motion of Mr. Douglass the standing rule, fixing the daily hour of meeting at "10 o'clock, A. M.," was so amended as to read "11 o'clock, A. M."

On motion of Mr. Heydenfeldt, the communication from the Secretary of State relative to contested seats in the Senate, and accompanying papers, were taken up, read, and referred to the Committee on Elections, with power to send for persons and papers.

The President laid before the Senate a letter from Hon. Pablo de la Guerra, Senator from the Third Senatorial District, stating his inability to be present at the opening of the Session, in consequence of illness, which was read and laid on the table.

Mr. Adams, from the Committee on Engrossed Bills, reported as correctly engrossed, the bill entitled "an Act to repeal 'an Act to provide for the inspection of Steamboats.'"

On motion of Mr. Heydenfeldt, the Annual Report of the Comptroller of State was taken from the table and referred to a select committee, consisting of Messrs. Heydenfeldt, Lippincott, and Crosby.

The bill entitled "an Act to repeal 'an Act regulating the Quarantine of Vessels at the Port and Harbor of San Francisco,'" was taken from the table, read the second time, and referred to the Committee on Commerce and Navigation.

Also, a bill entitled "an Act to repeal 'an Act creating Officers of Health for the Port of San Francisco.'"

The bill to repeal "an Act for the better regulation of the Miners and the Government of Foreign Miners," was taken from the table, read the second time, and referred to the Committee on the Judiciary.

Also a bill entitled "an Act to prohibit Lotteries."

Mr. Green submitted to the Senate a correspondence between himself and Hon. Robert J. Walker, in reference to the preparation of a plan for the organization of the State University, which was read and referred to the Committee on Education. (See Appendix RR.)

A Message was received from the Governor informing the Senate that he had this day appointed A. D. Ohr, Esq., his Private Secretary.

Also, a Message inclosing a letter from Alexander W. Hope, tendering his resignation as Senator from the Second Senatorial District. (See Appendix C, No. 2.)

On motion of Mr. Douglass the resignation was accepted.

Mr. Green submitted to the Senate a communication from J. Ross Browne, in reference to his contract for the publication of the Debates of the Convention at Monterey; which, on motion of Mr. Woodworth, was referred to a Select Committee, consisting of Messrs. Woodworth, Crosby, and Lippincott.

On motion of Mr. Green, the Chairman of the Committee on Finance, and the Chairman of the Committee on the Judiciary, were each authorized to employ a Clerk.

Agreeably to previous notice, Mr. Tingley asked and obtained leave to introduce a bill entitled "an Act concerning the Salaries of Officers," which was read the first and second times, the rules having been suspended for that purpose, and was referred to the Committee on Finance.

Mr. Tingley submitted a resolution, which was adopted, requesting the Secretary of State to furnish the Senate with a copy of the Annual

Report of the Treasurer of State, on file in his office, at as early a day as practicable.

On motion of Mr. Woodworth the Senate adjourned.

DAVID C. BRODERICK, President of the Senate.

J. F. HOWE, Secretary of the Senate.

IN SENATE.

MONDAY, *January* 13, 1851.

The Senate assembled pursuant to adjournment.

The Journal of Saturday was read and approved.

Mr. Heydenfeldt, from the Committee on Commerce and Navigation, reported without amendment bill entitled "an Act to repeal an Act regulating the quarantine of vessels at the Port and Harbor of San Francisco," which was read the third time and passed.

Mr. Heydenfeldt, from the same Committee, reported without amendment, bill entitled "an Act to repeal an Act creating Officers of Health for the port of San Francisco," which was also read the third time and passed.

Mr. Warner, agreeably to previous notice, submitted a resolution, which was adopted, for the appointment of a Committee to examine into the nature of the fund called the "Pious Fund" of California, and report whether there is any portion of the same due from Mexico to the State of California, and if so, to report the best means of obtaining the same. The President appointed, as such Committee, Messrs. Warner Green, and Cooke.

Agreeably to previous notice, Mr. Green introduced a resolution, which was adopted, for the appointment of a select Committee on the public domain of California, and the President appointed, as such Committee, Messrs. Green, Douglass, and Miller.

Mr. Green presented to the Senate a copy of the debates of the Convention at Monterey; and on motion of Mr. Crosby, the thanks of the Senate were tendered to him for the donation.

Mr. Woodworth submitted a joint resolution, which was adopted, directing the Secretary of State to procure, without delay, from the

military authority of California all the public documents which are the property of the State, and copies of all other archives that relate to the land titles, missions, and public domain of the State.

Mr. Heydenfeldt submitted a resolution to fix the per diem of the officers and clerks of the Senate, which was read, and on motion of Mr. Green referred to the Committee on Finance.

Mr. Tingley submitted a resolution, which was adopted, directing the Sergeant-at-Arms to make an arrangement with the Post Master at this place for the delivery of all letters, papers, and documents directed to the members of the Senate, and for the transmission through the mail of such as may be sent by them during the present session, and also for the payment of the postage thereon out of the Contingent Fund of the Senate.

Mr. Tingley submitted a resolution, which was adopted, requesting the Secretary of State to furnish, for the use of the Senate, copies of the Reports of the Surveyor General, Attorney General, and State Translator, if the same or either of them be on file in his office.

Mr. Douglass submitted a resolution, which was adopted, requesting the Treasurer of State to present to this body, at the earliest possible period, a statement of the amount of foreign miners' licenses issued to the various Collectors of the Foreign Miners' Tax respectively, the sum of money received from said Collectors, the amount retained by them as fees, and also the amount of such licenses returned to the Treasurer by the different Collectors, the names of those Collectors (if any) who have not reported to said Treasurer, and such other information, touching the official acts of said Collectors, and pertaining to the collection of said tax, as may be in possession of the said Treasurer of State.

Mr. Adams, from the Committee on Engrossed Bills, reported that the Committee had examined and found correctly engrossed a bill entitled "an Act to repeal 'an Act creating Officers of Health for the port of San Francisco;'" and a bill, entitled "an Act to repeal 'an Act regulating the Quarantine of Vessels at the Port and Harbor of San Francisco.'"

Mr. Woodworth gave notice that he would, at an early day, ask leave to introduce Bills, entitled "an Act to exempt all members of regularly organized fire companies of the State from Jury duty;" "an Act to exempt all officers and members of all regularly uniformed military companies of the State from Jury duty;" and "an Act for the relief

and encouragement of all regularly organized and uniformed militia companies of the State of California."

On motion of Mr. Miller, the Senate took a recess for 30 minutes.

On reassembling, Mr. Broderick (Mr. Douglass presiding) asked and obtained leave, agreeably to previous notice, to introduce a Bill entitled "an Act to repeal 'an Act to establish a Municipal Court in the City of San Francisco, to be called the Superior Court of San Francisco;'" which was read the first and second times, the Rules having been suspended for that purpose, and referred to the Committee on the Judiciary.

Mr. Broderick asked and obtained unanimous leave to introduce a Bill entitled "an Act concerning Seals and Sealed Instruments," which was read the first time, and laid over under the rules.

On motion of Mr. Heydenfeldt, the Bill to repeal "an Act providing for the creation of a Marine Hospital for the Port of San Francisco" was taken from the Judiciary Committee, and referred to the Committee on Commerce and Navigation.

On motion of Mr. Warner the Senate adjourned.

DAVID C. BRODERICK, President of the Senate.

J. F. HOWE, Secretary of the Senate.

IN SENATE.

TUESDAY, *January* 14, 1851.

The Senate assembled pursuant to adjournment.

The journal of Monday was read and approved.

Mr. Crosby presented the certificate of election of Hon. Henry E. Robinson, Senator elect from the Twelfth District, composed of the County of Sacramento, and he was duly qualified and took his seat, the oath of office being administered by His Honor Judge Sherwood, of the Ninth Judicial District.

Bill entitled "an Act concerning Seals and Sealed Instruments" was read second time, and referred to the Committee on the Judiciary.

The President laid before the Senate a message from the Secretary of State, in compliance with resolutions of the Senate, adopted at the

present session, transmitting copies of the Reports of the State Treasurer, Surveyor General, and State Translator; which were, on motion of Mr. Heydenfeldt, severally referred to the select Committee who have under consideration the report of the Comptroller of State, to wit, Messrs. Heydenfeldt, Lippincott, and Crosby. (See Appendix B, Appendix A No. 2, Appendix D, and Appendix E.)

On motion of Mr. Heydenfeldt, 100 copies of the standing rules of the Senate, of the joint standing rules of the Senate and Assembly, and of the standing Committees of the Senate, were ordered to be printed for the use of the Senate.

The President laid before the Senate the annual report of the State Printer, required by the 6th section of the "Act defining the duties of State Printer, and fixing his compensation," which, on motion of Mr. Crosby, was ordered to lie on the table for future consideration. (See Appendix D, No. 2.)

Mr. Crosby, from the Committee on the Judiciary, to whom had been referred bill entitled "an Act to repeal 'an Act requiring Alcaldes and Judges of First Instance to account for moneys received and expended by them,'" reported the same without amendment, and it was read the third time and passed.

Mr. Crosby, from the same Committee to whom had been referred bill entitled "an Act to repeal 'an Act for the better regulation of the Mines and the government of Foreign Miners,'" reported the same with an amendment. The amendment was adopted; and, as amended, the bill was read the third time and passed.

A message was received from the Assembly by their Clerk, informing the Senate that they had passed a Preamble and Joint Resolutions, therewith transmitted, asking of Congress to refund the expenditures made by the State of California in suppressing Indian hostilities. Also that they had passed a bill, therewith transmitted, entitled "an Act for the repeal of 'an Act regulating the Quarantine of Vessels in the Port and Harbor of San Francisco.'" The last named bill from the Assembly, relating to the quarantine laws, was read the first time and laid on the table; and the Joint Resolution from the Assembly, in relation to Indian hostilities, was referred to the Committee on the Judiciary.

Mr. Heydenfeldt gave notice that he would, on Thursday, ask leave to introduce a bill providing for the creation and erection of a State Marine Hospital for the Port of San Francisco.

Mr. Cooke presented a communication from the Hon. M. G. Vallejo, stating that he was prepared to enter into bonds, with ample security, for the fulfilment of his proposition made to the last Legislature for the location of the permanent seat of Government at the City of Vallejo; which was read and referred to the Committee on Public Buildings.

Mr. Tingley submitted a resolution, which was adopted, instructing the Judiciary Committee to inquire as to what right or title the State of California has to lands covered by high tide lying within the State, or lying between high and low water mark, on navigable streams, with leave to report by bill or otherwise.

On motion of Mr. Tingley, the President was authorized to appoint Master James Brannan as one of the pages of the Senate.

Mr. Adams, from the Committee on Engrossed Bills, reported as correctly engrossed, bills severally entitled "an Act to repeal 'an Act requiring Alcaldes and Judges of First Instance to account for moneys received and expended by them;'" and "an Act to repeal 'an Act for the better regulation of the Mines and the government of Foreign Miners.'"

Mr. Miller submitted a resolution, which was adopted, requesting the Governor to communicate to the Senate any information which he may have received in relation to Indian difficulties in the County of Mariposa.

On motion of Mr. Douglass, the appointment of a Standing Committee on Indian Affairs was ordered; and the President appointed, as such Committee, Messrs. Douglass, Miller, Lippincott, Green, Adams, Robinson, and Warner.

Mr. Robinson gave notice that he would, at an early day, ask leave to introduce a bill to prohibit the exercise of the Banking Privilege, or the creating of paper to circulate as money.

On motion of Mr. Cooke the Senate adjourned.

DAVID C. BRODERICK, President of the Senate.

J. F. HOWE, Secretary of the Senate.

IN SENATE.

WEDNESDAY, *January* 15, 1851.

The Senate assembled pursuant to adjournment.

The Journal of Tuesday was read and approved.

The President appointed as the Joint Standing Committee on Enrolled Bills, Messrs. Warner and Van Buren.

Mr. Heydenfeldt submitted a resolution, which was adopted, requesting the Governor to furnish the Senate copies of all official correspondence and other official documents, papers, and accounts in his possession, relative to the expedition against the Indians in the south (known as the "Moorehead Expedition") or in any other portion of the State.

Mr. Cooke submitted a resolution, which was adopted, requesting the Surveyor General to report to the Senate the peculiarities of each location offered for the Seat of Government, as required in the fourth section of the Act, 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. Heydenfeldt, the Senate took a recess of thirty minutes.

On reassembling, Mr. Warner, from the Joint Committee on Enrolled Bills, reported as correctly enrolled, joint resolution, granting leave of absence to Judge Creaner, of the Fifth Judicial District.

Mr. Broderick asked and obtained unanimous leave to introduce a bill, entitled "an Act to establish the Recorder's Court of the City of San Francisco," which was read the first and second times, the rules having been suspended for that purpose, and referred to the Committee on the Judiciary.

On motion of Mr. Heydenfeldt, the Senate adjourned.

DAVID C. BRODERICK, President of the Senate.

J. F. HOWE, Secretary of the Senate.

IN SENATE.

THURSDAY, *Jan.* 16, 1851.

The Senate assembled pursuant to adjournment.

The Journal of Wednesday was read and approved.

Mr. Crosby, from the Committee on the Judiciary, to whom had been referred bill entitled "an Act concerning Seals and Sealed Instruments," reported the same, with a recommendation that it be indefinitely postponed, and the report was adopted.

Mr. Crosby, from the same Committee, to whom had been referred bill entitled "an Act to prohibit Lotteries," reported the same with amendments. The amendments were adopted; and as amended, the bill was read the third time and passed.

A message was received from the Assembly informing the Senate that the Speaker had signed joint resolution granting leave of absence to Judge Creaner; and joint resolution granting leave of absence to Judge Hopkins. Also that the Assembly had appointed, as the Joint Standing Committee on Enrolled Bills, on their part, Messrs. Bradford and Cook.

Mr. Warner, from the Joint Committee on Enrolled Bills, reported as correctly endorsed, joint resolution granting leave of absence to Judge Hopkins.

The President of the Senate signed the Joint Resolutions mentioned in the Message from the Assembly, and the Secretary certified upon that granting leave of absence to Judge Hopkins, that it originated in the Senate.

The President laid before the Senate a communication from the Surveyor General, in reply to the Resolution of the Senate yesterday adopted, in relation to the locality of the State Capitol, which was read, and, on motion of Mr. Heydenfeldt, laid on the table. (See Appendix C.)

Mr. Van Buren gave notice that he would, at an early day, ask leave to introduce a bill, entitled "an Act to amend 'an Act concerning Crimes and Punishments,'" passed April 16, 1850, and a bill entitled "an Act to amend 'an Act to organize the District Courts of the State of California,'" passed March 16, 1850.

Mr. Crosby, from the Select Committee to whom had been referred the petition of Thomas J. White and others, reported a bill, entitled "an Act to amend 'an Act declaring certain rivers, creeks, and sloughs, herein named, navigable,'" which was read three several times and passed, the Rules having been suspended for that purpose.

On motion of Mr. Crosby, the Senate adjourned.

DAVID C. BRODERICK, President of the Senate.

J. F. HOWE, Secretary of the Senate.

IN SENATE.

FRIDAY, *January* 17, 1851.

The Senate assembled pursuant to adjournment.

The Journal of Thursday was read and approved.

Mr. Cooke, from the Committee on Public Buildings, made a report in writing, accompanied by a bill entitled "an Act for the permanent location of the seat of Government." The bill was read the first time, and, with the Report, was, on motion of Mr. Tingley, ordered to lie on the table until Monday, to enable him to prepare and submit an accurate report. (See Appendix I.)

Mr. Heydenfeldt, from the Select Committee to whom had been referred the Annual Report of the Surveyor General, made a Report in writing, recommending that the same be laid upon the table, as unsatisfactory, undignified, and discourteous; and the Report of the Committee was adopted.

Mr. Tingley presented sundry accounts and claims against the State for supplies furnished the command of Col. William Rogers, which were referred to the Committee on Finance.

On motion of Mr. Heydenfeldt, the bill submitted by him at the last Session, and postponed until the 1st of January, 1851, entitled "an Act concerning Common Schools and Public Instruction," was ordered to be taken from the file, and referred to the Committee on Education.

On motion of Mr. Douglass, Assembly Bill of last Session, which had been postponed in the Senate until the 31st of December, 1850, entitled "Act to exempt the Homestead and other Property from forced sale in certain cases," was ordered to be taken from the file, and referred to the Committee on the Judiciary.

The President laid before the Senate a communication from the State Treasurer, in compliance with a resolution of the Senate of 13th instant, calling for information as to the operations and present state of the accounts of the Collector, appointed under the "Act for the better regulation of the Mines and Government of Foreign Miners," which was read and ordered to lie on the table. (See Appendix EE.)

The President laid before the Senate a communication from the Clerk of the Assembly, addressed to the Secretary of the Senate, inclosing a resolution of that House requesting a copy of the Comptroller's Report; when, on motion of Mr. Heydenfeldt, the Secretary was directed to

inform the Assembly that the Report is not now in possession of the Senate, but is in the hands of a Committee, and that he is in consequence unable to furnish the copy requested.

Mr. Adams, agreeably to previous notice, asked and obtained leave to introduce a bill, entitled "an Act to abolish the office of State Printer, and to let out the public printing to the lowest bidder;" which was read the first and second times, the rules having been suspended for that purpose, and referred to the Committee on Printing.

Mr. Green submitted a resolution, which was adopted, requesting the Clerk of the Supreme Court to furnish the Senate with a copy of the decision of that Court in the case of The People *ex rel.* Attorney-General v. Henry M. Naglee. (See Appendix U.)

On motion of Mr. Heydenfeldt, the Senate adjourned.

DAVID C. BRODERICK, President of the Senate.

J. F. HOWE, Secretary of the Senate.

IN SENATE.

SATURDAY, *January* 18, 1851.

The Senate assembled pursuant to adjournment.

The Journal of Friday was read and approved.

Mr. Adams, from the Committee on Engrossed Bills, reported as correctly engrossed, bills severally entitled, "an Act to amend an Act declaring certain rivers, creeks, and sloughs, herein named, navigable," and an Act entitled "an Act to prohibit Lotteries."

Mr. Heydenfeldt submitted a resolution that the 39th standing rule of the Senate be so amended as to provide that all bills reported by a Committee, or introduced on leave, shall be printed for the use of the Senate, after the first reading, if then so ordered to be printed by the Senate, and not otherwise; which was read, and objection being made to its consideration at this time, was laid over under the rules.

A communication was received from the State Treasurer, informing the Senate that since the transmission of his first report, in answer to the resolution of the Senate requiring information concerning Collectors of the Foreign Miners' License Tax, Mr. A. W. Adams, Collector for the

County of Butte, had fully settled his account as such, by the return of his remaining unsold licenses. (See Appendix E, No. 2.)

Mr. Warner gave notice that he would, at an early day, ask leave to introduce a bill to provide for the greater security of persons and property on board of vessels navigating the waters of this State, in whole or in part by steam, as common carriers.

A Message was received from the Assembly informing the Senate that they had passed Senate bill, entitled "an Act to repeal an Act to provide for the inspection of Steamboats."

On motion of Mr. Tingley, the papers in relation to supplies furnished the command of Colonel William Rogers were ordered to be withdrawn from the Committee on Claims, and referred to the Committee on Indian Affairs.

On motion of Mr. Heydenfeldt, Senate bill of last Session, entitled "an Act for the distribution of the Common School and University Fund," was taken from the files, and referred to the Committee on Education.

Mr. Warner, from the Committee on Enrolled Bills, reported that they had this day presented to the Governor, for his signature, joint resolutions granting leave of absence to Judge Hopkins of the Seventh, and Judge Creaner of the Fifth Judicial Districts.

On motion of Mr. Miller, the Senate took a recess for one hour.

On reassembling a Message was received from the Governor by Mr. Ohr, Private Secretary, in pursuance of resolutions of the Senate adopted at the present Session, transmitting all original official correspondence and other documents in his possession relating to Indian disturbances, since the adjournment of the last Session of the Legislature. The Message was read, and, with the accompanying documents, was referred to the Committee on Indian Affairs. (See Appendix F.)

A Message from the Governor was also received, informing the Senate that he had signed joint resolution, originating in the Senate, entitled, "a Joint Resolution granting leave of absence to the Hon. Robert Hopkins, District Judge of the Seventh Judicial District."

On motion of Mr. Douglass, Senate bill of last Session, entitled "an Act concerning Divorces," was ordered to be taken from the files and delivered to the Judiciary Committee of the Assembly.

Mr. Woodworth, agreeably to previous notice, asked and obtained leave to introduce a bill entitled "an Act to exempt Firemen from Mili-

tary service and Jury duty," which was read the first and second times, the rules having been suspended for that purpose.

Mr. Adams submitted a joint resolution, providing that the two Houses of the Legislature shall meet in Convention on the 5th day of February ensuing, for the purpose of electing a United States Senator, to supply the place of Hon. John C. Frémont, whose term of service will expire on the 4th of March next.

On motion of Mr. Woodworth, the resolution was amended by striking out "5th of February," and inserting therefor "1st Monday in March;" when, thus amended, it was, on motion of Mr. Green, indefinitely postponed.

On motion of Mr. Heydenfeldt, the Senate adjourned.

DAVID C. BRODERICK, President of the Senate.

J. F. HOWE, Secretary of the Senate.

IN SENATE.

MONDAY, *January* 20, 1851.

The Senate assembled pursuant to adjournment.

The Journal of Saturday was read and approved.

Mr. Tingley, from the Committee on Public Buildings, submitted a minority report, in writing, in reference to the permanent location of the seat of government, which was read and accepted. (See Appendix J.)

Mr. Van Buren gave notice that he would, at an early day, ask leave to introduce a bill, entitled "an Act to amend an Act concerning Officers."

On motion of Mr. Heydenfeldt, Mr. Woodworth was added to the Committee on Commerce and Navigation, in consequence of the illness of Mr. Robinson, a member of that committee.

Bill entitled "an Act to exempt Firemen from Military service and Jury duty," was read third time and passed.

Mr. Tingley, from the Committee on Finance, to whom had been referred bills entitled "an Act to repeal an Act prescribing the mode of appointing auctioneers, and defining their duties," and "an Act to repeal an Act concerning licenses," reported the same, with an expres-

sion of the opinion that their passage would be inexpedient; whereupon, on motion of Mr. Heydenfeldt, the reports were laid on the table, and the bills were recommitted to the Committee on Commerce and Navigation.

Mr. Tingley, from the same Committee, to whom had been referred "an Act to repeal an Act to prevent the coining of Money by individuals," reported the same, with an expression of the opinion that its passage would be inexpedient; whereupon, on motion of Mr. Heydenfeldt, it was recommitted to the Committee on the Judiciary.

Mr. Tingley, from the same Committee, to whom had been referred bill entitled "an Act to repeal an Act concerning the office of State Assayer, Melter and Refiner of Gold, and defining his duties," reported the same, with a recommendation that it be passed. The Report was accepted, and the bill was read the third time and passed.

Mr. Green, from the Committee on Finance, to whom had been referred the resolution fixing the per diem of the officers of the Senate, reported the same with a substitute, which was read, and objection being made to its immediate adoption, it was laid over.

Senate bill, entitled "an Act to establish the permanent location of the seat of government," was read the second time, and, on motion of Mr. Green, was made the special order for 12 o'clock, M., to-morrow.

A resolution to amend the thirty-ninth standing rule of the Senate was taken up and adopted.

Mr. Warner, from the Committee on Enrolled Bills, reported as correctly enrolled, bill entitled "an Act to repeal an Act to provide for the inspection of Steamboats."

Mr. Green submitted certain papers in relation to the Marine Hospital at San Francisco, which, on his motion, were, without reading, referred to the Committee on Commerce and Navigation.

Mr. Heydenfeldt presented remonstrances of merchants, members of the bar, and other citizens of San Francisco, against the repeal of the "Act to establish the Superior Court of San Francisco," which were, on his motion, referred to the Committee on the Judiciary.

Motions to adjourn, to take a recess, &c., were made by Messrs. Heydenfeldt, Lippincott, Green, and Van Buren, and severally decided in the negative; when Mr. Heydenfeldt moved a recess for 15 minutes. The President decided this last motion to be not in order, for the reason that it was apparently introduced with a view to delay the business of

the Senate. From this decision Mr. Heydenfeldt appealed and the question being, "Shall the decision of the Chair stand as the judgment of the Senate?" the yeas and nays were demanded by Messrs. Van Buren and Douglass, and resulted as follows:

AYES.

Mr. Cooke	Mr. Woodworth	
Miller		—3.

NAYS.

Mr. Adams	Mr. Lippincott	
Crosby	Tingley	
Douglass	Van Buren	
Green	Warner	
Heydenfeldt		—9.

So the decision of the Chair was reversed.

On motion of Mr. Van Buren, the Senate took a recess for thirty minutes.

On reassembling, on motion of Mr. Heydenfeldt, Assembly bill, entitled "an Act for the repeal of an Act regulating the quarantine of vessels in the Port and Harbor of San Francisco," was taken from the table, read the second and third times, and passed, the rules having been suspended for that purpose.

Mr. Woodworth submitted a concurrent resolution, which was adopted, requiring the Comptroller and Secretary of State to procure offices within a reasonable distance from the Capitol.

On motion of Mr. Cooke, the Senate adjourned.

DAVID C. BRODERICK, President of the Senate.

J. F. HOWE, Secretary of the Senate.

IN SENATE.

TUESDAY, *January* 21, 1851.

The Senate assembled pursuant to adjournment.

The Journal of Monday was read and approved.

Mr. Crosby, from the Committee on the Judiciary, to whom had been referred "Preamble and Joint Resolution" of the Assembly, "asking Congress to refund the expenditures made by the State in suppressing Indian hostilities," reported the same, with a recommendation that the Senate do not concur therein; and the Report was accepted and adopted.

Mr. Crosby, from the same Committee, to whom had been referred Senate Bill entitled "an Act to repeal an Act to prevent the coining of money by individuals," reported the same with a recommendation that it be passed; and the Report was accepted.

Mr. Adams, from the Committee on Engrossed Bills, reported that the Committee had examined and found correctly engrossed bills entitled "an Act to repeal an Act concerning the office of State Assayer, Melter and Refiner of Gold, and defining his duties;" and "an Act entitled an Act to exempt Firemen from Military service and Jury duty."

Mr. Green presented a communication from the Grand Jury of the County of San Francisco, in reference to the City and Marine Hospitals at San Francisco, which was read, and referred to the Committee on Commerce and Navigation.

Mr. Heydenfeldt asked and obtained unanimous leave to introduce a bill, entitled "an Act granting to the City of San Francisco the interest of the State of California in certain lands, situate below high water mark, in said City, on certain conditions;" which was read the first and second times, the rules having been suspended for that purpose, and was ordered to be printed.

A message was received from the Governor by Mr. Ohr, Private Secretary, communicating further information in regard to Indian hostilities in Mariposa County, which, with accompanying papers, was referred to the Committee on Indian Affairs, and 2000 copies thereof were ordered to be printed. (See Appendix F, No. 2.)

Mr. Miller asked and obtained unanimous leave to introduce a bill, entitled "An Act for the protection of the citizens of Mariposa County against the Indians," which was read the first and second times, the rules having been suspended for that purpose, referred to the Committee on Indian Affairs, and ordered to be printed.

Messages were received from the Assembly by Mr. McMullin, their Clerk, informing the Senate that the Governor had notified the Assembly

that he did, on the 17th instant, sign Joint Resolution, originating in the Assembly, granting leave of absence to Hon. Charles M. Creaner, Judge of the Fifth Judicial District. Also, that the Speaker of the Assembly had signed Senate Bill, entitled "an Act to repeal an Act to provide for the inspection of Steamboats." Also, that the Assembly had passed Assembly Bills therewith transmitted, severally entitled "an Act concerning Attorneys and Counsellors at law;" "an Act requiring Alcaldes and Judges of First Instance to account for moneys received by them;" "an Act to authorize the holding of a special term of the District Court of the County of Santa Clara;" also, that they had passed Senate Bill entitled "an Act to prohibit Lotteries," with an amendment, viz, Striking out all after the first section, and inserting instead thereof, the contents of a paper therewith transmitted, marked sections 2d, 3d, 4th, 5th, and 6th.

The message having been read, the bill therein mentioned, requiring Alcaldes and Judges of First Instance to account for moneys received and expended by them, was read the first time, and, on the motion of Mr. Broderick, was rejected. Assembly Bill concerning Attorneys and Counsellors of Law, was read the first time, and ordered to a second reading. Assembly Bill to authorize the holding of a special term for the District Court of the County of Santa Clara, was read the first and second times, the rules having been suspended for that purpose, and was referred to the Committee on the Judiciary. Senate Bill, entitled "an Act to prohibit Lotteries," was taken up, and with the amendments of the House thereto, was referred to the Committee on the Judiciary.

Mr. Van Buren, agreeably to previous notice, asked and obtained leave to introduce a bill entitled "an Act to amend 'an Act entitled an Act concerning Offices,'" which was read twice, the rules having been suspended for that purpose, and referred to the Committee on the Judiciary.

Mr. Van Buren gave notice that he would at an early day ask leave to introduce a bill concerning grants of Alcaldes and Indians.

The report of the Committee on Finance, on the resolution to fix the per diem of the officers and clerks of the Senate, was taken up.

Mr. Green moved to amend the report, so as to fix the pay of the Secretary at $28 instead of $24 per day.

Mr. Crosby moved to amend the amendment, so as also to increase the pay of the Assistant Secretary to $25 per day.

The amendment to the amendment was accepted by Mr. Green, and

thus amended the amendment was agreed to by the following vote; the yeas and nays having been demanded thereon by Messrs. Cooke and Heydenfeldt:—

YEAS.

Mr. Broderick	Mr. Miller
Cooke	Tingley
Crosby	Van Buren
Douglass	Warner
Green	Woodworth
Lippincott	—11.

NAYS.

Mr. Adams	Mr. Heydenfeldt—2.

The question then recurring on the adoption of the report as amended, the ayes and nays were demanded by Messrs. Heydenfeldt and Woodworth, and resulted as follows:—

YEAS.

Mr. Broderick	Mr. Lippincott
Cooke	Miller
Crosby	Tingley
Douglass	Van Buren
Green	Woodworth—10.

NAYS.

Mr. Adams	Mr. Warner
Heydenfeldt	—3.

So the question was decided in the affirmative, and the per diem of the officers and clerks for the present session established at the rates following:—

Secretary of the Senate . . .	$28	per day.
Assistant Secretary . . .	25	"
Engrossing Clerk	22	"
Enrolling Clerk	22	"
Committee Clerks (each) . .	20	"

Sergeant-at-Arms	$22	per day.
Doorkeeper	20	"
Pages (each)	12	"
Porters (each)	12	"

Mr. Woodworth gave notice that he would at an early day ask leave to introduce a bill entitled "an Act to amend an Act concerning corporations."

The special order of the day (being the bill entitled "an Act for the permanent location of the seat of government") was taken up, and, on motion of Mr. Green, ordered to lie on the table for the present.

On motion of Mr. Lippincott, the Senate took a recess until 7, P.M.

EVENING SESSION.

Mr. Douglass, from the Committee on Indian Affairs, to whom had been referred Senate bill entitled "an Act for the protection of the citizens of Mariposa County against the Indians," made a report in writing, accompanied by a substitute for the original bill.

The report was accepted, and referred to the Committee on Finance.

The bill as reported by the Committee was read the second time, amended, read the third time and passed, the rules having been suspended for that purpose.—(See Appendix K.)

The President signed bill entitled "an Act to repeal an Act to provide for the inspection of Steamboats," and the Secretary certified on the same that it originated in the Senate.

A message was received from the Assembly by Mr. M'Mullin, their Clerk, informing the Senate that they had passed a bill therewith transmitted, entitled "a Bill for the regulation of the Militia of California whilst in actual service." Also that they had adopted Senate's concurrent Resolution relative to the offices of the Comptroller and Secretary of State.

Assembly bill entitled "an Act for the Regulation of the Militia of California whilst in actual service," was read the first and second times, referred to the Committee on the Militia, reported back by that Committee without amendment, amended on motion of Mr. Heydenfeldt read the third time and passed, the rules having been suspended for that purpose.

Mr. Tingley, from the Judiciary Committee, to whom had been referred Assembly bill entitled "an Act authorizing the Judge of the District

Court for the County of Santa Clara to hold a special term in and for said County," reported the same without amendment, and recommending its passage.

The report was accepted, and the bill was read a third time and passed, the rules having been suspended for that purpose.

Mr. Adams gave notice that he would, at an early day, ask leave to introduce a bill entitled "an Act to prevent the sale, or furnishing Fire-arms and other implements of war to Indians."

Mr. Broderick asked and obtained leave to withdraw from the Committee on the Judiciary Senate bill entitled "an Act to repeal '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 at the same time gave notice that he would at an early day ask leave to introduce a bill to amend the Act establishing the said Court.

Mr. Adams, from the Committee on the Militia, to whom had been referred Senate bill entitled "an Act to repeal 'an Act for the Government and Protection of Indians,'" reported the same without amendment, and recommending its passage; when on motion of Mr. Van Buren, the report was laid on the table, and the bill was referred to the Committee on the Judiciary.

Senate bill entitled "An Act to repeal 'an Act to prevent the Coining of Money by individuals,'" was taken up, read the third time and passed, the rules having been suspended for that puopose.

Mr. Douglass submitted a concurrent resolution that both Houses meet in Convention on Saturday next at twelve, M., to proceed to the election of a United States Senator, to fill the place of J. C. Frêmont, whose term of office expires on the fourth day of March next. Mr. Adams moved to amend, by striking out "Saturday next," and inserting therefor "February first." Mr. Woodworth moved to amend the amendment of Mr. Adams, by striking out "February first," and inserting therefor "first day of April;" whereupon, on motion of Mr. Tingley, the resolution and amendments were laid on the table by the following vote, the yeas and nays having been demanded by Messrs. Douglass and Van Buren:

YEAS.

Mr. Adams	Cooke
Broderick	Crosby

Mr. Green	Warner
Lippincott	Woodworth
Tingley	—9.

NAYS.

Mr. Douglass	Mr. Miller
Heydenfeldt	Van Buren—4.

Mr. Heydenfeldt, from the Committee on Commerce and Navigation, to whom had been referred Senate bill entitled "an Act to repeal 'an Act prescribing the mode of appointing Auctioneers, and defining their duties,'" reported the same without amendment, and recommending its passage. The report was laid on the table, and on motion of Mr. Tingley, the bill was recommended to the same committee.

Mr. Heydenfeldt submitted a resolution that the Chairmen of the Committees on Commerce and Navigation, on Claims and on Education, be authorized to employ one clerk for all those committees, but the motion was decided in the negative. On motion of Mr. Cooke, this vote was subsequently reconsidered, and the resolution was adopted.

Mr. Adams gave notice that he would at an early day ask leave to introduce a bill to amend an Act entitled "an Act to regulate the settlement of the Estates of deceased persons."

On motion of Mr. Green, the Senate adjourned.

DAVID C. BRODERICK, President of the Senate.

J. F. HOWE, Secretary of the Senate.

IN SENATE.

WEDNESDAY, *January* 22, 1851.

The Senate assembled pursuant to adjournment.

The Journal of Tuesday was read and approved.

Mr. Adams, from the Committee on Engrossed Bills, reported that the Committee had examined and found correctly engrossed "a Bill entitled 'an Act to repeal an Act to prevent the coining of Money by individuals,'" and the report was accepted.

Mr. Heydenfeldt asked and obtained unanimous leave to introduce a bill entitled "an Act to provide for the payment of fees to Sheriffs for services rendered in enforcing the Foreign Tax Law," which was read the first and second times, the rules having been suspended for that purpose, and referred to the Committee on Claims.

Mr. Van Buren, agreeably to previous notice, asked and obtained leave to introduce a bill entitled "an Act concerning the grants of Alcaldes and Indians," which was read twice, the rules having been suspended for that purpose, and referred to the Committee on the Judiciary.

Senate bill, entitled "an Act granting to the City of San Francisco the interest of the State of California in certain lands situate below high water mark in said city, on certain conditions," was taken up, and, on motion of Mr. Tingley, referred to the Committee on the Judiciary.

Mr. Warner, from the Committee on Enrolled Bills, reported that the committee had examined and found correctly enrolled, Assembly bill entitled "an Act to repeal an Act regulating the Quarantine of Vessels in the Port and Harbor of San Francisco," and Senate "Joint Resolution directing the Secretary and Comptroller to procure offices near the Capitol." Also, that they had presented to the Governor, for his signature, "an Act to repeal an Act to provide for the inspection of Steamboats." The report was accepted.

Assembly bill, entitled "an Act concerning Counsellors and Attorneys-at-Law," was read the second time, and referred to the Committee on the Judiciary.

Mr. Cooke, from the Committee on Elections, to whom had been referred "the Statement, with the accompanying documents, of William D. Fair, claiming to be entitled to the seat now held by Thomas B. Van Buren," made a report in writing, which was read and received.

Mr. Douglass submitted a resolution, that in the contested election cases in this body the contestants be allowed to appear and prosecute their suits within the bar of the Senate, either in person or by counsel, which was adopted.

Mr. Douglass submitted a resolution, that two thousand copies of the evidence in the case of Fair *v.* Van Buren be printed; and also, that a like number of the Report of the Committee on Elections be so printed.

On this motion, the yeas and nays were demanded by Messrs. Douglass and Tingley, and resulted as follows:—

YEAS.

Mr. Douglass
Heydenfeldt
Mr. Tingley
—3.

NAYS.

Mr. Adams
Broderick
Cooke
Crosby
Green
Mr. Lippincott
Miller
Warner
Woodworth
—9.

So the question was decided in the negative.

On motion of Mr. Green, the Committee on Elections were authorized to have the testimony in the case of Fair *v.* Van Buren copied for the use of the Senate.

On motion of Mr. Miller, the concurrent resolution of the Senate yesterday, introduced by Mr. Douglass, fixing the time for an election of United States Senator in place of J. C. Frémont, was taken from the table, and the question being on agreeing to the amendment of Mr. Woodworth to the amendment of Mr. Adams, striking out "first of February," and inserting "first of April," it was decided in the negative. The question recurring on the amendment of Mr. Adams to substitute "first of February" for "Saturday next," as provided by the resolution, Mr. Miller moved to amend the same by inserting in lieu thereof, "Wednesday, the 29th instant," which amendment was accepted by Mr. Adams, and thus amended the amendment of Mr. Adams was agreed to. The question then recurring on the resolution as amended, it was adopted.

Mr. Broderick gave notice that he would, on to-morrow, move a reconsideration of the vote by which the Senate had just adopted the concurrent resolution, fixing Wednesday, the 29th instant, as the day for the election of United States Senator.

On motion of Mr. Douglass, the Senate took a recess until 1, P.M.

On reassembling Mr. Woodworth tendered his resignation as a member of the Committee on Elections, and his resignation was accepted. The President thereupon appointed Mr. Douglass to fill the vacancy, and announced that the Committee would now stand as follows: Messrs. Cook, Crosby, and Douglass.

On motion of Mr. Van Buren, the Senate adjourned.

DAVID C. BRODERICK, President of the Senate.

J. F. HOWE, Secretary of the Senate.

IN SENATE.

THURSDAY, *January* 23, 1851.

The Senate assembled pursuant to adjournment.

The Journal of Wednesday was read and approved.

Messages were received from the Assembly, informing the Senate that they had passed bills therewith transmitted, severally entitled "an Act to regulate the Interest on Money," "a Bill to fix the compensation of the County Judge of Yolo County," in each of which they respectfully asked the concurrence of the Senate: also, that the Speaker did this day sign Senate's concurrent Resolution relative to the offices of the Secretary and Comptroller of State: also, "an Act for the repeal of 'an Act regulating the quarantine of vessels in the Port and Harbor of San Francisco,'" both of which were presented for the signature of the President of the Senate: also, that they had passed bills therewith transmitted, severally entitled "a Bill concerning Divorces," "a Bill to provide for a special term of the District Court within and for El Dorado County," in each of which they respectfully asked the concurrence of the Senate: also that they had passed, without amendment, Senate bills severally entitled "an Act to repeal 'an Act concerning the office of State Assayer, Melter and Refiner of Gold, and defining his duties,'" "an Act to exempt Firemen from Military service and Jury duty," both of which were therewith returned: also, that they had indefinitely postponed Senate bill entitled "an Act for the protection of the citizens of Mariposa County against the Indians," which was therewith returned.

Assembly bill referred to in the foregoing Message, entitled "an Act to fix the compensation of the County Judge of Yolo County was read the first and second times and referred to the Finance Committee, the rules having been suspended for that purpose.

Assembly bill, entitled "an Act to regulate the Interest on Money,"

was read the first and second times, the rules having been suspended for that purpose, and was referred to the Judiciary Committee.

Mr. Crosby, from the Committee on the Judiciary, to whom had been referred "an Act to amend an Act entitled an Act concerning offices," reported the same without amendment, and the bill was read the third time and passed.

Senate bill, entitled "an Act to prohibit Lotteries," with the amendments of the Assembly thereto, was taken up and the amendments were rejected.

On motion of Mr. Lippincott, the vote by which the Senate yesterday refused to adopt the resolution to print two thousand copies of the testimony in the case of Fair *v.* Van Buren was reconsidered, the question being determined by yeas and nays, and resulting as follows:

YEAS.

Mr. Douglass	Mr. Miller
Green	Tingley
Heydenfeldt	Woodworth
Lippincott	—7.

NAYS.

Mr. Adams	Mr. Crosby
Broderick	Warner
Cooke	—5

And the question then again recurring on the adoption of the resolution, it was, by yeas and nays as follows, decided in the negative, a majority not voting in the affirmative.

YEAS.

Mr. Douglass	Mr. Lippincott
Green	Tingley
Heydenfeldt	Woodworth—6.

NAYS.

Mr. Adams	Mr. Crosby
Broderick	Miller
Cooke	Warner—6.

Assembly bill entitled "an Act concerning Divorces," was taken up,

read the first and second times, the rules having been suspended for that purpose, and referred to a Select Committee, consisting of Messrs. Heydenfeldt, Crosby, Tingley, Green, and Warner.

On motion of Mr. Green, it was resolved that the Governor be requested to furnish the Senate with the Annual Report of the Quarter-Master General.

On motion of Mr. Heydenfeldt, the Committee on Indian Affairs were directed to transfer to the Committee on Claims, the papers relating to Col. William Rogers's command.

Mr. Warner, agreeably to previous notice, asked and obtained leave to introduce a bill entitled "An Act to provide for the greater security of Persons and Property on board of Vessels navigating the waters of this State, in whole or in part by steam, as common carriers," which was read twice, the rules having been suspended for that purpose, and referred to the Committee on Commerce and Navigation.

On motion of Mr. Broderick, the vote by which the Senate yesterday adopted the concurrent resolution introduced by Mr. Douglass, providing for an election of United States Senator, was reconsidered.

Mr. Broderick moved that the resolution be laid on the table, and the question was, by yeas and nays, decided in the affirmative, as follows:

YEAS.

Mr. Adams	Mr. Lippincott
Broderick	Van Buren
Cooke	Warner
Green	Woodworth—8.

NAYS.

Mr. Crosby	Mr. Miller
Douglass	Tingley
Heydenfeldt	—5.

On motion of Mr. Green, Senate bill entitled "an Act to provide for the permanent location of the seat of government," was taken up.

Mr. Cooke presented a communication from M. G. Vallejo, pledging himself, in the event of the permanent seat of government being located at Vallejo, in accordance with his proposition made to the last Legisla-

ture, to furnish to the State buildings suitable for State offices at twenty-five per cent. less than the State is now paying in San José, to be ready on the first day of June next; and also rooms suitable for Legislative purposes, for the next three sessions of the Legislature, free of expense to the State. Referred to the Committee on Public Buildings.

Mr. Crosby submitted a similar proposition in behalf of respectable citizens of San José, tendering to the Legislature, free of cost or charge, the use of suitable offices for the different State officers, until the State shall erect such buildings: *Provided*, the seat of government shall remain at its present location. Referred to the Committee on Public Business.

The question then being on ordering the bill to be engrossed and read the third time, Mr. Warner moved to amend the same, by inserting at the close of the bill a proviso "that the said M. G. Vallejo shall provide for the space of three years a State House and other offices of State, equal or better than those now occupied, without expense to the State."

On this question the yeas and nays were demanded by Messrs. Woodworth and Green, and resulted as follows:—

YEAS.

Mr. Broderick	Mr. Lippincott
Cooke	Miller
Crosby	Van Buren
Green	Warner
Heydenfeldt	Woodworth—10.

NAYS.

Mr. Adams	Mr. Tingley—2.

So the amendment was adopted.

Mr. Crosby moved further to amend, by inserting after the words "to be approved by," the words "a two thirds vote of the members elected to each House of the Legislature shall concur in the approval of such land," and on this motion the yeas and nays were demanded by Messrs. Crosby and Green, and resulted as follows:—

YEAS.

Mr. Adams	Mr. Tingley
Crosby	Warner
Miller	Woodworth—6.

NAYS.

Mr. Broderick	Mr. Heydenfeldt
Douglass	Lippincott
Green	Van Buren—6.

So the question was decided in the negative.

Mr. Tingley moved to amend, by inserting an additional proviso, "that if said Vallejo shall fail or refuse to comply with the terms of his proposition, then this act to be void." On this amendment the yeas and nays were demanded by Messrs. Tingley and Crosby, and resulted as follows :—

YEAS.

Mr. Adams	Mr. Lippincott
Broderick	Miller
Cooke	Tingley
Crosby	Van Buren
Douglass	Warner
Green	Woodworth
Heydenfeldt	—13.

NAYS—None.

Mr. Green moved to reconsider the vote just taken, and on this motion the yeas and nays were demanded by Messrs. Crosby and Tingley, and resulted as follows :—

YEAS.

Mr. Cooke	Mr. Lippincott
Douglass	Miller
Green	Warner
Heydenfeldt	Woodworth—8.

NAYS.

Mr. Adams	Mr. Tingley
Broderick	Van Buren
Crosby	—5.

So the motion was decided in the affirmative; and the question again recurring on the adoption of the amendment, the yeas and nays were demanded, and resulted as follows:—

YEAS.

Mr. Adams	Mr. Heydenfeldt
Broderick	Miller
Cooke	Tingley
Crosby	Warner—8.

NAYS.

Mr. Douglass	Mr. Van Buren
Green	Woodworth
Lippincott	—5.

So the amendment was adopted.

The Bill, as amended, was read the third time, and the question being on its passage, the yeas and nays were demanded by Messrs. Douglass and Green, and resulted as follows:—

YEAS.

Mr. Adams	Mr. Lippincott
Broderick	Miller
Cooke	Van Buren
Douglass	Warner
Green	Woodworth
Heydenfeldt	—11.

NAYS.

Mr. Crosby	Mr. Tingley—2.

So the Bill was passed by the Constitutional majority, two thirds of all the Senators elected having voted in the affirmative.

Mr. Douglass moved a reconsideration of the vote on the passage of the bill, and the question was decided in the negative.

Mr. Tingley moved to amend the title of the bill so that it should read "an Act taxing the people of the State of California, in the years 1851 and 1852, the sum of $370,000, to enable M. G. Vallejo & Co. to pay that amount back to the State in the year 1853 without interest."

The President decided the proposed amendment not in order, for the reason that it was disrespectful in language.

From this decision Mr. Tingley appealed, but the Senate sustained the decision of the President.

The President signed Bill entitled "An Act to repeal 'an Act regulating the Quarantine of Vessels in the Port and Harbor of San Francisco,'" and Joint Resolution relative to the offices of the Comptroller and Secretary of State.

On motion of Mr. Woodworth, the Senate adjourned.

DAVID C. BRODERICK, President of the Senate.

J. F. HOWE, Secretary of the Senate.

IN SENATE.

FRIDAY, *January* 24, 1851.

The Senate assembled pursuant to adjournment.

The Journal of Thursday was read and approved.

Mr. Tingley presented the petition of William Claude Jones, of the County of Santa Clara, praying the passage of an Act granting to him the right of the State of California in a certain salt marsh, between the Rancho de Posolmi and the Bay of San Francisco; which was read and referred to the Committee on Public Lands and Mission Claims.

Mr. Van Buren, from the Committee on Engrossed Bills, reported as correctly engrossed bills severally entitled, "an Act to amend 'an Act concerning Offices,'" and "an Act for the permanent location of the seat of government."

Mr. Douglass, from the Committee on Indian Affairs, to whom had been referred the papers concerning the late Indian Wars in El Dorado County, made a report thereon in writing, which was read and accepted.

A Message was received from the Governor, transmitting a copy of the Report of the Quartermaster-General of the California Militia, in compliance with a resolution of the Senate adopted on the 23d instant. The Message and Report were read and referred to the Committee on Indian Affairs. (See Appendix G.)

A Message was received from the Assembly informing the Senate that they had passed an Act, therewith transmitted, to change the name of Edwin Sexton to that of Edwin Shultz Saxton.

Also a Joint Resolution instructing our Senators and requesting our Representatives in Congress to procure an appropriation of agricultural lands in the State of California for a State University and Common Schools.

The Joint Resolution referred to in the Message, in relation to a grant of agricultural lands, was read twice and referred to the Committee on Education, the Rules having been suspended for that purpose.

Assembly bill entitled "an Act to change the name of Edwin Sexton to that of Edwin Shultz Saxton," was read twice and referred to the Select Committee on the Bill concerning Divorces, the Rules having been suspended for that purpose.

Mr. Cooke gave notice that he would, on some future day, ask leave to introduce a bill entitled "an Act to amend an Act entitled 'an Act to provide for the lien of Mechanics and others,'" passed April 12, 1850.

Mr. Tingley, on leave, submitted the following protest against the passage of the bill entitled "an Act to provide for the permanent location of the seat of government," which was read, and, on his motion, was ordered to be entered upon the Journal:

MR. PRESIDENT,

I respectfully submit this my *protest* against the passage of the bill changing the seat of government to Vallejo, and briefly assign my reasons therefor, and ask that they may be entered on the journal:

1st. Vallejo only proposes to pay $370,000 to the State two years hence:

2d. The State is now indebted $200,000, and her scrip or Treasury Warrants worth about fifty cents on the dollar:

3d. By this bill, the State, in payment of the $370,000 proposed by Vallejo, can, and I predict will, be paid or tendered in payment by Vallejo in State scrip, the whole amount of which $370,000 can be

bought for less than $150,000; and thus, by a sharp moneyed operation, enable Vallejo to pay the amount of his proposition with less than one half his apparent promise to the people; in which operation Vallejo will save at least $150,000, and the State lose that sum:

4th. Because the passage of said bill will be injurious to the whole State.

GEO. B. TINGLEY.

Assembly bill entitled "an Act to provide for a special term of the District Court within and for El Dorado County," was read twice and referred to the Committee on the Judiciary, the Rules having been suspended for that purpose.

On motion of Mr. Woodworth, the Senate proceeded to an election, *viva voce*, of President, *pro tempore*, when the Hon. Elcan Heydenfeldt, of San Francisco, was declared to be elected.

Those who voted for Mr. Heydenfeldt were—Messrs. Adams, Broderick, Cooke, Douglass, Green, Lippincott, Miller, Van Buren Warner and Woodworth.—10.

Messrs. Crosby, Heydenfeldt, and Tingley voted for Mr. Douglass.—3.

Mr. Warner, from the Committee on Enrolled Bills, reported as correctly enrolled, "an Act for the regulation of the Militia of California whilst in actual service;" and, "an Act authorizing the Judge of the District Court for the County of Santa Clara to hold a special term in and for the said County.

Mr. Warner gave notice that he would at an early day, ask leave to introduce a bill entitled "an Act to amend an Act entitled 'an Act subdividing the State into Counties, and establishing the seats of Justice therein.'"

Mr. Broderick asked and obtained unanimous leave to introduce a bill entitled "an Act to limit the terms of leases;" and, "an Act to provide for the collection of demands against the State," which were severally read twice and referred to the Committee on the Judiciary, the Rules having been suspended for that purpose.

Mr. Broderick, agreeably to previous notice, asked and obtained leave to introduce bills entitled "an Act to continue and modify the Superior Court of San Francisco;" and "an Act concerning the office of Public Administrator for the County of San Francisco, and making the same elective," which were severally read twice, and referred to the Committee

on the Judiciary, the Rules having been suspended for that purpose.

On motion of Mr. Cooke, the Senate took up the report of the Committee on Elections, in the contested election case of William D. Fair *v.* Thomas B. Van Buren. On motion of Mr. Douglass, Mr. Fair was invited to a seat within the Bar of the Senate, and at his request the Report of the Committee, the testimony in the case, and other papers connected therewith, were read by the Secretary.

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

On reassembling, Mr. Heydenfeldt, from the Select Committee on Divorces, to whom had been referred Assembly bill entitled "an Act to change the name of Edwin Sexton, to that of Edwin Shultz Saxton," reported the same without amendment, and the bill was read the third time and passed, the Rules having been suspended for that purpose.

The Senate then resumed the consideration of the contested election case of Fair *v.* Van Buren, and Mr. Fair addressed the Senate at length in support of his claims to the seat in controversy.

On motion of Mr. Warner, the Senate adjourned.

DAVID C. BRODERICK, President of the Senate.

J. F. HOWE, Secretary of the Senate.

IN SENATE.

SATURDAY, *January* 25, 1851.

The Senate assembled pursuant to adjournment.

The Journal of Friday was read and approved.

Mr. Tingley presented the petition of ship owners, ship masters, and merchants of the city of San Francisco, praying the Legislature to pass some law that will afford them ample and adequate protection against the many grievances to which they are subjected by the operations of persons claiming to be owners of overflowed lands situated within the limits of the harbor of San Francisco, which was read and referred to the Commitee on Commerce and Navigation.

Mr. Woodworth, from the Committee on Public Lands and Mission

Claims, to whom had been referred the petition of William Claude Jones, praying the Legislature to grant him the right of way across the salt marsh lying between his land and the Bay made a report in writing, recommending that the prayer of the petitioner for the right of way across the salt marsh lying between his land and the Bay be granted, and also permission to construct a wharf, *provided* such right of way and permission to construct a wharf shall not interfere with the private rights of any person who may now or hereafter hold or possess the lands known and described by the petitioner as the "Salt Marsh;" and the Report was accepted.

Mr. Warner, from the Joint Committee on Enrolled Bills, reported that the committee had examined and found correctly enrolled bills entitled "an Act to repeal an Act concerning the offices of State Assayer, Melter, and Refiner of Gold, and defining his duties," and "an Act to exempt Firemen from Militia service and Jury duty." Also that they had, on yesterday, presented to the Governor for his signature "an Act for the repeal of an Act regulating the Quarantine of Vessels in the Port and Harbor of San Francisco." The Report was accepted.

Mr. Warner, from the Committee on Contingent Expenses, reported as correct the account of Thomas Green for $30; of Willey & Wells, for $20; and of John W. Park for $36; and the Report was accepted and adopted.

On the motion of Mr. Crosby, Mr. Robinson, Senator from Sacramento, was granted leave of absence for an indefinite length of time, in consequence of the continued illness of that gentleman.

Mr. Warner, agreeably to previous notice, asked and obtained leave to introduce a bill entitled "an Act to amend an Act entitled an Act subdividing the State into Counties and establishing the seats of justice therein," passed February 18, 1850; which was read twice, the Rules having been suspended for that purpose, and referred to the Committee on County Boundaries.

Mr. Cooke presented the account of Joel P. Walker against the State of California for fees and expenses incurred by him, as deputed Sheriff in the arrest of certain persons charged with the murder of divers Indians in Napa County in the months of February and March last; which was referred to the Committee on Claims.

Mr. Heydenfeldt, from the Committee on Commerce and Navigation, reported a bill entitled "an Act amendatory of an Act providing for

the creation of a Marine Hospital for the State of California," which was read the first and second times, the Rules having been suspended for that purpose.

On motion, the Senate resumed the consideration of the contested election case of Wm. D. Fair *v.* Thos. B. Van Buren; and Mr. Van Buren replied at length, to the argument yesterday made by Mr. Fair. Mr. Fair rejoined, when,

On motion of Mr. Green, the Senate took a recess until 7, P. M.

On reassembling, on motion of Mr. Warner, it was resolved that the subscription to the San José newspapers be discontinued.

Mr. Fair resumed and concluded his argument in the contested election case of Fair *v.* Van Buren.

Mr. Fair then retired from the Senate Chamber; and, at his request, previously made, the testimony in the case was again read by the Secretary.

The question being on the adoption of the Report of the Committee on Elections, declaring, as the opinion of the Committee, that "Hon. Thomas B. Van Buren is legally entitled to the seat now held by him," the yeas and nays thereon were demanded by Messrs. Douglass and Woodworth, and resulted as follows:

YEAS.

Mr. Adams	Mr. Heydenfeldt
Broderick	Lippincott
Cooke	Miller
Crosby	Warner
Green	—9.

NAYS.

Mr. Douglass	Mr. Woodworth
Tingley	—3.

And the President declared that Hon. Thomas B. Van Buren was duly elected Senator from the San Joaquin District for two years from the first Monday in January, instant.

From this decision Mr. Woodworth appealed; and the question being, "Shall the decision of the President stand as the judgment of the Senate?" it was, by yeas and nays, decided in the affirmative, as follows:—

YEAS.

Mr. Adams	Mr. Heydenfeldt
Cooke	Lippincott
Crosby	Miller
Douglass	Tingley
Green	Warner—10.

NAYS.

Mr. Woodworth—1.

On motion of Mr. Douglass, it was resolved, that two hundred and fifty copies of the Report of the Committee on Elections, the Testimony Proceedings, and other papers in the case of the Contested Election case of Wm. D. Fair *v.* Thomas B. Van Buren, be printed for the use of the Senate, together with the yeas and nays of the Senate, on the final adoption of the Committee's Report. (See Appendix H.)

On motion of Mr. Van Buren, it was resolved that Hon. William D. Fair be allowed the same pay and mileage as is allowed a member of the Senate up to this date.

On motion of Mr. Douglass, the Senate adjourned.

DAVID C. BRODERICK, President of the Senate.

J. F. HOWE, Secretary of the Senate.

IN SENATE.

MONDAY, *January* 27, 1851.

The Senate assembled pursuant to adjournment. The Journal of Saturday was read and approved.

Mr. Crosby, from the Committee on the Judiciary, to whom had been referred Assembly bill, entitled "an Act to provide for a Special Term of the District Court within and for El Dorado County, reported the same without amendment, and the bill was read the third time and passed, the Rules having been suspended for that purpose.

Mr. Warner, from the Committee on Contingent Expenses, reported as correct the account of James B. Devoe for $153, and of Mr. Mar-

torele for $27. The Report was read, and on motion of Mr. Heydenfeldt, recommitted to the same Committee.

A message was received from the Governor, informing the Senate that he did on the 20th instant, appoint Hon. B. S. Lippincott and J. Neely Johnson, his Aids-de-Camp.

Mr. Heydenfeldt, from the Select Committee on Divorces, to whom had been referred Assembly bill entitled "an Act concerning Divorces," made a majority Report in writing, recommending that the bill be not passed, for the reason that it is unconstitutional and inexpedient to legislate on the subject.

Mr. Tingley, from the same committee, submitted a brief minority report. The Bill and two Reports were ordered for the present to lie on the table, to enable Mr. Tingley to amend his bill more at length.

Mr. Van Buren moved that the usual number of the majority and minority Reports be printed for the use of the Senate.

Mr. Green moved to amend the motion by increasing the number to be printed to one thousand copies.

On this last motion the yeas and nays were demanded, and resulted as follows :—

YEA.

Mr. Green—1.

NAYS.

Mr. Adams	Mr. Lippincott
Broderick	Miller
Cooke	Tingley
Crosby	Van Buren
Douglass	Warner
Heydenfeldt	Woodworth—12.

The question then recurring on the motion of Mr. Van Buren to print the usual number of copies, it was also by yeas and nays decided in the negative, as follows :—

YEAS.

Mr. Green Mr. Van Buren—2.

NAYS.

Mr. Adams	Mr. Lippincott
Broderick	Miller
Cooke	Tingley
Crosby	Warner
Douglass	Woodworth
Heydenfeldt	—11.

(See Appendix M & N.)

Mr. Heydenfeldt submitted a protest against the action of the Senate in the contested case of Fair *v.* Van Buren, which was read and ordered to be entered on the Journal.

MR. PRESIDENT,

In giving my reasons for my vote in the case of Fair *v.* Van Buren, I stated that I saw that the decision in favor of Mr. Van Buren was inevitable. I likewise stated that the Senator from Calaveras and myself had almost begged the Senate to have printed the testimony in the case, that we might be enabled to judge of the merits. This the Senate, by its vote, refused. On the next day the Senator from Toulumne, to satisfy us in the premises, moved a reconsideration of the vote by which the printing was refused, which was voted down by the Senate. The law upon the subject I declared did not deprive Mr. Fair of the right to contest the seat, as it was a Constitutional privilege superior to any law passed by the Legislature, and that as far as the law was concerned, Mr. Fair was right in the premises. I likewise said that the refusal of the Senate to print the evidence, and their action in keeping it in the hands of the Committee, was a virtual suppression of the same, to which many of us, anxious to be made acquainted with the merits of the case, often and strongly urged our objections: to all of which the majority of the Senate refused to listen, and I consequently was compelled to vote to sustain the report of the Committee, who had opportunities of examining the evidence which was denied to me. I therefore, now, in accordance with the notice previously given, offer this my solemn protest against the action of the majority of the Senate in the case referred to, and ask that the same be spread upon the journals of the Senate.

E. HEYDENFELDT.

Mr. Warner, from the Joint Committee on Enrolled Bills, reported as correctly enrolled Assembly bill, entitled "an Act to charge the name of Edwin Sexton to that of Edwin Shultz Saxton."

On motion of Mr. Miller, the vote by which the Senate, on Saturday, ordered the subscription to the San José papers to be discontinued, was reconsidered by yeas and nays, as follows:

YEAS.

Mr. Adams	Mr. Miller
Broderick	Tingley
Crosby	Van Buren
Lippincott	Woodworth—8.

NAYS.

Mr. Cooke	Mr. Heydenfeldt
Green	Warner—4.

And the question then again recurring on the adoption of the resolution to discontinue such subscription, it was decided in the negative.

On motion of Mr. Green, it was resolved, if the Assembly concur, that the Committee on Counties and County Boundaries shall hereafter act as a Joint Committee of the two houses.

On motion of Mr. Tingley, it was resolved that a Select Committee be appointed on the part of the Senate, to act with any similar committee which may be appointed on the part of the Assembly, to examine the books, papers, &c., of the Comptroller and Treasurer of State, and report thereon. The President appointed as such committee, Messrs. Tingley, Crosby, and Van Buren.

On motion of Mr. Van Buren, a concurrent resolution was adopted, that five hundred copies of the Treasurer and Comptroller's Reports be printed for the use of the Legislature.

Senate bill entitled "an Act amendatory of 'an Act providing for the creation of a Marine Hospital for the State of California,'" was read the third time and passed.

Mr. Heydenfeldt presented a petition from citizens of El Dorado County, praying that horse, mule, or ox stealing may be by law made a capital offence, and punishable, summarily, by hanging, which was read, and referred to the Committee on the Judiciary.

Mr. Van Buren gave notice that he would, on to-morrow or some future day, ask leave to introduce a bill, entitled "an Act to amend an Act entitled 'an Act to supersede certain Courts, and regulate appeals therefrom to the Supreme Court.'"

Mr. Lippincott submitted a joint Resolution, that our Senators in Congress be instructed, and our Representatives requested to petition Congress to grant to California all such lots, land, real estate, or the income thereof (subject to such leases as may have been confirmed by Congress), reserved by order of Brigadier General Kearney, in his proclamation ordering the sale of water and beach lots in San Francisco, and known on the plan or plot of said city as the Government Reserve.

Mr. Woodworth moved to amend the resolution, by inserting after the words "be requested," the words "and to urge the passage of an Act confirming the Acts of all Military Governors from the time of the first occupation of California until she was admitted as a State;" when,

On motion of Mr. Van Buren, the resolution and amendment were referred to the Committee on the Judiciary.

On motion of Mr. Heydenfeldt, it was resolved that the Governor be requested to furnish the Senate with all further orders, instructions, and correspondence that have emanated from his department in relation to the Indian difficulties in Mariposa County, if the same shall not be inconsistent with the interests of the public service.

On motion of Mr. Heydenfeldt, the Senate adjourned.

DAVID C. BRODERICK, President of the Senate.

J. F. HOWE, Secretary of ths Senate.

IN SENATE.

TUESDAY, *January* 28, 1851.

The Senate assembled pursuant to adjournment.

The Journal of Monday was read and approved.

Mr. Crosby presented a communication from L. A. Besançon, in relation to his proceedings as Collector of the License Tax, under the Act entitled "an Act for the better regulation of the mines and government

of Foreign Miners," which was read and referred to the Committee on Finance.—(See M, No. 2, Appendix.)

Mr. Woodworth presented a petition from citizens of Monterey County, praying that the powers now exercised by the Court of Sessions, in reference to the county business, be vested hereafter in a Board of Supervisors, which was read and referred to the Committee on the Judiciary.

Mr. Adams, from the Committee on Engrossed Bills, reported as correctly engrossed an Act entitled "an Act amendatory of an Act providing for the erection of a Marine Hospital for the State of California," and the Report was accepted.

Mr. Crosby from the Committee on the Judiciary, to whom had been referred Senate Bill entitled "an Act to limit the terms of Leases," reported the same with amendments. The amendments were adopted, and the bill, as amended, was read the third time and passed, the Rules having been suspended for that purpose.

Mr. Crosby, from the same committee, to whom had been referred Senate Bill entitled "an Act concerning the office of Public Administrator for the County of San Francisco, and making it elective," reported the same without amendment, and it was ordered to lie on the table for the present.

Mr. Crosby, from the same committee, to whom had been referred Senate Bill entitled "an Act to establish the Recorder's Court for the City of San Francisco," reported the same without amendment, and it was referred to the San Francisco Delegation.

Messages were received from the Assembly by Mr. McMullin, Clerk, informing the Senate that the Speaker had signed bills severally entitled "an Act to repeal an Act concerning the office of State Assayer, Melter and Refiner of Gold, and defining his duties;" "an Act to exempt Firemen from Military Service and Jury Duty;" "an Act authorizing the Judge of the District Court for the County of Santa Clara to hold a special term in and for said county;" "an Act for the regulation of the Militia of California whilst in actual service;" and "an Act to change the name of Edwin Sexton to that of Edwin Shultz Saxton;" (which the President of the Senate also had signed, the Secretary certified upon those "to repeal an Act concerning the office of State Assayer, Melter and Refiner of Gold, and defining his duties," and "to exempt Firemen from Militia Service and Jury Duty," that they originated in the Senate.) Also that the Assembly had appointed their Standing

Committee on Public Expenditures as the Joint Select Committee on their part, under the concurrent resolution of the Senate yesterday adopted, to investigate the account of the Treasurer and Comptroller of State. Also, that they had passed bills severally entitled "an Act to incorporate the City of Marysville," and "an Act allowing Warrants on the Treasurer to draw interest." Also, that they insist on their amendments to the Senate Bill entitled "*an Act to prohibit Lotteries.*"

On motion of Mr. Crosby, a Committee of Conference was ordered on the disagreeing votes of the two Houses, on the bill "to prohibit Lotteries;" and the President appointed as such committee, on the part of the Senate, Messrs. Crosby, Tingley, and Warner.

Assembly bill entitled "an Act to incorporate the City of Marysville" was read twice, the Rules having been suspended for that purpose, and referred to the Committee on Corporations.

Assembly bill entitled "*an Act allowing Warrants on the Treasurer* to draw interest," was read twice, the Rules having been suspended for that purpose, and referred to the Committee on Finance.

Mr. Tingley, from the Committee on the Judiciary, to whom had been referred the bill of last Session, entitled "an Act to exempt the Homestead and other property from forced sale in certain cases," reported a substitute therefor, which was read, laid on the table, and the usual number of copies ordered to be printed.

Mr. Warner, from the Committee on Contingent Expenses, to whom had been recommitted the accounts of James B. Devoe and others, made a report in writing, which was read and referred to the Committee on the Judiciary.

Mr. Green, from the Committee on Finance, to whom had been referred the Report of the Committee on Indian Affairs, in reference to Indian Hostilities, made a report in writing, accompanied by a bill authorizing a War Loan of three hundred thousand dollars. The report and bill were read, laid on the table, and ordered to be printed for the use of the Senate. (See Appendix S.)

On motion of Mr. Tingley, the report of the Committee on Public Lands and Mission Claims, on the petition of Wm. Claude Jones, was taken from the table, and referred to the Committee on the Judiciary, with instructions to report a bill.

Mr. Van Buren, agreeably to previous notice, asked and obtained leave to introduce a bill entitled, "an Act to amend an Act entitled

'an Act to supersede certain Courts, and regulate appeals therefrom to the Supreme Courts,'" which was read twice, the Rules having been suspended for that purpose, and referred to the Committee on the Judiciary.

Messrs. Cooke and Adams were granted leave of absence for four days from to-morrow; and Mr. Woodworth, on account of illness, was granted similar leave for an indefinite period.

The President presented a communication from J. D. Hoppe, Esq., Postmaster at San José, in reference to the endorsement, by members of the Senate, of their names upon newspapers transmitted by them through the mails, which was read, and on motion of Mr. Miller, a Committee was ordered to confer with Mr. Hoppe on the subject. The President appointed as such committee, Messrs. Miller, Crosby, and Tingley.

On motion of Mr. Van Buren, the Senate adjourned.

DAVID C. BRODERICK, President of the Senate.

J. F. HOWE, Secretary of the Senate.

IN SENATE.

WEDNESDAY, *January* 29, 1851.

The Senate assembled pursuant to adjournment.

The Journal of Tuesday was read and approved.

Mr. Tingley, from the Committee on Corporations, to whom had been referred Assembly bill entitled "an Act to incorporate the City of Marysville," reported the same without amendment, and the bill was read the third time and passed.

Mr. Adams, from the Committee on Engrossed Bills, reported as correctly engrossed bill entitled "an Act to limit the terms of Leases," and the report was accepted.

Mr. Tingley, from the Committee on Finance, to whom had been referred bills entitled "an Act allowing Warrants on the Treasury to draw interest;" and "an Act to fix the compensation of the County Judge of Yolo County," reported the same without amendment. The report was accepted and the bills ordered to lie on the table.

A message was received from the Governor, informing the Senate that

he had signed bills originating in the Senate, entitled "an Act to repeal 'an Act concerning the office of State Assayer, Melter, and Refiner of Gold, and defining his duties;'" and "an Act to exempt Firemen from Militia service and Jury duty:"

Also a message, returning with his objections thereto, Senate bill entitled "an Act to repeal an Act entitled 'an Act to provide for the inspection of steamboats.'" (See appendix M, No. 3.)

The Senate proceeded to the reconsideration of the last named Act, in compliance with the requirements of the Constitution, and the question being, "Shall the bill pass notwithstanding the objections of the Governor?" it was by yeas and nays decided in the negative, as follows:

YEAS.

Mr. Douglass	Mr. Woodworth
Lippincott	—3.

NAYS.

Mr. Adams	Mr. Miller
Broderick	Tingley
Crosby	Van Buren
Heydenfeldt	—7.

On motion of Mr. Douglass, it was resolved, if the Assembly concur, that the Standing Committee on Claims of the two Houses, act hereafter as a Joint Standing Committe.

On motion of Mr. Douglass, Mr. Tingley was added to the Committee on Claims.

A message was received from the Assembly by Mr. McMullin, Clerk, informing the Senate that they had passed "Joint Resolutions and Memorials to Congress therewith transmitted, in relation to the expenses of the Government of the State of California up to the time of admission:

Also, "in relation to the amount of duties collected at the ports of the State of California, during the same period:

Also, "that they had adopted a concurrent resolution herewith transmitted, appointing Monday night for the two Houses to meet in Convention, to elect a United States Senator:

Also, "that they had adopted Senate's concurrent resolution, 'relative to printing five hundred copies of Report of Comptroller and Treasurer

of State;' and "relative to the Census and reapportionment of the next Legislature:"

Also, "that they had adopted a concurrent resolution relative to claims against the State on account of Indian difficulties, therewith transmitted for the concurrence of the Senate."

The joint resolutions and memorials mentioned in the message from the Assembly, were read twice and referred to the Committee on Finance; the concurrent resolution therein mentioned, relative to claims against the State on account of Indian difficulties, was, on motion of Mr. Van Buren, laid on the table; and the concurrent resolution referred to in the same message, fixing Monday next for the election, in Convention of the two Houses, of an United States Senator, was, on motion of the same gentleman, indefinitely postponed.

Mr. Broderick gave notice that he would, at an early day, ask leave to introduce a bill entitled "an Act amendatory of 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."

The President laid before the Senate a communication from a Ladies' Committee to the members of the Senate, inviting them to attend a Ladies' Fair at San José at four o'clock, P.M., of this day; and, on motion of Mr. Heydenfeldt, the invitation was accepted.

On motion of Mr. Heydenfeldt, the Senate adjourned.

DAVID C. BRODERICK, President of the Senate.

J. F. HOWE, Secretary of the Senate.

IN SENATE.

THURSDAY, *January* 30, 1850.

The Senate assembled pursuant to adjournment.

The Journal of Wednesday was read and approved.

Mr. Tingley, from the Committee on the Judiciary, to whom had been referred the report of the Committee on Contingent Expenses on the accounts of James B. Devoe and others, made a report in writing, recommending the allowance of those accounts, with a reduction in that of Mr. Devoe of two and a half cents per copy for the number of copies of his

newspaper, stated in the bill to have been furnished the Senate, and the Report was adopted.

A Message was received from the Governor, in reply to a resolution of the Senate, transmitting copies of a communication to Gen. P. F. Smith, U. S. Army, instructions to Col. J. Neely Johnson in relation to recent Indian disturbances in Mariposa County, and a communication to the U. S. Indian Commissioners, which was read, and with the accompanying papers referred to the Finance Committee.—(See Appendix, O, P, Q, R.)

A Message was received from the Assembly, informing the Senate that they had passed a bill, therewith transmitted, entitled "a Bill for an Act to legalize the order of the Court of Sessions of Solano County," also, "a Joint Resolution requiring the Secretary of State to request the United States Commissioner taking the Census of this State to furnish a statement of the Census of this State.

Also, that they had appointed as the Committee of Conference on the disagreeing votes of the two Houses, on bill entitled "an Act to prohibit Lotteries," Messrs. Bradford, Field, and Moore.

Also, that the Governor did this day notify the Assembly that he had signed the following bills, originating in the Assembly: "an Act for the Regulation of the Militia of California whilst in actual service," "an Act to change the name of Edwin Sexton to that of Edwin Shultz Saxton," "an Act authorizing the Judge of the District Court for the County of Santa Clara to hold a special term in and for said County."

Mr. Douglass, from the Committee on Elections, to whom had been referred the Contested Election Case of Stout *v.* Adams, made a report in writing, declaring, as the sense of the Committee, that the seat now occupied by Mr. Adams, as Senator from the Fifteenth Senatorial District, is vacant, and that notice thereof be given to the Governor.

On motion of Mr. Douglass, Mr. Stout was invited to a seat within the bar of the Senate; and it was further ordered, that the parties be allowed to appear and defend their claims, in person or by counsel.

On motion, the Report and Testimony in the case were read by the Secretary.

Mr. Stout addressed the Senate in support of his claim to the seat now occupied by Mr. Adams.

Mr. Adams briefly replied; and both the contestants then retired from the Senate Chamber.

The question recurring on the adoption of the Report of the Committee, declaring the seat occupied by Mr. Adams to be vacant, it was, by yeas and nays, decided in the negative, as follows:—

YEAS.

Mr. Crosby	Mr. Lippincott
Douglass	Warner—4.

NAYS.

Mr. Broderick	Mr. Miller
Green	Tingley
Heydenfeldt	Van Buren—6.

Mr. Tingley submitted a resolution declaring that A. H. Stout is the Senator elect from the Fifteenth Senatorial District, composed of the Counties of Butte and Shasta, he having received a majority of all the votes legally given by the electors thereof, on the 7th of October, 1850, and is entitled to his seat as Senator from such District.

And the question being on the adoption of the resolution, it was decided by yeas and nays in the negative, as follows:—

YEA.

Mr. Tingley—1.

NAYS.

Mr. Broderick	Mr. Lippincott
Crosby	Miller
Douglass	Van Buren
Green	Warner
Heydenfeldt	—9.

The President then declared that Hon. A. W. Adams is legally entitled to his seat as Senator from the Fifteenth Senatorial District.

Mr. Warner, from the Committee on Enrolled Bills, reported as correctly enrolled, Bill entitled "an Act to provide for a special term of the District Court within and for El Dorado County;" and also, that the Committee had, on the 28th instant, presented to the Governor for his signature, "an Act regulating the militia of this State while in actual service;" "an Act changing the name of Edwin Sexton to that of

Edwin Shultz Saxton;" "an Act authorizing a special term of the District Court for Santa Clara County;" "an Act to exempt Firemen from Militia service and Jury duty," and "an Act to repeal an Act creating the office of State Assayer, Melter, and Refiner of Gold, and defining his duties;" and the report was accepted.

Assembly Bill, entitled "an Act to legalise the order of the Court of Sessions of Solano County" was read twice, the Rules having been suspended for that purpose, and referred to the Committee on Finance.

Assembly Joint Resolution, requiring the Secretary of State to request the U. States Commissioner taking the Census of this State to furnish a statement of the State Census for the use of the Legislature," was read the first time, and ordered to lie on the table.

Mr. Van Buren, agreeably to previous notice, asked and obtained leave to introduce a bill, entitled "an Act to amend 'an Act, entitled an Act concerning Crimes and Punishments;'" which was read twice, the Rules having been suspended for that purpose, and referred to the Committee on the Judiciary.

On motion of Mr. Crosby, the Senate adjourned.

DAVID C. BRODERICK, President of the Senate.

J. F. HOWE, Secretary of the Senate.

IN SENATE.

FRIDAY, *January* 31, 1851.

The Senate assembled pursuant to adjournment.

The Journal of Thursday was read and approved.

Mr. Heydenfeldt presented a petition from citizens of San José in opposition to the bill before the Legislature, entitled "an Act concerning Divorces," which was read and referred to the Select Committee on Divorces.

The President laid before the Senate a communication from the Secretary of State, in reference to the resolution of the Senate requiring a removal of his office to some place nearer the Capitol, which was read and referred to the Committee on the State Library. (See Appendix T.)

Mr. Green, from the Committee on Finance, to whom had been

referred Assembly bill, entitled "an Act to legalize the order of the Court of Sessions of Solano County," reported the same without amendment, and recommending its passage. The report was accepted, and the bill was read the third time and passed.

On motion of Mr. Douglass, Assembly bill, entitled "an Act to fix the compensation of the County Judge of Yolo County," was taken from the table, read the third time, and passed.

A Message was received from the Assembly, informing the Senate that they had passed bill, therewith transmitted, entitled "an Act to authorize the Governor of this State to remove and appoint Port Wardens."

Also, that the Speaker had this day, signed "an Act authorizing the Judge of the District Court of El Dorado County, to hold a Special Term within and for said County."

Also, that they had adopted concurrent resolution, fixing Tuesday next for the election of an United States Senator, in place of Hon. John C. Frémont, whose term of office expires on 4th March, 1851.

Mr. Crosby, from the Committee of Conference on the disagreeing votes of the two Houses, on the bill entitled, "an Act to prohibit Lotteries," made a report in writing, recommending that the Senate adopt a part and reject a part of the Assembly's amendment, which report was read and adopted.

Mr. Van Buren, from the Committee on the Judiciary, to whom had been referred Senate bill, entitled "an Act to amend 'an Act to supersede certain Courts, and to regulate appeals therefrom to the Supreme Court,'" reported the same without amendment. The report was accepted, and the bill was ordered to be printed.

Mr. Van Buren, from the same committee, to whom had been referred the petition of citizens of El Dorado County, praying that Ox, Horse, and Mule Stealing may be made by law punishable, summarily, with death; and also, Senate bill, entitled "an Act to amend an Act entitled 'an Act concerning Crimes and Punishments,'" reported the bill without amendment, and the same was ordered to be printed.

Mr. Tingley submitted a resolution, which was adopted, that A. H. Stout, Esq., the contestant of the seat of Hon. A. W. Adams, Senator from the Fifteenth Senatorial District, be allowed the usual pay per diem and mileage of a Senator from said District.

Assembly bill, entitled "an Act to authorize the Governor to remove

and appoint Port Wardens," was read twice, and referred to the Committee on Commerce and Navigation.

Concurrent Resolution of the Assembly, fixing Tuesday next as the day of election, by the two Houses, of United States Senator, was taken up; when Mr. Broderick moved that the same be indefinitely postponed.

On this motion the yeas and nays were demanded by Messrs. Tingley and Van Buren, and resulted as follows:

YEAS.

Mr. Broderick	Mr. Van Buren
Green	Warner
Lippincott	—5.

NAYS.

Mr. Crosby	Mr. Miller
Douglass	Tingley
Heydenfeldt	—5.

So the question was decided in the negative.

The question recurring on the adoption of the resolution, it was, by yeas and nays, decided in the negative, as follows:

YEAS.

Mr. Crosby	Mr. Miller
Douglass	Tingley
Heydenfeldt	—5.

NAYS.

Mr. Broderick	Mr. Van Buren
Green	Warner
Lippincott	—5.

Assembly's Joint Resolution, requiring the Secretary of State to request the United States Commissioner taking the Census of California to furnish a statement of the Census of this State for the use of the Legislature, was adopted.

On motion of Mr. Van Buren, the Senate adjourned.

DAVID C. BRODERICK, President of the Senate.

J. F. HOWE, Secretary of the Senate.

IN SENATE.

SATURDAY, *February* 1, 1851.

The Senate assembled pursuant to adjournment.

The Journal of Friday was read and approved.

Mr. Heydenfeldt, on leave, introduced a bill, entitled "an Act granting certain public lands within the City of San Francisco, and for quieting titles of claimants thereto;" which was read the first and second times, the Rules having been suspended for that purpose, and referred to the Committee on the Judiciary.

Mr. Crosby, from the Select Committee to whom had been referred the Letter of J. Ross Browne, in relation to his contract for reporting and publishing the Debates of the Constitutional Convention at Monterey, made a verbal report, that, in the opinion of the committee, Mr. Browne had failed to fulfil his contract, and asking from the committee further time for investigation of the subject, which request was granted.

Mr. Van Buren, from the Committee on the Judiciary, to whom had been referred Senate bill, entitled "an Act concerning the Grants of Alcaldes or Indians," reported a substitute therefor, entitled "an Act defining what, in certain cases, shall be sufficient evidence of possession in actions brought for the recovery of the possession of Lands," which was read a first time, and ordered to be printed.

Mr. Van Buren presented the petition of citizens of Stockton, praying that the acts of their first Town Council, elected in 1849, may be confirmed, and that the indebtedness contracted by that Council may be paid out of the Treasury of the State, or of the county of San Joaquin; which was read and referred to a Select Committee, consisting of Messrs. Van Buren, Douglass, and Lippincott.

The President signed Assembly bill, entitled "an Act to authorize the holding of a Special Term of the District Court within and for the County of El Dorado."

Mr. Adams, agreeably to previous notice, asked and obtained leave to introduce a bill, entitled "an Act to amend 'an Act concerning the organization of the Militia,'" which was read twice, the Rules having been suspended for that purpose, and referred to the Committee on the Militia.

Mr. Warner, from the Committee on Enrolled Bills, reported as cor-

rectly enrolled, Senate bill entitled "an Act to prohibit Lotteries," and the report was accepted.

On motion of Mr. Heydenfeldt, Assembly bill entitled "an Act allowing Warrants on the Treasury to draw Interest," was taken from the table.

Mr. Lippincott moved an amendment to the first section.

On motion of Mr. Van Buren the bill and amendment were ordered to lie on the table.

Mr. Warner presented a letter from General Moorehead, Quartermaster-General, which was read, and referred to the Committee on Claims, with instructions to report a bill at an early day.

On motion of Mr. Green, the Senate adjourned.

DAVID C. BRODERICK, President of the Senate.

J. F. HOWE, Secretary of the Senate.

IN SENATE.

MONDAY, *February* 3, 1851.

The Senate assembled pursuant to adjournment.

The Journal of Saturday was read and approved.

Mr. Tingley submitted a communication from the Quarter-Master-General, with the Muster and Pay Rolls of the Gila Expedition, which was referred to the Committee on Claims.

Mr. Lippincott presented the remonstrance of heads of families of the San José Mission, being principally natives of the soil, against the passage of the bill entitled "an Act concerning Divorces," which was referred to the Select Committee on Divorces."

Mr. Warner, from the Joint Committee on Enrolled Bills, reported that they, on the 1st instant, presented to the Governor, for his signature, "an Act to authorize the holding of a Special Term of the District Court within and for the County of El Dorado:" also, that they had examined and found correctly enrolled, "an Act to fix the compensation of the County Judge of Yolo County;" "an Act to incorporate the City of Marysville," and "a Joint Resolution requiring the Secretary of State

to request the United States Commissioner taking the Census of this State to furnish a statement of such Census for this Legislature.

Mr. Heydenfeldt presented the copy of the opinion of the Supreme Court in the case of the People *ex. rel.* Attorney General *v.* Henry M. Maglee, requested by a Resolution of the Senate, which was referred to the Committee on Finance. (See Appendix U.)

Senate bill, entitled "an Act defining what in certain cases should be sufficient evidence of possession in actions brought for the recovery of the possession of Lands," was read the second time, and referred to the Committee on the Judiciary.

Senate bill, entitled "an Act to amend an Act, entitled 'an Act to supersede certain Courts, and regulate appeals therefrom to the Supreme Court,'" was taken up and recommitted to the Judiciary Committee.

Mr. Heydenfeldt, from the Committee on Claims, to whom had been referred the letter of H. Moorehead, Quarter-Master General, reported a bill, entitled "an Act to provide for the Payment of the Salary of the Quarter-Master General," which was read three several times, and passed, the Rules having been suspended for that purpose.

Messages were received from the Assembly, informing the Senate that they had passed Senate bills, entitled "an Act amendatory of an Act providing for the creation of a Marine Hospital for the State of California;" and an Act entitled "an Act for the permanent location of the Seat of Government;" also, that they had adopted a concurrent Resolution fixing Thursday next, at 12, M., for the election, in Convention of the two Houses, of United States Senator; also, that the Speaker of the Assembly had signed "an Act to legalize the order of the Court of Sessions of Solano County."

On motion of Mr. Tingley, Senate bill, entitled "an Act to exempt the Homestead and other property from Forced Sale in certain cases," was taken from the table.

Mr. Warren moved to amend, by striking out the word "eighty," in the second line of section first, and inserting in lieu thereof the words "one hundred and sixty," and the amendment was adopted.

On motion of Mr. Tingley, the section was further amended in the ninth line, by striking out "fifty feet," and inserting instead thereof, "fifty Spanish varas."

Mr. De la Guerra moved further to amend, by striking out the words "fifty Spanish varas in front and rear, and fifty Spanish varas in depth,"

in the 9th and 10th lines of the same section, and inserting in lieu thereof the words "twenty five hundred square varas."

Mr. Van Buren moved to amend the amendment, by striking out the words, "or city," in the 11th line of same section, and inserting in lieu thereof the words, "and a quantity of land not exceeding fifty feet in front and rear, and one hundred and fifty feet in depth, in any incorporated city;" and on this question the yeas and nays were demanded by Messrs. Van Buren and De la Guerra, and resulted as follows:

YEAS.

Mr. Adams
Mr. Miller
Mr. Van Buren
—3.

NAYS.

Mr. Broderick
Cooke
Crosby
Douglass
De la Guerra
Mr. Green
Heydenfeldt
Lippincott
Tingley
—9.

The question then recurring on the amendment of Mr. De la Guerra, the yeas and nays were demanded thereon by Messrs. Adams and De la Guerra, and it was decided in the affirmative, as follows:

YEAS.

Mr. Broderick
Cooke
Crosby
De la Guerra
Mr. Green
Heydenfeldt
Tingley
Warner—8.

NAYS.

Mr. Adams
Douglass
Lippincott
Mr. Miller
Van Buren
—5.

On motion of Mr. Tingley, the same section was further amended by striking out the word "incorporated" in the sixth and eleventh lines.

Mr. Van Buren moved further to amend the same section, by insert-

ing after the word "appurtenances," in the fourth and twelfth lines, the words "when owned by the head of a family," and the yeas and nays being demanded thereon by Messrs. Van Buren and Douglass, it was decided in the negative, as follows:

YEAS.

Mr. Adams Van Buren—2.

NAYS.

Mr. Broderick	Mr. Heydenfeldt
Cooke	Lippincott
Crosby	Miller
Douglass	Tingley
De la Guerra	Warner
Green	—11.

Mr. Adams moved further to amend the same section by inserting, after the word "State," in the fourteenth line, the words, "provided that the said property does not exceed in value the sum of one thousand dollars;" and the yeas and nays being demanded thereon by Messrs. Adams and Broderick, it was decided in the negative, as follows:

YEA.

Mr. Adams—1.

NAYS.

Mr. Broderick	Mr. Heydenfeldt
Cooke	Lippincott
Crosby	Miller
Douglass	Tingley
De la Guerra	Van Buren
Green	Warner—12.

Mr. Van Buren moved to amend the second section, by striking out at the close of the section, the words "or executed to secure the payment of the purchase money;" and the yeas and nays being demanded thereon by Messrs Van Buren and Douglass, it was decided in the negative, as follows:

YEAS.

Mr. Adams	Mr. Van Buren

NAYS.

Mr. Broderick	Mr. Heydenfeldt	
Cooke	Lippincott	
Crosby	Miller	
Douglass	Tingley	
De la Guerra	Warner	
Green		—11

Mr. Van Buren moved that the Bill be laid on the table; on which motion the yeas and nays were demanded by Messrs. Van Buren and Adams, and the question was decided in the negative, as follows:

YEAS.

Mr. Adams	Mr. Miller	
Lippincott	Van Buren	—4.

NAYS.

Mr. Broderick	Mr. Green	
Cooke	Heydenfeldt	
Crosby	Tingley	
Douglass	Warner	
De la Guerra		—9.

Mr. Green moved the previous question, which motion was sustained, and the question being "shall the main question be now put?" it was decided in the affirmative; the Bill, as amended, was accordingly read the third time, and the question being on its final passage, the yeas and nays were demanded thereon by Messrs. Van Buren and Adams, and resulted as follows:

YEAS.

Mr. Broderick	Mr. Green	
Cooke	Heydenfeldt	
Crosby	Tingley	
Douglass	Warner	
De la Guerra		—9.

NAYS.

Mr. Adams	Mr. Miller
Lippincott	Van Buren—4.

So the bill was passed.

The concurrent Resolution of the Assembly, providing for the election of United States Senator on Thursday next, at 12 o'clock, M., was taken up.

Mr. Cooke moved to lay the resolution on the table, on which motion the yeas and nays were demanded by Messrs. Cooke and Van Buren, and resulted as follows :—

YEAS.

Mr. Cooke	Mr. Miller—2.

NAYS.

Mr. Adams	Mr. Heydenfeldt
Broderick	Lippincott
Crosby	Tingley
Douglass	Van Buren
De la Guera	Warner
Green	—11.

Mr. Broderick moved to strike out Thursday next, and insert in lieu thereof "the 30th instant," on which motion the yeas and nays were demanded by Messrs. Tingley and Adams, and resulted as follows :—

YEAS.

Mr. Adams	Mr. Lippincott
Broderick	Van Buren
Cooke	Warner
De la Guerra	—7.

NAYS.

Mr. Crosby	Mr. Heydenfeldt
Douglass	Miller
Green	Tingley—6.

So the amendment was agreed to, and the question being on the adoption of the resolution, as amended, it was decided in the affirmative.

Mr. Broderick moved a reconsideration of the vote on the adoption of the resolution, which motion was decided in the negative.

On motion of Mr. Green, Senate Bill entitled "an Act creating a War Loan," was made the special order for to-morrow at 12 o'clock, M.

Mr. Adams, from the Committee on Engrossed Bills, reported that the committee had examined and found correctly engrossed, Senate Bill entitled "an Act to provide for the payment of the salary of the Quarter-Master-General."

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

DAVID C. BRODERICK, President of the Senate.

J. F. HOWE, Secretary of the Senate.

IN SENATE.

TUESDAY, *February* 4, 1851.

The Senate assembled pursuant to adjournment.

The Journal of Monday was read and approved.

Mr. Van Buren, from the Committee on Engrossed Bills, reported as correctly engrossed, Senate Bill entitled "an Act to exempt the Homestead and other property from forced sale in certain cases," and the report was accepted.

Mr. Crosby, from the Committee on the Judiciary, to whom had been referred Senate Bill entitled "an Act granting certain public lands within the City of San Francisco, and for quieting titles of claimants thereto," reported a substitute therefor, which was read the first and second times, the Rules having been suspended for that purpose, and was made the special order for to-morrow, at 12 o'clock, M.

A Message was received from the Assembly, informing the Senate that they had passed bills therewith transmitted and severally entitled "an Act to amend an Act concerning Corporations, approved April 22, 1850;" "An Act to repeal the 174th Section of the Act entitled an Act concerning Corporations."

Also, that they had postponed indefinitely, Senate Bill entitled "an Act to repeal an Act regulating the quarantine of vessels at the Port and Harbor of San Fancisco."

Also, that the Speaker had this day signed bills severally entitled "an Act to fix the compensation of the County Judge of Yolo County," "an Act to Incorporate the City of Marysville," a "Joint Resolution requiring the Secretary of State to request the United States Commissioner taking the Census of this State to furnish a statement of the Census of this State."

Also, Senate bill, entitled "an Act to provide for the permanent location of the seat of government."

Also, that the Assembly had refused to concur in the amendment of the Senate to the resolution fixing Thursday next for an election of United States Senator.

Assembly bill, entitled "an Act to amend an Act concerning Corporations," was read twice, and referred to the Committee on Corporations, the Rules having been suspended for that purpose.

Also, Assembly bill entitled, "an Act to repeal the 174th section of the Act entitled, 'an Act concerning Corporations.'"

The President signed bills severally entitled, "an Act to legalize the order of the Court of Sessions of Solano County," "an Act to fix the compensation of the County Judge of Yolo County," "an Act to incorporate the City of Marysville," "an Act for the permanent location of the seat of government," and a "Joint Resolution requiring the Secretary of State to request the United States Commissioner taking the Census of this State to furnish a statement of such Census, for the use of the present Legislature."

Mr. Warner, from the Joint Committee on Enrolled Bills, reported that the committee had examined, and found correctly enrolled, "an Act to provide for the permanent location of the seat of government."

The concurrent Resolution of the Assembly, providing for the election of a United States Senator, was taken up (Mr. Woodworth in the Chair). Mr. Miller moved that the Senate recede from their amendment thereto, in which the Assembly had non-concurred. The Chair decided this motion to be first in order. From this decision Mr. Broderick appealed, and the question being, "Shall the decision of the Chair stand as the judgment of the Senate?" it was, by yeas and nays, decided in the affirmative, as follows:

YEAS.

Mr.	Crosby	Mr.	Heydenfeldt
	Douglass		Miller
	De la Guerra		Tingley
	Green		Woodworth—8.

NAYS.

Mr.	Broderick	Mr.	Van Buren
	Cooke		Warner
	Lippincott		—5.

Mr. Broderick moved to lay the resolution on the table, which motion was, by yeas and nays, decided in the negative, as follows:

YEAS.

Mr.	Broderick	Mr.	Lippincott
	Cooke		Van Buren
	De la Guerra		Warner—6.

NAYS.

Mr.	Crosby	Mr.	Heydenfeldt
	Douglass		Miller
	Green		Tingley—6.

Mr. Broderick moved that the Senate adjourn, which motion was, by yeas and nays, decided in the negative, as follows:

YEAS.

Mr.	Adams	Mr.	Warner
	Broderick		—3.

NAYS.

Mr.	Cooke	Mr.	Lippincott
	Crosby		Miller
	Douglass		Tingley
	De la Guerra		Van Buren
	Green		Woodworth
	Heydenfeldt		—11.

The question then recurring on Mr. Miller's motion to recede from the amendment of the Senate to the resolution, the yeas and nays were demanded by Messrs. Broderick and Miller, and resulted as follows:

YEAS.

Mr.	Crosby	Mr.	Miller
	Douglass		Tingley
	Green		Woodworth
	Heydenfeldt		—7.

NAYS.

Mr.	Adams	Mr.	Lippincott
	Broderick		Van Buren
	Cooke		Warner
	De la Guerra		—7

So the Senate refused to recede.

On motion of Mr. Heydenfeldt, a Committee of Conference was ordered on the disagreeing vote of the two Houses on the resolution, and the President appointed as such committee Messrs. Heydenfeldt, Lippincott, and Cooke.

Mr. Van Buren, from the Committee on the Judiciary, to whom had been referred bill entitled, "an Act defining what, in certain cases, shall be sufficient evidence of possession, in actions brought for the recovery of the possession of Lands," reported a substitute therefor, which was read twice, the Rules having been suspended for that purpose, and was made the Special Order for Thursday next at 12, M.

Mr. Cooke presented a communication from Hon. M. G. Vallejo, enclosing a Bond in blank, to be submitted to the Legislature for their approval, in compliance with his proposition relative to the permanent location of the seat of government; also, that he had executed a title to the State, and placed the same in the hands of the Governor, for the several tracts of land for public buildings in the City of Vallejo, in compliance with the same proposition; which was read, and referred to the Committee on the Judiciary. (See Appendix W.)

Mr. Broderick presented a remonstrance from citizens of San Francisco, against the passage of the bill entitled, "an Act concerning Divorces," which was read and referred to the Select Committee on Divorces.

A message was received from the Governor, by Mr. Ohr, Private Secretary, informing the Senate that he did, this day, sign an Act originating in the Senate, entitled "an Act to provide for the permanent location of the seat of government;" also, that M. G. Vallejo, had this day deposited in his office a deed for ——— acres of land in the City of Vallejo, to be selected by commissioners or agents of State, in such portions as they may deem proper for the interests of the State, in the erection of public buildings.

On motion of Mr. Green, the Senate took up the special order of the day, being Senate bill entitled "an Act creating a War Loan."

On motion of Mr. Green, the blank in the first clause of the first section was filled with "$100, $200, $500, and $1,000;" and the words "Three hundred thousand" in the same clause were stricken out and "Five hundred thousand" inserted therefor. On motion of Mr. Van Buren, sections third and sixth, and on motion of Mr. Woodworth, section eighth of the bill were stricken out.

On motion of Mr. Green, section ninth was amended, by inserting after the word "hostilities" in the fourth line, the words "which may have been created or shall hereafter accrue in said wars."

The question then being on ordering the bill as amended to be engrossed and read the third time, on motion of Mr. Tingley, the further consideration thereof was postponed until to-morrow.

On motion of Mr. Lippincott, the Senate adjourned.

DAVID C. BRODERICK, President of the Senate.

J. F. HOWE, Secretary of the Senate.

IN SENATE.

WEDNESDAY, *February* 5, 1851.

The Senate assembled pursuant to adjournment.

The Journal of Tuesday was read and approved.

The President laid before the Senate a memorial from citizens of San Francisco, soliciting redress for grievances suffered under the operation

of existing laws, which was read and referred to the San Francisco Delegation.

Mr. Woodworth presented the petition of the citizens of Trinity County, praying the immediate organization of that County, and the establishment of the County seat thereof at Trinidad.

Mr. Tingley, from the Select Committee to whom had been referred bill entitled "an Act concerning Divorces," submitted a minority report, which was received, ordered to lie on the table, and the bill was made the special order for Friday next.

Mr. Woodworth, agreeably to previous notice, asked and obtained leave to introduce a bill entitled "an Act concerning the uniformed Volunteer Companies of the State of California," which was read twice, the Rules having been suspended for that purpose, and referred to the Committee on the Militia.

On motion of Mr. Tingley, Senate bill entitled "an Act creating a War Loan," was taken up. Mr. Tingley moved to amend the same, by striking out all after the title to section first, and inserting therefor Assembly bill, No. 45; when, on motion, the bill and amendment were ordered to lie on the table.

The special order of the day being Senate bill entitled "an Act granting certain public lands within the City of San Francisco, and quieting titles of claimants thereto," was taken up and amended in the first, second, third, and fourth sections, and by the insertion of two additional sections, as sections 5 and 6.

Mr. Crosby moved further to amend section first, by inserting after the words "as hereinafter mentioned," the words "and also those parts thereof known as the Military Reservations of the United States Government;" but the motion was, by yeas and nays, decided in the negative, as follows:

YEAS.

Mr. Cooke	Mr. Miller
Crosby	Tingley
Lippincott	—5.

NAYS.

Mr. Adams	Mr. Douglass
Broderick	De la Guerra

Mr. Green	Mr. Van Buren
Heydenfeldt	Woodworth—8.

On the question of adopting the new section proposed as section six, the yeas and nays were demanded by Messrs. Cooke and Van Buren, and resulted as follows :—

YEAS.

Mr. Cooke	Mr. Miller
Crosby	Tingley
De la Guerra	Van Buren
Lippincott	Woodworth—8.

NAYS.

Mr. Adams	Mr. Green
Broderick	Heydenfeldt
Douglass	—5

The bill, as amended, was read the third time, and the question being on its passage, the yeas and nays were demanded by Messrs. Tingley and Heydenfeldt, and resulted as follows ;—

YEAS.

Mr. Adams	Mr. Green
Broderick	Heydenfeldt
Cooke	Lippincott
Crosby	Van Buren
Douglass	Woodworth
De la Guerra	—11.

NAYS.

Mr. Miller	Mr. Tingley—2.

So the bill was passed.

A message was received from the Assembly, informing the Senate that they had passed bill, therewith transmitted, entitled "an Act declaring certain rivers and creeks navigable ;" and the bill was read the

first and second times, the Rules having been suspended for that purpose, and referred to the Committee on Roads and Highways.

On motion of Mr. Green, the Senate adjourned.

DAVID C. BRODERICK, President of the Senate.

J. F. HOWE, Secretary of the Senate.

IN SENATE.

THURSDAY, *February* 6, 1851.

The Senate assembled pursuant to adjournment.

The Journal of Wednesday was read and approved.

Mr. Van Buren presented the petition of mechanics and working men of the City of Stockton, for the repeal of so much of the license law of the last session as refers to mechanics and laborers, which was read and referred to the Committee on the Judiciary.

Mr. Van Buren, by unanimous leave, introduced a bill entitled "an Act to amend an Act entitled an Act concerning Licenses," which was read twice, the Rules having been suspended for that purpose, and referred to the Committee on the Judiciary.

Mr. Tingley, from the Committee on Corporations, to whom had been referred Assembly bills, entitled "an Act to amend an Act entitled an Act concerning Corporations," and "an Act to repeal the 174th section of the Act entitled an Act concerning Corporations," reported the same without amendment, and recommending their passage, and they were severally read the third time and passed.

Mr. Douglass, from the Committee on Roads and Highways, to whom had been referred Assembly bill, entitled "an Act declaring certain rivers and creeks navigable," reported the same with an amendment, which was adopted.

The bill was further amended, on motion of Mr. Adams, when, on motion of Mr. Douglass, it was, with the amendment, recommitted to the same Committee.

A message was received from the Assembly, informing the Senate that they had appointed Messrs. Murphy, Merritt, and Campbell, as the Committee of Conference on their part, on the disagreeing votes of

the two houses, on the resolution of the Assembly providing for an election of U. S. Senator. Also, that the Governor had notified the Assembly that he had signed bill originating in the Assembly, entitled "an Act authorizing the Judge of the District Court of El Dorado County to hold a special term within and for said county. Also, that the Speaker had signed an Act entitled "an Act amendatory of an Act providing for the creation of a Marine Hospital for the State of California."

The President signed the bill mentioned in the Message as having been signed by the Speaker of the Assembly, and the Secretary certified upon the same that it originated in the Senate.

Mr. Heydenfeldt, from the Committee of Conference on the disagreeing votes of the two houses on the resolution providing for an election of U. S. Senator, reported that the committee had been unable to agree, and prayed to be discharged from the further consideration of the subject. The report was accepted, and the committee discharged.

Mr. Van Buren, from the Committee on Engrossed Bills, reported that the committee had examined and found correctly engrossed, bill entitled "an Act granting certain public lands within the City of San Francisco, and for quieting titles of claimants thereto," and the report was accepted.

Mr. Warner, from the Joint Committee on Enrolled Bills, reported that they had examined and found correctly enrolled, "an Act amendatory of an Act providing for the creation of a Marine Hospital for the State of California." Also, "an Act to legalize the order of the Court of Sessions of Solano county." Also, "Joint Resolution requiring the Secretary of State to request the United States Commissioner taking the Census of this State, to furnish a statement of the Census of this State." Also, "an Act to incorporate the City of Marysville."

Also, that the Committee had presented to the Governor, for his signature, "an Act to legalize the order of the Court of Sessions of Solano County."

Also, "an Act to fix the compensation of the County Judge of Yolo County."

Also, "an Act for the permanent location of the seat of government."

Also, "an Act to incorporate the City of Marysville."

Also, "Joint Resolution requiring the Secretary of State to request the

United States' Commissioner, taking the census of this State, to furnish a statement of the census of the State."

Mr. Tingley gave notice that he would, at an early day, ask leave to introduce a bill entitled "an Act to Fund the State Debt of California."

The special order of the day being Senate bill entitled "an Act defining what in certain cases shall be sufficient evidence of possession, in actions brought for the Recovery of the Possession of Lands," was taken up, amended, and as amended was recommitted to the Committee on the Judiciary, ordered to be printed, and made the special order for Saturday next, at twelve, M.

Mr. Douglass submitted a concurrent resolution, providing for the election, in Convention of the two Houses, of United States Senator, on Tuesday, the 11th instant. On motion of Mr. Lippincott, the resolution was amended, by striking out "Tuesday, the 11th instant," and inserting therefor "20th instant;" and thus amended, the resolution was adopted.

A message was received from the Assembly, informing the Senate that they had passed Senate bill entitled "an Act to provide for the payment of the Quarter-Master General."

Mr. Warner, from the Committee on Enrolled Bills, reported that they had presented to the Governor for his signature, "an Act amendatory of 'an Act to provide for the creation of a Marine Hospital for the State of California.'"

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

DAVID C. BRODERICK, President of the Senate.

J. F. HOWE, Secretary of the Senate.

IN SENATE.

FRIDAY, *February* 7, 1851.

The Senate assembled pursuant to adjournment.

The Journal of Thursday was read and approved.

Mr. Tingley, from the Committee on the Judiciary, to whom had been referred the form of a bond submitted by M. G. Vallejo to the Legislature, for the faithful performance of his proposition in connection w.

the permanent location of the Seat of Government, made a report in writing, which was read and laid on the table, whereupon Mr. Van Buren submitted a joint Resolution, which was adopted, declaring that the bond so presented by M. G. Vallejo be, and the same is hereby approved, as in due form of law, *provided* the same be made in the penalty of five hundred thousand dollars. (See Appendix X.)

Messages were received from the Assembly, informing the Senate that they had passed a bill entitled "an Act concerning County Records;" also, that they had adopted Senate's concurrent Resolution in relation to the election of United States Senator, with an amendment, striking out "20th instant," and inserting "11th instant;" also, that the Speaker of the Assembly had signed Senate bill entitled "an Act to provide for the payment of the salary of the Quarter-Master General."

Assembly bill, mentioned in the preceding Message, entitled "an Act concerning County Records," was read twice, the Rules having been suspended for that purpose, and referred to the Committee on the Judiciary.

The Senate refused to concur in the amendment of the Assembly to the concurrent Resolution providing for the election of United States Senator, the yeas and nays being demanded thereon by Messrs. Broderick and Cooke, and resulting as follows:

YEAS.

Mr. Douglass	Mr. Miller
Green	Tingley
Heydenfeldt	Woodworth—6.

NAYS.

Mr. Adams	Mr. De la Guerra
Broderick	Lippincott
Cooke	Van Buren
Crosby	Warner—8.

On motion, a Committee of Conference was ordered on the disagreeing votes of the two Houses on the Resolution, and the President appointed as such committee Messrs. Lippincott, Van Buren, and Adams.

The President signed bill entitled "an Act to provide for the pay-

ment of the salary of the Quarter-Master General," and the Secretary certified thereon that it originated in the Senate.

Mr. Adams, from the Committee on the Militia, to whom had been referred Assembly bills, entitled "an Act to amend an Act concerning the Organization of the Militia," and "an Act concerning the Uniformed Volunteer Companies of the State," reported the same without amendment, and they were severally read the third time and passed.

Mr. Tingley presented a communication from Hon. A. W. Adams, addressed to the Committee on Printing of the Senate, which was read and presented to the Committee on Printing. (See Appendix V, No. 3.)

On motion of Mr. Adams, it was ordered that a member of the Standing Committee on the Judiciary, and a member of the Standing Committee on Finance, be added to the Standing Committee on Printing; and the President designated as such members, Messrs. Crosby and Adams.

Mr. Douglass, from the Committee on Roads and Highways, to whom had been referred Assembly bill, entitled "an Act declaring certain Rivers and Creeks navigable," reported the same with amendments. The amendments were adopted, and the bill was read the third time and passed.

The President laid before the Senate a communination from the Secretary of State, enclosing a letter from J. Neely Johnson, in relation to the Census of the State, which was read, and ordered to lie on the table.

Mr. Warner, from the Committee on Enrolled Bills, reported that the Committee had examined and found correctly enrolled Senate bill, entitled "an Act to Provide for the Payment of Salary of the Quarter-Master General," and the report was accepted.

Mr. Heydenfeldt, from the Select Committee on Divorces, to whom had been referred the petitions of citizens of San Francisco, San José, and of the Mission of San José against the Divorce Bill before the Legislature, reported that the committee had had the subject under consideration, and satisfied of the correctness of the petitioners' moral and legal views, recommend that the prayer of the petitioners be granted, and that the bill be rejected. The report was received and ordered to lie on the table until the bill be taken up for consideration.

The Special Order of the day being the bill entitled "an Act concerning Divorces," was taken up, and the consideration thereof postponed until one o'clock this day.

Mr. Adams asked and obtained unanimous leave to introduce a bill

entitled "an Act temporarily to change the rates of compensation of the State Printer," which was read twice, the Rules having been suspended for that purpose, and referred to the Committee on Printing.

On motion of Mr. Van Buren, Senate Bill entitled "an Act creating a War Loan," was taken up, when, on motion of Mr. Tingley, it was ordered to lie on the table until Assembly Bill on the same subject shall have been received by the Senate.

Mr. De la Guerra gave notice that he would at an early day ask leave to introduce a bill entitled "an Act to amend an Act entitled an Act to organize the District Courts of California."

On motion of Mr. Miller the Senate adjourned.

DAVID C. BRODERICK, President of the Senate.

J. F. HOWE, Secretary of the Senate.

IN SENATE.

SATURDAY, *February* 8, 1851.

The Senate assembled pursuant to adjournment.

The Journal of Friday was read and approved.

Mr. Crosby, from the Committee on the Judiciary, to whom had been referred Senate Bill entitled "an Act to continue and modify the Superior Court of the City of San Francisco," reported the same with a recommendation that it be referred to the Senators and Representatives from San Francisco. The Report was received, and, on motion, the bill was referred to the San Francisco Senatorial Delegation.

Mr. Crosby, from the same committee, to whom had been referred Assembly Bill entitled "an Act concerning Attorneys and Counsellors at Law," reported the same without amendment, and recommending its passage. The Report was adopted, and the bill was laid over.

A Message was received from the Assembly informing the Senate that the Governor notified the Assembly on the 6th instant that he had signed "an Act to fix the compensation of the County Judge of Yolo County," also, "an Act to legalize the order of the Court of Sessions of Solano County," also, "an Act to Incorporate the City of Marysville," also,

"A Joint Resolution requiring the Secretary of State to request the United States Commissioner, taking the Census of this State, to furnish a statement of the Census of this State."

Also, that the Speaker did this day sign bills severally entitled "an Act to repeal the one hundred and seventy-fourth section of the Act entitled an Act concerning Corporations;" also, an Act to amend "an Act concerning Corporations."

Also informing the Senate that they had passed bill, therewith transmitted, entitled "an Act authorizing the Treasurer of the State to negotiate a loan upon the faith and credit of the State, for the purpose of defraying the expenses which have been and may be incurred in suppressing Indian hostilities in this State, in the absence of adequate provision being made by the General Government."

Also, that they had appointed Messrs. Murphy, Baldwin, and Hall as a Committee of Conference to confer with Senate Committee on the disagreeing votes of the two Houses in relation to fixing the day for election of U. S. Senator.

Mr. Van Buren, from the Committee on the Judiciary, to whom had been recommitted Senate bill entitled "an Act defining what in certain cases shall be sufficient evidence of possession in actions brought for the recovery of the possession of Lands," reported the same with amendments. The report was received, and the further consideration of the bill was postponed until Monday.

Mr. Van Buren, from the same committee, to whom had been referred the petition of citizens of Stockton, and Senate Bill entitled "an Act concerning Licenses," reported the bill without amendment, and recommending its passage. The report was received, and the further consideration of the bill was postponed until Monday.

Assembly Bill, entitled "an Act authorizing the Treasurer of the State to negotiate a loan upon the faith and credit of the State, for the purpose of defraying the expenses which have been or may be incurred in suppressing Indian hostilities in this State, in the absence of adequate provision being made by the General Government," was taken up, and read the first and second times, the Rules having been suspended for that purpose.

Mr. Green moved that all after the enacting clause be stricken out, and that Senate bill entitled "an Act creating a War Loan," be substituted therefor.

On this question the yeas and nays were demanded, and resulted as follows:—

YEAS.

Mr. Adams	Mr. Van Buren
Green	Woodworth
Heydenfeldt	—5.

NAYS.

Mr. Broderick	Mr. Miller
Crosby	Tingley
Lippincott	Warner—6.

So the motion was dec ded in the negative.

Mr. Green moved to strike out "ten years" in the ninth line of the first section of the bill, as the period within which the loan shall be redeemed, and to insert in lieu thereof "one year." On motion of Mr. Heydenfeldt a division of the question was ordered, and the question then being first on striking out "ten," it was, by yeas and nays, decided in the negative, as follows:—

YEAS.

Mr. Adams	Mr. Heydenfeldt
Broderick	Van Buren
Green	Woodworth—6.

NAYS.

Mr. Cooke	Mr. Miller
Crosby	Tingley
Lippincott	Warner—6.

Mr. Green moved the insertion of an additional section as section 8, providing that "whenever the government of the United States shall pay the amount of said loan of $500,000, then upon public notice of that fact for thirty days, by the Treasurer of the State, said bonds shall cease to bear interest."

Mr. Van Buren moved to lay the amendment on the table, and the question was, by yeas and nays, decided in the affirmative, as follows:

YEAS.

Mr. Adams	Mr. Miller
Broderick	Tingley
Cooke	Van Buren
Crosby	Warner
Heydenfeldt	Woodworth
Lippincott	—11.

NAY.

Mr. Green—1.

Mr. Green moved that the bill be recommitted to the Committee on Finance, on which motion the yeas and nays were demanded by Messrs. Green and Heydenfeldt, and resulted as follows:

YEAS.

Mr. Green	Mr. Woodworth
Heydenfeldt	—3.

NAYS.

Mr. Adams	Mr. Miller
Broderick	Tingley
Cooke	Van Buren
Crosby	Warner
Lippincott	—9.

So the question was decided in the negative; and objection being made to the third reading of the bill at this time, it was laid on the table until Monday.

Mr. Green submitted a resolution authorizing the President to certify to the pay and accounts of the members and officers of the Senate, which was read and adopted.

Mr. Warner, from the Joint Committee on Enrolled Bills, reported as correctly enrolled, bills entitled "an Act to repeal the 174th section of the Act entitled 'an Act to amend an Act concerning Corporations,'" and "an Act to amend an Act concerning Corporations," and the report was accepted.

Mr. Adams, from the Committee on Engrossed Bills, reported as cor-

rectly engrossed, "an Act concerning Uniform Volunteer Companies of the State of California," and "an Act to amend an Act concerning the organization of the Militia," and the report was adopted.

A Message was received from the Governor, informing the Senate that he did, on yesterday, sign "an Act amendatory of an Act providing for the creation of a Marine Hospital for the State of California," and "an Act to provide for the payment of the salary of the Quarter-Master General."

Mr. Adams moved that the Senate take a recess until 7, P. M. On motion of Mr. Lippincott, the motion of Mr. Adams was amended by striking out "7, P.M.," and inserting therefor "5 minutes before 11, A.M. on Monday;" and thus amended, the motion was agreed to.

DAVID C. BRODERICK, President of the Senate.

J. F. HOWE, Secretary of the Senate

IN SENATE.

MONDAY, *February* 10, 1851.

The Senate assembled pursuant to adjournment.

The Journal of Saturday was read and approved.

The President laid before the Senate a petition from the Court of Sessions of the County of San Francisco, in reference to the fiscal affairs of that County, which was read and referred to the Committee on Corporations.

Mr. Cooke, from the Select Committee to whom had been referred the petition of citizens of the County of Trinity, reported a bill entitled, "an Act to provide for the organization of Trinity County," which was read three several times, the Rules having been suspended for that purpose, and passed.

Mr. Lippincott, from the Committee of Conference on the disagreeing votes of the two Houses, on the concurrent resolution in reference to the election of United States Senator, made a report, recommending that such election take place on Monday, the 17th instant; and the report was adopted.

The President laid before the Senate a communication from the State Printer, in reference to his contract with the State for the Printing and Binding of the Journals and Statutes of the first Session of the Legislature, which was read and referred to the Committee on Printing.

Senate bill entitled "an Act to amend an Act entitled 'an Act concerning Licenses,'" was read the third time and passed.

Assembly bill entitled "an Act concerning Attorneys and Counsellors at Law," was taken up. Mr. Van Buren moved the insertion of an additional section, as section 26th, providing that "nothing in this Act shall be so construed as to prevent any person appearing in any cause to which he is a party, or from empowering any other person to appear for him in such cause, by an appointment in writing to that effect." On this question the yeas and nays were demanded, and resulted as follows:

YEAS.

Mr. Broderick	Mr. Warner
Lippincott	Woodworth
Van Buren	—5

NAYS.

Mr. Adams	Mr. Heydenfeldt
Cooke	Miller
Crosby	Tingley
Green	—7.

So the question was decided in the negative.

Objections being made to the third reading of the bill to-day, it was laid over.

Assembly bill entitled "an Act authorizing the Treasurer of the State to negotiate a loan upon the faith and credit of the State, for the purpose of defraying the expenses which may be incurred in suppressing Indian hostilities in this State, in the absence of adequate provision being made by the General Government," was taken up and read the third time. The question then being on the final passage of the bill, the yeas and nays were demanded by Messrs. Heydenfeldt and Tingley, and resulted as follows:—

YEAS.

Mr. Adams	Mr. Miller
Broderick	Tingley
Cooke	Van Buren
Crosby	Warner
Green	Woodworth
Lippincott	—11.

NAY.

Mr. Heydenfeldt—1.

So the bill was passed.

Mr. Tingley, from the Joint Committee on Claims, to whom had been referred the various claims growing out of our Indian Wars, reported a bill entitled, "an Act prescribing the amount of compensation and mode of payment to persons who have performed military services for the State of California, and expenses incurred therein," which was read twice, the Rules having been suspended for that purpose, amended, and laid over, objections having been made to its third reading to-day.

Mr. Heydenfeldt, agreeably to previous notice, asked and obtained leave to introduce a bill, entitled "an Act to repeal certain Acts therein mentioned," which was read twice, the Rules having been suspended for that purpose, referred to the Judiciary Committee, and ordered to be printed.

Mr. Tingley, from the Committee on Claims, to whom had been referred Senate bill, entitled "an Act to provide for the payment of fees to Sheriffs for services rendered in enforcing the Foreign Miners' Tax Law," reported the same without amendment, and stating that the Committee could not agree as to its provisions. The Report was ordered to lie on the table.

The President signed bills severally entitled "an Act to repeal the 174th section of the Act entitled 'an Act concerning Corporations,'" and "an Act to amend an Act concerning Corporations."

A message was received from the Assembly by Mr. McMullin, Clerk, informing the Senate that they had passed a bill, therewith transmitted, entitled "an Act to incorporate the City of Nevada." Also, that they had concurred in the Senate's first and third amendments to Assembly bill entitled "an Act declaring certain rivers and creeks navigable," and

had non-concurred in the Senate's second amendment thereto. Also, that the Assembly had adopted the Report of the Committee of Conference, fixing the 17th instant as the day for the election, by the two Houses, of United States Senator.

On motion of Mr. Woodworth the Senate adjourned.

DAVID C. BRODERICK, President of the Senate.

J. F. HOWE, Secretary of the Senate.

IN SENATE.

TUESDAY, *February* 11, 1851.

The Senate assembled pursuant to adjournment.

The Journal of Monday was read and approved.

Mr. Cooke asked and obtained leave to introduce a bill, entitled "an Act for the relief of William Reynolds, Treasurer of the County of Marin," which was read three several times, the Rules having been suspended for that purpose, and passed.

Mr. Heydenfeldt submitted a resolution, which was adopted, tendering the thanks of the Senate to General J. Winchester, State Printer, for extra copies of the bound Statutes, furnished gratis to each member of the Senate.

Senate bill entitled "an Act to provide for the payment of the fees to Sheriffs for services rendered in enforcing the Foreign Miners' Tax Law," was taken up, amended on motion of Mr. Tingley, and, as amended, was read the third time and passed.

Mr. Adams, from the Committee on Engrossed Bills, reported as correctly engrossed, bills severally entitled "an Act to amend an Act entitled an Act concerning Licenses;" "an Act to provide for the organization of the County of Trinity;" "an Act prescribing the amount of compensation and mode of payment to persons who have performed military services for the State of California, and expenses incurred therein," and the report was accepted.

Assembly Bill, entitled "an Act concerning Attorneys and Counsellors of Law," was read the third time, and the question being "Shall the bill

pass?" the yeas and nays were demanded thereon, and resulted as follows:—

YEAS.

Mr. Adams	Mr. Miller
Broderick	Tingley
Cooke	Warner
Crosby	—7.

NAYS.

Mr. Green	Mr. Van Buren
Heydenfeldt	Woodworth—4.

So the bill was passed.

Senate Bill, entitled "an Act prescribing the amount of compensation, and mode of payment to persons who have performed military services for the State of California, and expenses incurred therein," was taken up. Mr. Woodworth moved to amend the first section, by inserting in the fourth line thereof, after the words "State of California," the words "since the adoption of the Constitution," on which question the yeas and nays were demanded, and resulted as follows:—

YEAS.

Mr. Adams	Mr. Van Buren
Green	Warner
Miller	Woodworth—6.

NAYS.

Mr. Broderick	Mr. Heydenfeldt
Cooke	Lippincott
Crosby	Tingley—6.

So the question was decided in the negative.

Mr. Green moved to amend the same section, after the same words, by inserting, "in all Indian Wars since the 13th day of November, 1849." On this question the yeas and nays were demanded, and resulted as follows:—

YEAS.

Mr. Adams	Mr. Van Buren
Broderick	Warner
Green	Woodworth
Heydenfeldt	—7.

NAYS.

Mr. Cooke	Mr. Miller
Crosby	Tingley
Lippincott	—5.

So the amendment was adopted; and the bill, as amended, was then read the third time and passed.

Mr. Broderick submitted a resolution, declaring, as the sense of the Senate, that the Hon. Elcan Heydenfeldt, in addressing a note as Chairman of the Select Committee on Divorces to the Rev. O. C. Wheeler, requesting him to deliver a sermon on that subject, whilst a bill concerning Divorces was pending before the Senate, exceeded the powers conferred upon him as Chairman of a Committee of this House.

And the question being on the adoption of the resolution, the yeas and nays were demanded, and resulted as follows:—

YEAS.

Mr. Broderick	Mr. Lippincott
Cooke	Tingley
Crosby	Woodworth—6.

NAYS.

Mr. Adams	Mr. Miller
Green	Van Buren—4.

So the resolution was adopted.

Mr. Lippincott submitted a resolution, which was adopted, that it shall hereafter be a rule of this Senate, that whenever a member or the members of any committee appointed by this House shall desire to obtain the opinion or advice of any class of the community, or any individual members thereof, such desire shall be so expressed and understood as the act of such member or members in their individual capacity,

and shall in no event be considered as officially compromising the Senate.

Mr. Heydenfeldt submitted a resolution, that the Select Committee to whom was referred "an Act concerning Divorces," be allowed to send for persons and papers, to inquire into the origin of said bill, and the manner in which the passage of said act has been endeavored to be effected in the two Houses of this Legislature.

Mr. Woodworth moved to strike out all after the word "Resolved," and insert therefor, "that the Committee on Divorces be discharged from the further consideration of the bill entitled "an Act concerning Divorces."

Mr. Heydenfeldt called for a division of the question, and the question then being first on striking out, the yeas and nays were demanded, and resulted as follows:—

YEAS.

Mr. Adams	Mr. Lippincott
Broderick	Tingley
Cooke	Woodworth
Crosby	—7.

NAYS.

Mr. Green	Mr. Van Buren
Heydenfeldt	Warner
Miller	—5.

So the question was decided in the affirmative, whereupon Mr. Heydenfeldt asked and obtained leave to withdraw the remainder of the resolution.

Mr. Heydenfeldt submitted a resolution, that the Committee on Elections be instructed to inquire by what right George B. Tingley holds a seat upon this floor, as a Senator from the district composed of the counties of Santa Clara and Contra Costa, and whether he is eligible for the same; and that said committee be instructed to report at an early day.

On motion of Mr. Woodworth, the resolution was amended, by striking out all after the word "Resolved," and inserting therefor "that the committee to whom was referred the bill authorizing the granting of

Divorces be dismissed from the further consideration of the same;" and thus amended, the resolution was adopted.

Mr. Warner, from the Select Committee to whom had been referred the subject of the "Pious Fund," asked that the committee may be authorized to send for persons and papers, and leave was granted.

Mr. Green submitted a resolution, that the question as to his own right to a seat in the body be made the Special Order for to-morrow at 12, M.

On motion of Mr. Broderick, the resolution was amended, by striking out all after the word "Resolved," and inserting therefor "that, in the opinion of the Senate, Mr. Green is legally entitled to his seat in this body; and further, that all the other members of the Senate are legally entitled to their seats." Thus amended the resolution was adopted.

On motion of Mr. Cooke, bill entitled "an Act concerning Divorces," was taken up; whereupon, on motion of Mr. Woodworth, it was made the special order for to-morrow at 12, M.

Mr. Adams presented a petition of David Jobson, and sixty-five other Printers of California, praying the passage of the bill introduced by Mr. Adams, requiring the Printing for the State to be done within the State," which was read and referred to the Committee on Printing.

Assembly Bill entitled "an Act to Incorporate the City of Nevada," was read twice, the Rules having been suspended for that purpose, and referred to the Committee on Corporations.

The Senate, on motion of Mr. Green, receded from its second amendment (in which the Assembly had non-concurred) to the bill entitled "an Act declaring certain rivers and creeks navigable."

Mr. Warner, from the Joint Committee on Enrolled Bills, reported that they had this day presented to the Governor for his signature, "an Act to amend an Act concerning Corporations," and "an Act to repeal the 174th Section of the Act entitled an Act concerning Corporations," and the report was accepted.

Mr. Green moved that the Senate do now adjourn. On this motion the yeas and nays were demanded, and resulted as follows:—

YEAS.

Mr. Broderick	Mr. Miller
Crosby	Warner
Green	Woodworth—6.

NAYS.

Mr. Adams	Mr. Tingley
Cooke	Van Buren
Heydenfeldt	—5.

So the question was decided in the affirmative, and the Senate adjourned.

DAVID C. BRODERICK, President of the Senate.

J. F. HOWE, Secretary of the Senate.

IN SENATE.

WEDNESDAY, *February* 12, 1851.

The Senate assembled pursuant to adjournment.

The Journal of Tuesday was read and approved.

Mr. Van Buren presented the petition of William Rufus Elliott, praying that his name may be changed to that of Elliott Aubury, which was read and referred to the Senator from San Joaquin, with instructions to report a bill.

A Message was received from the Assembly, informing the Senate that they had approved the bond submitted by M. G. Vallejo for the faithful performance of his proposition in relation to the permanent location of the seat of government, which was therewith transmitted for the concurrence of the Senate. The Senate proceeded to the consideration of the bond, as approved by the Assembly. Mr. Lippincott moved that it be referred to a Select Committee. On this motion the yeas and nays were demanded, and resulted as follows:

YEAS.

Mr. Adams	Mr. Tingley
Broderick	Van Buren
Crosby	Warner
De la Guerra	Woodworth
Lippincott	—9.

NAYS.

Mr. Cooke	Mr. Heydenfeldt
Green	Miller—4

So the question was decided in the affirmative; and the President appointed as such committee, Messrs. Lippincott, Adams, Tingley, Cooke, and De la Guerra.

On motion of Mr. Adams, the committee were instructed to report at their earliest convenience.

Mr. Tingley, from the Committee on Corporations, to whom had been referred Assembly bill entitled "an Act to Incorporate the City of Nevada," reported the same without amendment, and recommending its passage.

Mr. Adams, from the Committee on Engrossed Bills, reported as correctly engrossed, "an Act for the relief of William Reynolds, Treasurer of the County of Marin," and "an Act to provide for the payment of fees to Sheriffs for services rendered in enforcing the Foreign Miners' Tax Law;" and the report was accepted.

Mr. Tingley was appointed a member of the Committee on Contingent Expenses, in the place of Mr. Hope, resigned.

Mr. Miller asked and obtained leave to introduce a bill, entitled "an Act for the relief of John L. Smith and R. P. Wilson," which was twice read, the Rules having been suspended for that purpose, and referred to the Committee on Claims.

Mr. Van Buren submitted a concurrent resolution, which was adopted, authorizing the Quarter-Master General to rent a room in the City of San Francisco, in which to deposit the arms and ammunition of this State: *Provided*, the rent of such room do not exceed the sum of one hundred dollars per month; and also that he be empowered to employ an armorer to examine said arms, and report upon their condition.

On motion of Mr. Woodworth, the Senate proceeded to the consideration of the Special Order of the day, being Assembly bill entitled "an Act concerning Divorces."

Mr. Heydenfeldt moved to strike out, at the beginning of section second, the words "no divorce shall be granted merely from bed and board." On this question the yeas and nays were demanded by Messrs. Van Buren and Heydenfeldt, and resulted as follows:

YEAS.

Mr. De la Guerra	Mr. Heydenfeldt
Green	Warner—4.

NAYS.

Mr. Adams	Mr. Miller
Broderick	Tingley
Cooke	Van Buren
Crosby	Woodworth
Lippincott	—9.

So the question was decided in the negative.

Mr. Green moved to strike out, in section third, the words "six months" (the period of residence within the State required by the bill to entitle any applicant to the benefit of the provisions thereof) and to insert therefor, the words "two years." On this question the yeas and nays were demanded by Messrs. Heydenfeldt and Green, and resulted as follows:

YEAS.

Mr. De la Guerra	Mr. Miller
Green	Van Buren
Heydenfeldt	Warner
Lippincott	—7.

NAYS.

Mr. Adams	Mr. Crosby
Broderick	Tingley
Cooke	Woodworth—6.

So the question was decided in the affirmative.

Mr. Van Buren moved a reconsideration of the vote last taken.

On motion of Mr. Woodworth, the Senate adjourned.

DAVID C. BRODERICK, President of the Senate.

J. F. HOWE, Secretary of the Senate.

IN SENATE.

THURSDAY, *February* 13, 1851.

The Senate assembled pursuant to adjournment.

The Journal of Wednesday was read and approved.

Mr. Heydenfeldt, from the Committee on Claims, to whom had been referred bill entitled "an Act for the relief of John L. Smith and R. P. Wilson," reported the same without amendment, and recommending its passage.

Mr. Crosby, from the Committee on the Judiciary, to whom had been referred Assembly bill entitled "an Act concerning County Recorders," reported the same without amendment, and recommending its passage.

Mr. Van Buren, from the Committee on the Judiciary, to whom had been referred Senate bill entitled "an Act to amend an Act entitled 'an Act to Supersede certain Courts, and to regulate Appeals therefrom to the Supreme Court,'" reported the same with an amendment.

Mr. Van Buren, of the Select Committee to whom had been referred the petition of William Rufus Elliott, reported a bill in conformity with the prayer of the petitioner.

Assembly bill, entitled "an Act to Incorporate the City of Nevada," was taken up. Mr. Heydenfeldt moved to amend section eleventh of Article IV., by striking out all that portion of the section which authorizes the payment of a salary to the Aldermen: *Provided*, such salary be authorized by a vote at the polls of the electors of that city. On this question the yeas and nays were demanded, and resulted as follows:

YEAS.

Mr. Adams	Mr. Van Buren
Heydenfeldt	Warner
Robinson	Woodworth—6.

NAYS.

Mr. Broderick	Mr. Green
Cooke	Lippincott
Crosby	Miller
Douglass	Tingley—8.

So the question was decided in the negative.

Mr. Warner moved to amend by striking out the first subdivision of section second of Article V, which provides that the Recorder's Court shall have jurisdiction within the city of actions to determine the right of mining claims. On this question the yeas and nays were demanded, and resulted as follows:

YEAS.

Mr. Adams	Mr. Warner
Heydenfeldt	Woodworth—4.

NAYS.

Mr. Broderick	Mr. Green
Cooke	Miller
Crosby	Tingley
Douglass	Van Buren

So the question was decided in the negative.

The bill was then read the third time and passed.

Mr. Warner, from the Joint Committee on Enrolled Bills, reported that the committee had examined and found correctly enrolled, "an Act declaring certain Rivers and Creeks Navigable," and "an Act authorizing the Treasurer of the State to negotiate a Loan upon the faith and credit of the State, for the purpose of defraying the expenses which have been or may be incurred in suppressing Indian hostilities in this State, in the absence of requisite provision being made by the General Government," and the report was accepted.

Mr. Warner, from the Committee on Contingent Expenses, reported as correct, the accounts of L. D. Shearer, for $486; of J. H. Hamm, for $93; of L. L. Post for $88 50, and recommending their allowance. The report was received and adopted.

The President laid before the Senate a communication from the State Printer, in reference to the printing of the Treasurer's and Comptroller's Reports, which was read and referred to the Committee on Printing.

Mr. Heydenfeldt, from the Joint Committee on Claims, made reports on the claims of Charles Beers and —— Elleard; of William Reynolds; of D. W. Perley; and of the County of Los Angeles; which were severally received and laid on the table.

Mr. Broderick gove notice that he would, at the expiration of five days,

ask leave to introduce a bill to Repeal the Act concerning Officers of Health.

Mr. Woodworth submitted a Joint Resolution, which was read and laid over under the Rules, that all laws and acts amendatory thereof, relating to Marine Hospitals be suspended from all force and effect until the same be repealed; and until "an Act to establish a Marine Hospital" can be passed by the Legislature, having for its object all the advantages required by such an Institution, and less expensive to the commercial interests of this State.

Mr. Heydenfeldt, on leave, introduced a bill entitled "an Act concerning Redemptions," which was read the first and second times, the Rules having been suspended for that purpose, referred to the Judiciary Committee, and ordered to be printed.

A Message was received from the Assembly, informing the Senate that the Speaker had signed "an Act authorizing the Treasurer of the State to negotiate a loan, upon the faith and credit of the State, for the purpose of defraying the expenses which have been or may be incurred in suppressing Indian hostilities in this State, in the absence of adequate provision being made by the General Government."

Also, requesting the Senate to transmit to the Assembly the bill entitled, "an Act to prohibit Lotteries," with the amendments of the Assembly thereto.

On motion, the Senate resumed the consideration of the Special Order, being Assembly bill entitled "an Act concerning Divorces," but without any decision thereon,

On motion of Mr. Woodworth, the Senate adjourned.

DAVID C. BRODERICK, President of the Senate.

J. F. HOWE, Secretary of the Senate.

IN SENATE.

FRIDAY, *February* 14, 1851.

The Senate assembled pursuant to adjournment.

The Journal of Thursday was read and approved.

Senate bill entitled "an Act for the relief of John L. Smith and R. P. Wilson," was taken up, read the third time, and passed.

Senate bill entitled "an Act to amend an Act entitled 'an Act to supersede certain Courts, and regulate appeals therefrom to the Supreme Court,'" was taken up, and the amendment proposed by the Judiciary Committee was adopted.

On motion of Mr. Robinson, the bill was further amended in the seventh line of the 2d section, by striking out "three years" and inserting "two years;" and thus amended, the bill was read the third time and passed.

Mr. De la Guerra, agreeably to previous notice, asked and obtained leave to introduce a bill entitled, "an Act to amend an Act entitled "an Act to provide for the incorporation of Cities,'" which was read the first and second times, the Rules having been suspended for that purpose, and referred to the Committee on Corporations.

A Message yesterday received from the Assembly was taken up, and the Secretary was directed to comply with the request therein contained, by transmitting to the Assembly the bill entitled "an Act to prohibit Lotteries," with the amendment of the Assembly thereto.

Mr. De la Guerra, agreeably to previous notice, asked and obtained leave to introduce a bill entitled "an Act to amend an Act to organize the Distict Courts of the State of California," which was read the first and second times, the Rules having been suspended for that purpose and referred to the Committee on the Judiciary.

A Message was received from the Assembly, informing the Senate that the Speaker had signed bill entitled, "an Act declaring certain rivers and creeks navigable.'

Also, that they had passed bills, therewith transmitted, entitled, "an Act for the relief of William H. Richardson," "an Act to amend an Act entitled 'an Act to regulate Elections,'" and "an Act for the relief of William Reynolds, Treasurer of the County of Marin,"

Also, that they had rejected Senate's concurrent Resolution authorizing the Quartermaster-General to rent a room and employ an armorer.

The President of the Senate signed bills entitled, "an Act declaring certain rivers and creeks navigable," and "an Act authorizing the Treasurer of the State to negotiate a loan, upon the faith and credit of the State, for the purpose of defraying the expenses which have been or may be incurred in suppressing Indian hostilities in this State, in the

absence of adequate provision being made by the General Government."

Assembly Bill, entitled "an Act for the relief of Wm. H. Richardson," was read the first and second times, referrred to the Committee on Claims, reported back without amendment, read the third time, and passed, the Rules having been suspended for that purpose.

Assembly bill, entitled "an Act to regulate Elections," was read the first and second times, the Rules having been suspended for that purpose and referred to the Committee on Elections.

Mr. Broderick submitted a resolution, directing the Secretary to request the Assembly to return to the Senate the original form of bond submitted by M. G. Vallejo, transmitted to the Assembly with the joint resolution of the Senate in relation thereto, on the eighth instant; and the question being on the adoption of the resolution, the yeas and nays were demanded thereon, and resulted as follows:

YEAS.

Mr. Broderick	Mr. Tingley
Lippincott	—3.

NAYS.

Mr. Adams	Mr. Heydenfeldt
Cooke	Miller
Douglass	Van Buren
De la Guerra	Woodworth
Green	—9.

So the question was decided in the negative.

Mr. Adams, from the Committee on Engrossed bills, reported, as correctly engrossed, bills entitled "an Act for the relief of John L. Smith and R. P. Wilson," and "an Act to amend an Act entitled 'an Act to supersede certain Courts, and to regulate appeals therefrom to the Superior Court,'" and the report was accepted.

Senate bill, entitled "an Act to change the name of William Rufus Elliott," was read three several times and passed, the Rules having been suspended for that purpose.

Joint Resolution of the Senate, entitled "A Joint resolution suspending all laws relating to Marine Hospitals," was read twice, the Rules

having been suspended for that purpose, and referred to the Committee on Commerce and Navigation.

Mr. Van Buren, from the Joint Committee on Enrolled Bills, reported as correctly enrolled, "an Act concerning Attorneys and Counsellors of Law," and the Report was accepted.

Mr. Warner, from the Joint Committee on Enrolled Bills, reported as correctly enrolled, "an Act for the relief of William Reynolds, Treasurer of the County of Marin," and the Report was accepted; Also that the Committee had this day presented to the Governor for his signature "an Act declaring certain rivers and creeks navigable," and "an Act authorizing the Treasurer of the State to negotiate a loan on the faith and credit of the State, for the purpose of defraying the expenses which have been or may be incurred in suppressing Indian hostilities in this State, in the absence of adequate provision being made by the General Government." The Special Order of the day being the bill entitled "an Act concerning Divorces," was taken up, and,

On motion of Mr. Heydenfeldt, the further consideration thereof was postponed until to-morrow.

A Message was received from the Assembly, requesting the Senate to return to the Assembly, Senate's concurrent resolution authorizing the Quarter-Master General to rent a room and employ an armorer.

On motion of Mr. Van Buren, it was ordered that the request of the Assembly should be complied with.

On motion of Mr. Van Buren, Senate bill, entitled "an Act to amend an Act concerning Crimes and Punishments," was taken from the table.

Mr. Adams moved to amend the first section, by striking out in the second paragraph thereof, the words "or by death;" but, without coming to any decision thereon,

On motion of Mr. Broderick, the Senate adjourned.

DAVID C. BRODERICK, President of the Senate.

J. F. HOWE, Secretary of the Senate.

IN SENATE.

SATURDAY, *February* 15, 1851.

The Senate assembled pursuant to adjournment.

The Journal of Friday was read and approved.

Mr. Tingley, from the Committee on Corporations, to whom had been referred Senate Bill entitled "an Act to amend an Act entitled an Act to provide for the Incorporation of Cities," reported the same without amendment, and the bill was read the third time and passed.

Mr. Heydenfeldt gave notice that he would, on Monday, move a reconsideration of the vote on the passage of the bill.

Mr. Adams, from the Committee on Engrossed Bills, reported that the committee had examined and found correctly engrossed, "an Act to change the name of William Rufus Elliott," and the report was accepted.

Mr. Van Buren, from the Committee on Engrossed Bills, reported as correctly engrossed, "an Act to amend an Act entitled an Act to provide for the Incorporation of Cities."

Mr. Lippincott, from the Select Committee, to whom had been referred the form of bond offered by M. G. Vallejo, made a report from the majority of the committee, recommending the adoption of the bond as received from the Assembly.

Mr. Tingley, from the same committee, submitted a minority report in opposition to the adoption of the bond in the present form. (See Appendix Y.)

Mr. Cooke submitted a resolution, that the report of the majority of the committee be and is hereby adopted.

Mr. Tingley moved to amend the resolution by striking out 'majority," and inserting therefor "minority." On this motion the yeas and nays were demanded, and resulted as follows :—

YEAS.

Mr. Broderick	Mr. Tingley
Crosby	Warner—4.

NAYS.

Mr. Adams	Mr. Lippincott
Cooke	Miller
Douglass	Van Buren
Green	Woodworth
Heydenfeldt	—9.

The question then recurring on the adoption of the resolution, the yeas and nays were demanded thereon, and resulted as follows:—

YEAS.

Mr. Adams	Mr. Heydenfeldt
Broderick	Lippincott
Cooke	Miller
Douglass	Van Buren
Green	Woodworth—10.

NAYS.

Mr. Crosby	Mr. Warner
Tingley	—3.

So the resolution was adopted, and the form of bond approved. (See Appendix W.)

On motion of Mr. Green, the Secretary of the Senate was directed to furnish Gen. Vallejo with a certified copy of the bond, as adopted by the two Houses.

Mr. Heydenfeldt submitted a concurrent resolution, which was adopted, requesting the Governor to give an official recommendation to such citizen or citizens of this State as may signify an intention to attend the approaching Industrial Convention, and who, in the opinion of his Excellency, may be entitled thereto: *Provided*, that no appropriation shall be made for this purpose.

Mr. Van Buren submitted a resolution, which was read and laid over under the Rules, providing, that from and after Wednesday, the 19th instant, the Senate shall hold two sessions a day; the first commencing at 11 o'clock, A. M., and the second at 7 o'clock, P. M.

Mr. Cooke submitted a resolution, which was read and laid over, under the Rules, that pending the discussion on consideration of any bill or resolution, the Senate shall not adjourn unless by a vote of at least two thirds of all the members present.

Messages were received from the Assembly, informing the Senate that the Speaker had signed "an Act for the relief of William Reynolds, Treasurer of the County of Marin," and "an Act concerning Attorneys and Counsellors at Law."

Also, that they had adopted a concurrent resolution, therewith transmitted, relative to voting for United States Senator.

Also, that they had passed bills, therewith transmitted, severally entitled "an Act to provide for the translation of the Laws into the Spanish language;" "an Act to provide for the payment of the fees to Sheriffs for services rendered in enforcing the Foreign Miners' Tax Law," the same being a substitute for Senate bill No. 28; "an Act for the relief of Joseph Evans;" "Joint resolution relative to the Archives of this State;" and "an Act providing for the establishment of State Hospitals."

On motion, the consideration of the Special Order of the day, being Assembly bill entitled "an Act concerning Divorces," was resumed, the question being on the motion of Mr. Van Buren to reconsider the vote by which the Senate had stricken out "six months" in the third section, and inserted therefor "two years." On the question of reconsideration, the yeas and nays were demanded, and resulted as follows:

YEAS.

Mr. Adams	Mr. De la Guerra
Broderick	Robinson
Cooke	Tingley
Crosby	Van Buren
Douglass	Woodworth—10.

NAYS.

Mr. Green	Mr. Miller
Heydenfeldt	Warner
Lippincott	—5.

So the vote was reconsidered; and the question then again recurring on the adoption of the amendment, it was, by yeas and nays, decided in the negative, as follows:

YEAS.

Mr. De la Guerra	Mr. Miller
Green	Robinson
Heydenfeldt	Warner
Lippincott	—7.

NAYS.

Mr. Adams	Mr. Douglass
Broderick	Tingley
Cooke	Van Buren
Crosby	Woodworth—8.

Mr. Green moved to strike out "six months," and insert "twelve months," but the question was, by yeas and nays, decided in the negative, as follows:

YEAS.

Mr. De la Guerra	Mr. Miller
Green	Robinson
Heydenfeldt	Warner
Lippincott	—7.

NAYS.

Mr. Adams	Mr. Douglass
Broderick	Tingley
Cooke	Van Buren
Crosby	Woodworth—8.

Mr. Green moved to strike out "six months" and insert "nine months," but the question was, by yeas and nays, decided in the negative, as follows:

YEAS.

Mr. De la Guerra	Mr. Miller
Green	Robinson
Heydenfeldt	Warner
Lippincott	—7.

NAYS.

Mr. Adams	Mr. Douglass
Broderick	Tingley
Cooke	Van Buren
Crosby	Woodworth—8.

Mr. Heydenfeldt moved to strike out the third section, but the question was, by yeas and nays, decided in the negative, as follows:

YEAS.

Mr. Green	Mr. Miller
Heydenfeldt	Warner—4.

NAYS.

Mr. Adams	Mr. Cooke
Broderick	Crosby
Douglass	Tingley
De la Guerra	Van Buren
Lippincott	Woodworth
Robinson	—11.

Mr. Robinson moved to strike out the second, fourth, fifth, and sixth subdivisions of section fourth.

On motion of Mr. Green, the vote was ordered to be taken separately on the subdivisions which it was proposed to strike out; and the question then being first on striking out the second subdivision, it was, by yeas and nays, decided in the negative, as follows:

YEAS.

Mr. De la Guerra	Mr. Miller
Green	Robinson
Heydenfeldt	Warner
Lippincott	—7.

NAYS.

Mr. Adams	Mr. Douglass
Broderick	Tingley
Cooke	Van Buren
Crosby	Woodworth—8.

The question recurring on the motion to strike out the fourth subdivision, it was, by yeas and nays, decided in the negative, as follows :—

YEAS.

Mr. De la Guerra	Mr. Miller
Green	Robinson
Heydenfeldt	Warner
Lippincott	—7.

NAYS.

Mr. Adams	Mr. Douglass
Broderick	Tingley
Cooke	Van Buren
Crosby	Woodworth—8.

The question recurring on the motion to strike out the fifth subdivision, the yeas and nays were demanded and taken. Before the announcement by the chair (Mr. Adams presiding) of the result of this vote, Mr. Heydenfeldt, who had been without the bar when his name was called, asked permission to record his vote, and demanded the yeas and nays thereon, which were ordered, and resulted as follows :—

YEAS.

Mr. Adams	Mr. Miller
Crosby	Robinson
Douglass	Tingley
De la Guerra	Van Buren
Green	Warner
Lippincott	—11.

NAYS.

Mr. Broderick	Mr. Woodworth—2.

So the Senate, by a two-third vote, decided that Mr. Heydenfeldt should be permitted to vote; and the question on the motion to strike out the fifth subdivision was then declared to have been decided in the negative, as follows :—

YEAS.

Mr. De la Guerra	Mr. Lippincott
Green	Robinson
Heydenfeldt	Warner—6.

NAYS.

Mr. Adams	Mr. Miller
Broderick	Tingley
Cooke	Van Buren
Crosby	Woodworth
Douglass	—9.

The question recurring on the motion to strike out the sixth subdivision, it was, by yeas and nays, decided in the negative, as follows:—

YEAS.

Mr. De la Guerra	Mr. Lippincott
Green	Robinson
Heydenfeldt	Warner—6.

NAYS.

Mr. Adams	Mr. Miller
Broderick	Tingley
Cooke	Van Buren
Crosby	Woodworth
Douglass	—9.

Mr. Green moved to amend the third subdivision of section fourth by striking out the words, "for an act of adultery by either of the parties," and inserting therefor the words, "for an act of adultery on the part of the wife, provided the husband kills the man who violates his bed."

On motion of Mr. Woodworth, the Senate took a recess until 4, P.M.

On reassembling, Mr. Heydenfeldt moved that the Senate do now adjourn, but the question was, by yeas and nays, decided in the negative as follows:—

YEAS.

Mr. Green	Mr. Heydenfeldt—2.

NAYS.

Mr. Adams	Mr. De la Guerra
Broderick	Miller
Cooke	Robinson
Crosby	Tingley
Douglass	Van Buren—10.

The Senate resumed the consideration of the bill entitled "an Act concerning Divorces;" the question being on the proposed amendment of Mr. Green to the third subdivision of section fourth, the yeas and nays were demanded thereon, and resulted as follows:—

YEA.

Mr. Green—1.

NAYS.

Mr. Adams	Mr. Miller
Broderick	Robinson
Cooke	Tingley
Crosby	Van Buren
Douglass	Warner
De la Guerra	Woodworth
Heydenfeldt	—13.

Mr. Robinson moved to amend by inserting at the close of the sixth subdivision of section 4th, the words, "but confirmed insanity shall in no case be presumed, unless the party shall have been continually insane, with no lucid interval, for the period of two years."

Mr. Heydenfeldt moved to amend the amendment, by adding thereto the words, "And *provided*, that in the event of the divorce being granted upon the grounds of the insanity of the wife, then the Court granting the same shall allow to the wife, by said judgment, such amount for maintenance during her life as shall seem proper to the Court, to be paid by the husband, or from his estate; and such judgment of divorce shall not be of effect until such provision is made."

The amendment to the amendment was accepted by Mr. Robinson, and the question then being on the adoption of the amendment as amended, it was, by yeas and nays, decided in the negative, as follows:—

YEAS.

Mr. De la Guerra	Mr. Heydenfeldt
Green	Warner—4.

NAYS.

Mr. Adams	Mr. Miller
Broderick	Robinson
Cooke	Tingley
Crosby	Van Buren
Douglass	Woodworth—10.

The question then being on ordering the bill to a third reading at this time, objection was made, and the bill was laid over under the Rules.

Assembly concurrent Resolution, relative to voting for United States Senator, was taken up and adopted.

The President signed bills entitled "an Act for the relief of William Reynolds, Treasurer of the County of Marin;" and "an Act concerning Attorneys and Counsellors of Law;" and the Secretary certified upon the former that it originated in the Senate.

Assembly bills, entitled "an Act to provide for the translation of the Laws into the Spanish language;" and "an Act to provide for the payment of the fees to Sheriffs for services rendered in enforcing the Foreign Miners' Tax law," were severally read the first and second times, the Rules having been suspended for that purpose, and referred to the Committee on the Judiciary.

Assembly bill entitled "an Act for the relief of Joseph Evans," was read the first and second times, the Rules having been suspended for that purpose, and referred to the Committee on Claims.

Joint Resolution of the Assembly, "relative to the Public Archives," was read the first and second times, the Rules having been suspended for that purpose, and referred to the Committee on the State Library.

Assembly bill entitled "an Act providing for the establishment of State Hospitals," was read the first and second times, the Rules having been suspended for that purpose, and referred to the Committee on Commerce and Navigation.

On motion of Mr. Heydenfeldt, the Senate adjourned.

DAVID C. BRODERICK, President of the Senate.

J. F. HOWE, Secretary of the Senate.

IN SENATE.

MONDAY, *February* 17, 1851.

The Senate assembled pursuant to adjournment.

The Journal of Saturday was read and approved.

Mr. Van Buren, from the Committee on the Public Library, reported, without amendment, the Joint Resolution of the Assembly relative to the Public Archives, and recommending its passage.

Mr. Heydenfeldt submitted a concurrent resolution, which was adopted, that the Assembly be invited to meet in Convention, in the Senate Chamber, for the election of United States Senator, this day at twelve o'clock, M.

Mr. Robinson, by unanimous leave, introduced a bill entitled "an Act to amend 'an Act concerning Corporations,'" which was read the first and second times, the Rules having been suspended for that purpose, referred to the Committee on Corporations, and ordered printed.

Mr. Robinson gave notice that he would, at an early day, ask leave to introduce a bill entitled "an Act to Incorporate Sacramento City," and providing for the total repeal of the charter now in force.

Mr. Broderick submitted a concurrent resolution, which was adopted, that, in proceeding to the election of United States Senator, 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 one person as United States Senator; and that, if upon such voting 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 vote shall take place until the two Houses shall reassemble; but both Houses shall, in good faith, continue the proceedings as herein prescribed, at all con-

venient hours, until the election of a United States Senator shall be completed.

On motion of Mr. Heydenfeldt, the Senate took a recess until five minutes before 12 o'clock, M.

On reassembling, Mr. Warner, from the Committee on Enrolled Bills, reported that they had this day presented to the Governor for his approval "an Act concerning Attorneys and Counsellors of Law," and "an Act for the Relief of William Reynolds, Treasurer of the County of Marin."

Mr. Warner gave notice that he would, at an early day, ask leave to introduce a bill entitled "an Act to amend an Act to incorporate the City of San Diego."

A message was received from the Assembly by Mr. McMullin, Clerk, informing the Senate that they had adopted the concurrent resolution of the Senate, relative to the place of meeting for the election of United States Senator.

On motion of Mr. Heydenfeldt, the Senate took a recess for ten minutes, to enable the proper officers to prepare the Senate Chamber for the reception of the members of the Assembly.

On reassembling, Mr. Broderick moved that the Senate do now adjourn, and demanded the yeas and nays thereon, which were ordered, and resulted as follows:

YEAS.

Mr. Adams	Mr. Heydenfeldt
Broderick	Van Buren
Cooke	Warner
De la Guerra	—7.

NAYS.

Mr. Crosby	Mr. Robinson
Douglass	Tingley
Green	Woodworth
Lippincott	—7.

So the Senate refused to adjourn.

On motion of Mr. Cooke, a call of the Senate was ordered, but before the completion thereof, on motion of Mr. Van Buren, further proceedings under the same were suspended.

Mr. Cooke moved that the Senate do now adjourn.

A message was received from the Assembly, informing the Senate that they had adopted the Senate's concurrent resolution relative to the manner of conducting the election of United States Senator.

Messrs. Cooke and Broderick demanded the yeas and nays on Mr. Cooke's motion to adjourn, which were ordered, and resulted as follows:

YEAS.

Mr. Adams	Mr. Miller
Broderick	Robinson
Cooke	Van Buren
De la Guerra	Warner
Heydenfeldt	—9.

NAYS.

Mr. Crosby	Mr. Lippincott
Douglass	Tingley
Green	Woodworth—6.

So the question was decided in the affirmative, and the Senate adjourned.

DAVID C. BRODERICK, President of the Senate.

J. F. HOWE, Secretary of the Senate.

IN SENATE.

TUESDAY, *February* 18, 1850.

The Senate assembled pursuant to adjournment.

The Journal of Monday was read and approved.

A Message was received from the Assembly, informing the Senate that they were now ready to proceed to the election of United States Senator.

Mr. Van Buren submitted a Joint Resolution, which was adopted, that the two Houses meet in Convention in the Senate Chamber at 12 o'clock, M., this day, for the election of United States Senator. Also, a resolution, which was adopted, inviting the Assembly to meet the Senate in the Senate Chamber at 12 o'clock, M., to-day, to proceed to the election of United States Senator.

On motion of Mr. Douglass, the Senate took a recess until 10 minutes before 12 o'clock, M.

On reassembling, Mr. Warner, from the Committee on Enrolled Bills, reported as correctly enrolled, "an Act to Incorporate the City of Nevada," and "an Act for the relief of William H. Richardson."

A Message was received from the Assembly, informing the Senate that they had adopted the Senate's concurrent resolution, providing for an election of United States Senator at 12 o'clock, M., to-day; and also that they had accepted the Senate's invitation to meet in Convention in the Senate Chamber at 12, M., to-day, for the purpose designated.

Mr. Heydenfeldt, from the Committee on Claims, to whom had been referred "an Act for the relief of Joseph Evans," reported the same without amendment, and recommending its passage. The report was accepted.

IN CONVENTION.

The two Houses met in Convention in the Senate Chamber, at 12, M., Hon. David C. Broderick, President of the Senate, presiding, who stated the object for which they had been assembled to be an election of United States Senator, for six years from the fourth of March next, in place of the Hon. John C. Frémont, whose term of service would then expire.

The President appointed Mr. Warner as Teller on the part of the Senate, and the Speaker of the Assembly appointed Mr. Baldwin as Teller on the part of the Assembly.

On motion of Mr. Robinson, Governor McDougal, Ex-Governors Burnett and Alvarado, and,

On motion of Mr. Van Buren, Col. Jack Hays, were invited to seats within the bar of the Convention.

Mr. Cooke, of the Senate, submitted the following preamble and resotion, viz:

WHEREAS, the twenty-first section of the fourth Article of the Constitution of the State of California reads as follows: "No person holding any lucrative office under the United States, or any other power, shall be eligible to any civil office of profit under this State,

"*Provided*, that officers in the Militia, to which there is attached no annual salary, or local officers and Postmasters, whose compensation does

not exceed five hundred dollars per annum, shall not be deemed lucrative ;"

Therefore, be it *Resolved*, as the deliberate sense of this Convention, that the election of any person to " any civil office of profit," in the State, who is now holding a lucrative office under the United States, would be in direct violation of the twenty-first section of the fourth Article of the Constitution of the State of California.

Mr. Cook, of the Assembly, moved that the Preamble and Resolution be laid on the table, upon which question the yeas and nays were demanded and ordered.

Those who voted in the affirmative were—Messrs. Douglass, Green, Heydenfeldt, Lippincott, Tingley, Woodworth, of the Senate; Messrs Baldwin, Bennett, Bodley, Bradford, Brown, Campbell, Carr, Cook, Hall, Kellogg, Lisle, McDougal, Merritt, Moore, Osgood, Robinson, Stearns, Thorne, Wethered, Wilkins, of the Assembly—26.

Those who voted in the negative were—Messrs. Adams, Broderick, Cooke, Crosby, De la Guerra, Miller, Robinson, Van Buren, Warner, of the Senate; Messrs. Carnes, Covarrubias, Field, Hoff, Kendrick, Lind, McCorkle, Murphy, Pico, Randall, Richardson, Saunders, Yeiser, Speaker of the Assembly—23.

So the question was decided in the affirmative.

Mr. Hall, of the Assembly, submitted the following Preamble and Resolution :—

WHEREAS, it is due to the State of California, as far as she is represented in the General Assembly, that the choice of the people should be ascertained in the election of a Senator to the Congress of the United States, by the presence and vote of every representative elect: and

WHEREAS, the Hon. A. G. McCandless, member from Shasta, is prevented from attending this Convention by illness, so serious that fatal consequences might follow from an effort to do so, thereby depriving a large and respectable portion of the State representation upon a subject so important:

Resolved, that a Committee of two Senators and three Representatives be appointed, to receive, in writing, the vote of A. G. McCandless, and report the same to this Convention; and that the vote thus received be counted in the ballots taken for the election of a United States Senator.

Mr. Douglass, of the Senate, moved to lay the preamble and resolu-

tion on the table, upon which question the yeas and nays were demanded and ordered.

Those who voted in the affirmative were—Messrs. Adams, Broderick, Cooke, Crosby, Douglass, De la Guerra, Green, Heydenfeldt, Lippincott, Miller, Robinson, Tingley, Van Buren, Warner, Woodworth, of the Senate; Baldwin, Bennett, Bodley, Bradford, Brown, Campbell, Carr, Carnes, Cook, Covarrubias, Field, Hoff, Kellogg, Kendrick, Lisle, Lind, McCorkle, McDougal, Osgood, Pico, Randall, Robinson, Stearns, Thorne, Wilkins, Speaker of the Assembly—41.

Those who voted in the negative were—Messrs. Hall, Merritt, Moore, Murphy, Richardson, Saunders, Wethered, Yeiser of the Assembly—8.

So the question was decided in the affirmative.

On motion of Mr. Woodworth, of the Senate, the Convention then proceeded to the election of United States Senator.

Mr. Adams, of the Senate, nominated John C. Frémont.

Mr. Kendrick, of the Assembly, nominated Solomon Heydenfeldt.

Mr. Baldwin, of the Assembly, nominated Thomas Butler King.

Mr. Lippincott, of the Senate, nominated John W. Geary.

Mr. McCorkle, of the Assembly, nominated John B. Weller.

Mr. Wethered, of the Assembly, nominated James A. Collier.

The names of the Senators were called by the Secretary of the Senate, and those of the members of the Assembly by the Clerk of that body, each member voting *viva voce*, when the Tellers reported the result of the joint vote of the two Houses to be as follows:—

Whole number of votes	. . .	49
Necessary to a choice	. . .	25
Of which Mr. King received	. . .	15 votes.
Heydenfeldt	. . . .	16 "
Frémont	. . . .	8 "
Geary	. . . .	4 "
Weller	. . . .	4 "
Collier	. . . .	2 "

Those who voted for Mr. King were—Messrs. Douglass, Tingley, and Woodworth, of the Senate; and Baldwin, Bennett, Bodley, Brown, Campbell, Carr, Cooke, Lisle, Moore, Stearns, Thorne, and Wilkins, of the Assembly—15.

Those who voted for Mr. Heydenfeldt were—Messrs. Green, Heydenfeldt, Miller, Robinson, and Van Buren of the Senate; and Field, Hall, Kendrick, Lind, McDougal, Merritt, Murphy, Richardson, Saunders, Yeiser, and Speaker of the Assembly—16.

Those who voted for Mr. Frémont were—Messrs. Adams and De la Guerra of the Senate; and Carnes, Covarrubias, Kellogg, Osgood, Pico, and Robinson of the Assembly—8.

Those who voted for Mr. Geary were—Messrs. Broderick, Cooke, and Lippincott, of the Senate; and Mr. Hoff, of the Assembly—4.

Those who voted for Mr. Weller were—Messrs. Crosby and Warner, of the Senate; and Bradford and McCorkle, of the Assembly—4.

Those who voted for Mr. Collier were—Messrs. Randall and Wethered, of the Assembly—2.

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

Whole number of votes	49
Necessary to a choice	25
Of which Mr. King received	16 votes
Heydenfeldt	16
Frémont	8
Geary	4
Weller	3
Collier	2

Those who voted for Mr. King were—Messrs. Douglass, Tingley, and Woodworth, of the Senate; and Baldwin, Bennett, Bodley, Bradford, Brown, Campbell, Carr, Cook, Lisle, Moore, Stearns, Thorne, and Wilkins, of the Assembly—16.

Those who voted for Mr. Heydenfeldt were—Messrs. Green, Heydenfeldt, Miller, Robinson, and Van Buren, of the Senate; and Field, Hall, Kendrick, Lind, McDougal, Merritt, Murphy, Richardson, Saunders, Yeiser, and Speaker of the Assembly—16.

Those who voted for Mr. Frémont were—Messrs. Adams and De la Guerra, of the Senate; and Carnes, Covarrubias, Kellogg, Osgood, Pico, and Robinson, of the Assembly—8.

Those who voted for Mr. Geary were—Messrs. Broderick, Cooke, and Lippincott, of the Senate; and Mr. Hoff, of the Assembly—4.

Those who voted for Mr. Weller were—Messrs. Crosby and Warner, of the Senate; and Mr. McCorkle, of the Assembly—3.

Those who voted for Mr. Collier were—Messrs. Randall and Wethered, of the Assembly—2.

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

Whole number of votes	49
Necessary to a choice	25
Of which Mr. King received	17 votes
Heydenfeldt	15
Frémont	7
Geary	4
Weller	4
Collier	2

Those who voted for Mr. King were—Messrs. Douglass, Tingley, and Woodworth, of the Senate; and Baldwin, Bennett, Bodley, Bradford, Brown, Campbell, Carr, Cook, Lisle, McDougal, Moore, Stearns, Thorne, and Wilkins, of the Assembly—17.

Those who voted for Mr. Heydenfeldt were—Messrs. Green, Heydenfeldt, Miller, Robinson, and Van Buren, of the Senate; and Field, Hall, Kendrick, Lind, Merritt, Murphy, Richardson, Saunders, Yeiser, and Speaker, of the Assembly—15.

Those who voted for Mr. Frémont were—Messrs. Adams and De la Guerra, of the Senate; and Carnes, Covarrubias, Kellogg, Pico, and Robinson, of the Assembly—7.

Those who voted for Mr. Geary were—Messrs. Broderick, Cooke, and Lippincott, of the Senate; and Mr. Hoff, of the Assembly—4.

Those who voted for Mr. Miller were—Messrs. Crosby and Warner, of the Senate; and McCorkle and Osgood, of the Assembly—4.

Those who voted for Mr. Collier were—Messrs. Randall and Wethered, of the Assembly—2.

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

Whole number of votes	49
Necessary to a choice	25
Of which Mr. King received	17 votes.
Heydenfeldt	15
Frémont	7
Geary	4
Weller	4
Collier	2

Those who voted for Mr. King were—Messrs. Douglass, Tingley, and Woodworth, of the Senate; and Baldwin, Bennett, Bodley, Bradford, Brown, Campbell, Carr, Cooke, Lisle, McDougal, Moore, Stearns, Thorne, and Wilkins, of the Assembly.—17.

Those who voted for Mr. Heydenfeldt were—Messrs. Green, Heydenfeldt, Miller, Robinson, and Van Buren, of the Senate; and Field, Hall, Kendrick, Lind, Merritt, Murphy, Richardson, Saunders, Yeiser, and Speaker, of the Assembly—15.

Those who voted for Mr. Frémont were—Messrs. Adams and De la Guerra, of the Senate; and Carnes, Covarrubias, Kellogg, Pico, and Robinson, of the Assembly—7.

Those who voted for Mr. Geary were—Messrs. Broderick, Cooke, and Lippincott, of the Senate; and Mr. Hoff, of the Assembly—4.

Those who voted for Mr. Weller were—Messrs. Crosby and Warner, of the Senate; and McCorkle and Osgood of the Assembly—4.

Those who voted for Mr. Collier were—Messrs. Randall and Wethered, of the Assembly.

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

Whole number of votes	49
Necessary to a choice	25
Of which Mr. King received	17 votes.
Heydenfeldt	16
Frémont	7
Geary	4
Weller	3
Collier	2

Those who voted for Mr. King were—Messrs. Douglass, Tingley, and Woodworth, of the Senate; and Baldwin, Bennett, Bodley, Bradford, Brown, Campbell, Carr, Cook, Lisle, McDougal, Moore, Stearns, Thorne, and Wilkins, of the Assembly—17.

Those who voted for Mr. Heydenfeldt were—Messrs. Green, Heydenfeldt, Miller, Robinson, and Van Buren, of the Senate; and Field, Hall, Kendrick, Lind, Merritt, Murphy, Osgood, Richardson, Saunders, Yeiser, and Speaker, of the Assembly—16.

Those who voted for Mr. Frémont were—Messrs. Adams and De la Guerra, of the Senate; and Carnes, Covarrubias, Kellogg, Pico, and Robinson, of the Assembly—7.

Those who voted for Mr. Geary were—Messrs. Broderick, Cook, and Lippincott, of the Senate; and Mr. Hoff, of the Assembly—4.

Those who voted for Mr. Weller were—Messrs. Crosby, and Warner, of the Senate; and Mr. McCorkle, of the Assembly—3.

Those who voted for Mr. Collier were—Messrs. Randall, and Wethered, of the Assembly—2.

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

Whole number of votes	. . . .	49
Necessary to a choice	. . . .	25
Of which Mr. King received	. . .	17 votes.
Heydenfeldt	. . . .	16
Frémont	. . . .	7
Geary	. . . . .	4
Weller	. . . . .	4
Collier	. . . . .	2

Those who voted for Mr. King were—Messrs. Douglass, Tingley, and Woodworth, of the Senate; and Baldwin, Bennett, Bodley, Bradford, Brown, Campbell, Carr, Cook, Lisle, McDougal, Moore, Stearns, Thorne, and Wilkins, of the Assembly—17.

Those who voted for Mr. Heydenfeldt were—Messrs. Green, Heydenfeldt, Miller, Robinson, and Van Buren, of the Senate; and Field, Hall, Kendrick, Lind, Merritt, Murphy, Osgood, Richardson, Saunders, Yeiser, and Speaker, of the Assembly—16.

Those who voted for Mr. Frémont were—Messrs. Adams and De la Guerra, of the Senate; and Carnes, Covarrubias, Kellogg, Pico, and Robinson, of the Assembly—7.

Those who voted for Mr. Geary were—Messrs. Broderick, Cooke, and Lippincott, of the Senate; and Mr. Hoff, of the Assembly—4.

Those who voted for Mr. Weller—were Messrs. Crosby, and Warner, of the Senate; and Mr. McCorkle, of the Assembly—3.

Those who voted for Mr. Collier were—Messrs. Randall, and Wethered of the Assembly—2.

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

Whole number of votes	. . . .	49
Necessary to a choice	. . . .	25
Of which Mr. King received	. . .	17 votes
Heydenfeldt	. . . .	16
Frémont	. . . .	7
Geary	. . . . .	4
Weller	. . . .	3
Collier	. . . . .	2

Those who voted for Mr. King were—Messrs. Douglass, Tingley, and Woodworth, of the Senate; and Baldwin, Bennett, Bodley, Bradford, Brown, Campbell, Carr, Cook, Lisle, McDougal, Moore, Stearns, Thorne, and Wilkins, of the Assembly—17.

Those who voted for Mr. Heydenfeldt were—Messrs. Green, Heydenfeldt, Miller, Robinson, and Van Buren, of the Senate; and Field, Hall, Kendrick, Lind, Merritt, Murphy, Osgood, Richardson, Saunders, Yeiser, and Speaker, of the Assembly—16.

Those who voted for Mr. Frémont were—Messrs. Adams and, De la Guerra, of the Senate; and Carnes, Covarrubias, Kellogg, Pico, and Robinson, of the Assembly—7.

Those who voted for Mr. Geary were—Messrs. Broderick, Cooke, and Lippincott, of the Senate; and Mr. Hoff, of the Assembly—4.

Those who voted Mr. Weller were—Messrs. Crosby, and Warner, of the Senate; and Mr. McCorkle, of the Assembly—3.

Those who voted for Mr. Collier were—Messrs. Randall, and Wethered, of the Assembly—2.

Mr. Cooke, of the Senate, moved that the Convention take a recess until to-morrow morning at ten o'clock.

On this motion the yeas and nays were demanded and ordered, and it was decided in the negative, as follows:

Yeas: Messrs. Broderick, Cooke, De la Guerra, Lippincott, Miller, and Van Buren, of the Senate; and Covarrubias, Field, Hoff, Kendrick, Lind, McCorkle, Murphy, Osgood, Pico, Randall, Wethered, Yeiser, and Speaker, of the Assembly—19.

Nays: Messrs. Adams, Crosby, Douglass, Green, Heydenfeldt, Robinson, Tingley, Warner, and Woodworth, of the Senate; and Baldwin, Bennett, Bodley, Bradford, Brown, Campbell, Carr, Carnes, Cook, Hall, Kellogg, Lisle, McDougal, Merritt, Moore, Richardson, Robinson, Saunders, Stearns, Thorne, and Wilkins, of the Assembly —30.

No person having received a majority of all the votes given on the seventh vote, the Committee proceeded in like manner to an eighth vote, and the Tellers reported the result to be as follows:

Whole number of votes	49
Necessary to a choice	25
Of which Mr. King received	17 votes
Heydenfeldt	16
Frémont	7
Geary	4
Weller	3
Collier	2

Those who voted for Mr. King, were—Messrs. Douglass, Tingley, and Woodworth, of the Senate; and Baldwin, Bennett, Bodley, Bradford, Brown, Campbell, Carr, Cook, Lisle, McDougal, Moore, Stearns, Thorne, and Wilkins, of the Assembly—17.

Those who voted for Mr. Heydenfeldt, were—Messrs. Green, Heydenfeldt, Miller, Robinson, and Van Buren, of the Senate; and Field, Hall, Kendrick, Lind, Merritt, Murphy, Osgood, Richardson, Saunders, Yeiser, and Speaker, of the Assembly—16.

Those who voted for Mr. Geary, were—Messrs. Broderick, Cooke, and Lippincott, of the Senate; and Mr. Hoff, of the Assembly—4.

Those who voted for Mr. Weller, were—Messrs. Crosby, and Warner, of the Senate; and Mr. McCorkle, of the Assembly—3.

Those who voted for Mr. Collier, were—Messrs. Randall, and Wethered, of the Assembly—2.

Mr. De la Guerra, of the Senate, moved that the Convention take a recess until to-morrow morning at ten o'clock. On this motion the yeas and nays were demanded and ordered, and it was decided in the negative as follows:

Yeas: Messrs. Broderick, Cooke, De la Guerra, Lippincott, Miller, Van Buren, and Warner, of the Senate; Carnes, Covarrubias, Field, Hoff, Kellogg, Kendrick, Lind, McCorkle, Moore, Murphy, Osgood, Pico, Randall, Robinson, Stearns, Yeiser, and Speaker, of the Assembly —24.

Nays: Messrs. Adams, Crosby, Douglass, Green, Heydenfeldt, Robinson, Tingley, and Woodworth, of the Senate; and Baldwin, Bennett, Bodley, Bradford, Brown, Campbell, Carr, Cook, Hall, Lisle, McDougal, Merritt, Richardson, Saunders, Thorne, Wethered, and Wilkins, of the Assembly—25.

No person having received a majority of all the votes given on the eighth vote, the Convention proceeded in like manner to a ninth vote, and the Tellers reported the result to be as follows:

Whole number of votes	49
Necessary to a choice	25
Of which Mr. King received	17 votes.
Heydenfeldt	16
Frémont	7
Geary	4
Weller	3
Collier	2

Those who voted for Mr. King were—Messrs. Douglass, Tingley, and Woodworth, of the Senate; and Baldwin, Bennett, Bodley, Bradford, Brown, Campbell, Carr, Cook, Lisle, McDougall, Moore, Stearns, Thorne, and Wilkins, of the Assembly—17.

Those who voted for Mr. Heydenfeldt were—Messrs. Green, Heyden-

feldt, Miller, Robinson, and Van Buren, of the Senate; and Field, Hall, Kendrick, Lind, Merritt, Murphy, Osgood, Richardson, Saunders, Yeiser, and Speaker, of the Assembly—16.

Those who voted for Mr. Frémont were—Messrs. Adams and De la Guerra, of the Senate; and Carnes, Covarrubias, Kellog, Pico, and Robinson, of the Assembly—7.

Those who voted for Mr. Geary were—Messrs. Broderick, Cooke, and Lippincott, of the Senate; and Mr. Hoff, of the Assembly—4.

Those who votedf or Mr. Weller were—Messrs. Crosby, and Warner, of the Senate; and Mr. McCorkle, of the Assembly—3.

Those who voted for Mr. Collier were—Messrs. Randall, and Wethered, of the Assembly—2.

Mr. Lind, of the Assembly, moved that the Convention take a recess until to-morrow morning at 10 o'clock, which motion was decided in the affirmative.

IN SENATE.

On motion of Mr. Douglass, the Senate took a recess until to-morrow morning at ten minutes before ten o'clock.

David C. Broderick, President of the Senate.

J. F. Howe, Secretary of the Senate.

IN SENATE.

Wednesday, *February* 19, 1851.

The Senate assembled pursuant to adjournment.

The Journal of Tuesday was read and approved.

IN CONVENTION.

The two Houses reassembled in Convention at 10 A.M., and again proceeded to the election of U. States Senator, in place of Hon. John

C. Frémont, whose term of service will expire on the third of March next. The Tellers reported the result of the tenth joint vote to be as follows:

Whole number of votes	49
Necessary to a choice	25
Of which Mr. King received	17 votes.
Heydenfeldt	16
Frémont	7
Geary	4
Weller	3
Collier	2

Those who voted for Mr. King were—Messrs. Douglass, Tingley, Woodworth, of the Senate; Baldwin, Bennett, Bodley, Bradford, Brown, Campbell, Carr, Cook, Lisle, McDougal, Moore, Stearns, Thorne, Wilkins, of the Assembly—17.

Those who voted for Mr. Heydenfeldt were—Messrs. Green, Heydenfeldt, Miller, Robinson, Van Buren, of the Senate; Field, Hall, Kendrick, Lind, Merritt, Murphy, Osgood, Richardson, Saunders, Yeiser, Speaker, of the Assembly—16.

Those who voted for Mr. Frémont were—Messrs. Adams, De la Guerra, of the Senate; Carnes, Covarrubias, Kellogg, Pico, Robinson, of the Assembly—7.

Those who voted for Mr. Geary were—Messrs. Broderick, Cooke, Lippincott, of the Senate; Hoff, of the Assembly—4.

Those who voted for Mr. Weller were—Messrs. Crosby, Warner of the Senate; McCorkle, of the Assembly—3.

Those who voted for Mr. Collier were—Messrs. Randall, Wethered, of the Assembly—2.

No person having received a majority of all the votes given, the Convention proceeded in like manner to an eleventh vote, which resulted as follows:

Whole number of votes	49
Necessary to a choice	25
Of which Mr. King received	17 votes.
Heydenfeldt	16

Mr. Frémont received . . .	7 votes.
Geary	4
Weller	3
Collier	2

Those who voted for Mr. King were—Messrs. Douglass, Tingley, Woodworth, of the Senate; Baldwin, Bennett, Bodley, Bradford, Brown, Campbell, Carr, Cook, Lisle, McDougal, Moore, Stearns, Thorne, Wilkins, of the Assembly—17.

Those who voted for Mr. Heydenfeldt were—Messrs. Green, Heydenfeldt, Miller, Robinson, Van Buren, of the Senate; Field, Hall, Kendrick, Lisle, Merritt, Murphy, Osgood, Richardson, Saunders, Yeiser, Speaker, of the Assembly—16.

Those who voted for Mr. Frémont were—Messrs. Adams, De la Guerra, of the Senate; Carnes, Covarrubias, Kellogg, Pico, Robinson, of the Assembly—7.

Those who voted for Mr. Geary were—Messrs. Broderick, Cooke, Lippincott, of the Senate, and Hoff, of the Assembly—4.

Those who voted for Mr. Weller were—Messrs. Crosby, Warner, of the Senate; and McCorkle, of the Assembly—3.

Those who voted for Mr. Collier were—Messrs. Randall, and Wethered, of the Assembly—2.

No person having received a majority of all the votes given, the Convention, in like manner, proceeded to a twelfth vote, which resulted as follows:

Whole number of votes	49
Necessary to a choice	25
Of which Mr. King received	18 votes
Heydenfeldt	16
Frémont	7
Geary	4
Weller	3
Collier	1

Those whose voted for Mr. King were—Messrs. Douglass, Tingley, Woodworth, of the Senate; Baldwin, Bennett, Bodley, Bradford, Brown, Campbell, Carr, Cook, Lisle, McDougal, Moore, Stearns, Thorne, Wilkins Wethered, of the Assembly—18.

Those who voted for Mr. Heydenfeldt were—Messrs. Green, Heydenfeldt, Miller, Robinson, Van Buren, of the Senate; Field, Hall, Kendrick, Lind, Merritt, Murphy, Osgood, Richardson, Saunders, Yeiser, Speaker, of the Assembly—16.

Those who voted for Mr. Frémont were—Messrs. Adams, De la Guerra, of the Senate; Carnes, Covarrubias, Kellogg, Pico, Robinson, of the Assembly—7.

Those who voted for Mr. Geary were—Messrs. Broderick, Cooke, Lippincott, of the Senate, Hoff, of the Assembly—4.

Those who voted for Mr. Weller were—Messrs. Crosby, Warner, of the Senate; McCorkle, of the Assembly—3.

Mr. Randall voted for Mr. Collier—1.

No person having received a majority of all the votes given, the Convention proceeded in like manner to a thirteenth vote, which resulted as follows:

Whole number of votes	49
Necessary to a choice	25
Of which Mr. King received	18 votes
Heydenfeldt	15
Frémont	7
Geary	4
Weller	4
Collier	1

Those who voted for Mr. King were—Messrs. Douglass, Tingley, Woodworth, of the Senate; Baldwin, Bennett, Bodley, Bradford, Brown, Campbell, Carr, Cook, Lisle, McDougal, Moore, Stearns, Thorne, Wilkins, Wethered, of the Assembly—18.

Those who voted for Mr. Heydenfeldt were—Messrs. Green, Heydenfeldt, Miller, Van Buren, of the Senate; Field, Hall, Kendrick, Lind, Merritt, Murphy, Osgood, Richardson, Saunders, Yeiser, Speaker, of the Assembly—15.

Those who voted for Mr. Frémont were—Messrs. Adams, De la Guerra, of the Senate; Carnes, Covarrubius, Kellogg, Pico, Robinson, of the Assembly—1.

Those who voted for Mr. Geary were—Messrs. Broderick, Cooke, Lippincott, of the Senate; Hoff, of the Assembly—4.

Those who voted for Mr. Weller were—Messrs. Crosby, Robinson, Warner, of the Senate; McCorkle, of the Assembly—4.

Mr. Randall voted for Mr. Collier—1.

No person having received a majority of all the votes given, the Convention proceeded in like manner to a fourteenth vote, which resulted as follows:

Whole number of votes	. . . .	49
Necessary to a choice	. . . .	25
Of which Mr. King received	. . .	18 votes.
Heydenfeldt	. . .	15
Frémont	. . . .	7
Geary	. . . .	4
Weller	. . . .	4
Collier	. . . .	1

Those who voted, for Mr. King were—Messrs. Douglass, Tingley, Woodworth, of the Senate; Baldwin, Bennett, Bodley, Bradford, Brown, Campbell, Carr, Cook, Lisle, McDougal, Moore, Stearns, Thorne, Wilkins, Wethered, of the Assembly—18.

Those who voted for Mr. Heydenfeldt were—Messrs. Green, Heydenfeldt, Miller, Van Buren, of the Senate; Field, Hall, Kendrick, Lisle, Merritt, Murphy, Osgood, Richardson, Saunders, Yeiser, Speaker, of the Assembly—15.

Those who voted for Mr. Frémont were—Messrs. Adams, De la Guerra, of the Senate; Carnes, Covarrubias, Kellogg, Pico, Robinson, of the Assembly—7.

Those who voted for Mr. Geary were—Messrs. Broderick, Cooke, Lippincott, of the Senate; Hoff, of the Assembly—4.

Those who voted for Mr. Weller were—Messrs. Crosby, Robinson, Warner, of the Senate; McCorkle, of the Assembly—4.

Mr. Randall voted for Mr. Collier—1.

No person having received a majority of all the votes given, the Convention proceeded in like manner to a fifteenth vote, which resulted as follows:

Whole number of votes	. . . . .	49
Necessary to a choice	. . . . .	25
Of which Mr. King received	. . . . .	18 votes

Mr. Heydenfeldt received	15 votes
Frémont	7
Geary	4
Weller	4
Collier	1

Those who voted for Mr. King were—Messrs. Douglass, Tingley, Woodworth, of the Senate; Baldwin, Bennett, Bodley, Bradford, Brown, Campbell, Carr, Cook, Lisle, McDougal, Moore, Stearns, Thorne, Wilkins, Wethered, of the Assembly—18.

Those who voted for Mr. Heydenfeldt were—Messrs. Green, Heydenfeldt, Miller, Van Buren, of the Senate; Field, Hall, Kendrick, Lind, Merritt, Murphy, Osgood, Richardson, Saunders, Yeiser, Speaker, of the Assembly—15.

Those who voted for Mr. Frémont were—Messrs. Adams, De la Guerra, of the Senate; Carnes, Covarrubias, Kellogg, Pico, Robinson, of the Assembly—7.

Those who voted for Mr. Geary were—Messrs. Broderick, Cooke, Lippincott, of the Senate; Hoff, of the Assembly—4.

Those who voted for Mr. Weller were—Messrs. Crosby, Robinson, Warner, of the Senate; McCorkle, of the Assembly—4.

Mr. Randall, of the Assembly, voted for Mr. Collier—1.

No person having received a majority of all the votes given, the Convention proceeded in like manner to a sixteenth vote, which resulted as follows:

Whole number of votes	49
Necessary to a choice	25
Of which Mr. King received	18 votes
Heydenfeldt	15
Frémont	7
Geary	4
Weller	4
Collier	1

Those who voted for Mr. King were—Messrs. Douglass, Tingley, Woodworth, of the Senate; Baldwin, Bennett, Bodley, Bradford, Brown, Campbell, Carr, Cook, Lisle, McDougal, Moore, Stearns, Thorne, Wilkins, Wethered, of the Assembly—18.

Those who voted for Mr. Heydenfeldt were—Messrs. Green, Heydenfeldt, Miller, Van Buren, of the Senate; Field, Hall, Kendrick, Lind, Merritt, Murphy, Osgood, Richardson, Saunders, Yeiser, Speaker, of the Assembly—15.

Those who voted for Mr. Frémont were—Messrs. Adams, De la Guerra, of the Senate; Carnes, Covarrubias, Kellogg, Pico, Robinson, of the Assembly—7.

Those who voted for Mr. Geary were—Messrs. Broderick, Cooke, Lippincott, of the Senate; Hoff, of the Assembly—4.

Those who voted for Mr. Weller were—Messrs. Crosby, Robinson, Warner, of the Senate; McCorkle, of the Assembly—4.

Mr. Randall voted for Mr. Collier—1.

No person having received a majority of all the votes given, the Convention proceeded in like manner to a seventeenth vote, which resulted as follows:—

Whole number of votes	. . . . .	49
Necessary to a choice	. . . . .	25
Of which Mr. King received	. . . .	18 votes.
Heydenfeldt	. . . .	15
Frémont	. . . .	7
Geary	. . . .	4
Weller	. . . .	4
Collier	. . . .	1

Those who voted for Mr. King were—Messrs. Douglass, Tingley, Woodworth, of the Senate; Baldwin, Bennett, Bodley, Bradford, Brown, Campbell, Carr, Cook, Lisle, McDougal, Moore, Stearns, Thorne, Wilkins, Wethered, of the Assembly—18.

Those who voted for Mr. Heydenfeldt were—Messrs. Green, Heydenfeldt, Miller, Van Buren, of the Senate; Field, Hall, Kendrick, Lind, Merritt, Murphy, Osgood, Richardson, Saunders, Yeiser, Speaker, of the Assembly—15.

Those who voted for Mr. Frémont were—Messrs. Adams, De la Guerra, of the Senate; Carnes, Covarrubias, Kellogg, Pico, Robinson, of the Assembly—7.

Those who voted for Mr. Geary were—Messrs. Broderick, Cooke, Lippincott, of the Senate; Hoff, of the Assembly—4.

Those who voted for Mr. Weller were—Messrs. Crosby, Robinson, Warner, of the Senate; McCorkle, of the Assembly—4.

Mr. Randall voted for Mr. Collier—1.

No person having received a majority of all the votes given, the Convention in like manner proceeded to an eighteenth vote, which resulted as follows:—

Whole number of votes	49
Necessary to a choice	25
Of which Mr. King received	18 votes.
Heydenfeldt	15
Frémont	7
Geary	4
Weller	4
Collier	1

Those who voted for Mr. King were—Messrs. Douglass, Tingley, Woodworth, of the Senate; Baldwin, Bennett, Bodley, Bradford, Brown, Campbell, Carr, Cook, Lisle, McDougal, Moore, Stearns, Thorne, Wilkins, Wethered, of the Assembly—18.

Those who voted for Mr. Heydenfeldt were—Messrs. Green, Heydenfeldt, Miller, Van Buren, of the Senate; Field, Hall, Kendrick, Lind, Merritt, Murphy, Osgood, Richardson, Saunders, Yeiser, Speaker, of the Assembly—15.

Those who voted for Mr. Frémont were—Messrs. Adams, De la Guerra, of the Senate; Carnes, Covarrubias, Kellogg, Pico, Robinson, of the Assembly—7.

Those who voted for Mr. Geary were—Messrs. Broderick, Cooke, Lippincott, of the Senate; Hoff, of the Assembly—4.

Those who voted for Mr. Weller were—Messrs. Crosby, Robinson, Warner, of the Senate; McCorkle, of the Assembly—4.

Mr. Randall voted for Mr. Collier—1.

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

Whole number of votes	49
Necessary to a choice	25
Of which Mr. King received	18 votes.

Mr. Heydenfeldt received . .	15 votes.
Frémont	7
Geary	4
Weller	4
Collier	1

Those who voted for Mr. King were—Messrs. Douglass, Tingley, and Woodworth, of the Senate; and Baldwin, Bennett, Bodley, Bradford, Brown, Campbell, Carr, Cook, Lisle, McDougal, Moore, Stearns, Thorne, Wethered, and Wilkins, of the Assembly—18.

Those who voted for Mr. Heydenfeldt were—Messrs. Green, Heydenfeldt, Miller, and Van Buren, of the Senate; and Field, Hall, Kendrick, Lind, Merritt, Murphy, Osgood, Richardson, Saunders, Yeiser, and Speaker, of the Assembly—16.

Those who voted for Mr. Frémont were—Messrs. Adams, and De la Guerra, of the Senate; and Carnes, Covarrubias, Kellogg, Pico, and Robinson, of the Assembly—7.

Those who voted for Mr. Geary were—Messrs. Broderick, Cooke, and Lippincott, of the Senate; and Mr. Hoff, of the Assembly—4.

Those who voted for Mr. Weller were—Messrs. Crosby, Robinson, and Warner, of the Senate; and Mr. McCorkle, of the Assembly—4.

Mr. Randall, of the Assembly, voted for Mr. Collier.

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

Whole number of votes	49
Necessary to a choice	25
Of which Mr. King received . . .	17 votes.
Heydenfeldt . . .	15
Frémont	7
Geary	4
Weller	4
Collier	2

Those who voted for Mr. King were—Messrs. Douglass, Tingley, and Woodworth, of the Senate; and Baldwin, Bennett, Bodley, Bradford, Brown, Campbell, Carr, Cook, Lisle, McDougal, Moore, Stearns, Thorne, and Wilkins, of the Assembly—17.

Those who voted for Mr. Heydenfeldt were—Messrs. Green, Heydenfeldt, Miller, and Van Buren, of the Senate; and Field, Hall, Kendrick, Lind, Merritt, Murphy, Osgood, Richardson, Saunders, Yeiser, and Speaker, of the Assembly—15.

Those who voted for Mr. Frémont were—Messrs. Adams, and De la Guerra, of the Senate; and Carnes, Covarrubias, Kellogg, Pico, and Robinson, of the Assembly—7.

Those who voted for Mr. Geary were—Messrs. Broderick, Cooke, and Lippincott, of the Senate; and Mr. Hoff, of the Assembly—4.

Those who voted for Mr. Weller were—Messrs. Crosby, Robinson, and Warner, of the Senate; and Mr. McCorkle, of the Assembly—4.

Those who voted for Mr. Collier were—Messrs. Randall, and Wethered, of the Assembly—2.

No person having received a majority of all the votes given, the Convention proceeded in like manner to a twenty-first vote, and the Tellers reported the result to be as follows:

Whole number of votes	49
Necessary to a choice	25
Of which Mr. King received	17 votes
Heydenfeldt	16
Frémont	7
Geary	4
Weller	4
Collier	1

Those who voted for Mr. King were—Messrs. Douglass, Tingley, and Woodworth, of the Senate; and Baldwin, Bennett, Bodley, Bradford, Brown, Campbell, Carr, Cook, Lisle, McDougal, Moore, Stearns, Thorne, and Wilkins, of the Assembly—17.

Those who voted for Mr. Heydenfeldt were—Messrs. Green, Heydenfeldt, Miller, Robinson, and Van Buren of the Senate; and Field, Hall, Kendrick, Lind, Merritt, Murphy, Osgood, Richardson, Saunders, Yeiser, and Speaker, of the Assembly—16

Those who voted for Mr. Frémont were—Messrs. Adams and De la Guerra, of the Senate; and Carnes, Covarrubias, Kellogg, Pico, and Robinson, of the Assembly—7

Those who voted for Mr. Geary were—Messrs. Broderick, Cooke, and Lippincott, of the Senate; and Mr. Hoff, of the Assembly—4.

Those who voted for Mr. Weller were—Messrs. Crosby, and Warner, of the Senate; and McCorkle, and Randall, of the Assembly—4.

Mr. Wethered, of the Assembly voted for Mr. Collier—1.

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

Whole number of votes	49
Necessary to a choice	25
Of which Mr. King received	18 votes.
Heydenfeldt	16
Frémont	6
Geary	4
Weller	4
Collier	1

Those who voted for Mr. King were—Messrs. Douglass, Tingley, and Woodworth, of the Senate; and Baldwin, Bennett, Bodley, Bradford, Brown, Campbell, Carr, Cook, Lisle, McDougal, Moore, Robinson, Stearns, Thorne, and Wilkins, of the Assembly—18.

Those who voted for Mr. Heydenfeldt were—Messrs. Green, Heydenfeldt, Miller, Robinson, and Van Buren, of the Senate; and Field, Hall, Kendrick, Lind, Merritt, Murphy, Osgood, Richardson, Saunders, Yeiser, and Speaker, of the Assembly—16.

Those who voted for Mr. Frémont were—Messrs. Adams, and De la Guerra, of the Senate; and Carnes, Covarrubias, Kellogg, and Pico, of the Assembly—6.

Those who voted for Mr. Geary were—Messrs. Broderick, Cooke, and Lippincott, of the Senate; and Mr. Hoff, of the Assembly—4.

Those who voted for Mr. Weller were—Messrs. Crosby, and Warner, of the Senate; and McCorkle, and Randall, of the Assembly—4.

Mr. Wethered, of the Assembly, voted for Mr. Collier—1.

No person having received a majority of all the votes given, the Convention proceeded in like manner to a twenty-third vote, and the Tellers reported the result to be as follows:

Whole number of votes	49
Necessary to a choice	25
Of which Mr. King received	18 votes.
Heydenfeldt	16
Frémont	6
Geary	4
Weller	4
Collier	1

Those who voted for Mr. King were—Messrs. Douglass. Tingley, and Woodworth, of the Senate; and Baldwin, Bennett, Bodley, Bradford, Brown, Campbell, Carr, Cook, Lisle, McDougal, Moore, Robinson, Stearns, Thorne, and Wilkins, of the Assembly—18.

Those who voted for Mr. Heydenfeldt were—Messrs. Green, Heydenfeldt, Miller, Robinson, and Van Buren, of the Senate; and Field, Hall, Kendrick, Lind, Merritt, Murphy, Osgood, Richardson, Saunders, Yeiser, and Speaker, of the Assembly—16.

Those who voted for Mr. Frémont were—Messrs. Adams, and De la Guerra, of the Senate; and Carnes, Covarrubias, Kellogg, and Pico, of the Assembly—6.

Those who voted for Mr. Geary, were—Messrs. Broderick, Cooke, and Lippincott, of the Senate; and Mr. Hoff, of the Assembly—4.

Those who voted for Mr. Weller, were—Messrs. Crosby, and Warner, of the Senate; and McCorkle, and Randall, of the Assembly—4.

Mr. Wethered, of the Assembly, voted for Mr. Collier—1.

No person having received a majority of all the votes given, the Convention proceeded in like manner to a twenty-fourth vote, and the Tellers reported the result to be as follows:

Whole number of votes	49
Necessary to a choice	25
Of which Mr. King received	18 votes
Heydenfeldt	16
Frémont	6
Geary	4
Weller	4
Collier	1

Those who voted for Mr. King were—Messrs. Douglass, Tingley, and Woodworth, of the Senate; and Baldwin, Bennett, Bodley, Bradford, Brown, Campbell, Carr, Cook, Lisle, McDougal, Moore, Robinson, Stearns, Thorne, and Wilkins, of the Assembly—18.

Those who voted for Mr. Heydenfeldt were—Messrs. Green, Heydenfeldt, Miller, Robinson, and Van Buren, of the Senate; and Field, Hall, Kendrick, Lind, Merritt, Murphy, Osgood, Richardson, Saunders, Yeiser, and Speaker, of the Assembly—16.

Those who voted for Mr. Frémont were—Messrs. Adams, and De la Guerra, of the Senate; and Carnes, Covarrubias, Kellogg, and Pico, of the Assembly—6.

Those who voted for Mr. Geary were—Messrs. Broderick, Cooke, and Lippincott, of the Senate; and Mr. Hoff, of the Assembly—4.

Those who voted for Mr. Weller, were—Messrs. Crosby, and Warner, of the Senate; and McCorkle, and Randall, of the Assembly.—4.

Mr. Wethered, of the Assembly, voted for Mr. Collier—1.

Mr. Green, of the Senate, moved that the Convention take a recess until this afternoon, at three o'clock. On this motion the yeas and nays were demanded and ordered, and it was decided in the negative, as follows:

Yeas: Messrs. Broderick, Green, Heydenfeldt, Miller, and Tingley, of the Senate; and Bradford, Brown, Covarrubias, Field, Hall, Hoff, Kendrick, Lind, Merritt, Murphy, Osgood, Randall, Richardson, Saunders, Wethered, Yeiser, and Speaker, of the Assembly—22.

Nays: Messrs. Adams, Cooke, Crosby, Douglass, De la Guerra, Lippincott, Robinson, Van Buren, Warner, and Woodworth, of the Senate; and Baldwin, Bennett, Bodley, Campbell, Carr, Carnes, Cook, Kellogg, Lisle, McCorkle, McDougal, Moore, Pico, Robinson, Stearns, Thorne, and Wilkins, of the Assembly—27.

No person having received a majority of all the votes given on the twenty-fourth vote, the Convention proceeded in like manner to a twenty-fifth vote, and the Tellers reported the result to be as follows:

Whole number of votes	49	
Necessary to a choice	25	
Of which Mr. King received	19	votes.
Heydenfeldt	16	
Frémont	5	

Mr. Geary received	4 votes.
Weller	4
Collier	1

Those who voted for Mr. King were—Messrs. Douglass, Tingley, and Woodworth, of the Senate; and Baldwin, Bennett, Bodley, Bradford, Brown, Campbell, Carr, Cook, Kellogg, Lisle, McDougal, Moore, Robinson, Stearns, Thorne, and Wilkins, of the Assembly—19.

Those who voted for Mr. Heydenfeldt were—Messrs. Green, Heydenfeldt, Miller, Robinson, and Van Buren, of the Senate; and Field, Hall, Kendrick, Lind, Merritt, Murphy, Osgood, Richardson, Saunders, Yeiser, and Speaker, of the Assembly—16.

Those who voted for Mr. Frémont were—Messrs. Adams, and De la Guerra, of the Senate; and Carnes, Covarrubias, and Pico, of the Assembly—5.

Those who voted for Mr. Geary were—Messrs. Broderick, Cooke, and Lippincott, of the Senate; and Mr. Hoff, of the Assembly—4.

Those who voted for Mr. Weller were—Messrs. Crosby, and Warner, of the Senate; and McCorkle, and Randall, of the Assembly—4.

Mr. Wethered, of the Assembly, voted for Mr. Collier—1.

Mr. Murphy, of the Assembly, moved that the Convention take a recess until three o'clock this afternoon, and the yeas and nays being demanded and ordered thereon, it resulted as follows:

Yeas: Messrs. Adams, Broderick, Cooke, De la Guerra, Green, Heydenfeldt, Miller, Van Buren, and Warner, of the Senate; and Bradford, Carnes, Covarrubias, Field, Hall, Hoff, Kendrick, Lind, Murphy, Osgood, Pico, Randall, Saunders, Wethered, Yeiser, and Speaker, of the Assembly—25.

Nays: Messrs. Crosby, Douglass, Lippincott, Robinson, Tingley, and Woodworth, of the Senate; and Baldwin, Bennett, Bodley, Brown, Campbell, Carr, Cook, Kellogg, Lisle, McCorkle, McDougal, Merritt, Moore, Richardson, Robinson, Stearns, Thorne, and Wilkins, of the Assembly—24.

So the Convention took a recess until 3 o'clock, P.M.

IN SENATE.

On motion of Mr. Van Buren, the Senate took a recess until 10 minutes before 3 o'clock, P.M.

The Senate reassembled at the time designated.

IN CONVENTION.

The two Houses again met in Convention at 3 o'clock, P.M., for the election of U. States Senator.

Mr. Cooke, of the Senate, moved to take from the table the Preamble and Resolution yesterday submitted by him, declaring, as the deliberative sense of the Convention, that the election of any person to "any civil office of profit in the State," who is now holding a lucrative office under the U. States, would be in direct violation of the 21st section of the 4th Article of the Constitution of the State of California.

On this question the yeas and nays were demanded, and resulted as follows:

Yeas: Messrs. Broderick, Cooke, of the Senate; Field, Hoff, Kendrick, Lind, McCorkle, Merritt, Murphy, Randall, Richardson, Saunders, Speaker, of the Assembly—13.

Nays: Messrs. Adams, Crosby, Douglass, De la Guerra, Green, Heydenfeldt, Lippincott, Miller, Robinson, Tingley, Van Buren, Warner, Woodworth, of the Senate; Baldwin, Bennett, Bodley, Bradford, Brown, Campbell, Carr, Carnes, Cook, Covarrubias, Hall, Kellogg, McDougal, Moore, Osgood, Pico, Robinson, Stearns, Thorne, Wethered, Wilkins, Yeiser, of the Assembly—36.

So the question was decided in the negative.

The Convention then proceeded, in the same manner as before, to a twenty-sixth vote for U. States Senator, the result of which the Tellers reported to be as follows:

Whole number of votes	. . . .	49
Necessary to a choice	. . . .	25
Of which Mr. King received	. . .	20 votes.
Heydenfeldt	. . . .	14
Frémont	. . . .	5
Geary	. . . . .	3

Mr. Weller received . . .	6	votes.
Collier	1	

Those who voted for Mr. King were—Messrs. Douglass, Tingley, and Woodworth, of the Senate; and Baldwin Bennett, Bodley, Bradford, Brown, Campbell, Carr, Cook, Kellogg, Lisle, McDougal, Moore Osgood, Robinson, Stearns, Thorne, and Wilkins, of the Assembly—20.

Those who voted for Mr. Heydenfeldt were—Messrs. Green, Heydenfeldt, Miller, Robinson, and Van Buren, of the Senate; and Hall, Kendrick, Lind, Merritt, Murphy, Richardson, Saunders, Yeiser, and Speaker, of the Assembly—14.

Those voted for Mr. Frémont were—Messrs. Adams, and De la Guerra, of the Senate; and Carnes, Covarrubias, and Pico, of the Assembly—5.

Those who voted for Mr. Geary were—Messrs. Broderick, Cooke, and Lippincott, of the Senate—3.

Those who voted for Mr. Weller were—Messrs. Crosby, and Warner, of the Senate; and Field, Hoff, McCorkle, and Randall, of the Assembly—6.

Mr. Wethered, of the Assembly, voted for Mr. Collier—1.

No person having received a majority of all the votes given, the Convention proceeded in like manner to a twenty-seventh vote; and the Tellers reported the result to be as follows:

Whole number of votes	49	
Necessary to a choice	25	
Of which Mr. King received . . .	20	votes.
Heydenfeldt . . .	13	
Frémont	9	
Geary	1	
Weller	6	

Those who voted for Mr. King were—Messrs. Douglass, Robinson, Tingley, and Woodworth, of the Senate; and Baldwin, Bennett, Bodley, Bradford, Brown, Campbell, Carr, Cook, Kellogg, Lisle, McDougal, Moore, Osgood, Thorne, Wethered, and Wilkins, of the Assembly—20.

Those who voted for Mr. Heydenfeldt were—Messrs. Green, Heydenfeldt, Miller, and Van Buren, of the Senate; and Hall, Kendrick, Lind,

Merritt, Murphy, Richardson, Saunders, Yeiser, and Speaker, of the Assembly—13.

Those who voted for Mr. Frémont were—Messrs. Adams, Cooke, De la Guerra, and Lippincott, of the Senate; and Carnes, Covarrubias, Pico, Robinson, and Stearns, of the Assembly—9.

Mr. Broderick, of the Senate, voted for Mr. Geary—1.

Those who voted for Mr. Weller were—Messrs. Crosby and Warner, of the Senate; and Field, Hoff, McCorkle, and Randall, of the Assembly—6.

No person having received a majority of all the votes given, the Convention proceeded in like manner to a twenty-eighth vote, and the Tellers reported the result to be as follows:

Whole number of votes	49	
Necessary to a choice	25	
Of which Mr. King received	20	votes.
Heydenfeldt	13	
Frémont	9	
Geary	1	
Weller	6	

Those who voted for Mr. King were—Messrs. Douglass, Robinson, Tingley, and Woodworth, of the Senate; and Baldwin, Bennett, Bodley, Bradford, Brown, Campbell, Carr, Cook, Kellogg, Lisle, McDougal, Moore, Osgood, Thorne, Wethered, and Wilkins, of the Assembly—20.

Those who voted for Mr. Heydenfeldt were—Messrs. Green, Heydenfeldt, Miller, and Van Buren, of the Senate; and Hall, Kendrick, Lind, Merritt, Murphy, Richardson, Saunders, Yeiser, and Speaker, of the Assembly—13.

Those who voted for Mr. Frémont were—Messrs. Adams, Cooke, De la Guerra, and Lippincott, of the Senate; and Carnes, Covarrubias, Pico, Robinson, and Stearns, of the Assembly—9.

Mr. Broderick, of the Senate, voted for Mr. Geary—1.

Those who voted for Mr. Weller were—Messrs. Crosby, and Warner, of the Senate; and Field, Hoff, McCorkle, and Randall, of the Assembly—6.

No person having received a majority of all the votes given, the Convention proceeded in like manner to a twenty-ninth vote; and the Tellers reported the result to be as follows:

Whole number of votes	49
Necessary for a choice	25
Of which Mr. King received	20 votes
Heydenfeldt	13
Frémont	9
Geary	1
Weller	6

Those who voted for Mr. King were—Messrs. Douglass, Robinson, Tingley, and Woodworth, of the Senate; and Baldwin, Bennett, Bodley, Bradford, Brown, Campbell, Carr, Cook, Kellogg, Lisle, McDougal, Moore, Osgood, Thorne, Wethered, and Wilkins, of the Assembly—20.

Those who voted for Mr. Heydenfeldt, were Messrs. Green, Heydenfeldt, Miller, and Van Buren, of the Senate; and Hall, Kendrick, Lind, Merritt, Murphy, Richardson, Saunders, Yeiser, and Speaker, of the Assembly—13.

Those who voted for Mr. Frémont were—Messrs. Adams, Cooke, De la Guerra, and Lippincott, of the Senate; and Carnes, Covarrubias, Pico, Robinson and Stearns, of the Assembly—9.

Mr. Broderick, of the Senate, voted for Mr. Geary—1.

Those who voted for Mr. Weller were—Messrs. Crosby, and Warner, of the Senate; and Field, Hoff, McCorkle, and Randall, of the Assembly—6.

No person having received a majority of all the votes given, the Convention proceeded in like manner to a thirtieth vote; and the Tellers reported the result to be as follows:

Whole number of votes	49
Necessary to a choice	25
Of which Mr. King received	20 votes
Heydenfeldt	13
Frémont	9
Geary	1
Weller	6

Those who voted for Mr. King, were—Messrs. Douglass, Robinson, Tingley, and Woodworth, of the Senate; and Baldwin, Bennett, Bodley, Bradford, Brown, Campbell, Carr, Cook, Kellogg, Lisle, McDougal, Moore, Osgood, Thorne, Wethered, and Wilkins, of the Assembly—20.

Those who voted for Mr. Heydenfeldt were—Messrs. Green, Heydenfeldt, Miller, and Van Buren, of the Senate; and Hall, Kendrick, Lind, Merritt, Murphy, Richardson, Saunders, Yeiser, and Speaker, of the Assembly—13.

Those who voted for Mr. Frémont were—Messrs. Adams, Cooke, De la Guerra, and Lippincott, of the Senate; and Carnes, Covarrubias, Pico, Robinson, and Stearns, of the Assembly—9.

Those who voted for Mr. Weller were—Messrs. Crosby, and Warner, of the Senate; and Field, Hoff, McCorkle, and Randall, of the Assembly—6.

Mr. Broderick, of the Senate, voted for Mr. Geary—1.

No person having received a majority of all the votes given, the Convention proceeded in like manner to a thirty-first vote, and the Tellers reported the result to be as follows:

Whole number of votes		49
Necessary to a choice		25
Of which Mr. King received	20	votes
Heydenfeldt	13	
Frémont	9	
Geary	1	
Weller	6	

Those who voted for Mr. King were—Messrs. Douglass, Robinson, Tingley, and Woodworth, of the Senate; and Baldwin, Bennett, Bodley, Bradford, Brown, Campbell, Carr, Cook, Kellogg, Lisle, McDougal, Moore, Osgood, Thorne, Wethered, and Wilkins, of the Assembly—20.

Those who voted for Mr. Heydenfeldt were—Messrs. Green, Heydenfeldt, Miller, and Van Buren, of the Senate; and Hall, Kendrick, Lind, Merritt, Murphy, Richardson, Saunders, Yeiser, and Speaker, of the Assembly—13.

Those who voted for Mr. Frémont were—Messrs. Adams, Cooke, De la Guerra, and Lippincott, of the Senate; and Carnes, Covarrubias, Pico, Robinson, and Stearns, of the Assembly—9.

Mr. Broderick, of the Senate, voted for Mr. Geary—1.

Those who voted for Mr. Weller were—Messrs. Crosby, and Warner, of the Senate; and Field, Hoff, McCorkle, and Randall, of the Assembly—6.

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

Whole number of votes		49
Necessary to a choice		25
Of which Mr. King received	19	votes
Heydenfeldt	13	
Frémont	11	
Geary	1	
Weller	5	

Those who voted for Mr. King were—Messrs. Douglass, Robinson, Tingley, and Woodworth, of the Senate; and Baldwin, Bennett, Bodley, Bradford, Brown, Campbell, Carr, Cook, Lisle, McDougal, Moore, Osgood, Thorne, Wethered, and Wilkins, of the Assembly—19.

Those who voted for Mr. Heydenfeldt were—Messrs. Green, Heydenfeldt, Miller, and Van Buren, of the Senate; and Hall, Kendrick, Lind, Merritt, Murphy, Richardson, Saunders, Yeiser, and Speaker, of the Assembly—13.

Those who voted for Mr. Frémont were—Messrs. Adams, Cooke, De la Guerra, and Lippincott, of the Senate; and Carnes, Covarrubias, Kellogg, Pico, Randall, Robinson, and Stearns, of the Assembly—11.

Those who voted for Mr. Weller were—Messrs. Crosby, and Warner, of the Senate; and Field, Hoff, and McCorkle, of the Assembly—5.

Mr. Broderick, of the Senate, voted for Mr. Geary—1.

No person having received a majority of the votes given, the Convention proceeded in like manner to a thirty-third vote, and the Tellers reported the result to be as follows:

Whole number of votes		49
Necessary to a choice		25
Of which Mr. King received	19	votes
Heydenfeldt	13	
Frémont	11	
Weller	5	
Geary	1	

Those who voted for Mr. King were—Messrs. Douglass, Robinson,

Tingley, and Woodworth, of the Senate; and Baldwin, Bennett, Bodley, Bradford, Brown, Campbell, Carr, Cook, Lisle, McDougal, Moore, Osgood, Thorne, Wethered, and Wilkins, of the Assembly—19.

Those who voted for Mr. Heydenfeldt were—Messrs. Green, Heydenfeldt, Miller, and Van Buren, of the Senate; and Hall, Kendrick, Lind, Merritt, Murphy, Richardson, Saunders, Yeiser, and Speaker, of the Assembly—13.

Those who voted for Mr. Frémont were—Messrs. Adams, Cooke, De la Guerra, and Lippincott, of the Senate; and Carnes, Covarrubias, Kellogg, Pico, Randall, Robinson, and Stearns, of the Assembly—11.

Those who voted for Mr. Weller were—Messrs. Crosby, and Warner, of the Senate; and Field, Hoff, and McCorkle, of the Assembly—5.

Mr. Broderick, of the Senate, voted for Mr. Geary—1.

No person having received a majority of all the votes given, the Convention proceeded in like manner to a thirty-fourth vote, and the Tellers reported the result to be as follows:

Whole number of votes	49
Necessary to a choice	25
Of which Mr. King received	19 votes
Heydenfeldt	13
Frémont	11
Weller	5
Geary	1

Those who voted for Mr. King were—Messrs. Douglass, Robinson, Tingley, and Woodworth, of the Senate; and Baldwin, Bennett, Bodley, Bradford, Brown, Campbell, Carr, Cook, Lisle, McDougal, Moore, Osgood, Thorne, Wethered, and Wilkins, of the Assembly—19.

Those who voted for Mr. Heydenfeldt were—Messrs. Green, Heydenfeldt, Miller, and Van Buren, of the Senate; and Hall, Kendrick, Lind, Merritt, Murphy, Richardson, Saunders, Yeiser, and Speaker, of the Assembly—13.

Those who voted for Mr. Frémont were—Messrs. Adams, Cooke, De la Guerra, and Lippincott, of the Senate; and Carnes, Covarrubias, Kellogg, Pico, Randall, Robinson, and Stearns, of the Assembly—11.

Those who voted for Mr. Weller were—Messrs. Crosby, and Warner, of the Senate; and Field, Hoff, and McCorkle, of the Assembly—5.

Mr. Broderick, of the Senate, voted for Mr. Geary 1.

No person having received a majority of all the votes given, the Convention proceeded in like manner to a thirty-fifth vote, and the Tellers reported the result to be as follows:

Whole number of votes	49
Necessary to a choice	25
Of which Mr. King received	19 votes
Heydenfeldt	13
Frémont	11
Weller	5
Geary	1

Those who voted for Mr. King were—Messrs. Douglass, Robinson, Tingley, and Woodworth, of the Senate; and Baldwin, Bennett, Bodley, Bradford, Brown, Campbell, Carr, Cook, Lisle, McDougal, Moore, Osgood, Thorne, Wethered, and Wilkins, of the Assembly—19.

Those who voted for Mr. Heydenfeldt were—Messrs. Green, Heydenfeldt, Miller, and Van Buren, of the Senate; and Hall, Kendrick, Lind, Merritt, Murphy, Richardson, Saunders, Yeiser, and Speaker, of the Assembly—13.

Those who voted for Mr. Frémont were—Messrs. Adams, Cooke, De la Guerra, and Lippincott, of the Senate; and Carnes, Covarrubias, Kellogg, Pico, Randall, Robinson, and Stearns, of the Assembly—11.

Those who voted for Mr. Weller were—Messrs. Crosby, and Warner, of the Senate; and Field, Hoff, and McCorkle, of the Assembly—5.

Mr. Broderick, of the Senate, voted for Mr. Geary—1.

Mr. Cooke, of the Senate, moved that the Senate do now withdraw, temporarily, from the Convention. On this question the yeas and nays were demanded, and resulted as follows, Senators, only, voting thereon:

YEAS.

Mr. Broderick	Mr. Van Buren
Cooke	Warner—4

NAYS.

Mr. Adams	Mr. Douglass
Crosby	De la Guerra

Mr. Green	Mr. Robinson
Heydenfeldt	Tingley
Lippincott	Woodworth
Miller	—11.

So the question was decided in the negative.

On motion of Mr. Van Buren, the Convention then took a recess until 11, A. M., to-morrow.

IN SENATE.

On motion, the Senate adjourned.

DAVID C. BRODERICK, President of the Senate.

J. F. HOWE, Secretary of the Senate.

IN SENATE.

THURSDAY, *February* 20, 1851.

The Senate assembled pursuant to adjournment.

The Journal of Wednesday was read and approved.

IN CONVENTION.

The two Houses reassembled in Convention, at 11, A. M., for the election of United States Senator, and proceeded to the thirty-sixth joint vote, the result of which the Tellers reported to be as follows:

Whole number of votes	49
Necessary to a choice	25

Of which Mr. King received	. .	19 votes
Heydenfeldt	. . .	13
Frémont	. . .	11
Weller	. . .	5
Geary	. . .	1

Those who voted for Mr. King were—Messrs. Douglass, Robinson, Tingley, and Woodworth, of the Senate; and Baldwin, Bennett, Bodley, Bradford, Brown, Campbell, Carr, Cook, McDougal, Moore, Osgood, Thorne, Wethered, and Wilkins, of the Assembly—19.

Those who voted for Mr. Heydenfeldt were—Messrs. Green, Heydenfeldt, Miller, and Van Buren, of the Senate; and Hall, Kendrick, Lind, Merritt, Murphy, Richardson, Saunders, Yeiser, and Speaker, of the Assembly—13.

Those who voted for Mr. Frémont were—Messrs. Adams, Cooke, De la Guerra, and Lippincott, of the Senate; and Carnes, Covarrubias, Kellogg, Pico, Randall, Robinson, and Stearns, of the Assembly—11.

Those who voted for Mr. Weller were—Messrs. Crosby, and Warner, of the Senate; and Field, Hoff, and McCorkle, of the Assembly—5.

Mr. Broderick, of the Senate, voted for Mr. Geary—1.

No person having received a majority of all the votes given, the Convention proceeded, in like manner, to a thirty-seventh vote, the result of which the Tellers reported to be as follows:

Whole number of votes	. . . .	49
Necessary to a choice	. . . .	25
Of which Mr. King received	. . .	19 votes.
Heydenfeldt	. . . .	12
Frémont	. . . .	11
Geary	. . . .	1
Weller	. . . .	6

Those who voted for Mr. King were—Messrs. Douglass, Robinson, Tingley, Woodworth, of the Senate; and Baldwin, Bennett, Bodley, Bradford, Brown, Campbell, Carr, Cook, Lisle, McDougal, Moore, Osgood, Thorne, Wethered, Wilkins, of the Assembly—19.

Those who voted for Mr. Heydenfeldt were—Messrs. Green, Heydenfeldt, Miller, Van Buren, of the Senate; and Hall, Kendrick, Lind, Merritt, Murphy, Saunders, Yeiser, Speaker, of the Assembly—12.

Those who voted for Mr. Frémont were—Messrs. Adams, Cooke De la Guerra, Lippincott, of the Senate; and Carnes, Covarrubias, Kellogg, Pico, Randall, Robinson, Stearns—11.

Those who voted for Mr. Weller were—Messrs. Crosby and Warner, of the Senate; and Field, Hoff, McCorkle, and Richardson, of the Assembly—6.

Mr. Broderick, of the Senate, voted for Mr. Geary—1.

No person having received a majority of all the votes given, the Senate proceeded, in like manner, to a thirty-eighth vote, the result of which the Tellers reported to be as follows:

Whole number of votes	49	
Necessary to a choice	25	
Of which Mr. King received	19	votes.
Heydenfeldt	12	
Frémont	12	
Geary	1	
Weller	5	

Those who voted for Mr. King were—Messrs. Douglass, Robinson, Tingley, Woodworth, of the Senate; and Baldwin, Bennett, Bodley, Bradford, Brown, Campbell, Carr, Cook, Lisle, McDougal, Moore, Osgood, Thorne, Wethered, Wilkins, of the Assembly—19.

Those who voted for Mr. Heydenfeldt were—Messrs. Green, Heydenfeldt, Miller, Van Buren, of the Senate; and Hall, Kendrick, Lind, Merritt, Murphy, Saunders, Yeiser, Speaker, of the Assembly—12.

Those who voted for Mr. Frémont were—Messrs. Adams, Cooke, De la Guerra, Lippincott, of the Senate; and Carnes, Covarrubias, Hoff, Kellogg, Pico, Randall, Robinson, Stearns, of the Assembly—12.

Mr. Broderick, of the Senate, voted for Mr. Geary—1.

Those who voted for Mr. Weller were—Messrs. Crosby, Warner, of the Senate; and Field, Richardson, McCorkle, of the Assembly—5.

No person having received a majority of all the votes given, the Convention proceeded, in like manner to a thirty-ninth vote, the result of which the Tellers reported to be as follows:

Whole number of votes	49
Necessary to a choice	25

Of which Mr. King received	19	votes.
Heydenfeldt	13	
Frémont	12	
Weller	4	
Geary	1	

Those who voted for Mr. King were—Messrs. Douglass, Robinson, Tingley, Woodworth, of the Senate; and Baldwin, Bennett, Bodley, Bradford, Brown, Campbell, Carr, Cook, Lisle, McDougal, Moore, Osgood, Thorne, Wethered, Wilkins, of the Assembly—19.

Those who voted for Mr. Heydenfeldt were—Messrs. Green, Heydenfeldt, Miller, Van Buren, of the Senate; and Hall, Kendrick, Lind, Merritt, Murphy, Richardson, Saunders, Yeiser, Speaker, of the Assembly—13.

Those who voted for Mr. Frémont were—Messrs. Adams, Cooke, De la Guerra, Lippincott, of the Senate; Carnes, Covarrubias, Hoff, Kellogg, Pico, Randall, Robinson, Stearns, of the Assembly—12.

Those who voted for Mr. Weller were—Messrs. Crosby, and Warner, of the Senate; Field and McCorkle, of the Assembly—4.

Mr. Broderick, of the Senate, voted for Mr. Geary—1.

No person having received a majority of all the votes given, the Senate proceeded in like manner to a fortieth vote, the result of which the Tellers reported to be as follows:

Whole number of votes	49	
Necessary to a choice	25	
Of which Mr. King received	19	votes.
Heydenfeldt	13	
Frémont	12	
Weller	4	
Geary	1	

Those who voted for Mr. King were—Messrs. Douglass, Robinson, Tingley, Woodworth, of the Senate; Baldwin, Bennett, Bodley, Bradford, Brown, Campbell, Carr, Cook, Lisle, McDougal, Moore, Osgood, Thorne, Wethered, Wilkins, of the Assembly—19.

Those who voted for Mr. Heydenfeldt were—Messrs. Green, Heyden-

feldt, Miller, Van Buren, of the Senate; Hall, Kendrick, Lind, Merritt, Murphy, Richardson, Saunders, Yeiser, Speaker, of the Assembly—13.

Those who voted for Mr. Frémont were—Messrs. Adams, Cooke, De la Guerra, Lippincott, of the Senate; Carnes, Covarrubias, Hoff, Kellogg, Pico, Randall, Robinson, Stearns, of the Assembly—12.

Those who voted for Mr. Weller were—Messrs. Crosby, Warner, of the Senate; and Field, McCorkle, of the Assembly—4.

Mr. Broderick voted for Mr. Geary—1.

No person having received a majority of all the votes given, the Convention proceeded in like manner to a forty-first vote, the result of which the Tellers reported to be as follows:

Whole number of votes	. . . . .	49
Necessary to a choice	. . . . .	25
Of which Mr. King received	. . . .	20 votes.
Heydenfeldt	. . . .	13
Frémont	. . . .	10
Weller	. . . .	5
Geary	. . . .	1

Those who voted for Mr. King were—Messrs. Douglass, Robinson, Tingley, Woodworth, of the Senate; Baldwin, Bennett, Bodley, Bradford, Brown, Campbell, Carr, Cook, Lisle, McDougal, Moore, Osgood, Stearns, Thorne, Wethered, Wilkins, of the Assembly—20.

Those who voted for Mr. Heydenfeldt were—Messrs. Green, Heydenfeldt, Miller, Van Buren, of the Senate; Hall, Kendrick, Lind, Merritt, Murphy, Richardson, Saunders, Yeiser, Speaker, of the Assembly—13.

Those who voted for Mr. Frémont were—Messrs. Adams, Cooke, De la Guerra, of the Senate; Carnes, Covarrubias, Hoff, Kellogg, Pico, Randall, Robinson, of the Assembly—10.

Those who voted for Mr. Weller were—Messrs. Crosby, Warner, Lippincott, of the Senate; Field, McCorkle, of the Assembly—5.

Mr. Broderick voted for Mr. Geary—1.

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

Whole number of votes	49
Necessary to a choice	25
Of which Mr. King received	20 votes.
Heydenfeldt	13
Frémont	11
Weller	4
Geary	1

Those who voted for Mr. King were—Messrs. Douglass, Robinson, Tingley, Woodworth, of the Senate; Baldwin, Bennett, Bodley, Bradford, Brown, Campbell, Carr, Cook, Lisle, McDougal, Moore, Osgood, Stearns, Thorne, Wethered, Wilkins, of the Assembly—20.

Those who voted for Mr. Heydenfeldt were—Messrs. Green, Heydenfeldt, Miller, Van Buren, of the Senate; Hall, Kendrick, Lisle, Merritt, Murphy, Richardson, Saunders, Yeiser, Speaker, of the Assembly—13.

Those who voted for Mr. Frémont were—Messrs. Adams, Cooke, De la Guerra, Lippincott, of the Senate; Carnes, Covarrubias, Hoff, Kellogg, Pico, Randall, Robinson, of the Assembly—11.

Those who voted for Mr. Weller were—Messrs. Crosby, Warner, of the Senate; Field, McCorkle, of the Assembly—4.

Mr. Broderick voted for Mr. Geary.

No person having received a majority of all the votes given, the Convention proceeded, in like manner, to a forty-third vote, the result of which the Tellers reported to be as follows:

Whole number of votes	49
Necessary to a choice	25
Of which Mr. King received	19 votes.
Heydenfeldt	13
Frémont	12
Weller	4
Geary	1

Those who voted for Mr. King were—Messrs. Douglass, Robinson, Tingley, Woodworth, of the Senate; Baldwin, Bennett, Bodley, Bradford, Brown, Campbell, Carr, Cook, Lisle, McDougal, Moore, Osgood, Thorne, Wethered, Wilkins, of the Assembly—19.

Those who voted for Mr. Heydenfeldt were—Messrs. Green, Heyden-

feldt, Miller, Van Buren, of the Senate; Hall, Kendrick, Lind, Merritt, Murphy, Richardson, Saunders, Yeiser, Speaker, of the Assembly—13.

Those who voted for Mr. Frémont were—Messrs. Adams, De la Guerra, Cooke, Lippincott, of the Senate; Carnes, Covarrubias, Hoff, Kellogg, Pico, Stearns, Randall, Robinson, of the Assembly—12.

Those who voted for Mr. Weller were—Messrs. Crosby, Warner, of the Senate; Field, McCorkle, of the Assembly—4.

Mr. Broderick voted for Mr. Geary—1.

No person having received a majority of all the votes given, the Convention in like manner proceeded to a forty-fourth vote, the result of which the Tellers reported as follows:

Whole number of votes	49
Necessary to a choice	25
Of which Mr. King received	18 votes.
Heydenfeldt	13
Frémont	13
Weller	3
Geary	1
Collier	1

Those who voted for Mr. King were—Messrs. Douglass, Robinson, Tingley, Woodworth, of the Senate; Baldwin, Bennett, Bodley, Bradford, Brown, Campbell, Carr, Cook, Lisle, McDougal, Moore, Osgood, Thorne, Wilkins, of the Assembly—18.

Those who voted for Mr. Heydenfeldt were—Messrs. Green, Heydenfeldt, Miller, Van Buren, of the Senate; Field, Hall, Kendrick, Lind, Murphy, Richardson, Saunders, Yeiser, Speaker, of the Assembly—13.

Those who voted for Mr. Frémont were—Messrs. Adams, Cooke, De la Guerra, Lippincott, of the Senate; Carnes, Covarrubias, Hoff, Kellogg, Merritt, Pico, Stearns, Randall, Robinson, of the Assembly—13.

Those who voted for Mr. Weller were—Messrs. Crosby, Warner, of the Senate; McCorkle, of the Assembly—3.

Mr. Broderick voted for Mr. Geary—1.

Mr. Wethered voted for Mr. Collier—1.

No person having received a majority of all the votes given, the Convention proceeded in like manner to a forty-fifth vote, the result of which the Tellers reported to be as follows:

Whole number of votes		49
Necessary to a choice		25
Of which Mr. King received	18	votes.
Heydenfeldt	15	
Frémont	9	
Weller	3	
Collier	2	
Geary	1	
Col. Gift	1	

Those who voted for Mr. King were—Messrs. Douglass Robinson, Tingley, Woodworth, of the Senate; Baldwin, Bennett, Bodley, Bradford, Brown, Campbell, Carr, Cook, Lisle, McDougal, Moore, Osgood, Thorne, Wilkins, of the Assembly—18.

Those who voted for Mr. Heydenfeldt were—Messrs. Green, Heydenfeldt, Miller, Van Buren, of the Senate; Field, Hall, Kellogg, Kendrick, Lind, Merritt, Murphy, Richardson, Saunders, Yeiser, Speaker, of the Assembly—15.

Those who voted for Mr. Frémont were—Messrs. Adams, Cooke, De la Guerra, Lippincott, of the Senate; Carnes, Covarrubias, Hoff, Pico, Stearns, of the Assembly—9.

Those who voted for Mr. Weller were—Messrs. Crosby, Warner, of the Senate; McCorkle, of the Assembly—3.

Those who voted for Mr. Collier were—Messrs. Wethered, Randall, of the Assembly—2.

Mr. Broderick voted for Mr. Geary—1.

Mr. Robinson, of the Assembly, voted for Col. Gift—1.

No person having received a majority of all the votes given, the Convention proceeded in like manner to a forty-sixth vote, the result of which the Tellers reported to be as follows:

Whole number of votes		49
Necessary to a choice		25
Of which Mr. King received	17	votes.
Heydenfeldt	13	
Frémont	13	
Weller	2	
Geary	1	

Mr. Collier received . . .	1 vote.
Scattering	2

Those who voted for Mr. King were—Messrs. Douglass, Tingley, and Woodworth, of the Senate; and Baldwin, Bennett, Bodley, Bradford, Brown, Campbell, Carr, Cook, Lisle, McDougal, Moore, Osgood, Thorne, and Wilkins, of the Assembly—17.

Those who voted for Mr. Heydenfeldt were—Messrs. Green, Heydenfeldt, Miller, and Van Buren, of the Senate; and Hall, Kendrick, Lind, Merritt, Murphy, Richardson, Saunders, Yeiser, and Speaker, of the Assembly—13.

Those who voted for Mr. Frémont were—Messrs. Adams, Cooke, De la Guerra, Lippincott, and Warner, of the Senate; and Carnes, Covarrubias, Hoff, Kellogg, Pico, Randall, Robinson, and Stearns, of the Assembly—13.

Those who voted for Mr. Weller were—Mr. Crosby, of the Senate; and McCorkle, of the Assembly—2.

Mr. Wethered, of the Assembly, voted for Mr. Collier—1.

Mr. Broderick, of the Senate, voted for Mr. Geary—1.

Mr. Robinson, of the Senate, voted for Pierre B. Reading—1.

Mr. Field, of the Assembly, voted for Alfred Morgan—1.

No person having received a majority of all the votes given, the Convention proceeded in like manner to a forty-seventh vote, the result of which the Tellers reported to be as follows:

Whole number of votes		49
Necessary to a choice		25
Of which Mr. King received . . .	17	votes.
Heydenfeldt . . .	13	
Frémont	12	
Weller	1	
Geary	1	
Reading	4	
Horace Smith	1	

Those who voted for Mr. King were—Messrs. Douglass, Tingley, and Woodworth, of the Senate; and Baldwin, Bennett, Bodley, Bradford, Brown, Campbell, Carr, Cook, Lisle, McDougal, Moore, Osgood, Thorne, and Wilkins, of the Assembly—17.

Those who voted for Mr. Heydenfeldt were—Messrs. Green, Heydenfeldt, Miller, and Van Buren, of the Senate; and Hall, Kendrick, Lind, Merritt, Murphy, Richardson, Saunders, Yeiser, and Speaker, of the Assembly—13.

Those who voted for Mr. Frémont were—Messrs. Adams, Cooke, De la Guerra, Lippincott, and Warner, of the Senate; and Carnes, Covarrubias, Hoff, Kellogg, Pico, Robinson, and Stearns, of the Assembly—12.

Those who voted for Mr. Reading were—Messrs. Crosby, and Robinson, of the Senate; and Field, and Randall, of the Assembly—4.

Mr. McCorkle, of the Assembly, voted for Mr. Weller—1.

Mr. Broderick, of the Senate, voted for Mr. Geary—1.

Mr. Wethered, of the Assembly, voted for Horace Smith—1.

No person having received a majority of all the votes given, the Convention proceeded in like manner to a forty-eighth vote, the result of which the Tellers reported to be as follows:

Whole number of votes	48
Necessary to a choice	25
Of which Mr. King received	17 votes.
Heydenfeldt	13
Frémont	12
Weller	2
Geary	1
Collier	1
Reading	2

Those who voted for Mr. King were—Messrs. Douglass, Tingley, and Woodworth, of the Senate; and Baldwin, Bennett, Bodley, Bradford, Brown, Campbell, Carr, Cook, Lisle, McDougal, Moore, Osgood, Thorne, and Wilkins, of the Assembly—17.

Those who voted for Mr. Heydenfeldt were—Messrs. Green, Heydenfeldt, Miller, and Van Buren, of the Senate; and Hall, Kendrick, Lind, Merritt, Murphy, Richardson, Saunders, Yeiser, and Speaker, of the Assembly—13.

Those who voted for Mr. Frémont were—Messrs. Adams, Cooke, De la Guerra, Lippincott, and Warner, of the Senate; and Carnes,

Covarrubias, Kellogg, Hoff, Pico, Robinson, and Stearns, of the Assembly—12.

Those who voted for Mr. Weller were—Messrs. McCorkle, and Randall, of the Assembly—2.

Mr. Broderick, of the Senate, voted for Mr. Geary—1.

Mr. Wethered, of the Assembly, voted for Mr. Collier—1.

Messrs. Crosby, and Robinson, of the Senate, voted for Mr. Reading —2.

Mr. Heydenfeldt, of the Senate, moved that the Convention take a recess until this afternoon at three o'clock. On this motion the yeas and nays were demanded and ordered, and it was decided in the affirmative, as follows:

Yeas: Messrs. Broderick, Cooke, Crosby, Douglass, Green, Heydenfeldt, Lippincott, Miller, Robinson, and Van Buren, of the Senate; and Bradford, Campbell, Field, Hoff, Kellogg, Kendrick, Lind, McCorkle, Merritt, Murphy, Osgood, Randall, Richardson, Robinson, Saunders, Stearns, Wethered, Yeiser, and Speaker, of the Assembly—29.

Nays: Messrs. Adams, De la Guerra, Tingley, Warner, and Woodworth, of the Senate; and Baldwin, Bennett, Bodley, Brown, Carr, Carnes, Cook, Covarrubias, Hall, Lisle, McDougal, Moore, Pico, Thorne, and Wilkins, of the Assembly—20.

So the Convention took a recess until three o'clock, P. M.

IN SENATE.

On motion of Mr. Lippincott, the Senate took a recess until 10 minutes before three, P. M.

The Senate again met at the hour designated.

IN CONVENTION.

On reassembling in the Convention, the two Houses proceeded in like manner to a forty-ninth vote for a United States Senator, the result of which the Tellers reported to be as follows:

Whole number of votes	49
Necessary to a choice	25
Of which Mr. King received	17 votes.
Heydenfeldt	13
Frémont	12
Weller	4
Geary	1
Collier	1
Reading	1

Those who voted for Mr. King were—Messrs. Douglass, Tingley, and Woodworth, of the Senate; and Baldwin, Bennett, Bodley, Bradford, Brown, Campbell, Carr, Cook, Lisle, McDougal, Moore, Osgood, Thorne, and Wilkins, of the Assembly—17.

Those who voted for Mr. Heydenfeldt were—Messrs. Green, Heydenfeldt, Miller, and Van Buren, of the Senate; and Hall, Kendrick, Lind, Merritt, Murphy, Richardson, Saunders, Yeiser, and Speaker, of the Assembly—13.

Those who voted for Mr. Frémont were—Messrs. Adams, Cooke, De la Guerra, Lippincott, and Warner, of the Senate; and Carnes, Covarrubias, Kellogg, Hoff, Pico, Robinson, and Stearns, of the Assembly—12.

Those who voted for Mr. Weller were—Mr. Crosby, of the Senate; and Field, McCorkle, and Randall, of the Assembly—4.

Mr. Broderick, of the Senate, voted for Mr. Geary—1.

Mr. Wethered, of the Assembly, voted for Mr. Collier—1.

Mr. Robinson, of the Assembly, voted for Mr. Reading—1.

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

Whole number of votes	49
Necessary to a choice	25
Of which Mr. King received	17 votes.
Heydenfeldt	12
Frémont	13
Weller	3
Geary	1
Collier	1
Scattering	2

Those who voted for Mr. King were—Messrs. Douglass, Tingley, and Woodworth, of the Senate; and Baldwin, Bennett, Bodley, Bradford, Brown, Campbell, Carr, Cook, Lisle, McDougal, Moore, Osgood, Thorne, and Wilkins, of the Assembly—17.

Those who voted for Mr. Heydenfeldt were—Messrs. Green, Heydenfeldt, Miller, and Van Buren, of the Senate; and Hall, Kendrick, Lind, Murphy, Richardson, Saunders, Yeiser, and Speaker, of the Assembly—12.

Those who voted for Mr. Frémont were—Messrs. Adams, Cooke, De la Guerra, Lippincott, and Warner, of the Senate; and Carnes, Covarrubias, Hoff, Kellogg, Pico, Randall, Robinson, and Stearns, of the Assembly—13.

Those who voted for Mr. Weller were—Messrs. Crosby, of the Senate; and Field, and McCorkle, of the Assembly—3.

Mr. Broderick, of the Senate, voted for Mr. Geary—1.

Mr. Wethered, of the Assembly, voted for Mr. Collier—1.

Mr. Robinson, of the Senate, voted for Mr. Reading—1.

Mr. Merritt, of the Assembly, voted for Col. J. Neely Johnson—1.

No person having received a majority of all the votes given, the Convention proceeded in like manner to a fifty-first vote, and the Tellers reported the result to be as follows:

Whole number of votes	49
Necessary to a choice	25
Of which Mr. King received	17 votes.
Heydenfeldt	12
Frémont	15
Weller	2
Geary	1
Scattering	2

Those who voted for Mr. King were—Messrs. Douglass, Tingley, and Woodworth, of the Senate; and Baldwin, Bennett, Bodley, Bradford, Brown, Campbell, Carr, Cook, Lisle, McDougal, Moore, Osgood, Thorne, and Wilkins, of the Assembly—17.

Those who voted for Mr. Heydenfeldt were—Messrs. Green, Heydenfeldt, Miller, and Van Buren, of the Senate; and Hall, Kendrick, Lind, Merritt, Murphy, Saunders, Yeiser, and Speaker, of the Assembly—12.

Those who voted for Mr. Frémont were—Messrs. Adams, Cooke, De la Guerra, Lippincott, and Warner, of the Senate; and Carnes, Covarrubias, Field, Hoff, Kellogg, Pico, Randall, Richardson, Robinson, and Stearns, of the Assembly—15.

Those who voted for Mr. Weller were—Mr. Crosby, of the Senate; and Mr. McCorkle, of the Assembly—2.

Mr. Broderick, of the Senate, voted for Mr. Geary—1.

Mr. Wethered, of the Assembly, voted for Mr. Collier—1.

Mr. Robinson, of the Senate, voted for Mr. Reading—1.

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

Whole number of votes	49
Necessary to a choice	25
Of which Mr. King received	17 votes.
Heydenfeldt	13
Frémont	13
Weller	2
Scattering	4

Those who voted for Mr. King were—Messrs. Douglass, Tingley, and Woodworth, of the Senate; and Baldwin, Bennett, Bodley, Bradford, Brown, Campbell, Carr, Cook, Lisle, McDougal, Moore, Osgood, Thorne, and Wilkins, of the Assembly—17.

Those who voted for Mr. Heydenfeldt were—Messrs. Green, Heydenfeldt, Miller, and Van Buren, of the Senate; and Hall, Kendrick, Lind, Merritt, Murphy, Richardson, Saunders, Yeiser, and Speaker, of the Assembly—13.

Those who voted for Mr. Frémont were—Messrs. Adams, Cooke, De la Guerra, Lippincott, and Warner, of the Senate; and Carnes, Covarrubias, Hoff, Kellogg, Pico, Randall, Robinson, and Stearns, of the Assembly—13.

Those who voted for Mr. Weller were—Mr. Crosby, of the Senate; and McCorkle, of the Assembly—2.

Mr. Broderick, of the Senate, voted for Mr. Geary—1.

Mr. Wethered, of the Assembly, voted for Mr. Collier—1.

Mr. Robinson, of the Senate, voted for Mr. Reading—1.

Mr. Field, of the Assembly, voted for Judge P. A. Morse—1.

No person having received a majority of all the votes given, the Convention proceeded, in like manner, to a fifty-third vote, the result of which the Tellers reported to be as follows:

Whole number of votes	49
Necessary to a choice	25
Of which Mr. King received	16 votes.
Heydenfeldt	11
Frémont	15
Weller	2
Geary	2
Scattering	3

Those who voted for Mr. King were—Messrs. Douglass, Tingley, and Woodworth, of the Senate; and Baldwin, Bodley, Bradford, Brown, Campbell, Carr, Cook, Lisle, McDougal, Moore, Osgood, Thorne, and Wilkins, of the Assembly—16.

Those who voted for Mr. Heydenfeldt were—Messrs. Green, and Heydenfeldt, of the Senate; and Hall, Kendrick, Lind, Merritt, Murphy, Richardson, Saunders, Yeiser, and Speaker, of the Assembly—11.

Those who voted for Mr. Frémont were—Messrs. Adams, Cooke, De la Guerra, Lippincott, Van Buren, and Warner, of the Senate; and Bennett, Carnes, Covarrubias, Hoff, Kellogg, Pico, Randall, Robinson, and Stearns, of the Assembly—15.

Those who voted for Mr. Weller were—Mr. Crosby, of the Senate; and Mr. McCorkle, of the Assembly—2.

Those who voted for Mr. Geary were—Mr. Broderick, of the Senate; and Mr. Field, of the Assembly—2.

Mr. Wethered, of the Assembly, voted for Mr. Collier—1.

Mr. Robinson, of the Senate, voted for Mr. Reading—1.

Mr. Miller, of the Senate, voted for Hon. George B. Tingley—1.

No person having received a majority of all the votes given, the Convention proceeded in like manner to a fifty-fourth vote, the result of which the Tellers reported to be as follows:

Whole number of votes	49
Necessary to a choice	25

Of which Mr. King received	. . .	17 votes.
Heydenfeldt	. . . .	15
Frémont	. . . .	13
Weller	. . . .	2
Scattering	. . . .	2

Those who voted for Mr. King were—Messrs. Douglass, Tingley, and Woodworth, of the Senate; and Baldwin, Bennett, Bodley, Bradford, Brown, Campbell, Carr, Cook, Lisle, McDougal, Moore, Osgood, Thorne, and Wilkins, of the Assembly—17.

Those who voted for Mr. Heydenfeldt were—Messrs. Green, Heydenfeldt, Miller, Robinson, and Van Buren, of the Senate; and Field, Hall, Kendrick, Lind, Merritt, Murphy, Richardson, Saunders, Yeiser, and Speaker, of the Assembly—15.

Those who voted for Mr. Frémont were—Messrs. Adams, Cooke, De la Guerra, and Lippincott, of the Senate; and Carnes, Covarrubias, Hoff, Kellogg, Pico, Randall, Robinson, Stearns, and Wethered, of the Assembly—13.

Those who voted for Mr. Weller were—Mr. Crosby, of the Senate; and Mr. McCorkle, of the Assembly—2.

Mr. Broderick, of the Senate, voted for Mr. Geary—1.

Mr. Warner, of the Senate, voted for General Joshua Bean—1.

No person having received a majority of all the votes given, the Convention proceeded in like manner to a fifty-fifth vote, the result of which the Tellers reported to be as follows:

Whole number of votes	. . . . .	49
Necessary to a choice	. . . . .	25
Of which Mr. King received	. . . .	16 votes.
Heydenfeldt	. . . .	15
Frémont	. . . . .	10
Weller	. . . . .	2
John Cook	. . . .	4
Scattering	. . . . .	2

Those who voted for Mr. King were—Messrs. Douglass, Tingley, and Woodworth, of the Senate; and Baldwin, Bennett, Bodley, Brown, Campbell, Carr, Cook, Lisle, McDougal, Moore, Osgood, Thorne, and Wilkins, of the Assembly—16.

Those who voted for Mr. Heydenfeldt were—Messrs. Green, Heydenfeldt, Miller, Robinson, and Van Buren, of the Senate; and Field, Hall, Kendrick, Lind, Merritt, Murphy, Richardson, Saunders, Yeiser, and Speaker, of the Assembly—15.

Those who voted for Mr. Frémont were—Messrs. Adams, Cooke, De la Guerra, and Lippincott, of the Senate; and Carnes, Covarrubias, Hoff, Kellogg, Pico, and Stearns, of the Assembly—10.

Those who voted for Mr. Weller were—Mr. Crosby, of the Senate; and Mr. McCorkle, of the Assembly—2.

Mr. Broderick, of the Senate, voted for Mr. Geary—1.

Those who voted for Mr. John Cook were—Mr. Warner, of the Senate; and Messrs. Randall, Robinson, and Wethered, of the Assembly—4.

Mr. Bradford, of the Assembly, voted for Hon. J. J. Warner—1.

No person having received a majority of all the votes given, the Convention proceeded in like manner to a fifty-sixth vote, the result of which the Tellers reported to be as follows:

Whole number of votes	49	
Necessary to a choice	25	
Of which Mr. King received	17	votes.
Heydenfeldt	15	
Frémont	11	
Weller	2	
Geary	1	
Cook	3	

Those who voted for Mr. King were—Messrs. Douglass, Tingley, and Woodworth, of the Senate; and Baldwin, Bennett, Bodley, Bradford, Brown, Campbell, Carr, Cook, Lisle, McDougal, Moore, Osgood, Thorne, and Wilkins, of the Assembly—17.

Those who voted for Mr. Heydenfeldt were—Messrs. Green, Heydenfeldt, Miller, Robinson, and Van Buren, of the Senate; and Field, Hall, Kendrick, Lind, Merritt, Murphy, Richardson, Saunders, Yeiser, and Speaker, of the Assembly—15.

Those who voted for Mr. Frémont were—Messrs. Adams, Cooke, De la Guerra, and Lippincott, of the Senate; and Carnes, Covarrubias, Hoff, Kellogg, Pico, Robinson, and Stearns, of the Assembly—11.

Those who voted for Mr. Weller were—Mr. Crosby, of the Senate; and McCorkle, of the Assembly—2.

Those who voted for Mr. Cook were—Mr. Warner, of the Senate; and Messrs. Randall, and Wethered, of the Assembly—3.

Mr. Broderick, of the Senate, voted for Mr. Geary—1.

Mr. Green moved that the Convention do now take a recess until eleven o'clock to-morrow morning.

Mr. McCorkle moved to amend the motion of Mr Green, by substituting for the words "take a recess until eleven o'clock to-morrow morning," the words "do now adjourn *sine die*;" and on this question the yeas and nays were demanded, and resulted as follows:

Yeas: Messrs. Cooke, Crosby, and Warner, of the Senate; and Field, Hoff, McCorkle, Randall, and Saunders, of the Assembly—8.

Nays: Messrs. Adams, Broderick, Douglass, De la Guerra, Green, Heydenfeldt, Lippincott, Miller, Robinson, Tingley, Van Buren, and Woodworth, of the Senate; Baldwin, Bennett, Bodley, Bradford, Brown, Campbell, Carr, Carnes, Cook, Covarrubias, Hall, Kellogg, Kendrick, Lisle, Lind, McDougal, Merritt, Moore, Murphy, Osgood, Pico, Richardson, Robinson, Stearns, Thorne, Wethered, Wilkins, Yeiser, Speaker, of the Assembly—41.

So the question was decided in the negative; and the question then recurring on the motion of Mr. Green, to take a recess until to-morrow morning at eleven o'clock, it was, by yeas and nays, decided in the negative, as follows:

Yeas: Messrs. Douglass, De la Guerra, Green, Heydenfeldt, Lippincott, and Miller, of the Senate; Campbell, Carnes, Covarrubias, Field, Hall, Kellogg, Kendrick, Lind, Merritt, Moore, Murphy, Pico, Richardson, Saunders, Stearns, Yeiser, and Speaker, of the Assembly —23.

Nays: Messrs. Adams, Broderick, Cooke, Crosby, Robinson, Tingley, Van Buren, Warner, and Woodworth, of the Senate; Baldwin, Bennett, Bodley, Bradford, Brown, Carr, Cook, Hoff, Lisle, McCorkle, McDougal, Osgood, Randall, Robinson, Thorne, Wethered, and Wilkins, of the Assembly—26.

So the question was decided in the negative.

Mr. Warner moved that the Senate do now withdraw from the Convention.

Mr. Green moved to amend the motion of Mr. Warner, by substitut-

ing therefor a Resolution that the Joint Rule for the government of the Convention, which says that "the Convention shall meet at all convenient hours in good faith," shall be construed to mean some hour not later than twelve o'clock, M., of the succeeding day after each unsuccessful balloting.

The President decided the amendment to be not in order.

From this decision Mr. Green appealed; and the question being "shall the decision of the Chair stand as the judgment of the Senate?" it was, by yeas and nays, decided as follows:

YEAS.

Mr. Adams	Mr. Miller
Cooke	Robinson
Crosby	Tingley
Douglass	Van Buren
De la Guerra	Warner
Heydenfeldt	Woodworth
Lippincott	—13.

NAY.

Mr. Green—1.

So the decision of the Chair was sustained.

The question was then taken on the proposition of Mr. Warner, and decided in the negative.

On motion of Mr. Lisle, the Convention took a recess until eleven, A. M., to-morrow; and the Assembly retired to the Hall of the Assembly.

IN SENATE.

On motion of Mr. Van Buren, the Senate took a recess until nine minutes before eleven, A. M., to-morrow.

DAVID C. BRODERICK, President of the Senate.

J. F. HOWE, Secretary of the Senate.

IN SENATE.

FRIDAY, *February* 21, 1851.

The Senate assembled pursuant to adjournment.

On motion of Mr. Douglass, the reading of the Journal was dispensed with.

IN CONVENTION.

The two Houses reassembled in Convention at 11, A. M., and proceeded to a fifty-seventh vote for the State Senator; the result of which the Tellers reported to be as follows:

Whole number of votes	. . . . .	49
Necessary to a choice	. . . . .	25
Of which Mr. King received	. . . .	17 votes.
Heydenfeldt	. . . .	15
Frémont	. . . . .	12
Weller	. . . . .	3
Geary	. . . . .	1
Collier	. . . . .	1

Those who voted for Mr. King were—Messrs. Douglass, Tingley, and Woodworth, of the Senate; and Baldwin, Bennett, Bodley, Bradford, Brown, Campbell, Carr, Cook, Lisle, McDougal, Moore, Osgood, Thorne, and Wilkins, of the Assembly—17.

Those who voted for Mr. Heydenfeldt were—Messrs. Green, Heydenfeldt, Miller, Robinson, and Van Buren, of the Senate; and Field, Hall, Kendrick, Lind, Merritt, Murphy, Richardson, Saunders, Yeiser, and Speaker, of the Assembly—15.

Those who voted for Mr. Frémont were—Messrs. Adams, Cooke, De la Guerra, and Lippincott, of the Senate; and Carnes, Covarrubias, Hoff, Kellogg, Pico, Randall, Robinson, and Stearns, of the Assembly—12.

Those who voted for Mr. Weller were—Messrs. Crosby, and Warner, of the Senate; and McCorkle, of the Assembly—3.

Mr. Broderick, of the Senate, voted for Mr. Geary—1.

Mr. Wethered, of the Assembly, voted for Mr. Collier—1.

No person having received a majority of all the votes given, the Convention proceeded, in like manner, to a fifty-eighth vote, the result of which the Tellers reported to be as follows:

Whole number of votes	49
Necessary to a choice	25
Of which Mr. King received	17 votes.
Heydenfeldt	15
Frémont	12
Weller	3
Geary	1
Collier	1

Those who voted for Mr. King were—Messrs. Douglass, Tingley, and Woodworth, of the Senate; and Baldwin, Bennett, Bodley, Bradford, Brown, Campbell, Carr, Cook, Lisle, McDougal, Moore, Osgood, Thorne, and Wilkins, of the Assembly—17.

Those who voted for Mr. Heydenfeldt were—Messrs. Green, Heydenfeldt, Miller, Robinson, and Van Buren, of the Senate; and Field, Hall, Kendrick, Lind, Merritt, Murphy, Richardson, Saunders, Yeiser, and Speaker, of the Assembly—15.

Those who voted for Mr. Frémont were—Messrs. Adams, Cooke, De la Guerra, and Lippincott, of the Senate; and Carnes, Covarrubias, Hoff, Kellogg, Pico, Randall, Robinson, and Stearns, of the Assembly—12.

Those who voted for Mr. Weller were—Messrs. Crosby, and Warner, of the Senate; and Mr. McCorkle, of the Assembly—3.

Mr. Broderick, of the Senate, voted for Mr. Geary—1.

Mr. Wethered, of the Assembly, voted for Mr. Collier—1.

No person having received a majority of all the votes given, the Convention proceeded in like manner to a fifty-ninth vote, the result of which the Tellers reported to be as follows:

Whole number of votes	49
Necessary to a choice	25
Of which Mr. King received	17 votes.
Heydenfeldt	15
Frémont	12
Weller	3

Mr. Geary received . . .	1 vote.
Collier	1

Those who voted for Mr. King were—Messrs. Douglass, Tingley, and Woodworth, of the Senate; and Baldwin, Bennett, Bodley, Bradford, Brown, Campbell, Carr, Cook, Lisle, McDougal, Moore, Osgood, Thorne, and Wilkins, of the Assembly—17.

Those who voted for Mr. Heydenfeldt were—Messrs. Green, Heydenfelt, Miller, Robinson, and Van Buren, of the Senate; and Field, Hall, Kendrick, Lind, Merritt, Murphy, Richardson, Saunders, Yeiser, and Speaker, of the Assembly—15.

Those who voted for Mr. Frémont were—Messrs. Adams, Cooke, De la Guerra, and Lippincott, of the Senate; and Carnes, Covarrubias, Hoff, Kellogg, Pico, Randall, Robinson, and Stearns, of the Assembly—12.

Those who voted for Mr. Weller were—Messrs. Crosby, and Warner, of the Senate; and Mr. McCorkle, of the Assembly—3.

Mr. Broderick, of the Senate, voted for Mr. Geary—1.

Mr. Wethered, of the Assembly, voted for Mr. Collier—1.

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

Whole number of votes	49
Necessary to a choice	25
Of which Mr. King received	17 votes.
Heydenfeldt	15
Frémont	13
Weller	2
Geary	1
Talbot H. Green . . .	1

Those who voted for Mr. King were—Messrs. Douglass, Tingley, and Woodworth, of the Senate; and Baldwin, Bennett, Bodley, Bradford, Brown, Campbell, Carr, Cook, Lisle, McDougal, Moore, Osgood, Thorne, and Wilkins, of the Assembly—17.

Those who voted for Mr. Heydenfeldt were—Messrs. Green, Heydenfeldt, Miller, Robinson, and Van Buren, of the Senate; and Field, Hall, Kendrick, Lind, Merritt, Murphy, Richardson, Saunders, Yeiser, and Speaker, of the Assembly—15.

Those who voted for Mr. Frémont were—Messrs. Adams, Cooke, De la Guerra, Lippincott, and Warner, of the Senate; and Carnes, Covarrubias, Hoff, Kellogg, Pico, Randall, Robinson, and Stearns, of the Assembly—13.

Those who voted for Mr. Weller were—Messrs. Crosby, of the Senate; and McCorkle, of the Assembly—2.

Mr. Broderick, of the Senate, voted for Mr. Geary—1.

Mr. Wethered, of the Assembly, voted for Talbot H. Green—1.

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

Whole number of votes	49	
Necessary to a choice	25	
Of which Mr. King received	17	votes.
Heydenfeldt	15	
Frémont	10	
Weller	3	
Geary	1	
Howard	3	

Those who voted for Mr. King were—Messrs. Douglass, Tingley, and Woodworth, of the Senate; and Baldwin, Bennett, Bodley, Bradford, Brown, Campbell, Carr, Cook, Lisle, McDougal, Moore, Osgood, Thorne, and Wilkins, of the Assembly—17.

Those who voted for Mr. Heydenfeldt were—Messrs. Green, Heydenfeldt, Miller, Robinson, and Van Buren, of the Senate; and Field, Hall, Kendrick, Lind, Merritt, Murphy, Richardson, Saunders, Yeiser, and Speaker, of the Assembly—15.

Those who voted for Mr. Frémont were—Messrs. Adams, Cooke, De la Guerra, and Lippincott, of the Senate; and Carnes, Covarrubias, Kellogg, Pico, Robinson, and Stearns, of the Assembly—10.

Those who voted for Mr. Mr. Weller were—Messrs. Crosby, of the Senate; and Hoff, and McCorkle, of the Assembly—3.

Mr. Broderick, of the Senate, voted for Mr. Geary—1.

Those who voted for Mr. Wm. D. M. Howard were—Messrs. Warner, of the Senate; and Randall, and Wethered, of the Assembly—3.

No person having received a majority of all the votes given, the Con-

vention proceeded in like manner to a sixty-second vote, the result of which the Tellers reported to be as follows:

Whole number of votes	49	
Necessary to a choice	25	
Of which Mr. King received	17	votes.
Heydenfeldt	14	
Frémont	11	
Weller	4	
Geary	1	
Howard	2	

Those who voted for Mr. King were—Messrs. Douglass, Tingley, and Woodworth, of the Senate; and Baldwin, Bennett, Bodley, Bradford, Brown, Campbell, Carr, Cook, Lisle, McDougal, Moore, Osgood, Thorne, and Wilkins, of the Assembly—17.

Those who voted for Mr. Heydenfeldt were—Messrs. Green, Heydenfeldt, Miller, Robinson, and Van Buren, of the Senate; and Field, Kendrick, Lind, Merritt, Murphy, Richardson, Saunders, Yeiser, and Speaker, of the Assembly—14.

Those who voted for Mr. Frémont were—Messrs. Adams, Cooke, De la Guerra, and Lippincott, of the Senate; and Carnes, Covarrubias, Kellogg, Pico, Randall, Robinson, and Stearns, of the Assembly—11.

Those who voted for Mr. Weller were—Mr. Crosby, of the Senate; and Messrs. Hall, Hoff, and McCorkle, of the Assembly—4.

Mr. Broderick, of the Senate, voted for Mr. Geary—1.

Those who voted for Mr. Howard were—Mr. Warner, of the Senate; and Mr. Wethered, of the Assembly—2.

No person having received a majority of all the votes given, the Convention proceeded in like manner to a sixty-third vote, the result of which the Tellers reported to be as follows:

Whole number of votes	49	
Necessary to a choice	25	
Of which Mr. King received	17	votes.
Heydenfeldt	15	
Frémont	11	
Weller	3	
Geary	1	
Howard	2	

Those who voted for Mr. King were—Messrs. Douglass, Tingley, and Woodworth, of the Senate; and Baldwin, Bennett, Bodley, Bradford, Brown, Campbell, Carr, Cook, Lisle, McDougal, Moore, Osgood, Thorne, and Wilkins, of the Assembly—17.

Those who voted for Mr. Heydenfeldt were—Messrs. Green, Heydenfeldt, Miller, Robinson, and Van Buren, of the Senate; and Field, Hall, Kendrick, Lind, Merritt, Murphy, Richardson, Saunders, Yeiser, and Speaker, of the Assembly—15.

Those who voted for Mr. Frémont were—Messrs. Adams, Cooke, De la Guerra, and Lippincott, of the Senate; and Carnes, Covarrubias, Kellogg, Pico, Randall, Robinson, and Stearns, of the Assembly—11.

Those who voted for Mr. Weller were—Mr. Crosby, of the Senate; and Messrs. Hoff and McCorkle, of the Assembly—3.

Mr. Broderick, of the Senate, voted for Mr. Geary—1.

Those who voted for Mr. Howard were—Mr. Warner, of the Senate; and Mr. Wethered, of the Assembly—2.

No person having received a majority of all the votes given, the Convention proceeded in like manner to a sixty-fourth vote, the result of which the Tellers reported to be as follows:

Whole number of votes	. . . .	49
Necessary to a choice	. . . . .	25
Of which Mr. King received	. . . .	17 votes.
Heydenfeldt	. . . .	15
Frémont	. . . .	11
Weller	. . . .	4
Geary	. . . .	1
Howard	. . . .	1

Those who voted for Mr. King were—Messrs. Douglass, Tingley, and Woodworth, of the Senate; and Baldwin, Bennett, Bodley, Bradford, Brown, Campbell, Carr, Cook, Lisle, McDougal, Moore, Osgood, Thorne, and Wilkins, of the Assembly—17.

Those who voted for Mr. Heydenfeldt were—Messrs. Green, Heydenfeldt, Miller, Robinson, and Van Buren, of the Senate; and Field, Hall, Kendrick, Lind, Merritt, Murphy, Richardson, Saunders, Yeiser, and Speaker, of the Assembly—15.

Those who voted for Mr. Frémont were—Messrs. Adams, Cooke, De

la Guerra, and Lippincott, of the Senate; and Carnes, Covarrubias, Kellogg, Pico, Randall, Robinson, and Stearns, of the Assembly—11.

Those who voted for Mr. Weller were—Messrs. Crosby and Warner, of the Senate; and Hoff and McCorkle, of the Assembly—4.

Mr. Broderick, of the Senate, voted for Mr. Geary—1.

Mr. Wethered, of the Assembly, voted for Mr. Howard—1.

No person having received a majority of all the votes given, Mr. Robinson, of the Senate, moved that the Convention adjourn, *sine die;* but the question was, by yeas and nays, decided in the negative, as follows:

Yeas: Messrs. Cook, Miller, Robinson, Warner, of the Senate; Field, Hoff, Kendrick, McCorkle, Merritt, Randall, Speaker, of the Assembly—11.

Nays: Messrs. Adams, Broderick, Crosby, Douglass, De la Guerra, Green, Heydenfeldt, Lippincott, Tingley, Van Buren, Woodworth, of the Senate; and Baldwin, Bennett, Bodley, Bradford, Brown, Campbell, Carr, Carnes, Cook, Covarrubias, Hall, Kellogg, Lisle, Lind, McDougal, Moore, Murphy, Osgood, Pico, Richardson, Robinson, Saunders, Stearns, Thorne, Wethered, Wilkins, Yeiser, of the Assembly—38.

Mr. Robinson, of the Assembly, moved that the Convention take a recess until 3, P.M., and the question was, by yeas and nays, decided in the affirmative, as follows:

Yeas: Messrs. Adams, Crosby, Douglass, De la Guerra, Green, Heydenfeldt, Lippincott, of the Senate; and Baldwin, Bodley, Campbell, Carr, Carnes, Cook, Covarrubias, Field, Hall, Kellogg, Kendrick, Lisle, McDougal, Moore, Osgood, Pico, Richardson, Robinson, Saunders, Stearns, Thorne, Wilkins, of the Assembly—29.

Nays: Messrs. Broderick, Cooke, Lippincott, Robinson, Tingley, Van Buren, Warner, Woodworth, of the Senate; and Bennett, Bradford, Brown, Hoff, Lind, McCorkle, Merritt, Murphy, Randall, Wethered, Yeiser, and Speaker, of the Assembly—20.

IN SENATE.

Mr. Douglass moved that the Senate take a recess until ten minutes

before 3, P. M., and the question was, by yeas and nays, decided in the affirmative, as follows:

YEAS.

Mr. Adams	Mr. Heydenfeldt
Douglass	Lippincott
De la Guerra	Miller
Green	Woodworth—8.

NAYS.

Mr. Broderick	Mr. Tingley
Cooke	Van Buren
Crosby	Warner
Robinson	—7.

The Senate reassembled at ten minutes before 3, P. M.

IN CONVENTION.

The two Houses again met in Convention, pursuant to adjournment, at 3, P. M.

Mr. Adams, of the Senate, moved that the Convention take a recess until Monday, at ten, A. M.; but the question was, by yeas and nays, decided in the negative, as follows:

Yeas: Messrs. Adams, De la Guerra, Miller, Van Buren, and Warner, of the Senate; Cannes, Covarrubias, Field, Hall, Kendrick, Lind, McCorkle, Pico, Richardson, Robinson, Stearns, and Speaker, of the Assembly—17.

Nays: Messrs. Broderick, Cooke, Crosby, Douglass, Green, Heydenfeldt, Lippincott, Robinson, Tingley, and Woodworth, of the Senate; and Baldwin, Bennett, Bodley, Bradford, Brown, Campbell, Carr, Cook, Hoff, Kellogg, Lisle, McDougal, Merritt, Moore, Murphy, Osgood, Randall, Saunders, Thorne, Wethered, Wilkins, and Yeiser, of the Assembly—32.

The Convention then proceeded to a sixty-fifth vote for United States Senator, the result of which the Tellers reported to be as follows:

Whole number of votes	49
Necessary to a choice	25
Of which Mr. King received	18 votes.
Heydenfeldt	15
Frémont	10
Weller	3
Geary	1
Green	2

Those who voted for Mr. King were—Messrs. Douglass, Tingley, and Woodworth, of the Senate; and Baldwin, Bennett, Bodley, Bradford, Brown, Campbell, Carr, Cook, Kellogg, Lisle, McDougal, Moore, Osgood, Thorne, and Wilkins, of the Assembly—18.

Those who voted for Mr. Heydenfeldt were—Messrs. Green, Heydenfeldt, Miller, Robinson, and Van Buren, of the Senate; and Field, Hall, Kendrick, Lind, Merritt, Murphy, Richardson, Saunders, Yeiser, and Speaker, of the Assembly—15.

Those who voted for Mr. Frémont were—Messrs. Adams, Cooke, De la Guerra, and Warner, of the Senate; and Carnes, Covarrubias, Pico, Randall, Robinson, and Stearns, of the Assembly—10.

Those who voted for Mr. Weller were—Mr. Crosby, of the Senate; and Messrs. Hoff, and McCorkle, of the Assembly—3.

Mr. Broderick, of the Senate, voted for Mr. Geary—1.

Those who voted for Mr. Talbot H. Green were—Mr. Lippincott, of the Senate; and Wethered, of the Assembly—2.

No person having received a majority of all the votes given,

Mr. Broderick moved that the Senate do now withdraw from the Convention; but the question was, by yeas and nays, decided in the negative, as follows:

YEAS.

Mr. Broderick	Mr. Van Buren
Cooke	Warner
Crosby	—5.

NAYS.

Mr. Adams	Mr. Lippincott
Douglass	Miller
De la Guerra	Robinson
Green	Tingley
Heydenfeldt	—9.

On motion of Mr. Lisle, the Convention then took a recess until eleven o'clock on Monday morning.

IN SENATE.

On motion of Mr. Van Buren, the Senate took a recess until ten minutes before 11, A. M., on Monday.

DAVID C. BRODERICK, President of the Senate.

J. F. HOWE, Secretary of the Senate.

IN SENATE.

MONDAY, *February* 24, 1851.

The Senate assembled pursuant to adjournment.

On motion of Mr. Heydenfeldt, the reading of the Journal was dispensed with.

A Message was received from the Assembly, informing the Senate that the Speaker had signed bills severally entitled, "an Act to incorporate the City of Nevada," and "an Act for the relief of William H. Richardson."

The President of the Senate also signed the bills mentioned in the Message of the Assembly.

A Message was received from the Governor, informing the Senate that he did, on the 18th instant, sign bill, originating in the Senate, entitled "an Act for the relief of William Reynolds, Treasurer of the County of Marin."

IN CONVENTION.

The two Houses reassembled in Convention at 11, A.M., and p ro

ceeded to a sixty-sixth vote for United States Senator (Mr. McCorkle having withdrawn the name of John B. Weller), the result of which the Tellers reported to be as follows:

Whole number of votes	48
Necessary to a choice	25
Of which Mr. King received	19 votes.
Heydenfeldt	15
Fremont	11
Geary	1
G. B. Tingley	2

Those who voted for Mr. King, were—Messrs. Douglass, Tingley, and Woodworth, of the Senate; and Baldwin, Bennett, Bodley, Bradford, Brown, Campbell, Carr, Cook, Kellogg, Lisle, McDougal, Moore, Osgood, Thorne, Wethered, Wilkins, of the Assembly—19.

Those who voted for Mr. Heydenfeldt were—Messrs. Green, Heydenfeldt, Miller, and Van Buren, of the Senate; and Field, Hall, Kendrick, Lind, McCorkle, Merritt, Murphy, Richardson, Saunders, Yeiser, and Speaker, of the Assembly—15.

Those who voted for Mr. Frémont were—Messrs. Adams, Cooke, De la Guerra, Lippincott, and Warner, of the Senate; and Carnes, Covarrubias, Hoff, Pico, Robinson, Stearns, of the Assembly—11.

Those who voted for Mr. Tingley were—Messrs. Crosby, and Randall—2.

Mr. Broderick voted for Mr. Geary—1.

No person having received a majority of all the votes given, the Convention in like manner proceeded to a sixty-seventh vote, the result of which the Tellers reported to be as follows:

Whole number of votes	48
Necessary to a choice	25
Of which Mr. King received	19 votes.
Heydenfeldt	15
Frémont	12
Geary	2

Those who voted for Mr. King were—Messrs. Douglass, Tingley,

and Woodworth, of the Senate; and Baldwin, Bennett, Bodley, Bradford, Brown, Campbell, Carr, Cook, Kellogg, Lisle, McDougal, Moore, Osgood, Thorne, Wethered, and Wilkins, of the Assembly—19.

Those who voted for Mr. Heydenfeldt were—Messrs. Green, Heydenfeldt, Miller, and Van Buren of the Senate; and Field, Hall, Kendrick, Lind, McCorkle, Merritt, Murphy, Richardson, Saunders, Yeiser, and Speaker, of the Assembly—15.

Those who voted for Mr. Frémont were—Messrs. Adams, Cooke, De la Guerra, Lippincott, Warner, of the Senate; and Carnes, Covarrubias, Hoff, Pico, Randall, Robinson, Stearns, of the Assembly—12.

Those who voted for Mr. Geary were—Messrs. Broderick, and Crosby, of the Senate—2.

No person having received a majority of all the votes given, the Convention in like manner proceeded to a sixty-eighth vote, the result of which the Tellers reported to be as follows:

Whole number of votes	48
Necessary to a choice	25
Of which Mr. King received	19 votes.
Heydenfeldt	15
Frémont	12
Geary	2

Those who voted for Mr. King were—Messrs. Douglass, Tingley, and Woodworth, of the Senate; and Baldwin, Bennett, Bodley, Bradford, Brown, Campbell, Carr, Cook, Kellogg, Lisle, McDougal, Moore, Osgood, Thorne, Wethered, and Wilkins, of the Assembly—19.

Those who voted for Mr. Heydenfeldt were—Messrs. Green, Heydenfeldt, Miller, and Van Buren, of the Senate; and Field, Hall, Kendrick, Lind, McCorkle, Merritt, Murphy, Richardson, Saunders, Yeiser, and Speaker, of the Assembly—15.

Those who voted for Mr. Frémont were—Messrs. Adams, Cooke, De la Guerra, Lippincott, and Warner, of the Senate; Carnes, Covarrubias, Hoff, Pico, Randall, Robinson, and Stearns, of the Assembly—12.

Those who voted for Mr. Geary were—Messrs. Broderick, and Crosby, of the Senate—2.

No person having received a majority of all the votes given, the Con-

vention in like manner proceeded to a sixty-ninth vote, the result of which the Tellers reported to be as follows:

Whole number of votes	48	
Necessary to a choice	25	
Of which Mr. King received	19	votes.
Heydenfeldt	15	
Frémont	12	
Geary	2	

Those who voted for Mr. King were—Messrs. Douglass, Tingley, Woodworth, of the Senate; Baldwin, Bennett, Bodley, Bradford, Brown, Campbell, Carr, Cook, Kellogg, Lisle, McDougal, Moore, Osgood, Thorne, Wethered, and Wilkins, of the Assembly—19.

Those who voted for Mr. Heydenfeldt were—Messrs. Green, Heydenfeldt, Miller, Van Buren, of the Senate; and Field, Hall, Kendrick, Lind, McCorkle, Merritt, Murphy, Richardson, Saunders, Yeiser, and Speaker, of the Assembly—15.

Those who voted for Mr. Frémont were—Messrs. Adams, Cooke, De la Guerra, Lippincott, and Warner, of the Senate; and Carnes, Covarrubias, Hoff, Pico, Randall, Robinson, and Stearns, of the Assembly—12.

Those who voted for Mr. Geary were—Messrs. Broderick, and Crosby of the Senate—2.

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

Whole number of votes	48	
Necessary to a choice	25	
Of which Mr. King received	18	votes.
Heydenfeldt	15	
Frémont	13	
Geary	2	

Those who voted for Mr. King were—Messrs. Douglass, Tingley, Woodworth, of the Senate; and Baldwin, Bennett, Bodley, Brown, Campbell, Carr, Cook, Kellogg, Lisle, McDougal, Moore, Osgood, Thorne, Wethered, and Wilkins, of the Assembly—18.

Those who voted for Mr. Heydenfeldt were—Messrs. Green, Heydenfeldt, Miller, and Van Buren, of the Senate; and Field, Hall, Kendrick, Lind, McCorkle, Merritt, Murphy, Richardson, Saunders, Yeiser, and Speaker, of the Assembly—15.

Those who voted for Mr. Frémont were—Messrs. Adams, Cooke, De la Guerra, Lippincott, and Warner, of the Senate; and Bradford, Carnes, Covarrubias, Hoff, Pico, Randall, Robinson, and Stearns, of the Assembly —13.

Those who voted for Mr. Geary were—Messrs. Broderick, and Crosby, of the Senate—2.

No person having received a majority of all the votes given, the Convention in like manner proceeded to a seventy-first vote, the result of which the Tellers reported to be as follows:

Whole number of votes	48
Necessary to a choice	25
Of which Mr. King received	18 votes.
Heydenfeldt	15
Frémont	13
Geary	2

Those whose voted for Mr. King were—Messrs. Douglass, Tingley, and Woodworth, of the Senate; and Baldwin, Bennett, Bodley, Brown, Campbell, Carr, Cook, Kellogg, Lisle, McDougal, Moore, Osgood, Thorne, Wethered, and Wilkins, of the Assembly—18.

Those who voted for Mr. Heydenfeldt were—Messrs. Green, Heydenfeldt, Miller, and Van Buren, of the Senate; and Field, Hall, Kendrick, Lind, McCorkle, Merritt, Murphy, Richardson, Saunders, Yeiser, and Speaker, of the Assembly—15.

Those who voted for Mr Frémont were—Messrs. Adams, Cooke, De la Guerra, Lippincott, and Warner, of the Senate; and Bradford, Carnes, Covarrubias, Hoff, Pico, Randall, Robinson, and Stearns, of the Assembly —13.

Those who voted for Mr. Geary were—Messrs. Broderick, and Crosby, of the Senate—2.

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

Whole number of votes	48
Necessary to a choice	25
Of which Mr. King received	19 votes.
Heydenfeldt	15
Frémont	12
Geary	2

Those who voted for Mr. King were—Messrs. Douglass, Tingley, and Woodworth, of the Senate; and Baldwin, Bennett, Bodley, Bradford, Brown, Campbell, Carr, Cook, Kellogg, Lisle, McDougal, Moore, Osgood, Thorne, Wethered, and Wilkins, of the Assembly—19.

Those who voted for Mr. Heydenfeldt were—Messrs. Green, Heydenfeldt, Miller, and Van Buren, of the Senate; and Field, Hall, Kendrick, Lind, McCorkle, Merritt, Murphy, Richardson, Saunders, Yeiser, and Speaker, of the Assembly—15.

Those who voted for Mr. Frémont were—Messrs. Adams, Cooke, De la Guerra, Lippincott, and Warner, of the Senate; and Carnes, Covarrubias, Hoff, Pico, Randall Robinson, and Stearns, of the Assembly—12.

Those who voted for Mr. Geary were—Messrs. Broderick, and Crosby, of the Senate—2.

No person having received a majority of all the votes given, the Convention in like manner proceeded to a seventy-third vote, the result of which the Tellers reported to be as follows:

Whole number of votes	48
Necessary to a choice	25
Of which Mr. King received	19 votes.
Heydenfeldt	14
Frément	12
Geary	2
Merritt	1

☞ Those who voted for Mr. King were—Messrs. Douglass, Tingley, and Woodworth, of the Senate; and Baldwin, Bennett, Bodley, Bradford, Brown, Campbell, Carr, Cook, Kellogg, Lisle, McDougal, Moore, Osgood, Thorne, Wethered, and Wilkins, of the Assembly—19.

Those who voted for Mr. Heydenfeldt were—Messrs. Green, Heydenfeldt, Miller, and Van Buren, of the Senate; and Field Hall, Kendrick, Lind,

McCorkle, Merritt, Murphy, Saunders, Yeiser, and Speaker, of the Assembly—14.

Those who voted for Mr. Frémont were—Messrs. Adams, Cook, De la Guerra, Lippincott, and Warner, of the Senate; and Carnes, Covarrubias, Hoff, Pico, Randall, Robinson, and Stearns, of the Assembly—12.

Those who voted for Mr. Geary were—Messrs. Broderick, and Crosby, of the Senate—2.

Mr. Richardson, of the Assembly, voted for Mr. Merritt—1.

No person having received a majority of all the votes given, the Convention in like manner proceeded to a seventy-fourth vote, the result of which the Tellers reported to be as follows:

Whole number of votes	. . . . .	48
Necessary to a choice	. . . . .	25
Of which Mr. King received	. . . .	19 votes.
Heydenfeldt	. . . .	15
Frémont	. . . . .	12
Geary	. . . . .	2

Those who voted for Mr. King were—Messrs. Douglass, Tingley, Wooodworth, of the Senate; and Baldwin, Bennett, Bodley, Bradford, Brown, Campbell, Carr, Cook, Kellogg, Lisle, McDougal, Moore, Osgood, Thorne, Wethered, and Wilkins, of the Assembly—19.

Those who voted for Mr. Heydenfeldt were—Messrs. Green, Heydenfeldt, Miller, and Van Buren of the Senate; and Field, Hall, Kendrick, Lind, McCorkle, Merritt, Murphy, Richardson, Saunders, Yeiser, and Speaker, of the Assembly—15.

Those who voted for Mr. Frémont were—Messrs. Adams, Cook, De la Guerra, Lippincott, and Warner, of the Senate; and Carnes, Covarrubias, Hoff, Pico, Randall, Robinson, and Stearns, of the Assembly—12.

Those who voted for Mr. Geary were—Messrs. Broderick and Crosby, of the Senate—2.

No person having received a majority of all the votes given, the Convention in like manner proceeded to a seventy-fifth vote, the result of which the Tellers reported to be as follows:

Whole number of votes	48
Necessary to a choice	25
Of which Mr. King received	19 votes.
Heydenfeldt	15
Frémont	12
Geary	2

Those who voted for Mr. King were—Messrs. Douglass, Tingley, and Woodworth, of the Senate; and Baldwin, Bennett, Bodley, Bradford, Brown, Campbell, Carr, Cook, Kellogg, Lisle, McDougal, Moore, Osgood, Thorne, Wethered, and Wilkins, of the Assembly—19.

Those who voted for Mr. Heydenfeldt were—Messrs. Green, Heydenfeldt, Miller, and Van Buren, of the Senate; and Field, Hall, Kendrick, Lind, McCorkle, Merritt, Murphy, Richardson, Saunders, Yeiser, and Speaker, of the Assembly—15.

Those who voted for Mr. Frémont were—Messrs. Adams, Cooke, De la Guerra, Lippincott, and Warner, of the Senate; and Carnes, Covarrubias, Hoff, Pico, Randall, Robinson, and Stearns, of the Assembly—12.

Those who voted for Mr. Geary were—Messrs. Broderick and Crosby, of the Senate—2.

No person having received a majority of all the votes given, the Convention in like manner proceeded to a seventy-sixth vote, the result of which the Tellers reported to be as follows:

Whole number of votes	48
Necessary to a choice	25
Of which Mr. King received	19 votes.
Heydenfeldt	15
Frémont.	12
Geary	2

Those who voted for Mr. King were—Messrs. Douglass, Tingley, and Woodworth, of the Senate: and Baldwin, Bennett, Bodley, Bradford, Brown, Campbell, Carr, Cook, Kellogg, Lisle, McDougal, Moore, Osgood, Thorne, Wethered, and Wilkins, of the Assembly—19.

Those who voted for Mr. Heydenfeldt were—Messrs. Green, Heydenfeldt, Miller, and Van Buren, of the Senate; and Field, Hall, Kendrick

Lind, McCorkle, Merritt, Murphy, Richardson, Saunders, Yeiser, and Speaker, of the Assembly—15.

Those who voted for Mr. Frémont were—Messrs. Adams, Cooke, De la Guerra, Lippincott, and Warner, of the Senate; and Carnes, Covarrubias, Hoff, Pico, Randall, Robinson, and Stearns, of the Assembly—12.

Those who voted for Mr. Geary were—Messrs. Broderick and Crosby, of the Senate—2.

No person having received a majority of all the votes given, the Convention in like manner proceeded to a seventy-seventh vote, the result of which the Tellers reported to be as follows:

Whole number of votes	48
Necessary to a choice	25
Of which Mr. King received	19 votes.
Heydenfeldt	15
Frémont	12
Geary	2

Those who voted for Mr. King were—Messrs. Douglass, Tingley, and Woodworth, of the Senate; and Baldwin, Bennett, Bodley, Bradford, Brown, Campbell, Carr, Cook, Kellogg, Lisle, McDougal, Moore, Osgood, Thorne, Wethered, and Wilkins, of the Assembly—19.

Those who voted for Mr. Heydenfeldt were—Messrs. Green, Heydenfeldt, Miller, and Van Buren, of the Senate; and Field, Hall, Kendrick, Lind, McCorkle, Merritt, Murphy, Richardson, Saunders, Yeiser, and Speaker, of the Assembly—15.

Those who voted for Mr. Frémont were—Messrs. Adams, Cooke, De la Guerra, Lippincott, and Warner, of the Senate; and Carnes, Covarrubias, Hoff, Pico, Randall, Robinson, and Stearns, of the Assembly—12.

Those who voted for Mr. Geary were—Messrs. Broderick and Crosby, of the Senate—2.

No person having received a majority of all the votes given, the Convention in like manner proceeded to a seventy-eighth vote, the result of which the Tellers reported to be as follows:

Whole number of votes	48
Necessary to a choice	25
Of which Mr. King received	19 votes.

Mr. Heydenfeldt	. . . .	15 votes.
Frémont	. . . . .	12
Geary	. . . . .	2

Those who voted for Mr. King were—Messrs. Douglass, Tingley, and Woodworth, of the Senate; and Baldwin, Bennett, Bodley, Bradford, Brown, Campbell, Carr, Cook, Kellogg, Lisle, McDougall, Moore, Osgood, Thorne, Wethered, and Wilkins, of the Assembly—19.

Those who voted for Mr. Heydenfeldt were—Messrs. Green, Heydenfeldt, Miller, and Van Buren, of the Senate; and Field, Hall, Lind, Kendrick, McCorkle, Merritt, Murphy, Richardson, Saunders, Yeiser, and Speaker, of the Assembly—15.

Those who voted for Mr. Frémont were—Messrs. Adams, Cooke, De la Guerra, Lippincott, and Warner, of the Senate; and Carnes, Covarrubias, Hoff, Pico, Randall, Robinson, and Stearns, of the Assembly—12.

Those who voted for Mr. Geary were—Messrs. Broderick, and Crosby, of the Senate—2.

No person having received a majority of all the votes given, the Convention in like manner proceeded to a seventy-ninth vote, the result of which the Tellers reported to be as follows:

Whole number of votes	. . . .	48
Necessary to a choice	. . . .	25
Of which Mr. King received	. . .	17 votes.
Heydenfeldt	. . . .	14
Frémont	. . . .	11
Geary	. . . . .	2
Scattering	. . . .	4

Those who voted for Mr. King were—Messrs. Douglass, Tingley, and Woodworth, of the Senate; and Baldwin, Bennett, Bodley, Brown, Campbell, Carr, Cook, Kellogg, Lisle, McDougal, Moore, Thorne, Wethered, and Wilkins, of the Assembly—17.

Those who voted for Mr. Heydenfeldt were—Messrs. Green, Heydenfeldt, Miller, and Van Buren, of the Senate; and Field, Hall, Lind, Kendrick, McCorkle, Merritt, Murphy, Richardson, Yeiser, and Speaker, of the Assembly—14.

Those who voted for Mr. Frémont were—Messrs. Adams, Cooke, De

la Guerra, Lippincott, and Warner, of the Senate; and Carnes, Covarrubias, Hoff, Pico, Robinson, and Stearns, of the Assembly—11.

Those who voted for Mr. Geary were—Messrs. Broderick, and Crosby, of the Senate.—2.

Messrs. Bradford, and Saunders, of the Assembly, voted for Winfield Scott Sherwood—2.

Messrs. Osgood, and Randall, of the Assembly, voted for Hon. Robert T. Saunders—2.

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

Whole number of votes	48	
Necessary to a choice	25	
Of which Mr. King received	19	votes.
Heydenfeldt	15	
Frémont	12	
Geary	2	

Those who voted for Mr. King were—Messrs. Douglass, Tingley, and Woodworth, of the Senate; and Baldwin, Bennett, Bodley, Bradford, Brown, Campbell, Carr, Cook, Kellogg, Lisle, McDougal, Moore, Osgood, Thorne, Wethered, and Wilkins, of the Assembly—19.

Those who voted for Mr. Heydenfeldt were—Messrs. Green, Heydenfeldt, Miller, and Van Buren, of the Senate; and Field, Hall, Kendrick, Lind, McCorkle, Merritt, Murphy, Richardson, Saunders, Yeiser, and Speaker, of the Assembly—15.

Those who voted for Mr. Frémont were—Messrs. Adams, Cooke, De la Guerra, Lippincott, and Warner, of the Senate; and Carnes, Covarrubias, Hoff, Pico, Randall, Robinson, and Stearns, of the Assembly—12.

Those who voted for Mr. Geary were—Messrs. Broderick, and Crosby, of the Senate—2.

No person having received a majority of all the votes given, the Convention proceeded in like manner to an eighty-first vote, the result of which the Tellers reported to be as follows:

Whole number of votes	48
Necessary to a choice	25

Of which Mr. King received	19	votes.
Heydenfeldt	15	
Frémont	12	
Geary	2	

Those who voted for Mr. King were—Messrs. Douglass, Tingley, and Woodworth, of the Senate; and Baldwin, Bennett, Bodley, Bradford, Brown, Campbell, Carr, Cook, Kellogg, Lisle, McDougal, Moore, Osgood, Thorne, Wethered, and Wilkins, of the Assembly—19.

Those who voted for Mr. Heydenfeldt were—Messrs. Green, Heydenfeldt, Miller, and Van Buren, of the Senate; and Field, Hall, Kendrick, Lind, McCorkle, Merritt, Murphy, Richardson, Saunders, Yeiser, and Speaker, of the Assembly—15.

Those who voted for Mr. Frémont were—Messrs. Adams, Cooke, De la Guerra, Lippincott, and Warner, of the Senate; and Carnes, Covarrubias, Hoff, Pico, Randall, Robinson, and Stearns, of the Assembly—12.

Those who voted for Mr. Geary were—Messrs. Broderick, and Crosby, of the Senate—2.

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

Whole number of votes	48	
Necessary to a choice	25	
Of which Mr. King received	19	votes.
Heydenfeldt	15	
Frémont	12	
Geary	2	

Those who voted for Mr. King were—Messrs. Douglass, Tingley, and Woodworth, of the Senate; and Baldwin, Bennett, Bodley, Bradford, Brown, Campbell, Carr, Cook, Kellogg, Lisle, McDougal, Moore, Osgood, Thorne, Wethered, and Wilkins, of the Assembly—19.

Those who voted for Mr. Heydenfeldt were—Messrs. Green, Heydenfeldt, Miller, and Van Buren, of the Senate; and Field, Hall, Lind, Kendrick, McCorkle, Merritt, Murphy, Richardson, Saunders, Yeiser, and Speaker, of the Assembly—15.

Those who voted for Mr. Frémont were—Messrs. Adams, Cooke, De la Guerra, Lippincott, and Warner, of the Senate; and Carnes, Covarrubias, Hoff, Pico, Randall, Robinson, and Stearns, of the Assembly—12.

Those who voted for Mr. Geary were—Messrs. Broderick, and Crosby, of the Senate—2.

No person having received a majority of all the votes given, the Convention in like manner proceeded to an eighty-third vote, the result of which the Tellers reported to be as follows:

Whole number of votes	48
Necessary to a choice	25
Of which Mr. King received	19 votes.
Heydenfeldt	
Frémont	12
Geary	2

Those who voted for Mr. King were—Messrs. Douglass, Tingley, and Woodworth, of the Senate; and Baldwin, Bennett, Bodley, Bradford, Brown, Campbell, Carr, Cook, Kellogg, Lisle, McDougal, Moore, Osgood, Thorne, Wethered, and Wilkins, of the Assembly—19.

Those who voted for Mr. Heydenfeldt were—Messrs. Green, Heydenfeldt, Miller, and Van Buren, of the Senate; and Field, Hall, Kendrick, Lind, McCorkle, Merritt, Murphy, Richardson, Saunders, Yeiser, and Speaker, of the Assembly—15.

Those who voted for Mr. Frémont were—Messrs. Adams, Cooke, De la Guerra, Lippincott, and Warner, of the Senate; and Carnes, Covarrubias, Hoff, Pico, Randall, Robinson, and Stearns, of the Assembly—12.

Those who voted for Mr. Geary were—Messrs. Broderick, and Crosby, of the Senate—2.

No person having received a majority of all the votes given, the Convention in like manner proceeded to an eighty-fourth vote, the result of which the Tellers reported to be as follows:

Whole number of votes	48
Necessary to a choice	25
Of which Mr. King received	19 votes.
Heydenfeldt	15

Mr. Frémont received . . .	12 votes.
Geary	2

Those who voted for Mr. King were—Messrs. Douglass, Tingley, and Woodworth, of the Senate; and Baldwin, Bennett, Bodley, Bradford, Brown, Campbell, Carr, Cook, Kellogg, Lisle, McDougal, Moore, Osgood, Thorne, Wethered, and Wilkins, of the Assembly—19.

Those who voted for Mr. Heydenfeldt were—Messrs. Green, Heydenfeldt, Miller, and Van Buren, of the Senate; and Field, Hall, Kendrick, Lind, McCorkle, Merritt, Murphy, Richardson, Saunders, Yeiser, and Speaker, of the Assembly—15.

Those who voted for Mr. Frémont were—Messrs. Adams, Cooke, De la Guerra, Lippincott, and Warner, of the Senate; and Carnes, Covarrubias, Hoff, Pico, Randall, Robinson, and Stearns, of the Assembly—12.

Those who voted for Mr. Geary were—Messrs. Broderick, and Crosby, of the Senate—2.

No person having received a majority of all the votes given, the Convention proceeded, in like manner, to an eighty-fifth vote, the result of which the Tellers reported to be as follows:

Whole number of votes	48	
Necessary to a choice	25	
Of which Mr. King received	19	votes.
Heydenfeldt	15	
Frémont	12	
Geary	2	

Those who voted for Mr. King were—Messrs. Douglass, Tingley, and Woodworth, of the Senate; and Baldwin, Bennett, Bodley, Brown, Bradford, Campbell, Carr, Cook, Kellogg, Lisle, McDougal, Moore, Osgood, Thorne, Wethered, and Wilkins, of the Assembly—19.

Those who voted for Mr. Heydenfeldt were—Messrs. Green, Heydenfeldt, Miller, and Van Buren, of the Senate; and Field, Hall, Kendrick, Lind, McCorkle, Merritt, Murphy, Richardson, Saunders, Yeiser, and Speaker, of the Assembly—15.

Those who voted for Mr. Frémont were—Messrs. Adams, Cooke, De la Guerra, Lippincott, and Warner, of the Senate; and Carnes,

Covarrubias, Hoff, Pico, Randall, Robinson, and Stearns, of the Assembly—12.

Those who voted for Mr. Geary were—Messrs. Broderick, and Crosby, of the Senate—2.

No person having received a majority of all the votes given, the Convention in like manner proceeded to an eighty-sixth vote, the result of which the Tellers reported to be as follows:

Whole number of votes	48	
Necessary to a choice	25	
Of which Mr. King received	19	votes.
Heydenfeldt	15	
Frémont	12	
Geary	2	

Those who voted for Mr. King were—Messrs. Douglass, Tingley, and Woodworth, of the Senate; and Baldwin, Bennett, Bodley, Bradford, Brown, Campbell, Carr, Cook, Kellogg, Lisle, McDougal, Moore, Osgood, Thorne, Wethered, and Wilkins, of the Assembly—19.

Those who voted for Mr. Heydenfeldt were—Messrs. Green, Heydenfeldt, Miller, and Van Buren, of the Senate; and Field, Hall, Lind, Kendrick, McCorkle, Merritt, Murphy, Richardson, Saunders, Yeiser, and Speaker, of the Assembly—15.

Those who voted for Mr. Frémont were—Messrs. Adams, Cooke, De la Guerra, Lippincott, and Warner, of the Senate; and Carnes, Covarrubias, Hoff, Pico, Randall, Robinson, and Stearns, of the Assembly—12.

Those who voted for Mr. Geary were—Messrs. Broderick, and Crosby, of the Senate—2.

No person having received a majority of all the votes given, the Convention proceeded in like manner to an eighty-seventh vote, the result of which the Tellers reported to be as follows:

Whole number of votes	48	
Necessary to a choice	25	
Of which Mr. King received	19	votes.
Heydenfeldt	15	
Frémont	12	
Geary	2	

Those who voted for Mr. King were—Messrs. Douglass, Tingley. and Woodworth, of the Senate; and Baldwin, Bennett, Bodley, Bradford, Brown, Campbell, Carr, Cook, Kellogg, Lisle, McDougal, Moore, Osgood, Thorne, Wethered, and Wilkins, of the Assembly—19.

Those who voted for Mr. Heydenfeldt were—Messrs. Green, Heydenfeldt, Miller, and Van Buren, of the Senate; and Field, Hall, Lind, Kendrick, McCorkle, Merritt, Murphy, Richardson, Saunders, Yeiser, and Speaker, of the Assembly—15.

Those who voted for Mr. Frémont were—Messrs. Adams, Cooke, De la Guerra, Lippincott, and Warner, of the Senate; and Carnes, Covarrubias, Hoff, Pico, Randall, Robinson, and Stearns, of the Assembly—12.

Those who voted for Mr. Geary were—Messrs. Broderick, and Crosby, of the Senate—2.

No person having received a majority of all the votes given, the Convention proceeded in like manner to an eighty-eighth vote, the result of which the Tellers reported to be as follows:

Whole number of votes	48
Necessary to a choice	25
Of which Mr. King received	19 votes.
Heydenfeldt	15
Frémont	12
Geary	2

Those who voted for Mr. King were—Messrs. Douglass, Tingley, and Woodworth, of the Senate; and Baldwin, Bennett, Bodley, Bradford, Brown, Campbell, Carr, Cook, Kellogg, Lisle, McDougal, Moore, Osgood, Thorne, Wethered, and Wilkins, of the Assembly—19.

Those who voted for Mr. Heydenfeldt were—Messrs. Green, Heydenfeldt, Miller, and Van Buren, of the Senate; and Field, Hall, Lind, Kendrick, McCorkle, Merritt, Murphy, Richardson, Saunders, Yeiser, and Speaker, of the Assembly—15.

Those who voted for Mr. Frémont were—Messrs. Adams, Cooke, De la Guerra, Lippincott, and Warner, of the Senate; and Carnes, Covarrubias, Hoff, Pico, Randall, Robinson, and Stearns, of the Assembly —12.

Those who voted for Mr. Geary were—Messrs. Broderick, and Crosby, of the Senate—2.

No person having received a majority of all the votes given, the Convention proceeded in like manner to an eighty-ninth vote, the result of which the Tellers reported be as follows :

Whole number of votes	48	
Necessary to a choice	25	
Of which Mr. King received	17	votes.
Heydenfeldt	15	
Frémont	12	
Geary	2	
Scattering	2	

Those who voted for Mr. King were—Messrs. Douglass, Tingley, and Woodworth, of the Senate; and Baldwin, Bennett, Bodley, Bradford, Brown, Campbell, Carr, Cook, Kellogg, Lisle, McDougal, Moore, Thorne, and Wilkins, of the Assembly—17.

Those who voted for Mr. Heydenfeldt were—Messrs. Green, Heydenfeldt, Miller, and Van Buren, of the Senate; and Field, Hall, Kendrick, Lind, McCorkle, Merritt, Murphy, Richardson, Saunders, Yeiser, and Speaker, of the Assembly—15.

Those who voted for Mr. Frémont were—Messrs. Adams, Cook, De la Guerra, Lippincott, and Warner, of the Senate; and Carnes, Covarrubias, Hoff, Pico, Randall, Robinson, and Stearns, of the Assembly—12.

Those who voted for Mr. Geary were—Messrs. Broderick, and Crosby, of the Senate—2.

Mr. Osgood, of the Assembly, voted for Mr. McCorkle—1.

Mr. Wethered, of the Assembly, voted for John Watson—1.

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

Whole number of votes	48	
Necessary to a choice	25	
Of which Mr. King received	17	votes.
Heydenfeldt	13	
Frémont	13	
Geary	2	
Don Andreas Pico . . .	3	

Those who voted for Mr. King were—Messrs. Douglass, Tingley, and Woodworth, of the Senate; and Baldwin, Bennett, Bodley, Bradford, Brown, Campbell, Carr, Cook, Lisle, McDougal, Moore, Osgood, Thorne, and Wilkins, of the Assembly—17.

Those who voted for Mr. Heydenfeldt were—Messrs. Green, Heydenfeldt, Miller, and Van Buren, of the Senate; and Field, Hall, Kendrick, Lind, McCorkle, Merritt, Murphy, Yeiser, and Speaker, of the Assembly—13.

Those who voted for Mr. Frémont were—Messrs. Adams, Cooke, De la Guerra, Lippincott, and Warner, of the Senate; and Carnes, Covarrubias, Hoff, Kellogg, Pico, Randall, Robinson, and Stearns, of the Assembly—13.

Those who voted for Mr. Geary were—Messrs. Broderick, and Crosby, of the Senate—2.

Those who voted for Don Andreas Pico were—Messrs. Richardson, Saunders, and Wethered, of the Assembly—3.

No person having received a majority of all the votes given, the Convention in like manner proceeded to a ninety-first vote, the result of which the Tellers reported to be as follows:

Whole number of votes	47	
Necessary to a choice	24	
Of which Mr. King received	16	votes.
Heydenfeldt	12	
Frémont	11	
Geary	2	
De la Guerra	6	

Those who voted for Mr. King were—Messrs. Douglass, Tingley, and Woodworth, of the Senate; and Baldwin, Bennett, Bodley, Brown, Campbell, Carr, Cook, Lisle, McDougal, Moore, Osgood, Thorne, and Wilkins, of the Assembly—16.

Those who voted for Mr. Heydenfeldt were—Messrs. Green, Heydenfeldt, and Miller, of the Senate; and Field, Kendrick, Lind, McCorkle, Merritt, Murphy, Richardson, Yeiser, and Speaker, of the Assembly—12.

Those who voted for Mr. Frémont were—Messrs. Adams, Cooke, De la Guerra, and Lippincott, of the Senate; and Carnes, Covarrubias, Hoff, Kellogg, Pico, Robinson, and Stearns, of the Assembly—11.

Those who voted for Mr. Geary were—Messrs. Broderick, and Crosby, of the Senate—2.

Those who voted for Don Pablo de la Guerra were—Messrs. Van Buren, and Warner, of the Senate; and Bradford, Randall, Saunders, and Wethered, of the Assembly—6.

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

Whole number of votes	45	
Necessary to a choice	23	
Of which Mr. King received	18	votes.
Heydenfeldt	13	
Frémont	12	
Geary	2	

Those who voted for Mr. King were—Messrs. Douglass, Tingley, and Woodworth, of the Senate; and Bennett, Bodley, Bradford, Brown, Campbell, Carr, Cook, Kellogg, Lisle, McDougal, Moore, Osgood, Thorne, Wethered, and Wilkins, of the Assembly—18.

Those who voted for Mr. Heydenfeldt were—Messrs. Green, Heydenfeldt, Miller, and Van Buren, of the Senate; and Field, Hall, Kendrick, McCorkle, Merritt, Richardson, Saunders, Yeiser, and Speaker, of the Assembly—13.

Those who voted for Mr. Frémont were—Messrs. Adams, Cooke, De la Guerra, Lippincott, and Warner, of the Senate; and Carnes, Covarrubias, Hoff, Pico, Randall, Robinson, and Stearns, of the Assembly—12.

Those who voted for Mr. Geary were—Messrs. Broderick and Crosby, of the Senate—2.

No person having received a majority of all the votes given, the Convention proceeded in like manner to a ninety-third vote, the result of which the Tellers reported to be as follows:

Whole number of votes	48	
Necessary to a choice	25	
Of which Mr. King received	18	votes.
Heydenfeldt	15	
Frémont	11	
Geary	4	

Those who voted for Mr. King were—Messrs. Douglass, Tingley, and Woodworth, of the Senate; and Baldwin, Bennett, Bodley, Bradford, Brown, Campbell, Carr, Cook, Kellogg, Lisle, McDougal, Moore, Osgood, Thorne, and Wilkins, of the Assembly—18.

Those who voted for Mr. Heydenfeldt were—Messrs. Green, Heydenfeldt, Miller, and Van Buren, of the Senate; and Field, Hall, Kendrick, Lind, McCorkle, Merritt, Murphy, Richardson, Saunders, Yeiser, and Speaker, of the Assembly—15.

Those who voted for Mr. Frémont were—Messrs. Adams, Cooke, De la Guerra, and Warner, of the Senate; and Carnes, Covarrubias, Hoff, Pico, Randall, Robinson, and Stearns, of the Assembly—11.

Those who voted for Mr. Geary were—Messrs. Broderick, Crosby, and Lippincott, of the Senate; and Mr. Wethered, of the Assembly—4.

No person having received a majority of all the votes given, the Convention proceeded in like manner to a ninety-fourth 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. King received	18	votes.
Heydenfeldt	14	
Frémont	12	
Geary	2	

Those who voted for Mr. King were—Messrs. Tingley, and Woodworth, of the Senate; and Baldwin, Bennett, Bodley, Bradford, Brown, Campbell, Carr, Cook, Kellogg, Lisle, McDougal, Moore, Osgood, Thorne, Wethered, and Wilkins, of the Assembly—18.

Those who voted for Mr. Heydenfeldt were—Messrs. Green, Heydenfeldt, Miller, and Van Buren, of the Senate; and Field, Hall, Kendrick, Lind, McCorkle, Merritt, Murphy, Richardson, Saunders, and Speaker of the Assembly—14.

Those who voted for Mr. Frémont were—Messrs. Adams, Cooke, De la Guerra, Lippincott, and Warner, of the Senate; and Carnes, Covarrubias, Hoff, Pico, Randall, Robinson, and Stearns, of the Assembly—12.

Those who voted for Mr. Geary were—Messrs. Broderick, and Crosby, of the Senate—2.

No person having received a majority of all the votes given, the Convention in like manner proceeded to a ninety-fifth vote, the result of which the Tellers reported to be as follows:

Whole number of votes	. . . . .	48
Necessary to a choice	. . . . .	25
Of which Mr. King received	. . . .	19 votes.
Heydenfeldt	. . . .	15
Frémont	. . . . .	12
Geary	. . . . .	2

Those who voted for Mr. King were—Messrs. Douglass, Tingley, and Woodworth, of the Senate; and Baldwin, Bennett, Bodley, Bradford, Brown, Campbell, Carr, Cook, Kellogg, Lisle, McDougal, Moore, Osgood, Thorne, Wethered, and Wilkins, of the Assembly—19.

Those who voted for Mr. Heydenfeldt were—Messrs. Green, Heydenfeldt, Miller, and Van Buren, of the Senate; and Field, Hall, Kendrick, Lind, McCorkle, Merritt, Murphy, Richardson, Saunders, Yeiser, and Speaker, of the Assembly—15.

Those who voted for Mr. Frémont were—Messrs. Adams, Cooke, De la Guerra, Lippincott, and Warner, of the Senate; and Carnes, Covarrubias, Hoff, Pico, Randall, Robinson, and Stearns, of the Assembly—12.

Those who voted for Mr. Geary were—Messrs. Crosby, and Broderick, of the Senate—2.

No person having received a majority of all the votes given, the Convention in like manner proceeded to a ninety-sixth vote, the result of which the Tellers reported to be as follows:

Whole number of votes	. . . . .	48
Necessary to a choice	. . . . .	25
Of which Mr. King received	. . . .	19 votes.
Heydenfeldt	. . . .	15
Frémont	. . . . .	12
Geary	. . . . .	2

Those who voted for Mr. King were—Messrs. Douglass, Tingley, and Woodworth, of the Senate; and Baldwin, Bennett, Bodley, Bradford,

Brown, Campbell, Carr, Cook, Kellogg, Lisle, McDougal, Moore, Osgood, Thorne, Wethered, and Wilkins, of the Assembly—19.

Those who voted for Mr. Heydenfeldt were—Messrs. Green, Heydenfeldt, Miller, and Van Buren, of the Senate; and Field, Hall, Kendrick, Lind, McCorkle, Merritt, Murphy, Richardson, Saunders, Yeiser, and Speaker, of the Assembly—15.

Those who voted for Mr. Frémont were—Messrs. Adams, Cooke, De la Guerra, Lippincott, and Warner, of the Senate; and Carnes, Covarrubias, Hoff, Pico, Randall, Robinson and Stearns, of the Assembly—12.

Those who voted for Mr. Geary were—Messrs. Crosby, and Broderick, of the Senate—2.

No person having received a majority of all the votes given, the Convention in like manner proceeded to a ninety-seventh vote, the result of which the Tellers reported to be as follows:

Whole number of votes	48
Necessary to a choice	25
Of which Mr. King received	19 votes.
Heydenfeldt	15
Frémont	12
Geary	2

Those who voted for Mr. King were—Messrs. Douglass, Tingley, and Woodworth, of the Senate; and Baldwin, Bennett, Bodley, Bradford, Brown, Campbell, Carr, Cook, Kellogg, Lisle, McDougal, Moore, Osgood, Thorne, Wethered, and Wilkins, of the Assembly—19.

Those who voted for Mr. Heydenfeldt were—Messrs. Green, Heydenfeldt, Miller, and Van Buren, of the Senate; and Field, Hall, Kendrick, Lind, McCorkle, Merritt, Murphy, Richardson, Saunders, Yeiser, and Speaker, of the Assembly—15.

Those who voted for Mr. Frémont were—Messrs. Adams, Cooke, De la Guerra, Lippincott, and Warner, of the Senate; and Carnes, Covarrubias, Hoff, Pico, Randall, Robinson, and Stearns, of the Assembly—12.

Those who voted for Mr. Geary were—Messrs. Crosby, and Broderick, of the Senate—2.

No person having received a majority of all the votes given, the Convention proceeded in like manner to a ninety-eighth vote, the result of which the Tellers reported to be as follows:

Whole number of votes	48
Necessary to a choice	25
Of which Mr. King received	19 votes.
Heydenfeldt	15
Frémont	12
Geary	2

Those who voted for Mr. King were—Messrs. Douglass, Tingley, and Woodworth, of the Senate; and Baldwin, Bennett, Bodley, Bradford, Brown, Campbell, Carr, Cook, Kellogg, Lisle, McDougal, Moore, Osgood, Thorne, Wethered, and Wilkins, of the Assembly—19.

Those who voted for Mr. Heydenfeldt were—Messrs. Green, Heydenfeldt, Miller, and Van Buren, of the Senate; and Field, Hall, Kendrick, Lind, McCorkle, Merritt, Murphy, Richardson, Saunders, Yeiser, and Speaker, of the Assembly—15.

Those who voted for Mr. Frémont were—Messrs. Adams, Cooke, De la Guerra, Lippincott, and Warner, of the Senate; and Carnes, Covarrubias, Hoff, Pico, Randall, Robinson, and Stearns, of the Assembly—12.

Those who voted for Mr. Geary were—Messrs. Broderick, and Crosby, of the Senate—2.

No person having received a majority of all the votes given, the Convention proceeded in like manner to a ninety-ninth vote, the result of which the Tellers reported to be as follows:

Whole number of votes	48
Necessary to a choice	25
Of which Mr. King received	19 votes.
Heydenfeldt	15
Frémont	12
Geary	2

Those who voted for Mr. King were—Messrs. Douglass, Tingley, and Woodworth, of the Senate; and Baldwin, Bennett, Bodley, Bradford,

Brown

, Campbell, Carr, Cook, Kellogg, Lisle, McDougal, Moore, Osgood, Thorne, Wethered, and Wilkins, of the Assembly—19.

Those who voted for Mr. Heydenfeldt were—Messrs. Green, Heydenfeldt, Miller, and Van Buren, of the Senate; and Field, Hall, Kendrick, Lind, McCorkle, Merritt, Murphy, Richardson, Saunders, Yeiser, and Speaker, of the Assembly—15.

Those who voted for Mr. Frémont were—Messrs. Adams, Cooke, De la Guerra, Lippincott, and Warner, of the Senate; and Carnes, Covarrubias, Hoff, Pico, Randall, Robinson, and Stearns, of the Assembly—12.

Those who voted for Mr. Geary were—Messrs. Broderick, and Crosby, of the Senate—2.

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

Whole number of votes	48	
Necessary to a choice	25	
Of which Mr. King received	18	votes.
Heydenfeldt	15	
Frémont	13	
Geary	2	

Those who voted for Mr. King were—Messrs. Douglass, Tingley, and Woodworth, of the Senate; and Baldwin, Bennett, Bodley, Bradford, Brown, Campbell, Carr, Cook, Lisle, McDougal, Moore, Osgood, Thorne, Wethered, and Wilkins, of the Assembly—18.

Those who voted for Mr. Heydenfeldt were—Messrs. Green, Heydenfeldt, Miller, and Van Buren, of the Senate; and Field, Hall, Kendrick, Lind, McCorkle, Merritt, Murphy, Richardson, Saunders, Yeiser, and Speaker, of the Assembly—15.

Those who voted for Mr. Frémont were—Messrs. Adams, Cooke, De la Guerra, Lippincott, and Warner, of the Senate; and Carnes, Covarrubias, Hoff, Kellogg, Pico, Randall, Robinson, and Stearns, of the Assembly—13.

Those who voted for Mr. Geary were—Messrs. Broderick, and Crosby, of the Senate—2.

Mr. Green moved that the Convention take a recess until to-morrow

at 11, A. M.; but the question was, by yeas and nays, decided in the negative, as follows :

Yeas : Messrs. Adams, Broderick, Crosby, De la Guerra, Green, of the Senate; and Bradford, Campbell, Carnes, Covarrubias, Field, Pico, Randall, Saunders, Stearns, Yeiser, and Speaker, of the Assembly—16.

Nays : Messrs. Cooke, Douglass, Heydenfeldt, Lippincott, Miller, Tingley, Van Buren, and Warner, of the Senate; and Baldwin, Bennett, Bodley, Brown, Carr, Cook, Hall, Hoff, Kellogg, Kendrick, Lisle, Lind, McCorkle, McDougal, Moore, Osgood, Richardson, Robinson, Thorne, Wethered, and Wilkins, of the Assembly—29.

Mr. Carr moved that the Convention take a recess until 7, P. M., but the question was, by yeas and nays, decided in the negative, as follows :

Yeas : Messrs. Adams, Douglass, Green, Heydenfeldt, of the Senate ; and Baldwin, Bodley, Bradford, Campbell, Carr, Field, Hoff, McDougal, Merritt, Moore, Murphy, Osgood, Robinson, Saunders, Thorne, Wilkins, and Yeiser, of the Assembly—21.

Nays : Messrs. Broderick, Cooke, Crosby, De la Guerra, Lippincott, Miller, Tingley, Van Buren, Warner, and Woodworth, of the Senate ; and Bennett, Brown, Carnes, Cook, Covarrubias, Hall, Kellogg, Kendrick, Lisle, Lind, McCorkle, Pico, Richardson, Stearns, Wethered, and Speaker, of the Assembly—26.

Mr. Osgood moved that the Convention take a recess until half-past seven o'clock, P. M., and the question was, by yeas and nays, decided in the affirmative, as follows :

Yeas : Messrs. Adams, Douglass, Green, Heydenfeldt, Lippincott, and Woodworth, of the Senate ; and Baldwin, Bennett, Bodley, Bradford, Campbell, Carr, Field, Hoff, McCorkle, McDougal, Merritt, Moore, Murphy, Osgood, Richardson, Robinson, Saunders, Stearns, Thorne, Wilkins, and Yeiser, of the Assembly—27.

Nays : Messrs. Broderick, Cooke, Crosby, De la Guerra, Miller, Tingley, Van Buren, and Warner, of the Senate ; Brown, Carnes, Cook, Covarrubias, Hall, Kellogg, Kendrick, Lisle, Lind, Pico, Wethered, and Speaker, of the Assembly—20.

IN SENATE.

Mr. Broderick moved that the Senate withdraw from the Convention until two weeks from this day, at 12, M., but the question was decided in the negative, by yeas and nays, as follows:

YEAS.

Mr. Broderick	Mr. Warner
Cooke	—3.

NAYS.

Mr. Adams	Mr. Heydenfeldt
Crosby	Lippincott
Douglass	Miller
De la Guerra	Tingley
Green	Van Buren—10.

On motion of Mr. Green, the Senate then took a recess until twenty minutes past 7, P. M.

The Senate reassembled pursuant to adjournment.

IN CONVENTION.

The Convention proceeded to the one hundred and first vote for United States Senator, when the Tellers reported the result to be as follows:

Whole number of votes	48
Necessary to a choice	25
Of which Mr. King received	19 votes.
Heydenfeldt	16
Frémont	13
Geary	1

Those who voted for Mr. King were—Messrs. Douglass, Tingley, and Woodworth, of the Senate; and Baldwin, Bennett, Bodley, Bradford,

Brown, Campbell, Carr, Cook, Lisle, McDougal, Moore, Osgood, Thorne, Wethered, and Wilkins, of the Assembly—18.

Those who voted for Mr. Heydenfeldt were—Messrs. Green, Heydenfeldt, Miller, Van Buren, of the Senate; Field, Hall, Kendrick, Lind, McCandless, McCorkle, Merritt, Murphy, Richardson, Saunders, Yeiser, Speaker, of the Assembly—16.

Those who voted for Mr. Frémont were—Messrs. Adams, Cooke, De la Guerra, Lippincott, Warner, of the Senate; Carnes, Covarrubias, Hoff, Kellogg, Pico, Randall, Robinson, Stearns, of the Assembly—13.

Mr. Broderick voted for Mr. Geary—1.

No person having received a majority of all the votes given, the Convention in like manner proceeded to a one hundred and second vote, which the Tellers reported to have resulted as follows:

Whole number of votes	48
Necessary to a choice	25
Of which Mr. King received . . .	18 votes.
Heydenfeldt	15
Frémont	14
Geary	1

Those who voted for Mr. King were—Messrs. Douglass, Tingley, Woodworth, of the Senate; Baldwin, Bennett, Bodley, Bradford, Brown, Campbell, Carr, Cook, Lisle, McDougal, Moore, Osgood, Thorne, Wethered, Wilkins, of the Assembly—18.

Those who voted for Mr. Heydenfeldt were—Messrs. Green, Heydenfeldt, Miller, Van Buren, of the Senate; Field, Hall, Kendrick, Lind, McCandless, McCorkle, Merritt, Murphy, Saunders, Yeiser, Speaker, of the Assembly—15.

Those who voted for Mr. Frémont were—Messrs. Adams, Cooke, De la Guerra, Lippincott, and Warner, of the Senate; and Carnes, Covarrubias, Hoff, Kellogg, Pico, Randall, Richardson, Robinson, and Stearns, of the Assembly—14.

Mr. Broderick, of the Senate, voted for Mr. Geary—1.

No person having received a majority of all the votes given, the Convention proceeded in like manner to a one hundred and third vote, the result of which the Tellers reported to be as follows;

Whole number of votes	48
Necessary to a choice	25
Of which Mr. King received	18 votes.
Heydenfeldt	15
Frémont received.	14
Geary	1

Those who voted for Mr. King were—Messrs. Douglass, Tingley, and Woodworth, of the Senate; and Baldwin, Bennett, Bodley, Bradford, Brown, Campbell, Carr, Cook, Lisle, McDougal, Moore, Osgood, Thorne, Wethered, and Wilkins, of the Assembly—18.

Those who voted for Mr. Heydenfeldt were—Messrs. Green, Heydenfeldt, Miller, and Van Buren, of the Senate; and Field, Hall, Kendrick, Lind, McCandless, McCorkle, Merritt, Murphy, Saunders, Yeiser, and Speaker, of the Assembly—15.

Those who voted for Mr. Frémont were—Messrs. Adams, Cooke, De la Guerra, Lippincott, and Van Buren, of the Senate; and Carnes, Covarrubias, Hoff, Kellogg, Pico, Randall, Richardson, Robinson, and Stearns, of the Assembly—14.

Mr. Broderick, of the Senate, voted for Mr. Geary—1.

No person having received a majority of all the votes given, the Convention in like manner proceeded to a one hundred and fourth vote, the result of which the Tellers reported to be as follows:—

Whole number of votes	48
Necessary for a choice	25
Of which Mr. King received	19 votes.
Heydenfeldt	15
Frémont	13
Geary	1

Those who voted for Mr. King were—Messrs. Douglass, Tingley, and Woodworth, of the Senate; and Baldwin, Bennett, Bodley, Bradford, Brown, Campbell, Carr, Cook, Kellogg, Lisle, McDougal, Moore, Osgood, Thorne, Wethered, and Wilkins, of the Assembly—19.

Those who voted for Mr. Heydenfeldt were—Messrs. Green, Heydenfeldt, Miller, and Van Buren, of the Senate; and Field, Hall, Kendrick, Lind, McCandless, McCorkle, Merritt, Murphy, Saunders, Yeiser, and Speaker, of the Assembly—15.

Those who voted for Mr. Frémont were—Messrs. Adams, Cooke, De la Guerra, Lippincott, and Warner, of the Senate; and Carnes, Covarrubias, Hoff, Pico, Randall, Richardson, Robinson, and Stearns, of the Assembly—13.

Mr. Broderick, of the Senate, voted for Mr. Geary—1.

No person having received a majority of all the votes given, the Convention proceeded in like manner to a one hundred and fifth vote, the result of which the Tellers reported to be as follows:

Whole number of votes	. . . . .	48
Necessary to a choice	. . . . .	25
Of which Mr. King received	. . . .	19 votes.
Heydenfeldt	. . . .	15
Frémont	. . . .	13
Geary	. . . .	1

Those who voted for Mr. King were—Messrs. Douglass, Tingley, and Woodworth, of the Senate; and Baldwin, Bennett, Bodley, Bradford, Brown, Campbell, Carr, Cook, Kellogg, Lisle, McDougal, Moore, Osgood, Thorne, Wethered, and Wilkins, of the Assembly—19.

Those who voted for Mr. Heydenfeldt were—Messrs. Green, Heydenfeldt, Miller, and Van Buren, of the Senate; and Field, Hall, Kendrick, Lind, McCandless, McCorkle, Merritt, Murphy, Saunders, Yeiser, and Speaker, of the Assembly—15.

Those who voted for Mr. Frémont were—Messrs. Adams, Cooke, De la Guerra, Lippincott, and Warner, of the Senate; and Carnes, Covarrubias, Hoff, Pico, Randall, Richardson, Robinson, and Stearns, of the Assembly—13.

Mr. Broderick, of the Senate, voted for Mr. Geary—1.

No person having received a majority of all the votes given, the Convention in like manner proceeded to a one hundred and sixth vote, the result of which the Tellers reported to be as follows:

Whole number of votes	. . . .	48
Necessary to a choice	. . . .	25
Of which Mr. King received	. . .	19 votes.
Heydenfeldt	. . .	15
Frémont	. . . .	13
Geary	. . . .	1

Those who voted for Mr. King were—Messrs. Douglass, Tingley, and Woodworth, of the Senate; and Baldwin, Bennett, Bodley, Bradford, Brown, Campbell, Carr, Cook, Kellogg, Lisle, McDougal, Moore, Osgood, Thorne, Wethered, and Wilkins, of the Assembly—19.

Those who voted for Mr. Heydenfeldt were—Messrs. Green, Heydenfeldt, Miller, and Van Buren, of the Senate; and Field, Hall, Kendrick, Lind, McCandless, McCorkle, Merritt, Murphy, Saunders, Yeiser, and Speaker, of the Assembly—15.

Those who voted for Mr. Frémont were—Messrs. Adams, Cooke, De la Guerra, Lippincott, and Warner, of the Senate; and Carnes, Covarrubias, Hoff, Pico, Randall, Richardson, Robinson, and Stearns, of the Assembly—13.

Mr. Broderick, of the Senate, voted for Mr. Geary—1.

No person having received a majority of all the votes given, the Convention in like manner proceeded to a one hundred and seventh vote, the result of which the Tellers reported to be as follows:

Whole number of votes	48
Necessary to a choice	25
Of which Mr. King received	19 votes.
Heydenfeldt	15
Frémont	13
Geary	1

Those who voted for Mr. King were—Messrs. Douglass, Tingley, and Woodworth, of the Senate; and Baldwin, Bennett, Bodley, Bradford, Brown, Campbell, Carr, Cook, Kellogg, McDougal, Lisle, Moore, Osgood, Thorne, Wethered, and Wilkins, of the Assembly—19.

Those who voted for Mr. Heydenfeldt were—Messrs. Green, Heydenfeldt, Miller, and Van Buren, of the Senate; and Field, Hall, Kendrick, Lind, McCandless, McCorkle, Merritt, Murphy, Saunders, Yeiser, and Speaker, of the Assembly—15.

Those who voted for Mr. Frémont were—Messrs. Adams, Cooke, De la Guerra, Lippincott, and Warner, of the Senate; and Carnes, Covarrubias, Hoff, Pico, Randall, Richardson, Robinson, and Stearns, of the Assembly—13.

Mr. Broderick, of the Senate, voted for Mr. Geary—1.

No person having received a majority of all the votes given, the Convention proceeded in like manner to a one hundred and eighth vote, the result of which the Tellers reported to be as follows:

Whole number of votes	48	
Necessary to a choice	25	
Of which Mr. King received	19	votes.
Heydenfeldt	15	
Fremont	13	
Geary	1	

Those who voted for Mr. King were—Messrs. Douglass, Tingley, and Woodworth, of the Senate; and Baldwin, Bennett, Bodley, Bradford, Brown, Campbell, Carr, Cook, Kellogg, McDougal, Lisle, Moore, Osgood, Thorne, Wethered, and Wilkins, of the Assembly—19.

Those who voted for Mr. Heydenfeldt were—Messrs. Green, Heydenfeldt, Miller, and Van Buren, of the Senate; and Field, Hall, Kendrick, Lind, McCandless, McCorkle, Merritt, Murphy, Saunders, Yeiser, and Speaker, of the Assembly—15.

Those who voted for Mr. Frémont were—Messrs. Adams, Cooke, De la Guerra, Lippincott, and Warner, of the Senate; and Carnes, Covarrubias, Hoff, Pico, Randall, Richardson, Robinson, and Stearns, of the Assembly—13.

Mr. Broderick, of the Senate, voted for Mr. Geary—1.

No person having received a majority of all the votes given, the Convention in like manner proceeded to a one hundred and ninth vote, the result of which the Tellers reported to be as follows:

Whole number of votes	48	
Necessary to a choice	25	
Of which Mr. King received	19	votes.
Heydenfeldt	15	
Frémont	13	
Geary	1	

Those who voted for Mr. King were—Messrs. Douglass, Tingley, and Woodworth, of the Senate; and Baldwin, Bennett, Bodley, Bradford, Brown, Campbell, Carr, Cook, Kellogg, McDougal, Lisle, Moore, Osgood, Thorne, Wethered, and Wilkins, of the Assembly—19.

Those who voted for Mr. Heydenfeldt were—Messrs. Green, Heydenfeldt, Miller, and Van Buren, of the Senate; and Field, Hall, Kendrick,

Lind, McCandless, McCorkle, Merritt, Murphy, Saunders, Yeiser, and Speaker, of the Assembly—15.

Those who voted for Mr. Frémont were—Messrs. Adams, Cooke, De la Guerra, Lippincott, and Warner, of the Senate; and Carnes, Covarrubias, Hoff, Pico, Randall, Richardson, Robinson, and Stearns, of the Assembly—13.

Mr. Broderick, of the Senate, voted for Mr. Geary—1.

No person having received a majority of all the votes given, the Convention proceeded in like manner to a one hundred and tenth vote, the result of which the Tellers reported to be as follows:

Whole number of votes	48	
Necessary to a choice	25	
Of which Mr. King received	19	votes.
Heydenfeldt	15	
Frémont	13	
Geary	1	

Those who voted for Mr. King were—Messrs. Douglass, Tingley, and Woodworth, of the Senate; and Baldwin, Bennett, Bodley, Bradford, Brown, Campbell, Carr, Cook, Kellogg, McDougal, Lisle, Moore, Osgood, Thorne, Wethered, and Wilkins of the Assembly—19.

Those who voted for Mr. Heydenfeldt were—Messrs. Green, Heydenfeldt, Miller, and Van Buren, of the Senate; and Field, Hall, Kendrick, Lind, McCandless, McCorkle, Merritt, Murphy, Saunders, Yeiser, and Speaker, of the Assembly—15.

Those who voted for Mr. Frémont were—Messrs. Adams, Cooke, De la Guerra, Lippincott, and Warner, of the Senate; and Carnes, Covarrubias, Hoff, Pico, Randall, Richardson, Robinson, and Stearns, of the Assembly—13.

Mr. Broderick, of the Senate, voted for Mr. Geary—1.

Mr. Wilkins moved a recess until 11, A.M., to-morrow, and the question was, by yeas and nays, decided in the affirmative, as follows:

Yeas: Messrs. Broderick, Douglass, De la Guerra, Green, Heydenfeldt, Tingley, Warner, Woodworth, of the Senate; and Baldwin, Bennett, Bradford, Brown, Campbell, Carr, Carnes, Cook, Covarrubias, Field, Hall, Hoff, Kellogg, Lind, McCandless, McCorkle, McDougal, Merritt, Moore, Murphy, Osgood, Pico, Randall, Richardson, Robinson,

Saunders, Stearns, Thorne, Wilkins, Yeiser, Speaker, of the Assembly —39.

Nays: Messrs. Adams, Cooke, Lippincott, Miller, Van Buren, of the Senate; Bodley, Kendrick, Lisle, Wethered, of the Assembly—9.

IN SENATE.

On motion of Mr. Douglass, the Senate took a recess uutil five minutes before 11, A.M., to-morrow.

DAVID C. BRODERICK, President of the Senate.

J. F. HOWE, Secretary of the Senate.

IN SENATE.

TUESDAY, *February* 25, 1851.

The Senate assembled pursuant to adjournment.

On motion of Mr. Heydenfeldt, the reading of the Journal was dispensed with.

IN CONVENTION.

The Convention reassembled at 11, A.M., and proceeded to a one hundred and eleventh vote for U. States Senator, the result of which the Tellers reported to be as follows:

Whole number of votes	48
Necessary to a choice	25
Of which Mr. King received	16 votes.
Heydenfeldt	15
Frémont	12
Geary	1
Scattering	4

Those who voted for Mr. King were—Messrs. Douglass, and Tingley, of the Senate; and Baldwin, Bennett, Bodley, Bradford, Brown, Campbell, Carr, Cook, Lisle, McDougal, Moore, Osgood, Thorne, and Wilkins, of the Assembly—16.

Those who voted for Mr. Heydenfeldt were—Messrs. Green, Heydenfeldt, Miller, Robinson, and Van Buren, of the Senate; and Field, Hall, Kendrick, Lind, Merritt, Murphy, Richardson, Saunders, Yeiser, and Speaker, of the Assembly—15.

Those who voted for Mr. Frémont were—Messrs. Adams, Cooke, De la Guerra, Lippincott, and Warner, of the Senate; and Carnes, Covarrubias, Hoff, McCorkle, Pico, Robinson, and Stearns, of the Assembly—12.

Mr. Broderick, of the Senate, voted for Mr. Geary—1.

Mr. Woodworth, of the Senate; and Messrs. Randall, and Wethered, of the Assembly, voted for Talbot H. Green—3.

Mr. Crosby, of the Senate, voted for Hon. Nathaniel Bennett—1.

Mr. Broderick withdrew the name of John W. Geary as a candidate.

No person having received a majority of all the votes given, the Convention in like manner proceeded to a one hundred and twelfth vote, the result of which the Tellers reported to be as follows:

Whole number of votes	. . . .	49
Necessary to a choice	. . . .	25
Of which Mr. King received	. . .	17 votes.
Heydenfeldt	. . .	16
Frémont	. . . .	13
Bennett	. . . .	1
De la Guerra	. . . .	2

Those who voted for Mr. King were—Messrs. Douglass, Tingley, and Woodworth, of the Senate; and Baldwin, Bennett, Bodley, Bradford, Brown, Campbell, Carr, Cook, Lisle, McDougal, Moore, Osgood, Thorne and Wilkins, of the Assembly—17.

Those who voted for Mr. Heydenfeldt were—Messrs. Broderick, Green, Heydenfeldt, Miller, and Van Buren, of the Senate; and Field, Hall, Kendrick, Lind, McCandless, Merritt, Murphy, Richardson, Saunders, Yeiser, and Speaker, of the Assembly—16.

Those who voted for Mr. Frémont were—Messrs. Adams, Cooke, De la Guerra, Lippincott, and Warner, of the Senate; and Carnes, Covarru-

bias, Hoff, McCorkle, Pico, Randall, Robinson, and Stearns, of the Assembly—13.

Mr. Crosby, of the Senate, voted for Mr. Bennett—1.

Mr. Robinson, of the Senate, and Wethered, of the Assembly, voted for Don Pablo de la Guerra—2.

No person having received a majority of all the votes given, the Convention, in like manner, proceeded to a one hundred and thirteenth vote, the result of which the Tellers reported to be as follows:

Whole number of votes	. . . .	49
Necessary to a choice	. . . .	25
Of which Mr. King received	. . . .	18 votes.
Heydenfeldt	. . . .	17
Frémont	. . . .	13
Bennett	. . . .	1

Those who voted for Mr. King were—Messrs. Douglass, Tingley, and Woodworth, of the Senate; and Baldwin, Bennett, Bodley, Bradford, Brown, Campbell, Carr, Cook, Lisle, McDougal, Moore, Osgood, Thorne, Wethered, and Wilkins, of the Assembly—18.

Those who voted for Mr. Heydenfeldt were—Messrs. Broderick, Green, Heydenfeldt, Miller, Robinson, and Van Buren, of the Senate; and Field, Hall, Kendrick, Lind, McCandless, Merritt, Murphy, Richardson, Saunders, Yeiser, and Speaker, of the Assembly—17.

Those who voted for Mr. Frémont were—Messrs. Adams, Cooke, De la Guerra, Lippincott, and Warner, of the Senate; and Carnes, Covarrubias, Hoff, McCorkle, Pico, Randall, Robinson, and Stearns, of the Assembly—13.

Mr. Crosby, of the Senate, voted for Mr. Bennett—1.

No person having received a majority of all the votes given, the Convention in like manner proceeded to a one hundred and fourteenth vote, the result of which the Tellers reported to be as follows:

Whole number of votes	. . . . .	49
Necessary to a choice	. . . . .	25
Of which Mr. King received	. . . .	18 votes.
Heydenfeldt	. . . .	17
Frémont	. . . . .	13
Bennett	. . . . .	1

Those who voted for Mr. King were—Messrs. Douglass, Tingley, and Woodworth, of the Senate; and Baldwin, Bennett, Bodley, Bradford, Brown, Campbell, Carr, Cook, Lisle, McDougal, Moore, Osgood, Thorne, Wethered, and Wilkins, of the Assembly—18.

Those who voted for Mr. Heydenfeldt were—Messrs. Broderick, Green, Heydenfeldt, Miller, Robinson, and Van Buren, of the Senate; and Field, Hall, Kendrick, Lind, McCandless, Merritt, Murphy, Richardson, Saunders, Yeiser, and Speaker, of the Assembly—17.

Those who voted for Mr. Frémont were—Messrs. Adams, Cooke, De la Guerra, Lippincott, and Warner, of the Senate; and Carnes, Covarrubias, Hoff, McCorkle, Pico, Randall, Robinson, and Stearns, of the Assembly—13.

Mr. Crosby, of the Senate, voted for Mr. Bennett—1.

No person having received a majority of all the votes given, the Convention in like manner proceeded to a one hundred and fifteenth vote, the result of which the Tellers reported to be as follows:

Whole number of votes	49	
Necessary to a choice	25	
Of which Mr. King received	18	votes.
Heydenfeldt	17	
Frémont	13	
Bennett	1	

Those who voted for Mr. King were—Messrs. Douglass, Tingley, and Woodworth, of the Senate; and Baldwin, Bennett, Bodley, Bradford, Brown, Campbell, Carr, Cook, Lisle, McDougal, Moore, Osgood, Thorne, Wethered, and Wilkins, of the Assembly—18.

Those who voted for Mr. Heydenfeldt were—Messrs. Broderick, Green, Heydenfeldt, Miller, Robinson, and Van Buren, of the Senate; and Field, Hall, Kendrick, Lind, McCandless, Merritt, Murphy, Richardson, Saunders, Yeiser, and Speaker, of the Assembly—17.

Those who voted for Mr. Frémont were—Messrs. Adams, Cooke, De la Guerra, Lippincott, and Warner, of the Senate; and Carnes, Covarrubias, Hoff, McCorkle, Pico, Randall, Robinson, and Stearns, of the Assembly—13.

Mr. Crosby, of the Senate, voted for Mr. Bennett—1.

No person having received a majority of all the votes given, the Con-

vention in like manner proceeded to a one hundred and sixteenth vote, the result of which the Tellers reported to be as follows:

Whole number of votes	49	
Necessary to a choice	25	
Of which Mr. King received	18	votes.
Heydenfeldt	17	
Frémont	13	
Bennett	1	

Those who voted for Mr. King were—Messrs. Douglass, Tingley, and Woodworth, of the Senate; and Baldwin, Bennett, Bodley, Bradford, Brown, Campbell, Carr, Cook, Lisle, McDougal, Moore, Osgood, Thorne, Wethered, and Wilkins, of the Assembly—18.

Those who voted for Mr. Heydenfeldt were—Messrs. Broderick, Green, Heydenfeldt, Miller, Robinson, and Van Buren, of the Senate; and Field, Hall, Kendrick, Lind, McCandless, Merritt, Murphy, Richardson, Saunders, Yeiser, and Speaker, of the Assembly—17.

Those who voted for Mr. Frémont were—Messrs. Adams, Cooke, De la Guerra, Lippincott, and Warner, of the Senate; and Carnes, Covarrubias, Hoff, McCorkle, Pico, Randall, Robinson, and Stearns, of the Assembly—13.

Mr. Crosby, of the Senate, voted for Mr. Bennett—1.

No person having received a majority of all the votes given, the Convention proceeded in like manner to an one hundred and seventeenth vote, the result of which the Tellers reported to be as follows:

Whole number of votes	49	
Necessary to a choice	25	
Of which Mr. King received . . .	18	votes.
Heydenfeldt . . .	17	
Frémont	13	
Bennett	1	

Those who voted for Mr. King were—Messrs. Douglass, Tingley, and Woodworth, of the Senate; and Baldwin, Bennett, Bodley, Bradford, Brown, Campbell, Carr, Cook, Lisle, McDougal, Moore, Osgood, Thorne, Wethered, and Wilkins, of the Assembly—18.

Those who voted for Mr. Heydenfeldt were—Messrs. Broderick, Green, Heydenfeldt, Miller, Robinson, and Van Buren, of the Senate; and Field, Hall, Kendrick, Lind, McCandless, Merritt, Murphy, Richardson, Saunders, Yeiser, and Speaker, of the Assembly—17.

Those who voted for Mr. Frémont were—Messrs. Adams, Cooke, De la Guerra, Lippincott, and Warner, of the Senate; and Carnes, Covarrubias, Hoff, McCorkle, Pico, Randall, Robinson, and Stearns, of the Assembly—13.

Mr. Crosby, of the Senate, voted for Mr. Bennett—1.

Mr. Van Buren moved that the Convention do now adjourn, *sine die*, but the question was decided in the negative, by yeas and nays, as follows:

Yeas: Messrs. Crosby, Green, Van Buren, Warner, of the Senate; Covarrubias, Field, Kendrick, McCandless, Merritt, Speaker, of the Assembly—10.

Nays: Messrs. Adams, Broderick, Cook, Douglass, De la Guerra, Heydenfeldt, Lippincott, Miller, Tingley, Woodworth, of the Senate; Baldwin, Bennett, Bodley, Bradford, Brown, Campbell, Carr, Carnes, Cook, Hall, Hoff, Lisle, Lind, McCorkle, McDougal, Moore, Murphy, Osgood, Pico, Randall, Richardson, Robinson, Saunders, Stearns, Thorne, Wethered, Wilkins, Yeiser, of the Assembly—38.

No person having received a majority of all the votes given, the Convention proceeded in like manner to an one hundred and eighteenth vote, the result of which the Tellers reported to be as follows:

Whole number of votes	48	
Necessary to a choice	25	
Of which Mr. King received	16	votes.
Heydenfeldt	16	
Frémont	13	
Scattering	3	

Those who voted for Mr. King were—Messrs. Douglass and Tingley, of the Senate; and Baldwin, Bennett, Bodley, Bradford, Brown, Campbell, Carr, Cook, Lisle, McDougal, Moore, Osgood, Thorne, and Wilkins, of the Assembly—16.

Those who voted for Mr. Heydenfeldt were—Messrs. Broderick, Green, Heydenfeldt, Miller, and Van Buren, of the Senate; and Field, Hall,

Kendrick, Lind, McCandless, Merritt, Murphy, Richardson, Saunders, Yeiser, and Speaker, of the Assembly—16.

Those who voted for Mr. Frémont were—Messrs. Adams, Cooke, De la Guerra, Lippincott, and Warner, of the Senate; and Carnes, Covarrubias, Hoff, McCorkle, Pico, Randall, Robinson, and Stearns, of the Assembly—13.

Mr. Crosby, of the Senate, voted for Mr. Bennett—1.

Mr. Woodworth, of the Senate, and Wethered, of the Assembly, voted for John Smith Hosford—2.

No person having received a majority of all the votes given, the Convention proceeded in like manner to a one hundred and nineteenth vote, the result of which the Tellers reported to be as follows:

Whole number of votes	48
Necessary to a choice	25
Of which Mr. King received	16 votes.
Heydenfeldt	15
Frémont	14
Collier	1
Scattering	2

Those who voted for Mr. King were—Messrs. Douglass, and Tingley, of the Senate; and Baldwin, Bennett, Bodley, Bradford, Brown, Campbell, Carr, Cook, Lisle, McDougal, Moore, Osgood, Thorne, and Wilkins, of the Assembly—16.

Those who voted for Mr. Heydenfeldt were—Messrs. Broderick, Green, Heydenfeldt, Miller, and Van Buren, of the Senate; and Hall, Kendrick, Lind, McCandless, Merritt, Murphy, Richardson, Saunders, Yeiser, and Speaker, of the Assembly—15.

Those who voted for Mr. Frémont were—Messrs. Adams, Cooke, De la Guerra, Lippincott, and Warner, of the Senate; and Carnes, Covarrubias, Field, Hoff, McCorkle, Pico, Randall, Robinson, and Stearns, of the Assembly—14.

Mr. Crosby, of the Senate, voted for Mr. Bennett—1.

Mr. Wethered, of the Assembly, voted for Mr. Collier—1.

Mr. Woodworth, of the Senate, voted for John Smith Hosford—1.

Mr. Wethered, of the Assembly, withdrew the name of James A. Collier as a candidate.

No person having received a majority of all the votes given, the Convention in like manner proceeded to a one hundred and twentieth vote, the result of which the Tellers reported to be as follows:

Whole number of votes		48
Necessary to a choice		25
Of which Mr. King received	18	votes.
Heydenfeldt	16	
Fremont	13	
Bennett	1	

Those who voted for Mr. King were—Messrs. Douglass, Tingley, and Woodworth, of the Senate; and Baldwin, Bennett, Bodley, Bradford, Brown, Campbell, Carr, Cook, Lisle, McDougal, Moore, Osgood, Thorne, Wethered, and Wilkins, of the Assembly—18.

Those who voted for Mr. Heydenfeldt were—Messrs. Broderick, Green, Heydenfeldt, Miller, and Van Buren, of the Senate; and Field, Hall, Kendrick, Lind, McCandless, Merritt, Murphy, Richardson, Saunders, Yeiser, and Speaker, of the Assembly—16.

Those who voted for Mr. Frémont were—Messrs. Adams, Cooke, De la Guerra, Lippincott, and Warner, of the Senate; and Carnes, Covarrubias, Hoff, McCorkle, Pico, Randall, Robinson, and Stearns, of the Assembly—13.

Mr. Crosby, of the Senate, voted for Mr. Bennett—1.

No person having received a majority of all the votes given, the Convention in like manner proceeded to a one hundred and twenty-first vote, the result of which the Tellers reported to be as follows:

Whole number of votes		48
Necessary to a choice		25
Of which Mr. King received	20	votes.
Heydenfeldt	16	
Frémont	11	
Bennett	1	

Those who voted for Mr. King were—Messrs. Douglass, Tingley, and Woodworth, of the Senate; and Baldwin, Bennett, Bodley, Bradford, Brown, Campbell, Carr, Cook, Lisle, McDougal, Moore, Osgood, Robinson, Stearns, Thorne, Wethered, and Wilkins, of the Assembly—20.

Those who voted for Mr. Heydenfeldt were—Messrs. Broderick, Green, Heydenfeldt, Miller, and Van Buren, of the Senate; and Field, Hall, Kendrick, Lind, McCandless, Merritt, Murphy, Richardson, Saunders, Yeiser, and Speaker, of the Assembly—16.

Those who voted for Mr. Frémont were—Messrs. Adams, Cooke, De la Guerra, Lippincott, and Warner, of the Senate; and Carnes, Covarrubias, Hoff, McCorkle, Pico, and Randall, of the Assembly—11.

Mr. Crosby, of the Senate, voted for Mr. Bennett—1.

No person having received a majority of all the votes given, the Convention proceeded in like manner to a one hundred and twenty-second vote, the result of which the Tellers reported to be as follows:

Whole number of votes	48
Necessary to a choice	25
Of which Mr. King received	20 votes.
Heydenfeldt	16
Frémont	11
Bennett	1

Those who voted for Mr. King were—Messrs. Douglass, Tingley, and Woodworth, of the Senate; and Baldwin, Bennett, Bodley, Bradford, Brown, Campbell, Carr, Cook, Lisle, McDougal, Moore, Osgood, Robinson, Stearns, Thorne, Wethered, and Wilkins, of the Assembly —20.

Those who voted for Mr. Heydenfeldt were—Messrs. Broderick, Green, Heydenfeldt, Miller, and Van Buren, of the Senate; and Field, Hall, Kendrick, Lind, McCandless, Merritt, Murphy, Richardson, Saunders, Yeiser, and Speaker, of the Assembly—16.

Those who voted for Mr. Frémont were—Messrs. Adams, Cooke, De la Guerra, Lippincott, and Warner, of the Senate; and Carnes, Covarrubias, Hoff, McCorkle. Pico, and Randall, of the Assembly—11.

Mr. Crosby, of the Senate, voted for Mr. Bennett—1.

No person having received a majority of all the votes given, the Convention proceeded in like manner to a one hundred and twenty-third vote, the result of which the Tellers reported to be as follows:

Whole number of votes	48
Necessary to a choice	25

Of which Mr. King received	. . . .	19 votes.
Heydenfeldt	. . . .	16
Frémont	. . . .	11
Bennett	. . . .	1
Geo. W. Crane	. . . .	1

Those who voted for Mr. King were—Messrs. Douglass, Tingley, and Woodworth, of the Senate; and Baldwin, Bennett, Bodley, Bradford, Brown, Campbell, Carr, Cook, Lisle, McDougal, Moore, Robinson, Stearns, Thorne, Wethered, and Wilkins, of the Assembly—19.

Those who voted for Mr. Heydenfeldt were—Messrs. Broderick, Green, Heydenfeldt, Miller, and Van Buren, of the Senate; and Field, Hall, Kendrick, Lind, McCandless, Merritt, Murphy, Richardson, Saunders, Yeiser, and Speaker, of the Assembly—16.

Those who voted for Mr. Frémont were—Messrs. Adams, Cooke, De la Guerra, Lippincott, and Warner, of the Senate; and Carnes, Covarrubias, Hoff, McCorkle, Pico, and Randall, of the Assembly—11.

Mr. Crosby, of the Senate, voted for Mr. Bennett—1.

Mr. Osgood, of the Assembly, voted for Mr. Geo. W. Crane—1.

Mr. Hall, of the Assembly, moved that the Convention take a recess until 3, P. M.; and the question was, by yeas and nays, decided in the affirmative, as follows:

Yeas: Messrs. Crosby, Douglass, De la Guerra, Green, Heydenfeldt, Miller, Tingley, of the Senate; Baldwin, Bradford, Brown, Carr, Carnes, Covarrubias, Cook, Field, Hall, Hoff, Kendrick, McCandless, McCorkle, McDougal, Moore, Murphy, Osgood, Pico, Randall, Robinson, Saunders, Stearns, Thorne, Wilkins, Yeiser, and Speaker, of the Assembly—33.

Nays: Messrs. Adams, Broderick, Cooke, Lippincott, Van Buren, Warner, and Woodworth, of the Senate; Bennett, Bodley, Campbell, Lisle, Lind, Richardson, of the Assembly—13.

IN SENATE.

On motion of Mr. Green, the Senate took a recess until five minutes before three, P. M.

AFTERNOON SESSION.

The Senate reassembled at five minutes before three, P. M.

IN CONVENTION.

The two Houses again met in Convention at three, P. M., and proceeded to the hundred and twenty-fourth vote for United States Senator, the result of which the Tellers reported to be as follows:

Whole number of votes	. . . . .	48
Necessary to a choice	. . . . .	25
Of which Mr. King received	. . . .	18 votes.
Heydenfeldt	. . . .	16
Frémont	. . . . .	13
Bennett	. . . . .	1

Those who voted for Mr. King were—Messrs. Douglass, Tingley, and Woodworth, of the Senate; and Baldwin, Bennett, Bodley, Bradford, Brown, Campbell, Carr, Cook, Lisle, McDougal, Moore, Osgood, Thorne, Wethered, and Wilkins, of the Assembly—18.

Those who voted for Mr. Heydenfeldt were—Messrs. Broderick, Green, Heydenfeldt, Miller, Van Buren, of the Senate; Field, Hall, Kendrick, Lind, McCandless, Merritt, Murphy, Richardson, Saunders, Yeiser, and Speaker, of the Assembly—16.

Those who voted for Mr. Frêmont were—Messrs. Adams, Cooke, De la Guerra, Lippincott, Warner, of the Senate; Carnes, Covarrubias, Hoff, McCorkle, Pico, Randall, Robinson, Stearns, of the Assembly—13.

Mr. Crosby, of the Senate, voted for Mr. Bennett—1.

No person having received a majority of all the votes given, the Convention in like manner proceeded to a hundred and twenty-fifth vote, the result of which the Tellers reported to be as follows:

Whole number of votes	. . . .	48
Necessary to a choice	. . . .	25

Of which Mr. King received	. . . .	18 votes.
Heydenfeldt	. . . .	15
Frémont	. . . .	14
Bennett	. . . .	1

Those who voted for Mr. King were—Messrs. Douglass, Tingley, and Woodworth, of the Senate; and Baldwin, Bennett, Bodley, Bradford, Brown, Campbell, Carr, Cooke, Lisle, McDougal, Moore, Osgood, Thorne, Wethered, and Wilkins, of the Assembly—18.

Those who voted for Mr. Heydenfeldt were—Messrs. Broderick, Green, Heydenfeldt, Miller, and Van Buren, of the Senate; and Hall, Kendrick, Lind, McCandless, Merritt, Murphy, Richardson, Saunders, Yeiser, and Speaker, of the Assembly—15.

Those who voted for Mr. Frémont were—Messrs. Adams, Cook, De la Guerra, Lippincott, and Warner, of the Senate; and Carnes, Covarrubias, Field, Hoff, McCorkle, Pico, Randall, Robinson, and Stearns, of the Assembly—14.

Mr. Crosby, of the Senate, voted for Mr. Bennett—1.

No person having received a majority of all the votes given, the Convention in like manner proceeded to a one hundred and twenty-sixth vote, the result of which the Tellers reported to be as follows:

Whole number of votes	. . . . .	48
Necessary to a choice	. . . . .	25
Of which Mr. King received	. . . .	18 votes.
Heydenfeldt	. . . . .	15
Frémont	. . . . .	14
Bennett	. . . . .	1

Those who voted for Mr. King were—Messrs. Douglass, Tingley, and Woodworth, of the Senate; and Baldwin, Bennett, Bodley, Bradford, Brown, Campbell, Carr, Cook, Lisle, McDougal, Moore, Osgood, Thorne, Wethered, and Wilkins, of the Assembly—18.

Those who voted for Mr. Heydenfeldt were—Messrs. Broderick, Green, Heydenfeldt, Miller, and Van Buren, of the Senate; and Hall, Kendrick, Lind, McCandless, Merritt, Murphy, Richardson, Saunders, Yeiser, and Speaker, of the Assembly—15.

Those who voted for Mr. Frémont were—Messrs. Adams, Cooke, De

la Guerra, Lippincott, and Warner, of the Senate; and Carnes, Covarrubias, Field Hoff, McCorkle, Pico, Randall, Robinson, and Stearns, of the Assembly—14.

Mr. Crosby, of the Senate, voted for Mr. Bennett—1.

No person having received a majority of all the votes given, the Convention proceeded in like manner to a one hundred and twenty-seventh vote, the result of which the Tellers reported to be as follows:

Whole number of votes	. . . . .	48
Necessary to a choice	. . . . .	25
Of which Mr. King received	. . . .	18 votes.
Heydenfeldt	. . . .	15
Frémont	. . . . .	14
Bennett	. . . . .	1

Those who voted for Mr. King were—Messrs. Douglass, Tingley, and Woodworth, of the Senate; and Baldwin, Bennett, Bodley, Bradford, Brown, Campbell, Carr, Cook, Lisle, McDougal, Moore, Osgood, Thorne, Wethered, and Wilkins, of the Assembly—18.

Those who voted for Mr. Heydenfeldt were—Messrs. Broderick, Green, Heydenfeldt, Miller, and Van Buren, of the Senate; and Hall, Kendrick, Lind, McCandless, Merritt, Murphy, Richardson, Saunders, Yeiser, and Speaker, of the Assembly—15.

Those who voted for Mr. Frémont were—Messrs. Adams, Cooke, De la Guerra, Lippincott, and Warner, of the Senate; and Carnes, Covarrubias, Field, Hoff, McCorkle, Pico, Randall, Robinson, and Stearns, of the Assembly—14.

Mr. Crosby, of the Senate, voted for Mr. Bennett—1.

No person having received a majority of all the votes given, the Convention proceeded in like manner to a one hundred and twenty-eighth vote, the result of which the Tellers reported to be as follows:

Whole number of votes	. . . . .	48
Necessary to a choice	. . . . .	25
Of which Mr. King received	. . . .	18 votes.
Heydenfeldt	. . . .	15
Frémont	. . . . .	14
Bennett	. . . . .	1

Those who voted for Mr. King were—Messrs. Douglass, Tingley, and Woodworth, of the Senate; and Baldwin, Bennett, Bodley, Bradford, Brown, Campbell, Carr, Cook, Lisle, McDougal, Moore, Osgood, Thorne, Wethered, and Wilkins, of the Assembly—18.

Those who voted for Mr. Heydenfeldt were—Messrs. Broderick, Green, Heydenfeldt, Miller, and Van Buren, of the Senate; and Hall, Kendrick, Lind, McCandless, Merritt, Murphy, Richardson, Saunders, Yeiser, and Speaker, of the Assembly—15.

Those who voted for Mr. Frémont were—Messrs. Adams, Cooke, De la Guerra, Lippincott, and Warner, of the Senate; and Carnes, Covarrubias, Field, Hoff, McCorkle, Pico, Randall, Robinson, and Stearns, of the Assembly—14.

Mr. Crosby, of the Senate, voted for Mr. Bennett—1.

No person having received a majority of all the votes given, the Convention in like manner proceeded to a one hundred and twenty-ninth vote, the result of which the Tellers reported to be as follows:

Whole number of votes	. . . . .	48
Necessary to a choice	. . . . .	25
Of which Mr. King received	. . . .	16 votes.
Heydenfeldt	. . . .	14
Frémont	. . . . .	15
Scattering	. . . . .	3

Those who voted for Mr. King were—Messrs. Douglass, Tingley, and Woodworth, of the Senate; and Baldwin, Bennett, Bodley, Bradford, Brown, Campbell, Carr, Lisle, McDougal, Moore, Osgood, Thorne, and Wilkins, of the Assembly—16.

Those who voted for Mr. Heydenfeldt were—Messrs. Broderick, Green, Heydenfelt, Miller, and Van Buren, of the Senate; and Hall, Kendrick, Lind, McCandless, Merritt, Murphy, Saunders, Yeiser, and Speaker, of the Assembly—14.

Those who voted for Mr. Frémont were—Messrs. Adams, Cooke, De la Guerra, Lipppincott, and Warner, of the Senate; and Carnes, Covarrubias, Field, Hoff, McCorkle, Pico, Randall, Richardson, Robinson, and Stearns, of the Assembly—15.

Mr. Crosby, of the Senate, voted for Mr. Bennett—1.

Messrs. Cook, and Wethered, of the Assembly, voted for John Wethered—2.

No person having received a majority of all the votes given, the Convention in like manner proceeded to a one hundred and thirtieth vote, the result of which the Tellers reported to be as follows:

Whole number of votes	48
Necessary to a choice	25
Of which Mr. King received	18 votes.
Heydenfelt	14
Frémont	15
Bennett	1

Those who voted for Mr. King were—Messrs. Douglass, Tingley, and Woodworth, of the Senate; and Baldwin, Bennett, Bodley, Bradford, Brown, Campbell, Carr, Cook, Lisle, McDougal, Moore, Osgood, Thorne, Wethered, and Wilkins, of the Assembly—18.

Those who voted for Mr. Heydenfeldt were—Messrs. Broderick, Green, Heydenfeldt, Miller, and Van Buren, of the Senate; and Hall, Kendrick, Lind, McCandless, Merritt, Murphy, Saunders, Yeiser, and Speaker, of the Assembly—14.

Those who voted for Mr. Frémont were—Messrs. Adams, Cooke, De la Guerra, Lippincott, and Warner, of the Senate; and Carnes, Covarrubias, Field, Hoff, McCorkle, Pico, Randall, Richardson, Robinson, and Stearns, of the Assembly—15.

Mr. Crosby, of the Senate, voted for Mr. Bennett—1.

No person having received a majority of all the votes given, the Convention in like manner proceeded to a one hundred and thirty-first vote, the result of which the Tellers reported to be as follows:

Whole number of votes	48
Necessary to a choice	25
Of which Mr. King received	18 votes.
Heydenfeldt	16
Frémont	13
Bennett	1

Those who voted for Mr. King were—Messrs. Douglass, Tingley, and

Woodworth, of the Senate; and Baldwin, Bennett, Bodley, Bradford, Brown, Campbell, Carr, Cook, Lisle, McDougal, Moore, Osgood, Thorne, Wethered, and Wilkins, of the Assembly—18.

Those who voted for Mr. Heydenfeldt were—Messrs. Broderick, Green, Heydenfeldt, Miller, and Van Buren, of the Senate; and Field, Hall, Kendrick, Lind, McCandless, Merritt, Murphy, Richardson, Saunders, Yeiser, and Speaker, of the Assembly—16.

Those who voted for Mr. Frémont were—Messrs. Adams, Cooke, De la Guerra, Lippincott, and Warner, of the Senate; and Carnes, Covarrubias, Hoff, McCorkle, Pico, Randall, Robinson, and Stearns, of the Assembly—13.

Mr. Crosby, of the Senate, voted for Mr. Bennett—1.

Mr. Field moved that the Convention adjourn *sine die*, but the question was decided in the negative, by yeas and nays, as follows:

Yeas: Messrs. Broderick, Crosby, Green, Van Buren, Warner, and Woodworth, of the Senate; and Bennett, Covarrubias, Field, Hall, Hoff, Kendrick, Lind, Merritt, Murphy, Wethered, Yeiser, Speaker, of the Assembly—18.

Nays: Messrs. Adams, Cooke, Douglass, De la Guerra, Heydenfeldt, Lippincott, Miller, and Tingley, of the Senate; and Baldwin, Bodley, Bradford, Brown, Campbell, Carr, Carnes, Cook, Lisle, McCandless, McCorkle, McDougal, Moore, Osgood, Pico, Randall, Richardson, Robinson, Saunders, Stearns, Thorne, and Wilkins, of the Assembly.—30.

Mr. Green moved that the Convention adjourn until the first day of June next, but the question was decided in the negative, by yeas and nays, as follows:

Yeas: Messrs. Broderick, Green, Van Buren, and Warner, of the Senate; and Bennett, Hall, Hoff, Kendrick, Merritt, Murphy, Wethered, and Yeiser, of the Assembly—12.

Nays: Messrs. Adams, Cooke, Crosby, Douglass, De la Guerra, Heydenfeldt, Robinson, Miller, Tingley, and Woodworth, of the Senate; and Baldwin, Bodley, Bradford, Brown, Campbell, Carr, Carnes, Cook, Covarrubias, Field, Lisle, Lind, McCandless, McCorkle, McDougal, Moore, Osgood, Pico, Randall, Richardson, Robinson, Saunders, Stearns, Thorne, Wilkins, and Speaker, of the Assembly—36.

Mr. Lisle, of the Assembly, moved that the Convention take a recess until to-morrow at 11, A.M., and the question was, by yeas and nays, decided in the affirmative as follows:

Yeas: Messrs. Adams, Broderick, Crosby, Douglass, De la Guerra, Green, Lippincott, Miller, and Woodworth, of the Senate; and Baldwin Bodley, Bradford, Brown, Carr, Carnes, Cook, Covarrubias, Hall, Lisle Lind, McCandless, McCorkle, McDougal, Moore, Murphy, Osgood, Pico, Randall, Robinson, Saunders, Stearns, Thorne, Wilkins, Yeiser, of the Assembly—34.

Nays: Messrs. Cooke, Heydenfeldt, Tingley, Van Buren, and Warner, of the Senate; and Bennett, Campbell, Field, Hoff, Kendrick, Merritt, Richardson, Wethered, and Speaker, of the Assembly—14.

IN SENATE.

On motion of Mr. Douglass, the Senate took a recess until 5 minutes before 11, A.M., to-morrow.

DAVID C. BRODERICK, President of the Senate.

J. F. HOWE, Secretary of the Senate.

IN SENATE.

WEDNESDAY, *February* 26, 1851.

The Senate assembled pursuant to adjournment.

On motion, the reading of the Journal was dispensed with.

Mr. Warner presented the credentials of Hon. Stephen C. Foster, elected a Senator from the Second Senatorial District, in place of Hon. Alexander W. Hope, resigned, and Mr. F. was duly qualified, and took his seat.

IN CONVENTION.

The two Houses reassembled in Convention at 11, A. M., and proceeded to the hundred and thirty-second vote for United States Senator, the result of which the Tellers reported to be as follows:

Whole number of votes	50
Necessary to a choice	26
Of which Mr. King received	19 votes.
Heydenfeldt	15
Frémont	15
Bennett	1

Those who voted for Mr. King were—Messrs. Douglass, Tingley, and Woodworth, of the Senate; and Baldwin, Bennett, Bodley, Bradford, Brown, Campbell, Carr, Cook, Lisle, McCandless, McDougal, Moore, Osgood, Thorne, Wethered, and Wilkins, of the Assembly—19.

Those who voted for Mr. Heydenfeldt were—Messrs. Broderick, Green, Heydenfeldt, Miller, Robinson, and Van Buren, of the Senate; and Hall, Kendrick, Lind, Merritt, Murphy, Richardson, Saunders, Yeiser, and Speaker, of the Assembly—15.

Those who voted for Mr. Frémont were—Messrs. Adams, Cooke, De la Guerra, Foster, Lippincott, and Warner, of the Senate; and Carnes, Covarrubias, Field, Hoff, McCorkle, Pico, Randall, Robinson, and Stearns, of the Assembly—15.

Mr. Crosby, of the Senate, voted for Mr. Bennett—1.

No person having received a majority of all the votes given, the Convention in like manner proceeded to a one hundred and thirty-third vote, the result of which the Tellers reported to be as follows:

Whole number of votes	50
Necessary to a choice	26
Of which Mr. King received	19 votes.
Heydenfeldt	15
Frémont	15
Bennett	1

Those who voted for Mr. King were—Messrs. Douglass, Tingley, and Woodworth, of the Senate; and Baldwin, Bennett, Bradford, Bodley, Brown, Campbell, Carr, Cook, Lisle, McCandless, McDougal, Moore, Osgood, Thorne, Wethered, and Wilkins, of the Assembly—19.

Those who voted for Mr. Heydenfeldt were—Messrs. Broderick, Green, Heydenfeldt, Miller, Robinson, and Van Buren, of the Senate;

and Hall, Kendrick, Lind, Merritt, Murphy, Richardson, Saunders, Yeiser, and Speaker, of the Assembly—15.

Those who voted for Mr. Frémont were—Messrs. Adams, Cooke, De la Guerra, Foster, Lippincott, and Warner, of the Senate; and Carnes, Covarrubias, Field, Hoff, McCorkle, Pico, Randall, Robinson, and Stearns, of the Assembly—15.

Mr. Crosby, of the Senate, voted for Mr. Bennett—1.

No person having received a majority of all the votes given, the Convention in like manner proceeded to a one hundred and thirty-fourth vote, the result of which the Tellers reported to be as follows:

Whole number of votes	50	
Necessary to a choice	26	
Of which Mr. King received	19	votes.
Heydenfeldt	15	
Frémont	15	
Bennett	1	

Those who voted for Mr. King were—Messrs. Douglass, Tingley, and Woodworth, of the Senate; and Baldwin, Bennett, Bodley, Bradford, Brown, Campbell, Carr, Cook, Lisle, McCandless, McDougal, Moore, Osgood, Thorne, Wethered, and Wilkins, of the Assembly—19.

Those who voted for Mr. Heydenfeldt were—Messrs. Broderick, Green, Heydenfeldt, Miller, Robinson, and Van Buren, of the Senate; and Hall, Kendrick, Lind, Merritt, Murphy, Richardson, Saunders, Yeiser, and Speaker, of the Assembly—15.

Those who voted for Mr. Frémont were—Messrs. Adams, Cooke, De la Guerra, Foster, Lippincott, and Warner of the Senate; and Carnes, Covarrubias, Field, Hoff, McCorkle, Pico, Randall, Robinson, and Stearns, of the Assembly—15.

Mr. Crosby, of the Senate, voted for Mr. Bennett—1.

No person having received a majority of all the votes given, the Convention proceeded in like manner to a one hundred and thirty-fifth vote, the result of which the Tellers reported to be as follows:

Whole number of votes	50
Necessary to a choice	26

Of which Mr. King received	19	votes.
Heydenfeldt	15	
Fremont	15	
Bennett	1	

Those who voted for Mr. King were—Messrs. Douglass, Tingley, and Woodworth, of the Senate; and Baldwin, Bennett, Bodley, Bradford, Brown, Campbell, Carr, Cook, Lisle, McCandless, McDougal, Moore, Osgood, Thorne, Wethered, and Wilkins, of the Assembly—19.

Those who voted for Mr. Heydenfeldt were—Messrs. Broderick, Green, Heydenfeldt, Miller, Robinson, and Van Buren, of the Senate; and Hall, Kendrick, Lind, Merritt, Murphy, Richardson, Saunders, Yeiser, and Speaker, of the Assembly—15.

Those who voted for Mr. Frémont were—Messrs. Adams, Cooke, De la Guerra, Foster, Lippincott, and Warner, of the Senate; and Carnes, Covarrubias, Field, Hoff, McCorkle, Pico, Randall, Robinson, and Stearns, of the Assembly—15.

Mr. Crosby, of the Senate, voted for Mr. Bennett—1.

No person having received a majority of all the votes given, the Convention proceeded in like manner to a one hundred and thirty-sixth vote, the result of which the Tellers reported to be as follows:

Whole number of votes	50	
Necessary to a choice	26	
Of which Mr. King received	19	votes.
Heydenfeldt	15	
Frémont	15	
Bennett	1	

Those who voted for Mr. King were—Messrs. Douglass, Tingley, and Woodworth, of the Senate; and Baldwin, Bennett, Bodley, Bradford, Brown, Campbell, Carr, Cook, Lisle, McCandless, McDougal, Moore, Osgood, Thorne, Wethered, and Wilkins, of the Assembly—19.

Those who voted for Mr. Heydenfeldt were—Messrs. Broderick, Green, Heydenfeldt, Miller, Robinson, and Van Buren, of the Senate; and Hall, Kendrick, Lind, Merritt, Murphy, Richardson, Saunders, Yeiser, and Speaker of the Assembly—15.

Those who voted for Mr. Frémont were—Messrs. Adams, Cooke, De la Guerra, Foster, Lippincott, and Warner, of the Senate; and Carnes, Covarrubias, Field, Hoff, McCorkle, Pico, Randall, Robinson, and Stearns, of the Assembly—15.

Mr. Crosby, of the Senate, voted for Mr. Bennett—1.

Mr. Heydenfeldt, of the Senate, moved that the Convention do now adjourn *sine die*, until after the close of the present Session of the Legislature; but the question was, by yeas and nays, decided in the negative, as follows:

Yeas: Messrs. Broderick, Green, Heydenfeldt, Miller, Robinson, Van Buren, Warner, of the Senate; Field, Hall, Hoff, Kendrick, Lind, McCandless, Merritt, Murphy, Yeiser, Speaker, of the Assembly—17.

Nays: Messrs. Adams, Cooke, Crosby, Douglass, De la Guerra, Foster, Lippincott, Tingley, Woodworth, of the Senate; and Baldwin, Bennett, Bodley, Bradford, Brown, Campbell, Carr, Carnes, Cook, Covarrubias, Lisle, McCorkle, McDougal, Moore, Osgood, Pico, Randall, Robinson, Saunders, Stearns, Thorne, Wethered, Wilkins, of the Assembly—32.

Mr. Merritt, of the Assembly, submitted a preamble and resolution that,

WHEREAS this Convention has now been seven days engaged in fruitless efforts to elect an United States Senator; and, WHEREAS there exists a pressing necessity for speedy legislative action on questions of vital importance to the whole people of the State; therefore,

Resolved, That this Convention do now adjourn, to reassemble in the Senate Chamber on the third Monday of March next, ensuing, at 12 o'clock, M.

And the question being on the adoption of the resolution, the yeas and nays were demanded, and resulted as follows:

Yeas: Messrs. Adams, Green, Miller, Van Buren, Warner, of the Senate; and Field, Hall, Hoff, Kendrick, Lind, McCandless, Merritt, Murphy, Randall, Richardson, Speaker, of the Assembly—16.

Nays: Messrs. Broderick, Cooke, Crosby, Douglass, De la Guerra, Foster, Heydenfeldt, Lippincott, Robinson, Tingley, Woodworth, of the Senate; Baldwin, Bennett, Bodley, Bradford, Brown, Campbell, Carr, Carnes, Cook, Covarrubias, Lisle, McCorkle, McDougal, Moore, Osgood, Pico, Robinson, Saunders, Stearns, Thorne, Wethered, Wilkins, Yeiser, of the Assembly—34.

So the question was decided in the negative.

The Convention then proceeded in like manner to a hundred and thirty-seventh vote for United States Senator, the result of which the Tellers reported to be as follows:

Whole number of votes	50	
Necessary to a choice	26	
Of which Mr. King received	19	votes.
Heydenfeldt	15	
Frémont	15	
Bennett	1	

Those who voted for Mr. King were—Messrs. Douglass, Tingley, and Woodworth, of the Senate; and Baldwin, Bennett, Bodley, Bradford, Brown, Campbell, Carr, Cook, Lisle, McCandless, McDougal, Moore, Osgood, Thorne, Wethered, and Wilkins, of the Assembly—19.

Those who voted for Mr. Heydenfeldt were—Messrs. Broderick, Green, Heydenfeldt, Miller, Robinson, and Van Buren, of the Senate; and Hall, Kendrick, Lind, Merritt, Murphy, Richardson, Saunders, Yeiser, and Speaker, of the Assembly—15.

Those who voted for Mr. Frémont were—Messrs. Adams, Cooke, De la Guerra, Foster, Lippincott, and Warner, of the Senate; and Carnes, Covarrubias, Field, Hoff, McCorkle, Pico, Randall, Robinson, and Stearns, of the Assembly—15.

Mr. Crosby, of the Senate, voted for Mr. Bennett—1.

Mr. Green, of the Senate, moved that the Convention take a recess until 3, P.M., and the question was, by yeas and nays, decided in the affirmative, as follows:

Yeas: Messrs. Broderick, Crosby, Douglass, De la Guerra, Green, Heydenfeldt, Lippincott, Miller, Robinson, and Tingley, of the Senate; and Baldwin, Bennett, Bodley, Bradford, Brown, Campbell, Carr, Carnes, Covarrubias, Kendrick, Lisle, Lind, McCorkle, Merritt, Moore, Osgood, Pico, Randall, Robinson, Stearns, Thorne, Wilkins, and Yeiser, of the Assembly—33.

Nays: Messrs. Adams, Cooke, Foster, Van Buren, Warner, and Woodworth, of the Senate; and Cook, Field, Hall, Hoff, McCandless, McDougal, Murphy, Richardson, Saunders, Wethered, and Speaker, of the Assembly—17.

IN SENATE.

On motion of Mr. Broderick, the Senate took a recess until 5 minutes before 3, P.M., the question being taken by yeas and nays, and resulting as follows :

Yeas : Messrs. Adams, Broderick, Crosby, Douglass, De la Guerra, Green, Heydenfeldt, Foster, Lippincott, Miller, Tingley, Warner, and Woodworth—13.

Nays : Messrs. Cooke, Robinson, and Van Buren—3.

AFTERNOON SESSION.

The Senate reassembled pursuant to adjournment.

IN CONVENTION.

The two Houses reassembled in Convention at 3, P.M.

Mr. Lisle, of the Assembly, moved that the Convention proceed again to vote for United States Senator, and the question was, by yeas and nays, decided in the affirmative, as follows :

Yeas : Messrs. Broderick, Cooke, Crosby, Douglass, Foster, Green, Lippincott, Miller, Tingley, and Woodworth, of the Senate ; and Baldwin, Bennett, Bodley, Bradford, Brown, Campbell, Carr, Carnes, Cook, Field, Hoff, Kendrick, Lisle, Lind, McCorkle, McDougal, Merritt, Moore, Murphy, Osgood, Randall, Richardson, Robinson, Saunders, Stearns, Thorne, Wilkins, Yeiser, and Speaker, of the Assembly—39.

Nays : Messrs. Adams, De la Guerra, Heydenfeldt, Van Buren, and Warner, of the Senate ; and Covarrubias, Hall, and Pico, of the Assembly—8.

The Convention then proceeded in like manner to the hundred and thirty-eighth vote, the result of which the Tellers reported to be as follows :

Whole number of votes	47
Necessary to a choice	24
Of which Mr. King received	17 votes.
Heydenfeldt	13
Frémont	16
Bennett	1

Those who voted for Mr. King were—Messrs. Douglass, Tingley, and Woodworth, of the Senate; and Baldwin, Bennett, Bodley, Bradford, Brown, Campbell, Carr, Cook, Lisle, McDougal, Moore, Osgood, Thorne, and Wilkins, of the Assembly—17.

Those who voted for Mr. Heydenfeldt were—Messrs. Green, Heydenfeldt, Miller, and Van Buren, of the Senate; and Hall, Kendrick, Lind, Merritt, Murphy, Richardson, Saunders, Yeiser, and Speaker, of the Assembly—13.

Those who voted for Mr. Frémont were—Messrs. Adams, Broderick, Cooke, De la Guerra, Foster, Lippincott, and Warner, of the Senate; and Carnes, Covarrubias, Field, Hoff, McCorkle, Pico, Randall, Robinson, and Stearns, of the Assembly—16.

Mr. Crosby, of the Senate, voted for Mr. Bennett—1.

No person having received a majority of all the votes given, the Convention in like manner proceeded to a one hundred and thirty-ninth vote, the result of which the Tellers reported to be as follows:

Whole number of votes	47
Necessary to a choice	24
Of which Mr. King received	17 votes.
Heydenfeldt	13
Frémont	16
Bennett	1

Those who voted for Mr. King were—Messrs. Douglass, Tingley, and Woodworth, of the Senate; and Baldwin, Bennett, Bodley, Bradford, Brown, Campbell, Carr, Cook, Lisle, McDougal, Moore, Osgood, Thorne, and Wetherell, of the Assembly—17.

Those who voted for Mr. Heydenfeldt were—Messrs. Green, Heydenfeldt, Miller, and Van Buren, of the Senate; and Hall, Kendrick, Lind, Merritt, Murphy, Richardson, Saunders, Yeiser, and Speaker, of the Assembly—13.

Those who voted for Mr. Frémont were—Messrs. Adams, Broderick, Cooke, De la Guerra, Foster, Lippincott, and Warner of the Senate; and Carnes, Covarrubias, Field, Hoff, McCorkle, Pico, Randall, Robinson, and Stearns, of the Assembly—16.

Mr. Crosby, of the Senate, voted for Mr. Bennett—1.

No person having received a majority of all the votes given, the Convention proceeded in like manner to a one hundred and fortieth vote, the result of which the Tellers reported to be as follows:

Whole number of votes		47
Necessary to a choice		25
Of which Mr. King received	17	votes.
Heydenfeldt	13	
Frémont	16	
Bennett	1	

Those who voted for Mr. King were—Messrs. Douglass, Tingley, and Woodworth, of the Senate; and Baldwin, Bennett, Bodley, Bradford, Brown, Campbell, Carr, Cook, Lisle, McDougal, Moore, Osgood, Thorne, and Wethered of the Assembly—17.

Those who voted for Mr. Heydenfeldt were—Messrs. Green, Heydenfeldt, Miller, and Van Buren, of the Senate; and Hall, Kendrick, Lind, Merritt, Murphy, Richardson, Saunders, Yeiser, and Speaker, of the Assembly—13.

Those who voted for Mr. Frémont were—Messrs. Adams, Broderick, Cooke, De la Guerra, Foster, Lippincott, and Warner of the Senate; and Carnes, Covarrubias, Field, Hoff, McCorkle, Pico, Randall, Robinson, and Stearns, of the Assembly—16.

Mr. Crosby, of the Senate, voted for Mr. Bennett—1.

Mr. Van Buren of the Senate, moved to adjourn *sine die*, but the question was, by yeas and nays, decided in the negative, as follows:

Yeas: Messrs. Broderick, Crosby, Green, Heydenfeldt, Miller, Van Buren, and Warner, of the Senate; and Brown, Cook, Field, Hall, Hoff, Kendrick, Lind, Merritt, Murphy, Richardson, Yeiser, and Speaker, of the Assembly—19.

Nays: Messrs. Adams, Cooke, Douglass, De la Guerra, Foster, Lippincott, Tingley, and Woodworth, of the Senate; Baldwin, Bennett, Bodley, Bradford, Campbell, Carr, Carnes, Covarrubias, Lisle, McCorkle,

McDougal, Moore, Osgood, Pico, Randall, Robinson, Saunders, Stearns, Thorne, and Wilkins, of the Assembly—28.

On motion of Mr. McCorkle, of the Assembly, the Convention then took a recess until 11, A. M., to-morrow.

IN SENATE.

On motion of Mr. Douglass, the Senate took a recess until five minutes before 11, A. M., to-morrow.

DAVID C. BRODERICK, President of the Senate.

J. F. HOWE, Secretary of the Senate.

IN SENATE.

THURSDAY, *February* 27, 1851.

The Senate assembled pursuant to adjournment.

On motion the reading of the Journal was dispensed with.

IN CONVENTION.

The Convention reassembled at 11, A. M., and proceeded to a one hundred and forty-first vote for United States Senator, the result of which the Tellers reported to be as follows:

Whole number of votes	. . . . .	48
Necessary to a choice	. . . . .	25
Of which Mr. King received	. . . .	18 votes.
Heydenfeldt	. . . .	15
Frémont	. . . . .	14
Bennett	. . . . .	1

Those who voted for Mr. King were—Messrs. Douglass, Tingley, and Woodworth, of the Senate; and Baldwin, Bennett, Bodley, Bradford, Brown, Campbell, Carr, Cook, Lisle, McDougal, Moore, Osgood, Robinson, Thorne, and Wilkins, of the Assembly—18.

Those who voted for Mr. Heydenfeldt were—Messrs. Green, Heydenfeldt, Miller, and Van Buren of the Senate; and Hall, Kendrick, Lind, McCandless, McCorkle, Merritt, Murphy, Richardson, Saunders, Yeiser, and Speaker, of the Assembly—15.

Those who voted for Mr. Frémont were—Messrs. Adams, Broderick, Cooke, De la Guerra, Foster, Lippincott, and Warner, of the Senate; and Carnes, Covarrubias, Field, Hoff, Pico, Randall, and Stearns, of the Assembly—14.

Mr. Crosby, of the Senate, voted for Mr. Bennett—1.

Mr. Kendrick, of the Assembly, withdrew the name of Solomon Heydenfeldt as a candidate.

Mr. Murphy, of the Assembly, renominated John B. Weller.

Mr. Broderick, of the Senate, renominated John W. Geary.

No person having received a majority of all the votes given, the Convention in like manner proceeded to a one hundred and forty-second vote, the result of which the Tellers reported to be as follows:

Whole number of votes	48
Necessary to a choice	25
Of which Mr. King received	20 votes.
Weller	18
Frémont	9
Geary	1

Those who voted for Mr. King were—Messrs. Douglass, Heydenfeldt, Tingley, and Woodworth, of the Senate; and Baldwin, Bennett, Bodley, Bradford, Brown, Campbell, Carr, Cook, Lisle, McCandless, McDougal, Moore, Osgood, Robinson, Thorne, and Wilkins, of the Assembly—20.

Those who voted for Mr. Weller were—Messrs. Cooke, Crosby, Green, Miller, Van Buren, and Warner, of the Senate; and Field, Hall, Kendrick, Lind, McCorkle, Merritt, Murphy, Randall, Richardson, Saunders, Yeiser, and Speaker, of the Assembly—18.

Those who voted for Mr. Frémont were—Messrs. Adams, De la Guerra,

Foster, and Lippincott, of the Senate; and Carnes, Covarrubias, Hoff, Pico, and Stearns, of the Assembly—9.

Mr. Broderick, of the Senate, voted for Mr. Geary—1.

Mr. Moore, of the Assembly, moved that the Convention adjourn until the first day of January next. On this motion the yeas and nays were demanded and ordered, and it was decided in the affirmative, as follows:

Yeas: Messrs. Broderick, Cooke, Douglass, Green, Heydenfeldt, Tingley, Warner, and Woodworth, of the Senate; and Brown, Carr, Cook, Field, Hall, Lisle, McCandless, McDougal, Merritt, Moore, Murphy, Osgood, Richardson, Thorne, Wilkins, Yeiser, and Speaker, of the Assembly—25.

Nays: Messrs. Adams, Crosby, De la Guerra, Foster, Lippincott, Miller, and Van Buren, of the Senate; and Baldwin, Bennett, Bodley, Bradford, Campbell, Carnes, Covarrubias, Hoff, Kendrick, Lind, McCorkle, Pico, Randall, Robinson, Saunders, and Stearns, of the Assembly—23.

And the President announced accordingly, that the Convention was adjourned until the first day of January next.

IN SENATE.

Mr. Woodworth asked and obtained leave of absence for twenty days from to-morrow.

On motion of Mr. Heydenfeldt, the Senate adjourned.

DAVID C. BRODERICK, President of the Senate.

J. F. HOWE, Secretary of the Senate.

IN SENATE.

FRIDAY, *February* 28, 1851.

The Senate assembled pursuant to adjournment.

The Journal of Thursday was read and approved.

On motion of Mr. Heydenfeldt, Mr. Tingley was appointed by the President an additional member of the Committee on Commerce and Navigation.

Senate resolution, providing that when any bill or resolution is under consideration, the Senate shall not adjourn, unless by a two third vote, was taken up, and indefinitely postponed.

Joint resolution of the Assembly, "relative to the archives of this State," was taken up and made the special order for to-morrow.

On motion of Mr. Heydenfeldt, Mr. Douglass had leave of absence for ten days, and Mr. Warner for eight days, from to-day.

Assembly bill, entitled "an Act for the relief of Joseph Evans," was read the third time and passed.

Assembly bill entitled "an Act to exempt Steam Vessels coasting from paying Pilot Dues," was read the first and second times, and referred to the Committee on Commerce and Navigation, the Rules having been suspended for that purpose.

Messages were received from the Assembly informing the Senate that they had passed a bill, therewith transmitted, entitled "an Act to exempt Steam Vessels coasting from paying Pilot Dues."

Also, that they had refused to reconsider the vote by which Senate's Joint Resolution authorizing "the Quarter-Master General to rent a room and employ an Armorer," was rejected.

Also, that they had refused to adopt the report of the Conference Committee on the disagreeing votes of the two Houses on Senate bill entitled "an Act to prohibit Lotteries," and had appointed on their part Messrs. Field, Murphy, and Moore, as a Committee of Conference, with enlarged powers to confer with any similar Committee that might be appointed on the part of the Senate, on the disagreeing votes of the two Houses on said bill.

Also that the Governor had notified the Assembly that he did, on the 18th inst., sign bills severally entitled "an Act declaring certain rivers and creeks navigable;" "an Act to authorize the Treasurer of the State to negotiate a loan upon the faith and credit of the State for the purpose of defraying the expenses which have been and may be incurred in suppressing Indian hostilities in this State;" and "an Act concerning Attorneys and Counsellors at law." Also, that he did, on the 24th inst., sign "an Act for the relief of William H Richardson."

Also, that the Assembly had passed a Joint Resolution, therewith trans-

mitted, "requiring the Comptroller to audit the accounts of the State Printer for stated sums."

Also, that they had passed a bill, therewith transmitted, entitled "an Act regulating and prescribing the duties of Pilots for the Bay and Harbor of San Francisco, and for other purposes."

Messrs. Van Buren, Tingley, and Heydenfeldt were appointed the Committee of Conference, on the part of the Senate, on the disagreeing votes of the two Houses on the bill entitled "an Act to prohibit Lotteries."

Assembly Joint Resolution, "requiring the Comptroller to audit the accounts of the State Printer for stated sums," was read the first and second times, the Rules having been suspended for that purpose, and referred to the Committee on Claims.

Mr. Broderick asked and obtained unanimous leave to introduce a bill entitled "an Act to repeal 'an Act creating Officers of Health for the Port of San Francisco, and defining their duties,'" which was read three several times and passed, the Rules having been suspended for that purpose.

Mr. Van Buren, from the Committee on Enrolled Bills, reported that the committee, on the 26th instant, presented to the Governor, for his signature, "an Act to Incorporate the City of Nevada," and "an Act for the relief of Wm. H. Richardson."

Senate Bill entitled "an Act creating a War Loan," was taken up and indefinitely postponed.

Senate Bill entitled "an Act concerning the office of Public Administrator for the County of San Francisco," was taken up, amended, and laid over until to-morrow.

Mr. Lippincott announced the death, in this city, of Hon. John Cave, a member of the last House of Assembly, and, on his motion, the Senate adjourned in token of respect to the memory of the deceased, and to attend the funeral this afternoon.

DAVID C. BRODERICK, President of the Senate.

J. F. HOWE, Secretary of the Senate.

IN SENATE.

SATURDAY, *March* 1, 1851.

The Senate assembled pursuant to adjournment.

The Journal of Friday was read and approved.

Mr. Heydenfeld presented the petition of citizens of Sacramento City, praying that the existing law respecting the mode of appointing Auctioneers, and the duties laid on sales of goods at auction, may be amended, which was read and referred to the Committee on Commerce and Navigation.

Mr. Tingley presented the petition of Oliver C. Coffin, and others, praying a Charter for five years of the Ferry between Martinez, in the County of Contra Costa and Benicia, in the County of Solano, which was read and referred to a select committee, consisting of Messrs. Tingley, Cooke, and De la Guerra.

Mr. Green presented the petition of citizens of El Dorado County, relative to the office of Recorder, which was read and referred to the Committee on the Judiciary.

Mr. Van Buren presented the petition of S. D. Blackburn, praying payment of a draft issued to him by General Moorehead, for supplies furnished the Gila Expedition, which said draft has been lost, which was read and referred to the Committee on Claims.

Mr. Heydenfeldt, from the Committee on Claims, to whom had been referred Assembly Joint Resolution "requiring the Comptroller to audit the account of the State Printer for stated sums," made a report thereon in writing, recommending that the resolution be amended by striking out the words "Also for freight and all other incidental expenses for said journals and laws, four thousand two hundred and forty-one dollars." The report was accepted, and the bill, for the present, was laid on the table.

Mr. Adams, from the Committee on Engrossed Bills, reported as correctly engrossed, bills entitled "an Act to repeal 'an Act creating Officers of Health for the Port of San Francisco, and defining their duties,'" and the report was accepted.

Mr. Heydenfeldt, from the Committee on Commerce and Navigation, to whom had been referred Assembly Bill entitled "an Act regulating and prescribing the duties of Pilots for the Bay and Harbor of San Fran-

cisco," and for other purposes, reported the same with a recommendation that it be indefinitely postponed. The Report was accepted, and the bill indefinitely postponed.

Mr. Heydenfeldt asked and obtained unanimous leave to introduce a bill entitled "an Act for the payment of the salary and office rent of E. J. C. Kewen, late Attorney General," which was read twice, the Rules having been suspended for that purpose.

A message was received from the Assembly, informing the Senate that they had passed a Joint Resolution, therewith transmitted, entitled "a Joint Resolution, in relation to the Mineral Lands;" and:

Also, "an Act providing for the holding of a special term of the District Court of Solano County, and for other purposes."

The Joint Resolution mentioned in the message from the Assembly was read twice, the Rules having been suspended for that purpose, and referred to the Committe on the Judiciary.

And the bill therein mentioned "providing for the holding of a special term of the District Court of Solano County," was read three several times, and passed, the Rules having also been suspended for that purpose.

Mr. Robinson asked and obtained leave to introduce a "Joint Resolution in relation to the Public Archives," which was read three several times, and passed, the Rules having been suspended for that purpose.

Senate bill, entitled "an Act concerning the office of Public Administrator for the County of San Francisco, and making it elective," was taken up, amended, read the third time, and passed.

Mr. Foster was appointed a member of the Committee on Engrossed Bills, Claims, and Contingent Expenses.

Senate bill, entitled "an Act to amend 'an Act concerning Crimes and Punishments,'" was taken up and recommitted to the Committee on the Judiciary. Mr. Van Buren, from the committee, subsequently reported the bill back, with a substitute therefor.

Assembly bill, entitled "an Act to allow Warrants on the Treasury to draw Interest," was taken up: and,

On motion of Mr. Broderick, was indefinitelty postponed, by yeas and nays, as follows:

YEAS.

Mr. Broderick	Mr. Green
De la Guerra	Heydenfeldt
Foster	Robinson—6.

NAYS.

Mr. Adams	Mr. Tingley
Cooke	Van Buren
Miller	—5.

On motion of Mr. Robinson, the vote by which the Senate indefinitely postponed the bill entitled "an Act to allow Warrants on the Treasury to draw Interest," was reconsidered, and the bill was ordered to lie on the table.

Mr. Van Buren, from the Committee on Enrolled Bills, reported as correctly enrolled, "an Act providing for the holding of a special term of the District Court in Solano County, and for other purposes," and the Report was accepted.

On motion of Mr. Green, the Senate adjourned.

DAVID C. BRODERICK, President of the Senate.

J. F. HOWE, Secretary of the Senate.

IN SENATE.

MONDAY, *March* 3, 1851.

The Senate assembled pursuant to adjournment.

The Journal of Saturday was read and approved.

Mr. Green presented a communication from Alexander Vattemare, requesting that copies of all legislative documents and laws, printed by order of the Legislature of California, may be forwarded to the Central Agency for International Literary Exchanges, in Paris, which was read, and referred to the Committee on Education.

Mr. Foster, from the Committee on Engrossed Bills, reported as cor-

rectly engrossed, bill entitled "an Act concerning the office of Public Administrator for the County of San Francisco, and making it elective;"

And Joint Resolution, entitled "a Joint Resolution in relation to the Public Archives," and the Report was accepted.

Mr. Heydenfeldt, from the Committee on Education, reported a bill entitled "an Act concerning Common Schools and Public Instruction," which was read twice, the Rules having been suspended for that purpose, and two hundred copies thereof ordered to be printed.

Mr. Tingley presented a petition from the Board of Trustees of the Town of Martinez, praying the Legislature to donate to the town certain lands therein, lying between high and low tides, which was read and referred to a select committee, consisting of Messrs. Tingley, Cooke, and De la Guerra.

Mr. Lippincott presented a petition from Lewis C. Gunn, Recorder of Tuolumne County, in reference to Recorders' Fees, which was read, and referred to the Committee on the Judiciary.

Mr. Van Buren, from the Committee on Enrolled Bills, reported as correctly enrolled, "an Act for the relief of Joseph Evans."

Messages were received from the Assembly, informing the Senate that the Speaker had signed bills entitled "an Act for the relief of Joseph Evans;" and "an Act providing for holding a Special Term of the District Court in Solano County, and for other purposes." Also, transmitting to the Senate a Memorial of the State Printer, relative to his compensation. Also, informing the Senate that the Assembly had passed Senate bill entitled "an Act prescribing the amount of Compensation and mode of payment to persons who have performed military services for the State of California, and expenses incurred therein," with amendments.

The Senate took up the last-mentioned bill, and concurred in the several amendments of the Assembly thereto.

On motion of Mr. Heydenfeldt, the Joint Resolution of the Assembly, "requiring the Comptroller to audit the accounts of the State Printer for stated sums," was taken up, and recommitted to the Committee on Claims.

Mr. Tingley asked and obtained unanimous leave to introduce a bill entitled "an Act to amend an Act to incorporate the city of San Jose," which was read the first and second times, the Rules having been

suspended for that purpose, and referred to the Committee on Corporations.

Mr. Tingley, from the Committee on Corporations, to whom had been referred Senate bill entitled "an Act to amend an Act entitled 'an Act concerning Corporations,'" reported the same without amendment, and the bill was read the third time, and passed, the Rules having been suspended for that purpose.

On motion of Mr. Heydenfeldt, the Senate adjourned.

DAVID C. BRODERICK, President of the Senate.

J. F. HOWE, Secretary of the Senate.

IN SENATE.

TUESDAY, *March* 4, 1851.

The Senate assembled pursuant to adjournment.

The Journal of Monday was read and approved.

Mr. Heydenfeldt, from the Committee on Claims, to whom had been referred Joint Resolution of the Assembly, "requiring the Comptroller to audit the accounts of the State Printer for stated sums," reported the same with a recommendation that the report of the Committee, previously made, be rejected, and that the resolution be passed. The report, as recommended, was laid on the table, and the resolution was read the third time, and passed.

Mr. Heydenfeldt, from the Committee on Claims, to whom had been referred the petition of S. D. Blackburn, reported the same, with a recommendation that it be referred to the Committee on the Judiciary, with instructions to report a bill. The report was accepted, and the bill was so referred.

On motion of Mr. Heydenfeldt, Mr. Cooke was granted leave of absence for ten days.

On motion of Mr. Heydenfeldt, the Act concerning Common Schools and Public Instruction, was recommitted to the Committee on Education.

Mr. De la Guerra submitted a Joint Resolution concerning the Pious

Fund of California, which was read and referred to the Select Committee on the Pious Fund.

Mr. Van Buren, from the Committee of Free Conference, on the bill entitled "an Act to prohibit Lotteries," reported a substitute therefor, which was amended in the first section, read the third time, and passed, the Rules having been suspended for that purpose.

Mr. Van Buren asked and obtained unanimous leave to introduce a bill entitled "an Act to License Gaming," which was read twice, referred to the Judiciary Committee, and ordered to be printed.

The President signed bills entitled "an Act for the relief of Joseph Evans," and "an Act providing for the holding of a Special Term of the District Court for the County of Solano."

On motion of Mr. Foster, the bill providing for the translation of the Laws was ordered to be taken from the Judiciary Committee, and referred to a select committee, consisting of Messrs. Foster, De la Guerra, and Warner.

On motion of Mr. Van Buren, substitute for Senate bill entitled "an Act to amend an Act concerning Crimes and Punishments," was taken up.

Mr. Broderick moved that the bill be made the Special Order for Saturday, and demanded the yeas and nays thereon, which were ordered, and resulted as follows:

YEAS.

Mr. Broderick	Mr. Heydenfeldt
De la Guerra	Lippincott
Foster	Warner
Green	—6.

NAYS.

Mr. Adams	Mr. Miller
Crosby	Tingley
Foster	Van Buren—6.

So the motion was decided in the negative.

Mr. Adams moved to strike out of the bill those portions which inflicted the death penalty, but the question was, by yeas and nays, decided in the negative, as follows:

YEAS.

Mr. Adams	Mr. Heydenfeldt
Broderick	Lippincott—4.

NAYS.

Mr. Crosby	Mr. Miller
De la Guerra	Tingley
Green	Van Buren
Foster	Warner—8.

Mr. Broderick moved that the bill be indefinitely postponed, and demanded the yeas and nays thereon, which were ordered, and resulted as follows:

YEAS.

Mr. Adams	Mr. Green
Broderick	Lippincott—4.

NAYS.

Mr. Crosby	Mr. Miller
De la Guerra	Tingley
Foster	Van Buren
Heydenfeldt	Warner—8.

Mr. Miller moved to postpone for the present the further consideration of the bill, and make it the Special Order for to-morrow, at 12, M. Mr. Lippincott moved to amend this motion, so as to merely lay the bill on the table. The motion to amend was, by yeas and nays, decided in the negative, as follows:

YEAS.

Mr. Adams	Mr. Green
Broderick	Heydenfeldt
De la Guerra	Lippincott—6.

NAYS.

Mr. Crosby	Mr. Tingley
Foster	Van Buren
Miller	Warner—6.

Mr. Heydenfeldt moved that the Senate do now adjourn, but the question was, by yeas and nays, decided in the negative, as follows:

YEAS.

Mr. Adams	Mr. Heydenfeldt
Broderick	Lippincott
Green	—5.

NAYS.

Mr. Crosby	Mr. Tingley
De la Guerra	Van Buren
Foster	Warner
Miller	—7.

The motion of Mr. Miller was then agreed to.

Mr. Miller moved that the Senate do now adjourn, and the question was, by yeas and nays, decided in the affirmative, as follows:

YEAS.

Mr. Adams	Mr. Miller
Broderick	Van Buren
Crosby	Warner
De la Guerra	—7.

NAYS.

Mr. Green	Mr. Lippincott
Foster	Tingley
Heydenfeldt	—5.

DAVID C. BRODERICK, President of the Senate.

J. F. HOWE, Secretary of the Senate.

IN SENATE.

WEDNESDAY, *March* 5, 1851.

The Senate assembled pursuant to adjournment.

The Journal of Tuesday was read and approved.

Mr. Green presented a communication from Governor William Smith, in relation to services performed by him as Counsel in connexion with the enforcement of the Foreign Miners' Tax Law, which was read and referred to the Committee on Claims.

Mr. Tingley, from the Committee on Finance, to whom had been referred the communication of L. A. Besançon, late a Collector of Foreign Miners' Tax, reported a bill entitled "an Act to provide for the settlement of the claims of L. A. Besançon," which was read three several times, and passed, the Rules having been suspended for that purpose.

Mr. Foster, from the Committee on Engrossed Bills, reported as correctly engrossed, "an Act to provide for the settlement of the claims of L. A. Besançon;" "an Act to prohibit Lotteries;" and "an Act to amend 'an Act concerning Corporations,'" and the report was accepted.

Mr. Van Buren, from the select committee to whom had been referred the petition of citizens of Stockton, reported a Preamble and Bill, entitled "an Act for the relief of the former Town Council of Stockton," which was read twice, the Rules having been suspended for that purpose, and referred to the Committee on the Judiciary.

A message was received from the Assembly, informing the Senate that they had passed Senate bills, entitled "an Act concerning the office of Public Administrator for the County of San Francisco, and making it elective;" "an Act to change the name of William Rufus Elliott;" and "Joint Resolution in regard to the London Industrial Exhibition."

Also, that they had indefinitely postponed Senate bill "for the relief of John L. Smith and R. P. Wilson;" also, "an Act to amend an Act declaring certain rivers, creeks, and sloughs, therein named, navigable."

Also, that they had passed bills severally entitled "an Act to provide for the Inspection of Steamboats;" "an Act to repeal an Act entitled an Act to create the office of State Translator;" "Joint Resolution in reference to the settlement of Land Titles," which were therewith transmitted for the concurrence of the Senate.

Assembly bill, entitled "an Act to provide for the inspection of Steamboats," was read twice, the Rules having been suspended for that purpose, and referred to the Committee on Commerce and Navigation.

Assembly bill, entitled "an Act to repeal an Act to create the office of State Translator," was read twice, the Rules having been suspended

for that purpose, and referred to the select committee, consisting of Messrs. Foster, De la Guerra, and Warner.

Assembly Joint Resolution "in reference to the settlement of Land Titles," was read first and second times, the Rules having been suspended for that purpose, and referred to the Committee on the Judiciary.

Mr. Tingley asked and obtained unanimous leave to introduce a bill, entitled "an Act to Regulate the Fees of Office," which was read the first and second times, the Rules having been suspended for that purpose, and ordered to be printed.

Senate bill, entitled "an Act to amend an Act concerning Crimes and Punishments," was again taken up.

Mr. Green moved to amend the bill by the insertion of an additional section: *Providing* that this Act shall remain in force until the State prison shall be in readiness to receive such as may be committed under the criminal laws of the State, and demanded the yeas and nays on the adoption of the amendment, which were ordered, and resulted as follows:

YEAS.

Mr. Adams	Mr. Heydenfeldt
Broderick	Lippincott
Green	—5.

NAYS.

Mr. De la Guerra	Mr. Tingley
Foster	Van Buren
Miller	Warner—6.

So the question was decided in the negative.

The bill was then read the third time, and the question being on its passage, it was by yeas and nays decided in the affirmative, as follows:

YEAS.

Mr. De la Guerra	Mr. Robinson
Foster	Tingley
Green	Van Buren
Miller	Warner—8.

NAYS.

Mr. Adams — Mr. Heydenfeldt
Broderick — Lippincott—4.

Mr. De la Guerra asked and obtained unanimous leave to introduce a bill entitled "an Act for the relief of the Treasurers of the Counties of San Luis Obispo, Santa Barbara, Los Angeles, and San Diego," which was read twice, amended, read the third time, and passed, the Rules having been suspended for that purpose.

Concurrent Resolution of the Assembly, "making the Committee on Claims of the two Houses a Joint Committee in certain cases," was taken up and adopted.

On motion of Mr. Heydenfeldt, the Senate adjourned.

DAVID C. BRODERICK, President of the Senate.

J. F. HOWE, Secretary of the Senate.

IN SENATE.

THURSDAY, *March* 6, 1851.

The Senate assembled pursuant to adjournment.

The Journal of Wednesday was read and approved.

Mr. Heydenfeldt, from the Committee on Commerce and Navigation, to whom was referred Assembly bill entitled "an Act to authorise the Governor of this State to remove and appoint Port Wardens," reported the same without amendment, and it was read the third time and passed.

Mr. Heydenfeldt, from the Committee on Claims, to whom had been referred the communication of William Smith and Peter H. Burnett, made a report in writing, declaring, as the opinion of the committee, that the remuneration asked for by Governor Smith is not a legal charge against the State.

On motion of Mr. Green, the communications were recommitted to the same committee, with instructions to report a bill allowing an equitable compensation for the services performed.

A message was received from the Assembly, informing the Senate that they had passed bills severally entitled "an Act to establish the office of Harbor Master in this State," "an Act requiring Alcaldes to account for moneys and other property of deceased persons received by them," and "a Joint Resolution in relation to the Public Lands."

Assembly bill entitled "an Act to establish the office of Harbor Master in this State," was read the first and second times, the Rules having been suspended for that purpose, and referred to the Committee on Commerce and Navigation.

Assembly bill entitled "an Act requiring Alcaldes to account for moneys and other property of deceased persons received by them, was read twice, referred to the Committee on the Judiciary, the Rules having been suspended for that purpose.

Assembly "Joint Resolution, in relation to Public Lands," was read twice, the Rules having been suspended for that purpose, and referred to the Committee on Public Lands and Mining Claims.

Mr. Broderick asked and obtained unanimous leave to introduce a bill, entitled "an Act to exempt the City of San Francisco from the operation of the "Act prescribing the mode of Assessing and Collecting Public Revenue for County purposes," which was read three several times and passed, the Rules having been suspended for that purpose.

Senate bill entitled "an Act to Regulate the Fees of Officers," was taken up, and referred to the Committee on the Judiciary.

Assembly bill entitled "an Act allowing Warrants on the Treasury to draw Interest," was taken up, the question being on the motion to postpone the same indefinitely, which question was, by yeas and nays, decided in the negative, as follows :

YEAS.

Mr. Broderick
Mr. Heydenfeldt—2.

NAYS.

Mr. Adams
Crosby
Foster
Green
Lippincott
Mr. Miller
Robinson
Tingley
Van Buren
Warner—10.

The question then recurring on the amendment heretofore proposed by Mr. Lippincott, to include in the provisions of the bill *all* Warrants drawn on the Treasury, it was, by yeas and nays, decided in the negative, as follows:

YEAS.

Mr. Foster	Mr. Lippincott
Green	Warner
Heydenfeldt	—5.

NAYS.

Mr. Adams	Mr. Robinson
Broderick	Tingley
Crosby	Van Buren
Miller	—7.

Mr. Heydenfeldt moved to amend the bill, by excepting from the benefit of its provisions such Warrants as may be drawn in favor of members of the Legislature, for their services as such, and for the salary of the Governor, but the motion was, by yeas and nays, decided in the negative, as follows:

YEAS.

Mr. Broderick	Mr. Lippincott
Heydenfeldt	Warner—4.

NAYS.

Mr. Adams	Mr. Miller
Crosby	Robinson
Foster	Tingley
Green	Van Buren—8.

Mr. Adams moved to amend the bill, so as to include in the provisions thereof such Warrants only as shall be issued from and after the passage of the bill, but the question was, by yeas and nays, decided in the negative, as follows:

YEAS.

Mr. Adams	Mr. Warner
Broderick	—3.

NAYS.

Mr. Crosby	Mr. Miller
Foster	Robinson
Green	Tingley
Heydenfeldt	Van Buren
Lippincott	—9.

Mr. Robinson moved to amend the bill, so as to make the rate of interest to be allowed, ten per cent. per annum, instead of one and a half per cent. per month, but the question was, by yeas and nays, decided in the negative, as follows:

YEAS.

Mr. Adams	Mr. Robinson
Broderick	Van Buren
Heydenfeldt	Warner—6.

NAYS.

Mr. Crosby	Mr. Lippincott
Foster	Miller
Green	Tingley—6.

Mr. Robinson moved to amend the bill, by striking out "one and a f per cent. per month," and inserting therefor "fifteen per cent. per annum," but the question was, by yeas and nays, decided in the negative, as follows:

YEAS.

Mr. Adams	Mr. Robinson
Broderick	Van Buren
Heydenfeldt	Warner—6.

NAYS.

Mr. Crosby	Mr. Lippincott
De la Guerra	Miller
Foster	Tingley
Green	—7.

Mr. Lippincott moved that the bill be indefinitely postponed, but the question was, by yeas and nays, decided in the negative, as follows:

YEAS.

Mr. Broderick	Mr. Van Buren
Heydenfeldt	Warner
Lippincott	—5.

NAYS.

Mr. Adams	Mr. Green
Crosby	Miller
De la Guerra	Robinson
Foster	Tingley—8.

Mr. De la Guerra moved to amend the bill by striking out "one and a half per cent. per month," and inserting therefor, "twelve and a half per cent. per annum," and the question was, by yeas and nays, decided in the affirmative, as follows:

YEAS.

Mr. Adams	Mr. Heydenfeldt
Broderick	Robinson
De la Guerra	Van Buren
Foster	Warner—8.

NAYS.

Mr. Crosby	Mr. Miller
Green	Tingley
Lippincott	—5.

The bill was then read the third time, and the question being on its passage, as amended, it was decided in the negative.

Mr. Adams, from the Committee on Engrossed Bills, reported as correctly engrossed, "an Act for the relief of the Treasurers of the Counties of San Luis Obispo, Santa Barbara, Los Angeles, and San Diego," and "an Act to amend an Act entitled 'an Act concerning Crimes and Punishments,'" and the report was accepted.

Mr. Warner, from the Committee on Enrolled Bills, reported that the committee had presented to the Governor, for his signature, "an Act

for the relief of Joseph Evans," and "an Act providing for the holding of a Special Term of the District Court in Solano County, and for other purposes."

Also, that the committee had examined and found correctly enrolled, bills entitled "an Act prescribing the amount of compensation and mode of payment to persons who have performed military services for the State of California, and expenses incurred therein;" "an Act to change the name of William Rufus Elliott;" "an Act concerning the office of Public Administrator for the County of San Francisco, and making it elective;" and the report was accepted.

Mr. Foster, from the Committee on Engrossed Bills, reported as correctly engrossed, "an Act to exempt the City of San Francisco from the operation of the 'Act prescribing the mode of assessing and collecting the public revenue for County purposes,'" and the report was accepted.

The President signed enrolled bill, entitled "an Act prescribing the amount of compensation and mode of payment to persons who have performed military services for the State of California, and expenses incurred therein;" and the Secretary certified thereon that it originated in the Senate.

Mr. Van Buren submitted a Resolution, which was adopted, instructing the Judiciary Committee to inquire into and report concerning the term of office of County Assessors.

Mr. Warner, from the Committee on Contingent Expenses, reported as correct, the account of James B. Devoe, of the "*California State Journal*," for $122 40, and the report was accepted.

On motion of Mr. Van Buren, the Senate adjourned.

DAVID C. BRODERICK, President of the Senate.

J. F. HOWE, Secretary of the Senate.

IN SENATE.

FRIDAY, *March* 7, 1851

The Senate assembled pursuant to adjournment.

The Journal of Thursday was read and approved.

Mr. Tingley, from the Committee on the Judiciary, to whom had been referred Senate bill, entitled "an Act to provide for the payment of fees to Sheriffs, for services rendered in enforcing the Foreign Miners' Tax Law," and the substitute of the Assembly therefor, reported the same, with a recommendation that the Senate bill be laid on the table; and that the bill from the Assembly be passed. The report was accepted, and the bill from the Assembly was, by yeas and nays, indefinitely postponed, as follows:

YEAS.

Mr. Adams	Mr. Lippincott
Broderick	Robinson
Crosby	Tingley
De la Guerra	Warner
Foster	—9.

NAYS.

Mr. Green	Mr. Miller
Heydenfeldt	Van Buren—4.

Mr. Van Buren, from the Committee on the Judiciary, reported without amendment Senate bill, entitled "an Act to License Gaming," which, after amendment, was laid over under the Rules, and ordered to a third reading to-morrow.

A message was received from the Assembly, informing the Senate that the Governor had notified the Assembly on yesterday, that he had signed "an Act for the relief of Joseph Evans;"

And, "an Act providing for holding a special term of the District Court in Solano County, and for other purposes."

Also, that they had passed Senate bills, entitled "an Act to exempt the City of San Francisco from the operation of the 'Act prescribing the mode of assessing and collecting public revenues for County purposes;'"

"An Act for the relief of the County Treasurers of the Counties of San Luis Obispo, Santa Barbara, Los Angeles, and San Diego."

Also, that the Speaker had signed the following Acts: "an Act concerning the office of Public Administrator for the County of San Francisco, and making it elective;"

"An Act to change the name of William Rufus Elliott;"

And, "Joint Resolution, requiring the Comptroller to audit the accounts of the State Printer for stated sums;"

"An Act to authorize the Governor of the State to remove and appoint Port Wardens."

Mr. Foster, from the select committee to whom had been referred Assembly Bill entitled "an Act to provide for the translation of the Laws into the Spanish language," and Assembly Bill, entitled "an Act to repeal 'an Act to create the office of State Translator,'" reported the same, with a recommendation that the former be passed, with sundry amendments, therewith submitted by the committee, and that the latter be indefinitely postponed. The report was adopted, the proposed amendments to the first-named bill were agreed to, and the bill, thus amended, was read the third time and passed.

Mr. Tingley, from the Committee on Claims, asked and obtained unanimous leave to introduce a bill, entitled "an Act supplementary to an Act entitled 'an Act prescribing the amount of compensation and mode of payment to persons who have performed military services for the State of California, and expenses incurred therein,'" which was read three several times, and passed, the Rules having been suspended for that purpose.

Mr. Heydenfeldt, agreeably to previous notice, asked and obtained leave to introduce a bill, entitled "an Act concerning the office of State Printer," which was read twice, the Rules having been suspended for that purpose, referred to the Committee on Public Printing, and ordered to be printed.

Mr. Van Buren, from the Committee on the Judiciary, to whom had been referred the petition of S. D. Blackburn, reported a bill, entitled "an Act for the relief of Samuel D. Blackburn," which was read three several times, and passed, the Rules having been suspended for that purpose.

Mr. Adams asked and obtained leave to introduce a bill, entitled "an Act concerning the office of Public Administrator, and making it elective," which was read twice, the Rules having been suspended for that purpose, and referred to the Committee on the Judiciary.

Mr. Robinson, from the Committee on Commerce and Navigation, to whom had been referred Assembly Bill entitled "an Act to exempt Steam Vessels coasting from Pilot dues," reported the same with an

amendment. The bill and amendment were taken up, and recommitted to the same committee.

Mr. Warner, from the Joint Committee on Enrolled Bills, reported that the committee had examined, and found correctly enrolled, "an Act to authorize the Governor of this State to remove and appoint Port Wardens;" "a Joint Resolution in regard to the London Industrial Exhibition;" "an Act to exempt the City of San Francisco from the operation of the Act prescribing the mode of assessing and collecting the Public Revenues for County purposes;" and "a Joint Resolution requiring the Comptroller to audit the accounts of the State Printer for stated sums;" and that the committee had also this day presented to the Governor for his approval, "an Act prescribing the amount of compensation and mode of payment to persons who have performed military services for the State of California, and expenses incurred therein."

A Message was received from the Governor, informing the Senate that he had signed bill, entitled "an Act prescribing the amount of compensation and mode of payment to persons who have performed military services for the State of California, and expenses incurred therein."

The President of the Senate signed bills entitled "an Act concerning the office of Public Administrator for the County of San Francisco, and making it elective;" "an Act to change the name of William Rufus Elliott;" and "Joint Resolution requiring the Comptroller to audit the accounts of the State Printer for stated sums;" "an Act to authorize the Governor of the State to remove and appoint Port Wardens;" "an Act to exempt the City of San Francisco from the operation of the Act prescribing the mode of assessing and collecting the Public Revenues for County purposes;" and the Secretary certified upon "an Act concerning the office of Public Adminstrator for the Courts of San Francisco, and making it elective;" "an Act to change the name of William Rufus Elliott;" and "an Act to exempt the City of San Francisco from the operation of the 'Act prescribing the mode of assessing and collecting Public Revenues for County purposes,'" that they originated in the Senate.

Mr. Warner, from the Committee on Contingent Expenses, reported as correct, accounts of James F. Reed, for $304; of the Postmaster of San José, for $438 40–100; and of the *Daily Argus*, of San José, for

$225 40–100. The report was received, and ordered to lie on the table.

On motion of Mr. Green, the Senate adjourned.

DAVID C. BRODERICK, President of the Senate.

J. F. HOWE, Secretary of the Senate.

IN SENATE.

SATURDAY, *March* 8, 1851.

The Senate assembled pursuant to adjournment.

The Journal of Friday was read and approved.

Mr. Crosby, from the Committee on the Judiciary, to whom had been referred Assembly Joint Resolution "in reference to the settlement of Land Titles," and Joint Resolution of the Senate on the same subject, reported the same, with a recommendation that they be indefinitely postponed. The report was accepted, and the resolutions were indefinitely postponed.

Mr. Foster, from the Committee on Engrossed Bills, reported as correctly engrossed, "an Act supplementary to an Act entitled 'an Act prescribing the amount of compensation and mode of payment to persons who have performed military services for the State of California, and expenses incurred therein;'" and "an Act for the relief of Samuel D. Blackburn."

Mr. Warner, from the Committee on Public Lands and Mission Claims, to whom had been referred Assembly Joint Resolution, entitled "a Joint Resolution in relation to the Public Lands," reported the same, with a recommendation that it be indefinitely postponed. The report was received, and laid on the table.

Mr. Warner, from the Joint Committee on Enrolled Bills, reported as correctly enrolled, "an Act for the relief of the Treasurers of the Counties of San Luis Obispo, Santa Barbara, Los Angeles, and San Diego." Also, that they had this day presented to the Governor for his signature, "a Joint Resolution requiring the Comptroller to audit the accounts of the

State Printer for stated sums;" "an Act to change the name of William Rufus Elliott;" "an Act concerning the office of Public Administrator for the County of San Francisco, and making it elective;" "an Act to authorize the Governor of this State to remove and appoint Port Wardens;" "an Act to exempt the City of San Francisco from the operation of the Act prescribing the mode of assessing and collecting the Public Revenues for County purposes."

Senate Bill, entitled "an Act to License Gaming," was read the third time, and passed.

A Message was received from the Assembly, informing the Senate that they had passed Senate bills, entitled "an Act to prohibit Lotteries;" "an Act to repeal 'an Act to prevent the coining of money by individuals;'" and Assembly bills, entitled "an Act supplemental to an Act entitled 'an Act prescribing the amount of compensation and mode of payment to persons who have performed military services for the State of California, and expenses incurred therein;'" and "an Act to incorporate the City of Nevada." Also, that the Assembly had approved the "Bond of M. G. Vallejo and others," required by the "Act providing for the permanent location of the Seat of Government."

Assembly bill, entitled "an Act supplemental to an Act entitled 'an Act prescribing the amount of compensation and mode of payment to persons who have performed military services for the State of California, and expenses incurred therein,'" was taken up, read three several times, the Rules having been suspended for that purpose; and the question being on the passage of the bill, the yeas and nays were demanded thereon, and resulted as follows:—

YEAS.

Mr. Green	Mr. Miller
Lippincott	Tingley—4.

NAYS.

Mr. Adams	Mr. Heydenfeldt
Broderick	Robinson
De la Guerra	Van Buren
Foster	Warner—8.

So the question was decided in the negative.

Mr. Broderick moved a reconsideration of the vote just taken, and

demanded the yeas and nays thereon, which were ordered, and resulted as follows:

YEAS.

Mr. Adams	Mr. Miller
Green	Tingley
Heydenfeldt	Van Buren
Lippincott	—7.

NAYS.

Mr. Broderick	Mr. Foster
Crosby	Robinson
De la Guerra	Warner—6.

So the question was decided in the affirmative.

On motion of Mr. Heydenfeldt, the bill was laid on the table, and made the special order for Monday.

A message was received from the Governor, informing the Senate that he did, on the 7th instant, sign an Act, entitled "an Act to change the name of William Rufus Elliott;" and "an Act to authorize the Governor of this State to remove and appoint Port Wardens."

Also, a Message, nominating J. Mead Huxley as Port Warden for the Port of San Francisco.

The Report of the Committee on Contingent Expenses, yesterday submitted, was taken from the table, and so much of the same as relates to the accounts of J. M. Reed, and the San José *Daily Argus*, was adopted.

The Bond of M. G. Vallejo and others, was taken up; when Mr. Tingley moved that the same be referred to a Select Committee, to investigate the solvency and ability of the proposed sureties of said Vallejo, with power to send for persons and papers, and report thereon at as early a day as practicable; and demanded the yeas and nays thereon, which were ordered, and resulted as follows:

YEAS.

Mr. Crosby	Mr. Tingley
Robinson	Warner—4.

NAYS.

Mr. Adams	Mr. Heydenfeldt
Broderick	Lippincott
De la Guerra	Miller
Foster	Van Buren
Green	—9.

So the question was decided in the negative.

The question then being on the approval of the Bond, the yeas and nays were demanded, and resulted as follows:

YEAS.

Mr. Adams	Mr. Heydenfeldt
Broderick	Lippincott
De la Guerra	Miller
Foster	Van Buren
Green	Warner—10.

NAYS.

Mr. Crosby	Mr. Tingley
Robinson	—3.

So the question was decided in the affirmative. (See Appendix W.)

Assembly bill, entitled "an Act to incorporate the City of Nevada," was read three several times, and passed, the Rules having been suspended for that purpose.

The Message of the Governor, nominating J. Mead Huxley as Port Warden for the Port of San Francisco, was taken up, and the nomination was confirmed.

On motion of Mr. Adams, the bill heretofore introduced by him providing for the execution of the Public Printing by contract, was ordered to be printed.

On motion of Mr. Heydenfeldt, the Senate adjourned.

DAVID C. BRODERICK, President of the Senate.

J. F. HOWE, Secretary of the Senate.

IN SENATE.

MONDAY, *March* 10, 1851.

The Senate assembled pursuant to adjournment.

The Journal of Saturday was read and approved.

Mr. Tingley submitted a resolution, which was adopted, instructing the Committee on Agriculture to inquire into the expediency of passing a law regulating the use of water for irrigation in the agricultural districts, with leave to report by bill or otherwise.

Mr. Tingley presented a letter from John M. Ham, on the same subject, which was read, and referred to the same committee.

Mr. Foster, from the Committee on Engrossed Bills, reported as correctly engrossed, "an Act to License Gaming," and the report was accepted.

Mr. Warner, from the Committee on Contingent Expenses, reported as correct, the account of George W. Beach, for Stationery, amounting to $130 $\frac{50}{100}$, and the report was adopted.

Mr. Warner, from the Committee on Enrolled Bills, reported as correctly enrolled, "an Act entitled 'an Act to prohibit Lotteries;'" an Act entitled "an Act to repeal 'an Act to prevent the coining of money by individuals;'" and the report was accepted.

Mr. Douglass gave notice that he would, at an early day, ask leave to introduce a bill to redistrict the State into Senatorial and Assembly Districts.

Mr. Robinson, agreeably to previous notice, asked and obtained leave to introduce a bill, entitled "an Act to incorporate the City of Sacramento," which was twice read, the Rules having been suspended for that purpose, laid on the table, and ordered to be printed.

A Message was received from the Assembly, informing the Senate that the Speaker did this day sign "Joint Resolution in regard to the London Industrial Exhibition;" and "an Act for the relief of the County Treasurers of the Counties of San Luis Obispo, Santa Barbara, Los Angeles, and San Diego." Also, that they had passed "an Act for the relief of the Mayor and City Council of the City of San José." Also, that they have concurred in the amendments of the Senate to Assembly bill, entitled "an Act to provide for the translation of the Laws into the Spanish Language."

The President of the Senate also signed bills, entitled "an Act for

the relief of the County Treasurers of the Counties of San Luis Obispo, Santa Barbara, Los Angeles, and San Diego;" and "Joint Resolution in regard to the London Industrial Exhibition;" and the Secretary certified thereon that they originated in the Senate.

Assembly Bill, entitled "an Act for the relief of the Mayor and City Council of the City of San José," was read the first and second times, and referred to the Committee on Claims, with instructions to report to-morrow.

Assembly bill, entitled "an Act supplemental to an Act entitled 'an Act prescribing the amount of compensation and mode of payment to persons who have performed military services for the State of California, and expenses incurred therein,'" was taken up, the question being, "shall the bill pass?" and the question was decided in the negative, by yeas and nays, as follows:—

YEAS.

Mr. Adams	Mr. Lippincott	
Green	Miller	
Heydenfeldt		—5.

NAYS.

Mr. Broderick	Mr. Robinson	
Crosby	Tingley	
De la Guerra	Van Buren	
Douglass	Warner	
Foster		—9.

On motion of Mr. Robinson, a select committee, consisting of Messrs. Robinson, Foster, Warner, Douglass, and Tingley, was appointed, to inquire and report as to whether any troops have been recently called into service, by order of the Governor, for the suppression of Indian hostilities.

Mr. Heydenfeldt, from the Joint Committee on Claims, reported the account of Henry Carpenter, for $700, for services rendered to Supreme Court, with a resolution providing for the payment of the same. The report was accepted, and the resolution adopted.

Mr. Robinson, from the Committee on Commerce and Navigation, asked and obtained unanimous leave to introduce a bill, entitled "an

Act to designate the holidays to be observed in the acceptance and payment of bills of exchange and promissory notes," which was read three several times, and passed, the Rules having been suspended for that purpose.

The report of the Committee on Contingent Expenses, on the account of the Postmaster of San José, for postage, was taken up, when,

On motion of Mr. Green, a joint resolution was adopted, authorizing the State Treasurer to draw upon the Tax Collector of Santa Barbara County, in favor of Hon. Pablo De la Guerra, for such amount as he may pay the Postmaster of San José, on account of the postage expenses of the Legislature.

Mr. Robinson asked and obtained unanimous leave to introduce a bill, entitled "an Act to repeal 'an Act prescribing the amount of compensation and mode of payment to persons who have performed military services for the State of California, and expenses incurred therein,'" which was read twice, the Rules having been suspended for that purpose, and laid over.

Mr. Adams moved that the bill be referred to the Committee on the Militia, but the motion was decided in the negative, by yeas and nays, as follows:

YEAS.

Mr. Adams	Mr. Miller
Green	Van Buren
Heydenfeldt	—5.

NAYS.

Mr. Broderick	Mr. Robinson
Crosby	Tingley
Douglass	Warner
Lippincott	—7.

On motion of Mr. Broderick, the Committee on the State Library were instructed to direct the Secretary of the State to take charge of the bound volumes of the Laws, Journals, and Journals of the Debates of the Convention, which have not yet been distributed.

A message was received from the Assembly, informing the Senate that they had adopted a concurrent Resolution relative to the election of

Commissioners, to mark and lay off the tracts of land proposed to be donated to the State by M. G. Vallejo.

The resolution mentioned in the Message was taken up and adopted, by yeas and nays, as follows:

YEAS.

Mr. Adams	Mr. Heydenfeldt
Broderick	Lippincott
Douglass	Miller
Foster	Robinson
Green	Van Buren—10.

NAYS.

Mr. Crobsy	Mr. Tingley
De la Guerra	Warner—4.

Whereupon, on motion of Mr. Hedyenfeldt, the Senate proceeded to an election, *viva voce*, of a Commissioner on the part of the Senate.

Mr. Heydenfeldt nominated Mr. Green.

Mr. Robinson nominated Mr. Heydenfeldt.

Mr. Warner nominated Mr. Robinson.

Mr. Tingley nominated Mr. Warner.

Mr. Adams nominated Mr. Lippincott.

Those who voted for Mr. Green were—Messrs. Broderick, Douglass, Heydenfeldt, Lippincott, Miller, Van Buren—6.

Those who voted for Mr. Warner were—Messrs. Crosby, Foster, Tingley—3.

Mr. Adams voted for Mr. Lippincott.

Mr. De la Guerra voted for Mr. Crosby.

Mr. Robinson voted for Mr. Heydenfeldt.

Mr. Warner voted for Mr. Robinson.

It thus appearing that the whole number of votes given was thirteen, and that no person had received a majority thereof, the Senate, in like manner, proceeded to a second vote, the result of which was announced to be as follows:

Whole number of votes	13
Necessary to a choice	7

Of which Mr. Green received	. . . .	7 votes.
Warner	. . . . .	4
Tingley	. . . . .	1
Robinson	. . . . .	1

Those who voted for Mr. Green were—Messrs. Adams, Broderick, Douglass, Heydenfeldt, Lippincott, Miller, Van Buren—7.

Those who voted for Mr. Warner were—Messrs. Crosby, Foster, Robinson, Tingley—4.

Mr. De la Guerra voted for Mr. Tingley—1.

Mr. Warner voted for Mr. Robinson—1.

And it thus appearing that Mr. Green had received a majority of all the votes given, the President declared him to be duly elected.

Mr. Warner asked and obtained unanimous leave to introduce a bill, entitled "an Act supplementary to 'an Act concerning the office of County Treasurer,'" passed March 27, 1850, which was read the first and second times, and ordered to lie on the table.

Mr. Crosby was granted leave of absence for ten days; and Mr. Van Buren for one week from Thursday next.

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

DAVID C. BRODERICK, President of the Senate.

J. F. HOWE, Secretary of the Senate.

IN SENATE.

TUESDAY, *March* 11, 1851.

The Senate assembled pursuant to adjournment.

The Journal of Monday was read and approved.

Mr. Green presented the petition of citizens of El Dorado County, in favor of the proposition to merge the office of County Recorder with that of County Clerk, which was read, and referred to the Committee on the Judiciary.

Mr. Foster, from the Committee on Engrossed Bills, reported as cor-

rectly engrossed, "an Act to designate the holidays to be observed in the acceptance and payment of bills of exchange and promissory notes;"

"A Joint Resolution for the relief of Henry Carpenter;"

And, "a Joint Resolution providing for the payment of the postage expenses of the Legislature."

Mr. Warner, from the Committee on Contingent Expenses, reported as correct, the accounts of F. Sourisseau, for $20; of George Dewar, for $59; of Alexander Martorell, for $240; of W. T. Freedenburgh, for $24; and of Lafevre and Shearer, for $330; and the Report was adopted.

On motion of Mr. Robinson, the votes by which the bill, entitled "an Act to designate the holidays to be observed in the acceptance and payment of bills of exchange and promissory notes," was read the third time and passed, were reconsidered, an amendment thereto was submitted by Mr. Robinson, and adopted, and the bill was then again read the third time, and passed.

Mr. Heydenfeldt, from the Select Committee consisting of the San Francisco Delegation, to whom had been referred Senate bill, entitled "an Act to establish the Recorder's Court for the City of San Francisco," reported the same without amendment, and recommending its passage. The Report was accepted, and the bill laid over.

Mr. Warner, from the Joint Committee on Enrolled Bills, reported that they had this day presented to the Governor for his signature, "an Act for the relief of the Treasurers of the Counties of San Louis Obispo, Santa Barbara, Los Angeles, and San Diego; and "a Joint Resolution in regard to the London Industrial Exhibition;" and the report was accepted.

Senate bill entitled "an Act supplementary to an Act concerning the office of County Treasurer," was taken up, amended on motion of Mr. Tingley, read the third time, and passed.

A Message was received from the Assembly, informing the Senate that they had passed Senate bill, entitled "an Act to repeal an Act for the better regulation of the mines and the government of the foreign miners, approved April 13, 1850;"

That they had indefinitely postponed Senate bill, to amend "an Act entitled an Act to supersede certain Courts and regulate appeals therefrom to the Supreme Court;"

That they had passed bills therewith transmitted, entitled "an Act dividing the State into Counties, and establishing the seats of Justice

therein;" "an Act concerning the Courts of Justice of this State, and Judicial officers;" and

That the Speaker did this day sign "an Act to prohibit Lotteries;" and "an Act to repeal an Act to prevent the coining of money by individuals."

The President of the Senate also signed the two last-mentioned bills, and the Secretary certified thereon that they originated in the Senate.

Mr. Robinson, from the Committee on Commerce and Navigation, to whom had been referred "an Act to provide for the inspection of Steamboats," reported the same with an amendment, reducing the amount of the Inspector's Bonds. The report was accepted, and the bill laid over.

Messages were received from the Governor, informing the Senate that he did on yesterday sign "an Act for the relief of the County Treasurers of the Counties of San Louis Obispo, Santa Barbara, Los Angeles, and San Diego;" "an Act concerning the office of Public Administrator for the County of San Francisco, and making it elective;" and "a Joint Resolution in regard to the London Industrial Exhibition;" also nominating James M. Burr as Port Warden for the ports of Benicia and Vallejo.

Senate bill, entitled "an Act to repeal 'an Act prescribing the amount of compensation and mode of payment to persons who have performed Military Services for the State of California, and expenses incurred therein,'" was taken up; the question being on ordering the same to a third reading,

Mr. Van Buren moved that the bill be indefinitely postponed; upon which motion the yeas and nays were demanded, and resulted as follows:

YEAS.

Mr. Adams	Mr. Lippincott
Green	Miller
Heydenfeldt	Van Buren—6.

NAYS.

Mr. Broderick	Mr. Robinson
De la Guerra	Tingley
Foster	Warner—6.

So the question was decided in the negative.

Mr. Broderick moved to lay the bill on the table, and make it the Special Order for Thursday next, and the question was, by yeas and nays, decided in the affirmative, as follows:

YEAS.

Mr. Broderick	Mr. Robinson
De la Guerra	Tingley
Foster	Warner
Lippincott	—7.

NAYS.

Mr. Adams	Mr. Miller
Green	Van Buren
Heydenfeldt	—5.

Mr. Van Buren asked and obtained unanimous leave to introduce a bill, entitled "an Act concerning the Salaries of Officers and pay of Members of the Legislature," which was read the first and second times, and referred to the committee who have under consideration a similar bill, heretofore introduced.

Assembly bill, entitled "an Act dividing the State into Counties and establishing the Seats of Justice therein," was read the first and second times, and referred to the Committee on County Boundaries."

Assembly bill, entitled "an Act concerning the Courts of Justice of this State, and Judicial Officers," was read the first and second times, and referred to the Committee on the Judiciary.

On motion of Mr. Lippincott, the Senate adjourned.

DAVID C. BRODERICK, President of the Senate.

J. F. HOWE, Secretary of the Senate.

IN SENATE.

WEDNESDAY, *March* 12, 1851.

The Senate assembled pursuant to adjournment.

The Journal of Tuesday was read and approved.

Mr. Tingley asked and was granted general leave of absence for the remainder of the session.

The President laid before the Senate the petition of citizens of Yuba

County, praying that the office of County Recorder may be merged in that of County Clerk, which was read and referred to the Committee on the Judiciary.

Mr. Heydenfeldt, from the Committee on Claims, to whom had been recommitted the letters of Gov. Smith and Gov. Burnett, reported that the committee could not agree.

On motion of Mr. Green, the report and letters were recommitted to the same committee, with instructions to report a bill to-morrow.

A Message was received from the Governor, nominating George S. Porter as Port Warden for the Port of San Francisco.

A Message was received from the Assembly, informing the Senate that they had passed Senate bill, therewith transmitted, entitled "an Act to license Gaming," with sundry amendments;

Also, that they had indefinitely postponed Senate "Joint Resolution for the relief of Henry Carpenter;"

Also, that they had elected Messrs. Baldwin and Saunders, Commissioners, as required in resolution, relative to laying off the tracts of land proposed to be donated to the State by M. G. Vallejo;

Also, that the Speaker did this day sign "an Act to provide for the Translation of the Laws into the Spanish Language," which was therewith transmitted for the signature of the President.

Mr. Foster, from the Committee on Engrossed Bills, reported as correctly engrossed, "an Act supplementary to an Act concerning the office of County Treasurer," passed March 27, 1850.

Mr. Warner, from the Committee on Enrolled Bills, reported as correctly enrolled, "an Act to provide for the Translation of the Laws into the Spanish Language." Also, that the Committee had this day presented to the Governor for his signature, "an Act to prohibit Lotteries;" and "an Act to repeal an Act to prevent the coining of money by individuals."

On motion, the Messages of the Governor, of yesterday and to-day, were taken up, and the nominations of James M. Burr, as Port Warden of Benicia and Vallejo, and of George S. Porter, as Port Warden of San Francisco, were confirmed.

Senate bill to License Gaming, with the amendments of the Assembly thereto, was taken up. On motion, the amendment to the sixth section was concurred in, and all the other amendments were non-concurred in.

Assembly bill entitled "an Act to provide for the Inspection of Steam-

boats," was taken up, the question being on the adoption of the amendment proposed by the Committee on Commerce and Navigation, reducing the amount of the Inspector's Bond; when, on motion of Mr. Heydenfeldt, the bill was laid on the table.

Joint Resolution of the Assembly, "instructing our Senators, and requesting our Representatives, in relation to the Public Lands," was taken up, and indefinitely postponed.

Senate bill, entitled "an Act for the payment of the salary of E. J. C. Kewen, late Attorney General, was taken up.

Mr. Broderick moved that the bill be indefinitely postponed, but the question was decided in the negative, by yeas and nays, as follows:

YEAS.

Mr. Broderick—1.

NAYS.

Mr. Adams	Mr. Miller
De la Guerra	Robinson
Douglass	Van Buren
Green	Warner
Heydenfeldt	Woodworth—10.

On the motion of Mr. Van Buren, the bill was ordered to lie on the table.

Mr. Adams rose to a privileged question, and made a statement in relation to an article this morning published in the San José "*State Journal*," reflecting upon his official conduct as a Collector of the Foreign Miners' Tax. On his motion, a resolution was adopted for the appointment of a committee, with power to send for persons and papers, with instructions to visit the Treasurer's Department and make a full, thorough, and complete investigation of his conduct and accounts, as a Collector of the Foreign Miners' Tax, and report the same to the Senate at the earliest possible period.

The President signed bill, entitled "an Act to provide for the Translation of the Laws into the Spanish Language."

Mr. Robinson asked and obtained leave of absence until Monday next.

On motion of Mr. Douglass, the Senate adjourned.

DAVID C. BRODERICK, President of the Senate.

J. F. HOWE, Secretary of the Senate.

IN SENATE.

THURSDAY, *March* 13, 1851.

The Senate assembled pursuant to adjournment.

The Journal of Wednesday was read and approved.

A Message was received from the Governor, informing the Senate that he did, on the 11th instant, sign "an Act to repeal 'an Act to prevent the coining of money by individuals;'" and, "an Act to prohibit Lotteries."

Also, a Message, returning with his veto, "an Act to exempt the City of San Francisco from the operation of the 'Act prescribing the mode of assessing and collecting the public revenues, for County purposes.'" (See appendix B B.)

The Senate proceeded to reconsider the last-named bill, as provided by the Constitution, and the question recurring, "shall the bill pass, the objections of the Governor notwithstanding?" it was, by yeas and nays, decided as follows:

YEAS.

Mr. Adams	Mr. Foster
Broderick	Heydenfeldt
Crosby	Miller
De la Guerra	Van Buren—8.

NAYS.

Mr. Douglass	Mr. Warner
Lippincott	—3.

So the question was, by the constitutional majority, decided in the affirmative, two thirds of all the Senators present having voted for the passage of the bill.

A Message was received from the Assembly, informing the Senate that they had passed Senate bill, entitled "an Act to amend an Act entitled 'an Act to provide for the Incorporation of Cities;'"

Also, that the Speaker did this day, sign "an Act to Incorporate the City of Nevada;"

Also that they had passed bills, severally entitled "an Act to provide for the disposition of certain property of State of California," being a substitute for Senate bill, entitled "an Act granting certain Public Lands within the City of San Francisco, and for quieting titles of claimants thereto;" "an Act creating the office of Harbor Master for the Port and Harbor of San Francisco, and, for other purposes;" "an Act, to Fund the Debt of the State;"

Also, that the Assembly had receded from all their amendments non-concurred in by the Senate, to bill entitled "an Act to License Gaming."

The President signed bill, entitled "an Act to Incorporate the City of Nevada."

Mr. Heydenfeldt, from the Committee on Claims, to whom had been referred the letters of Gov. Burnett and Gov. Smith, reported a bill, entitled "an Act for the relief of William Smith," which was read twice, and ordered to lie on the table until to-morrow.

Mr. Warner, from the Committee on Enrolled Bills, reported as correctly enrolled, "an Act to Incorporate the City of Nevada;" "an Act to repeal 'an Act for the better Regulation of the Mines and the Government of Foreign Miners;'" and that the Committee did, on yesterday, present to the Governor for his approval, "an Act to provide for the Translation of the Laws into the Spanish Language;" and to-day, "an Act to Incorporate the City of Nevada."

Assembly bill, entitled "an Act granting certain Public Lands within the City of San Francisco, and for quieting titles of claimants thereto," was read the first and second times, and referred to a Select Committee, consisting of Messrs. Heydenfeldt, Crosby, De la Guerra, Van Buren, and Woodworth.

Assembly bill, entitled "an Act creating the office of Harbor Master for the Port and Harbor of San Francisco, and for other purposes," was read the first and second times, and referred to the Committee on Commerce and Navigation.

Assembly bill entitled "an Act to Fund the Debt of the State," was

read the first and second times, and referred to the Committee on Finance.

The special order of the day being "an Act to repeal 'an Act prescribing the amount of compensation and mode of payment to persons who have performed military services for the State of California, and expenses incurred therein,'" was taken up.

Mr. Green moved that the bill be indefinitely postponed, but the question was, by yeas and nays, decided in the negative, as follows:

YEAS.

Mr. Douglass	Mr. Lippincott
Green	Miller
Heydenfeldt	Van Buren—6.

NAYS.

Mr. Adams	Mr. De la Gerra
Broderick	Foster
Crosby	Woodworth—6.

On motion, the bill was then laid upon the table.

Mr. Broderick, on leave, introduced a bill, entitled "an Act prescribing the amount of compensation, and mode of payment to persons performing military services for the State of California, and for paying the expenses of Indian Wars," which was read the first and second times, and ordered to be printed.

Mr. Warner introduced a resolution for the appointment of a committee to inquire into, and report the facts in reference to the alleged interference by the State troops in Mariposa with the civil authorities of the State, to prevent the arrest of an individual charged with the crime of murder.

Mr. Green moved that the resolution be indefinitely postponed.

Mr. Woodworth moved to lay the motion of Mr. Green on the table, and on this question the yeas and nays were ordered, and resulted as follows:

YEAS.

Mr. Adams	Mr. Warner
Broderick	Woodworth
Douglass	—5.

NAYS.

Mr. De la Guerra	Mr. Lippincott
Green	Miller
Heydenfeldt	Van Buren—6.

Mr. Van Buren, on leave, introduced a bill, entitled "an Act authorizing the District Attorney of the Seventh Judicial District to enter a *nolle prosequi* in certain cases," which was read the first and second times, and laid over.

On motion of Mr. Van Buren, the Senate adjourned.

DAVID C. BRODERICK, President of the Senate.

J. F. HOWE, Secretary of the Senate.

IN SENATE.

FRIDAY, *March* 14, 1851.

The Senate assembled pursuant to adjournment—Hon. Elcan Heydenfeldt, President, *pro. tem.*, in the Chair.

The Journal of Thursday was read and approved.

Mr. Warner, from the Committee on Enrolled Bills, reported that the committee had examined and found correctly enrolled, "an Act to License Gaming."

Mr. Douglass, agreeably to previous notice, asked and obtained leave to introduce a bill, entitled "an Act to regulate the Senatorial and Assembly Districts," which was read the first and second times, and ordered to be printed.

A Message was received from the Assembly, informing the Senate that they had passed "Joint Resolution in relation to certain cases pending in the District Court of the County of Solano;" "a Joint Resolution relative to the appropriation by Congress for the relief of Capt. William Waldo and Charles N. Hall;" and "an Act to extend the time for County Treasurers to make their returns." Also, that the Speaker had signed bill, therewith transmitted, for the signature of the President, entitled "an Act to repeal an Act for the better regulation of the Mines

and the Government of Foreign Miners," approved April 13, 1850; and "an Act to License Gaming."

The President, *pro tempore*, signed the two last-named bills, and the Secretary certified thereon that they originated in the Senate.

Joint Resolution of the Assembly, "in relation to certain cases pending in the District Court of the County of Solano," was read the first and second times, and laid on the table.

Joint Resolution of the Assembly, relative to an appropriation by Congress for the relief of Capt. Wm. Waldo and Charles N. Hall, was read the first and second times, and laid on the table.

Senate bill, entitled "an Act to incorporate the City of Sacramento," was taken up, read the third time, and passed.

Assembly bill, entitled "an Act concerning County Recorders," was taken up, and several amendments thereto proposed, and adopted.

Mr. Woodworth moved that the bill and amendments be referred to a Select Committee, but the question was decided in the negative, by yeas and nays, as follows:

YEAS.

Mr. Adams	Mr. Lippincott
Heydenfeldt	Woodworth—4.

NAYS.

Mr. De la Guerra	Mr. Miller
Douglass	Van Buren
Foster	Warner—6.

Mr. Woodworth moved that the bill be indefinitely postponed, but the question was decided in the negative, by yeas and nays, as follows:

YEAS.

Mr. Douglass	Mr. Woodworth
Lippincott	—3.

NAYS.

Mr. Adams	Mr. Miller
De la Guerra	Van Buren
Foster	Warner
Heydenfeldt	—7.

Assembly bill, entitled "an Act to extend the time for County Treasurers to make their returns," was read the first and second times, and referred to the Committee on the Judiciary.

Mr. Foster, from the Committee on Engrossed Bills, reported that the committee had examined and found correctly engrossed, "an Act to incorporate the City of Sacramento."

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

E. HEYDENFELDT, President, *pro tempore*, of the Senate.

J. F. HOWE, Secretary of the Senate.

IN SENATE.

SATURDAY, *March* 15, 1851.

The Senate assembled pursuant to adjournment, the President, *pro tempore*, in the Chair.

The Journal of Friday was read and approved.

Mr. Miller presented the petition of citizens of Yuba County, praying that in the event of the division of that County, "Grass Valley" may be made the site of the new county town, which was referred to the Committee on County Boundaries.

Mr. Van Buren, from the Committee on the Judiciary, to whom had been referred "an Act for the relief of the former Town Council of Stockton," reported the same without amendment, and the bill was read the third time, and passed.

Mr. Warner asked and obtained unanimous leave to introduce a bill, entitled "an Act to exempt the Ranch of San Ysidro from Taxation," which was read the first and second times, and referred to the Committee on Finance.

On motion of Mr. Heydenfelt, the Senate took up "an Act concerning Divorces."

Mr. Heydenfeldt moved to strike out all after the enacting clause, and insert a substitute therefor.

Mr. Van Buren moved that the bill and substitute be laid on the table, and that the latter be printed; and the question was, by yeas and nays, decided in the affirmative, as follows:

YEAS.

Mr. Adams	Mr. Miller
Douglass	Van Buren
Lippincott	—5.

NAYS.

Mr. De la Guerra	Mr. Heydenfeldt
Foster	Warner—4.

On motion of Mr. De la Guerra, the vote by which the Senate ordered the substitute to be printed, was reconsidered, and Mr. Heydenfeldt had leave to withdraw the same.

Joint Resolution of the Assembly, "in relation to certain cases pending in the District Court of the County of Solano," was taken up, read the third time, and the question being on its passage, the yeas and nays were demanded thereon by Messrs. Van Buren and Douglass, and resulted as follows:—

YEAS.

Mr. De la Guerra	Mr. Miller
Douglass	Warner—4.

NAYS.

Mr. Adams	Mr. Lippincott
Foster	Van Buren
Heydenfeldt	Woodworth—6.

So the Resolution was rejected.

A Message was received from the Assembly, informing the Senate that the Governor had returned to the Assembly, with his objections, "an Act to repeal the one hundred and seventy-fourth section of the Act entitled an Act concerning Corporations;" and "an Act to amend an Act concerning Corporations, approved April 22d, 1850;" and that the Assembly had again passed said bills by the constitutional majority, the objections of the Governor notwithstanding;

Also, that they had passed Senate Joint Resolution for paying the postage expenses of the Legislature;

Also, that they had passed "Joint Resolution instructing our Senators,

and requesting our Representatives, to procure the passage of a law appropriating funds for the relief of J. J. Petrie;"

Also, that they had passed Senate bill, entitled "an Act to repeal 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 to incorporate the City of Sacramento," with amendments.

The Senate concurred in the amendments of the Assembly to the last-mentioned bill.

A Message was received from the Governor, informing the Senate that he had signed "an Act to License Gaming;" and "an Act to repeal 'an Act for the better regulation of the Mines and the government of Foreign Miners,'" approved April 13, 1850.

Senate bill, entitled "an Act defining what in certain cases shall be sufficient evidence of possession in actions brought for the recovery of the possession of Lands," was taken up, amended, and ordered to a third reading to-morrow.

Enrolled bill, entitled "an Act to repeal the 174th section of the Act concerning Corporations," transmitted from the Assembly with the objections of the Governor thereto, was taken up, the question being, "Shall the bill pass, the objections of the Governor notwithstanding?" which was decided in the negative, by yeas and nays, as follows:—

YEAS.

Mr. Adams	Mr. Van Buren
Douglass	—3.

NAYS.

Mr. Foster	Mr. Miller
Heydenfeldt	Warner
Lippincott	Woodworth—6.

Enrolled bill, entitled "an Act to amend 'an Act concerning Corporations,'" transmitted from the Assembly with the objections of the Governor thereto, was taken up, the question being, "Shall the bill pass, the objections of the Governor notwithstanding?" which was decided in the negative, by yeas and nays, a constitutional majority not voting in favor of the passage of the bill.

YEAS.

Mr. Douglass	Mr. Van Buren
Foster	Woodworth
Miller	—5.

NAYS.

Mr. Adams	Mr. Lippincott
Heydenfeldt	Warner—4.

Mr. Heydenfeldt gave notice that he would, on Monday, move a reconsideration of the votes by which the Senate refused to pass, by the constitutional majority, the two last-mentioned bills.

Joint Resolution of the Assembly, "Instructing our Senators, and requesting our Representatives, to procure the passage of a law appropriating funds for the relief of J. J. Petrie,' was read twice, and referred to a select committee, consisting of Messrs. Warner, Douglass, and Lippincott.

Joint Resolution of the Assembly, relative to an appropriation by Congress, "for the relief of Captain William Waldo and Charles N. Hall," was taken up, and referred to the same committee.

Senate bill, entitled "an Act for the relief of William Smith," was taken up.

Mr. Woodworth moved that the bill be indefinitely postponed, but the question was, by yeas and nays, decided in the negative, as follows:

YEAS.

Mr. Foster	Mr. Warner
Lippincott	Woodworth—4.

NAYS.

Mr. Adams	Mr. Heydenfeldt
De la Guerra	Miller
Douglass	Van Buren—6.

On motion of Mr. De la Guerra, the bill was then referred to a select committee, consisting of Messrs. De la Guerra, Lippincott, and Adams, with instructions to ascertain from Mr. Smith the amount of his claim

against the State, and to request from him the vouchers necessary to establish the same.

Mr. Woodworth gave notice that he would, at an early day, ask leave to introduce a bill, entitled "an Act to reduce the Spanish Weights and Measures to the American Standard."

Assembly bill, entitled "an Act to provide for the Inspection of Steamboats," was taken up and indefinitely postponed.

Assembly bill, entitled "an Act concerning County Recorders," was taken up, amended, and on motion of Mr. Warner, was referred to a select committee, consisting of Messrs. Warner, Miller, and Foster, with instructions to report on Tuesday next.

Mr. Van Buren asked and obtained unanimous leave to introduce a bill, entitled "an Act authorizing the Governor to call out troops to defend the Frontier, and providing for their pay and compensation," which was read the first and second times, amended, read the third time, and passed, the Rules having been suspended for that purpose.

Mr. Warner, from the Joint Committee on Enrolled Bills, reported as correctly enrolled, "an Act to repeal 'an Act creating Officers of Health for the Port of San Francisco, and defining their duties;'" and "a Joint Resolution for the purpose of paying the Post-office expenses of the Legislature." Also, that they presented to the Governor, on the 14th instant, for his approved, "an Act to License Gaming;" and "an Act to amend 'an Act to provide for the Incorporation of Cities.'"

On motion of Mr. Van Buren, the Senate took a recess until 7, P.M.

On reassembling, the Senate, on motion, took a further recess until 8, P. M.

On reassembling at 8, P.M., Mr. Foster, from the Committee on Engrossed Bills, reported as correctly engrossed, "an Act authorizing the Governor to call out troops to defend the frontier, and providing for their pay and compensation."

Mr. Woodworth submitted a Joint Resolution, which was adopted, providing for an adjournment of the Legislature, *sine die*, on the tenth of April ensuing.

A Message was received from the Assembly, informing the Senate that they had passed Senate bill, entitled "an Act authorizing the Governor to call out troops to defend our frontier, and providing for their pay and compensation."

On motion of Mr. Van Buren, the Senate adjourned.

E. HEYDENFELDT, President, *pro tempore*, of the Senate.

J. F. HOWE, Secretary of the Senate.

IN SENATE.

MONDAY, *March* 17, 1851.

The Senate assembled pursuant to adjournment, the President, *pro tempore*, in the Chair.

The Journal of Saturday was read and approved.

A Message was received from the Assembly, informing the Senate that the Governor had notified that body that he did, on the 14th inst., sign "an Act to Incorporate the City of Nevada;" also, that they had passed "a Joint Resolution in relation to the establishing of Forts on our borders;" also, that they had refused to pass, by the constitutional majority, bill vetoed by the Governor, entitled "an Act to exempt the City of San Francisco from the operation of the 'Act prescribing the mode of assessing and collecting the public revenues for County purposes;'" also, that the Speaker had signed bills entitled "an Act to repeal 'an Act creating officers of Health for the Port of San Francisco, and defining their duties,'" and "a Joint Resolution providing for the payment of the Post-office expenses of the Legislature."

The last-mentioned Act and Joint Resolution were also signed by the President, *pro tempore*, and the Secretary certified thereon that they originated in the Senate.

The President, *pro tempore*, laid before the Senate a petition from citizens of San Francisco, praying that the jurisdiction of Justices of the Peace may be extended to five hundred dollars, and that the City and County of San Francisco may not be excluded from the benefits of the Act, which was read and referred to the Committee on the Judiciary.

Mr. Foster, from the Committee on Engrossed Bills, reported as correctly engrossed, "an Act for the relief of the former Town Council of Stockton."

A Message was received from the Governor, transmitting a communication from Brigadier-General A. M. Winn, in relation to the riot in

Sacramento City in August last, which was referred to the Committee on Claims. (See Appendix Z.)

Mr. Woodworth, from the Committee on the Militia, reported "an Act to amend an Act to provide for the organization of the Militia," which was read three several times, and passed, the Rules having been suspended for that purpose.

Mr. Warner, from the Committee on Contingent Expenses, reported as correct, the accounts of Evans & Co., for $34; of George Dewar, for $62 $\frac{50}{100}$; of James Appleton, for $41 $\frac{80}{100}$; and recommending their payment. The report was received and laid on the table.

Mr. Warner, from the Committee on Enrolled Bills, reported as correctly enrolled, "an Act authorizing the Governor to call out troops to defend our frontier, and providing for their pay and compensation."

Mr. Warner, from the Select Committee, to whom had been referred Assembly Joint Resolutions, instructing our Senators, and requesting our Representatives, in Congress, to use their exertions to procure the passage of laws appropriating funds for the relief of William Waldo, Charles N. Hall, and J. J. Petrie, reported a substitute therefor, which was read three several times, and passed, the Rules having been suspended for that purpose.

On motion, Messrs. Woodworth and De la Guerra were added to the Committee on Public Printing; and Messrs. Douglass and Lippincott to the Select Committee to whom had been referred the Memorial of the citizens of Martinez, and the Petition of Oliver C. Coffin.

Mr. Woodworth, agreeably to previous notice, asked and obtained leave to introduce "a Joint Resolution in relation to the Public Printing;" and "an Act concerning the State Printing," each of which was read the first and second times, and referred to the Committee on Public Printing, with instructions to report to-morrow.

Assembly "Joint Resolution, in relation to establishing Forts on our borders," was read three several times, and passed, the Rules having been suspended for that purpose.

Mr. Foster, from the Committee on Engrossed Bills, reported as correctly engrossed, "an Act to amend 'an Act concerning the organization of the Militia.'"

On motion of Mr. Heydenfeldt, the votes by which the Senate yesterday refused to pass, by the constitutional majority, bills vetoed by the Governor, entitled "an Act to repeal the one hundred and seventy-

fourth section of 'an Act concerning Corporations;'" and "an Act to amend 'an Act concerning Corporations,'" were reconsidered, and the bills were, by yeas and nays, passed by the constitutional majority, the former by the following vote:

YEAS.

Mr. Adams	Mr. Heydenfeldt
Crosby	Lippincott
De la Guerra	Miller
Douglass	Van Buren
Foster	Woodworth—10.

NAYS.—None.

And the latter by the following vote:

YEAS.

Mr. Adams	Mr. Heydenfeldt
Crosby	Lippincott
De la Guerra	Miller
Douglass	Van Buren
Foster	Woodworth—10.

NAYS.—None.

On motion of Mr. De la Guerra, the Senate took a recess until half-past twelve o'clock, P. M.

On reassembling, Mr. Douglass, from the Committee on Claims, to whom had been referred Assembly bill, entitled "an Act for the relief of the Mayor and Town Council of San José," reported the same without amendment.

The Report was accepted; and the question then being on ordering the bill to a third reading, Mr. Woodworth moved to amend the same by including in the provisions of the bill the City of Monterey also.

Mr. De la Guerra moved that the bill and amendment be referred to a Select Committee, and the question was, by yeas and nays, decided in the affirmative, as follows:

YEAS.

Mr. Adams	Mr. Heydenfeldt
Crosby	Van Buren
Douglass	Woodworth
Foster	—7.

NAYS.

Mr. De la Guerra	Mr. Miller
Lippincott	Warner—4.

The President, *pro tempore*, appointed as such committee, Messrs. De la Guerra, Warner, and Miller.

Mr. Van Buren submitted a Resolution which was adopted, requesting the Treasurer to report to this body, at his earliest convenience, the receipts and expenditures of the Treasury, since the 15th of December, 1850.

Mr. Woodworth submitted a "Joint Resolution allowing Warrants on the Treasury to draw Interest," which was read the first and second times, and laid over.

Mr. Van Buren submitted a Resolution, which was adopted, requesting the Comptroller to furnish this body, at his earliest convenience, a statement of the amount of all Warrants upon the Treasury, issued by him since the date of his last report.

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

On reassembling, a Message was received from the Assembly, informing the Senate that the Speaker had signed bill, entitled "an Act authorizing the Governor to call out troops to defend our frontier, and providing for their pay and compensation."

The President, *pro tempore*, also signed the bill, and the Secretary certified thereon that it originated in the Senate.

Mr. Warner, from the Joint Committee on Enrolled Bills, reported as correctly enrolled, "an Act to repeal 'an Act creating Officers of Health for the Port of San Francisco, and defining their duties,'" and "a Joint Resolution for the purpose of defraying the Postage Expenses of the Legislature."

Mr. Van Buren, from the Committee on Enrolled Bills, reported that

the committee had presented to the Governor, for his approval, "an Act authorizing the Governor to call out troops to defend our frontier, and providing for their pay and compensation."

On motion of Mr. Van Buren, the Senate adjourned.

E. HEYDENFELDT, President, *pro tempore*, of the Senate.

J. F. HOWE, Secretary of the Senate.

IN SENATE.

TUESDAY, *March* 18, 1851.

The Senate assembled pursuant to adjournment. Hon. David C. Broderick, President, in the Chair.

The Journal of Monday was read and approved.

Mr. Heydenfeldt, from the Committee on Claims, to whom had been referred the communication of Brigadier General A. M. Winn, presenting claims of several individuals for services performed in quelling the riot which occurred at Sacramento in August last, made a report withdrawing the claims of Major Wakeman Bryarly and Col. E. J. C. Kewen, for services so performed, on the ground that the use of their names was unauthorized by them, and recommending that the remainder of the claims submitted by General Winn be rejected.

Mr. Douglass withdrew the claim of Colonel B. F. Freeman, as unauthorized by him to be submitted, and the report of the committee was then adopted.

Mr. Miller, from the Committee on Finance, to whom had been referred Senate bill entitled "an Act to exempt the Ranch of San Ysidro from Taxation," reported the same, with a recommendation that it be indefinitely postponed. The report was accepted, and the bill indefinitely postponed.

Mr. Miller, from the same committee, reported a bill, entitled "an Act to amend 'an Act prescribing the mode of assessing and collecting public revenue,'" which was read three several times, and passed, the Rules having been suspended for that purpose.

Mr. Heydenfeldt, from the committee to whom had been referred Assembly bill, entitled "an Act to provide for the disposition of certain

property of the State of California," reported the same with an amendment. The report was accepted, the amendment was adopted, and the bill was read the third time, and passed.

Mr. Foster, from the Select Committee appointed to ascertain whether any troops have been called into service by order of the Governor, for the suppression of Indian hostilities, made a report, accompanied by the correspondence of the committee with the Governor, from which it appeared that Major-General Bean had been directed, on the 1st instant, to organize a company of fifty men in the county of Los Angeles, to check Indian depredations on that frontier. The report was accepted. (See Appendix A. A.)

A Message was received from the Assembly, informing the Senate that the Governor had notified the Assembly, that he did, on the 15th instant, sign an Act entitled "an Act to provide for the translation of the laws into the Spanish language;" also that he did, on the 13th instant, sign a "Joint Resolution requiring the Comptroller to audit the accounts of the State Printer for stated sums."

Also, that they had passed Senate's Joint Resolution for the relief of Capt. Wm. Waldo, Charles N. Hall, and J. J. Petrie," being a substitute for Assembly's Joint Resolutions relating to the same persons.

Also, that they had passed bills, therewith transmitted, entitled "an Act concerning Sheriffs," and "an Act to amend an Act defining the duties of State Printer and fixing his compensation."

Mr. De la Guerra, from the Select Committee, to whom had been referred the petitions of Charles C. Coffin, and of the Trustees of the town of Martinez, made a report in writing adverse to the former, and, with certain conditions, favorable to the latter, and the report was received, and laid on the table.

Assembly bill, entitled "an Act concerning Sheriffs," was read the first and second times, and referred to the Committee on the Judiciary.

Assembly bill, entitled "an Act defining the duties of State Printer, and fixing his compensation," was read the first and second times, and refered to the Committee on Public Printing.

Mr. Miller, from the Committee on Public Printing, to whom had been referred the petition of David Jobson and others, the letter of Mr. Adams, and sundry bills and resolutions, all relating to the public printing, reported the same for the consideration of the Senate. The report was accepted, and the papers referred to were recommitted to a

Select Committee, consisting of Messrs. Heydenfeldt, Warner, and De la Guerra.

A message was received from the Governor, informing the Senate that he had signed "an Act to repeal 'an Act creating Officers of Health for the Port of San Francisco, and defining their duties;'" "an Act authorizing the Goveror to call out troops to defend our frontier, and providing for their pay and compensation," and a "Joint Resolution for the purpose of paying the postage expenses of the Legislature."

Mr. Warner, from the Select Committee to whom had been referred Assembly bill, entitled "an Act concerning County Recorders," with the amendments of the Senate thereto, reported the same with an additional amendment, and recommending that with this, and the amendments previously made by the Senate, the bill be passed. The report was adopted, the bill was further amended, read the third time, and passed.

Senate's Joint Resolution, allowing interest on State Warrants, was taken up, read the third time, and indefinitely postponed.

The Report of the Committee on Contingent Expenses, on the accounts of Geo. Dewar, James Appleton, and Evans & Co., was taken up, and recommitted to the same committee, with instructions to report the market prices of the articles mentioned in the accounts.

Mr. Adams, from the committee on Finance, to whom had been referred Assembly bill, entitled "an Act to fund the debt of the State," reported the same without amendment, and recommending its passage. The report was accepted, and the bill was laid over.

On motion of Mr. Woodworth, it was ordered, that all committees to whom bills and other matters have been referred by the Senate, be required to report on or before Saturday next.

Senate bill, entitled "an Act authorizing the District Attorney of the Seventh Judicial District to enter a *nolle prosequi* in certain cases," was taken up, and read the third time.

Mr. Douglass moved that the bill be indefinitely postponed, but the question was, by yeas and nays, decided in the negative, as follows:

YEAS.

Mr. Crosby	Mr. Heydenfeldt
Douglass	Lippincott
Foster	Woodworth—6.

NAYS.

Mr. Adams	Mr. Miller
Broderick	Van Buren
De la Guerra	Warner—6.

The question then being on the passage of the bill, it was, by yeas and nays, decided in the negative, as follows:

YEAS.

Mr. Adams	Mr. Miller
Broderick	Warner
De la Guerra	—5.

NAYS.

Mr. Crosby	Mr. Lippincott
Douglass	Van Buren
Foster	Woodworth
Heydenfeldt	—7.

Mr. Warner submitted a resolution, which was laid over, that from and after the 19th inst., the Senate will hold two sessions each day (Sundays excepted), the first to commence at 10 o'clock, A. M., and the second at 4 o'clock, P. M.

Mr. Douglass, on leave, introduced a bill, entitled "an Act to change the name of the office of County Recorder to that of County Register," which was read the first and second times, and laid over.

On motion of Mr. Miller, the Senate adjourned.

DAVID C. BRODERICK, President of the Senate.

J. F. HOWE, Secretary of the Senate.

IN SENATE.

WEDNESDAY, *March* 19, 1851.

The Senate assembled pursuant to adjournment.

The Journal of Tuesday was read and approved.

Mr. Foster, from the Committee on Engrossed Bills, reported as correctly engrossed, "an Act to amend an Act prescribing the mode of assessing and collecting the Public Revenue," and the report was accepted.

Mr. Warner, from the Committee on Contingent Expenses, to whom had been referred sundry accounts, with instructions to report the market value of the articles therein named, made a report in writing, which was read, and laid on the table.

Mr. Crosby presented the memorial of citizens of San José, praying that laws may be passed prohibiting gambling altogether, and to punish adultery, prostitution, fornication, the keeping of houses of ill-fame, and the renting of buildings for such purposes; which was referred to the Committee on the Judiciary.

On motion of Mr. Heydenfeldt, the votes by which the bill entitled "an Act for the disposition of certain property of the State of California," was read the third time and passed, were reconsidered.

Mr. Heydenfeldt asked leave to withdraw the amendment yesterday submitted by the Select Committee on that subject and adopted, which was granted.

Mr. Heydenfeldt thereupon submitted a substitute for that amendment, and a further amendment, as section 3, which were adopted, and the bill was then again read the third time, and passed.

Mr. Warner, from the Committee on Contingent Expenses, to whom had been referred the account of J. Winchester, for $3,211 $\frac{34}{100}$, made a report in writing, that section 4 of the Act defining the duties of State Printer, and fixing his compensation, amply provides for the payment of the State printing, and asking that the committee be discharged from the further consideration of said account. The report was accepted, and laid on the table.

Mr. Miller, from the Committee on Public Printing, to whom had been referred Assembly bill, entitled "an Act defining the duties of State Printer, and fixing his compensation," reported the same with an amendment. The amendment was adopted, and the bill as amended was read the third time. The question then being on the passage of the bill, it was, by yeas and nays, decided in the affirmative, as follows:

YEAS.

Mr. Adams	Mr. Miller
Broderick	Van Buren
Crosby	Woodworth
Foster	—7.

NAYS.

Mr. Heydenfeldt	Mr. Warner—2.

Mr. Warner, from the Committee on Enrolled Bills, reported as correctly enrolled, "A Joint Resolution for the relief of Capt. Wm. Waldo, Charles N. Hall, and J. J. Petrie," and "a Joint Resolution in relation to establishing Forts on our Borders."

On motion of Mr. Heydenfeldt, Assembly bill entitled "an Act concerning Divorces," was taken up, and amended in sections first, second, and fourth.

Mr. Heydenfeldt moved further to amend, by striking out, at the commencement of the third subdivision of section fourth, the words, "For an act of adultery by either of the parties," and inserting therefor, the words, "The husband may claim a divorce, in case of adultery on the part of his wife. The wife may also claim a divorce, in case of adultery on the part of her husband, when he has kept his concubine in the common dwelling, or openly and publicly in any other," and the question was, by yeas and nays, decided in the affirmative, as follows:

YEAS.

Mr. De la Guerra	Mr. Miller
Foster	Van Buren
Heydenfeldt	Woodworth—6.

NAYS.

Mr. Adams	Mr. Crosby
Broderick	Warner—4.

On motion of Mr. Foster, the vote by which the last-mentioned amendment was adopted was subsequently reconsidered, and the amendment was, by yeas and nays, rejected, as follows:

YEAS.

Mr. De la Guerra	Mr. Miller
Heydenfeldt	—3.

NAYS.

Mr. Adams	Mr. Van Buren
Broderick	Warner
Crosby	Woodworth
Foster	—7.

The bill was further amended in sections fourth and seventh, and was then, as amended, read the third time.

The question recurring on the passage of the bill, the yeas and nays were demanded, and resulted as follows:

YEAS.

Mr. Adams	Mr. Miller
Broderick	Van Buren
Crosby	Woodworth
Foster	—7.

NAYS.

Mr. De la Guerra	Mr. Warner
Heydenfeldt	—3.

So the bill was passed.

Messages were received from the Assembly, informing the Senate that they had passed a bill, therewith transmitted, entitled "an Act in relation to certain property of the State of California."

Also, that they had passed bills, therewith transmitted, severally entitled "a Bill to provide for the incorporation of Colleges and Universities;" "a Bill to provide for the incorporation of Mutual Insurance Companies."

Also, that the Speaker did this day sign "a Joint Resolution in relation to establishing Forts on our Borders."

Also, that they had concurred in the first, third, fourth, fifth, sixth, seventh, eighth, ninth, and tenth amendments of Senate to Assembly bill entitled, "an Act concerning County Recorders," and had also concurred in Senate's second amendment, with an amendment.

The amendment of the Assembly to Senate's amendment to the last mentioned bill was concurred in.

Assembly bill, entitled "an Act to provide for the incorporation of Colleges and Universities," was read the first and second times, and referred to the Committee on Education.

Assembly bill, entitled "an Act to provide for the incorporation of Mutual Insurance Companies," was read the first and second times, and referred to the Committee on Corporations.

Assembly bill, entitled "an Act in relation to certain property of the State of California," was read twice, amended, and referred to a select committee, consisting of Messrs. Woodworth, Heydenfeldt, and Van Buren.

The President laid before the Senate a communication from the Comptroller of State, in reply to the resolution of the Senate, requesting a statement of the amount of Warrants issued since the 15th of December, 1850, which was referred to the Committee on Finance. (See Appendix, D. D.)

Senate bill, entitled "an Act to change the name of the office of County Recorder to that of County Register," was read the third time, and the question being on its passage, it was, by yeas and nays, decided in the affirmative, as follows:

YEAS.

Mr. Adams	Mr. Foster
Broderick	Van Buren
Crosby	Woodworth
De la Guerra	—7.

NAYS.

Mr. Heydenfeldt	Mr. Warner
Miller	—3.

The President signed "Joint Resolution in relation to establishing Forts on our Borders."

On motion of Mr. Heydenfeldt, the Senate adjourned.

DAVID C. BRODERICK, President of the Senate.

J. F. HOWE, Secretary of the Senate.

IN SENATE.

THURSDAY, *March* 20, 1851.

The Senate assembled pursuant to adjournment.

The Journal of Wednesday was read and approved.

Mr. Foster, from the Committee on Engrossed Bills, reported as correctly engrossed, "an Act to change the name of the office of County Recorder to that of County Register."

The President laid before the Senate a communication from the State Treasurer, in reply to the resolution of the Senate of the 17th instant, with a statement of the amount of Revenue received at the Treasury from December 15th, 1850, to March 19th, 1851, which was read, and referred to a select committee, consisting of Messrs. Heydenfeldt, Cooke, and De la Guerra. (See Appendix C. C.)

The report of the Committe on Contingent Expenses, on the Postage account of J. D. Hoppe, Postmaster of San José, was taken up and adopted.

Mr. Woodworth, from the Select Committee to whom had been referred Assembly Bill, entitled "an Act in relation to certain property of the State of California," reported the same, with amendments, which were read.

Mr. Woodworth moved that the bill be indefinitely postponed, but the question was, by yeas and nays, decided in the negative, as follows:

YEAS.

Mr. Cooke	Mr. Warner
Crosby	Woodworth
Miller	—5.

NAYS.

Mr. Adams	Mr. Foster
Broderick	Heydenfeldt
De la Guerra	Van Buren—6.

On motion, the bill was then ordered to lie on the table.

On motion of Mr. Van Buren, the vote by which the Senate rejected bill, entitled "an Act authorizing the District Attorney of the Seventh

Judicial District to enter a *nolle prosequi* in certain cases," was reconsidered, and the bill was passed, by yeas and nays, as follows:

YEAS.

Mr. Adams	Mr. Miller
Broderick	Van Buren
De la Guerra	Warner
Heydenfeldt	—7.

NAYS.

Mr. Cooke	Mr. Robinson
Foster	Woodworth—4.

A Message was received from the Assembly, informing the Senate that they had passed Senate bill, entitled "an Act to amend an Act entitled 'an Act prescribing the mode of Assessing and Collecting the Public Revenue;'"

Also, that the Speaker did yesterday sign "a Joint Resolution for the relief of Captain William Waldo, Charles N. Hall, and J. J. Petrie;"

Also, requesting the Senate to return Assembly bill, entitled "an Act regulating and prescribing the duties of Pilots for the Bay and Harbor of San Francisco, and for other purposes;"

Also, that they had passed a bill, therewith transmitted, entitled "an Act in relation to the appointment of Pilots for the Bay and Harbor of Humboldt."

Mr. Cooke presented the account of Israel Brockman, Sheriff of Sonoma County, for services rendered the territory of Alta California, from 10th December, 1848, to August 9th, 1849, which was referred to the Committee on Claims.

On motion of Mr. Van Buren, the Secretary was directed to return to the Assembly, in compliance with the request contained in the foregoing message, "an Act regulating and prescribing the duties of Pilots for the Bay and Harbor of San Francisco, and for other purposes."

Assembly bill, entitled "an Act in relation to the appointment of Pilots for the Bay and Harbor of Humboldt," was read the first and second times, and referred to the Committee on Commerce and Navigation.

Mr. Broderick asked and obtained unanimous leave to introduce a bill, entitled "an Act to incorporate the City of San Francisco," which was read the first and second times, referred to the San Francisco Delegation, and ordered to be printed.

Mr. Warner asked and obtained unanimous leave to introduce a bill, entitled "an Act granting the right of way through the State of California to the United States, for the purpose of constructing railroads," which was read the first and second times, and referred to a Select Committee, consisting of Messrs. Warner, Van Buren, and Cooke.

Mr. Warner, from the Committee on Enrolled Bills, reported as correctly enrolled, "an Act to incorporate the City of Sacramento."

Mr. Heydenfeldt gave notice that he would, on to-morrow, move a reconsideration of the vote by which the Senate passed bill, entitled "an Act authorizing the District Attorney of the Seventh Judicial District to enter a *nolle prosequi* in certain cases."

The President signed "a Joint Resolution for the relief of Captain William Waldo, Charles N. Hall, and J. J. Petrie," and the Secretary certified thereon that it originated in the Senate.

Mr. Warner, from the Committee on Contingent Expenses, reported the account of Hoppe, Hawkins & Co., amounting to $1,463 25, for stationery and other articles furnished the Senate during the present session, with a recommendation that the Committee on Finance be instructed to provide, without delay, the means to satisfy all just claims for contingent expenses. The report was read, accepted, and ordered to lie on the table.

The report of the Committee on Contingent Expenses, on the account of J. Winchester, State Printer, for $3,211 $\frac{84}{100}$ was taken up, and recommitted to the same committee.

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

DAVID C. BRODERICK, President of the Senate.

J. F. HOWE, Secretary of the Senate.

IN SENATE.

FRIDAY, *March* 21, 1851.

The Senate assembled pursuant to adjournment.

The Journal of Thursday was read and approved.

A Message was received from the Assembly informing the Senate that they had concurred in Senate's first amendment to Assembly bill, entitled "an Act to provide for the disposition of certain property of California." Also in Senate's second amendment, with amendments as attached to said amendment;

Also, that they had concurred in Senate's amendments to Assembly bill, entitled "an Act concerning Divorces;"

Also, that they had concurred in Senate's amendment to Assembly bill, entitled "an Act to amend an Act defining the duties of State Printer and fixing his compensation;"

Also, that the Speaker had signed "an Act to amend an Act, entitled 'an Act prescribing the mode of assessing and collecting Public Revenue.'" Also, "an Act to incorporate the City of Sacramento;" "an Act to amend 'an Act defining the duties of State Printer, and fixing his compensation;'" "an Act concerning Divorces;"

Also, that they had passed bill, therewith transmitted, entitled "an Act to regulate summary proceedings for the possession of real property;"

Also, that they had passed Senate bill, entitled "an Act authorizing the District Attorney of the Seventh Judicial District to enter a *nolle prosequi* in certain cases."

Mr. Foster, from the Committee on Engrossed Bills, reported as correctly engrossed, "an Act authorizing the District Attorney of the Seventh Judicial District to enter a *nolle prosequi* in certain cases."

Assembly Bill, entitled "an Act to provide for the disposition of certain property of the State of California," was taken up, and the amendments of the Assembly to the Senate's amendment were concurred in.

Assembly Bill, entitled "an Act to regulate summary proceedings for the possession of real estate," was read the first and second times, and referred to the Committee on the Judiciary.

Mr. De la Guerra, from the Select Committee to whom had been

referred Assembly bill, entitled "an Act for the relief of the Mayor and Town Council of the City of San José, reported the same without amendment, and recommending its passage

On motion of Mr. Broderick, the bill was recommitted to the same committee, with instructions to obtain and examine vouchers for the different items constituting the claim presented.

On motion of Mr. Woodworth, Mr. Douglass was granted leave of absence for an indefinite period.

Mr. Heydenfeldt was granted leave of absence for four days; and also Mr. Van Buren for five days.

Mr. Warner, from the Committee on Enrolled Bills, reported as correctly enrolled, "an Act concerning Divorces;" "an Act to amend 'an Act defining the duties of State Printer, and fixing his compensation;'" "an Act to amend 'an Act prescribing the mode of assessing and collecting public revenue.'"

On motion of Mr. Van Buren, bill entitled "an Act concerning the salaries of officers and pay of members of the Legislature," was ordered to be taken from the Committee on Finance, and printed.

Mr. Cooke, on leave, introduced a bill, entitled "an Act concerning Redemptions," as a substitute for the bill on the same subject, heretofore introduced by Mr. Heydenfeldt, which was read the first and second times, and referred to the Committee on the Judiciary.

Mr. Heydenfeldt, agreeably to previous notice, moved to reconsider the vote by which the bill, entitled "an Act authorizing the District Attorney of Solano County to enter a *nolle prosequi* in certain cases," but the question was decided in the negative; and the Secretary was directed to retransmit the bill to the Assembly, with a request that they will, in consequence of informality in the previous transmission of the same from the Senate to the Assembly, reconsider and again pass the bill.

Mr. Warner, from the Committee on Contingent Expenses, to whom had been recommitted the account of the State Printer for $3,211 34, reported the same, with corrections, and recommending its allowance. The report was adopted.

The President signed "an Act to amend 'an Act prescribing the mode of Assessing and Collecting Public Revenue;'" "an Act to incorporate the City of Sacramento;" "an Act to amend 'an Act defining the duties of State Printer, and fixing his compensation;'" "an Act concerning

Divorces;" and the Secretary certified upon the two first-mentioned bills that they originated in the Senate.

On motion of Mr. Robinson, the Senate adjourned.

DAVID C. BRODERICK, President of the Senate.

J. F. HOWE, Secretary of the Senate.

IN SENATE.

SATURDAY, *March* 22, 1851.

The Senate assembled pursuant to adjournment.

The Journal of Friday was read and approved.

On motion of Mr. Foster, a committee was appointed by the President, consisting of Messrs. Foster, De la Guerra, and Warner, to be present with a similar committee appointed on the part of the Assembly, at the opening of the proposals to translate the laws, and examine candidates for the appointment of Translator, in compliance with the provisions of the Act, entitled "an Act to provide for the Translation of the Laws into the Spanish Language."

A Message was received from the Assembly, informing the Senate that they had passed bills, therewith transmitted, entitled "an Act to change the name of Elihu Ely, jr., to that of Hubbard C. M. Ely," and "an Act concerning Toll Bridges." Also, that they had reconsided, in compliance with the request of the Senate, and again passed "an Act authorizing the District Attorney of the Seventh Judicial District to enter a *nolle prosequi* in certain cases."

Assembly bill, entitled "an Act concerning Toll Bridges," was read the first and second times, and referred to the Committee on Roads and Highways.

Assembly bill, entitled "an Act to change the name of Elihu Ely, jr., to that of Hubbard C. M. Ely, was read three several times, and passed, the Rules having been suspended for that purpose.

Mr. Crosby, from the Committee on the Judiciary, to whom had been referred "an Act concerning Redemptions," and the substitute therefor, introduced by Mr. Cooke, and referred to the same committee, reported

the same with a recommendation that the substitute be passed. The report was accepted, and the substitute read the third time, and passed.

Mr. Crosby, from the same committee, reported, without amendment, Assembly bill, entitled "an Act to extend the time for County Treasurers to make their returns," and the bill was amended, read the third time, and passed.

Mr. Crosby, from the same committee, reported, without amendment, Senate bill, entitled "an Act concerning the office of Public Administrator, and making it elective," and the bill was amended, read the third time, and passed.

Mr. Crosby, from the same committee, reported, without amendment, Assembly bill, entitled "an Act concerning the Courts of Justice of this State, and Judicial officers," and the bill was made the Special Order for Monday.

Senate bill, entitled "an Act prescribing the amount of compensation and mode of payment to persons performing military services for the State of California, and for paying the expenses of Indian Wars," was taken up, amended, read the third time, and passed, by yeas and nays, as follows:

YEAS.

Mr. Adams	Mr. Foster
Broderick	Robinson
Cooke	Warner
Crosby	—7.

NAYS.

Mr. De la Guerra	Mr. Miller—2.

Senate bill, entitled "an Act to repeal 'an Act prescribing the amount of compensation and mode of payment to persons who have performed military service for the State of California, and expenses incurred therein,'" was taken up, and indefinitely postponed.

Resolution providing for the holding of two sessions of the Senate each day, was taken up, when Mr. Warner asked and obtained leave to withdraw the same.

Mr. Warner, from the Committee on Contingent Expenses, reported as correct, the account of James B. Devoe, for $150 $\frac{60}{100}$, for newspapers furnished the Senate, and the report was adopted.

Mr. Warner, from the Committee on Enrolled Bills, reported that they had presented to the Governor for his signature, "an Act to incorporate the City of Sacramento;" "an Act to amend 'an Act prescribing the mode of assessing and collecting public revenue;'" "an Act to amend 'an Act concerning the office of State Printer;'" and "an Act concerning Divorces."

Senate bill, entitled "an Act defining what, in certain cases, shall be sufficient evidence of possession, in actions brought for the recovery of the possession of lands," was taken up, and the amendments heretofore reported from the Judiciary Committee were adopted.

On motion of Mr. Robinson, the bill was recommitted to a Select Committee, consisting of Messrs. Crosby, Miller, and Cooke, with instructions to report on Monday.

On motion of Mr. Foster, the Senate adjourned.

DAVID C. BRODERICK, President of the Senate.

J. F. HOWE, Secretary of the Senate.

IN SENATE.

MONDAY, *March* 24, 1851.

The Senate Assembled pursuant to adjournment.

The Journal of Saturday was read and approved.

Mr. Crosby, from the Committee on the Judiciary, to whom had been referred Assembly bill, entitled "an Act concerning Sheriffs," reported the same without amendments, and the report was accepted.

Mr. Adams, from the Committee on Engrossed Bills, reported as correctly engrossed, "an Act prescribing the amount of compensation and mode of payment to persons performing military services for the State of California, and paying the expenses of Indian Wars."

Mr. Warner, from the Committee on Enrolled Bills, reported as correctly enrolled, "an Act concerning County Recorders," and "an Act authorizing the District Attorney of the Seventh Judicial District to enter a *nolle prosequi* in certain cases."

Mr. Robinson, from the Committee on Commerce and Navigation, to whom had been referred Assembly bill, entitled "an Act providing for the establishment of State Hospitals," reported the same with a substitute therefor. The report was accepted, and the substitute was laid on the table, and ordered to be printed.

The President laid before the Senate a communication from the Secretary, calling the attention of the Senate to a charge made against him in the correspondence of the *Alta California*, of having "surreptitiously" sent to the Assembly a bill passed by the Senate, while a motion to reconsider the same was pending; and further, that such charge had been made in debate by the Senator from Sacramento (Mr. Robinson.)

Mr. Broderick thereupon submitted the following resolution, which was unanimously adopted:

Resolved (as the sense of the Senate,) That the Secretary is exonerated from the charge made against him in the San José correspondence of the "*Alta California*," of having "surreptitiously" sent to the Assembly a bill, entitled "an Act authorizing the District Attorney of the Seventh Judicial District, to enter a *nolle prosequi* in certain cases," and that no such imputation upon his conduct was made by the Senator from Sacramento (Mr. Robinson.)

Mr. Cooke, from the Committee on Elections, to whom had been referred Assembly bill, entitled "an Act to amend an Act entitled 'an Act to regulate Elections,'" passed March 23d, 1850, reported the same without amendment. The report was accepted, and the bill was laid on the table.

A Message was received from the Assembly, informing the Senate that the Speaker had signed "an Act concerning County Recorders," and "an Act authorizing the District Attorney of the Seventh Judicial District to enter a *nolle prosequi* in certain cases."

The President also signed the same bills, and the Secretary certified upon the latter that it originated in the Senate.

The Message also informed the Senate that the Assembly had passed a Joint Resolution, therewith transmitted, entitled "an Act for the relief of Edward Jones;" which was twice read, and referred to the Committee on Claims.

Mr. Crosby, from the Select Committee to whom had been referred, "an Act defining what in certain cases shall be sufficient evidence of possession in actions brought for the recovery of the possession of lands,"

reported the same with an amendment, as a proviso to the 6th section, as follows:

"*Provided*, That all grants specified in the previous sections of this Act shall have been recorded prior to the first day of March, 1851, and all persons claiming under grants made by the Governor, or any officer commissioned by him, or the order of any Pueblo, Town, or City Ayuntamiento, or Town or Common Council, shall have preference in possesion according to the date of the respective grants under which they claim."

And the question being on the adoption of the amendment, it was, by yeas and nays, decided in the negative as follows:

YEAS.

Mr. Crosby
Mr. De la Guerra—2.

NAYS.

Mr. Adams
Broderick
Cooke
Foster
Green
Mr. Lippincott
Miller
Robinson
Warner
—9.

Mr. Broderick moved to strike out of the 6th section, all that relates to leases, and the question was decided in the affirmative; whereupon, Mr. Robinson moved to reconsider this vote, and the question was, by yeas and nays, decided in the affirmative, as follows:

YEAS.

Mr. Adams
Cooke
Crosby
De la Guerra
Foster
Mr. Green
Lippincott
Robinson
Warner
—9.

NAYS.

Mr. Miller
Mr. Broderick—2.

On motion of Mr. Robinson, the bill was amended in the 6th section, by striking out the words "proper executive department of the govern-

ment," and inserting therefor the words "proper authority," the question being decided by yeas and nays, as follows:—

YEAS.

Mr. Broderick	Mr. Miller
Cooke	Robinson
De la Guerra	Warner
Foster	—7.

NAYS.

Mr. Cooke	Mr. Lippincott
Crosby	—3.

Mr. Lippincott moved to lay the bill on the table, and the question was, by yeas and nays, decided in the negative, as follows:—

YEAS.

Mr. Crosby	Mr. Lippincott
Green	Miller—4.

NAYS.

Mr. Adams	Mr. Foster
Broderick	Robinson
Cooke	Warner—6.

On motion of Mr. Cooke, the amendments to the bill heretofore reported by the Judiciary Committee were adopted.

The bill, as amended, was then ordered to a third reading to-morrow.

Mr. Foster, from the Committee on Engrossed Bills, reported as correctly engrossed, "an Act concerning the office of Public Administrator, and making it elective;" and "an Act concerning Redemptions."

Mr. Miller submitted a resolution, which was read and laid over, providing that the daily hour of meeting of the Senate shall hereafter be 10 instead of 11 o'clock, A.M.

On motion of Mr. Miller, the Senate adjourned.

DAVID C. BRODERICK, President of the Senate.

J. F. HOWE, Secretary of the Senate.

IN SENATE.

TUESDAY, *March* 25, 1851.

The Senate assembled pursuant to adjournment.

The Journal of Monday was read and approved.

Mr. De la Guerra, from the Select Committee to whom had been referred Assembly bill, entitled "an Act for the relief of the Mayor and City Council of the City of San José", reported that they had examined the vouchers, found the claim correct, and recommended the passage of the bill without amendment. The report was accepted, and the bill was read the third time, and passed.

The Special Order of the day being Assembly bill, entitled "an Act concerning the Courts of Justice of this State, and Judicial Officers," was taken up, and amended in the 30th, 32d, 70th, and 84th sections.

Mr. Green moved to amend the 88th section, by striking out $500 wherever it occurs in the section, as the extent of the jurisdiction of Justices of the Peace, and insert therefor $200.

Mr. Green called for a division of the question, and demanded the yeas and nays, which were ordered.

The question being then taken on the motion to strike out, it was decided in the negative, as follows:—

YEAS.

Mr. Broderick	Mr. Heydenfeldt
Cooke	Lippincott
Mr. Green	—5.

NAYS.

Mr. Adams	Mr. Foster
Crosby	Miller
De la Guerra	—5.

Mr. Cooke moved to strike out $500 and insert $200, and the question being taken on the motion as thus made, it was, by yeas and nays, decided in the affirmative, as follows:—

YEAS.

Mr. Broderick	Mr. Green
Cooke	Heydenfeldt
De la Guerra	Lippincott—6.

NAYS.

Mr. Adams	Mr. Foster
Crosby	Miller—4.

The bill was further amended in the 93d and 103d sections, and the further consideration thereof was then postponed until to-morrow.

A Message was received from the Assembly, informing the Senate that they had passed bills, therewith transmitted, severally entitled "an Act to amend the 2d, 3d, and 7th sections of the Act entitled 'an Act concerning Notaries Public,'" passed March 27th, 1850; "an Act to amend the one hundred and thirty-second section of the Act entitled 'an Act to regulate the settlement of the Estates of Deceased Persons,'" passed April 27th, 1850; "an Act to provide for the holding of a Special Term of the Supreme Court;" "an Act to provide for the Punishment of Embezzlement of the Public Moneys and other purposes;" "an Act to declare the meaning of the first sentence of the 3d part of the 1st section of an Act entitled an Act concerning Licenses;" "an Act to repeal an Act to provide for the Inspection of Steamboats." Also, that the Speaker did this day sign "an Act to provide for the disposition of certain Property of the State of California."

The President, also, signed the last-named bill.

Assembly bill, entitled "an Act to repeal 'an Act to provide for the Inspection of Steamboats," was read the first and second times, and referred to the Committee on Commerce and Navigation.

Assembly bill, entitled "an Act to provide for the holding of a Special Term of the Supreme Court," was read three several times, and passed, the Rules having been suspended for that purpose.

Assembly bills, entitled "an Act to declare the meaning of the first sentence of the third part of the first section of an Act entitled 'an Act concerning Licenses;'" "an Act to provide for the Punishment of Embezzlement of the Public Moneys and other purposes;" "an Act to amend the one hundred and thirty-second section of the Act entitled 'an Act to regulate the settlement of the Estates of Deceased Persons,'" passed April 27, 1850; "an Act to amend the 2d, 3d, and 7th sections of the Act entitled 'an Act concerning Notaries Public,'" passed March 27th, 1850, were severally read the first and second times, and referred to the Committee on the Judiciary.

Mr. Green, Commissioner on the part of the Senate, appointed in

connexion with Messrs. Baldwin and Saunders, on the part of the Assembly, to meet the two named by General M. G. Vallejo, for the purpose of locating the several plots of ground proposed to be donated to the State by General Vallejo, as set forth in his memorial of April 3d, 1850, made a report, stating in detail the action of the Joint Commission, in the discharge of the duties imposed upon them, which was read and adopted. (See appendix E.

Mr. Heydenfeldt, from the Committee on Claims, to whom had been referred "a Joint Resolution for the relief of Edward Jones," made a report in writing, recommending that the same be indefinitely postponed. The report was accepted, and the bill indefinitely postponed.

Mr. Heydenfeldt, from the same committee, to whom had been referred the account of Israel Brockman, Sheriff of Sonoma County, for services rendered the territory of Alta California; and the account of Joel P. Walker, against the State of California; made reports thereon in writing, recommending that the same be rejected. The reports were adopted and the accounts rejected accordingly.

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

DAVID C. BRODERICK, President of the Senate.

J. F. HOWE, Secretary of the Senate.

IN SENATE.

WEDNESDAY, *March* 26, 1851.

The Senate assembled pursuant to adjournment.

The Journal of Tuesday was read and approved.

Mr. De la Guerra, from the Committee on County Boundaries, to whom had been referred Assembly bill, entitled "an Act dividing the State into Counties, and establishing the Seats of Justice therein," reported the same, with amendments, and recommending its passage.

Mr. Broderick, from the San Francisco Delegation, to whom had been referred "an Act to reincorporate the City of San Francisco," reported the same, with a substitute therefor. The report was accepted, and the substitute was read the third time, and passed.

Mr. Heydenfeldt, on leave, introduced a bill, entitled "an Act to

exempt certain property of the United States from Taxation," which was read twice, amended, read the third time, and passed, the Rules having been suspended for that purpose.

Mr. Robinson, from the Committee on Commerce and Navigation, reported a bill, entitled "an Act creating a State Marine Hospital at the City of San Francisco," which was read the first and second times, and ordered to be printed.

Mr. Warner, on leave, introduced a bill, entitled "an Act providing for the compensation of certain officers," which was read the first and second times, and referred to the Committee on Claims.

The Senate resumed the consideration of the Special Order of the day, being "an Act concerning the Courts of Justice of this State, and Judicial Officers;" and the bill was further amended in the first, sixteenth, seventeenth, ninety-eighth, hundred and sixteenth, and hundred and seventeenth sections, and by the addition of a new chapter after the ninth chapter, regulating Mayors' Courts.

Mr. Green moved to strike out that portion of the bill which proposed to interfere with the Superior Court of San Francisco, as at present constituted, upon which motion the yeas and nays were demanded, and resulted as follows:

YEAS.

Mr. Green	Mr. Lippincott
Heydenfeldt	—3.

NAYS.

Mr. Adams	Mr. De la Guerra
Broderick	Miller
Cooke	Robinson
Crosby	Warner—8.

So the question was decided in the negative.

On motion of Mr. Crosby, the bill was further amended in section ninety-third, by striking out "1852," and inserting therefor "1851," as the time for the next election of Justices of the Peace, the question being decided, by yeas and nays, as follows:

YEAS.

Mr. Adams	Mr. Foster
Broderick	Green
Cooke	Robinson
Crosby	Warner—8.

NAYS.

Mr. De la Guerra	Mr. Lippincott
Heydenfeldt	Miller—4.

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 Senate's amendment to Assembly bill, entitled "an Act to extend the time for County Treasurers to make their returns;"

Also, that they had passed Senate bill, entitled "an Act to amend 'an Act concerning Crimes and Punishments;'"

Also, "an Act providing for the disposition of certain Property;"

Also, that the Speaker did this day sign "an Act to change the name of Elihu Ely, jr., to Hubbard C. M. Ely." Also, "an Act to extend the time for County Treasurers to make their returns."

The President of the Senate also signed the two bills mentioned in the foregoing Message as having been signed by the Speaker of the Assembly.

Mr. Robinson, from the Committee on Commerce and Navigation, to whom had been referred Assembly bill, entitled "an Act to repeal 'an Act to provide for the Inspection of Steamboats,'" reported the same without amendment, and the bill was read the third time, and passed.

Assembly bill, entitled "an Act providing for the disposition of certain Property," was read the first and second times, and referred to the Committee on the Judiciary.

Mr. Warner, from the Select Committee on the "Pious Fund" of California, made a report in writing, which was read, adopted, and five hundred copies thereof ordered to be printed. (See Appendix F.F.)

A Message was received from the Governor, informing the Senate that he had signed "an Act to amend 'an Act prescribing the mode of Assessing and Collecting the Public Revenue,'" and "a Joint Resolution for the relief of Capt. William Waldo, Charles N. Hall, and J. J. Petrie."

Also, a Message, containing his objections to the passage of "an Act authorizing the District Attorney of the Seventh Judicial District to enter a *nolle prosequi* in certain cases."

As the bill referred to in the Message did not accompany the Message, Mr. Heydenfeldt moved that the Senate adjourn, and the yeas and nays being demanded on this motion, were ordered, and the question was decided in the affirmative, as follows:

YEAS.

Mr. Adams	Mr. Heydenfeldt
Broderick	Miller
Crosby	Warner
De la Guerra	—7.

NAYS.

Mr. Cooke	Mr. Lippincott
Foster	Robinson
Green	—5.

So the Senate adjourned.

DAVID C. BRODERICK, President of the Senate.

J. F. HOWE, Secretary of the Senate.

IN SENATE.

THURSDAY, *March* 27, 1851.

The Senate assembled pursuant to adjournment.

The Journal of Wednesday was read and approved.

Mr. Heydenfeldt, from the Committee on Claims, to whom had been referred Senate Bill, entitled "an Act providing for the compensation of certain Officers," reported the same, with a recommendation that it be indefinitely postponed. The report was accepted, and laid over.

Mr. Foster, from the Committee on Engrossed Bills, reported as correctly engrossed, "an Act to exempt certain Property of the United States from Taxation."

On motion of Mr. Green, the use of the Senate Chamber was tendered to Professor Forrest Shephard, on Friday evening, 28th instant, for the delivery of a Lecture, by him, on the Geology of the State of California.

Mr. Robinson presented a communication from the Governor, explanatory of the error yesterday committed by the Private Secretary of His Excellency, in omitting to transmit with the Message containing the objections of the Governor thereto, the bill, entitled "an Act authorizing the District Attorney of the Seventh Judicial District to enter a *nolle prosequi* in certain cases."

Messages were received from the Assembly, informing the Senate that they had passed Senate bill, entitled "an Act concerning the office of Public Administrator, and making it elective," with amendments 1, 2, 3, as attached to the margin of the bill.

Also, that the Governor had notified the Assembly that he did on yesterday sign the following Acts: "an Act to amend an Act defining the duties of State Printer, and fixing his compensation," approved March 9, 1850; "an Act concerning Divorces;" and "a Joint Resolution in relation to establishing Forts on our Borders;"

Also, that they had adopted the Report of the Commissioners appointed by the Legislature to mark and lay off the tracts of land proposed to be donated to the State by M. G. Vallejo;

Also, that the Speaker did this day sign "an Act for the relief of the Mayor and City Council of the City of San José;"

Also, that they had passed bills, therewith transmitted, severally entitled: "an Act to change the name of John G. Almondinger, jr., to John G. Almond;" "an Act to ratify and confirm an ordinance passed by the city of San Francisco on the 18th day of November, 1850, authorizing the building of a Plank Road to the Mission of Dolores;" "an Act concerning lawful fences, and animals trespassing on premises lawfully enclosed, and fence Inspectors;"

Also, that the Speaker did this day sign "an Act to provide for the holding of a special term of the Supreme Court.

The President also signed the bills mentioned in the above-mentioned Messages from the Assembly as having been signed by the Speaker of that body.

Assembly bill, entitled "an Act concerning the Courts of Justice of this State, and Judicial Officers," was taken up for a third reading.

Mr. Heydenfeldt moved to amend the bill, by striking out the sixth

and seventh sections, and the presiding officer (Mr. Foster) decided the motion to be in order. From this decision Mr. Cooke appealed, and the question being, "shall the decision of the Chair stand as the judgment of the Senate?" it was, by yeas and nays, decided in the negative, as follows:

YEAS.

Mr. Adams	Mr. Heydenfeldt
Green	Miller—4.

NAYS.

Mr. Broderick	Mr. Lippincott
Cooke	Robinson
Crosby	Warner
De la Guerra	—7.

Mr. Lippincott moved that the bill be recommitted to the Judiciary Committee, but the question was, by yeas and nays, decided in the negative, as follows:

YEAS.

Mr. Adams	Mr. Heydenfeldt
De la Guerra	Lippincott—4.

NAYS.

Mr. Broderick	Mr. Green
Cooke	Miller
Crosby	Robinson
Foster	Warner—8.

Mr. Cooke moved that the reading of the bill by sections be dispensed with, and the question was, by yeas and nays, decided in the affirmative, as follows:

YEAS.

Mr. Broderick	Mr. Green
Crosby	Heydenfeldt
Cooke	Miller
De la Guerra	Robinson
Foster	Warner—10.

NAYS.

Mr. Adams Mr. Lippincott—2.

Mr. Heydenfeldt moved a reconsideration of the vote last taken.

Mr. Crosby moved that the motion to reconsider be indefinitely postponed.

Mr. Heydenfeldt proceeded to debate the question, when—

Mr. Crosby raised the question of order, that a motion to indefinitely postpone was not debateable. The presiding officer decided the motion to be debateable; and from this decision Mr. Crosby appealed. The question then being "shall the decision of the Chair stand as the judgment of the Senate?" the yeas and nays were demanded, and resulted as follows:

YEAS.

Mr. Adams Mr. Lippincott
Green Miller
Heydenfeldt —5.

NAYS.

Mr. Broderick Mr. Robinson
Cooke Warner
Crosby —5.

So the decision of the Chair was declared to be sustained.

The question recurring on Mr. Crosby's motion to indefinitely postpone Mr. Heydenfeldt's motion to reconsider the vote by which the reading of the bill by sections was dispensed with, it was, by yeas and nays, decided in the affirmative, as follow

YEAS.

Mr. Broderick Mr. Green
Crosby Miller
Cooke Robinson
De la Guerra Warner
Foster —9.

NAYS.

Mr. Adams
Heydenfeldt
Mr. Lippincott
—3.

Mr. Heydenfeldt moved a call of the Senate, but the question was decided in the negative, by yeas and nays, as follows:

YEAS.

Mr. Heydenfeldt
Mr. Lippincott—2.

NAYS.

Mr. Adams
Broderick
Crosby
De la Guerra
Mr. Foster
Green
Miller
—7.

The bill was then read the third time by its title, and the question being on its final passage, the yeas and nays were demanded, and resulted as follows:

YEAS.

Mr. Adams
Broderick
Cooke
Crosby
Mr. Foster
Miller
Robinson
Warner—8.

NAYS.

Mr. De la Guerra
Mr. Heydenfeldt—2.

So the bill was passed.

Mr. Broderick moved that the Senate do now adjourn, but the question was decided in the negative, by yeas and nays, as follows:

YEAS.

Mr. Adams
Broderick
Mr. Heydenfeldt
—3.

NAYS.

Mr. Cooke	Mr. Lippincott
Crosby	Miller
De la Guerra	Robinson
Foster	Warner
Green	—9.

On motion of Mr. Robinson, the Messages of the Governor, returning with his objections thereto, Senate bill, entitled "an Act authorizing the District Attorney of the Seventh Judicial District to enter a *nolle prosequi* in certain cases," was taken up, and read, as follows:

"EXECUTIVE CHAMBER, *March* 26, 1851."

"TO THE SENATE:

"I herewith return the Act, entitled 'an Act authorizing the District Attorney of the Seventh Judicial District to enter a *nolle prosequi* in certain cases.'

"The Constitution of the State expressly declares that the powers of the State shall be vested in three separate and independent branches, or departments, viz: 'The Legislative; Executive; and Judicial; and that no person charged with the exercise of powers properly belonging to one of these departments, shall exercise any functions appertaining to either of the others.'

"Regarding the provisions of the bill as interfering, or at least as an implied exercise of power properly belonging to the Judicial department of the State, I return it to the Senate in which it originated, with this my objection.

"JNO. MCDOUGAL."

"EXECUTIVE CHAMBER, *March* 27, 1851."

"TO HON. D. C. BRODERICK,
"President of the Senate.

"Sir:

"The bill which was to have accompanied the Message which I had the honor to make to the Senate on yesterday, in relation

to the Act, entitled 'an Act authorizing the District Attorney of the Seventh Judicial District to enter a *nolle prosequi* in certain cases,' I understand from my private Secretary, was, by an oversight, left on his table; and as soon as he discovered his error, he immediately took the said bill and delivered it to the Secretary of the Senate; and my object now is, that you regard the Message and the bill aforesaid, to be considered as accompanying each other.

"Very respectfully,

"Your Obt. Serv't.,

"JNO. MCDOUGAL."

Mr. Broderick moved that the bill and Messages be referred to a Select Committee.

Mr. De la Guerra moved that the Senate do now adjourn, and the question was, by yeas and nays, decided in the affirmative, as follows:

YEAS.

Mr. Adams	Mr. Foster
Broderick	Heydenfeldt
De la Guerra	Miller—6.

NAYS.

Mr. Crosby	Mr. Robinson
Green	Warner
Lippincott	—5.

And the Senate adjourned.

DAVID C. BRODERICK, President of the Senate.

J. F. HOWE, Secretary of the Senate.

IN SENATE.

FRIDAY, *March* 28, 1851.

The Senate assembled pursuant to adjournment.

The Journal of Thursday was read and approved.

Mr. Crosby, from the Committee on the Judiciary, to whom had been referred Assembly bill, entitled "an Act to amend the 2d, 3d, and 7th sections of the Act entitled 'an Act concerning Notaries Public,'"

passed March 27th, 1850, reported the same without amendment, and recommending its passage.

Mr. Foster, from the Committee on Engrossed Bills, reported as correctly engrossed, "an Act to reincorporate the City of San Francisco."

Mr. Heydenfeldt, from the Committee on Education, to whom had been referred Assembly bill, entitled "an Act to provide for the incorporation of Colleges and Universities," reported the same with a substitute therefor.

Mr. Robinson, from the Committee on Commerce and Navigation, to whom had been referred Senate's "Joint Resolution suspending the laws relating to Marine Hospitals," reported the same, with a recommendation that it be indefinitely postponed; and the bill was indefinitely postponed.

Mr. Robinson, from the same committee, to whom had been referred Assembly bill, entitled "an Act to exempt steam vessels coasting from paying pilot dues," reported the same with a substitute therefor, entitled "an Act to amend 'an Act to establish Pilots and Pilot regulations for the Port of San Francisco,'" passed February 25, 1850, and the substitute was read the third time, and passed.

The President laid before the Senate a communication from Hoppe, Hawkins & Co., in relation to their account against the Senate for stationery, &c., furnished the Senate, which was read, and with the account heretofore presented, referred to the Committee on Contingent Expenses.

Mr. Robinson, from the Committee on Corporations, to whom had been referred Assembly bill, entitled "an Act to provide for the incorporation of Mutual Insurance Companies," reported the same without amendment.

Messages were received from the Assembly, informing the Senate that they had rejected Senate bill, entitled "an Act to exempt certain property of the United States from taxation;"

Also, that they had passed bills, therewith transmitted, severally entitled, "an Act supplementary to the Act entitled 'an Act concerning County Recorders,'" passed March, 1851; "an Act against Indecent Exhibitions," and "Joint Resolution providing for the distribution of the Convention Journals;"

Also, Senate bill, entitled "an Act concerning Redemptions," with an amendment, to which the concurrence of the Senate was requested;"

Also, that the Governor had notified the Assembly that he did, on the 26th instant, sign "an Act to provide for the disposition of certain property of the State of California."

Mr. Heydenfeldt gave notice that he would, at the expiration of five days, ask leave to reintroduce the bill rejected by the Assembly, entitled "an Act to exempt certain property of the United States from taxation."

The President laid before the Senate a communication from the State Printer, in relation to Printing done for the Supreme Court, which was read, and referred to the Committee on Claims.

Mr. Warner, from the Joint Committee on Enrolled Bills, reported that they had examined and found correctly enrolled, "an Act to repeal 'an Act to provide for the Inspection of Steamboats;'" "an Act to provide for the disposition of certain property of the State of California;" "an Act to extend the time for County Treasurers to make their returns;" "an Act to change the name of Elihu Ely, jr., to Hubbard C. M. Ely;" "an Act to provide for the holding of a Special Term of the Supreme Court;" "an Act for the relief of the Mayor and City Council of the City of San José;"

Also, that they presented to the Governor, on the 25th inst., for his signature, "an Act to provide for the disposition of certain property of the State of California;"

Also, on the 27th inst, "an Act to provide for the holding of a special term of the Supreme Court;" "an Act for the relief of the Mayor and City Council of the City of San Jose."

Senate bill, entitled "an Act concerning the office of Public Administrator, and making it elective," with the amendments of the Assembly thereto, was referred to the Committee on the Judiciary.

Assembly bill, entitled "an Act concerning lawful Fences, and animals Trespassing on premises lawfully enclosed, and Fence Inspectors," was read the first and second times, and referred to the Committee on Agriculture.

Assembly bill, entitled "an Act to ratify and confirm an ordinance passed by the City of San Francisco, on the 18th day of November, 1850, authorizing the building of a Plank Road, to the Mission of Dolores," was read the first and second times, and referred to the Committee on Roads and Highways, in connexion with the San Francisco Delegation.

Assembly bill, entitled "an Act to change the name of John G.

Almondinger, jr., to John G. Almond," was read the first time, and rejected, by yeas and nays, as follows:

YEAS.

Mr. Adams	Mr. Green
Broderick	Heydenfeldt
De la Guerra	Warner—6.

NAYS.

Mr. Cooke	Mr. Miller
Crosby	Robinson
Lippincott	—5.

Mr. Heydenfeldt gave notice that he would, on to-morrow, move a reconsideration of the vote by which the bill was rejected.

Assembly bills, entitled "an Act supplementary to the Act entitled 'an Act concerning County Recorders,'" passed March, 1851; and "an Act against Indecent Exhibitions;" were severally read the first and second times, and referred to the Committee on the Judiciary.

Joint Resolution of the Assembly, "providing for the Distribution of the Convention Journals," was read the first and second times, and referred to the Committee on the Library.

Senate bill, entitled "an Act concerning Redemptions," with the amendment of the Assembly thereto, was referred to the Committee on the Judiciary, with instructions to report to-morrow. The Committee subsequently reported the bill back, with an amendment to the Assembly's amendment, which was adopted.

A Message was received from the Governor, informing the Senate that the office of State Printer is now vacant, made so by the resignation of J. Winchester, Esq., and transmitting the letter of Mr. Winchester, explanatory of the causes that induced him to resign. The Message and Letter were read, and laid on the table. (See Appendix, O. O.)

Mr. Warner, from the Committee on Contingent Expenses, reported as correct, the account of J. Winchester, as State Printer, to 27th inst., inclusive, and the report was adopted.

Mr. Cooke submitted a resolution, which was read and laid over, in relation to the resignation of the State Printer.

Mr. Adams submitted a Joint Resolution, providing for the election of a temporary State Printer, which was read and laid over.

On motion of Mr. Lippincott, the Senate took up the Message of the Governor, returning with his objections "an Act authorizing the District Attorney of the Seventh Judicial District to enter a *nolle prosequi* in certain cases," and proceeded to reconsider the same, the question on reconsideration being decided in the affirmative, by yeas and nays, as follows:

YEAS.

Mr. Adams	Mr. Foster
Broderick	Green
Cooke	Lippincott
Crosby	Robinson
De la Guerra	Warner—10.

NAYS.

Mr. Heydenfeldt	Mr. Miller—2.

The question then being, "Shall the bill pass, the objections of the Governor notwithstanding?" Mr. Heydenfeldt moved that the Senate do now adjourn; but the question was, by yeas and nays, decided in the negative, as follows:

YEAS.

Mr. Adams	Mr. Heydenfeldt
Broderick	Miller—4.

NAYS.

Mr. Cooke	Mr. Green
Crosby	Lippincott
De la Guerra	Robinson
Foster	Warner—8.

Mr. Broderick moved to refer the bill and Message to a select committee, but the question was, by yeas and nays, decided in the negative, as follows:

YEAS.

Mr. Adams	Mr. Heydenfeldt
Broderick	Miller
De la Guerra	Warner—6.

NAYS.

Mr. Cooke	Mr. Green
Crosby	Lippincott
Foster	Robinson—6.

The bill and Message were then laid temporarily on the table, to enable Mr. Cooke to move a reconsideration of the votes by which the Senate, yesterday read the third time and passed Assembly bill, entitled "an Act concerning the Courts of Justice of this State, and Judicial Officers," which bill having been so reconsidered, was amended in the eighteenth section, and then again read the third time, and passed.

On motion of Mr. Heydenfeldt, the Senate adjourned.

DAVID C. BRODERICK, President of the Senate.

J. F. HOWE, Secretary of the Senate.

IN SENATE.

SATURDAY, *March* 29, 1851.

The Senate assembled pursuant to adjournment.

The Journal of Friday was read and approved.

Mr. Heydenfeldt, from the Committee on Claims, to whom had been referred the communication of the State Printer, in relation to printing executed for the Supreme Court, reported the same, stating that no action had been had thereon, for the reason that no account accompanied the communication.

Mr. De la Guerra, from the Committee on County Boundaries, to whom had been referred Senate bill, No. 36, entitled "an Act to amend 'an Act subdividing the State into Counties, and establishing the Seats of Justice therein," passed February 18, 1850, reported the same, with a recommendation that it be indefinitely postponed.

Mr. Van Buren, from the Committee on the State Library, to whom had been referred Assembly "Joint Resolution, providing for the distribution of the Convention Journals," reported the same, with a recommendation that it be passed.

On motion of Mr. Heydenfeldt, the vote by which the Senate rejected

Assembly bill, entitled "an Act to change the name of John G. Almondinger, junior, to John G. Almond," was reconsidered, and the bill was read the second and third times, and passed.

Mr. Miller, from the Committee on Agriculture, to whom had been referred Assembly bill, entitled "an Act concerning lawful Fences, and animals Trespassing on premises lawfully enclosed, and Fence Inspectors," reported the same with amendments.

On motion of Mr. Lippincott, the consideration of the Message of the Governor, returning, with his objections, "an Act authorizing the District Attorney of the Seventh Judicial District to enter a *nolle prosequi* in certain cases," was resumed; and the question being, "Shall the bill pass, the objections of the Governor notwithstanding?"

Mr. Van Buren moved to refer the bill and Message to a select committee; and the question being, by yeas and nays taken thereon, it was decided in the negative, as follows:

YEAS.

Mr. Adams	Mr. Heydenfeldt
Broderick	Van Buren
De la Guerra	Warner—6.

NAYS.

Mr. Cooke	Mr. Lippincott
Crosby	Miller
Foster	Robinson
Green	—7.

The question then recurring on the passage of the bill, the objections of the Governor notwithstanding, it was decided, by yeas and nays, as follows:

YEAS.

Mr. Adams	Mr. Heydenfeldt
Broderick	Van Buren
De la Guerra	Warner—6.

NAYS.

Mr. Cooke	Mr. Lippincott
Crosby	Miller
Foster	Robinson
Green	—7.

A constitutional majority not having voted in the affirmative, the bill was accordingly declared to be rejected.

Mr. Van Buren submitted a concurrent resolution, which was read and laid over, declaring, as the opinion of the Legislature, that great public good will be accomplished by the entering of a *nolle prosequi* to all the indictments now remaining untried and undetermined in the Seventh Judicial District Court, in any of the Counties thereof, against Charles Robinson, John Parker, Henry Canfield, James McClatchy, and John F. Madden, or against either of them.

Mr. Foster, from the Committee on Engrossed Bills, reported as correctly engrossed, "an Act amendatory of an Act entitled 'an Act to establish Pilots and Pilot regulations for the port of San Francisco,'" passed February 25, 1850.

Messages were received from the Assembly, informing the Senate that the Governor notified the Assembly on yesterday that he did, on the 26th inst., sign an Act entitled "an Act concerning County Recorders;" also, that he signed on the 28th inst., bills, severally entitled "an Act to provide for the holding of a Special Term of the Supreme Court," "an Act to extend the time for County Treasurers to make their returns," "an Act to change the name of Elihu Ely, jr., to Hubbard C. M. Ely;" "an Act for the relief of the Mayor and City Council of the City of San José."

Also, that they had passed Senate bill, entitled "an Act to amend an Act concerning Corporations," with amendments 1 and 2 attached to the bill.

Also, Assembly bills, therewith transmitted, and severally entitled "an Act supplemental to an Act entitled 'an Act concerning the office of County Treasurer,'" passed March 27, 1850, "an Act supplementary to an Act entitled 'an Act prescribing the duties, and fixing the compensation of County Surveyors,'" "an Act supplementary to an Act entitled 'an Act to Incorporate the City of Los Angeles,'" passed April 4, 1850.

Also, that the Speaker did, on yesterday, sign an Act to repeal an Act entitled 'an Act to provide for the inspection of Steamboats,'" therewith transmitted for the signature of the President.

Also, that they had concurred in Senate's amendments, 1, 2, 3, 4, 5, 6, 7, 9, 10, 11, 12, 13, and 14, to Assembly bill, entitled "an Act concerning the Courts of Justice of this State, and Judicial officers;" also, to Senate's 8th amendment, with an amendment, as enclosed.

Also, that they had passed Senate bill, entitled "an Act to reincorporate the City of San Francisco," with amendments.

The President of the Senate signed bill, entitled " an Act to provide for the inspection of Steamboats."

Senate bill, entitled " an Act to incorporate the City of San Francisco, with the amendment of the Assembly thereto, was referred to the San Francisco Delegation.

Assembly bills, entitled " an Act supplementary to 'an Act prescribing the duties and fixing the compensation of County Surveyors;'" and "an Act supplemental to 'an Act concerning the office of County Treasurer,'" passed March 27, 1850, were severally read the first and second times, and referred to the Committee on the Judiciary.

Assembly bill, entitled " an Act supplementary to an Act entitled 'an Act to incorporate the City of Los Angeles,'" passed April 4th, 1850, was read twice, and referred to the Committee on Corporations.

Resolution, heretofore presented by Mr. Miller, changing the daily hour of meeting from 11 o'clock, A.M. to 10 o'clock, A.M., was taken up, and the question being on its adoption, it was, by yeas and nays, decided as follows :—

YEAS.

Mr. Adams	Mr. Robinson
Broderick	Van Buren
Foster	Warner
Miller	—7.

NAYS.

Mr. Cooke	Mr. Heydenfeldt
De la Guerra	Lippincott
Green	—5.

So the resolution was rejected, two thirds of the members present not having voted in the affirmative.

Mr. Warner, from the Committee on Contingent Expenses, to whom had been recommitted the account of Hoppe, Hawkins & Co., reported the same, without change in the former report of the committee.

Mr. Heydenfeldt submitted a Joint Resolution, which was laid over, that the Senate do now adjourn, to meet in San Francisco on Monday next.

On motion of Mr. Cooke, the Senate adjourned.

DAVID C. BRODERICK, President of the Senate.

J. F. HOWE, Secretary of the Senate.

IN SENATE.

MONDAY, *March* 31, 1851.

The Senate assembled pursuant to adjournment.

The Journal of Saturday was read and approved.

Mr. Robinson, from the Committee on Corporations, to whom had been referred Assembly bill, entitled "an Act supplementary to an Act entitled 'an Act to incorporate the City of Los Angeles,'" passed April 4th, 1850, reported the same without amendment, and it was read the third time, and passed.

Mr. Robinson, from the Committee on Commerce and Navigation, reported, without an amendment, Assembly bill, entitled "an Act in relation to the appointment of Pilots for the Bay and Harbor of Humboldt," and the bill, as amended, was read the third time, and passed.

Senate bill, entitled "an Act concerning Corporations," with the amendments of the Assembly thereto, was taken up, and referred to a select committee, consisting of Messrs. Robinson, Van Buren, and Lippincott.

A Message was received from the Governor, informing the Senate that he had appointed James B. Devoe, State Printer, to fill the vacancy occasioned by the resignation of J. Winchester.

Mr. Van Buren thereupon submitted a resolution, declaring as the sense of the Senate, that the Governor has no legal authority whatever to appoint a State Printer during the Session of the Legislature; and the question being on the adoption of the resolution, it was, by yeas and nays, decided in the affirmative, as follows:—

YEAS.

Mr. Adams	Mr. De la Guerra
Broderick	Foster
Cooke	Miller

Mr. Robinson
Van Buren
Mr. Warner.
—9.

NAYS—None.

Assembly bill, entitled "an Act concerning the Courts of Justice of this State, and Judicial Officers," with the amendments of the Assembly to Senate's amendments thereto, was taken up.

Mr. Cooke moved to lay the bill on the table; but the question was, by yeas and nays, decided in the negative, as follows:

YEAS.

Mr. Adams
Mr. Cooke—2.

NAYS.

Mr. Broderick
De la Guerra
Foster
Green
Lippincott
Mr. Miller
Robinson
Van Buren
Warner
—9.

Mr. Cooke moved to strike out the first and second of the Assembly's amendments, and to amend the third by substituting "$250" for "$500" as the extent of the jurisdiction of Justices of the Peace.

Mr. Green called for a division of the question, and the yeas and nays being demanded on the first amendment proposed by Mr. Cooke, resulted as follows:

YEAS.

Mr. Cooke
Mr. Lippincott—2.

NAYS.

Mr. Adams
Broderick
De la Guerra
Foster
Mr. Green
Miller
Van Buren
Warner—8.

The question then recurring on the second amendment proposed by Mr. Cooke, it was, by yeas and nays, decided in the negative, as follows:

YEAS.

Mr. Adams
Mr. Lippincott—2.

NAYS.

Mr. Broderick
Cooke
De la Guerra
Foster
Mr. Green
Miller
Van Buren
Warner—8.

On motion of Mr. Van Buren, the amendments of the Assembly were then, by yeas and nays, concurred in, as follows:

YEAS.

Mr. Broderick
De la Guerra
Foster
Lippincott
Mr. Miller
Robinson
Van Buren
Warner—8.

NAYS.

Mr. Adams
Cooke
Mr. Green
—3.

Mr. Broderick, from the San Francisco Delegation, to whom had been referred Senate bill, with the amendments of the Assembly thereto, entitled "an Act to reincorporate the City of San Francisco," reported the same with amendments to the amendments.

The amendments to the amendments were agreed to, and the question then being on concurring in the first amendment of the Assembly, to strike out, in the first section, the word "Marshal," it was, by yeas and nays, decided in the affirmative, as follows:

YEAS.

Mr. Adams
Broderick
Cooke
Foster
Mr. Miller
Robinson
Warner
—7.

NAYS.

Mr. Green
Lippincott
Mr. Van Buren
—3.

On the question of concurring in the Assembly's amendment striking out the sixth section, and inserting therefor a substitute, making the offices of Treasurer, Tax Collector, Clerk of the Superior Court, elective by the Common Council, and giving to that body the power, at their discretion, to elect, by ballot, a City Attorney, Marshal, and Street Commissioner, the yeas and nays were demanded, and resulted as follows:

YEAS.

Mr. Adams	Mr. Miller
Broderick	Robinson
Cooke	Van Buren
Foster	—7.

NAYS.

Mr. Green	Mr. Warner
Lippincott	—3.

So the amendment was concurred in.

The Senate also concurred in the remainder of the Assembly's amendments, as amended by the Senate, with the exception of the fifth, tenth, and fourteenth, which were non-concurred in.

A Message was received from the Assembly, informing the Senate that they had concurred in Senate's amendment, with an amendment to Assembly's amendment to Senate bill, entitled "an Act concerning Redemptions;"

Also, that they had passed bills, therewith transmitted, and severally entitled, "an Act to protect settlers on lands belonging to the United States;" "an Act supplementary to 'an Act concerning Marks and Brands,'" passed April 12, 1850; "an Act to authorize the keepers of Warehouses to sell goods on storage after a certain period;" and "Joint Resolution for the relief of Nathaniel Mc C. Menifer;" "an Act to regulate suits at law among Miners."

Assembly bill, entitled "an Act to protect settlers on land belonging to the United States," was read the first and second times, and referred to the Committee on Public Lands and Mission Claims.

Assembly bill, entitled, "an Act supplementary to 'an Act concerning Marks and Brands,'" was read the first and second times, and referred to a select committee, consisting of Messrs. Warner, Robinson, and Foster.

Assembly bill, entitled "an Act to authorize the keepers of Warehouses to sell goods on storage, after a certain period," was read the first and second times, and referred to the Committee on Commerce and Navigation.

Joint Resolution of the Assembly, "for the relief of Nathanie McC. Menifee," was read the first and second times, and referred to the Committee on Claims.

Assembly bill, entitled "an Act to regulate suits at law among miners," was read the first and second times, and referred to the Committee on the Judiciary.

Mr. Green submitted a resolution, which was adopted, authorizing Mr. Warner, as Chairman of the Select Committee on the Pious Fund of California, to collect any further evidence in relation to this fund, and report at the next annual session of the Legislature; and, also, to communicate to the President of the United States any useful information which he may collect on this subject.

Senate bill, entitled "an Act concerning Redemptions," with the amendment of the Assembly to Senate's amendment to Assembly's amendment thereto, was taken up, and the Senate refused to concur in the amendment first above mentioned.

Assembly bill, entitled "an Act to provide for the incorporation of Mutual Insurance Companies," was taken up, when,

On motion of Mr. Van Buren, the Senate adjourned.

DAVID C. BRODERICK, President of the Senate.

J. F. HOWE, Secretary of the Senate.

IN SENATE.

TUESDAY, *April* 1, 1851.

The Senate assembled pursuant to adjournment.

The Journal of Monday was read and approved.

Mr. Warner, from the Committee on Enrolled Bills, reported as correctly enrolled, "an Act to change the name of John G. Almondinger, jr.,

to that of John G. Almond," and "an Act to amend 'an Act concerning Crimes and Punishments.'"

Assembly bill, entitled "an Act to provide for the incorporation of Mutual Insurance Companies," was taken up, and referred to the Committee on Corporations, with instructions to report to-morrow.

A Message was received from the Assembly, informing the Senate that the Governor had notified the Assembly, that he did, on the 29th of March, sign "an Act to repeal an Act, entitled 'an Act to provide for the Inspection of Steamboats;'"

Also, that they had passed Senate bill, entitled "an Act to designate the Holidays to be observed in the acceptance and payment of bills of exchange and promissory notes," with an amendment, as attached to the margin of the bill;

Also, that the Speaker did this day sign "an Act to change the name of John G. Almondinger, jr., to John G. Almond," therewith transmitted;

Also, that they had passed bill, entitled "an Act amendatory to an Act, entitled 'an Act to regulate proceedings in criminal cases,'" passed April 20, 1850. Also, bill entitled "an Act to regulate proceedings in civil cases in the Courts of Justice of this State;

Also, that they had passed bill, entitled "an Act to amend section 501, of the Act entitled an Act to regulate proceedings in criminal cases," passed April 20, 1850, therewith transmitted; also, "an Act to prevent the City of San Francisco from selling any property within its limits;"

Also, that the Speaker did this day sign "an Act to amend an Act entitled 'an Act concerning Crimes and Punishments,'" therewith transmitted.

On motion of Mr. Van Buren, Senate bill entitled "an Act providing for the compensation of certain Officers," was, with the report of the Committee on Claims thereon, recommitted to the same committee, with instructions to report on the equity of the claim.

Senate bill, entitled "an Act to designate the Holidays to be observed in the acceptance and payment of bills of exchange and promissory notes," with the amendment of the Assembly thereto, was taken up, and the amendment concurred in.

Assembly bill, entitled "an Act amendatory of an Act entitled 'an

Act to regulate proceedings in criminal cases,'" passed April 20, 1850, was read the first and second times, and referred to the Committee on the Judiciary. Also, Assembly bill, entitled, "an Act to amend section 501 of the Act entitled 'an Act to regulate proceedings in criminal cases,'" passed April 20, 1850.

Senate bill, entitled "an Act to create a State Hospital for the City of Sacramento," was taken up, amended in the 2d, 7th, and 8th sections, and recommitted to the Committee on Commerce and Navigation.

Senate bill, entitled "an Act defining what in certain cases shall be sufficient evidence of possession in actions brought for the recovery of the possession of lands," was taken up, and read the third time, as amended. The question then being on the passage of the bill, the yeas and nays were demanded, and resulted as follows:

YEAS.

Mr. Adams	Mr. Robinson	
Cooke	Van Buren	
De la Guerra	Warner	
Foster		—7.

NAYS.

Mr. Broderick	Mr. Miller	
Lippincott		—3.

Mr. Warner moved a reconsideration of the vote just taken, and on this question the yeas and nays were demanded, and resulted as follows:

YEAS.

Mr. Adams	Mr. Miller	
Broderick	Van Buren	
Cooke	Warner	
Lippincott		—7.

NAYS.

Mr. De la Guerra	Mr. Robinson	
Foster		—3.

The question then again recurring on the passage of the bill, it was by yeas and nays, decided in the affirmative, as follows:

YEAS.

Mr. Adams	Mr. Foster
Cooke	Robinson
De la Guerra	Warner—6.

NAYS.

Mr. Broderick	Mr. Miller
Lippincott	Van Buren—4.

So the bill was passed.

Assembly bill, entitled "an Act concerning lawful Fences, and animals Trespassing on premises lawfully enclosed, and Fence Inspectors," was taken up, and with the amendments heretofore reported by the Committee on Agriculture and a further amendment proposed by Mr. Van Buren, was recommitted to a select committee, consisting of Messrs. Warner, Miller, and Lippincott.

Assembly Joint Resolution, "providing for the distribution of the Convention Journals," was taken up, read the third time, and passed.

Assembly bill, entitled "an Act to amend the 2d, 3d, and 7th sections of the Act entitled 'an Act concerning Notaries Public,'" passed March 27, 1850, was taken up, read the third time, and passed.

Assembly bill, entitled "an Act to prevent the city of San Francisco from selling any property within its limits," was read three several times, and passed, the Rules having been suspended for that purpose.

Assembly bill, entitled "an Act concerning Sheriffs," was taken up, amended, and again laid on the table.

Assembly bill, entitled "an Act to regulate proceedings in civil cases in the Courts of Justice of this State," was read twice, and referred to the Committee on the Judiciary.

The President of the Senate signed bills severally entitled, "an Act to change the name of John G. Almondinger, junior, to John G. Almond;" "an Act to amend 'an Act concerning Crimes and Punishments;'" and the Secretary certified upon the latter, that it originated in the Senate.

On motion of Mr. Broderick, the Senate adjourned.

DAVID C. BRODERICK, President of the Senate.

J. F. HOWE, Secretary of the Senate.

IN SENATE.

WEDNESDAY, *April* 2, 1851.

The Senate assembled pursuant to adjournment.

The Journal of Tuesday was read and approved.

On motion of Mr. Foster, the Committee on Claims were instructed to report on the equity of the claims presented against the State by certain officers.

Mr. Foster, from the Committee on Engrossed Bills, reported as correctly engrossed, "an Act defining what in certain cases shall be sufficient evidence of possession in actions brought for the recovery of the possession of lands."

Mr. Miller, from the Committee on Roads and Highways, to whom had been referred "an Act to ratify and confirm an Ordinance passed by the city of San Francisco, on the 18th day of November, 1850, authorizing the building of a Plank Road to the Mission of Dolores," reported the same without amendment, and the bill was made the Special Order for to-morrow at 11½, A.M.

Mr. Warner, from the Committee on Contingent Expenses, reported as correct, the accounts of C. Campbell & Co., for $10; J. H. Ham, for $25; J. Chamberlain, for $20; James Appleton, for $14.

Mr. Heydenfeldt, from the Select Committee, composed of the San Francisco Delegation, to whom had been referred "an Act to continue and modify the Superior Court of the City of San Francisco," reported the same with a recommendation that the bill be indefinitely postponed; and the bill was indefinitely postponed accordingly.

Mr. Robinson, from the Committee on Commerce and Navigation, to whom had been recommitted "an Act to create a State Hospital for the City of Sacramento," reported the same without amendment.

On motion of Mr. Robinson, the bill was amended in the 2d, 5th, 7th, 8th, 9th, 10th, 17th, 18th, 19th, and 23d sections; when, Mr. Green moved further to amend section 9th, by striking out "one" and inserting "two" as the number of visiting Physicians—but the question was, by yeas and nays, decided in the negative, as follows:

YEAS.

Mr. Green
Lippincott
Mr. Miller
—3.

NAYS.

Mr. Broderick	Mr. Robinson
De la Guerra	Van Buren
Foster	Warner
Heydenfeldt	—7.

Mr. Green moved further to amend section eighth, by striking out the words "The Trustees shall elect annually, by ballot, a Resident Physician," and inserting therefor, "The People of Sacramento County shall elect annually the Trustees, who shall annually elect by ballot a Resident and Visiting Physician;" but the question was, by yeas and nays, decided in the negative, as follows:

YEAS.

Mr. Green Mr. Warner—2.

NAYS.

Mr. Broderick	Mr. Lippincott
Cooke	Miller
Crosby	Robinson
Foster	Van Buren
Heydenfeldt	—9.

The further consideration of the bill was then postponed until to-morrow.

Messages were received from the Assembly, informing the Senate that they had concurred in the Senate's amendment to Assembly Bill, entitled "an Act in relation to the appointment of Pilots for the Bay and Harbor of Humboldt;" also, that the Speaker did this day sign "an Act to designate the Holidays to be observed in the acceptance and payment of Bills of Exchange and Promissory Notes;" also, that they had non-concurred in Senate's amendments to Assembly's amendments to Senate bill entitled "an Act to re-incorporate the City of San Francisco," and insist on their amendments to the bill."

On motion of Mr. Broderick, the Senate refused to recede from their amendments to Assembly's amendments to the last named bill, and requested a Committee of Free Conference on the disagreeing votes of the two Houses. The presiding officer (Mr. Warner) appointed, as such

Committee on the part of the Senate, Messrs. Broderick, Heydenfeldt, and Robinson.

The President signed bill, entitled "an Act to designate the Holidays to be observed in the acceptance and payment of Bills of Exchange and Promissory Notes," and the Secretary certified thereon that it originated in the Senate.

Mr. Warner, from the Joint Committee on Enrolled Bills, reported that they had examined and found correctly enrolled, "an Act to prevent the City of San Francisco from selling or otherwise disposing of lots within its corporate limits;" "an Act to amend an Act entitled 'an Act concerning Crimes and Punishments;'" "an Act to designate the Holidays to be observed in the acceptance and payment of Bills of Exchange and Promissory Notes;" also, that they had this day presented to the Governor for his approval "an Act to designate the Holidays to be observed in the acceptance and payment of Bills of Exchange and Promissory Notes;" "an Act to prevent the City of San Francisco from selling or in any otherwise disposing of Lots within its corporate limits;" "an Act to amend an Act concerning Crimes and Punishments"

On motion of Mr. Broderick, Mr. Adams was granted leave of absence for four days.

On motion, the Senate adjourned.

David C. Broderick, President of the Senate.

J. F. Howe, Secretary of the Senate.

IN SENATE.

Thursday, *April* 3, 1851.

The Senate assembled pursuant to adjournment.

The Journal of Wednesday was read and approved.

A Message was received from the Governor, informing the Senate that he did, on yesterday, sign "an Act to prevent the City of San Francisco from selling or in any otherwise disposing of lots within its corporate limits;" "an Act to designate the Holidays to be observed in the acceptance and payment of Bills of Exchange and Promissory Notes;"

and "an Act to amend an Act, entitled 'an Act concerning Crimes and Punishments.'"

Mr. Broderick presented the Memorial of S. Brannan and other citizens of San Francisco, in favor of funding the City Debt, which was read, and referred to the Committee on Finance.

On motion of Mr. Heydenfeldt, the Senate took up the Special Order of the day, being "an Act to ratify and confirm an ordinance passed by the City of San Francisco, on the 18th day of November, 1850, authorizing the building of a Plank Road to the Mission of Dolores;" and,

On motion of Mr. Van Buren, the bill was recommitted to a Select Committee, consisting of Messrs. Van Buren, Lippincott, and Green, with instructions to report to-morrow, at half-past eleven o'clock, A. M.

Mr. Warner, from the Committee on Enrolled Bills, reported as correctly enrolled, "an Act concerning the Courts of Justices of this State, and Judicial Officers."

The Senate resumed the consideration of the bill, entitled "an Act to create a State Hospital for the City of Sacramento."

Mr. Green moved to amend the twenty-third section, by inserting after the word "quarterly," in the sixth line, the words "one third of," but the question was, by yeas and nays, decided in the negative, as follows:

YEAS.

Mr. Green	Mr. Van Buren—2.

NAYS.

Mr. Broderick	Mr. Lippincott
Crosby	Miller
Foster	Robinson
Heydenfeldt	Warner—8.

The bill, as amended, was then read the third time, and passed.

A Message was received from the Assembly, informing the Senate that they had passed Senate bill, entitled "an Act to amend 'an Act concerning the organization of the Militia;'" with amendments, Senate's "Joint Resolution, in relation to the Pious Fund of California;"

Also, that the Speaker had signed "an Act concerning the Courts of

Justice of this State, and Judicial Officers;" and had appointed Messrs. Field, Lisle, Bradford, Carr, and Saunders, to confer with the Senate's Committee on the disagreeing votes of the two Houses on the bill entitled "an Act to re-incorporate the City of San Francisco."

The President signed bill, entitled "an Act concerning the Courts of Justice of this State, and Judicial Officers."

Mr. Van Buren submitted a "Joint Resolution in reference to the payment of claims of those who have heretofore rendered military service for the State of California," which was read twice, and laid over.

Mr. Heydenfeldt, from the Committee on Claims, reported, without amendment, Assembly "Joint Resolution for the relief of Nathaniel McC. Menifer," and the same was read the third time, and passed.

On motion the Senate adjourned.

David C. Broderick, President of the Senate.

J. F. Howe, Secretary of the Senate.

IN SENATE.

Friday, *April* 4, 1851.

The Senate assembled pursuant to adjournment.

The Journal of Thursday was read and approved.

Mr. Green, from the Committee on Finance, to whom had been referred the memorial of Samuel Brannan, and 267 other citizens of San Francisco, praying that a law may be passed, authorizing the funding of the city debt, reported the same, with a recommendation that the prayer of the memorialists be granted, and the report was accepted.

Mr. Foster, from the Committee on Engrossed Bills, reported as correctly engrossed, "an Act to create a State Hospital in the City of Sacramento."

Mr. Warner, from the Select Committee to whom was referred "an Act concerning lawful Fences, and animals Trespassing on grounds lawfully enclosed, and Fence Inspectors," reported the same with amendments, as sections 4 and 9, and the report was accepted.

Mr. Warner, from the Joint Committee on Enrolled Bills, reported as correctly enrolled, "an Act to amend the 2d, 3d, and 7th Sections of

the Act entitled 'an Act concerning Notaries Public,'" passed March 17, 1850; "An Act in relation to the appointment of Pilots for the Bay of Humboldt;" "an Act supplementary to an Act, entitled 'an Act to incorporate the City of Los Angeles,'" passed April 4, 1850; "a Joint Resolution providing for the distribution of the Convention Journals;'" and "a Joint Resolution in relation to the Pious Fund of California;" also, that the Committee did this day present to the Governor for his signature, "an Act to prevent the City of San Francisco from selling or in any otherwise disposing of Lots within its corporate limits;" "an Act concerning Courts of Justice of this State, and Judicial Officers;" and "a Joint Resolution in relation to the Fious Fund of California."

The President laid before the Senate a communication from J. D. Hoppe, in relation to the Post-office expenses of the Senate, which was referred to the Committee on Contingent Expenses.

On motion of Mr. Heydenfeldt, Senate bill, entitled "an Act creating a State Marine Hospital at the City of San Francisco," was taken up, and referred to the San Francisco Delegation.

Senate Joint Resolution, in reference to the payment of claims of those who have heretofore rendered military services for the State of California, was taken up, amended, read the third time, and passed.

Mr. Foster submitted a resolution, which was adopted, requesting the Adjutant-General to furnish the Senate with an abstract of the accounts on file in his office, March 7, 1851, for compensation due to persons who rendered military service under the commands of General Joseph C. Moorehead and Major William Rogers, and for expenses incurred in arming, equipping, and provisioning the persons engaged in that service.

Mr. Green presented the account of the Clerk of the Supreme Court against the Finance Committee of the Senate, amounting to $84, for a copy of the opinion of the Supreme Court in the case of the People of the State *vs.* Henry M. Naglee, which was referred to the Committee on Claims.

A Message was received from the Assembly, informing the Senate that the Governor had notified the Assembly that he did, on the 2d inst., sign "an Act to change the name of John G. Almondinger, jr., to John G. Almond."

Also, that the Speaker did, on yesterday, sign bills severally entitled an Act to amend the 2d, 3d, and 7th Sections of the Act, entitled 'an

Act concerning Notaries Public,'" passed March 20, 1850; "an Act in relation to the appointment of Pilots for the Bay and Harbor of Humboldt;" an Act supplementary to an Act, entitled 'an Act to incorporate the City of Los Angeles,'" passed April 4, 1850; "a Joint Resolution providing for the distribution of the Convention Journals;" also, that he signed, to-day, "Joint Resolution in relation to the Pious Fund of California."

The President also signed the bills mentioned in the preceding Message as having been signed by the Speaker of the Assembly; and the Secretary certified on that relating to the Pious Fund of California, that it originated in the Senate.

Mr. Heydenfelt, from the Committee on the Judiciary, to whom had been referred Assembly bill, entitled "an Act to amend section 501 of the Act entitled 'an Act to regulate proceedings in Criminal Cases,'" passed April 20, 1850, reported the same without amendment, and the bill was read the third time, and passed.

Mr. De la Guerra, from the Select Committee to whom had been referred the claim of William Smith, and Senate bill providing for the payment of the same, made a report in writing, accompanied by the required vouchers, which was read, and accepted.

Mr. De la Guerra submitted a Joint Resolution, which was adopted, providing for the distribution of the copies, in Spanish, of the Convention Journals.

The Report of the Committee on Contingent Expenses, on the accounts of J. H. Ham, C. Campbell & Co., P. Chamberlain, and James Appleton, was taken up and adopted.

Mr. Heydenfeldt, from the Select Committee, to whom had been referred the several bills, petitions, letters, and other papers, in relation to the public printing, reported the same, accompanied by a bill, entitled "an Act concerning the office of State Printer,' which was read the first and second times, and referred to the Committee on the Judiciary.

Assembly bill, entitled "an Act dividing the State into Counties and establishing the Seats of Justice therein," with the amendments of the Senate Committee on County Boundaries thereto, was taken up, and the first of the amendments was adopted; when, on motion of Mr. Heydenfeldt, the bill was laid on the table.

Mr. Van Buren, from the Select Committee, to whom was referred Assembly bill, entitled "an Act to ratify and confirm an ordinance

passed by the City of San Francisco, on the eighteenth day of November, 1850, authorizing the building of a plank road to the Mission of Dolores," made a report in writing, which was accepted, and the bill was read the third time, and passed, by yeas and nays, as follows:—(See Appendix MM.)

YEAS.

Mr. De la Guerra	Mr. Miller
Foster	Robinson
Green	Van Buren
Heydenfeldt	Warner
Lippincott	—9.

NAYS.

Mr. Broderick Mr. Cooke—2.

A Message was received from the Assembly, informing the Senate that the Speaker had signed bill, entitled "an Act to amend section 501 of the Act entitled 'an Act to regulate proceedings in Criminal Cases,'" passed April 20, 1850. The President of the Senate also signed the same bill.

Mr. Foster, from the Committee on Engrossed Bills, reported as correctly Engrossed, "a Joint Resolution in reference to the payment of claims of those who have heretofore rendered military services to the State of California."

On motion of Mr. Green, the Senate adjourned.

DAVID C. BRODERICK, President of the Senate.

J. F. HOWE, Secretary of the Senate.

IN SENATE.

SATURDAY, *April* 5, 1851.

The Senate assembled pursuant to adjournment.

The Journal of Friday was read and approved.

Mr. Miller, from the Committee on Roads and Highways, to whom

had been referred Assembly bill, entitled "an Act concerning Toll Bridges," reported the same with amendments, and the bill and amendments were laid on the table.

Mr. Warner, from the Committee on Enrolled Bills, reported as correctly enrolled, "an Act to ratify and confirm an ordinance passed by the City of San Francisco, on the 18th day of November, 1850, authorizing the building of a Plank Road to the Mission of Dolores;" and "a Joint Resolution for the relief of Nathaniel McC. Menifer."

Assembly bill, entitled "an Act concerning lawful Fences, and animals Trespassing on premises lawfully enclosed, and Fence Inspectors," was taken up, and, with the amendments reported by the Committee on Agriculture, recommitted to the same committee.

The account of the Clerk of the Supreme Court, for the copy of the opinion of that Court in the case of the People *vs.* Henry M. Naglee, was allowed.

Assembly bill, entitled "an Act to amend an Act entitled 'an Act to regulate elections,'" passed March 23, 1850, was taken up, amended on motion of Mr. Broderick, and again laid on the table.

Messages were received from the Assembly, informing the Senate that the Speaker had signed "an Act to ratify and confirm the ordinance passed by the City of San Francisco, on the 18th day of November, 1850, authorizing the building of a Plank Road to the Mission of Dolores," and "a Joint Resolution for the relief of Nathaniel Mc C. Menifer." Also, that the Assembly had passed "an Act to authorize the Governor to appoint a Judge to hold the regular term of the District Court of the County of Solano," and "an Act to Incorporate the City of San José." Also, that the Assembly had concurred in the report of the Conference Committee on the disagreeing votes of the two Houses, on Senate bill, entitled "an Act to reincorporate the City of San Francisco."

The President of the Senate also signed the bills mentioned in the preceding Message as having been signed by the Speaker of the Assembly.

Assembly bill, entitled "an Act to authorize the Governor to appoint a Judge to hold the regular term of the District Court of the County of Solano," was read the first and second times, and referred to the Committee on the Judiciary.

Assembly bill, entitled "an Act dividing the State into Counties, and

establishing the Seats of Justice therein," was taken up, and the question being on the second amendment proposed by the Committee on County Boundaries, striking out the 18th section, and inserting a substitute therefor, it was, by yeas and nays, decided in the affirmative, as follows:

YEAS.

Mr. Broderick	Mr. Foster
Cooke	Miller
Crosby	Robinson
De la Guerra	Warner—8.

NAYS.

Mr. Green	Mr. Van Buren—2.

The bill was further amended, and, as amended, was read the third time, and passed.

On motion of Mr. Broderick, Mr. Heydenfeldt was granted leave of absence for two days.

Senate bill, entitled "an Act to amend an Act entitled 'an Act subdividing the State into Counties, and establishing the Seats of Justice therein,'" passed February 18, 1850, was taken up, and indefinitely postponed.

Senate bill, entitled "an Act to amend an Act concerning the organization of the Militia," was taken up, and the amendments of the Assembly thereto were non-concurred in.

Senate Concurrent Resolution, in reference to entering a *nolle prosequi* in certain cases, was taken up, and the question being on the adoption of the same, it was, by yeas and nays, decided in the negative, as follows:

YEAS.

Mr. Broderick	Mr. Warner
Van Buren	—3.

NAYS.

Mr. Cooke	Mr. Green
Crosby	Lippincott
De la Guerra	Robinson—6.

Mr. Broderick, from the Committee of Conference, on the disagreeing votes of the two Houses, on Senate bill, entitled "an Act to re-incorporate the City of San Francisco," made a report in writing, which was adopted.

Assembly bill, entitled "an Act to incorporate the City of San José," was read the first and second times, and referred to the Committee on Corporations.

On motion the Senate adjourned.

DAVID C. BRODERICK, President of the Senate.

J. F. HOWE, Secretary of the Senate.

IN SENATE.

MONDAY, *April* 7, 1851.

The Senate assembled pursuant to adjournment.

The Journal of Saturday was read and approved.

Mr. Van Buren submitted a resolution, authorizing the Secretary of the Senate to contract (subject to the approval of the Senate) for the printing which may be ordered by the Senate during the balance of the present Session; and the question being on the adoption of the resolution, it was decided in the affirmative, by yeas and nays, as follows:

YEAS.

Mr. De la Guerra	Mr. Robinson
Green	Van Buren
Miller	—5.

NAYS.

Mr. Broderick	Mr. Foster
Cooke	Heydenfeldt—4.

A Message was received from the Governor, informing the Senate that he did, on the 5th inst., sign "a Joint Resolution in relation to the Pious Fund of California."

A communication was received from the Adjutant-General, transmitting an abstract required by the resolution of the Senate of the 4th inst., of the accounts for compensation due to persons who rendered military services under the commands of General Joseph C. Moorehead and Major William Rogers, and for expenses incurred in arming, equipping, and provisioning the persons who rendered such services; which was read, and referred to the Committee on the Militia. (See Appendix GG.)

Mr. Van Buren, on leave, introduced a bill, entitled "an Act concerning Juries," which was read twice, referred to the Committee on the Judiciary, and ordered to be printed.

Mr. Robinson, from the Committee on Corporations, to whom had been referred Assembly bill, entitled "an Act to incorporate the City of San José," reported the same with an amendment. The amendment was adopted, the bill was further amended, and, on motion, was then recommitted to a Select Committee, consisting of Messrs. Warner, Cooke, and Foster, with instructions to report to-morrow, at 11½ o'clock, A. M.; and the bill was made the Special Order for that hour, the question being decided, by yeas and nays, as follows:

YEAS.

Mr. Broderick	Mr. Green
Cooke	Heydenfeldt
Crosby	Miller
De la Guerra	Robinson
Foster	Warner—10.

NAYS.

Mr. Van Buren—1.

A Message was received from the Assembly, informing the Senate that they had concurred in the first amendment, and non-concurred in the second and third amendments of Senate to Assembly bill, entitled "an Act dividing the State into Counties, and establishing the Seats of Justice therein," and had appointed a Committee of Conference, consisting of Messrs. McCorkle, Field, McCandless, Hall, and Baldwin, to confer with a similar Committee that may be appointed on the part of the Senate, on the disagreeing votes of the two Houses in relation to said bill;

Also, that they refuse to recede from their amendment to Senate's amendment to Assembly's amendment to Senate bill, entitled "an Act concerning Redemptions;"

Also, that they had passed "an Act to exempt the Homestead and other property from forced sale in certain cases," being a substitute for Senate bill, entitled "an Act to exempt the Homestead and other property from forced sale in certain cases."

Mr. Warner, from the Joint Committee on Enrolled Bills, reported that they had examined "an Act to incorporate the City of San Francisco," and found the same correctly enrolled, except in the Fifth Section of Article Second, where they have found it necessary to change "the fourth Monday of April next," to "the fourth Monday of April, one thousand eight hundred and fifty-one," so that the section shall read "the first general election for officers under this charter, shall be held on the fourth Monday of April, one thousand eight hundred and fifty-one," &c.

The report was accepted, and the proposed change in the phraseology agreed to.

On motion of Mr. Van Buren, a Committee of Conference, consisting of Messrs. Van Buren, Crosby, and Green, was appointed on the disagreeing votes of the two Houses, on the bill entitled "an Act concerning Redemptions," to meet any corresponding committee which may be appointed on the part of the Assembly.

Assembly bill entitled "an Act to exempt the Homestead and other property from forced sale in certain cases," being a substitute for Senate Bill No. 21, was read the first and second times, and referred to the Committee on the Judicary.

On motion, a Committee of Conference, consisting of Messrs Crosby, Robinson, and Warner, was appointed to meet the corresponding committee appointed on the part of the Assembly, on the disagreeing votes of the two Houses, on the bill entitled "an Act subdividing the State into Counties, and establishing the Seats of Justice therein."

Mr. Crosby, from the Committee on the Judicary, to whom had been referred Assembly bill entitled "an Act supplementary to an Act entitled 'an Act prescribing the duties and fixing the compensation of County Surveyors,'" and "an Act to authorize the Governor to appoint a Judge to hold the regular term of the District Court in the County of Solano," reported the same with a recommendation that they be in-

definitely postponed. The Report was accepted, and the bills indefinitely postponed.

Mr. Crosby, from the same committee, to whom had been referred Assembly bill entitled "an Act to declare the meaning of the first sentence of the third part of the first section of an Act entitled 'an Act concerning Licenses,'" reported the same without amendment, and recommending its passage.

On motion, the bill was amended, by striking out "Lawyers and Doctors" in the first section, when,

Mr. Heydenfeldt moved that the bill be indefinitely postponed; but the question was, by yeas and nays, decided in the negative, as follows:

YEAS.

Mr. Broderick	Mr. Foster
Cooke	Heydenfeldt
Crosby	—5.

NAYS.

Mr. De la Guerra,	Mr. Van Buren
Green	Warner
Robinson	—5.

The bill was then read the third time, and the question being on its passage, it was decided in the negative.

A Message was received from the Assembly, informing the Senate that the Speaker had signed "an Act to re-incorporate the City of San Francisco." The President of the Senate also signed the same bill, and the Secretary certified thereon that it originated in the Senate.

Mr. Crosby, from the Committee on the Judiciary, to whom had been referred Assembly bills, entitled "an Act providing for the disposition of certain Property:" and "an Act supplemental to an Act entitled 'an Act concerning the office of County Treasurer,'" passed March 27, 1850, reported the same without amendment, and they were severally laid on the table.

Mr. Crosby, from the same Committee, to whom had been referred "an Act to provide for the Punishment of Embezzlement of the Public Moneys, and other purposes," reported the same without amendment,

and recommending its passage. The report was accepted, and the bill was read the third time, and passed.

Mr. Green, from the Committee on Finance, to whom had been referred "an Act concerning the salaries of officers, and pay of members of the Legislature," reported the same without any recommendation in relation thereto, and the bill was laid on the table.

On motion, the Senate adjourned.

DAVID C. BRODERICK, President of the Senate.

J. F. HOWE, Secretary of the Senate.

IN SENATE.

TUESDAY, *April* 8, 1851.

The Senate assembled pursuant to adjournment.

The Journal of Monday was read and approved.

A communication was received from the Secretary of the Senate, informing the Senate that he had, in compliance with the resolution yesterday adopted, made a contract with James B. Devoe, subject to the approval of the Senate, for the execution of such printing as the Senate may order, during the balance of the present session.

Assembly bill, entitled "an Act to amend 'an Act to regulate Elections,'" passed March 23d, 1850, was taken up, and as heretofore amended, was read the third time, and passed.

Senate bill, entitled "an Act concerning the salaries of officers, and pay of members of the Legislature," was taken up.

Mr. Broderick moved to strike out $5,000 as the salary of the Governor, and insert $4,000, but the question was decided in the negative, by yeas and nays, as follows:

YEAS.

Mr. Broderick	Mr. Miller
Crosby	Warner—4.

NAYS.

Mr. Cooke	Mr. Heydenfeldt
De la Guerra	Robinson
Foster	Van Buren
Green	—7.

Mr. Green moved to strike out $5,000, and insert $7,500, and the question being first taken on striking out, it was decided in the negative, by yeas and nays, as follows:

YEAS.

Mr. Cooke	Mr. Heydenfeldt
Foster	Miller
Green	—5.

NAYS.

Mr. Broderick	Mr. Robinson
Crosby	Van Buren
De la Guerra	Warner—6.

Mr. Green moved to strike out $5,000 as the salary of the State Treasurer, and insert therefor $4,500, but the question was, by yeas and nays, decided in the negative, as follows:

YEA.

Mr. Green—1.

NAYS.

Mr. Brokerick	Mr. Heydenfeldt
Cooke	Miller
Crosby	Robinson
De la Guerra	Van Buren
Foster	Warner—10.

Mr. Heydenfeldt moved to strike out $5,000, and insert $4,000, but the question was, by yeas and nays, decided in the negative, as follows:

YEAS.

Mr. Foster	Mr. Heydenfeldt
Green	Miller—4.

NAYS.

Mr. Broderick	Mr. Robinson
Cooke	Van Buren
Crosby	Warner
De la Guerra	—7.

Mr. Broderick moved to strike out $5,000 and insert $3,000, and the question was, by yeas and nays, decided in the affirmative, as follows:

YEAS.

Mr. Broderick	Mr. Miller
Crosby	Robinson
Cooke	Van Buren
De la Guerra	Warner
Foster	—9.

NAYS.

Mr. Green	Mr. Heydenfeldt—2.

Mr. Broderick moved to strike out $3,000, as the salary of the Attorney-General, and insert therefor $500; and the question was, by yeas and nays, decided in the affirmative, as follows:—

YEAS.

Mr. Broderick	Mr. Heydenfeldt
Cooke	Miller
Crosby	Van Buren
Foster	Warner—8.

NAYS.

Mr. De la Guerra	Mr. Robinson
Green	—3.

The bill was further amended, by inserting $3,000 as the salary of the Comptroller of State; by striking out $2,000 and inserting $1,000

as the salary of the Private Secretary of the Governor; and by striking out $8 per day as the pay of members of the Legislature, and inserting therefor $5.

Thus amended, the bill was read the third time, and the question being on its passage, it was, by yeas and nays, decided in the affirmative, as follows:—

YEAS.

Mr. Broderick	Mr. Miller
Cooke	Robinson
Crosby	Van Buren
De la Guerra	Warner—8.

NAYS.

Mr. Green	Mr. Heydenfeldt—2.

A Message was received from the Assembly, informing the Senate that the Governor notified the Assembly, on yesterday, that he did, on the 5th instant, sign bills, severally entitled "an Act in relation to the appointment of Pilots for the Bay and Harbor of Humboldt;" "an Act to amend the 2d, 3d, and 7th sections of the Act entitled 'an Act concerning Notaries Public;'" "an Act to ratify and confirm an ordinance passed by the City of San Francisco, on the 18th day of November, 1850, authorizing the building of a Plank Road to the Mission of Dolores;" and "Joint Resolution for the relief of Nathaniel McC. Menifer;"

Also, that that they insist in their amendments to Senate bill, entitled "an Act to amend an Act concerning the organization of the Militia," and have appointed on their part Messrs. McCorkle, Moore, Saunders, Kendrick, and Lind a Committee of Conference, to confer with a similar committee that may be appointed by the Senate, on the disagreeing votes of the two Houses on said bill;

Also, that they had passed Senate "Joint Resolutions, in relation to the distribution of the Convention Journals printed in Spanish;"

Also, that they had passed "Joint Resolution for the relief of the Serjeant-at-Arms of the Assembly;" "Joint Resolution for the benefit of J. L. Smith;" and "Joint Resolution relative to the per diem pay and mileage of witnesses in the cases of Judges Parsons, and Turner."

On motion, a Committee of Conference, consisting of Messrs. Van Buren, Robinson, and Cooke, was appointed on the disagreeing votes of the two Houses, on the bill, entitled "an Act to amend 'an Act concerning the organization of the Militia.'"

Mr. Heydenfeldt gave notice that he would, on to-morrow, ask leave to introduce a bill to provide for the removal of the State Armory from San Francisco to the seat of government.

Assembly Joint Resolutions, "for the benefit of J. L. Smith;" "relative to the per diem pay and mileage of witnesses in the cases of Judges Parsons, and Turner;" and "for the relief of the Serjeant-at-Arms of the Assembly," were severally read the first and second times, and laid on the table.

Mr. Van Buren, on leave, introduced a bill entitled "an Act concerning Offices," which was read the first and second times, and laid on the table.

Mr. Warner, from the Select Committee to whom had been referred Assembly bill, entitled "an Act to Incorporate the City of San José," reported the same with amendments, and the bill and amendments were recommitted to the same committee, with the addition thereto of Messrs. Van Buren and Crosby, and with power to send for persons and papers.

On motion, the standing rule, fixing 11, A. M., as the daily hour of meeting, was, by a unanimous vote, so changed as to read 10, A. M.

On motion of Mr. Green, Senate bill, entitled "an Act to regulate the Senatorial and Assembly Districts," was ordered to be taken from the table and referred to a committee of five, to be selected one from each of the old districts of Sacramento, San Joaquin, Sonoma, and San Francisco, and one from the Counties south of San Francisco.

On motion of Mr. Van Buren, the Senate took a recess until seven o'clock, P. M.

SEVEN O'CLOCK P. M.

The Senate assembled, and a quorum of members not being present, on motion, adjourned.

DAVID C. BRODERICK, President of the Senate.

J. F. HOWE, Secretary of the Senate.

IN SENATE.

WEDNESDAY, *April* 9, 1851.

The Senate assembled pursuant to adjournment.

The Journal of Tuesday was read and approved.

On motion of Mr. Green, Mr. Lippincott was granted leave of absence for three days.

The President appointed Messrs. Green, Van Buren, Cooke, Heydenfeldt, and Warner, as the committee on the reapportionment of the members of the Legislature.

Mr. Foster presented the petition of José Maria Lugo, of Los Angeles praying compensation for four horses taken by Gen. Moorehead, for the use of the Gila Expedition, which, together with sundry papers in relation thereto submitted by Mr. Warner, were referred to the Committee on Claims.

Assembly bill, entitled "an Act supplemental to 'an Act concerning the office of County Treasurer,'" passed March 27, 1850; and Assembly Joint Resolutions "for the benefit of J. L. Smith," and "for the relief of the Sergeant-at-arms of the Assembly," were severally read the third time, and passed.

Assembly bill, entitled "an Act to fund the debt of the State," was taken up, and made the special order for the 20th instant, or sooner, if news of the action by Congress on the Claims of California on the United States shall have been received.

Senate bill, entitled "an Act for the payment of the salary and office rent of E. J. C. Kewen, late Attorney General," was taken up, read the third time, and the question being on the passage of the bill, it was, by yeas and nays, decided in the negative, as follows:

YEAS.

Mr. Green	Mr. Miller
Heydenfeldt	—3.

NAYS.

Mr. Broderick	Mr. De la Guerra
Cooke	Van Buren
Crosby	Warner—6.

Senate Billl entitled "an Act for the relief of William Smith," was taken up, and the blank therein filled with $2,500.

Mr. Warner moved that the bill be indefinitely postponed; but the question was, by yeas and nays, decided in the negative, as follows:

YEAS.

Mr. Cooke	Mr. Van Buren
Crosby	Warner
De la Guerra	—5.

NAYS.

Mr. Broderick	Mr. Heydenfeldt
Foster	Miller
Green	—5.

The bill was then read the third time, and the question being on its passage, it was, by yeas and nays, decided in the negative, as follows:

YEAS.

Mr. Foster	Mr. Heydenfeldt
Green	Miller—4.

NAYS.

Mr. Broderick	Mr. De la Guerra
Cooke	Van Buren
Crosby	Warner—6.

On motion of Mr. Broderick, the vote by which the Senate refused to pass the bill was reconsidered, and the bill was laid on the table.

Senate "Joint Resolution in relation to the appointment of a Temporary State Printer;" Assembly "Joint Resolution, relative to the Archives of this State;" and Assembly bill entitled "an Act in relation to certain property of the State of California," were severally taken up and indefinitely postponed.

Mr. De la Guerra submitted a joint resoution, which was adopted, authorizing the Secretary of State to furnish the State Translator copies of the laws passed at the last session, and of such passed at the present Session as may be selected by the joint committee for translation into

the Spanish language; and requiring the State Translator to furnish to the Secretary of State the laws translated, for publication, at the earliest practicable period.

Mr. Heydenfeldt gave notice that he would, at an early day, ask leave to introduce a bill to repeal the Act placing a Contingent Fund at the disposal of the Governor.

Senate Joint Resolution in reference to the resignation of State Printer, was taken up, and referred to the Committee on the Public Printing.

On motion of Mr. Heydenfeldt, Senate bill, entitled "an Act concerning Common Schools and Public Instruction," was made the special order for to-morrow at 11 o'clock, A. M.

Senate bill, entitled "an Act concerning Offices," was taken up, read, amended, and again laid on the table.

Mr. Broderick, on leave, introduced a bill, entitled "an Act to amend an Act entitled 'an Act to incorporate the city of San José,'" which was read three several times, and passed, the Rules, having been suspended for that purpose.

Senate bill, entitled "an Act to exempt certain property of the United States from taxation," was, on leave, reintroduced by Mr. Heydenfeldt, agreeably to previous notice, read three several times, and passed, the Rules having been suspended for that purpose.

Message of the Governor, and resignation of the State Printer, were taken up, and referred to the Committee on the Public Printing.

Senate Joint Resolution, to adjourn to San Francisco, was taken up, when Mr. Heydenfeldt asked and obtained leave to withdraw the same.

Mr. Warner, from the Committee on Enrolled Bills, reported as correctly enrolled, "an Act to provide for the punishment of embezzlement of Public Moneys, and other purposes;" and "a Joint Resolution in relation to the distribution of the Convention Journals printed in Spanish."

Mr. Foster, from the Committee on Engrossed Bills, reported as correctly engrossed, "an Act concerning the Salaries of Officers and pay of Members of the Legislature."

A Message was received from the Assembly, informing the Senate that the Speaker did this day sign "Joint Resolution in relation to the distribution of the Convention Journals printed in Spanish;" and "an Act to provide for the punishment of Embezzlement of Public Moneys, and

other purposes." Also that they had appointed Messrs. Wethered, Murphy, Brown, Field, and Wilkins a Committee of Conference to confer with the Senate's Committee on the disagreeing votes of the two Houses on the bill "concerning redemptions."

The President of the Senate also signed the bills mentioned in the Message as having been signed by the Speaker of the Assembly, and the Secretary certified upon that "in relation to the distribution of the Convention Journals, printed in Spanish," that it originated in the Senate.

On motion of Mr. Warner, the Senate adjourned.

DAVID C. BRODERICK, President of the Senate.

J. F. HOWE, Secretary of the Senate.

IN SENATE.

THURSDAY, *April* 10, 1851.

The Senate assembled pursuant to adjournment.

The Journal of Wednesday was read and approved.

Mr. Heydenfeldt, from the Committtee on Education, reported, with amendments, Senate bill, entitled "an Act concerning Common Schools and Public Institution," and the bill was made the Special Order for to-morrow.

Senate bill, entitled "an Act concerning Offices," was taken up, amended, read the third time, and passed.

Senate bill, entitled "an Act concerning the office of Public Administrator, and making it elective," with the amendments of the Assembly thereto, was reported back from the Committee on the Judiciary, and the amendments were concurred in.

Mr. Heydenfeldt, from the Committee on the Judiciary, to whom had been referred Assembly bill, entitled "an Act against Indecent Exhibitions," reported the same, with a recommendation that it be indefinitely postponed. The report was accepted, and the bill indefinitely postponed.

Assembly bill, entitled "an Act providing for the disposition of certain Property," was taken up, read the third time, and passed.

Assembly "Joint Resolution relative to the per diem pay and mileage of witnesses in the cases of Judges Parsons, and Turner," was taken up, and referred to the Committee on the Militia.

Assembly bill, entitled "an Act to provide for the incorporation of Colleges and Universities," was made the special order for to-morrow.

Mr. Crosby, from the Committee on the Judiciary, to whom had been referred Senate bill, entitled "an Act to exempt the Homestead and other Property from Forced Sale in certain cases," with the substitute of the Assembly therefor, reported the same; when, on motion, a Committee of Free Conference, consisting of Messrs. Van Buren, De la Guerra, Warner, Crosby, and Heydenfeldt, were appointed thereon, to confer with any similar Committee which may be appointed by the Assembly. (See Appendix, N. N.)

Mr. Van Buren, from the Committee on the Judiciary, to whom had been referred Senate bill, entitled "an Act concerning Juries," reported the same without amendment, and the bill was laid on the table.

Mr. Heydenfeldt, from the Committee on Education, to whom had been referred Assembly "Joint Resolution instructing our Senators, and requesting our Representatives, to procure an appropriation of Agricultural Lands, in the State of California for a State University and Common Schools," reported the same without amendment, and the resolution was laid on the table.

Mr. Heydenfeldt, from the San Francisco Delegation, to whom had been referred the memorial of citizens of San Francisco, praying that the City and County may be merged into one Corporation; that the legislative power of the City be vested in one Board; and that the criminal jurisdiction now vested in the Court of Sessions be conferred on the Recorder's Court, reported the same, with a recommendation that the prayer of the memorialists be granted, and the report was accepted.

Mr. Heydenfeldt, from the Committee on Education, to whom had been referred Senate bill of last session, entitled "an Act for the distribution of the Common School and University Fund," reported the same, with a recommendation that it be indefinitely postponed. The report was accepted, and the bill indefinitely postponed.

The report of the Select Committee, on the petitions of the Trustees of Martinez, and of Oliver C. Coffin, was taken up, and, with the petitions, indefinitely postponed.

Mr. Heydenfeldt, from the Select Committee to whom had been referred the communication from the State Treasurer, in reply to the Resolution of 17th March, reported the same, and the communication was ordered to lie on the table.

Mr. Heydenfeldt, from the Committee on Claims, to whom had been referred "an Act providing for the compensation of certain officers," made a report in writing, which was accepted, and with the bill, referred to the Committee on the Judiciary.

Mr. Foster, from the Committee on Engrossed Bills, reported as correctly engrossed, "an Act to amend an Act entitled 'an Act to incorporate the City of San José,'" approved March 27, 1750; "an Act to exempt certain property of the United States from taxation;" and "a Joint Resolution in relation to the Translation of the Laws."

The report of the Committee on Contingent Expenses, on the accounts of George Dewar, for $62 $\frac{50}{100}$, James Appleton, for $41 $\frac{88}{100}$, and Evans & Co., for $34, was taken up, and the accounts approved.

The Report of the Committee on Claims, on the communication of the State Printer, requesting payment for printing executed for the Supreme Court, was taken up, and, with the communication, indefinitely postponed.

The report of the Committee on Contingent Expenses, on the account of Hoppe, Hawkins & Co., for stationery, &c., furnished the Senate, was taken up, and with the account, recommitted to a Select Committee, consisting of Messrs. Broderick, Crosby, and Miller.

On motion, the Senate adjourned.

DAVID C. BRODERICK, President of the Senate.

J. F. HOWE, Secretary of the Senate.

IN SENATE.

FRIDAY, *April* 11, 1851.

The Senate assembled pursuant to adjournment.

The Journal of Thursday was read and approved.

Mr. Warner, from the Committee on Enrolled bills, reported as correctly enrolled, "an Act supplementary to 'an Act concerning the office of County Treasurer,'" "a Joint Resolution for the benefit of John T. Smith," "a Joint Resolution for the relief of the Sergeant-at-Arms of the Assembly."

Senate bill, entitled "an Act concerning Juries," was taken up, and recommitted to the Judiciary Committee, with instructions to report tomorrow.

Senate bill, entitled "an Act for the relief of Wm. Smith, was taken up, read the third time, and passed, by yeas and nays, as follows:

YEAS.

Mr. Adams	Mr. Heydenfeldt
Douglass	Lippincott
Foster	Miller.
Green	—7.

NAYS.

Mr. Broderick	Mr. Robinson
Crosby	Van Buren
De la Guerra	Warner—6.

Mr. Heydenfeldt submitted a resolution, which was adopted, appointing Benjamin Chapman to perform the duties of Doorkeeper, in addition to those of Porter now performed by him, and providing that his compensation shall be sixteen dollars per day, from the commencement of the session.

Assembly Joint Resolution "instructing our Senators, and requesting our Representatives, in Congress to procure an appropriation of Agricultural Lands in the State of California for a State University," was taken up, and on motion of Mr. Green, the further consideration thereof was postponed until the first Monday in January next.

Senate bill, entitled "an Act to establish the Recorder's Court of the City of San Francisco," was taken up, and recommitted to the San Francisco Delegation.

A Message was received from the Governor, informing the Senate that he did, on yesterday, sign "a Joint Resolution in relation to the distribution of the Convention Journals printed in Spanish."

Mr. Miller, on leave, introduced a bill, entitled "an Act to regulate the coining of money by individuals," which was read the first and second times, and referred to a Select Committee, consisting of Messrs. Robinson, Van Buren, Heydenfeldt, Miller, and Foster.

A Message was received from the Assembly, informing the Senate that they had passed Senate bill, entitled "an Act to amend an Act entitled 'an Act to incorporate the City of San José,'" with amendments;

Also requesting the Senate to transmit to the Assembly a "memorial from the citizens of San Francisco, praying the passage of a bill now before the Assembly, entitled 'an Act to authorize the funding of the floating debt of the City of San Francisco, and to provide for the payment of the same;'"

Also, informing the Senate that they had passed Senate's concurrent resolution relative to adjournment, with an amendment;

Also bill, entitled "an Act to create a State Hospital in the City of Sacramento," with amendments as numbered 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12;

Also, that the Speaker signed, to-day, bill entitled "an Act supplementary to an Act entitled 'an Act concerning the office of County Treasurer,'" passed March 27, 1850, "Joint Resolution for the relief of the Sergeant-at-Arms of the Assembly," "Joint Resolution for the benefit of John T. Smith;"

Also, that they had passed bills, therewith transmitted, and severally entitled, "an Act to repeal 'an Act to incorporate the City of San Diego,'" "Act to authorize the issue and sale of Land Warrants, in this State."

Senate bill entitled "an Act to amend an Act entitled 'an Act to incorporate the City of San José,'" with the amendment of the Assembly thereto, was taken up.

Mr. Warner moved to amend the amendments of the Assembly, by striking out the last proviso therein, and inserting therefor: "*Provided, further*, that nothing contained in this Act shall allow the city authorities to lease, rent, sell, or otherwise dispose of any of said public lands, not embraced in the boundaries as set forth in the first section of this Act, until authorized so to do by act of the Legislature."

And the question being on the adoption of the amendment to the amendment, it was, by yeas and nays, decided in the affirmative, as follows:

YEAS.

Mr. Adams	Mr. Green
Broderick	Heydenfeldt
Cocke	Lippincott
De la Guerra	Robinson
Foster	Warner—10.

NAYS.

Mr. Crosby	Mr. Van Buren
Miller	—3.

Thus amended, the amendment of the Assembly was concurred in.

Senate bill, entitled "an Act to create a State Hospital in the City of Sacramento," with the amendments of the Assembly thereto, was referred to the Committee on Commerce and Navigation.

The Secretary was directed to transmit to the Assembly the Memorial of the Citizens of San Francisco, as requested in the Assembly's Message of to-day.

The Senate concurred in the Assembly's amendment to Senate's Concurrent Resolution relative to adjournment; thus fixing Thursday, the first of May next, as the day for the final adjournment of the present Legislature.

Assembly bill, entitled "an Act to authorize the issue and sale of Land Warrants in this State," was read the first and second times, and referred to the Committee on Public Lands and Mission Claims.

Assembly bill, entitled "an Act to repeal 'an Act to incorporate the City of San Diego,'" was read the first and second times, and referred to the Committee on Corporations.

Mr. Lippincott presented a letter from Gen. M. G. Vallejo, proposing to anticipate the payment of the twenty thousand dollars to be donated by him to the State towards the erection of a State Penitentiary: *Provided*, that the same be expended in the employment of Prison Ships, and in subsistence for the State prisoners; which was read, and referred to the Commmittee on the State Prison.

The President signed bill, entitled "an Act supplementary to 'an Act concerning the office of County Treasurer;'" "a Joint Resolution for the relief of the Sergeant-at-Arms of the Assembly," and "a Joint Resolution for the benefit of John T. Smith."

On motion, the Senate adjourned.

DAVID C. BRODERICK, President of the Senate.

J. F. HOWE, Secretary of the Senate.

IN SENATE.

SATURDAY, *April* 12, 1851.

The Senate assembled pursuant to adjournment.

The Journal of Friday was read and approved.

Mr. Adams presented the petition of Orrin M. Evens, and other citizens of Butte County, praying a charter for the erection of a Bridge, at Bidwell's Bar, on the South Fork of Feather River, which was read and referred to the Committee on Roads and Highways.

Mr. Robinson, from the Committee on Corporations, to whom had been referred Assembly bill, entitled "an Act to repeal 'an Act to incorporate the City of San Diego,'" reported the same with amendment, and the bill was laid on the table.

Mr. Adams, from the Committee on Engrossed Bills, reported as correctly engrossed, "an Act concerning Officers," and "an Act for the relief of William Smith."

Mr. Robinson, from the Committee on Commerce and Navigation, to whom had been referred "an Act to create a State Hospital in the City of Sacramento," with the amendments of the Assembly thereto, reported the same, with a recommendation that the amendments be concurred in; and they were concurred in accordingly.

Mr. Van Buren, from the Committee of Free Conference on Senate bills entitled "an Act to exempt the Homestead and other Property from forced sale in certain cases," and the substitute of the Assembly therefor, bearing the same title, made a report in writing, recommending the passage of the substitute, with an amendment to the fifth section. The report was accepted, the amendment adopted, and thus amended, the substitute was read the third time, and passed.

Mr. Robinson, from the Select Committee appointed at the request of Hon. A. W. Adams, requested, on behalf of the committee, further

instructions in relation to the subpœnaing of witnesses; whereupon Mr. Van Buren submitted a resolution, which was adopted, instructing the Committee to send for such witnesses as Mr. Adams may deem necessary to the issue involved.

Mr. Warner, from the Joint Committee on Enrolled Bills, reported as correctly enrolled, "an Act concerning the office of Public Administrator, and making it elective;" also, that the Committee did, on yesterday, present to the Governor, for his approval, "an Act supplementary to 'an Act concerning the office of County Treasurer;'" "a Join Resolution for the relief of the Sergeant-at-Arms of the Assembly;" and "a Joint Resolution for the benefit of John T. Smith."

Mr. Robinson, from the Select Committee to whom had been referred Senate bill, entitled "an Act to regulate the Coining of Money by Individuals," reported the same with amendments. The amendments were adopted, and the bill was read the third time, and passed, by yeas and nays, as follows:

YEAS.

Mr. Adams	Mr. Miller
Broderick	Robinson
Cooke	Van Buren
Crosby	Warner
Douglass	—9.

NAYS.

Mr. Heydenfeldt, Mr. Lippincott—2.

Mr. Warner submitted a resolution, which was adopted, requiring all the Senate Committees to report progress, on Tuesday next, on every bill or resolution in their possession.

Assembly bill, entitled "an Act creating the office of Harbor Master for the Port and Harbor of San Francisco," was reported back from the Committee on Commerce and Navigation, with amendments, and laid on the table.

Assembly bill, entitled "an Act to regulate proceedings, in civil cases, in the Courts of Justice of this State, was reported back from the Committee on the Judiciary, with amendments, and made the Special Order for Monday.

Mr. Van Buren, from the Commiteee of Conference on the disagreeing votes of the two Houses, on the bill entitled "an Act to amend 'an Act concerning the Organization of the Militia," made a report in writing, recommending the indefinite postponement of the bill. The report was accepted, and the bill indefinitely postponed.

On motion of Mr. Heydenfeldt, the account of J. Winchester, for Printing executed for the Supreme Court, was taken from the files, and recommitted to the Committee on Claims.

On motion of Mr. Van Buren, the vote by which the Senate refused to confirm the conditional contract made by the Secretary, with James B. Devoe, for the execution of such printing as may be ordered by the Senate, during the remainder of the present Session, was reconsidered, the Rules having been unanimously suspended for that purpose.

Mr. Cooke moved to lay the whole subject on the table, but the question was, by yeas and nays decided in the negative, as follows:

YEAS.

Mr. Adams	Mr. Cooke
Broderick	Green—4.

NAYS.

Mr. Douglass	Mr. Miller
Foster	Van Buren
Heydenfeldt	Warner
Lippincott	—7.

The question then being, "shall the contract be confirmed?" it was, by yeas and nays, decided in the affirmative, as follows:

YEAS.

Mr. Douglass	Mr. Miller
Green	Van Buren
Heydenfeldt	Warner
Lippincott	—7.

NAYS.

Mr. Adams	Mr. Cooke
Broderick	Crosby—4.

Mr. Adams gave notice that he would, at an early day, ask leave to introduced a bill to provide for the irrigation of certain lands in the State of California.

Mr. Adams, from the Committee on the Militia, to whom had been referred Assembly "Joint Resolution, relative to the per diem pay and mileage of witnesses, in the cases of Judges Parsons, and Turner," reported the same without amendment, and the bill was read the third time, and passed.

A Message was received from the Assembly, informing the Senate that they had appointed Messrs. Bradford, Carr, Hall, Saunders, Moore, McCorkle, and Wethered, a Committee of Free Conference, on bill "to exempt the Homestead and other property from forced sale, in certain cases;"

Also, that they had rejected Senate bill, entitled "an Act to exempt certain property of the United States from Taxation;"

Also, that they had adopted Senate "Concurrent Resolution in relation to the Translation of the Laws."

Also, that they had passed bill therewith transmitted, entitled "an Act to repeal an Act entitled 'an Act concerning Divorces,'" approved March 26, 1851;

Also, that they had adopted the report of the Committee of Free Conference, on bill "to exempt the Homestead and other property from forced sale in certain cases."

Assembly bill, entitled "an Act to repeal an 'an Act concerning Divorces,'" approved March 26, 1851, was read the first time, and the question being, "shall the bill be rejected?"

On motion, the Senate adjourned.

DAVID C. BRODERICK, President of the Senate.

J. F. HOWE, Secretary of the Senate.

IN SENATE.

MONDAY, *April* 14, 1851.

The Senate assembled pursuant to adjournment.

The Journal of Saturday was read and approved.

Mr. Foster, from the Committee on Engrossed Bills, reported as correctly engrossed, "an Act to regulate the Coining of Money by individuals."

Mr. Douglass, from the Committee on Roads and Highways, to whom had been referred the petition of citizens of Butte County, for the incorporation of a Bridge Company at Bidwell's Bar, made a report thereon adverse to the prayer of the petitioners, and the report was adopted.

Mr. Warner, from the Committee on Enrolled Bills, reported as correctly enrolled, "a Joint Resolution in relation to the Translation of the Laws."

A Message was received from the Assembly, informing the Senate that the Governor had informed the Assembly that he had signed, on the 11th instant, bills severally entitled "an Act to provide for the punishment of Embezzlement of Public Moneys and other purposes;" "an Act concerning the Courts of Justice of this State, and Judicial Officers;" "Joint Resolution providing for the Distribution of the Convention Journals;" "an Act supplementary to an Act entitled 'an Act concerning the office of County Treasurer,'" passed 27th March, 1850; "Joint Resolution for the relief of the Sergeant-at-Arms of the Assembly," and "Joint Resolution for the benefit of John T. Smith;"

Also, that the Speaker signed, on the 11th instant, "an Act concerning the office of Public Administrator, and making it elective;"

Also, that they had passed Senate's "Joint Resolution in reference to the payment of claims of those who have heretofore rendered military service for the State of California," with an amendment;

Also, that they had adopted a Concurrent Resolution, therewith transmitted, relative to the election of Physicians to the State Hospital at Sacramento City.

Also, that they had passed bill, therewith transmitted, entitled "an Act regulating and prescribing the duty of Pilots for the Ports of Benicia, Sacramento and Stockton, and for other purposes."

Also, that the Speaker signed to-day "Joint Resolution in relation to the Translation of the Laws."

Mr. Robinson, from the Select Committee, to whom had been referred Senate bill, entitled "an Act to amend 'an Act concerning Corporations,'" reported the same, with are commendation that the amendments of the Assembly be concurred in. The report was accepted, and the bill was laid on the table.

The Special Order of the day being Assembly bill, entitled "an Act to regulate proceedings in Civil Cases in the Courts of Justice of this State," was taken up, the amendments proposed by the Committee on the Judiciary were in part adopted, and the bill was then laid over.

On motion of Mr. Van Buren, the Senate took a recess until 6, P.M.

On reassembling, the Senate concurred in the amendment of the Assembly to Senate's "Joint Resolution in reference to the payment of those who have heretofore rendered military service for the State of California."

Assembly bill, entitled "an Act regulating and prescribing the duties of Pilots for the Ports of Benicia, Sacramento, and Stockton, and for other purposes," was read twice, and referred to the Committee on Commerce and Navigation.

A Message was received from the Assembly, informing the Senate that the Speaker had signed "an Act to create a State Hospital in the City of Sacramento."

The President signed "a Joint Resolution in relation to the Translation of the Laws;" "an Act concerning the office of Public Administrator, and making it elective;" and "an Act to create a State Hospital in the City of Sacramento;" and the Secretary certified on each that it originated in the Senate.

The Senate resumed the consideration of the bill, entitled "an Act to regulate proceedings in Civil Cases, in the Courts of Justice of this State," and adopted sundry further amendments proposed by the Committee on the Judiciary. The bill was then laid on the table.

Senate bill, entitled "an Act to amend 'an Act concerning Corporations,'" was taken up, and the amendments of the Assembly thereto non-concurred in.

On motion of Mr. Crosby, a Committee of Conference was appointed thereon, on the part of the Senate, consisting of Messrs. Crosby, Robinson, and Cooke.

Assembly bill, entitled "an Act to repeal 'an Act concerning Divorces,'" approved March 26, 1851, was taken up, when

Mr. Robinson moved that the bill be indefinitely postponed; and the question was, by yeas and nays, decided in the affirmative, as follows:

YEAS.

Mr. Adams	Mr. Lippincott
Broderick	Robinson
Crosby	Van Buren
Douglass	—7.

NAYS.

Mr. Cooke Mr. De la Guerra—2.

Mr. Lippincott moved a reconsideration of the vote on the indefinite postponement of the bill; and, on motion of Mr. Douglass, the motion to reconsider was indefinitely postponed.

Mr. Crosby, from the Committee of Conference on the disagreeing votes of the two houses on the bill entitled "an Act dividing the State into Counties and establishing the Seats of Justice therein," made a report in writing, which was read, and laid on the table.

Mr. Cooke submitted a resolution for the appointment of Mr. Kendig, Clerk of the Judiciary Committee, as temporary Serjeant-at-Arms, during the absence of Mr. Burnham, and the resolution was laid on the table.

On motion, the Senate adjourned.

DAVID C. BRODERICK, President of the Senate.

J. F. HOWE, Secretary of the Senate.

IN SENATE.

TUESDAY, *April* 15, 1851.

The Senate assembled pursuant to adjournment.

The Journal of Monday was read and approved.

Mr. Crosby, from the Committee on the Judiciary, reported, in compliance with the resolution adopted by the Senate on the 12th instant, a list of the bills in the possession of that Committee and yet under consideration. The Report was accepted.

Mr. Crosby from the Judiciary Committee, to whom had been re-

ferred Senate bill, entitled "an Act concerning the office of State Printer," reported the same without amendment; and the bill, on motion, was recommitted to a Select Committee, consisting of Messrs. Douglass, Van Buren, and Foster.

A communication was received from the Secretary of State, enclosing a copy of a letter from J. Neely Johnson, Esq., U. S. Census Agent, with an abstract of the Census Returns of the State, in compliance with a Resolution of the Legislature heretofore adopted, which was read, and referred to the Select Committee on the Apportionment. (See Appendix, J. J.)

Mr. Robinson, from the Committee on Commerce and Navigation, to whom had been referred "an Act regulating and prescribing the duty of Pilots for the Ports of Benicia, Sacramento, and Stockton, and for other purposes," reported the same without amendment, and the bill was read the third time, and passed.

Assembly bill, entitled "an Act to repeal 'an Act to incorporate the city of San Diego,'" was taken up, and referred to Mr. Warner.

Mr. Warner, from the Committee on Public Lands and Mission Claims, and Select Committees, reported a list of the bills still in the possession of those Committees and under consideration, in compliance with the resolution of the Senate of 12th instant.

A Message was received from the Governor, informing the Senate that he had signed "an Act concerning the office of Public Administrator, and making it elective;" "an Act to create a State Hospital in the city of Sacramento;" "an Act to reincorporate the city of San Francisco;" and "a Joint Resolution relative to the Translation of the Laws."

A Message was received from the Assembly, informing the Senate that they had passed a bill, therewith transmitted, entitled "an Act to incorporate the city of Benicia."

Also, that they had passed Senate's bill, entitled "an Act to regulate the Coining of Money by individuals;" also, that they had adopted the report of the Committee of Conference on "bill dividing the State into Counties, and establishing the Seats of Justice therein;"

Also, that they had appointed a Committee of Free Conference, consisting of Messrs. Moore, Merritt, Hall, Bodley, and Richardson, on bill to amend "an Act entitled 'an Act to regulate elections,'" passed March 23, 1850, and request the Senate to appoint a similar committee.

Also, that they had passed Senate bills, entitled "an Act to amend an Act entitled "an Act concerning licenses,'" with amendments as attached to the bill; "an Act for the relief of Wm. Smith;" "an Act to limit the term of leases," with an amendment;

Also, that they had indefinitely postponed Senate bills, entitled "an Act supplementary to an Act concerning the office of County Treasurer," passed March 27, 1850; "an Act to repeal an Act creating Officers of Health for the Port of San Francisco;" "an Act to amend an Act concerning Offices;" "an Act to repeal an Act requiring Alcades and Judges of First Instance to account for moneys received and expended by them;" "an Act to change the name of the office of County Recorder to that of County Register."

Senate bill, entitled "an Act to amend an Act entitled 'an Act concerning Licenses,'" was taken up, with the amendments of the Assembly thereto, and the question being on concurrence in the first amendment, striking out the words "each travelling merchant, hawker, and pedlar," it was, by yeas and nays, decided in the negative, as follows:

YEAS.

Mr. Adams
Mr. Broderick—2.

NAYS.

Mr. Cooke
Crosby
De la Guerra
Douglass
Green
Mr. Miller
Robinson
Van Buren
Warner
—9.

The question then being on concurrence in the second amendment of the Assembly, striking out the proviso to the bill, it was, by yeas and nays, decided in the affirmative, as follows:

YEAS.

Mr. Cooke
Crosby
De la Guerra
Douglass
Mr. Foster
Green
Miller
Van Buren—8.

NAYS.

Mr. Adams
Broderick
Mr. Warner
—3.

Mr. Crosby, from the Committee on the Judiciary, to whom had been referred Assembly bill, entitled "an Act to regulate the Interest on Money," reported the same with an amendment, striking out all after the enacting clause, and inserting therefor a substitute. The report was accepted, and the bill laid on the table.

Mr. Robinson, from the Committee on Commerce and Navigation, to whom had been referred Senate bill, entitled "an Act to repeal 'an Act providing for the creation of a Marine Hospital for the Port of San Francisco,'" reported the same without amendment, and the bill was laid on the table.

Mr. Robinson, from the same committee, to whom had been referred Senate bill, entitled "an Act prescribing the mode of appointing Auctioneers, and defining their duties," reported the same, with a recommendation that it be indefinitely postponed. The report was accepted, and the bill indefinitely postponed.

Mr. Van Buren submitted a Resolution, "that a Select Committee be appointed to inquire into the present situation of the State Hospital at San Francisco; and by what authority the Superior Court of San Francisco have appointed persons to take charge of said Institution, and report the same to the Senate at their earliest convenience."

Mr. Cooke moved to amend the Resolution, by striking out the words "a Select Committee be appointed," and inserting therefor "the Attorney General be instructed," and the question was, by yeas and nays, decided in the affirmative, as follows:

YEAS.

Mr. Adams
Broderick
Cooke
Crosby
Douglass
Mr. Foster
Green
Robinson
Warner
—9.

NAYS.

Mr. De la Guerra
Lippincott
Mr. Miller
Van Buren—4.

The Resolution was further amended by striking out the words "at their earliest convenience," and inserting therefor, "without delay."

Thus amended, the Resolution was adopted, by yeas and nays, as follows:

YEAS.

Mr. Adams	Mr. Foster
Broderick	Green
Cooke	Miller
Crosby	Robinson
De la Guerra	Warner
Douglass	—11.

NAY.

Mr. Van Buren—1.

Assembly Concurrent Resolution, providing for the election, on the 16th instant, of Physicians to the State Hospital at Sacramento City, was taken up, amended, by inserting the words "at twelve, M.," and thus amended, was adopted.

Mr. Warner submitted a resolution, requesting the Governor to communicate to the Senate whether he has sent a "Minister Plenipotentiary," or any other officer or agent to the Government of the United States at Washington City; and if so, for what purpose."

Mr. Adams moved to strike out the words "Minister Plenipotentiary," but the question was, by yeas and nays, decided in the negative, as follaws:

YEAS.

Mr. Adams	Mr. Miller
Broderick	—3.

NAYS.

Mr. Broderick	Mr. Green
Cooke	Lippincott
Crosby	Van Buren
Douglass	Warner
Foster	—9.

Senate bill, entitled "an Act concerning Sheriffs," was taken up, when Mr. Broderick submitted a series of amendments thereto, which were, in part, adopted; and the bill was again laid on the table.

Assembly bill, entitled "an Act to incorporate the city of Benicia," was read the first and second times, and referred to the Committee on Corporations.

Senate bill, entitled "an Act to limit the Terms of Leases," was taken up, and the amendment of the Assembly thereto was concurred in.

On motion, the Senate adjourned.

DAVID C. BRODERICK, President of the Senate.

J. F. HOWE, Secretary of the Senate.

IN SENATE.

WEDNESDAY, *April* 16, 1851.

The Senate assembled pursuant to adjournment.

The Journal of Tuesday was read and approved.

The President appointed Messrs. Robinson, De la Guerra, and Warner a Committee of Conference on the part of the Senate, on the bill entitled "an Act to amend 'an Act to Regulate Elections,'" passed March 23d, 1850.

On motion of Mr. Adams, the Secretary was directed to request from the Assembly the return of Senate bill, entitled "an Act concerning Offices," an error having occurred in the engrossment thereof.

Mr. Warner, from the Committee on Enrolled Bills, reported as correctly enrolled, "an Act providing for the disposition of certain property;" "an Act to amend section 501 of the Act entitled 'an Act to regulate proceedings in certain cases,'" passed April 20, 1850; "an Act to create a State Hospital for the City of Sacramento;" also, that the committee presented to the Governor, on the 7th instant, for his approval, "an Act to reincorporate the City of San Francisco;" and on the 14th instant, "an Act to create a State Hospital in the City of Sacramento."

Mr. Douglass, from the Select Committee to whom had been referred

Senate bill, entitled "an Act concerning the office of State Printer," reported the same, with a recommendation that it be indefinitely postponed, and it was indefinitely postponed accordingly.

Assembly bill, entitled "an Act to regulate the Interest of Money," was taken up, and made the Special Order for the 19th inst., at 11, A. M.

Assembly bill, entitled "an Act to Fund the Debt of the State," was taken up, and make the Special Order for the 19th inst., at 12, M.

Mr. Van Buren, agreeably to previous notice, asked and obtained leave to introduce a bill, entitled "an Act to regulate proceedings in Criminal Cases," which was read the first and second times, and referred to the Committee on the Judiciary.

Mr. Robinson, from the Committee on Corporations, to whom had been referred, "an Act to provide for the Incorporation of Mutual Insurance Companies," reported the same without amendment; and the bill was read and referred to a Select Committee, consisting of Messrs. Robinson, Van Buren, and Lippincott, with instructions to report to-morrow.

A Message was received from the Assembly, informing the Senate that the Governor had returned to the Assembly, bill entitled "an Act to amend section five hundred and one of the Act entitled 'an Act to regulate proceedings in Criminal Cases,'" passed 20th April, 1850, objecting to the same on account of a clerical error; and that the House had reconsidered the vote by which the bill passed, and referred the bill to the Joint Committee on Enrolled Bills, with instructions to present to the Governor the bill as it passed the Legislature;

Also, that the Speaker did, on yesterday, sign bills, severally entitled "an Act providing for the disposition of certain property;" "an Act to exempt the Homestead and other property from forced sale in certain cases;" "an Act to amend section five hundred and one of the Act entitled 'an Act to regulate proceedings in Criminal Cases,'" passed April 20, 1850; and "Joint Resolution relative to the per diem pay and mileage of witnesses in the cases of Judges Parsons, and Turner;"

Also, that they had appointed Messrs. Field, Wilkins, McCorkle, Carnes, and Cook, a Committee of Free Conference on bill entitled "an Act to amend 'an Act concerning Corporations;'"

Also, that they had passed bills, therewith transmitted, entitled "an Act to amend an Act entitled 'an Act concerning the Courts of Justice of this State and Judicial Officers;'" "an Act to exempt vessels coasting

within the limits of this State from paying Pilot Dues," being a substitute for Senate bill No. 93;

Also, that they had concurred in Senate's amendment to Assembly's Concurrent Resolution relative to the election of Physicians to the State Hospital at Sacramento City;

Also, that they therewith returned, in compliance with the request of the Senate, "an Act concerning Offices."

The President signed the bills mentioned in the preceding Message as having been signed by the Speaker of the Assembly.

Assembly bill, entitled "an Act to amend 'an Act concerning the Courts of Justice of this State, and Judicial Officers,'" was read the first and second times, and referred to the Committee on the Judiciary.

Assembly bill, entitled "an Act to exempt vessels coasting within the limits of this State from paying Pilot Dues," was read the first and second times, and referred to the Committee on Commerce and Navigation.

A Message was received from the Governor, in reference to "Public Missions" and "Mission Claims" in this State, which was read, and referred to the Committee on Public Lands and Mission Claims. (See Appendix II.)

Assembly bill, entitled "an Act to regulate proceedings in Civil Cases in the Courts of Justice of this State," was taken up, and amended.

Mr Crosby moved further to amend, by striking out "Article VI.;" and the question was, by yeas and nays, decided in the affirmative, as follows:

YEAS.

Mr. Grosby	Mr. Robinson
De la Guerra	Van Buren
Green	Warner—6.

NAYS.

Mr. Adams	Mr. Cooke
Broderick	Miller—4.

The hour of 12, M., having arrived, the Senate proceeded to the hall of the Assembly, for the election, by the joint vote of the two Houses, of Physicians for the Sacramento State Hospital, in pursuance of the Concurrent Resolution yesterday adopted.

IN CONVENTION.

Hon. David C. Broderick, President of the Senate, presided as President of the Convention, stated the object for which the two Houses had assembled, and appointed Mr. Van Buren as Teller on the part of the Senate. The Speaker appointed Mr. Kendrick as Teller on the part of the Assembly.

Mr. Robinson nominated for Visiting Physician, Dr. Wake Briarly; and the Secretary of the Senate proceeded to call the names of Senators—the Clerk of the Assembly those of the members of that body, the members of the two Houses voting *viva voce;* when the Tellers reported the whole number of votes given to be 41; necessary to a choice, 21; of which Dr. Briarly had received 41.

Those who voted for Dr. Briarly were—Messrs. Broderick, Cooke, Crosby, Douglass, De la Guerra, Green, Lippincott, Miller, Robinson, Van Buren, and Warner, of the Senate; and Baldwin, Bennett, Bodley, Bradford, Brown, Campbell, Carr, Carnes, Cook, Covarrubias, Field, Hall, Hoff, Kellogg, Kendrick, Lisle, Lind, McCandless, McCorkle, McDougal, Merritt, Moore, Osgood, Richardson, Saunders, Stearns, Wethered, Wilkins, Yeiser, and Speaker, of the Assembly—41.

And the President declared that Dr. Wake Briarly, having received a majority of all the votes, was duly elected Visiting Physician of the Sacramento State Hospital, for the time prescribed by law.

The Convention then proceeded, in like manner, to an election for Resident Physician.

Mr. Baldwin nominated Dr. George W. Williams.

Mr. Lisle " Dr. Gregory Phelan.

The Tellers reported the whole number of votes given to be 42; necessary to a choice, 22: of which Dr. Williams had received 26; Dr. Phelan, 16.

Those who voted for Dr. Williams were—Messrs. Adams, Douglass, Green, and Miller, of the Senate; and Baldwin, Bodley, Brown, Carr, Cook, Covarrubias, Hall, Kellogg, Lind, McCandless, McCorkle, McDougal, Merritt, Moore, Osgood, Pico, Richardson, Saunders, Stearns, Wethered, Wilkins, and Yeiser, of the Assembly—26.

Those who voted for Dr. Phelan were—Messrs. Broderick, Cooke, Crosby, De la Guerra, Lippincott, Robinson, Van Buren, and Warner,

of the Senate; and Bradford, Campbell, Carnes, Field, Hoff, Kendrick, Lisle, and Speaker, of the Assembly—16.

And the President declared that Dr. George W. Williams, having received a majority of all the votes, was duly elected Resident Physician of the Sacramento State Hospital for the time prescribed by law.

The business for which the two Houses had assembled having been completed, the President declared the Convention adjourned *sine die*, and the Senate returned to the Senate chamber.

IN SENATE.

Mr. Adams submitted a Concurrent Resolution, which was laid on the table, providing for the election of Trustees of the Sacramento State Hospital.

The Senate resumed the consideration of the bill, entitled "an Act to regulate proceedings in Courts of Justice in Civil Cases," and several additional amendments were made thereto; when,

On motion of Mr. Van Buren, the Senate took a recess until half-past 3 o'clock, P. M.

On reassembling, a quorum of members not being present, on motion, the Senate adjourned.

DAVID C. BRODERICK, President of the Senate.

J. F. HOWE, Secretary of the Senate

IN SENATE.

THURSDAY, *April* 17, 1851.

The Senate assembled pursuant to adjournment.

The Journal of Wednesday was read and approved.

Mr. Lippincott, from the Committee on State Prisons, to whom had

been referred the letter of M. G. Vallejo, on the subject of the State Penitentiary, made a report in writing, accompanied by a bill, entitled "an Act providing for securing State Prison Convicts, and for the payment of the expenses thereof." The report was accepted, and the bill was read the first and second times, and laid on the table. (See Appendix, H.H.)

Mr. Warner, from the Committee on Enrolled Bills, reported as correctly enrolled, "an Act to exempt the Homestead and other Property from forced sale in certain cases;" "a Joint Resolution relative to the per diem pay and mileage of witnesses in the cases of Judges Parsons, and Turner;" "an Act for the relief of William Smith;" "an Act to regulate the Coining of Money by individuals;" "an Act to limit the terms of Leases;" "a Joint Resolution in reference to the payment of claims of those who have heretofore rendered military service for the State of California." Also, that the Committee did, on yesterday, present to the Governor, for his approval, "an Act providing for the disposition of certain Property;" "an Act to amend section 501 of the Act entitled 'an Act to regulate proceedings in Criminal Cases,'" passed April 20, 1850; "a Joint Resolution relative to the per diem pay and mileage of witnesses in the cases of Judges Parsons, and Turner;" "an Act to exempt the Homestead and other Property from forced sale in certain cases."

Mr. Van Buren, from the Committee on Engrossed Bills, reported as correctly engrossed, "an Act concerning Offices."

Assembly bill, entitled "an Act to regulate proceedings in the Courts of Justice in Civil Cases," was taken up, and several amendments thereto were proposed by Mr. Broderick and Mr. Van Buren, and adopted.

Mr. Broderick moved further to amend, by striking out section 411, down to and including the sixth line, and inserting therefor the words, "the supœna may be issued in the name of the People of the State of California, by the Court, or by any party to an action, his Agent, or Attorney, and shall be subscribed by the party issuing it;" and the question was, by yeas and nays, decided in the affirmative, as follows:

YEAS.

Mr. Adams	Mr. Crosby
Broderick	Foster
Cooke	Warner—6.

NAYS.

Mr. Douglass
Green
Mr. Heydenfeldt
—3.

The bill, as amended, was then read the third time, and the question being on its passage, the yeas and nays were demanded, and resulted as follows:

YEAS.

Mr. Adams
Cooke
Crosby
Mr. De la Guerra
Van Buren
Warner—6.

NAYS.

Mr. Broderick
Douglass
Foster
Green
Mr. Heydenfeldt
Lippincott
Miller
—7.

So the question was decided in the negative.

Mr. Broderick moved a reconsideration of the vote just taken, and the question was, by yeas and nays, decided in the affirmative, as follows:

YEAS.

Mr. Adams
Broderick
Cooke
Crosby
De la Guerra
Mr. Foster
Lippincott
Miller
Van Buren
Warner—10.

NAYS.

Mr. Douglass
Green
Mr. Heydenfeldt
—3.

On motion, the bill was then laid on the table.

A Message was received from the Assembly, informing the Senate that they had passed a Concurrent Resolution, therewith transmitted, "appointing Trustees for the State Hospital at Sacramento City;"

Also, that they had appointed Messrs. Carr, Hall, Lisle, Yeiser, and Carnes, a Committee of Conference on bill, for "an Act to amend an Act entitled 'an Act concerning Licenses,'" and requesting the appointment of a similar committee on the part of the Senate;

Also, that they had passed bills, severally entitled "an Act for the relief of Messrs. Moreton and others;" "an Act to authorize the funding of the floating debt of the City of San Francisco, and to provide for the payment of the same;" "an Act to provide a Revenue for the California State Hospital at San Francisco;" "an Act to change the name of Morris A. J. Cullen to Cullen A. Johnson;"

Also, that the Speaker did, on yesterday, sign "an Act to limit the term of Leases;" "an Act for the relief of William Smith;" "an Act to regulate the Coining of Money by individuals;"

Also, that he signed to-day "Joint Resolution in reference to the payment of claims of those who have heretofore rendered military service for the State of California."

The President of the Senate also signed the bills mentioned in the preceding Message, as having been signed by the Speaker of the Assembly, and the Secretary certified thereon that they originated in the Senate.

The President appointed Messrs. Van Buren, Cooke, and Heydenfeldt, a Committee of Conference on the part of the Senate, on the bill, entitled "an Act to amend 'an Act concerning Licenses.'"

Assembly bill, entitled "an Act to change the name of Morris A. J. Cullen to Cullen A. Johnson," was read three several times, and passed, the Rules having been suspended for that purpose.

Assembly bill, entitled "an Act for the relief of Messrs. Moreton and others," was read the first and second times, and referred to the Committee on Claims.

Assembly bill, entitled "an Act to provide a Revenue for the California State Hospital at San Francisco," was read the first and second times, and referred to the San Francisco Delegation.

Assembly bill, entitled "an Act to authorize the funding of the floating debt of the City of San Francisco, and to provide for the payment of the same," was read the first and second times, and referred to the San Francisco Delegation.

Assembly "Joint Resolution appointing Trustees for the State Hospital at Sacramento City," was laid on the table.

Mr. Heydenfeldt, from the Committee on Claims, reported a Joint Resolution, which was read three several times, and passed, "providing for the payment of certain claims arising out of the Gila Expedition."

On motion, the Senate took a recess until seven, P. M.

On reassembling, Mr. Van Buren, from the Committee on the Judiciary, reported, without amendment, Assembly bill, entitled "an Act supplementary to the Act entitled 'an Act concerning County Recorders,'" passed March, 1851.

Mr. Adams moved to amend by inserting the words "and Butte," after the word "Tuolumne," in the first and second sections of the bill, and the question was, by yeas and nays, decided in the affirmative, as follows:

YEAS.

Mr. Adams	Mr. Lippincott
Broderick	Miller
Cooke	Warner
Heydenfeldt	—7.

NAYS.

Mr. Douglass	Mr. Van Buren
Green	—3.

The bill was then read the third time and passed.

On motion, the committees to whom were referred Assembly bills entitled "an Act concerning Marks and Brands," and "an Act concerning Juries," were instructed to report to-morrow.

On motion of Mr. De la Guerra, it was ordered that neither smoking nor chewing shall be allowed within the bar of the Senate, during the remainder of the present Session.

On motion, the Senate adjourned.

DAVID C. BRODERICK, President of the Senate.

J. F. HOWE, Secretary of the Senate.

IN SENATE.

FRIDAY, *April* 18, 1851.

The Senate assembled pursuant to adjournment.

The Journal of Thursday was read and approved.

Mr. Warner, from the Committee on Enrolled Bills, reported that the committee on yesterday presented to the Governor, for his approval, "an Act for the relief of William Smith," "an Act to regulate the Coining of Money by individuals," "an Act to limit the terms of leases," and "a Joint Resolution in relation to the payment of claims of those who have heretofore rendered military service for the State of California."

Mr. De la Guerra was appointed an additional member of the Committee on Public Lands and Mission Claims.

Mr. Heydenfeldt, from the San Francisco Delegation, to whom had been referred "an Act to provide a revenue for the California State Hospital at San Francisco," and "an Act providing for the establishment of State Hospitals," reported the same without amendment, and they were severally laid on the table, and made the special order for to-morrow, at 11 o'clock, A. M.

Assembly bill, entitled "an Act for the relief of Messrs. Moreton and others," was read the third time and passed.

Mr. Heydenfeldt, from the Committee on the Judiciary, to whom had been referred bill, entitled "an Act concerning Juries," reported the same without amendment, and the bill was indefinitely postponed. The vote by which the bill was indefinitely postponed was subsequently, on motion, reconsidered, and the bill was referred to a Select Committee, consisting of Messrs. Van Buren, Heydenfeldt, and Foster.

Mr. Warner, from the Committee to whom had been referred Assembly bill, entitled "an Act supplementary to 'an Act concerning Marks and Brands,'" passed April 12, 1850, reported the same, with an amendment. The amendment was adopted, and the bill was then laid on the table.

A Message was received from the Assembly, informing the Senate that they had passed bills, herewith transmitted, and entitled "an Act to prohibit officers from being interested in certain Contracts;" "an Act prescribing the mode of Assessing and Collecting Public Revenue;" "an Act to License Hawkers and Pedlars in this State;" "an Act

affixing the residence of certain Officers of State;" "Joint Resolution for the relief of Le Cock and Lewis."

Mr. Lippincott, on leave, introduced a bill, entitled "an Act to protect Householders in the Mining Counties of this State," which was read the first and second times, and referred to the Judiciary Committee, with instructions to report to-morrow.

Mr. Heydenfeldt, on leave, introduced a bill, entitled "an Act to amend the seventeenth section of the third chapter of 'an Act defining the time for commencing Civil Actions,'" passed April 22d, 1850, which was read the first and second times, and referred to the Committee on the Judiciary.

Assembly bill, entitled "an Act to License Hawkers and Pedlers in this State," was read the first and second times, and referred to the Committee on Roads and Highways.

Assembly bill, entitled "an Act to prohibit Officers from being interested in certain Contracts," was read the first and second times, and referred to the Committee on the Judiciary.

Assembly bill, entitled "an Act affixing the residence of certain Officers of State," was read the first and second times, and laid on the table.

Assembly "Joint Resolution for the relief of Le Cock and Lewis," was read the first and second times, and referred to the Committee on Claims.

Assembly bill, entitled "an Act to regulate proceedings in civil cases in the Courts of Justice of this State," was taken up, and the question being on the passage of the bill, as amended, it was, by yeas and nays, decided in the affirmative, as follows:

YEAS.

Mr. Adams	Mr. Foster
Broderick	Miller
Cooke	Robinson
Crosby	Van Buren
De la Guerra	Warner—10.

NAYS.

Mr. Green	Mr. Heydenfeldt—2.

Assembly bill, entitled "an Act prescribing the mode of Assessing and

Collecting Public Revenue," was read twice, and referred to the Committee on Finance.

Assembly bill, entitled "an Act concerning Sheriffs," was taken up, amended, read the third time, and the question then being on the passage of the bill as amended, it was, by yeas and nays, decided in the negative, as follows:

YEAS.

Mr. Cooke	Mr. Van Buren
Miller	Warner—4.

NAYS.

Mr. Adams	Mr. Heydenfeldt
Broderick	Lippincott
Green	Robinson—6.

Mr. Robinson gave notice that he would, on to-morrow, move a reconsideration of the vote by which the Senate had rejected the bill, entitled "an Act concerning Sheriffs."

Assembly "Joint Resolution, appointing Trustees for the State Hospital at Sacramento City," was taken, up and adopted.

Mr. Robinson, from the Committee on Commerce and Navigation, to whom had been referred Assembly bill, entitled "an Act to exempt vessels coasting within the limits of this State from paying pilot dues," reported the same without amendment, and the bill was read the third time, and passed.

On motion, the Senate took a recess until 7 o'clock, P.M.

On reassembling, a quorum of members not being present, on motion, the Senate adjourned.

DAVID C. BRODERICK, President of the Senate.

J. F. HOWE, Secretary of the Senate.

IN SENATE.

SATURDAY, *April* 19, 1851.

The Senate assembled pursuant to adjournment,

The Journal of Friday was read and approved.

Mr. Heydenfeldt, from the Committee on Claims, to whom had been referred Assembly "Joint Resolution for the relief of Le Cock and Lewis," reported the same without amendment, and recommending its passage. The report was accepted, when Mr. Robinson moved that the bill be indefinitely postponed, and the yeas and nays being demanded, the question was decided in the negative, as follows:

YEAS.

Mr. Broderick	Mr. Foster
Cooke	Robinson
Crosby	Warner—6.

NAYS.

Mr. Adams	Mr. Lippincott
Green	Miller
Heydenfeldt	Van Buren—6.

Mr. Green, from the Committee on Finance, to whom had been referred Assembly bill, entitled "an Act prescribing the mode of Assessing and Collecting the Public Revenue," reported the same with amendments. The report was accepted, and the bill and amendments laid on the table

Mr. Heydenfeldt, on leave, introduced a bill, entitled "an Act concerning Wharves," which was read the first and second times, and referred to the Committee on Commerce and Navigation.

On motion of Mr. Lippincott, Senate bill, entitled "an Act providing for securing State Prison Convicts, and for the payment of the expenses thereof," was taken up, and referred to the Committee on the State Prison.

On motion of Mr. Robinson, the vote by which the Senate yesterday refused to pass bill, entitled "an Act concerning Sheriffs," was reconsidered, and the question again recurring on the passage of the bill, it was, by yeas and nays, decided in the affirmative, as follows:—

YEAS.

Mr. Cooke	Mr. Robinson
Crosby	Van Buren
Foster	Warner
Miller	—7.

NAYS.

Mr. Adams
Broderick
Mr. Green
Heydenfeldt—4.

On motion, the Senate took up the fourth Special Order of the day, being Assembly bill, entitled "an Act to provide a Revenue for the California State Hospital at San Francisco," and the bill, after consideration, was referred to the Committee on Commerce and Navigation.

On motion, the Senate took up the first Special Order of the day, being Assembly bill, entitled "an Act to regulate the Interest on Money," with the substitute therefor reported by the Committee on the Judiciary. The substitute was adopted, and the bill, thus amended, was read the third time.

Mr. Van Buren moved to lay the bill on the table, but the question was, by yeas and nays, decided in the negative, as follows:—

YEAS.

Mr. Heydenfeldt
Broderick
Mr. Van Buren
—3.

NAYS.

Mr. Cooke
Crosby
Foster
Green
Mr. Lippincott
Miller
Robinson
Warner—8.

The question then recurring on the passage of the bill, it was, by yeas and nays, decided in the affirmative, as follows:—

YEAS.

Mr. Adams
Cooke
Crosby
Foster
Green
Mr. Lippincott
Miller
Robinson
Warner
—9.

NAYS.

Mr. Heydenfeldt
Broderick
Mr. Van Buren
—3.

On motion, the Senate took up the third Special Order of the day, being Assembly bill, entitled "an Act to fund the debt of the State."

Mr. Cooke moved to postpone the consideration of the same until Tuesday next, at 11, A.M., but the question was, by yeas and nays, decided in the negative, as follows:—

YEAS.

Mr. Broderick	Mr. Foster
Cooke	Lippincott
Crosby	Warner—6.

NAYS.

Mr. Adams	Mr. Miller
Green	Robinson
Heydenfeldt	Van Buren—6.

Mr. Broderick moved to postpone the consideration of the bill until Monday next, at 11, A.M., but the question was, by yeas and nays, decided in the negative, as follows:—

YEAS.

Mr. Broderick	Mr. Lippincott
Cooke	Warner
Foster	—5.

NAYS.

Mr. Adams	Mr. Miller
Crosby	Robinson
Green	Van Buren
Heydenfeldt	—7.

On motion, the bill was then laid on the table.

Mr. Warner, from the Committee on Enrolled Bills, reported as correctly enrolled, "an Act regulating and prescribing the duty of Pilots for the Ports of Benicia, Sacramento, and Stockton, and for other purposes."

A Message was received from the Assembly, informing the Senate that they had passed bills therewith transmitted, entitled "an Act to provide for the construction of a Road from San José to Santa Cruz;"

"an Act supplemental to an Act entitled 'an Act to establish a Standard of Weights and Measures,'" passed March 30, 1850; "an Act authorizing the Governor to offer rewards for the apprehension of criminals;" "an Act concerning Judges of the Plains (*Jueces del Campo,*) and defining their duties;" "an Act to amend an Act entitled 'an Act adopting the Common Law;'"

Also, that the Speaker did, this day, sign "an Act regulating and prescribing the duty of Pilots for the ports of Benicia, Sacramento, and Stockton, and for other purposes."

Also, transmitting to the Senate "Petitions from Citizens of San Francisco, praying that the Legislature pass a law funding the floating debt of said city."

Also, informing the Senate that they had appointed Messrs. Carr, Field, Campbell, McCorkle, and Yeiser a Committee of Free Conference on bill "to regulate proceedings in Civil Cases in the Courts of Justice of this State," and requesting a similar committee on the part of the Senate.

Messrs. Van Buren, Crosby, and Cooke were appointed a Committee of Free Conference on the part of the Senate, on bill, "to regulate proceedings in Civil Cases in Courts of Justice of this State."

The President of the Senate signed bill, entitled "an Act regulating and prescribing the duty of Pilots for the ports of Benicia, Sacramento, and Stockton, and for other purposes."

Mr. Warner, from the San Diego Delegation, to whom had been referred Assembly bill, entitled "an Act to repeal 'an Act to incorporate the City of San Diego,'" reported the same, with a substitute, entitled "an Act to amend an Act entitled 'an Act to incorporate the City of San Diego,'" which was read three several times, and passed, the Rules having been suspended for that purpose.

Mr. Crosby, from the Committee on the Judiciary, to whom was referred Assembly bill, entitled "an Act to prohibit officers from being interested in certain contracts, reported the same with amendments, the amendments were adopted, and the bill, thus amended, was read the third time.

Mr. Green moved that the bill be indefinitely postponed, but the question was, by yeas and yeas, decided in the negative, as follows:

YEAS.

Mr. Adams	Mr. Green
Foster	Lippincott—4.

NAYS.

Mr. Broderick	Mr. Miller
Cooke	Robinson
Crosby	Van Buren
Heydenfeldt	Warner—8.

The question then recurring on the passage of the bill, it was, by yeas and nays, decided in the affirmative, as follows:

YEAS.

Mr. Broderick	Mr. Miller
Cooke	Robinson
Crosby	Van Buren
Heydenfeldt	Warner—8.

NAYS.

Mr. Adams	Mr. Green
Foster	Lippincott—4.

Mr. Miller, from the Committee on Roads and Highways, to whom was referred Assembly bill, entitled "an Act to License Hawkers and Pedlars in this State," reported the same without amendment, and the report was accepted.

Mr. Van Buren, from the Committee on the Judiciary, to whom had been referred "an Act to protect Householders in the Mining Counties of this State," reported the same, with a substitute therefor, entitled "an Act to prevent the destruction of property in the Mines of this State." The report was accepted, and the substitute was read the first and second times, and laid on the table.

Mr. Van Buren, from the Committee on Enrolled Bills, reported that the Committee had this day presented to the Governor for his approval, "an Act regulating and prescribing the duty of Pilots for the ports of Benicia, Sacramento, and Stockton, and for other purposes."

Mr. Robinson, from the Committee on Corporations, to whom had

been referred Assembly bill, entitled "an Act to incorporate the city of Benicia," reported the same without amendment, and the bill was laid on the table.

Assembly bills, entitled "an Act authorizing the Governor to offer rewards for the apprehension of Criminals;" and "an Act to amend an Act entitled 'an Act adopting the Common Law,'" were severally read the first and second times, and referred to the Committee on the Judiciary.

Assembly bill, entitled "an Act supplemental to 'an Act to establish a Standard of Weights and Measures," passed March 30th, 1850, was read the first and second times, and referred to the Committee on Finance.

Assembly bill, entitled "an Act concerning Judges of the Plains, and defining their duties," was read the first and second times, and referred to the Committee on Agriculture.

Assembly bill, entitled "an Act to provide for the construction of a Road from San José to Santa Cruz," was read the first and second times, and referred to the Committee on Roads and Highways.

The Petition of Citizens of San Francisco, praying that the Legislature will pass a law funding the floating debt of said City, transmitted from the Assembly, was referred to the San Francisco Delegation.

On motion, the Senate took a recess until 7½ o'clock, P.M.

On reassembling, the Senate took up "an Act to prohibit officers from being interested in certain Contracts," which was read the third time, and passed, by yeas and nays, as follows:

YEAS.

Mr. Adams	Mr. Heydenfeldt
Cooke	Lippincott
De la Guerra	Van Buren
Green	—7.

NAYS.

Mr. Broderick	Mr. Miller—2.

On motion of Mr. Van Buren, leave of absence was granted, for one week, to Mr. De la Guerra.

On motion, the Senate adjourned.

DAVID C. BRODERICK, President of the Senate.

J. F. HOWE, Secretary of the Senate.

IN SENATE.

MONDAY, *April* 21, 1851.

The Senate assembled pursuant to adjournment.

The Journal of Saturday was read and approved.

Mr. Heydenfeldt, from the San Francisco Delegation, to whom had been referred Petitions of Citizens of San Francisco, in relation to funding the floating debt of that city, reported the same, with a recommendation that the prayer of the petitioners be granted; and the report was accepted.

Mr. Foster, from the Committee on Engrossed Bills, reported as correctly engrossed, "an Act to amend an Act entitled 'an Act to incorporate the City of San Diego.'"

Mr. Warner, from the Committee on Enrolled Bills, reported as correctly enrolled, "an Act supplementary to the Act concerning County Recorders," passed March, 1851; "an Act to exempt vessels coasting within the limits of this State from paying Pilot Dues;" "an Act for the relief of Messrs. Moreton, Raveau, and others;" "an Act to change the name of Morris A. J. Cullen, to Cullen A. Johnson."

Mr. Warner, from the Committee on Contingent Expenses, reported as correct, the account of A. Martorell, for $80, and of James B. Devoe, for $108 50; and the report was adopted.

On motion, it was ordered that the subscription of the Senate to the "*California State Journal*" be discontinued.

Mr. Robinson, from the Committee on Commerce and Navigation, to whom had been referred Senate bill, entitled "an Act concerning Licenses," reported the same with a recommendation that it be indefinitely postponed. The report was accepted, and the bill was indefinitely postponed.

Assembly bill, entitled "an Act to incorporate the city of Benicia," was read the third time, and passed.

Mr. Van Buren, from the Select Committee to whom had been referred Senate bill, entitled "an Act concerning Juries," reported the same with amendments. The amendments were adopted, and the bill was read the third time, and passed, by yeas and nays, as follows:

YEAS.

Mr. Adams	Mr. Lippincott
Broderick	Miller
Cooke	Robinson
Crosby	Van Buren
Foster	—9.

NAY.

Heydenfeldt—1

Assembly bill, entitled "an act to create the office of Harbor Master for the Port of San Francisco, and for other purposes," was taken up, and the amendments heretofore reported by the Committee on Commerce and Navigation, with further amendments proposed by the San Francisco Delegation, were adopted. Thus amended, the bill was read the third time and passed.

Mr. Miller, from the Committee on Roads and Highways, to whom had been referred, "an Act to provide for the construction of a road from San José to Santa Cruz," reported the same without amendment. The report was accepted, the bill was amended in the fourth section, and laid on the table.

Mr. Miller, from the Committee on Agriculture, to whom had been referred, "an Act concerning Judges of the Plains (*Jueces del Campo,*) and defining their duties," reported the same without amendment; and the report was accepted.

Mr. Van Buren, from the Committee on the Judiciary, to whom had been referred, "an Act to amend an Act entitled 'an Act concerning the Courts of Justice of this State, and Judicial Officers," reported the same with amendments. The report was accepted, the amendments were adopted, and, thus amended, the bill was read third time, and passed.

A Message was received from the Assembly, informing the Senate that they had adopted a Concurrent Resolution, therewith transmitted, relative to the Convention Journals;

Also, that they had concurred in Senate's amendment to bill entitled "an Act supplementary to the 'Act concerning County Recorders,'" passed March, 1851;

Also, that the Speaker did, on the 19th inst., sign bills, severally entitled "an Act to change the name of Morris A. J. Cullen, to Cullen A. Johnson;" "an Act for the relief of Messrs. Moreton, Raveau, and others;" "an Act to exempt vessels coasting within the limits of this State from paying Pilot Dues;" "an Act supplementary to the Act entitled 'an Act concerning County Recorders,'" passed March, 1851;

Also, that they had passed "Joint Resolution in relation to the Public Lands," and "an Act concerning the Costs of Criminal Actions removed before trial;" "an Act to provide for the early publication and distribution of the Laws."

The President of the Senate signed the bills mentioned in the preceding Message, as having been signed by the Speaker of the Assembly.

Assembly Concurrent Resolution, "relative to the Convention Journals," was read, and laid over.

Assembly bill, entitled "an Act to provide for the early publication and distribution of the Laws," was read the first time, and laid over.

Assembly "Joint Resolution, in relation to the Public Lands," was read the first and second times, and laid on the table.

Assembly bill, entitled "an Act concerning the Costs of Criminal Actions, removed before trial," was read the first and second times, and referred to the Committee on the Judiciary.

On motion, the Senate took a recess until half-past seven o'clock, P.M.

On reassembling, a quorum of members not being present, on motion, the Senate adjourned.

DAVID C. BRODERICK, President of the Senate.

J. F. HOWE, Secretary of the Senate.

IN SENATE.

TUESDAY, *April* 22, 1851.

The Senate assembled pursuant to adjournment.

The Journal of Monday was read and approved.

Assembly bill, entitled "an Act to provide for the construction of a Road from San José to Santa Cruz," was taken up, amended, read the third time, and passed.

The report of the Committee of Conference on the disagreeing votes of the two Houses on the bill, entitled "an Act dividing the State into Counties, and establishing the Seats of Justice therein," was taken up, and adopted.

Mr. Heydenfeldt, from the Committee on Commerce and Navigation, to whom had been referred Assembly bill, entitled "an Act to provide a Revenue for the California State Hospital at San Francisco," reported the same, with amendments. The report was accepted, and the bill, as amended, was read the third time, and passed, by yeas and nays, as follows:

YEAS.

Mr. Adams	Mr. Heydenfeldt
Broderick	Miller
Crosby	Warner
Foster	—7.

NAYS.

Mr. Cooke	Mr. Robinson
Lippincott	Van Buren—4.

Assembly bill, entitled "an Act concerning Judges of the Plains, (*Jueces del Campo*), and defining their duties," was taken up, amended, read the third time, and passed.

Mr. Warner, from the Committee on Enrolled Bills, reported as correctly enrolled, "an Act supplementary to an Act entitled 'an Act concerning County Recorders,'" passed March, 1851; "an Act to change the name of Morris A. J. Cullen to Cullen A. Johnson;" "an Act for the relief of Messrs. Moreton, Raveau, and others;" "an Act to

exempt Vessels coasting within the limits of this State from paying Pilot Dues."

Mr. Foster, from the Committee on Engrossed Bills, reported as correctly engrossed, "an Act to prevent the destruction of Property in the Mines of this State;" and "an Act concerning Juries."

A Message was received from the Governor, informing the Senate that he had signed "an Act to regulate the Coining of Money by individuals;" "an Act to limit the terms of Leases;" and "a Joint Resolution in reference to the payment of Claims of those who have heretofore rendered military service for the State of California."

On motion of Mr. Heydenfeldt, Senate bill, entitled "an Act concerning Common Schools, and Public Instruction," was taken up, amended, and again laid on the table.

A Message was received from the Assembly, informing the Senate that they had passed Senate's "Joint Resolution for the payment of certain claims arising out of the Gila Expedition," with an amendment, as attached to the bill;

Also, that they had passed a Joint Resolution, therewith transmitted, "for the relief of the Sergeant-at-Arms of the Assembly;" also "an Act to fix the compensation of County Judges and Associate Justices of the Court of Sessions."

Senate's "Joint Resolution, for the payment of certain claims arising out of the Gila Expedition," was taken up, and the amendments of the Assembly thereto were concurred in.

Assembly "Joint Resolution for the relief of the Sergeant-at-Arms of the Assembly," was read the first and second times, and referred to the Committee on Claims.

Assembly bill, entitled "an Act to fix the compensation of County Judges and Associate Justices of the Court of Sessions," was read the first and second times, and referred to the Committee on the Judiciary.

Mr. Broderick, from the San Francisco Delegation, to whom had been referred Assembly bill, entitled "an Act to authorize the Funding of the Floating Debt of the City of San Francisco, and to provide for the payment of the same," reported the bill with amendments. The Report was accepted, the amendments were adopted, and the bill was then laid on the table.

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

On reassembling, a quorum not being present, on motion, the Senate adjourned.

DAVID C. BRODERICK, President of the Senate.

J. F. HOWE, Secretary of the Senate.

IN SENATE.

WEDNESDAY, *April* 23, 1851.

The Senate assembled pursuant to adjournment.

The Journal of Tuesday was read and approved.

Mr. Heydenfeldt, from the Committee on Claims, to whom had been referred Assembly Joint Resolution, "for the relief of the Sergeant at-Arms of the Assembly," reported the same, with a substitute therefor, entitled "A Joint Resolution authorizing the Comptroller to issue his warrant to the Sergeants-at-Arms of the Senate and Assembly," and the substitute was read three several times, and passed.

Mr. Miller, on leave, introduced a bill, entitled "an Act for the safe-keeping of persons imprisoned in California under the laws of the United States," which was read the first and second times, and referred to the Committee on the Judiciary.

On motion of Mr. Adams, Assembly bill, entitled "an Act to Fund the Debt of the State," was taken up, and on motion of Mr. Robinson referred to a Select Committee, consisting of Messrs. Robinson, Cooke, and Van Buren.

Mr. Van Buren, from the Committee of Free Conference on the disagreeing votes of the two Houses, on the bill, entitled "an Act to regulate proceedings in Civil Cases in the Courts of Justice of this State," made a report in writing, recommending sundry amendments to the bill, and the report was adopted.

On motion of Mr. Cooke, Senate bill, entitled "an Act providing for securing State Prison Convicts, and for the payment of the expenses thereof," was taken up, amended, read the third time, and passed.

A Message was received from the Governor, informing the Senate that he had signed "an Act for the relief of William Smith."

A Message was received from the Assembly, informing the Senate that the Speaker did, on yesterday, sign "an Act to incorporate the city of Benicia;"

Also, that they had concurred in Senate's amendments to Assembly bill, entitled "an Act to amend 'an Act concerning the Courts of Justice of this State, and Judicial Officers;'"

Also, that the Speaker did this day sign "an Act to amend an Act entitled 'an Act concerning the Courts of Justice of this State, and Judical Officers;'"

Also, that they had adopted a Concurrent Resolution, therewith transmitted, relative to the election of an Adjutant General;

Also, that they had adopted the report of Committee of Free Conference on "Bill regulating proceedings in Civil Cases in the Courts of Justice of this State."

Mr. Douglass submitted a resolution, which was adopted, providing that the pay of the Sergeant-at-Arms of the Senate, for extra services, shall be the same as that allowed by the rules of the Assembly to the Sergeant-at-Arms of that body.

The President of the Senate signed bills, severally entitled "an Act to incorporate the city of Benicia;" "an Act to amend an Act, entitled 'an Act concerning the Courts of Justice of this State, and Judicial Officers.'"

Assembly "Concurrent Resolution relative to the election of an Adjutant General," was read and referred to a Select Committee, consisting of Messrs. Warner, Green, and Heydenfeldt.

On motion of Mr. Green, Assembly bill, entitled "an Act prescribing the mode of Assessing and Collecting the Public Revenue," was made the Special Order for to-morrow.

Assembly bill, entitled "an Act to authorize the Funding of the Floating Debt of the City of San Francisco, and to provide for the payment of the same," was taken up, and further amended.

Mr. Robinson moved to strike out the 11th section of the bill, but the question was, by yeas and nays, decided in the negative, as follows:

YEAS.

Mr. Cooke	Mr. Robinson
Lippincott	Van Buren—4.

NAYS.

Mr. Broderick	Mr. Green
Douglass	Heydenfeldt
Foster	Miller—6.

The bill, as amended, was then read the third time, and passed.

Assembly bill, entitled "an Act to License Hawkers and Pedlars in this State," was read the third time, and passed.

Assembly bill, entitled "an Act affixing the residence of certain officers of State," was taken up, and on motion of Mr. Broderick, indefinitely postponed.

On motion of Mr. Miller, the vote by which the bill was indefinitely postponed was subsequently reconsidered; and, on motion of Mr. Robinson, the bill was referred to a Select Committee, consisting of Messrs. Robinson, Van Buren, and Green.

Assembly "Joint Resolution in relation to the Public Lands," was taken up, and, on motion of Mr. Cooke, was, by yeas and nays, indefinitely postponed, as follows:

YEAS.

Mr. Broderick	Mr. Lippincott
Cooke	Robinson
Green	—5.

NAYS.

Mr. Douglass	Mr. Miller
Heydenfeldt	Warner—4.

On motion, the vote by which the Joint Resolution was indefinitely postponed was subsequently reconsidered, and the bill was referred to the Committee on Finance.

Mr. Van Buren, from the Committee of Conference, on the disagreeing votes of the two Houses on the bill entitled "an Act to amend 'an Act concerning Licenses,'" made a report in writing, recommending that the amendments of the Assembly be concurred in, and the report was adopted.

Assembly "Concurrent Resolution relative to the Convention Journals," was taken up, and indefinitely postponed.

Assembly bill, entitled "an Act to provide for the early publication and distribution of the Laws," was taken up, and referred to a Select Committee, consisting of Messrs. Cooke, Heydenfeldt, and Warner.

Assembly "Joint Resolution for the relief of Le Cock and Lewis," was taken up, read the third time, and passed, by yeas and nays, as follows:

YEAS.

Mr. Adams	Mr. Lippincott
Green	Miller
Heydenfeldt	Van Buren—6.

NAYS.

Mr. Broderick	Mr. Robinson
Cooke	Warner—4.

On motion, the Senate took a recess until 7½ o'clock, P.M.

On reassembling, Mr. Heydenfeldt was granted leave of absence for four days.

The President laid before the Senate a letter from the Attorney General, in reply to a resolution of the Senate in relation to the State Hospital at San Francisco, which was read, and laid on the table. (See Appendix, Q. Q.)

Mr. Warner, from the Committee on Enrolled Bills, reported as correctly enrolled, "an Act concerning Courts of Justice of this State, and Judicial Officers;" "an Act to incorporate the city of Benicia," and "a Joint Resolution for the payment of certain claims arising out of the Gila Expedition."

Mr. Van Buren, from the Committee on Engrossed Bills, reported, as correctly engrossed, "an Act providing for the securing of State Prison Convicts, and for the payment of the expenses thereof."

A Message was received from the Assembly, informing the Senate that they had passed a bill, therewith transmitted, entitled "an Act relative to the District Court of the Fourth Judicial District;"

Also, that the Speaker did this day sign "a Joint Resolution for the payment of certain claims arising out of the Gila Expedition;"

Also, that they had passed bill, therewith transmitted, entitled "an Act creating the office of Superintendent of Public Buildings and Property, and defining the duties of that office."

The President of the Senate signed bill mentioned in the Message, entitled "a Joint Resolution for the payment of certain claims arising out of the Gila Expedition," and the Secretary certified thereon that it originated in the Senate.

Assembly bill, entitled "an Act creating the office of Harbor Master for the Port and Harbor of San Francisco, and for other purposes," with the amendments of the Assembly to the Senate's amendments, was taken up, and laid on the table.

Senate bill, entitled "an Act concerning Common Schools and Public Instruction," was taken up, amended, read the third time, and passed.

A Message was received from the Assembly, informing the Senate that they had adopted the report of the Committee of Conference on bill "to regulate proceedings in Civil Cases in the Courts of Justice of this State;" also, that they concurred in Senate's amendments to Assembly "bill concerning Judges of the Plains, and defining their duties;"

Also, that the Governor had notified the Assembly that he did, on the 22d instant, sign bills severally entitled "an Act to exempt vessels coasting within the limits of this State from paying Pilot Dues;" "an Act providing for the disposition of certain property;" "an Act to amend section five hundred and one of the Act entitled 'an Act to regulate proceedings in Criminal Cases,'" passed April 20, 1850; "an Act to exempt the Homestead and other property from forced sale in certain cases;" also, "Joint Resolution relative to the per diem pay and mileage of witnesses in the case of Judges Parsons, and Turner;"

Also, that they had passed bill, therewith transmitted, entitled "an Act amendatory of an Act to reincorporate the City of San Francisco," approved April 15, 1851;

Also, that they had adopted the report of the Committee of Conference on Senate bill, entitled "an Act to amend 'an Act concerning Licenses.'"

Also, that they had concurred in Senate's amendments to Assembly "bill creating the office of Harbor Master for the Port and Harbor of San Francisco, and for other purposes," with amendments (marked A.)

Also, that they refused to adopt Senate's substitute for Assembly "bill to repeal an Act to incorporate the city of San Diego;"

Also, that they had concurred in Senate's amendment to Assembly "bill to provide for the construction of a road from San José to Santa Cruz."

Mr. Van Buren, from the Select Committee, to whom had been referred Assembly bill, entitled "an Act to provide for the incorporation

of Mutual Insurance Companies," reported the same without amendment, and the bill was read the third time, and passed.

Senate bill, entitled "an Act to repeal 'an Act providing for the creation of a Marine Hospital for the Port of San Francisco," was taken up, and referred to the San Francisco Delegation.

Mr. Adams, from the Committee on Finance, to whom had been referred "an Act supplemental to an Act entitled 'an Act to establish a Standard of Weights and Measures,'" reported the same without amendment, and the bill was, on motion of Mr. Broderick, indefinitely postponed, by yeas and nays, as follows:—

YEAS.

Mr. Broderick	Mr. Robinson
Cooke	Van Buren
Douglass	Warner
Foster	—7.

NAYS.

Mr. Adams	Mr. Lippincott
Green	Miller
Heydenfeldt	—5.

Assembly bill, entitled "an Act relative to the District Court of the Fourth Judicial District," was read three several times, and passed, the Rules having been suspended for that purpose.

Assembly bill, entitled "an Act creating the office of Superintendent of Public Buildings and Property, and defining the duties of that office," was read the first and second times, and laid on the table.

On motion of Mr. Cooke, Mr. Miller was granted leave of absence for the remainder of the Session, from and after Friday next.

A Committee of Conference, consisting of Messrs. Warner, Lippincott, and Adams, was appointed, on the disagreeing votes of the two Houses, on the bill, entitled "an Act to repeal 'an Act to incorporate the City of San Diego,'" the Senate refusing to recede from their amendment thereto.

Mr. Heydenfeldt, on leave, introduced "a Joint Resolution, authorizing the Quarter-Master General to Rent Rooms," which was read the first and second times, and referred to the Committee on the Militia.

Assembly bill, entitled "an Act amendatory of 'an Act to incorporate the city of San Francisco,'" approved April 15, 1851, was read the first and second times, and referred to the San Francisco Delegation.

Mr. Broderick, on leave, introduced a bill, entitled "an Act concerning the Fees of Administrators," which was read the first and second times, and referred to a Select Committee, consisting of Messrs. Cooke, Robinson, and Van Buren.

Mr. Warner submitted a resolution, which was adopted, instructing the Secretary of the Senate to file in the office of the Adjutant-General the accounts accompanying the Joint Resolution for the payment of certain claims arising out of the Gila Expedition.

On motion, the Senate adjourned.

David C. Broderick, President of the Senate.

J. F. Howe, Secretary of the Senate.

IN SENATE.

Thursday, *April* 24, 1851.

The Senate assembled pursuant to adjournment.

The Journal of Wednesday was read and approved.

Mr. Cooke, from the Committee on Finance, to whom had been referred Assembly "Joint Resolutions in relation to the Public Lands," reported the same, with a recommendation that they be indefinitely postponed. The report was accepted, and the resolutions were indefinitely postponed.

Mr. Warner, from the Committee on Enrolled Bills, reported as correctly enrolled, "an Act dividing the State into Counties, and establishing the seats of Justice therein;"

Also, that the Committee had to-day presented to the Governor, for his signature, "an Act to incorporate the city of Benicia;" "an Act to amend an Act, entitled 'an Act concerning the Courts of Justice of this State, and Judicial Officers;'" and "a Joint Resolution for the payment of certain claims arising out of the Gila Expedition."

Mr. Miller, from the Select Committee to whom had been referred the account of Hoppe, Hawkins & Co., for stationery, &c., reported the

same in a corrected form, and recommending its allowance. The report was accepted, and the account, amounting to $1,522 $\frac{51}{100}$, was approved.

Mr. Van Buren, from the Joint Committee of Free Conference on the disagreeing votes of the two Houses, on Assembly bill, entitled "an Act to regulate Elections," made a report in writing, recommending that the word "August" in the first section, be stricken out, and "September" inserted therefor; and that the one hundred and eighth section be stricken out; and the report was adopted.

Mr. Warner submitted a Joint Resolution, which was adopted, for the payment of witnesses in the case of Hon. A. W. Adams.

Assembly bill, entitled "an Act creating the office of Harbor Master for the Port and Harbor of San Francisco, and for other purposes," was taken up, and referred to the San Francisco Delegation.

Mr. Crosby, from the Joint Committee of Conference, on Senate bill, entitled "an Act to amend 'an Act concerning Corporations,'" made a report in writing, which was read, and adopted.

Assembly bill, entitled "an Act creating the office of Superintendent of Public Buildings and Property, and defining the duties of that officer," was taken up.

Mr. Robinson moved to amend, by inserting at the close of section three a proviso, that the expenses incurred under the provisions of that section shall not exceed three hundred dollars, and the question was decided in the affirmative.

Mr. Robinson moved further to amend, by inserting as a proviso, at the end of section sixth, that the expenses incurred under the provisions of that section shall not exceed five hundred dollars, and the question was decided in the affirmative, by yeas and nays, as follows:

YEAS.

Mr. Adams	Mr. Miller
Broderick	Robinson
Crosby	Warner
Foster	—7.

NAYS.

Mr. Cooke	Mr. Green
Douglass	Van Buren—4.

Mr. Robinson moved to amend section first, so as to provide that the term of office of the Superintendent shall be one year, but the question was, by yeas and nays, decided in the negative, as follows:

YEAS.

Mr. Broderick	Mr. Robinson
Crosby	Warner
Foster	—5.

NAYS.

Mr. Cooke	Mr. Lippincott
Douglass	Miller
Green	Van Buren—6.

The bill, as amended, was then read the third time, and passed.

Assembly bill, entitled "an Act to provide for the incorporation of Colleges and Universities," with the substitute of the Senate therefor, was taken up, and the substitute was read the first and second times, and referred to a Select Committee, consisting of Messrs. Van Buren, Cooke, and Foster.

Mr. Douglass submitted a resolution, which was adopted, directing the Secretary of the Senate to furnish a list of Acts and Joint Resolutions passed at the present Session of the Legislature.

Mr. Cooke, from the Select Committee to whom had been referred Assembly "Joint Resolution authorizing the Quarter-Master General to rent Rooms," reported the same with a recommendation that it be indefinitely postponed. The report was accepted, and the bill was indefinitely postponed.

A Message was received from the Assembly, informing the Senate that they had passed Senate bill, therewith transmitted, and entitled "an Act concerning offices," with an amendment; also, without amendment, Senate "Bill providing for securing State Prison convicts, and for the payment of the expenses thereof;"

Also, that they had appointed Messrs. Carr, Campbell, Bradford, Randall, and Carnes, a Committee of Free Conference on bills to regulate the interest of Money, and request a similar committee on the part of the Senate;

Also, that they had passed bills, therewith transmitted, and entitled,

"an Act creating and regulating Public Ferries," passed March 18, 1850; "an Act to authorize the Court of Sessions of Sacramento County to Fund the Debt of said County," and "Joint Resolution for the relief of Sacramento City."

The Senate, by yeas and nays, as follows, non-concurred in the amendment of the Assembly to Senate bill, entitled "an Act concerning Elections:"

YEA.

Mr. Miller—1.

NAYS.

Mr. Adams	Mr. Green
Broderick	Robinson
Cooke	Van Buren
Crosby	Warner—8.

Messrs. Crosby, Robinson, and Van Buren, were appointed a Committee of Conference on the disagreeing votes of the two Houses, on bill entitled "an Act to regulate the Interest of Money."

Assembly bill, entitled "an Act to amend 'an Act creating and regulating the Public Ferries,'" passed March 18, 1850, was read the first and second times, and referred to the Committee on the Judiciary.

Assembly bill, entitled "an Act to authorize the Court of Sessions of Sacramento County to Fund the Debt of said County," and "a Joint Resolution for the relief of Sacramento City," were read the first and second times, and referred to the Sacramento Delegation.

Mr. Green, from the Committee to whom had been referred Assembly Joint Resolution, providing for the election of Adjutant-General, reported the same, with a substitute therefor, providing that the election shall take place by the two Houses separately, at 12, M., to-morrow; and the substitute was adopted.

The Special Order of the day being Assembly bill, entitled "an Act prescribing the mode of Assessing and Collecting the Public Revenue," was taken up.

Mr. Broderick moved to amend, by striking out section first, providing for the assessment and collection of a Poll Tax; but the question was, by yeas and nays, decided in the negative, as follows:

YEAS.

Mr. Adams Mr. Broderick—2.

NAYS.

Mr. Cooke	Mr. Miller
Crosby	Robinson
Douglass	Van Buren
Foster	Warner
Green	—9.

The bill was further amended, when,

On motion, the Senate took a recess until half-past 3 o'clock, P.M.

On reassembling, Mr. Warner, from the Committee on Enrolled Bills, reported as correctly enrolled, "an Act relative to the District Court of the Fourth Judicial District," and "a Joint Resolution for the relief of Le Cock and Lewis."

The Senate then resumed the consideration of the bill, entitled "an Act prescribing the mode of Assessing and Collecting the Public Revenue," and several further amendments thereto were proposed and adopted, when,

On motion, the Senate took a recess until half-past 7 o'clock, P.M.

On re-assembling, Mr. Warner, from the Committee on Enrolled Bills, reported as correctly enrolled, "an Act to License Hawkers and Pedlars in this State;" "an Act concerning Judges of the Plains;" "an Act to amend an Act entitled 'an Act concerning Licenses.'"

A Message was received from the Assembly, informing the Senate that they had passed a bill, therewith transmitted, entitled "an Act to provide for the organization of the Counties of Nevada, Placer, Trinity, and Klamath;"

Also, that they had adopted the amendments of Senate to Assembly bill concerning Sheriffs;

Also, that they had adopted the report of Conference Committee on bill to amend an Act, entitled "an Act to regulate elections;"

Also, report of Conference Committee on Senate bill to provide for the incorporation of Railroad Companies;

Also, that they had concurred in Senate's amendment to Assembly's "Concurrent Resolution relative to the election of an Adjutant General,

fixing to-morrow, at 12, M., in the respective Chambers of the two Houses to proceed to said election;

Also, that they had concurred in Senate's amendment, to Assembly bill, creating the Office of Superintendent of Public Buildings and Property, and defining the duties of that office;

Also, that they had appointed Messrs. Cooke, Merritt, Randall, McCandless, and Kendrick, a Committeee of Conference on bill to repeal "an Act to incorporate the city of San Diego;"

Also, that they had adopted Senate's "Joint Resolution authorizing the Comptroller to issue his Warrant to the Sergeants-at-Arms of the Senate and Assembly;"

Also, that they had passed Senate's "Joint Resolution for the payment of witnesses in the case of A. W. Adams;"

Also, that the Speaker did, on yesterday, sign bills severally entitled "an Act dividing the State into Counties, and establishing the Seats of Justice therein;" "an Act concerning Judges of the Plains (*Jueces del Campo*) and defining their duties;" "an Act to license Hawkers and Pedlars in this State;" "an Act to amend an Act entitled 'an Act concerning Licenses;'" "an Act relative to the District Court of the Fourth Judical District;" Joint Resolution for the relief of Le Cock and Lewis;"

Also, that they had passed bill, therewith transmitted, entitled "an Act amendatory of an Act entitled 'an Act to create a State Hospital in the City of Sacramento.'"

Assembly bill, entitled "an Act to provide for the organization of the Counties of Nevada, Placer, Trinity, and Klamath," was read three several times, and passed, with amendments.

Mr. Broderick presented the petition of servants of the State Marine Hospital of San Francisco, praying payment for services performed, which was read, and referred to the Committe on Claims.

Assembly bill, entitled "an Act amendatory of 'an Act to create a State Hospital in the city of Sacramento,'" was read three several times and passed.

The President of the Senate signed the bills mentioned in the Message last above recited as having been signed by the Speaker of the Assembly, and the Secretary certified on that entitled "an Act to amend an Act entitled 'an Act concerning Licenses,'" that it originated in the Senate.

The consideration of the bill entitled "an Act prescribing the mode of Assessing and Collecting the Public Revenue," was resumed. Several

further amendments were proposed and adopted; when, on motion, the bill and amendments were referred to a Select Committee, consisting of Messrs. Adams, Robinson, and Cooke, with instructions to report to-morrow.

Mr. Van Buren, from the Committee on the Judiciary, to whom had been referred Senate bill, entitled "an Act to regulate proceedings in Criminal Cases," reported the same, with amendments; the amendments were adopted, and the bill was then laid on the table.

Mr. Lippincott, on leave, introduced a bill, entitled "an Act to ratify and confirm a contract entered into on the 10th day of March, 1851, between the Commissioners of the Sinking Fund of the City of San Francisco, and Henry A. Breed and William E. Dennis, for the construction of Market-street Wharf, and California-street Wharf," which was read the first and second times, and referred to the Committee on the Judiciary.

On motion of Mr. Miller, the Senate adjourned.

DAVID C. BRODERICK, President of the Senate.

J. F. HOWE, Secretary of the Senate.

IN SENATE.

FRIDAY, *April* 25, 1851.

The Senate assembled pursuant to adjournment.

The Journal of Thursday was read and approved.

Mr. Warner from the Committee on Enrolled Bills, reported that they had examined and found correctly enrolled, "an Act to provide for the construction of a wagon road from San José to Santa Clara;" "an Act creating the office of Superintendent of Public Buildings and Property, and defining the duties of that office;" "a Joint Resolution authorizing the Comptroller to issue his Warrant to Sergeants-at-Arms of the Senate and Assembly;" and a "Joint Resolution for the payment of witnesses in the case of A. W. Adams."

Mr. Green, from the Select Committee, to whom was referred Senate bill, entitled "an Act to regulate the Senatorial and Assembly Districts,"

reported the same with amendments, and the bill was made the special order for to-morrow.

Mr. Robinson, from the Sacramento Delegation, to whom was referred Assembly bill, entitled "an Act for the relief of Sacramento city," reported the same without amendment, and the bill was read the third time, and passed.

Mr. Van Buren, from the Committee on Engrossed Bills, reported as correctly engrossed, "an Act concerning Common Schools and Public instruction."

On motion of Mr. Crosby, the vote by which the Senate had passed Assembly bill, entitled "an Act to provide for the organization of the Counties of Nevada, Placer, Trinity and Klamath," was reconsidered, and the bill was amended by the addition of a new section, as section 15, and was then again read the third time, and passed.

Mr. Robinson, from the Select Committee to whom had been referred "an Act to Fund the debt of the State," reported the same with amendments, and the bill was laid on the table.

The Senate resumed consideration of Senate bill, entitled "an Act to regulate proceedings in Criminal Cases," and the bill was further amended, read the third time, and passed.

A Message was received from the Assembly, informing the Senate that they had passed Senate bill, with amendments 1, 2, 3, entitled "an Act concerning Juries;"

Also, that they had passed bills, therewith transmitted, entitled "a Bill to incorporate the city of Sonora;" "Bill concerning District Attorneys;"

Also, that the Speaker did this day sign "an Act creating the office of Superintendent of Public Buildings and Property, and defining the duties of that office;" "an Act to provide for the construction of a wagon road from San José to Santa Cruz;" "an Act providing for securing State Prison Convicts," "Joint Resolution for the payment of witnesses in the case of A. W. Adams;" "Joint Resolution authorizing the Comptroller to issue his Warrant to the Sergeant-at-Arms of the Senate and Assembly."

Also, that that they had passed bills entitled "an Act concerning Oysters;" "an Act concerning estray Animals."

The President of the Senate signed bills mentioned in the Message of the Assembly above recited, as having been signed by the

Speaker of that House; and the Secretary certified upon those entitled "an Act providing for securing State Prison Convicts;" "a Joint Resolution for the payment of witnesses in the case of A. W. Adams;" and "a Joint Resolution authorizing the Comptroller to issue his Warrant to the Sergeant-at-Arms of the Senate and Assembly," that they originated in the Senate.

The Senate concurred in the amendments of the Assembly to Senate bill, entitled "an Act concerning Juries."

Assembly bill, entitled "an Act to Incorporate the City of Sonora," was read the first and second times, and referred to a Select Committee, consisting of Messrs. Lippincott, Van Buren, and Broderick.

Assembly bill, entitled "an Act concerning District Attorneys," was read the first and second times, and referred to the Committee on the Judiciary.

Assembly bills, entitled "an Act concerning Oysters;" and "an Act concerning Estray Animals," were severally read the first and second times, and referred to the Committee on Agriculture.

On motion of Mr. Green, Mr. Douglass was granted leave of absence for an indefinite period.

The hour of 12, M., having arrived, the Senate proceeded to an election, on their part, of Adjutant-General, in conformity with the Concurrent Resolution yesterday adopted.

The President appointed as Tellers, Messrs. Green and Van Buren.

Mr. Van Buren nominated for Adjutant-General, E. W. McKinstry; and the Secretary proceeded to call the names of Senators, each Senator voting *viva voce*, when the Tellers reported the whole number of votes given to be eleven—necessary to a choice, 6—of which E. W. McKinstry had received eleven votes.

Those who voted for Mr. McKinstry, were—Messrs. Adams, Broderick, Cooke, Crosby, Foster, Green, Lippincott, Miller, Robinson, Van Buren, and Warner—11.

A Message was received from the Assembly, by Mr. Campbell, a member of that body, informing the Senate that the Assembly, in pursuance of the Concurrent Resolution yesterday adopted, had proceeded to an election, *viva voce*, for Adjutant-General, and that E. W. McKinstry had received twenty-six votes—Col. Gift, three votes.

Whereupon, the President of the Senate declared that E. W.

McKinstry was duly elected Adjutant-General, for the period prescribed by law.

Mr. Crosby, from the Committee on the Judiciary, to whom had been referred "an Act to confirm a contract entered into on the 28th of March, 1851, between the Commissioners of the Sinking Fund of the City of Francisco, and Henry A. Breed and William E. Dennis, for the construction of Market-street Wharf and California-street Wharf," reported the same without amendment, and the bill was read the third time, and passed, by yeas and nays, as follows:

YEAS.

Mr. Adams	Mr. Lippincott
Cooke	Miller
Crosby	Robinson
Green	—7.

NAYS.

Mr. Broderick	Mr. Warner
Van Buren	—3.

The President laid before the Senate a communication from the Secretary of the Senate, with the list of Acts and Joint Resolutions passed at the present Session, prepared in compliance with the resolution yesterday adopted.

Mr. Van Buren, from the Joint Committee of Conference on the disagreeing votes of the two Houses, on the bill entitled "an Act concerning Redemptions," made a report in writing, recommending that the bill be indefinitely postponed, on the ground that the "Act to regulate proceedings in Civil Cases, provides for all necessary Redemptions." The report was accepted, and the bill indefinitely postponed.

Mr. Broderick, from the San Francisco Delegation, to whom had been referred "an Act to provide for the establishment of State Hospitals," reported the same, with amendments, and the bill was laid on the table.

Mr. Cooke, from the Select Committee to whom had been referred "an Act to provide for the early publication and distribution of the Laws," reported the same with amendments, which were read, and the bill was then recommitted to the same committee.

Mr. Broderick, from the San Francisco Delegation, to whom had been referred Assembly bill, entitled "an Act amendatory of an Act to reincorporate the city of San Francisco," approved April 15, 1851, reported the same, with a recommendation that it be indefinitely postponed. The report was accepted, and the bill indefinitely postponed.

On motion, the Senate took a recess until 7½ o'clock, P. M.

On reassembling, Assembly bill, entitled "an Act providing for the establishment of State Hospitals," was taken up, amended, on motion of Mr. Broderick, read the third time, and passed.

Mr. Lippincott, from the Select Committee to whom had been referred, "an Act to incorporate the City of Sonora," reported the same, without amendment; and the bill was subsequenty amended, on motion of Mr. Lippincott, read the third time, and passed.

Messages were received from the Governor, informing the Senate that he had appointed Horace W. Carpentier, William McDaniel, and George McDougal, Inspectors of the State Prison of California (and these nominations were, thereupon, on motion, confirmed by the Senate.)

Also, informing the Senate, that he had, this day, signed "an Act providing for securing State Prison Convicts;" "a Joint Resolution authorizing the Comptroller to issue his Warrants to the Sergeants-at-Arms of the Senate and Assembly;" "a Joint Resolution for the payment of witnesses in the case of A. W. Adams," and "a Joint Resolution for the payment of certain claims arising out of the Gila Expedition."

Also, returning, with his objections, "an Act to amend 'an Act concerning Licenses;'" and the bill and Message were, on motion of Mr. Van Buren, ordered to lie, temporarily, on the table.

Mr. Adams, from the Select Committee to whom had been referred Assembly bill, entitled "an Act providing the mode of assessing and collecting the Public Revenue," reported progress; whereupon, on motion of Mr. Green, the committee were instructed to report the bill back to the Senate at or before 12 o'clock, M., to-morrow.

A Message was received from the Assembly, informing the Senate that they had passed Senate bill, entitled "an Act to regulate proceedings in Criminal Cases;" also, that they had appointed Messrs. Carr, Bennett, Merritt, Campbell, and Thorne, a Committee of Conference on "bill to authorize the funding of the floating debt of the City of San Francisco, and to provide for the payment of the same."

Also, that they had receeded from their amendment to Senate bill entitled "an Act concerning Offices."

Also, that the Governor had notified the Assembly that he did, on yesterday, sign "an Act to incorporate the city of Benicia;" "Joint Resolution for the relief of Le Cock and Lewis;"

Also, that the Governor, had returned with his objections, bill entitled "an Act to amend an Act concerning the Courts of Justice of this State, and Judicial Officers." The House reconsidered the vote by which the bill passed. The question being put, "shall the bill pass, the objections of the Governor to the contrary notwithstanding?" it was decided in the negative.

Also, that the Speaker did this day sign "an Act to amend an Act entitled 'an Act to regulate Elections,'" passed March 23, 1850; "an Act to provide for the Incorporation of Mutual Insurance Companies;"

Also, that they had adopted a Concurrent Resolution, fixing to-night, at half past 8 o'clock, to proceed to the election of a Superintendent of Public Buildings and Grounds; also, that the Governor had notified the Assembly that he did to day-sign "an Act creating the office of Superintendent of Public Buildings and Grounds, and defining the duties of that office."

The Senate concurred in the resolution of the Assembly, providing for an election of Superintendent of Public Buildings and Grounds, and subsequently proceded, *viva voce*, to such election, Messrs. Adams and Van Buren being appointed Tellers. Mr. Green nominated James S. Graham, Mr. Broderick nominated John Vandewater, and the Tellers reported the

Whole number of votes given to be . . .	9
Necessary to a choice	5
Of which James S. Graham had received .	7 votes.
" " John Vandewater . " . .	2

Those who voted for Mr. Graham were—Messrs. Adams, Cooke, Green, Lippincott, Miller, Robinson, and Van Buren—7.

Those who voted for Mr. Vandewater were—Messrs. Broderick and Warner—2.

A Message was received from the Assembly, informing the Senate that they had elected, on their part, as Superintendent of Public

Buildings and Grounds, James S. Graham, he having received in that House 26 votes, and John Vandewater 2 votes.

Whereupon, the President declared that James S. Graham was duly elected Superintendent of Public Buildings and Grounds, for the time prescribed by law.

On motion of Mr. Van Buren, Messrs. Kendig and Smith, Clerks of committees, were required to assist in the enrollment of bills during the remainder of the Session.

Mr. Warner, from the Committee on Enrolled Bills, reported that they had examined and found correctly enrolled "an Act to provide for the Incorporation of Mutual Insurance Companies;" "an Act to amend an Act to create a State Hospital in the city of Sacramento;" "an Act to amend 'an Act to Regulate Elections;'" Also, that the committee had this day, presented to the Governor, for his signature, "an Act to amend an Act to Regulate Elections;" "an Act to provide for the Incorporation of Mutual Insurance Companies;" "an Act to amend an Act concerning Licenses;" "an Act concerning Judges of the Plains, and defining their duties;" "an Act to License Hawkers and Pedlars in this State;" "an Act relative to the District Court of the Fourth Judicial District;" "Joint Resolution for the relief of Le Cock and Lewis;" "An act Dividing the State into Counties, and establishing the Seats of Justice therein;" "an Act to provide for the keeping of State Convicts;" "Joint Resolution for the payment of witnesses in the case of A. W Adams;" "Joint Resolution authorizing the Comptroller to issue his Warrants to the Sergeant-at-Arms of the Senate and Assembly;" "an Act creating the office of Superintendent of Public Buildings and Property, and defining the duties of that office;" "an Act to provide for the construction of a wagon road from San José to Santa Cruz."

Mr. Van Buren, from the Committee on Engrossed Bills, reported that the Committee had examined and found correctly engrossed, "an Act to ratify and confirm a contract entered into on the 28th of March, 1851, between the Commissioners of the Sinking Fund of the City of San Francisco and Henry A. Breed and William E. Dennis, for the construction of Market-street Wharf and California-street Wharf," and "an Act to regulate proceedings in criminal cases."

Mr. Warner, from the Committee on Public Lands and Mission Claims,

to whom had been referred Assembly bill, entitled "an Act to authorize the issue and sale of Land Warrants in this State," reported the same without amendment, and recommending its indefinite postponement. The report was accepted, and the bill was indefinitely postponed, by yeas and nays, as follows:

YEAS.

Mr. Adams	Mr. Green
Broderick	Robinson
Cooke	Warner
Foster	—7.

NAYS.

Mr. Lippincott	Mr. Van Buren
Miller	—3.

A Message was received from the Governor, in reference to a defalcation by Gen. Joseph C. Moorehead, Quarter-Master General, which was read and referred to a Select Committee, consisting of Messrs. Van Buren, Robinson, and Green. (See Appendix Y.Y.)

Mr. Robinson, from the committee to whom had been referred "an Act to Fund the Debt of the State," reported an amendment thereto, striking out the first section and inserting therefor a substitute; and the question being on the adoption of the substitute, it was, by yeas and nays, decided in the affirmative, as follows:

YEAS.

Mr. Adams	Mr. Miller
Cooke	Robinson
Foster	Van Buren
Green	Warner
Lippincott	—9.

NAY.

Mr. Broderick—1.

The bill was then further amended, read the third time, and the question being on the passage of the bill, it was, by yeas and nays, decided in the affirmative, as follows:

YEAS.

Mr. Adams	Mr. Miller
Foster	Robinson
Green	Van Buren
Lippincott	Warner—8.

NAYS.

Mr. Broderick	Mr. Cooke—2.

The President signed "an Act to amend 'an Act to regulate Elections,'" and "an Act to provide for the Incorporation of Mutual Insurance Companies."

On motion, the Senate adjourned.

DAVID C. BRODERICK, President of the Senate.

J. F. HOWE, Secretary of the Senate.

IN SENATE.

SATURDAY, *April* 26, 1851.

The Senate assembled pursuant to adjournment.

The Journal of Friday was read and approved.

A Message was received from the Governor, informing the Senate that he had appointed William H. Richardson Quarter-Master General of California, to supply the vacancy occasioned by the removal from the State of Joseph C. Moorehead; and the Message was, on motion, referred to the Judiciary Committee. (See Appendix Z.Z.)

The Message of the Governor, yesterday received, returning, with his objections, "an Act to amend 'an Act concerning Licenses,'" passed April 22d, 1850, was taken up, and read, as follows:—

"TO THE SENATE:

"The Act entitled "an Act to amend 'an Act concerning Licenses,'" passed April 22d, 1850, amends the third section of said Act without reciting or publishing at length the original section. The 25th section of the 4th Article of the Constitution requires this to be done. With this objection, I herewith return the Act to the Senate, in which body it originated.

"JNO. MCDOUGAL."

"EXECUTIVE CHAMBER,
"*April* 25, 1851.

And the question being, "Shall the bill pass, the objections of the Governor notwithstanding?" it was, by yeas and nays, decided in the affirmative, by the constitutional majority, as follows:

YEAS.

Mr. Broderick	Mr. Lippincott
Cooke	Miller
Crosby	Robinson
Foster	Van Buren
Green	Warner—10.

NAYS—None.

Mr. Robinson, from the Committee on Claims, to whom had been referred "the petition of servants of the San Francisco State Marine Hospital," reported the same back, and it was laid on the table.

Mr. Miller, from the Committee on Agriculture, to whom had been referred Assembly bills, entitled "an Act concerning Osyters," and "an Act concerning Estray Animals," reported the same without amendments. The reports were accepted, and the bills were laid on the table.

Mr. Crosby, from the Committee on the Judiciary, to whom had been referred Assembly bill, entitled "an Act concerning District Attorneys," reported the same without amendment. The report was accepted, the bill was amended in the 15th section, by striking out "the Court," and inserting therefor "law;" and, thus amended, was read the third time, and passed.

Mr. Broderick, on leave, introduced a bill, entitled "an Act to create a Board of Supervisors for the County of San Francisco, and define their

duties," which was read three several times, and passed, the Rules having been suspended for that purpose.

Mr. Crosby, from the Committee on the Judiciary, to whom had been referred Assembly bill, entitled "an Act to amend an Act entitled 'an Act creating and regulating Public Ferries,'" passed March 18, 1850, reported the same with amendments. The amendments were adopted, and the bill, thus amended, was read the third time, and passed.

Messages were received from the Assembly, informing the Senate that they had passed a bill, therewith transmitted, entitled "an Act amending the Act entitled 'an Act concerning the Courts of Justice of this State and Judicial Officers;'"

Also, that they had concurred in some, and non-concurred in others, of Senate's amendments to Assembly bill, "providing for the establishment of State Hospitals," as stated in the paper marked A., accompanying the bill;

Also, that they had passed bills, therewith transmitted, entitled "an Act ordering a Special Election in the County of Calaveras;" "Joint Resolution, authorizing the Paymaster of the Gila Expedition, to pay the claims of Crenshaw and Blackburn;"

Also, that the Governor had notified the Assembly that he did, on yesterday, sign bills severally entitled "an Act supplementary to the Act entitled 'an Act concerning County Recorders;'" "an Act for the relief of Messrs. Moreton, Raveau, and others;" "an Act to change the name of Morris A. J. Cullen to Cullen A. Johnson;" "an Act concerning Judges of the Plains, and defining their duties;" "an Act to provide for the construction of a wagon road from San José to Santa Cruz;" "an Act to License Hawkers and Pedlars in this State;" "an Act relative to the District Court of the Fourth Judicial District;" and "an Act dividing the State into Counties, and establishing the Seats of Justice therein;"

Also, that they had concurred in Senate's amendments to "Bill to provide for the organization of the Counties of Nevada, Placer, Trinity, and Klamath;"

Also, that they had adopted a Concurrent Resolution, relative to the apportionment of the State into Senatorial and Assembly Districts;

Also, that the Speaker did on yesterday, sign "an Act amendatory of an Act entitled 'an Act to create a State Hospital in the City of Sacramento;'"

Also, that they have passed bills, herewith transmitted, entitled "an Act to incorporate the city of Monterey;" "an Act to create a State Hospital in the city of Stockton."

The President of the Senate also signed bill, entitled "an Act amendatory of an Act entitled 'an Act to create a State Hospital in the city of Sacramento.'"

Mr. Crosby, from the Committee on the Judiciary, to whom had been referred Senate bill, entitled "an Act concerning the Fees of Administrators," reported the same, with a substitute therefor, entitled "an Act concerning the Fees of Public Administrators." The Report was accepted, and the substitute was read the third time, and passed, by yeas and nays, as follows:

YEAS.

Mr. Adams	Mr. Crosby
Broderick	Miller
Cooke	Warner—6.

NAYS.

Mr. Foster	Mr. Robinson
Green	Van Buren
Lippincott	—5.

Mr. Crosby, on leave, introduced a bill, entitled "an Act to regulate the settlements of the estates of deceased persons," which was read the first and second times, and laid on the table.

Mr. Adams, from the Select Committee to whom had been referred Assembly bill, entitled "an Act prescribing the mode of assessing and collecting the Public Revenue," reported the same for the consideration of the Senate. The Report was accepted, and the bill was referred to a Select Committee, consisting of Messrs. Robinson, Cooke, Van Buren, Warner, and Lippincott, with instructions to report on Monday.

Assembly bill, entitled "an Act providing for the establishment of State Hospitals," with the amendments of the Assembly to Senate's amendments, was referred to the San Francisco Delegation.

Assembly bill, entitled "an Act for ordering a special election in the County of Calaveras," was read the first and second times, and laid on the table.

Assembly bill, entitled "an Act to incorporate the city of Monterey," was read the first and second times, and laid on the table.

Assembly Concurrent Resolution, for the appointment of a Joint Committee to report a "bill for the apportionment of the State into Senatorial and Assembly Districts," was adopted; and Messrs. Warner, Foster, Green, and Heydenfeldt were appointed as such Committe on the part of the Senate.

Assembly Joint Resolution, authorizing the Paymaster of the Gila Expedition to pay the claims of Crenshaw & Blackburn," was read the first and second times, and referred to a Select Committee, consisting of Messrs. Foster, Van Buren, and Robinson.

Mr. Robinson, from the Committee on Commerce and Navigation, to whom had been referred Assembly bill, entitled "an Act to authorize Keepers of Warehouses to sell goods on storage after a certain period," reported the same without amendment, and it was laid on the table.

Assembly bill, entitled "an Act to create a State Hospital in the city of Stockton," was read the first and second times, and referred to the San Joaquin Delegation.

Assembly bill, entitled "an Act amending 'an Act concerning the Courts of Justice of this State, and Judicial officers,'" was read the first and second times, and referred to the Committee on the Judiciary.

On motion, the Senate took a recess until half-past 7 o'clock, P. M.

On reassembling, Mr. Heydenfeldt asked and obtained permission to enter his written protest on the Journals, against the passage of the bill entitled "an Act to provide for the Funding of the Debt of the State"—the question on granting leave, being decided by yeas and nays, as follows:

YEAS.

Mr. Adams	Mr. Heydenfeldt
Broderick	Miller
Cooke	—5.

NAYS.

Mr. Green	Mr. Robinson
Lippincott	Van Buren—4.

Mr. Cooke, from the Committee on the Judiciary, to whom had been

referred Assembly bill, entitled "an Act amending 'an Act concerning the Courts of Justice of this State, and Judicial officers,'" reported the same with an amendment, inserting a new section as section three. The Report was accepted, the amendment was adopted, and thus amended, the bill was read the third time, and passed.

Mr. Cooke, from the same committee, to whom had been referred Assembly bill, entitled "an Act for ordering a Special Election in the County of Calaveras," reported the same without amendment, and the bill was read the third time, and passed.

Messages were received from the Assembly, informing the Senate that they had passed bills, therewith transmitted, entitled "an Act concerning Escheats;" "an Act amendatory of the 9th, 12th, and 14th sections of an Act entitled "an Act to incorporate the city of San José."

Also, that they had concurred in Senate's amendment to "bill to incorporate the city of Sonora;"

Also, that they had adopted a Concurrent Resolution, herewith transmitted, "granting leave of absence to Hon. Henry A. Tefft, Judge of the 2d Judicial District;"

Also, that they had concurred in Senate's amendments to "bill to Fund the Debt of the State;"

Also, that the Speaker signed to-day "an Act to provide for the incorporation of Rail Road Companies;" "an Act to provide for the organization of the counties of Nevada, Placer, Trinity, and Klamath."

The President of the Senate also signed the bills recited in the preceding Message, as having been signed by the Speaker of the Assembly.

Assembly "Joint Resolution granting leave of absence to Hon. Henry A. Tefft, Judge of the 2d Judicial District," was read three several times, and passed.

Assembly bill, entitled "an Act amendatory of the 9th, 12th, and 14th sections of the 'Act to incorporate the city of San José,'" was read three several times, and passed.

Mr. Heydenfeldt submitted sundry claims against the State for articles furnished the Quarter-Master General's department, which were read, referred to the Committee on Claims, and reported back, with a recommendation that they be rejected. The Report was adopted.

Assembly bill, entitled "an Act concerning Toll Bridges," was taken up, amended, and again laid on the table.

Assembly bill, entitled "an Act concerning Oysters," was read the third time, and passed.

Assembly bill, entitled "an Act concerning Estray Animals," was taken up, referred to a Select Committee, consisting of Messrs. Foster, Cooke, and Lippincott, reported back without amendment, and laid on the table.

Assembly bill, entitled "an Act concerning Escheats," was read the first and second times, and referred to the Committee on the Judiciary.

Senate bill, entitled "an Act to regulate the settlement of Estates of Deceased Persons," was made the special order for Monday, at 1, P.M.

On motion, the Senate adjourned.

DAVID C. BRODERICK, President of the Senate.

J. F. HOWE, Secretary of the Senate.

IN SENATE.

MONDAY, *April* 28, 1851.

The Senate assembled pursuant to adjournment.

The Journal of Saturday was read and approved.

Mr. Green (for Mr. Miller,) reported from the committee to whom the same had been referred, the communication of J. D. Hoppe, Postmaster at San José, in relation to endorsements upon newspapers, and the communication was laid on the table.

On motion of Mr. Foster, a Committee of Conference, consisting of Messrs. Foster and the San Francisco Delegation, was appointed, on the disagreeing votes of the two Houses, on Assembly bill, entitled "an Act to provide for the funding of the floating debt of the City of San Francisco, and to provide for the redemption of the same."

Messages were received from the Assembly, informing the Senate that the Governor had notified the Assembly that he signed, on the 25th instant, "an Act to provide for the incorporation of Mutual Insurance Companies;" "an Act to amend an Act entitled 'an Act to regulate Elections;'"

Also, that they had concurred in Senate's amendment, to "bill to provide a Revenue for the State Marine Hospital at San Francisco;"

Also, that they had concurred in Senate's amendments to "bill amending the Act entitled "an Act concerning the Courts of Justice of this State, and Judicial Officers;"

Also, that they had adopted the report of the Committee of Conference on "bill to regulate the Interest on Money;"

Also, that they had passed bills, therewith transmitted, entitled "Joint Resolution for the erection of part of the State Prison at Vallejo;" "an Act respecting persons escaping from service of their masters;" "an Act to change the names of José Benevides Basques and Maria Josefa Basques;" "an Act to amend the third section of the Act entitled 'an Act to License Gaming,'" passed March 14, 1851; "an Act amending the 'Act to incorporate the city of Marysville;'" "an Act to provide for holding a term of the District Court in the Counties of Yuba and Solano;"

Also, that they had reconsidered the vote by which the House passed "an Act to amend an Act, entitled 'an Act concerning Licenses.'" The question being, "Shall the bill pass, the objections of the Governor notwithstanding?" it was decided in the affirmative;

Also, that that they had passed Senate bill, with amendments 1, 2, 3, 4, 5, 6, and 7, as affixed to the margin of the bill, entitled "an Act concerning Common Schools and Public Instruction;"

Also, without amendment, Senate bills, entitled "an Act to create a Board of Supervisors for the county of San Francisco, and defining their duties;" "an Act concerning the fees of Public Administrators;" "an Act to confirm a contract entered into on the 28th March, 1851, between the Commissioners of the Sinking Fund of the city of San Francisco, and Henry A. Breed and Wm. E. Dennis, for the construction of Market street Wharf and California street Wharf;"

Also, that the Speaker did this day sign bill, entitled "Joint Resolution for the relief of Sacramento city;"

Also, "an Act concerning Offices;" "an Act concerning Jurors;" "an Act to Fund the Debt of the State;'

Also, that they had passed bills, therewith transmitted, entitled "an Act to authorize persons to change their names;" "an Act concerning Records kept in the counties of Trinity and Klamath;" "an Act to regulate Fees in Office;" "Joint Resolution, authorizing the Court of Sessions of Sacramento city to establish an additional Ferry opposite the city of Sacramento."

Mr. Robinson, from the Joint Committee of Conference on the disagreeing votes of the two Houses, on Assembly bill, entitled "an Act to regulate the Interest of Money," reported that they had agreed to recommend the adoption of the Senate's substitute for said bill, with the following amendment: Amend section five by striking out line thirteen, and inserting in lieu thereof, the following: "*Provided, however*, that in case a defence of usury shall be set up and sustained by the makers of;" and add at the close of the section, "then the said endorsee, or holder, shall be entitled to sue and recover back from the party taking such usurious interest, all loss that he may have sustained thereby." And the report was adopted.

The President signed bills, severally entitled "an Act concerning Jurors;" "an Act concerning Officers;" "an Act to Fund the Debt of the State;" "a Joint Resolution for the relief of the City of Sacramento;" and the Secretary certified upon those entitled "an Act concerning Jurors," and "an Act concerning Officers," that they originated in the Senate.

Assembly bill, entitled "an Act authorizing the Governor to offer Rewards for the apprehension of Criminals;" Senate bill, entitled "an Act for the safe keeping of persons imprisoned in California, under the laws of the United States;" and Assembly bill, entitled "an Act concerning Criminal Actions removed before Trial," were severally read the third time, and passed.

Assembly bills, entitled "an Act concerning certain Records kept in the counties of Trinity and Klamath;" "an Act to amend the third section of the Act entitled 'an Act to License Gaming;'" "an Act amending the 'Act to incorporate the city of Marysville,'" were each read three several times, and passed.

Assembly bills, entitled "an Act concerning Toll Bridges;" "an Act to provide for holding a Term of the District Court in the counties of Yuba and Solano;" "an Act supplementary to 'an Act concerning Marks and Brands,'" passed April 12, 1850; "a Joint Resolution authorizing the Court of Sessions of Sacramento city to establish an additional ferry opposite the city of Sacramento," were severally read the third time, and passed, with amendments.

Assembly bills, entitled "an Act to provide for the incorporation of Colleges and Universities;" "an Act to authorize persons to change

their names," were severally taken up, and indefinitely postponed.

Mr. Crosby, from the Committee on the Judiciary, to whom had been referred Assembly bill, entitled "an Act amendatory to an Act entitled 'an Act to regulate proceedings in Criminal Cases,'" passed April 20, 1850, reported the same, with a recommendation that the bill be indefinitely postponed. The report was accepted, and the bill was indefinitely postponed.

Mr. Van Buren, from the San Joaquin Delegation, to whom had been referred "an Act to create a State Hospital in the city of Stockton," reported the same with amendments; the amendments were adopted, and thus amended, the bill was read the third time, and passed, by yeas and nays, as follows:

YEAS.

Mr. Adams	Mr. Heydenfeldt
Broderick	Lippincott
Crosby	Robinson
De la Guerra	Van Buren
Green	—9.

NAY.

Mr. Warner—1.

Assembly bill, entitled "an Act to regulate the Fees of Office," was read the first time, and referred to the Judiciary Committee.

Mr. Warner, from the Committee on Enrolled Bills, reported that they had examined and found correctly enrolled, "an Act to Fund the Debt of the State;" "a Joint Resolution for the relief of the city of Sacramento;" "an Act to provide for the organization of the counties of Nevada, Placer, Trinity, and Klamath;" "an Act concerning Jurors;" an Act concerning Offices;" Also, that they did, on the 26th instant, present to the Governor for his approval, "an Act amendatory of an Act entitled "an Act to create a State Hospital in the city of Sacramento;" "an Act to provide for the incorporation of Railroad Companies;" "an Act to provide for the organization of the counties of Nevada, Placer, Trinity, and Klamath."

Mr. Van Buren submitted a resolution, which was adopted, requesting the Governor to inform the Senate whether he instructed or authorized Gen. Moorehead to employ clerks and rent offices in San Francisco, for the use of the Quarter-Master's Department.

A Message was received from the Governor, informing the Senate that he had this day signed "an Act to provide for the incorporation of Railroad Companies."

On motion of Mr. Robinson, Mr. Crosby was added to the Select Committee on the bill providing the mode of assessing and collecting the Public Revenue.

On motion, Assembly bill, entitled "an Act concerning Estray Animals," was taken up, and referred to a Select Committee, consisting of Messrs. Foster, Warner, and De la Guerra.

Assembly bill, entitled "an Act respecting persons escaping from Service of their Masters," was read the first and second times, and referred to the Committee on the Judiciary.

Assembly bill, entitled "an Act to change the names of José Benevides Basques, and Maria Josefa Basques," was read twice and referred to the Committe on the Militia.

Assembly "Joint Resolution for the erection of part of the State Prison at Vallejo," was read the first and second times, and laid on the table.

Senate bill, entitled "an Act concerning Common Schools and Public Instruction," with the amendments of the Assembly thereto, was taken up, and the amendments, with the exception of the fourth, were concurred in. The Senate non-concurred in the fourth amendment.

On motion, the Senate took a recess until 3½ o'clock, P.M.

On reassembling, Mr. Cooke asked and obtained leave to withdraw from the files, the petition and accounts of Israel Brockman, and Joel P. Walker.

Senate bill, entitled "an Act to regulate the settlement of the Estates of Deceased Persons," was taken up, when Mr. Crosby proposed sundry amendments, from the Judiciary Committee, which were adopted, and thus amended, the bill was read the third time, and passed.

Mr. Warner, from the Committee on Contingent Expenses, reported as correct, the account of F. G. Appleton for $51, and the report was adopted.

Mr. Warner, from the Joint Committee on Enrolled Bills, reported that they this day presented to the Governor, for his approval, "Joint Resolution for the relief of Sacramento city;" "an Act to Fund the Debt of the State;" "an Act concerning Offices;" "an Act concerning Jurors."

Also, that they had examined, and find correctly enrolled, "an Act concerning the Fees of Public Administrators."

"An Act to ratify and confirm a contract entered into on the 28th day of March, 1851, between the Commissioners of the Sinking Fund of the city of San Francisco, and Henry A. Breed and William E. Dennis, for the construction of Market-street Wharf, and California-street Wharf."

Mr. Crosby, from the Committee on the Judiciary, to whom had been referred Senate bill, entitled "an Act providing for the compensation of certain Officers," reported the same, with a recommendation that the substitute, heretofore reported, be passed, and that the original bill be indefinitely postponed. The Senate refused to adopt the report, and the bill was, on motion of Mr. Robinson, laid on the table.

On motion, the Senate took a recess until 7½ o'clock, P. M.

On reassembling, Mr. Green, from the Joint Select Committee on the reapportionment of members of the Senate and Assembly, made a report in writing, which was read and laid on the table. [See Apendix, K.K.]

Mr. Robinson, from the Committee on Public Printing, to whom had been referred "A Resolution in reference to the resignation of State Printer," reported the same, with a recomendation that it be indefinitely postponed. The report was adopted, and the resolution indefinitely postponed.

Mr. Foster, from the Committee on Engrossed Bills, reported as correctly engrossed, "an Act to regulate the settlement of the Estates of Deceased Persons;" "an Act to repeal the 115th section of the 'Act concerning the Courts of Justice of this State, and Judicial Officers.'"

A Message was received from the Assembly, informing the Senate that the Speaker did, to day, sign "an Act to provide for the organization of the counties of Nevada, Placer, Trinity, and Klamath," and "an Act amendatory of an Act entitled 'an act to create a State Hospital in the city of Sacramento.'"

Also, that they had concurred in Senate's amendments to section 184,

also, to section 2d with an amendment, which will be found enclosed in bill, entitled "an Act to prohibit Officers from being interested in certain contracts."

Also, that they had passed Senate bill, with amendments as attached to the bill, entitled "an Act for the relief of the former Town Council of Stockton;"

Also, that the Speaker did, this day sign "an Act concerning the Fees of Public Administrators;" "an Act to ratify and confirm a contract entered into on the 28th day of March 1851, between the Commissioners of the Sinking Fund of the city of San Francisco and Henry A. Breed and William E. Dennis, for the construction of Market street Wharf and California street Wharf;" "an Act amendatory of the 9th, 12th, and 14th sections of an Act entitled 'an Act to incorporate the city of San José;'" approved March 27, 1850; "an Act concerning District Attorneys;" "an Act concerning Oysters;" "an Act amending the Act entitled 'an Act concerning the Courts of Justice of this State, and Judicial Officers;'" "Concurrent Resolution granting leave of absence to Hon. Henry A. Tefft, Judge of the Second Judicial District."

Mr. Warner, from the Committee on Public Lands and Mission Claims, to whom had been referred the Message of the Governor on that subject, reported a bill, entitled "an Act relating to Public Missions and Mission Claims," which was read the first and second times, and laid on the table.

Mr. Heydenfeldt, from the San Francisco Delegation, to whom had been referred Assembly bill, entitled "an Act to provide for the establishment of State Hospitals," reported the same, with a recommendation that the Senate recede from their amendments thereto, in which the Assembly had non-concurred; and the report was adopted.

The vote by which the Senate adopted the report was subsequently, on motion of Mr. Crosby, reconsidered. The Senate refused to recede from their amendments, and,

On motion of Mr. Broderick, a Committee of Free Conference, consisting of Mr. Van Buren and the San Francisco Delegation, was appointed, to meet any similar committee on the part of the Assembly.

On motion of Mr. Heydenfeldt, the vote by which the Senate appointed a Committee of Free Conference was subsequently reconsidered; the Committee was discharged; the vote by which the Senate refused

to recede was reconsidered; the Senate receded from their amendments in which the Assembly had non-concurred, except to the 4th section, and a Committee of Conference, consisting of Messrs. Heydenfeldt, Van Buren, and Cooke, was appointed on the amendment in which the Assembly had non-concurred.

The Senate non-concurred in the amendment of the Assembly to Senate's amendments to Assembly bill, entitled "an Act to prohibit Officers from being interested in certain Contracts."

The Senate concurred in the amendment of the Assembly to Senate bill, entitled "an Act for the relief of the former Town Council of Stockton."

Mr. Cooke, on leave, introduced "an Act to repeal the 115th section of the Act entitled 'an Act concerning the Courts of Justice of this State, and Judicial Officers,'" and the bill was read three several times, and passed.

Mr. Adams presented the petition of servants and assistants of the State Marine Hospital at San Francisco, which was read and referred to the Committee on Claims.

A Message was received from the Governor, informing the Senate that he had signed "an Act concerning Offices," and "an Act concerning Jurors."

Mr. Adams, from the Committee on the Militia, to whom had been referred, "an Act to change the names of José Benevides Basques and Maria Josefa Basques," reported the same without amendment, and the bill was read the third time, and passed.

Mr. Warner, from the Joint Committee on Enrolled Bills, reported that they had, this day, presented to the Governor for his approval, "an Act concerning the Fees of Public Administrators;" "an Act to ratify and confirm a contract entered into on the 28th of March, 1851, between the Commissioners of the Sinking Fund of the city of San Francisco and Henry A. Breed and William E. Dennis, for the construction of Market street Wharf and California street Wharf;" "an Act to create a Board of Supervisors for the county of San Francisco, and defining their duties;" "an Act concerning District Attorney;" "Concurrent Resolution granting leave of absence to Hon. Henry A. Tefft, Judge of the Second Judicial District;" "an Act amendatory of an Act concerning the Courts of Justice of this State, and Judicial Officers;" "an Act amendatory of the ninth, twelfth, and fourteenth sections of an Act to

incorporate the city of San José;" "an Act concerning Oysters;" also, that they had examined and found correctly enrolled, "an Act to create a Board of Superviors for the county of San Francisco, and defining their duties."

Mr. Adams was granted leave of absence for the remainder of the session.

Mr. Van Buren submitted "a Joint Resolution in relation to the Civil Fund of California," which was read the first and second times, and laid on the table.

On motion of Mr. Cooke, the Secretary was directed to request the return, by the Assembly, of "an Act amending the 'Act concerning the Courts of Justice of this State, and Judicial Officers;'" and a Message was subsequently received from the Assembly returning said bill.

Mr. Lippincott submitted a Joint Resolution of thanks to Hon. Wm. M. Gwin, for his zeal, exertions, and untiring advocacy in the Senate of the United States, of the just claims and interests of California, which was read, and adopted, by yeas and nays, as follows:

YEAS.

Mr. Broderick	Mr. Lippincott
Cooke	Robinson
Crosby	Van Buren
Green	Warner—8.

NAY.

Mr. Heydenfeldt—1.

On motion, the Senate adjourned.

David C. Broderick, President of the Senate.

J. F. Howe, Secretary of the Senate.

IN SENATE.

Tuesday, *April* 29, 1851.

The Senate assembled pursuant to adjournment.

The Journal of Monday was read and approved.

Mr. Heydenfeldt, from the Committee on Claims, to whom had been referred the petition of Servants and Assistants of the State Marine Hospital at San Francisco, reported the same back, and it was laid on the table.

Senate bill, entitled "an Act relating to Public Missions and Mission Claims," was referred to the Committee on the Judiciary.

Mr. Heydenfeldt submitted a Joint Resolution for the relief of Henry Lewis, which was read three several times, and the question being on its passage, it was, by yeas and nays, decided in the negative, as follows:

YEAS.

Mr. De la Guerra	Mr. Van Buren
Heydenfeldt	—3.

NAYS.

Mr. Broderick	Mr. Lippincott
Cooke	Robinson
Crosby	Warner—6.

Mr. Van Buren submitted a Concurrent Resolution, providing for the appointment of Trustees of the Stockton State Hospital, which was adopted.

Mr. Van Buren submitted a Concurrent Resolution, which was adopted, providing for the election, this evening, by the two branches of the Legislature, in their respective Chambers, of a Resident and Visiting Physician of the Stockton State Hospital.

Mr. Broderick submitted a Concurrent Resolution, which was adopted, that no new bill or joint resolution shall be received by either House after 2 o'clock, P.M., of this day.

Messages were received from the Assembly, informing the Senate that the Governor had notified the Assembly that he did, on yesterday, the 28th instant, sign "an Act to Fund the Debt of the State;" and "Joint Resolution for the relief of Sacramento city;"

Also, that they had passed bills, therewith transmitted, severally entitled "an Act amendatory of 'an Act prescribing the mode of receiving, keeping, and paying out the Public Funds;'" "an Act to regulate Rodeos;" "an Act creating the office of State Printer;"

Also, that they refused to recede from their fourth amendment to Senate bill, "concerning Schools and Public Instruction;"

Also, that the Speaker did this day sign "an Act to create a Board of Supervisors for the County of San Francisco, and define their duties."

Also, that they had passed "Joint Resolution for the benefit of citizens of Los Angeles County;" "an Act to prohibit Banking;"

Also that the Speaker did this day sign "an Act to amend an Act entitled 'an Act creating and regulating Public Ferries,'" passed March 18, 1850; "an Act ordering a Special Election in the county of Calaveras;" "an Act to regulate the Interest of Money;"

Also, that the Speaker did to-day sign bills, as follows: "an Act concerning Sheriffs;" "an Act concerning certain Records kept in the counties of Trinity and Klamath;" "an Act to amend the third section of the Act entitled 'an Act to License Gaming,'" passed March 14, 1851; "an Act authorizing the Governor to offer Rewards for the apprehension of Criminals;" "an Act concerning the Costs of Criminal Actions removed before Trial;" "an Act amending the 'Act to incorporate the city of Marysville;" "an Act to provide for holding a term of the District Court in the counties of Yuba and Solano;"

Also, that they had adopted Senate's Concurrent Resolution, in relation to the introduction of new bills and joint resolutions;

Also, that they had passed a "Joint Resolution for the relief of James Birney;"

Also, that they had adopted Senate's Resolution, fixing eight o'clock, P. M., to-day, to elect a Resident and Visiting Physician for the State Hospital at Stockton.

The President signed the bills recited in the preceding Messages as having been signed by the Speaker of the Assembly, and the Secretary certified upon that entitled "an Act to create a Board of Supervisors for the County of San Francisco, and define their duties," that it originated in the Senate.

On motion, a Committee of Conference, consisting of Messrs. Heydenfeldt, Van Buren, and Foster, was appointed on the part of the Senate, to confer with any similar committee which may be appointed on the part of the Assembly, on the disagreeing votes of the two Houses, on the bill entitled "an Act concerning Common Schools and Public Instruction."

Assembly bill, entitled "an Act creating the office of State Printer,"

was read the first and second times, and referred to the Select Committee heretofore appointed on the subject of the State Printing.

Mr. Robinson gave notice that he would, to-day, introduce a bill to authorize the city of Sacramento to borrow money to pay her present city indebtedness.

Joint Resolution "relative to the Civil Fund of California," was read the third time, and passed.

Mr. Green, from the Committee on Finance, to whom had been referred Assembly bill, entitled "an Act amendatory of 'an Act prescribing the mode of raising, keeping and paying out the Public Funds,'" reported the same, and the bill was amended, on motion of Mr. Robinson, read the third time, and passed.

A Message was received from the Governor, informing the Senate that he had signed "an Act concerning the fees of Public Administrators," and "an Act to ratify and confirm a contract entered into on the 28th day of March, 1851, between the Commissioners of the Sinking Fund of the city of San Francisco and Henry A. Breed and William E. Dennis, for the construction of Market street Wharf and California street Wharf."

Mr. Crosby, from the Committee on the Judiciary, to whom had been referred Assembly bill entitled "an Act concerning Escheats," and "a Joint resolution in relation to the Mineral Lands," reported the same, with a recommendation that they be indefinitely postponed. The Report was accepted, and the bills were indefinitely postponed.

Assembly bill, entitled "an Act to regulate Rodeos," was read the first and second times, referred to the Committee on Agriculture, reported back by Mr. De la Guerra, without amendment, read the third time, and passed.

The communication of J. D. Hoppe, Postmaster of San José, in reference to endorsements of members' names upon newspapers, was taken up, and indefinitely postponed.

Mr. Cooke, from the Select Committee, to whom had been referred Assembly bill, entitled "an Act to provide for the early publication and distribution of the Laws," reported the same, with the amendments heretofore proposed by the Committee, and the bill was laid on the table.

Assembly "Joint Resolution, for the relief of James Birney," was read the first and second times.

Mr. Broderick moved that the resolution be indefinitely postponed

but the question was, by yeas and nays, decided in the negative, as follows:

YEAS.

Mr. Broderick	Mr. Robinson
Crosby	Warner
De la Guerra	—5.

NAYS.

Mr. Cooke	Mr. Heydenfeldt
Foster	Lippincott
Green	Van Buren—6.

Mr. Cooke moved to amend the resolution by striking out the words, "the same pay and commission which is allowed to the Paymasters of the troops employed in the Gila and El Dorado Expeditions," and insert therefor, the words "five per cent. commission on the amount disbursed by him;" and the question was, by yeas and nays, decided in the affirmative, as follows:

YEAS.

Mr. Cooke	Mr. Heydenfeldt
Foster	Lippincott
Green	Warner—6.

NAYS.

Mr. Broderick	Mr. Robinson
Crosby	Van Buren
De la Guerra	—5.

The bill was then laid on the table, Mr. Broderick objecting to its third reading to-day.

Assembly bill, entitled "an Act to prohibit Banking," was read twice, and referred to the Committee on Commerce and Navigation.

Assembly "Joint Resolution, for the benefit of citizens of Los Angeles county," was read the first and second times, and referred to the Committee on Claims.

Mr. Warner, from the Joint Committee on Enrolled Bills, reported that they had examined, and found correctly enrolled, "an Act amendatory of the ninth, twelfth, and fourteenth sections of 'an Act to incorporate the city of San José;'" "an Act concerning District Attorneys;" "an Act concerning Oysters;" "an Act amendatory to the Act concerning the Courts of this State, and Judicial Officers;" "Concurrent Resolution, granting leave of absence to Hon. H. A. Tefft;" "An Act to regulate the Interest on Money," "an Act for holding a Special Election in Calaveras county;" "an Act to amend an Act, entitled 'an Act creating and regulating Public Ferries,'" passed March 18th, A.D., 1850;" "an Act amending an Act to incorporate the city of Marysville;" "an Act authorizing the Governor to offer Rewards for the apprehension of Criminals;" "an Act concerning the Costs of Criminal Actions removed before trial;" "an Act to amend the third section of the Act, entitled 'an Act to License Gaming,'" passed March 14th, 1851;" "an Act concerning certain Records kept in the counties of Trinity and Klamath;" "an Act concerning Sheriffs;" "an Act to provide for holding a Term of the District Court in the counties of Yuba and Solano.

On motion, the Senate took a recess until 7 o'clock, P.M.

On reassembling, Assembly bill, entitled "an Act to incorporate the city of Monterey," was taken up, read the third time, and passed.

Mr. Cooke, from the Select Committee on Printing, to whom had been referred Assembly bill, entitled "an Act creating the office of State Printer," reported the same without amendment, and the bill was read the third time, and passed.

The Senate, in pursuance of the Concurrent Resolution this day adopted, proceeded to an election, on their part, of Resident and Visiting Physicians for the State Hospital at Stockton. Messrs. Cooke and De la Guerra were appointed Tellers.

Mr. Van Buren nominated for Resident Physician, Dr. Robert K. Reid.

The Tellers reported the whole number of votes given, for Resident Physician, to be 9—necessary to a choice, 5—of which Dr. Reid received 9 votes.

Those who voted for Dr. Reid, were—Messrs. Broderick, Cooke, De la Guerra, Green, Heydenfeldt, Lippincott, Robinson, Van Buren, and Warner—9.

Mr. Van Buren nominated for Visiting Physician, Dr. R. P. Ash.

The Tellers reported the whole number of votes given for Visiting Physician, to be 10—necessary to a choice, 6—of which Dr. Ash had received 10 votes.

Those who voted for Dr. Ash, were—Messrs. Broderick, Cooke, De la Guerra, Foster, Green, Heydenfeldt, Lippincott, Robinson, Van Buren, and Warner—10.

A Message was received from the Assembly, informing the Senate that they had elected, on their part, for Resident Physician of the Stockton State Hospital, Dr. Robert K. Reid, he having received 20 votes, and Dr. James S. Martin, 11 votes; and that they had elected, on their part, as Visiting Physician, Dr. R. P. Ash, he having received 31 votes.

And the President thereupon declared that Dr. Robert K. Reid was duly elected Resident Physician; and Dr. R. P. Ash Visiting Physician, of the Stockton State Hospital, for the period prescribed by law.

A Message was received from the Assembly, informing the Senate that they had passed "an Act to apportion the Senatorial and Assembly Districts," and the bill was read the first time, and laid on the table.

Mr. Heydenfeldt, from the Committee on Claims, to whom had been referred Assembly Joint Resolution for the benefit of citizens of Los Angeles county," reported the same without amendment, and the bill was read the third time, and passed, by yeas and nays, as follows:—

YEAS.

Mr. Foster	Mr. Lippincott
Green	Van Buren
Heydenfeldt	Warner—6.

NAYS.

Mr. Broderick	Mr. Robinson
Crosby	—3.

Mr. Heydenfeldt gave notice that he would, on to-morrow, move a reconsideration of the vote by which the Senate had passed the "Joint Resolution for the benefit of citizens of Los Angeles County."

"Joint Resolution, for the relief of James Birney," was taken up, read the third time, and the question being on the passage of the bill, as

amended, it was decided in the negative, by yeas and nays, as follows :—

YEAS.

Mr. De la Guerra	Mr. Lippincott
Green	Van Buren
Heydenfelat	—5.

NAYS.

Mr. Broderick	Mr. Foster
Cooke	Robinson
Crosby	Warner—6.

Assembly "Joint Resolution, for the erection of part of the State Prison at Vallejo," was taken up, read the third time, and the question being on the passage of the bill, it was, by yeas and nays, decided in the negative, as follows :—

YEAS.

Mr. Cooke	Mr. Green
De la Guerra	Lippincott—4.

NAYS.

Mr. Broderick	Mr. Robinson
Crosby	Van Buren
Heydenfeldt	Warner—6.

Assembly bill, entitled "an Act to authorize the keepers of Warehouses to sell Goods on Storage after a certain period," was taken up, amended, and passed.

A Message was received from the Governor, in reply to the resolution of the Senate, requesting information as to whether he had authorized the Quarter-Master General to employ clerks and rent offices in the city of San Francisco, informing the Senate that he had given no such authority; the Message was laid on the table.

Messages were received from the Assembly, informing the Senate that they had adopted Senate's Concurrent Resolution of thanks to Hon. William M. Gwin ;

Also, that the Governor had notified the Assembly that he did to-day sign "an Act concerning Oysters;"

Also, that they had receded from their fourth amendment to "bill providing for the establishment of State Hospitals;" also from their amendment to Senate's amendment to "bill to prohibit officers from being interested in certain Contracts;"

Also, that they had concurred in Senate's amendment to "bill to create a State Hospital in the city of Stockton;"

Also, that they had passed Senate "bill to repeal the 115th section of the Act entitled 'an Act concerning the Courts of Justice of this State, and Judicial Officers;'"

Also, that they had concurred in Senate's amendment to "Joint Resolution, authorizing the Court of Sessions of Sacramento city to establish an additional ferry opposite the city of Sacramento;" also, in Senate's amendment to "bill supplementary to an Act concerning Marks and Brands," passed April 12, 1850; also, in Senate's amendment to "bill to provide for holding a term of the District Court in the counties of Yuba and Solano;" also, in Senate's amendments to "bill concerning Toll Bridges."

Also, that the Governor notified the Assembly that he did, to-day, sign bills, severally entitled "an Act amending the Act entitled 'an Act concerning the Courts of Justice of this State, and Judicial Officers;'" "an Act amendatory of the 9th, 12th, and 14th sections of an Act entitled 'an Act to incorporate the city of San José;'" "an Act concerning District Attorneys;" "Concurrent Resolution, granting leave of absence to Hon. Henry A. Tefft, Judge of the Second Judicial District."

Also, that they had appointed Messrs. Baldwin, Bennett, McCorkle, Bodley, and Cook, a Committee of Conference on the disagreeing votes of the two Houses, on "bill concerning Common Schools and Public Instruction."

Also, that they had adopted a Concurrent Resolution, relative to the election of Physicians for the State Marine Hospital at San Francisco;

Also, that the Speaker did, to-day, sign "an Act to change the names of José Benavides Basques and Maria Josefa Basques, to José Benavides Vioget and Maria Josefa Vioget;" "an Act supplementary to 'an Act concerning Marks and Brands,'" passed April 12, 1850; "an Act to regulate proceedings in Civil Cases in the Courts of Justice of this State."

The President of the Senate signed the bills mentioned in the preceding Messages, as having been signed by the Speaker of the Assembly.

On motion of Mr. De la Guerra, the several Standing and Select Commitees were instructed to report to the Senate all business before them by 12, M., to-morrow.

Mr. Cooke, from the Committee on the Judiciary, to whom had been referred Senate bill, entitled "an Act relating to Missions and Mission Claims," reported the same, with a recommendation that it be passed, with the amendments before proposed. The report was accepted, the amendments were adopted, and the bill, as amended, was read the third time, and passed.

Mr. Cooke, from the same committee, to whom had been referred Senate bill, entitled "an Act to repeal 'an Act for the Government and Protection of Indians,'" reported the same, with a recommendation that it be indefinitely postponed. The report was accepted, and the bill indefinitely postponed.

The President laid before the Senate a letter from Hon. A. W. Adams, resigning his seat as Senator from the Fifteenth Senatorial District. The resignation was accepted, and the Secretary was directed to notify the Governor of the vacany thus created. (See Appendix Z.Z.Z.)

Mr. Foster, from the Committee on Engrossed Bills, reported as correctly engrossed, "an Act relative to the Civil Fund of California."

Assembly Concurrent Resolution, "relative to the election, at 11 o'clock, A. M., on the 30th inst., of Physicians for the San Francisco State Hospital," was adopted, with an amendment striking out the words, "also five Trusteess for said Hospital."

Mr. Warner, from the Joint Committee on Enrolled Bills, reported that they this day presented to the Governor, for his approval, "an Act to amend the 3d section of the Act entitled 'an Act to license Gaming;'" "an Act amending the Act to incorporate the city of Marysville;" "an Act to provide for holding a Term of the District Court in the counties of Yuba and Solano;" "an Act amendatory of 'an Act concerning the Courts of Justice of this State, and Judicial Officers;'" "an Act amendatory of the 9th, 12th, and 14th sections of 'an Act to incorporate the city of San José;'" "an Act concerning Oysters;" "an Act to amend an Act entitled 'an Act creating and regulating Public Ferries,'" passed March 18, 1850; "an Act ordering a Special Election in the county of Calaveras;" "an Act to regulate the Interest on Money;"

"an Act concerning Sheriffs;" "an Act authorizing the Governor to offer rewards for the apprehension of Criminals;"

"An Act concerning the Costs of Criminal Actions removed before Trial;" "an Act concerning certain Records kept in the counties of Trinity and Klamath;" "an Act to create a Board of Supervisors for the county of San Francisco, and define their duties;" "an Act concerning District Attorneys;" a "Concurrent Resolution granting leave of absence to Hon. Henry A. Tefft, Judge of the Second Judicial District."

Mr. Robinson, from the Select Committee to whom had been referred "an Act prescribing the mode of Assessing and Collecting the Public Revenue," reported the same, with amendments. The amendments were adopted, and the bill was read the third time, and passed, by yeas and nays, as follows:

YEAS.

Mr. Broderick	Mr. Robinson
Cooke	Van Buren
De la Guerra	Warner—6.

NAYS.

Mr. Green	Mr. Lippincott
Heydenfeldt	—3.

Mr. Warner, from the Committee on Enrolled Bills, reported as correctly enrolled, "an Act to regulate the Interest on Money."

On motion, the Senate adjourned.

DAVID C. BRODERICK, President of the Senate.

J. F. HOWE, Secretary of the Senate.

IN SENATE.

WEDNESDAY, *April* 30, 1851.

The Senate assembled pursuant to adjournment.

The Journal of Tuesday was read and approved.

Mr. Foster, from the Select Committee to whom had been referred "Assembly Joint Resolution, authorizing the Paymaster of the Gila Expedition to pay the claims of Crenshaw and Blackburn," reported the same for the consideration of the Senate, and the bill was read the third time, and passed.

On motion, the Senate proceeded to an election for a Resident, and two Visiting Physicians, of the San Francisco State Marine Hospital, in pursuance of the concurrent resolution yesterday adopted:

Messrs. Van Buren and Crosby were appointed Tellers.

Mr. Van Buren nominated as Resident Physician, Dr. Sylvanus B. Mills; the Tellers reported the whole number of votes given to be 11: necessary to a choice, 6; of which Dr. Mills received 10 votes, Dr. Stephen R. Harris, 1 vote.

Those who voted for Dr. Mills were—Messrs. Broderick, Cooke, Crosby, De la Guerra, Foster, Green, Heydenfeldt, Robinson, Van Buren, Warner—10.

Mr. Lippincott voted for Dr. Harris—1.

Mr. Heydenfeldt nominated for Visiting Physician, Dr. Robert McMillan; Mr. Broderick nominated Stephen R. Harris; Mr. Lippincott nominated Dr. Wm. T. Brent; Mr. Broderick nominated Dr. J. Hastings; and the Tellers reported the whole number of votes given to be 11; necessary to a choice. 6; of which Dr. McMillan received 11 votes, Dr. Harris 8 votes, Dr. Brent, 3 votes.

Those who voted for Dr. McMillan were—Messrs. Broderick, Cooke, Crosby, De la Guerra, Foster, Green, Heydenfeldt, Lippincott, Robinson, Van Buren, Warner—11.

Those who voted for Dr. Harris, were—Messrs. Broderick, Cooke, Crosby, De la Guerra, Foster, Robinson, Van Buren, Warner—8.

Those who voted for Dr. Brent, were—Messrs. Green, Heydenfeldt, Warner—3.

A Message was received from the Assembly, informing the Senate they had elected, on their part, as Resident Physician, Dr. S. B. Mills, he having received 35 votes; Dr. McCandless, 1 vote; Dr. Harris, 1

vote; and that they had also elected, on their part, as Visiting Physicians, Dr. W. T. Brent and Dr. Robert McMillan; Dr. Brent having received 16 votes; Dr. McMillan, 16 votes; Dr. Thorp, 14 votes; Dr. Hastings, 3 votes; Dr. Harris, 3 votes; and the President declared that Dr. Mills was duly elected Resident Physician, and Doctors McMillan and Brent Visiting Physicians of the San Francisco State Marine Hospital, for the period prescribed by law.

Mr. Robinson, from the Select Committee appointed to investigate the charges made against Hon. A. W. Adams, reported the testimony taken before the committee, and other papers connected therewith, and asking to be discharged from the further consideration thereof, for the reason that Mr. Adams had resigned his seat in the Senate. The report was accepted, the committee discharged; and,

On motion of Mr. Lippincott, the Secretary of the Senate was directed to seal up the papers reported by the committee, and deposit the same in the office of the Secretary of State.

Mr. Van Buren, from the Committee on the Judiciary, to whom had been referred the Message of the Governor in relation to Gen. Joseph C. Moorehead, Quarter-Master General, reported the same, accompanied by a Joint Resolution authorizing the Governor to offer a reward of $1500 for the arrest of Gen. Moorehead, and his delivery to the proper officers in this State. The resolution was read, and laid on the table.

Mr. De la Guerra, from the Select Committee to whom had been referred Assembly bill, entitled "an Act concerning Estray Animals," reported the same without amendment; the bill was amended, on motion of Mr. Foster, by the addition of a new section, as section 9; and thus amended, was read the third time, and passed.

On motion of Mr. Heydenfeldt, the vote by which the Senate, yesterday, rejected Assembly "Joint Resolution for the erection of part of the State Prison at Vallejo," was reconsidered, and the bill was passed.

Mr. Heydenfeldt, from the Committee of Conference, to whom was referred Senate bill, entitled "an Act concerning Common Schools and Public Instruction," made a report in writing, recommending the adoption of a substitute for the Assembly's amendment as section 11, and the report was adopted.

Messages were received from the Assembly, informing the Senate that the Speaker did this day sign "an Act creating the office of State Printer;" also, "an Act to regulate the Interest on Money;" "an Act

to create a State Hospital in the city of Stockton;" "an Act to provide for the establishment of a State Marine Hospital at San Francisco;" "an Act to provide a Revenue for the State Marine Hospital at San Francisco;" "an Act to prohibit officers from being interested in certain contracts;" "Joint Resolution authorizing the Court of Sessions of Sacramento city to establish an additional Ferry opposite the city of Sacramento."

Also, that they they had passed "an Act prescribing the duties to the Secretary of Sate;" "an Act concerning Marks and Brands;" also, "Resolution relative to suspension of the Rules;" "also, "another Resolution to suspend the Rules;" "an Act in relation to the city of San Francisco;"

Also, with amendment, Senate bill, "to regulate the settlement of the Estates of Deceased Persons;"

Also, that they had passed "an Act concerning the terms of the several District Courts of this State now in session;"

Also, that they had concurred in Senate's amendments to "bill prescribing the mode of Assessing and Collecting the Public Revenue;"

Also, that the Speaker did, this day, sign "an Act to incorporate the city of Monterey;" "an Act to regulate Rodeos;" "an Act amendatory of 'an Act prescribing the mode of receiving, keeping, and paying out the Public Funds;'" "an Act for the relief of the former Town Council of Stockton."

The Senate concurred in the amendment of the Assembly to Senate's bill, entitled "an Act to regulate the Estates of Deceased Persons."

The President of the Senate signed the bills recited in the preceding Messages as having been signed by the Speaker of the Assembly, and the Secretary certified upon that entitled "an Act for the relief of the former Town Council of Stockton," that it originated in the Senate.

A Message was received from the Governor, informing the Senate that he had signed "an Act to create a Board of Supervisors for the county of San Francisco, and define their duties."

Mr. Heydenfeldt, from the San Francisco Delegation, reported Assembly bill, entitled "an Act creating the office of Harbor Master for the Port and Harbor of San Francisco, and for other purposes," with a recommendation that the amendments of the Assembly to the Senate's amendments be concurred in. The Report was accepted, the bill was further amended, read the third time, and passed.

Assembly bill, entitled "an Act in relation to the city of San Francisco," was read, and referred to the San Francisco Delegation.

The President laid before the Senate the account of J. D. Hoppe, Postmaster of San José, for postages for the Senate, amounting to $93 $\frac{33}{100}$, and the account was approved.

Mr. Crosby, from the Judiciary Committee, reported, with amendments Assembly bill, entitled "an Act to fix the compensation of County Judges, and Associate Justices of the Court of Sessions," and the amendments were adopted. The bill was further amended, read the third time and passed.

Mr. Robinson, from the Committee on Commerce and Navigation, reported, with amendments, Assembly bill, entitled "an Act to prohibit Banking." The amendments were adopted, and the bill, as amended, was read the third time, and passed.

Mr. Green submitted a Concurrent Resolution to go into an election of State Printer at 9 o'clock this evening, and the resolution was adopted.

Assembly Concurrent Resolution, rescinding the Rule which prohibits the introduction of bills and joint resolutions for the remainder of the session, was adopted, with an amendment proposed by Mr. Van Buren, conferring the application of the resolution to the bills specified in the amendment.

Mr. Warner, from the Committee on Contingent Expenses, reported as correct the accounts of Horace W. Carpentier for $28; Arthur Shearer for $88; R. M. May for $20; and Wm. Love for $35; and the report was adopted.

Mr. Van Buren, from the Judiciary Committee, reported, with amendments, Assembly bill, "to regulate the Fees in office," with amendments, and the Report and bill were laid on the table.

The Senate adopted the Concurrent Resolution of the Assembly repealing the 16th Joint Rule of the Senate and Assembly.

Mr. Warner, from the Joint Committee on Enrolled Bills, reported as correctly enrolled, "an Act to provide a Revenue for the State Marine Hospital at San Francisco;" "Joint Resolution, authorizing the Court of Sessions of Sacramento city to establish an additional Ferry opposite the city of Sacramento;" "an Act to provide for the establishment of a State Marine Hospital at San Francisco;" "an Act to prohibit officers from being interested in certain Contracts;" "an Act to create a State Hos-

pital in the city of Stockton;" "an Act to regulate Rodeos;" "an Act to incorporate the city of Monterey;" "an Act amendatory of 'an Act prescribing the mode of receiving, keeping, and paying out the Public Funds;'" "an Act to regulate proceedings in Civil Cases in the Courts of Justice of this State;" "an Act to change the name of José Benavides Basques, and Maria Josefa Basques, to José Benavides Viojet and Maria Josefa Viojet, respectively;" "an Act supplementary to 'an Act concerning Marks and Brands,'" passed April 12, 1850; "an Act to create the office of State Printer;"

Also, that they had examined, and found correctly enrolled, by the insertion of the word "Judge" in the second section, which was omitted by mistake in the engrossed bill, "the Act for the Relief of the former Town Council of Stockton."

The Report was accepted and adopted: on motion, the Senate took a recess until half past seven o'clock, P M.

On reassembling, Assembly bill, entitled "an Act to apportion the Senatorial and Assembly Districts," was read the second time, and referred to a Select Committee, consisting of Messrs. Green, Broderick, and Foster, with instructions to report to-morrow.

Mr. Warner submitted a resolution, which was adopted, "That the Sergeant-at-Arms of the Senate be allowed and paid one hundred and ten dollars for services in the calls of the Houses at different times, as a similar sum had been allowed the Sergeant-at-Arms of the Assembly."

On motion of Mr. Warner, the vote by which the Senate passed "a Joint Resolution, authorizing the Paymasters of the Gila Expedition to pay the Claims of Crenshaw and Blackburn, was reconsidered, amended, and again passed.

Messages were received from the Assembly, informing the Senate that they had passed bills, therewith transmitted, entitled "an Act to regulate Sheriffs' Sales;"

Also, that they had passed Senate's "Joint Resolution relative to the Civil Fund;"

Also, that they had concurred in Senate's resolution "for the appointment of Trustees for the Stockton State Hospital;"

Also, that they had passed a "Joint Resolution granting leave of absence to the Hon. W. Van Voorhies, Secretary of State;"

Also, that they had concurred in Senate's amendments to bill "con-

cerning the terms of the several District Courts of this State now in Session;"

Also, that they had passed a Concurrent Resolution, "relative to election of Trustees of the State Marine Hospital at San Francisco;" also, "an Act making an appropriation for office rent and contingent expenses of Superintendent of Public Instruction;" "an Act concerning the Salaries of Officers and Pay of Members of the Legislature;"

Also, that the Governor had this day notified the Assembly, that he did, on yesterday, sign "an Act to amend an Act entitled 'an Act creating and regulating Public Ferries;'" "an Act ordering a Special Election in the county of Calaveras;' "an Act amending the Act 'to incorporate the city of Marysville;'" "an Act to amend the 3d section of the Act entitled 'an Act to license Gaming;'" "an Act to provide for holding a Term of the District Court in the counties of Yuba and Solano;" "an Act concerning certain records kept in the counties of Trinity and Klamath;" "an Act concerning the Costs of Criminal Actions removed before Trial;" "an Act authorizing the Governor to offer rewards for the apprehension of Criminals;" "an Act concerning Sheriffs," and "an Act to regulate proceedings in Civil Cases in the Courts of Justice of this State;"

Also, that they had adopted the report of the Committee of Conference on "Bill concerning Common Schools and Public Instruction;"

Also, that the Speaker signed, to-day, "an Act concerning Toll Bridges;"

Also, that they had non-concurred in Senate's amendment to bill "concerning Estray Animals," and had appointed Messrs. Brown, Bodley, Randall, Carnes, and Kendrick, a Committee of Conference on said bill, and requesting a similar committee on the part of the Senate;

Also, that they had passed "an Act appropriating money out of the General Fund to defray the expenses of the Government of the State of California;"

Also, that the Speaker did, to-day, sign "a Joint Resolution for the benefit of citizens of Los Angeles County;"

Also, that they had concurred in Senate's resolution, fixing to-night, at 9 o'clock, for the election of a State Printer, with an amendment striking out "9 o'clock to-night," and inserting "12 o'clock, to-morrow;"

Also, that they had concurred in Senate's amendment to Assembly

resolution, relative to prohibiting the introduction of joint resolutions and bills for the remainder of the Session.

Also, that the Speaker had signed "an Act to repeal the 115th section of the Act entitled 'an Act concerning Courts of Justice of this State, and Judicial Officers."

Resolution of the Assembly, granting leave of absence to Hon. Wm. Van Voorhies, Secretary of State, was read and adopted.

Assembly bill, entitled, "an Act to regulate Sheriffs' Sales," was read the first and second times, and referred to the Judiciary Committee.

Assembly "Concurrent Resolution in relation to the election of Trustees of the State Marine Hospital at San Francisco," was read and adopted.

Assembly bill, entitled "an Act making an appropriation for office rent and contingent expenses of Superintendent of Public Instruction," was read three several times, and rejected, by yeas and nays, as follows:

YEAS.

Mr. Foster	Mr. Lippincott	
Green	Van Buren	
Heydenfeldt		—5.

NAYS.

Mr. Broderick	Mr. De la Guerra	
Cooke	Robinson	
Crosby	Warner	—6.

Assembly bill, entitled "an Act concerning the salary of officers and pay of members of the Legislature," was read the first and second times, referred to the Judiciary Committee, reported back with amendments, the amendments adopted, and the bill laid on the table.

Mr. Broderick, from the San Francisco Delegation, reported back "an Act to authorize the Funding of the Floating Debt of the city of San Francisco, and to provide for the payment of the same," with a recommendation that the report of the Committee of Conference be rejected, and that the Senate insist upon their amendments to the bill in which the Assembly had non-concurred. And the Report was adopted.

Mr. Heydenfeldt, from the San Francisco Delegation, reported, without

amendment, "an Act in relation to the city of San Francisco," and the bill was recommitted to a Select Committee, consisting of Messrs. Lippincott, Heydenfeldt, and Crosby.

Mr. Van Buren, from the Committee on the State Library, to whom had been referred "an Act prescribing duties to the Secretary of State," reported the same without amendment, and the bill was read the third time, and passed.

Mr. Foster, from the Select Committee, to whom had been referred "an Act concerning Marks and Brands," reported the same without amendment, and the bill was amended, read the third time, and passed.

Mr. Green submitted a resolution, which was adopted, allowing Benjaman Chapman, in addition to his present pay, the amount which would have been due W. B. Stockton, had he not vacated his office of Doorkeeper.

Mr. Warner, from the Select Committee, to whom had been referred "an Act concerning lawful fences, and animals trespassing on grounds lawfully enclosed, and fence inspectors," reported the same with an amendment, the amendment was adopted, and the bill was laid on the table.

The President signed the bills mentioned in the preceding recited Messages of the Assembly as having been signed by the Speaker of the Assembly, and the Secretary certified upon that to repeal the 115th section of the Act, entitled "an Act concerning Courts of Justice of this State, and Judicial Officers," that it originated in the Senate.

Mr. Van Buren, from the Committee on the Judiciary, reported with amendments, Assembly bill, entitled "an Act to regulate the Fees of Office," and the amendments were concurred in; the bill was further amended, read the third time, and passed, by yeas and nays, as follows:

YEAS.

Mr. Broderick	Mr. Lippincott
Foster	Robinson
Green	Van Buren
Heydenfeldt	Warner—8.

NAYS.

Mr. Cooke	Mr. Crosby—2.

Mr. Robinson, from the Sacramento Delegation, to whom had been referred "an Act to authorize the Court of Sessions of Sacramento county to fund the debt of said county," reported the same with amendments; the amendments were adopted, and the bill was read the third time, and passed, by yeas and nays, as follows:—

YEAS.

Mr. Crosby	Mr. Robinson
De la Guerra	Van Buren
Heydenfeldt	Warner
Lippincott	—7.

NAYS.

Mr. Broderick	Mr. Foster
Cooke	Green—4.

Mr. Heydenfeldt submitted a resolution, which was read and laid on the table, authorizing the Assistant Secretary to transcribe such journals and reports of the Senate as may be required for the Printer, at a compensation not to exceed fifty cents per folio.

Mr. Lippincott submitted a resolution, directing the Secretary to request the Assembly to return to the Senate the "Joint Resolution for the relief of James Birney," but the question was, by yeas and nays, decided in the negative, as follows:—

YEAS.

Mr. Foster	Mr. Lippincott
Heydenfeldt	Van Buren—4.

NAYS.

Mr. Broderick	Mr. Green
Crosby	Robinson
De la Guerra	Warner—6.

Mr. Warner, from the Committee on Enrolled Bills, reported as correctly enrolled, "an Act to repeal the 115th section of the Act concerning Courts of Justice of this State and Judicial Officers;"

Also, that they had this day presented "an Act for the relief of the former Town Council of Stockton;" "an Act to repeal the 115th

section of the Act entitled 'an Act concerning Courts of Justice of this State, and Judicial Officers;'" "an Act to provide for the establishment of a State Marine Hospital at San Francisco;" "an Act creating the office of State Printer;" "an Act to regulate the Interest on Money;" "an Act to create a State Hospital in the city of Stockton;" "an Act to provide a Revenue for the State Marine Hospital at San Francisco;" "a Joint Resolution concerning Ferries in Sacramento county," "an Act to prohibit officers from being interested in certain Contracts;" "an Act to incorporate the city of Monterey;" "an Act to regulate Rodeos;" "an Act amendatory of 'an Act prescribing the mode of receiving, keeping, and paying out the Public Revenue;'" "an Act to continue certain Terms of the District Courts of this State;" "an Act concerning Toll Bridges."

Assembly bill, entitled "an Act appropriating money out of the General Fund, to defray the expenses of the Government of the State of California," was read the first time, and laid on the table.

On motion, the President appointed as the Committee of Conference on the part of the Senate, on bill entitled "an Act concerning Estray Animals," Messrs. Foster, De la Guerra, Lippincott, Cooke, and Crosby.

Mr. Van Buren, on leave, introduced a bill, entitled "an Act supplemental to 'an Act to incorporate the city of San José,'" approved March 20, 1850, which was read twice; when Mr. Broderick moved that the bill be indefinitely postponed, but the question was, by yeas and nays, decided in the negative, as follows:—

YEAS.

Mr. Broderick	Mr. Green
Cooke	Robinson
Foster	—5.

NAYS.

Mr. Crosby	Mr. Lippincott
De la Guerra	Van Buren
Heydenfeldt	Warner—6.

Mr. Van Buren, on leave, introduced a bill, entitled "an Act to extend the time for assessing and collecting County Revenue in the county of Monterey," which was read three several times, and passed.

On motion, the Senate adjourned.

DAVID C. BRODERICK, President of the Senate.

J. F. HOWE, Secretary of the Senate.

IN SENATE.

THURSDAY, *May* 1, 1851.

The Senate assembled pursuant to adjournment.

The Journal of Wednesday was read and approved.

Mr. Heydenfeldt, from the Committee on Commerce and Navigation, reported back the "petition of Ship Owners and Merchants of San Francisco, relative to obstructions in the Harbor;" from the Committee on Education, the letter of Mr. Vattemare, and the letters of Robert J. Walker, and Thomas J. Green, on the subject of the State University; from the Committee on the Judiciary, "an Act to amend the one hundred and seventeenth section, chapter third, of the 'Act defining the time for commencing Civil Actions,'" passed April 22, 1850; and they were severally ordered to be placed upon the files of unfinished business of the present session.

Mr. Crosby, from the Judiciary Committee, reported back Assembly bills, "to regulate the summary proceedings for the possession of Real Property;" "to amend the one hundred and thirty-second section of the 'Act to regulate the settlement of the Estates of deceased persons,'" passed April, 1850; and "to regulate Sheriffs' Sales;" with a recommendation that they be severally indefinitely postponed, and they were indefinitely postponed accordingly.

Mr. Van Buren, from the Committee on the Library, reported back the letter of the Secretary of State, on the subject of Reading Rooms, and it was ordered to be placed on the files of unfinished business of the session.

Mr. Crosby, from the Committee on the Judiciary, reported back "an Act requiring Alcaldes to account for moneys and other property of deceased persons, received by them," and the bill was ordered to be placed upon the files of unfinished business of the session.

Mr. Robinson, from the Committee on Commerce and Navigation, reported back "a communication from Lorenzo Hubbard, in relation to the State Marine Hospital;" "a communication from the Grand Jury of San Francisco;" "petition of citizens of Sacramento city;" "an Act to provide for the greater security of persons and property on board of vessels navigating the waters of this State, in whole or in part by steam, as common carriers;" and they were severally ordered to be placed on the files of unfinished business of the session.

Mr. Robinson, from the same Committee, reported back bills entitled "an Act concerning Wharves;" "an Act to establish the office of Harbor Master in this State;" and they were indefinitely postponed.

Mr. Robinson, from the Committee on Public Printing, reported back the Message of the Governor "on the resignation of the State Printer;" and "a communication from the State Printer;" and they were ordered to be placed upon the files of unfinished business of the session.

Messages were received from the Assembly, informing the Senate that the Speaker had signed "an Act to regulate proceedings in Criminal Cases;"

Also, that they had concurred in Senate's amendments to "bill creating the office of Harbor Master for the Port of San Francisco, and for other purposes;"

Also, in Senate's amendments to "bill to fix the compensation of County Judges, and Associate Justices of the Court of Sessions;"

Also, in Senate's amendments to "bill to prohibit Banking;"

Also that they had rejected Senate bill, "to prevent the destruction of Property in the Mines of this State;"

Also, that they had passed "an Act to confirm certain Contracts of the Commissioners of the Sinking Fund of the city of San Francisco, for the building of Broadway and Pacific street Wharves;"

Also, that the Governor had notified the Assembly, on yesterday, that he signed "an Act supplementary to 'an Act concerning Marks and Brands;'" "an Act to change the names of José Benavides Basques, and Maria Josefa Basques, to José Benavides Vioget, and Maria Josefa, Vioget, respectively;" "an Act to continue certain terms of the District Courts of this State;" "an Act to incorporate the city of Monterey;" "an Act to regulate Rodeos;" "an Act to create a State Hospital in the city of Stockton;" "an Act to provide for the establishment of a State Marine Hospital at San Francisco;"

Also, that they had passed "an Act for the relief of the Mayor and Council of Sacramento city;" "Joint Resolution instructing the Superintendent of Public Buildings to sell certain Property;"

Also, that the Governor had returned to-day, with his objections, "bill regulating and prescribing the duty of Pilots for the Ports of Benicia, Sacramento, and Stockton, and for other purposes;" that the House reconsidered the vote by which the bill passed, and the question being put, "Shall the bill pass, the objections of the Governor notwithstanding?" it was decided in the affirmative;

Also, requesting the Senate to return to the Assembly, enrolled "bill regulating and prescribing the duties of Pilots for the Ports of Benicia, Sacramento, and Stockton, and for other purposes;" as they wish to reconsider the vote by which the House passed the bill;

Also, that they had rejected Senate bill "to extend the time for assessing and collecting County Revenue in the county of Monterey;"

Also, that they had concurred in Senate's amendments to bills entitled, "an Act to authorize the Court of Sessions of Sacramento county to Fund the Debt of said county;" "an Act concerning Marks and Brands;" "Joint Resolution authorizing the Paymaster of the Gila Expedition to pay the claims of Crenshaw and Blackburn;" "an Act to regulate the Fees of Office;"

Also, that they had passed "Joint Resolution for the relief of J. D. Hoppe, Postmaster."

Also, that the Speaker signed, to-day, "an Act prescribing the mode of assessing and collecting Public Revenue:" "an Act to incorporate the city of Sonora;" "an Act to prohibit Banking;"

Also, that they had non-concurred in the report of the Committee of Conference on bills entitled "an Act to repeal 'an Act to incorporate the city of San Diego;'" and "an Act to amend an Act entitled 'an Act to incorporate the city of San Diego;'"

Also, informing the Senate that they had passed a Concurrent Resolution relative to the Suspention of the Rules for the purpose of the introduction of Bills.

On motion, the vote by which the Senate refused to pass Assembly bill, making an appropriation for the Office Rent, &c., of the Superintendent of Public Instruction, was reconsidered, and the bill was passed.

Assembly bill, concerning the pay of officers and members of the Legislature, was taken up, amended, read the third time, and passed.

The President signed the bills recited in the Messages from the Assembly, of to-day, as having been signed by the Speaker of the Assembly, and the Secretary certified upon that entitled "an Act to regulate proceedings in Civil Cases," that it originated in the Senate.

Assembly bill, entitled "an Act for the Relief of the Mayor of Sacramento city," was read twice, and referred to the Committee on Claims.

Assembly bill, entitled "an Act to confirm certain Contracts of the Commissioners of the Sinking Fund of the City of San Francisco, for the building of Broadway and Pacific street Wharfs," was read twice, and referred to the San Francisco Delegation.

Assembly Joint Resolution, instructing the Superintendent of Public Buildings to sell certain property, was read twice, and referred to the Committee on Public Buildings.

On motion, the Senate proceeded, *viva voce*, to an election, on their part, of State Printer, in compliance with the Concurrent Resolution yesterday adopted. Messrs. Heydenfeldt and Foster were appointed Tellers. Mr. Green nominated Eugene Casserly. Mr. Robinson nominated G. K. Fitch. And the Tellers reported the

Whole number of votes given to be . .	11
Necessary to a choice	6
Of which Mr. Casserly had received . .	8 votes.
Fitch	2
Nugent	1

Those who voted for Mr. Casserly were—Messrs. Broderick, Cooke, De la Guerra, Foster, Green, Heydenfeldt, Van Buren, Warner—8.

Those who voted for Mr. Fitch were—Messrs. Crosby and Robinson—2.

Mr. Lippincott voted for Mr. Nugent—1.

A Message was received from the Assembly, informing the Senate that for State Printer, Eugene Casserly had received in that body 13 votes; G. K. Fitch, 11 votes; Mr. St. Clair, 1 vote. Whereupon the President declared that Eugene Casserly, having received a majority of the joint votes of the two Houses, was duly elected State Printer, for the period prescribed by law.

Mr. Green, from the Committee on the Apportionment, reported, with amendments, Assembly bill, entitled "an Act to apportion the Senatorial and Assembly Districts." The amendments were adopted, the bill was further amended, read the third time, and passed.

Mr. Warner, from the Select Committee, to whom had been referred

Senate bill, "to grant the right of way through the State to the United States for the construction of railroads," made a report in writing, which with the bill, was ordered to lie on the table.

Assembly bill, entitled "an Act to authorize the Funding of the Floating Debt of the city of San Francisco, and to provide for the payment of the same, was taken up, and the amendment of the Assembly to the Senate's amendments, were concurred in. [See Appendix L.L.]

A Message was received from the Assembly, informing the Senate that the Speaker did, to-day, sign "an Act making an appropriation for office rent and contingent expenses of Superintendent of Public Instruction;" also, that they had adopted the amendments of Senate, from 1 to 9, inclusive; with amendments from 1 to 3, inclusive, on "bill to authorize the Funding of the Floating Debt of the city of San Francisco, and to provide for the payment of the same;" also, that the Speaker signed, to-day, "Joint Resolution for the erection of part of the State Prison at Vallejo;" "an Act prescribing duties to the Secretary of State;" Joint Resolution authorizing the Paymaster of the Gila Expedition to pay the claims of Crenshaw and Blackburn;" "an Act to fix the compensation of County Judges and Associate Justices of the Court of Sessions;"

Also, that they had concurred in Senate's amendment to "bill concerning the Salaries of officers and pay of members of the Legislature;" also, that they had appointed Messrs. McCorkle, Hall, Moore, Bradford, Hoff, Campbell, and McDougal, a Committee of Free Conference on "bill to Apportion the Senatorial and Assembly Districts."

The President signed the bills mentioned in the preceding Message as having been signed by the Speaker of the Assembly.

On motion, a Committee of Conference, consisting of Messrs. Lippincott, Crosby, Cooke, Heydenfeldt, Foster, and Warner, was appointed on the part of the Senate, on the bill to "Apportion the Senatorial and Assembly Districts."

Mr. Lippincott, from the Select Committee to whom had been referred "an Act in relation to the city of San Francisco," reported the same, and the bill was ordered to a third reading, by yeas and nays, as follows:

YEAS.

Mr. Broderick	Mr. Foster
Crosby	Green
De la Guerra	Heydenfeldt

Mr. Lippincott
Robinson
Mr. Van Buren
—9.

NAYS.

Mr. Cooke
Mr. Warner—2.

The bill was then laid on the table.

Assembly bill, entitled "an Act appropriating money out of the General Fund to defray the expenses of the Government of the State of California," was read the second and third times, and passed.

Assembly Joint Resolution, entitled "a Joint Resolution for the relief of J. D. Hoppe, Postmaster," was read the third time, and passed.

Mr. Warner submitted a Concurrent Resolution to suspend the operation of the Concurrent Resolution, providing that no bill shall be received after the 29th ult., for the introduction of an "Act concerning Swamp Lands," and "an Act to amend the Charter of San Diego," and the resolution was adopted.

Mr. Heydenfeldt, from the Committee on Claims, reported back sundry claims against the San Francisco State Marine Hospital, and they were ordered to be filed among the unfinished business of the Session.

Mr. Heydenfeldt, from the Joint Committee of Conference, on the bill entitled "an Act to apportion the Senatorial and Assembly Districts," made a report from the majority of the Committee, recommending sundry amendments to the bill as it passed the Senate.

Mr. Warner, from the same committee, made a report from the minority of the same committee, recommending the passage of the bill, as it passed the Senate.

The question being first taken on the adoption of the report of the majority of the committee, it was, by yeas and nays, decided in the negative, as follows:

YEAS.

Mr. Green
Heydenfeldt
Mr. Lippincott
Van Buren—4.

NAYS.

Mr. Broderick
Cooke
Crosby
De la Guerra
Mr. Foster
Robinson
Warner
—7.

The question then recurring on the adoption of the report of the minority of the committee, it was decided in the affirmative, by yeas and nays, as follows:

YEAS.

Mr. Broderick	Mr. Foster
Cooke	Robinson
Crosby	Warner
De la Guerra	—7.

NAYS.

Mr. Green	Mr. Lippincott
Heydenfeldt	Van Buren—4.

So the Senate adopted the report of the minority of the Conference Committee.

A Message was subsequently received from the Assembly, informing the Senate that they had also adopted the report of the minority of the Committee of Conference, on the bill entitled "an Act to Apportion the Senatorial and Assembly Districts."

So the bill passed both Houses, in the form in which it originally passed the Senate.

Assembly bill, entitled "an Act to confirm certain contracts of the Commissioners of the Sinking Fund of the city of San Francisco, for the building of Broadway and Pacific street Wharves;" was taken up, read the third time, and passed, with an amendment.

Also, with amendments, Assembly bill, entitled "an Act to provide for the early publication and distribution of the Laws;"

Also, with an amendment, adding a proviso at the close of the bill, Assembly "Joint Resolution instructing the Superintendent of Public Buildings to sell certain Property;"

Also, without amendment, Senate bill, entitled "an Act amendatory of 'an Act to incorporate the city of San Diego;'" "an Act granting the right of way through the State of California, to the United States, for the purpose of constructing Railroads;"

Also, Assembly bill, entitled "an Act concerning the archives remaining in Monterey;"

Also, Assembly bill, entitled "an Act in relation to the city of San Francisco."

Senate bill, entitled "an Act to provide for reclaiming certain Swamp or Tule Land, and for Agricultural experiments thereon;" was read the third time, and passed.

Concurrent Resolution of the Assembly, requesting the Governor to commission J. R. Hardenburgh and others, was read the third time, and passed.

On motion of Mr. Robinson, Concurrent Resolution was adopted, rescinding the concurrent resolution prohibiting the further introduction of bills and joint resolutions, so far as the same may relate to "an Act amendatory of an Act entitled 'an Act prescribing the mode of assessing and collecting the Public Revenue.'"

The President has signed "an Act relative to the city of San Francisco;" "an Act to regulate the Estates of Deceased Persons;" "an Act concerning Common Schools and Public Instruction."

Assembly bill, "for the relief of the Mayor and Common Council of Sacramento city," was read the first and second times, and objection being made to its third reading to-day, it was laid over.

Mr. Robinson, on leave, introduced a bill, entitled "an Act amendatory of 'an Act prescribing the mode of Assessing and Collecting Public Revenue," which was read twice, and objection being made to its third reading to-day, was laid over.

Assembly bill, "affixing the residence of certain officers of State," was reported back by Mr. Robinson, from the Select Committee to whom it had been referred, and indefinitely postponed.

Assembly bill, entitled "an Act to authorize the District Judges to appoint Translators and Interpreters for their Courts," was read twice, and laid over, objection having been made to its third reading.

Assembly bill, entitled "an Act to protect settlers on lands belonging to the United States," was reported back by Mr. Robinson, from the Committee on Public Lands and Mission Claims, and indefinitely postponed.

Assembly bill, entitled "an Act concerning lawful Fences, and animals Trespassing on premises lawfully enclosed, and Fence Inspectors," was taken up for third reading, but objection being made, was laid over.

A Concurrent Resolution was adopted, instructing the Secretary of the Senate and Clerk of the Assembly to furnish a copy of the Journal of

either House to Eugene Casserly, State Printer, at the earliest day practicable.

Assembly Concurrent Resolution, "to suspend the Rules for the purpose of allowing the introduction of a bill to amend the charter of San Francisco," and one "to amend the Act concerning Offices;" and Concurrent Resolution of the Senate authorizing the Governor to offer a reward of $1500 for the apprehension of Gen. Joseph C. Moorehead; were taken up, and indefinitely postponed.

Messages were received from the Assembly, informing the Senate that the Governor had notified the Assembly that he had, this day, signed "an Act to authorize the keepers of Warehouses to sell goods on storage after a certain period;" "an Act in relation to the city of San Francisco;" "an Act concerning the Archives now remaining at Monterey;" "a Joint Resolution for the benefit of citizens of Los Angeles county;"

Also, that the Speaker had signed "a Joint Resolution for the relief of J. D. Hoppe, Postmaster;" "an Act appropriating money out of the General Fund to defray the expenses of the Government of the State of California;" "an Act creating the office of Harbor-Master for the Port and Harbor of San Francisco, and defining his duties;" "an Act to authorize the Court of Sessions of Sacramento county to borrow Money;" "an Act to regulate Fees of Office;" "an Act concerning Marks and Brands;" "an Act concerning the Salaries of Officers;" "an Act authorizing the Funding of the Floating Debt of the city of San Francisco;" "an Act concerning Estray Animals;" "a Joint Resolution concerning the presentation of Bills to the Governor;" "an Act to authorize the keeper of Warehouses to sell goods on storage after a certain period;" "an Act to provide for reclaiming certain Swamp or Tule Lands, and for Agricultural experiments thereon;" "an Act to regulate the Estates of deceased persons;" "an Act concerning Common Schools and Public Instruction;"

Also, that they had passed a "Concurrent Resolution, requesting the Governor to commission J. R. Hardenburg and others;"

Also, that they had passed a "Concurrent Resolution concerning the introduction of Bills;"

Also, that they had passed Senate bill "to provide for reclaiming certain Swamp or Tule Lands, and for Agricultural experiments thereon;"

Also, that they had concurred in Senate's amendment to bill "concerning Estray Animals;"

Also, that they had passed "an Act concerning the Archives remaining in Monterey county;" "an Act to authorize District Judges to appoint Translators and Interpreters for their Courts;"

Also, that the Governor had notified the Assembly that he had signed "an Act prescribing the mode of Assessing and Collecting Public Revenue;" "an Act to incorporate the city of Sonora;" "an Act to provide a revenue for the State Marine Hospital at San Francisco;" "an Act concerning Toll Bridges;" "an Act to prohibit Officers from being interested in certain Contracts;" "an Act making an appropriation for office rent and contingent expenses of Superintendent of Public Instruction;" "an Act prescribing duties to the Secretary of State;" "an Act to regulate proceedings in Criminal Cases;" "Joint Resolution authorizing the Court of Sessions of Sacramento city to establish an additional Ferry opposite the city of Sacramento;" "Joint Resolution for the erection of part of the State Prison at Vallejo;" "Joint Resolution authorizing the Paymaster of the Gila Expedition to pay the claims of Crenshaw and Blackburn;"

Also, that the Governor had notified the Assembly, that he had signed "an Act to apportion the Senatorial and Assembly Districts;" "an Act to confirm certain Contracts of the Commissioners of the Sinking Fund of the city of San Francisco, for the building of Broadway and Pacific street Wharves;" "Joint Resolution instructing the Superintendent of Public Buildings to sell certain Property;"

Also, that the Speaker did, to-day, sign "an Act to provide for the early publication and distribution of the Laws;" "an Act concerning the Archives now remaining in Monterey;"

Also, that they had concurred in Senate's amendments to "bill to authorize the Keepers of Warehouses to sell goods on Storage after a certain period;"

Also, that the House had receded from their amendment to Senate amendment to "bill to provide for the early publication and distribution of the Laws;"

Also, that they had rejected Senate bill, "amendatory of an Act to incorporate the city of San Diego;"

Also, that the Speaker, to-day, signed "an Act to confirm certain Contracts of the Commissioners of the Sinking Fund of the city of San Francisco, for the building of Broadway and Pacific street Wharves;" "an Act to Apportion the Senatorial and Assembly Districts;" "Joint

Resolution instructing the Superintendent of Public Buildings to sell certain Property ;"

Also, that they had concurred in Senate's amendments to "bill to provide for the early publication and distribution of the Laws ;" and also, that they had amended the last amendment of Senate, by inserting the third section of bill, as reported from the House ;

Also, that they had concurred in Senate's amendments to "bill to confirm certain Contracts of the Commissioners of the Sinking Fund of the city of San Francisco, for the building of Broadway and Pacific street Wharves ;"

Also, that they had concurred in Senate's amendments to "Joint Resolution instructing the Superintendent of the Public Buildings to sell certain Property ;"

Also, that the Speaker signed "bill in relation to the city of San Francisco ;"

Also, that they had rejected Senate "bill granting the right of way through the State of California, to the United States, for the purpose of constructing Railroads ;"

Also, that the Governor had notified the Assembly that he had signed bills, entitled "an Act appropriating money out of the General Fund to defray the expenses of the Government of the State of California ;" "an Act concerning Estray Animals ;" "an Act to authorize the Funding of the Floating Debt of the city of San Francisco, and to provide for the payment of the same ;" "an Act to authorize the Court of Sessions of Sacramento county to borrow money ;" "an Act concerning Marks and Brands ;" "an Act to regulate Fees in Office ;" "Joint Resolution for the relief of J. D. Hoppe, Postmaster ;"

Also, that they adopted Senate's Concurrent Resolution, directing the Secretary of the Senate, and Clerk of the Assembly to furnish the State Printer with a copy of the Journals for publication, with an amendment, inserting therein instructions to the Secretary of State to furnish the State Printer, for publication, copies of the Laws and Joint Resolutions passed at the present session.

The Senate concurred in the last-mentioned amendment of the Assembly, and the Secretary was directed to furnish the Secretary of State with a copy of the Resolution as adopted.

The Senate non-concurred in the amendment of the Assembly to Senate's amendment to the third section of the bill, "to provide for the early

publication and distribution of the Laws," and the Assembly subsequently receded therefrom.

The President signed the bills mentioned in the preceding Messages as having been signed by the Speaker of the Assembly, and the Secretary made the required endorsements upon those originating in the Senate.

Messages were received from the Governor, informing the Senate that he had signed "an Act to regulate proceedings in Criminal Cases;" "a Joint Resolution relative to the Civil Fund;" "an Act to repeal the 115th section of the Act entitled 'an Act concerning the Courts of Justice and Judicial officers;'" an Act for the relief of the former Town Council of Stockton;" "an Act to regulate the settlement of the Estates of Deceased Persons;" "an Act concerning Common Schools and Public Instruction."

Mr. Foster, from the Committee on Engrossed Bills, reported as correctly engrossed, "an Act to provide for the reclaiming of certain Swamp or Tule Lands, and for Agricultural Experiments thereon."

Mr. Van Buren, from the Joint Committee on Enrolled Bills, reported that they had examined, and found correctly enrolled, "an Act to provide for reclaiming certain Swamp or Tule Lands, and for Agricultural Experiments thereon."

Mr. Warner, from the Joint Committee on Enrolled Bills, reported as correctly enrolled, "an Act to confirm certain Contracts of the Commissioners of the Sinking Fund of the City of San Francisco, for the building of Broadway and Pacific street Wharves;" "an Act to divide the State into Senatorial and Assembly Districts;" "an Act to provide for the early publication of the Laws;" "an Act concerning the Archives remaining in Monterey county;" "an Act to authorize the keepers of Warehouses to sell goods on Storage after a certain period;" "an Act prescribing the mode of Assessing and Collecting the Public Revenue;" "an Act incorporating the city of Sonora;" "an Act to prohibit Banking;" "an Act to continue certain Terms of the District Courts of this State;" "an Act concerning Toll Bridges;" "Joint Resolution for the benefit of citizens of Los Angeles county;" "Joint Resolution in relation to the Civil Fund of California;" "an Act to regulate proceedings in Criminal cases;" "an Act to authorize the Court of Sessions of Sacramento county to borrow money;" "an Act to fix the compensation of the County Judges, and Justices of the Court of Sessions;" "an Act prescribing duties to the Secretary of State;" "Joint Resolution

authorizing the Paymaster of the Gila expedition to pay the claims of Crenshaw and Blackburn;" "Joint Resolution for the erection of part of the State Prison at Vallejo;" "an Act, entitled 'an Act creating the office of Harbor Master for the Port and Harbor of San Francisco, and defining his duties;'" "an Act to regulate Fees in Office;" "an Act concerning the Salaries of Officers, and pay of Members of the Legislature;" "an Act concerning Marks and Brands;" "Joint Resolution in relation to the Civil Fund;" "Joint Resolution for the relief of J. D. Hoppe, Postmaster;" "an Act appropriating money out of the General Fund to defray the expenses of the government of the State of California;" "an Act concerning Common Schools and Public Instruction;" "an Act to regulate the settlement of the Estates of Deceased Persons;" "an Act concerning Estray Animals;" "an Act to authorize the Funding of the Floating Debt of the city of San Francisco;" "an Act in relation to San Francisco;" "Concurrent Resolution concerning State Printer."

Mr. Warner, from the Joint Committee on Enrolled Bills reported that they, this day, presented to the Governor for his approval, "an Act concerning Common Schools and Public Instruction;" "an Act to regulate the settlement of the Estates of Deceased Persons;" "Joint Resolution authorizing the Paymaster of the Gila Expedition to pay the claims of Crenshaw and Blackburn;" "an Act to fix the compensation of County Judges and Associate Justices of the Court of Sessions;" "Joint Resolution for the erecting of part of the State Prison at Vallejo;" "an Act prescribing duties to the Secretary of State;" "an Act making an appropriation for office rent and contingent expenses of Superintendent of Public Instruction;" "an Act to regulate Proceedings in Criminal Cases;" "an Act concerning the Salaries of Officers and Pay of the Members of the Legislature;" "Joint Resolution relative to the Civil Fund of California;" "an Act to regulate Fees in Office;" "an Act concerning Marks and Brands;" "an Act to authorize the Court of Sessions of Sacramento County to borrow money;" "an Act entitled an Act creating the office of Harbor-Master for the Port and Harbor of San Francisco, and defining his duties;" "an Act appropriating Money out of the General Fund to defray the expenses of the Government of the State of California;" "Joint Resolution for the relief of J. D. Hoppe;" "an Act concerning Estray Animals;" "an Act to authorize the Funding of the Floating Debt of the city of San Francisco, and to provide for

the payment of the same ;" " an Act to regulate the Settlement of the Estates of Deceased Persons ;" " an Act concerning the city of San Francisco ;" " Joint Resolution instructing the Superintendent of Public Buildings to sell certain Property ;" " an Act to Apportion the Senatorial and Assembly Districts ;" "an Act to confirm certain Contracts of the Commissioners of the Sinking Fund of the city of San Francisco, for the building of Broadway and Pacific street Wharves ;" " an Act to provide for the early publication and distribution of the Laws ;" " an Act concerning the Archives now remaining in Monterey ;" " an Act to provide for reclaiming certain Swamp or Tule Lands, and for Agricultural experiments thereon."

The President laid before the Senate a letter from Hon. Wm. M. Gwin, in reply to the Joint Resolution tendering to him the thanks of the Legislature, for his indefatigable exertions and zeal, constant and untiring advocacy, in the Senate of the United States, of the just claims and interests of California. (See Appendix X.X.)

Mr. Lippincott introduced a resolution, which was adopted, tendering the thanks of the Senate to the Editors and Propietors of the " Alta California," " San Francisco Herald," " True Standard," " Public Balance," " Pacific News," " Evening Picayune," and " Sacramento Transcript," for their obliging attention in forwarding regularly a copy of their respective journals to each member of the Senate, free of expense, to this body ; that the Secretary of State be, and is hereby instructed, to present each of the above-named presses with a copy of the Debates of the Convention ; and that the Secretary of the Senate is hereby instructed to forward a copy of this resolution to the above-named papers.

The President laid before the Senate a communication from Hon. Pablo De la Guerra, tendering his resignation as Senator, from the Third Senatorial District, to take effect after the close of the present session, and the resignation was accepted. [See Appendix, P.P.]

Mr. Heydenfeldt submitted a resolution, which was adopted, donating to the city of San José the desks, chairs, tables, benches, inkstands, candlesticks, curtains, and carpets, belonging to the Senate, for the use of its Common Schools, subject to the direction of its corporate authorities.

Mr. Robinson submitted a resolution, which was adopted, increasing

the pay of the Page of the Senate (O. Pollard) to the per diem of the Page of the Assembly.

Mr. Heydenfeldt introduced a resolution, which was adopted, allowing the Assistant Secretary of the Senate three hundred dollars compensation for extra services performed in transcribing the Journals of the Senate.

Mr. Robinson submitted a resolution, which was adopted, allowing the Engrossing and Enrolling Clerks of the Senate two hundred and fifty dollars each, extra compensation.

Mr. Heydenfeldt submitted a resolution, which was adopted, allowing to J. F. Howe, the Secretary of the Senate, in addition to his daily compensation, five hundred dollars, as an expression of the Senate of their high appreciation of the faithful manner in which he had discharged the duties of his office.

Mr. Van Buren, submitted a resolution, which was unanimously adopted, tendering the thanks of the Senate to Hon. David C. Broderick, President of the Senate, for the able and impartial manner in which he has presided over the deliberations of this body. [Mr. Broderick briefly replied.]

Mr. Green submitted a resolution, which was adopted, continuing at his present per diem the Secretary of the Senate, for such length of time as may be necessary to enable him to complete the unfinished business of the session, and prepare the "Appendix" to the Journals; that he also prepare the "Index" for the Journal, at the same compensation as was paid to the State Printer, for the like service performed for the last Senate; and that the Comptroller be required to audit his accounts for such services, and draw his warrants for the same on the State Treasurer.

A Message was received from the Assembly, informing the Senate that they had completed the business before them, and were ready to adjourn, *sine die*. A similar Message was returned from the Senate to the Assembly.

Messrs. Heydenfelt, Lippincott, and Green were appointed, on the part of the Senate, a committee to wait on the Governor, and inform him that the two Houses had completed the business of the session, and were ready to adjourn, *sine die*. The committee reported, that the Governor had stated to them that he had no further communication to

make to the Legislature; whereupon, the President declared the Senate adjourned, *sine die.*

DAVID C. BRODERICK, President of the Senate.

J. F. HOWE, Secretary of the Senate.

I certify the preceding to be a true copy of the original Journals, as daily approved by the Senate.

ATTEST:

J. F. HOWE,

Secretary of the Senate.

May 2, 1851.

APPENDIX.

Reports of Committees, Executive Documents, Communications from the Departments, and other Public Papers presented to the Senate, at the Second Annual Session of the Legislature of California.

DOC. No. 1

[A.]

Rules and Orders of the Senate of the State of California, adopted at its Second Session, held at the City of San José, January 6, 1851.

I. 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.

II. After the reading and approving of the Journal, the order of business shall be as follows:

1. Presentation of Petitions.
2. Reports of Standing Committees.
3. Reports of Select Committees.
4. Messages from the Governor.
5. Messages from the Assembly.
6. Motions, Resolutions, and Notices.
7. Third reading of Bills.
8. Unfinished business of the preceding day.
9. Special orders of the day.

III. Messages from the Governor, State officers, and from the Assembly, may be considered at any time.

IV. 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."

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

VI. 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.

VII. No member shall speak to another, or otherwise interrupt the business of the Senate, or read any newspapers, while the journal 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.

VIII. 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.

IX. 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.

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

XI. 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.

XII. 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.

XIII. If the question in debate contain several points, any member may have the same divided.

XIV. A motion for commitment, until it is decided, shall preclude all amendments of the main proposition.

XV. 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.

XVI. 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 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.

XVII. Upon a call for the ayes and nays, the names of those who voted for or against a question shall be entered alphabetically in the Journal, 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.

XVIII. All committees of the Senate, and all joint committees, on the part thereof, for the present session, shall be appointed by the President.

XIX. 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.

XX. 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 number of ayes and nays shall not be taken.

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

XXII. 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.

XXIII. 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 exceptionable words shall be immediately taken down in writing, that the President or Senate may be better enabled to judge of the matter.

XXIV. When a blank is to be filled, and different sums or time shall be proposed, the question shall be taken on the highest sum, and the longest time.

XXV. 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, at the expense of such absent members respectively, 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, and this rule shall apply as well to the first Convention of the Senate at the legal time of meeting, as to each day of the session, after the hour has arrived to which the Senate stood adjourned.

XXVI. 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.

XXVII. The following Standing Committees shall be appointed:

1. *A Committee on Claims.*
2. " *Finance.*
3. " *The Judiciary.*
4. " *Militia.*
5. " *County Boundaries.*
6. " *Elections.*
7. " *State Prison.*
8. " *Public Printing.*
9. " *Corporations.*
10. " *State Library.*
11. " *Engrossed Bills.*
12. " *Public Buildings.*
13. " *Education.*
14. " *Roads and Highways.*
15. " *Agriculture.*
16. " *Contingent Expenses of the Senate.*

17.	*A Committee on*	*Commerce and Navigation.*
18.	"	*Public Lands and Mission Claims.*
19.	"	*Indian Affairs.*

XXVIII. 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.

XXIX. 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.

XXX. 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.

XXXI. When a resolution shall be offered on 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.

XXXII. In all cases not provided for by these rules, the parliamentary practice, as laid down in Jefferson's Manual, and the rules of the Senate of the United States, is hereby adopted.

XXXIII. 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.

XXXIV. 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, and he shall have the control and direction of the Journals,

and all papers, bills, &c., of the Senate; also shall see that all officers of the Senate perform their respective duties, and shall also appoint the necessary Pages and Laborers of the Senate.

XXXV. When any member is absent without the bar of the Senate, or of the Senate room, when his name is called on the call of ayes and noes on any vote about to be taken, his vote shall not be taken unless agreed to by two thirds of the members present; nor shall a member be counted on a division of a vote, who was absent, or without the bar of the Senate without leave.

XXXVI. No suspension of the rules shall be made without the concurrence of two thirds of all the members present. Nor shall any additional rule, or any amendment of a rule, without one day's notice and the concurrence of two thirds of the members present.

XXXVII. The unfinished business in which the Senate was engaged at the last preceding adjournment, shall have the preference in the special orders of the day.

XXXVIII. When the yeas and nays shall be taken upon any question, in pursuance of the above rule, no member shall be permitted, under any circumstance whatever, to vote after the decision is announced from the Chair.

XXXIX. All bills reported by a committee, or by leave, shall, after the first reading, be printed for the use of Senate; but no other paper or document shall be printed for the use of the Senate, without special orders.

XL. All bills, on a second reading, shall first be considered by the Senate in the same manner as if the Senate were in Committee of the Whole, before they shall be taken up and proceeded on by the Senate, agreeably to the standing rules, unless otherwise ordered.

XLI. The final question, upon the second reading of every bill, resolution, constitutional amendment, or motion originating in the Senate, and requiring three readings previous to being passed, shall be, "Whether it shall be engrossed and read a third time;" and no amendment shall be received for discussion at the third reading of any bill, resolution, amendment, or motion, unless by unanimous consent of the members present; but it shall at all times be in order, before the final passage of any such bill, resolution, Constitutional amendment, or motion, to move its commitment; and should such commitment take place, and any amendment be reported by the committee, the said bill, resolution, Con-

stitutional amendment, or other motion, shall be again read a second time, and considered as in Committee of the Whole, and then the aforesaid question shall be again put.

XLII. The titles of bills, and such parts thereof only as shall be affected by proposed amendments, shall be inserted in the Journals.

XLIII. The proceedings of the Senate, when not acting as in Committee of the Whole, shall be entered on the Journal as concisely as possible, care being taken to detail a true and accurate account of the proceedings; but every vote of the Senate shall be entered on the Journal, and a brief statement of the contents of each petition, memorial, or paper, presented to the Senate, shall also be inserted in the Journal.

XLIV. Messengers are introduced in any state of business, except while a question is putting, while the yeas and nays are calling, or while the ballots are counting.

XLV. The reporters shall be placed on the floor of the Senate, under the direction of the President.

XLVI. In case of any disturbance or disorderly conduct in the galleries or lobbies, the President (or Chairman of the Committee of the Whole Senate) shall have power to order the same to be cleared.

XLVII. 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 Senators present, and its effect shall be to put an end to all debate, and bring the Senate to a direct vote upon amendments reported by the 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 Senate 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.

XLVIII. 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.

XLIX. A President, *pro tempore*, shall be elected, whose power shall be coextensive with the President, and shall, in the absence of the President, take the chair and call the Senate to order, at the hour of the meetings of the Senate.

STANDING COMMITTEES OF THE SENATE.

SESSION OF 1851.

I. ON CLAIMS.

Messrs. Heydenfeldt, Douglass, and Robinson.

II. ON FINANCE.

Messrs. Green, Cooke, Adams, Tingley, and Miller.

III. ON THE JUDICIARY.

Messrs. Crosby, Heydenfeldt, Tingley, Van Buren, and Cooke.

IV. ON THE MILITIA.

Messrs. Adams, Douglass, and Woodworth.

V. ON COUNTY BOUNDARIES.

Messrs. De la Guerra, Green, and Crosby.

VI. ON ELECTIONS.

Messrs. Woodworth, Cooke, and Crosby.

VII. ON STATE PRISON.

Messrs. Lippincott, Douglass, and Van Buren.

VIII. ON PUBLIC PRINTING.

Messrs. Robinson, Tingley, and Miller.

IX. ON CORPORATIONS.

Messrs. Tingley, Robinson, and Hope.

X. ON STATE LIBRARY.

Messrs. Van Buren, Tingley, and Miller.

XI. ON ENGROSSED BILLS.

Messrs. Hope, Adams, and Van Buren.

XII. ON PUBLIC BUILDINGS.

Messrs. Cooke, Lippincott, Adams, Tingley, and Green.

XIII. ON EDUCATION.

Messrs. Heydenfeldt, Van Buren, and Green.

XIV. ON ROADS AND HIGHWAYS.

Messrs. Douglass, Miller, and Warner.

XV. ON AGRICULTURE.

Messrs. Miller, De la Guerra, and Green.

XVI. ON CONTINGENT EXPENSES.

Messrs. Warner, Hope, and Adams.

XVII. ON COMMERCE AND NAVIGATION.

Messrs. Robinson, Heydenfeldt, and Van Buren.

XVIII. ON PUBLIC LANDS AND MISSION CLAIMS.

Messrs. Woodworth, Warner, and Crosby.

XIX. ON INDIAN AFFAIRS.

Messrs. Douglass, Miller, Lippincott, Green, Adams, Robinson, and Warner.

JOINT RULES AND ORDERS OF THE SENATE AND ASSEMBLY.

ADOPTED AT THEIR SECOND SESSION, HELD AT THE CITY OF SAN JOSÉ, JANUARY 6, 1851.

1. 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 to refer, 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.

2. When a Message shall be sent from the Senate to the Assembly, it shall be announced at the door by the Door-keeper, and shall be respectfully communicated to the Chair by the person by whom it may be sent.

3. The same ceremony shall be observed when a message shall be sent from the Assembly to the Senate.

4. Messages shall be sent by such persons as a sense of propriety in each House may determine to be proper.

5. 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.

6. 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 originted in the one or the other House, before it shall be presented to the Governor of the State.

7. When bills are enrolled, they shall be examined by a joint commitee of two from the Senate and two from the Assembly, appointed as a standing committee for that purpose, who shall carefully compare the enrollment 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.

8. 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.

9. 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.

10. All orders, resolutions, and votes which are to be presented to the Governor of the State, for his approbation, shall also in the same manner be previously enrolled, examined, and signed, and shall be presented in the same manner, and by the same committee, as provided in the case of bills.

11. 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.

13. 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.

14. Each House shall transmit to the other all papers on which any bill or resolution shall be founded.

15. After each House shall have adhered to their disagreement, a bill or resolution shall be lost.

16. 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.

17. 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.

18. No spirituous liquors shall be offered for sale, or exhibited within the Capitol, or on public grounds adjacent thereto.

[A No. 2.]

Communication from the Secretary of State, with Reports of State Officers.

OFFICE OF SECRETARY OF STATE,
San José, Jan. 13, 1851.

HON. D. C. BRODERICK,
President of the Senate.

SIR: In compliance with Resolutions of the Senate, communicated to me by their Secretary, requesting copies of the Reports of the State Treasurer, Surveyor General, Attorney General, and State Translater, I have the honor to transmit herewith the several copies required, except that of the Report of the Attorney General, which I believe has not been yet made.

Very truly and respectfully,
Your obedient servant,
W. VAN VOORHIES,
Secretary of State.

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[B.]

Annual Report of the Comptroller of State.

COMPTROLLER'S OFFICE,

San José, December 14th, 1850.

To His Excellency, PETER H. BURNETT,

Governor of the State of California.

SIR: In obedience to the requirements of law, I respectfully submit for your consideration the following Report of the condition of the Fiscal Affairs of the State for the first Fractional Fiscal Year, ending on the 30th day of June, A. D. 1850, together with such remarks as are deemed proper.

You will find the subject embraced under the following heads:

I.

A General Statement of the Receipts and Expenditures during the first Fractional Fiscal Year, ending June 30th, A.D. 1850.

II.

An Estimate of the Revenue and Expenditures for the second Fiscal Year, ending on the 30th day of June, A.D. 1851.

III.

A Detailed Statement of the condition of the State Debt on the 30th day of June, A. D. 1850.

IV.

A Tabular Statement, showing separately the whole amount of each appropriation of money made by law; the amount paid under the same, and the balance unexpended on the 30th day of June, A. D. 1850.

V.

A Tabular Statement showing the amount of Revenue chargeable to each County for the present year, the aggregate amount of each object of taxation, together with the tax assessed on the same.

VI.

A Tabular Statement showing the condition of the several Funds on the 30th day of June, A. D. 1850.

VII.

General Remarks.

A TABULAR STATEMENT

Of the Receipts and Expenditures during the first fractional Fiscal Year, ending on the 30th day of June, A. D. 1850.

[A.] RECEIPTS.

Bonds signed and delivered to the State Treasurer, under "an Act creating a Temporary State Loan," .	$300,000 00
From Licenses to Foreign Miners, ...	3,156 27
Total, ...	$303,156 27

[B.] EXPENDITURES.

EXECUTIVE DEPARTMENT—SALARIES.

1.	On account of Salary of the Governor, . . .	$2,766 39
2.	" " Secretary of State, .	1,917 45
3.	" " Comptroller, . .	2,147 91
4.	" " Treasurer, . .	2,416 43
5.	" " Attorney General, .	1,898 62
6.	" " Surveyor General, .	2,013 68
7.	" " Governor's Private Secretary,	333 33
	Total, ...	$13,493 81

CONTINGENT EXPENSES.

Including Rent, Fuel, Lights, Clerk Hire, Stationery, Furniture and Printing.

1.	On account of the office of Governor, . . .	$1,747 00
2.	" " Secretary of State, .	3,187 16
3.	" " Comptroller, . .	2,110 66
4.	" " Treasurer, . . .	4,458 66
5.	" " Attorney General, .	664 00
6.	" " Surveyor General, .	907 00
	Total, ...	$13,074 48

[C.] LEGISLATIVE DEPARTMENT—PER DIEM.

1.	On account of Senators, ...	$44,117 60
2.	" " Members of Assembly, . . .	61,482 40
3.	" " Officers of the Senate, . . .	19,715 00
4.	" " " " Assembly, . .	19,931 00
	Total, ...	$145,246 00

MILEAGE.

1.	On account of Senators, ...	$8,377 60
2.	" " Members Assembly, . . .	17,126 00
	Total, ...	$25,503 60

CONTINGENT EXPENSES.

1.	On account of the Senate, ...	$20,681 13
2.	" " Assembly, ...	24,376 21
	Total, ...	$45,057 34

[D.] JUDICIAL DEPARTMENT—SALARIES.

1.	On account of Salaries of three Justices of Supreme Court,	$7,500 00
2.	" " nine District Judges, . .	16,875 00
3.	" " " " Attorneys, .	
	Total, ...	$24,375 00

CONTINGENT EXPENSES.

1.	On account of the Supreme Court, including Rent, Furniture, Fuel, Lights, Stationery, . . .	$2,621 50
	Attendance of Sheriff, ...	
	Total, ...	$2,621 50

[E.] MISCELLANEOUS.

1.	On account of the pay of the temporary Translator, and Assistants during the Session of the Legislature,	$2,165 00
2.	On account of Printing for the Legislature, . .	41,022 63
3.	On account of Printing the Pamphlet Laws, . .	28,708 24
4.	On account of the State Seal, ...	1,000 00
5.	" " Quartz Rock, for the Washington Monument, D. C., ...	934 00
6.	On account of Printing Blank Licenses for Foreign Miners, ...	2,123 88
7.	On account of Stationery for the State Printing, .	1,680 50
8.	On account of Special Messenger to Monterey for the State Archives, ...	100 00
9.	On account of office rent for the temporary State Translator, ...	315 00
10.	On account of publishing laws in the newspapers, .	538 00
11.	On account of interest paid on bonds redeemed, .	206 27
	Total, ...	$78,793 52

RECAPITULATION

Of Tables marked [A.] [B.] [C.] [D.] and [E.]

EXPENDITURES.

Executive Deparment, . . .	$26,568 30	
Legislative Department, . . .	215,806 94	.
Judicial Department, . . .	26,996 50	
Miscellaneous Department, . . .	78,793 52	—$348,165 26

Amount of expenditures brought forward, . . .		$348,165 26
RECEIPTS.		
Bonds delivered to the State Treasurer, .	$300,000 00	
From Licenses to Foreign Miners, . .	3,156 27	$303,156 27
Excess of Expenditures over Receipts, . . .		45,008 99

[X.] A STATEMENT, SHOWING THE

Amount of Warrants unredeemed on the 30th day of June, A. D. 1850.

Whole amount of Warrants drawn by the Comptroller on the Treasurer up to June 30th, A. D., 1850, .	$347,958 99
Whole amount redeemed at the Treasury up to June 30th, A. D., 1850, ...	292,384 17
Total amount outstanding on the 30th day of June, A. D., 1850, ...	$55,574 82

The above mentioned Receipts were the only means of support provided by the first Legislature, which could in any way be made available during the first Fractional Fiscal Year.

The Bonds, although drawing the extraordinary interest of three per cent. per month, depreciated in the market one-fourth their par value.

This was owing, in a great measure, to the unusual delay on the part of the Congress of the United States, in recognizing our organization as a State and admitting us into the Union, thereby casting doubt and distrust upon the legality of our proceedings, at a time when our hopes rested entirely upon public confidence.

The arrival of the news of our admission into the Federal Union had, for a short time, a marked effect on the credit of the State. Previously Bonds, though having five and six months interest due thereon, were little or no sale; now they sold readily, and at an advanced price.

These Bonds, however, afforded only a temporary relief. The issue being restricted to three hundred thousand dollars ($300,000,) they were nearly all expended at the time of the adjournment of the Legislature. Since that time the State Government has been kept up without a dollar in the Treasury, and at a ruinous sacrifice of the interests of those whose whole time has been employed in the service of the State.

Had the amount of Bonds issued been double—say six hundred thousand dollars ($600,000), it would not only have met all expenditures during the first Fractional Fiscal Year—but also all those incurred up to the time prescribed for the payment of the annual taxes into the State Treasury. Nor would their value have been reduced materially by this increase of the amount issued. For, since the Bonds have been exhausted, I have continued, as in duty bound, to audit all accounts presented, properly certified, and have issued Warrants on the Treasurer accordingly—amounting in all up to June 30th, A. D. 1850, to $347,958 99, being $44,802 72 more than the whole amount of receipts. These unredeemed Warrants, the Treasurer of State, by a circular addressed to the different Collectors, has made receivable for all State dues. And as the Collectors are not required to pay into the State Treasury the *identical* moneys collected, it is not unreasonable to suppose that they will purchase these Warrants with what gold and silver they may have on hand at the time of settling their annual accounts, and pay them into the State Treasury instead of the gold and silver, and *possibly* instead of the Bonds.

Not only so, but the tax payers themselves will purchase Warrants instead of Bonds, they being cheaper, thereby reducing their taxes to the amount of the discount on the Warrants. And I have reason to believe this has been the general custom, throughout the State, the present year. It is not difficult to foretell the result. The taxes for this year will be entirely absorbed by the Bonds and Warrants, and still leave a considerable amount of Bonds outstanding, bearing a heavy interest. As regards the past, had Bonds been issued with which to have redeemed these Warrants, the State would at least not have been charged with making an unjust distinction between different classes of creditors, all of whom are equally entitled to interest upon the delayed payment of their claims. And as to the future, our prospects would not be materially different. As things are, I see no hope of speedy relief.

The total amount of receipts, on account of the Foreign Miners' Tax, during the first Fractional Fiscal Year, was only $3,156 27.

This law, on which the hopes of many were placed or replenishing the Treasury of the State, proved almost wholly inoperative.

This unfortunate result was superinduced by a variety of causes operating in the same channel, but principally by the law itself.

The Legislature, with a laudable desire to realize the largest possible amount of revenue, in order to sustain the present expensive organization, placed the tax so high that the law, instead of being the means of obtaining a revenue for the State, amounted virtually to a prohibition.

Had the License been offered at five dollars per month, instead of twenty, every foreigner could have paid it without difficulty, and a large revenue would have been collected.

In many cases, not having the means of paying so onerous a burden, the foreigners abandoned the mines and left the country.

In some few instances, open resistance was offered to the Collectors. And although the law was sustained, it failed in the most signal manner to accomplish the essential end of its institution.

Even the meagre amount collected has brought but little into the Treasury, besides Bonds and Warrants.

[G.] II.

AN ESTIMATE of the Receipts and Expenditures for the Second Fiscal Year, ending on the 30th day of June, A. D. 1851.

RECEIPTS.

1. Proceeds of State Tax on property on the General List of 1850, $450,000—one eighth delinquent, .	$393,750 00
2. Tax on 30,000 Polls at $5 each—two thirds delinquent, ...	50,000 00
3. Duty on Auction Sales, ...	30,000 00
4. Tax on Foreign Miners, ...	45,000 00
5. State Marine Hospital, ...	200 00
6. State Assay Office, ...	600 00
7. Military Commutation Tax, ...	
Total, ...	$519,550 00

[H.] EXPENDITURES.

EXECUTIVE DEPARTMENT.

1. Salaries of the State Officers, ...	$65,500 00
2. " " Clerks in State offices, . . .	12,800 00
3. Contingent Expenses of the State Offices, including Rent, Fuel, Lights, Stationery, Furniture, and Printing,	28,300 00
Total, ...	$106,600 00

[I.] LEGISLATIVE DEPARTMENT.

1. Per Diem and Mileage of Members of Legislature,	$104,607 00
2. " " of the Officers of the Legislature, .	27,540 00
3. Contingent Expenses of the Legislature, . .	27,000 00
Total, ...	$159,147 00

[Y.] JUDICIAL DEPARTMENT.

1. Salaries of the Officers of the Supreme and District Courts, ...	$115,000 00
2. Contingent Expenses of the Supreme Court, .	15,000 00
Total, ...	$130,000 00

[Z.] MISCELLANEOUS.

1. State Printing, ...	$100,000 00

RECAPITULATION.

1. Executive Department, ...	$106,600 00
2. Legislative, "	159,147 00
3. Judicial, "	130,000 00
4. Miscellaneous, "	100,000 00
Total, ...	$495,747 00

[J.]

ESTIMATE OF EXPENDITURES, in which Salaries and other expenses, under the control of the Legislature, are calculated at rates bearing a fair proportion to the rewards of other kinds of labor.

EXECUTIVE DEPARTMENT.

1.	Salaries of State Officers, . .	$51,000 00	
2.	" " Clerks, ...	9,900 00	
3.	Contingent Expenses, including Rent, Fuel, Light, Stationery, Furniture, and Printing, ...	$20,700 00	$81,600 00

LEGISLATIVE DEPARTMENT.

1.	Per Diem and Mileage of Members of the Legislature, ...	$48,338 50	
2.	Per Diem of Officers of the Legislature,	7,200 00	
3.	Contingent Expenses, . . .	11,000 00	$66,538 50

JUDICIAL DEPARTMENT.

1.	Salaries of the Officers of the Supreme and District Courts, . . .	$115,500 00	
2.	Contingent Expenses, . . .	10,000 00	$125,500 00

MISCELLANEOUS.

1.	State Printing, ...	$50,000 00	$50,000 00
	Total, ...		$323,638 50

In making the preceding estimates of the Receipts for the second Fiscal Year, ending June 30th, A. D. 1851, I have had little data on which to base my calculations, owing to the neglect on the part of some of the County Auditors, and unavoidable failure on the part of others, in forwarding to this office, abstracts of the assessment lists of their respective counties. Although they are required to send in these abstracts on the 1st day of November annually, from one cause and another, only one third of the entire number have as yet been received. The Auditor of Butte County informs me that, owing to the resignation of both the Treasurer and Assessor, he will be unable to send in the abstract for that county before the 1st day of January next. The Assessor of Tuolumne County had not commenced making his assessment on the 6th of the present month. Other counties were late in organizing, and some few, I believe, did not organize at all. Taking,

however, those abstracts before me as a guide, I estimate the amount of Taxable Property at $90,000,000, which sum at one half of one per cent. gives $450,000—and deducting one eighth as delinquent, leaves a revenue from this source amounting to $393,750.

I have supposed thirty thousand, as the number of Polls that will be listed; although there is no doubt double that number, or even treble, in the State. Supposing two thirds of the number listed, delinquent, we still have $50,000 from this source.

I have taken the amount of Auction Sales reported during the past six months, as an index of the remainder of the Fiscal Year. From all sources I think we may calculate, with certainty, on realizing the amount ($519,550) estimated.

For the purpose of showing more clearly the saving that may be effected for the State by the coming Legislature, I have taken the trouble to make out two Estimates of Expenditures for the second Fiscal Year, ending on the 30th day of June, A. D. 1851.

In the first I have taken the expenditures of the State for the past eleven months as a basis for my estimates, and I find, in case the present and past ratio is adhered to, that there will be necessary to meet the expenses of the second Fiscal Year, the sum of Four Hundred and Ninety Five Thousand, Seven Hundred and Forty Seven dollars ($495,747.)

In the second Estimate of Expenditures I have adopted the following retrenched rates, all of which are under the control of the Legislature, viz.:—

Salary of Governor's Private Secretary—per annum, .	$1,500
" " Superintendent of Public Instruction—per annum,	1,000
" " Clerks in the State department, each, " " .	3,000
Contingent Expenses of all the State Offices, including Rent, Furniture, Fuel, Lights, Stationery, and Printing, .	20,700
Contingent Expenses of the Supreme Court, including same,	10,000
(Session of the Legislature to continue 60 days,)	
Members of the Legislature, per day, ...	10
Mileage of Members for every 20 miles travel, . . .	10
Clerks of the Legislature, per day, ...	10
Sergeant-at-Arms, per day, ...	8
Door-keepers and Messengers, per day, ...	6
State Printing, ...	50,000

In estimating the contingent expenses of the State offices, I added $2,400 to that of the Secretary of State to meet the necessary expense of translating Laws into Spanish. We may in this way dispense with the services of the State Translator, and save a considerable sum to the State, not only in the amount now paid as Salary, but also in Rent, Furniture, Fuel, and Lights. Besides, the experience of the past year proves the necessity of employing a sufficient number of persons to translate the required Statutes immediately after their passage by the Legislature. This year, under the present system, our Spanish population will derive little or no benefit from this expenditure of money on the part of the State, as the Legislature will be engaged in altering and repealing our present Code before the Spanish edition is published and distributed. And to no one does the superintendence of the translating of the Laws more appropriately belong, than to the Secretary of State. If, however, the Legislature should see fit to retain the services of a State Translator, and empower him to employ the requisite assistance for the speedy completion of the work, I would suggest the policy of allowing him only a per diem salary, for the time he is actually employed with the work.

For the offices of the Attorney General, and Surveyor General, I suppose $1,800 each, a sum sufficient to defray all expenses of Stationery and Postage. And as there are few duties as yet pertaining to these offices I thought it unnecessary to make any allowance in the estimate for either Rent, Fuel, Furniture, Printing, or Lights. As we have no system of Common Schools, the Superintendent of Public Instruction appears to be a useless appendage and an unnecessary expense ; I have therefore made no allowance for any contingent expenses to that office.

You will observe that the *minimum* estimate of expenditures applies only to one half of the second Fiscal Year, as six months of it will have expired at the time of the meeting of the Legislature. Also that no reduction is made in the estimates for the Salaries of the Governor, Secretary of State, Comptroller, Treasurer, Attorney General, and Surveyor General, as the Constitution prohibits any reduction of the Salaries of these officers, during the time for which they shall have been elected. I would respectfully recommend a general reduction of these Salaries, by the coming Legislature, to take effect from and after the expiration of the terms of the present incumbents.

Finally, I will conclude this subject by giving the sums total of our ordinary expenses (as estimated) for the second Fiscal Year, ending June 30, 1851,—showing the amount that can be saved by the Legislature, by a reduction of those Salaries under their control.

Maximum Estimate, ...	$495,747 00
Minimum, "	289,203 50
Difference, ...	$206,543 50

Thus it appears that a saving may be effected in our ordinary expenses of $206,543 50, or nearly one-half of our annual expenses.

[I.] III. A TABULAR STATEMENT,

Showing the condition of the State Debt, on the 30th day of June, A D., 1850, created under an Act approved February 1st, A. D , 1850.

Bonds signed and delivered to State Treasurer.				Total amount issued by the State Treasurer	Whole amount redeemed up to June 30th, A D, 1850	Amount of Bonds outstanding on the 30th day of June, 1850.	Total amount of interest on outstanding Bonds on the 30th day of June, 1850.		Amount of interest paid on Bonds redeemed previous to the 30th day of June, 1850		Total amount of the State Debt on the 30th day of June, 1850, including both principal and interest.	
Number.	Denomination.	Amount.	Total Amount.									
	Dol	Dol.	Dol	Dol.	Dol	Dol	Dol	Ct	Dol	Ct	Dol	Ct
777	100	77,700										
368	225	82,800										
179	500	89,500										
50	1000	50,000	300,000	290,100	2950	287,150	28,848	29	206	27	315,998	29

For some of the details of the foregoing statement I am under obligations to the State Treasurer. As Auditor of public accounts, it is made my duty to give, in my annual Report, "a full and detailed statement of the condition of the public debt;" yet nearly the entire management and con-

trol of the present "Temporary State Loan" is placed in the hands of the State Treasurer, on whose statements I am dependent in order to make this "full and detailed statement;" or indeed to give any details connected therewith, which either you or the Legislature may desire.

Nor is this the only instance in which our Revenue Laws seem to defeat the very end and object for which the office of State Comptroller was created.

The "Act creating the office of State Assayer, Melter, and Refiner of Gold, and defining his duties," after providing for the raising of a Revenue for State Purposes, requires the officers of that establishment to make settlements with the State Treasurer every sixty days, and pay over the amount collected to the Treasurer, without any order whatever from this office. The consequence of such a system is to place funds in your State Treasury, of which there is no account taken in this or any office except that of the State Treasurer. The same remarks are applicable, and with equal force, to the Law in reference to Foreign Miners.

It is respectfully submitted whether it would not be better and more in accordance with the laws of all well regulated States, to require all settlements of public accounts to be made at this office, and no money permitted to be paid into the State Treasury, except on an order from the Comptroller.

It may not be improper in this connexion to call your attention, and that of the Legislature, to the importance of making some alteration in the law authorizing the Comptroller to draw Warrants on the Treasurer. As you are aware, these Warrants pass, by simple endorsement, from hand to hand, as a particular amount of money. Under the existing state of things, the Comptroller, should he be so disposed, may draw Warrants on the Treasurer to an unlimited amount, and in no other office does there appear the least evidence of the amount so drawn.

From the foregoing "Statement," concerning the State Debt, there appears to have been issued by the Treasurer, $290,100 in Bonds, bearing interest at the rate of three per cent. per month. Of this amount there was redeemed at the Treasury, previous to the 30th day of June, 1850, $2,950, leaving unredeemed at that date, $287,150. The interest on this latter amount, up to the 30th day of June, 1850, is $28,848 $\frac{29}{100}$, which latter amount added to the principal on outstanding Bonds,

gives $315,998 $\frac{20}{100}$, as the true amount of the State Debt created under an "Act creating a Temporary State Loan."

We have then as a total indebtedness of the State, on the 30th day of June, A. D. 1850—

1. Outstanding Bonds, ...	$287,150 00
2. Interest on outstanding Bonds, ...	28,848 29
3. Warrants unredeemed, ...	55,574 82
Total, ...	$371,573 11

[K.] IV.

A TABULAR STATEMENT, showing separately the whole amount of each appropriation of money made by law, the amount paid under the same, and balance remaining unexpended on the 30th day of June, A. D. 1850.

ACTS.	Amount of the appropriation.	Am'nt of Warrants drawn on the same.	Balance unexpended.
1. An Act appropriating money out of the General Fund to defray the ordinary expenses of the State during the first Fractional Fiscal Year, ending June 30th, A.D. 1850, ...	$750,000	$340,447 09	$409,552 91
Also, same Act, an appropriation, for the same purposes, to be expended from and after the 30th day of June, A. D. 1850.	250,000		250,000 00
2. An Act providing for certain Post Office and other expenses of the Senate. Approved April 20th, 1850. .	2,500	1,453 69	1,046 31
Also, same Act, for additional Post Office expenses of the Assembly. .	180	179 88	12
3. An Act for the remuneration of Charles White, for money advanced to Caleb Lyon for the State Seal. Approved March 9th, A D. 1850.	1,000	1,000 00	
4. An Act to provide for the distribution of the Journals, Laws, Supreme Court Reports, and other documents Approved April 22d, A. D. 1850	35,000		35,000 00
5. Amount set apart as Governor's Contingent Fund under "an Act concerning the Revenue, Funds, Expenditure of the Property of the State, and Management thereof" . .	5,000	500 00	4,500 00
6 An Act authorizing the Secretary of State, Comptroller, Treasurer, Surveyor General, and Attorney General to rent Offices, &c. Approved February 9th, A. D. 1850. (For Rent).	20,000	4,378 33	15,621 67
Total, . . .	$1,063,680	$347,958 99	$715,721 01

[V.] A TABULAR STATEMENT, showing the amount of revenue chargeable to each County for the present year—the aggregate amount of each object of taxation, together with the tax assessed on the same.

[L.] REAL ESTATE, OTHER THAN CITY OR TOWN LOTS

Number.	Names of Counties.	Number of acres of land	Value of the same without improvements.	Value of improvements.	Total Value	Am't of tax chargeable on same for State purposes.	Am't of tax chargeable on same for ordinary County purposes.	Am't of tax chargeable on same for Public Building purposes	Total am't of tax chargeable on the same for State and County purposes.
1	Angeles, Los								
2	Barbara, Santa	1,091,770	$302,570	$31,985	$334,555	$1,672 77	$836 38		$2,509 15
3	Butte,	96,600	35,735	18,550	54,285	271 42	135 71		407 13
4	Branciforte,								
5	Clara, Santa	189,319	3,235,675	624,250	3,859,925	19,299 62½	9,649 81		28,949 43
6	Costa, Contra	377,528	1,141,953	51,858	1,193,841	5,969 20½	2,984 60½	2,984 60½	11 938 41
7	Calaveras,								
8	Colusi,								
9	Diego, San								
10	Dorado, El								
11	Francisco, San	148,044	473,611	50,575	524,186	2,620 93	1,310 46	1,310 46	5,241 85
12	Joaquin, San	95,484	127,250		127,250	636 25	318 12	318 12	1,272 49
13	Mariposa,								
14	Mendocino,								
15	Marin,								
16	Monterey,	767,039	1,361,966	132,300	1,497,266	7,486 33	3,743 16½	3,743 16½	14,972 66
17	Napa,	214,034			700,914	3,504 57	1,752 28½		5,256 85½
18	Obispo, San Luis								
19	Sonoma,								
20	Solano,								
21	Sutter,								
22	Shasta,								
23	Sacramento,	159,250	205,085	26,300	231,385	1,156 92½	578 46¼	578 46¼	2,313 85
24	Tuolumne,								
25	Trinity,								
26	Yuba,	82,192 4-5							
27	Yolo.								

[M] CITY OR TOWN LOTS.

Number.	Names of Counties.	Value of City or Town lots with out improvements.	Value of the improvements.	Total Value	Amount of tax chargeable on same for State purposes.	Amount of tax chargeable on same for ordinary County purposes.	Amount of tax chargeable on same for Public Building purposes.	Total amount of tax chargeable on same for State and County purposes.
1	Angeles, Los							
2	Barbara, Santa	$27,720	$100,469	$128,189	$640 94	$320 47		$961 41
3	Butte,	17,096	1,200	18,296	91 48	45 74		137 22
4	Branciforte,							
5	Clara, Santa							
6	Costa, Contra	164,957	37,650	202,607	1,013 03¼	506 51¾	506 51¾	2,026 07
7	Calaveras,							
8	Colusi,							
9	Diego, San							
10	Dorado, El							
11	Francisco, San			16,950,915	84,754 57	42,377 28	42,377 28	169,509 13
12	Joaquin, San	1,012,405	117,950	1,139,355	5,651 77	2,825 88	2,825 88	11,303 53
13	Mariposa,							
14	Mendocino,							
15	Marin,							
16	Monterey,	622,975	516,646	1,139,621	5,698 10½	2,849 05¼	2,849 05¼	11,396 21
17	Napa,			52,365	261 82½	130 91¼		392 73½
18	Obispo, San Luis							
19	Sonoma,							
20	Solano,							
21	Sutter,							
22	Shasta,							
23	Sacramento,	6,798,844	875,700	7,674,544	38,372 72	19,186 36	19,186 36	76,745 44
24	Tuolumne,							
25	Trinity,							
26	Yuba,							
27	Yolo,							

Number.	Names of Counties.	Value of personal property.	Amount of tax chargeable on same for State purposes.	Amount of tax chargeable on same for ordinary County purposes	Amount of tax chargeable on same for Public Building purposes.	State Poll Tax	County Poll Tax.	Total am't of tax chargeable for County purposes.	Total am't of tax chargeable for State purposes	Total amount of tax chargeable on polls and personal property for State and County purposes
1	Angeles, Los									
2	Barbara, Santa	$529,932	$2,649 66	$1,324 83		$1,160	$580	$1,904 83	$3,809 66	$5,714 49
3	Butte,	195,713	978 56	489 28		2,040	1,020	1,509 28	3,018 56	4,527 84
4	Branciforte,					970	388			
5	Clara, Santa	1,023,370	5,116 85	2,558 42½		3,185	1,592	4,150 92	8,301 85	12,452 77
6	Costa, Contra	605,992	3,029 96	1,514 98	$1,514 98	1,320	660	3,689 96	4,349 96	8,039 92
7	Calaveras,									
8	Colusi,									
9	Diego, San									
10	Dorado, El									
11	Francisco, San	4,332,900	21,664 50	10,832 25	10,832 25	12,870	7,722	29,386 50	34,534 50	63,921 00
12	Joaquin, San	563,881	2,819 42	1,409 71	1,409 71	7,770	1,770	10,589 42	10,589 42	21,178 84
13	Mariposa,									
14	Mendocino,									
15	Marin,									
16	Monterey,	994,326	4,971 63	2,485 81½	2,485 81½	1,710	855	5,826 63	6,681 63	12,508 26
17	Napa,	164,885	824 42	412 21		510	255	667 21	1,334 42	2,001 63
18	Obispo, San Luis									
19	Sonoma,									
20	Solano,									
21	Sutter,									
22	Shasta,									
23	Sacramento,	1,041,525	5,207 62½	2,603 81¼	2,603 81¼	4,995	2,497 50	7,705 12½	10,202 62½	17,907 75
24	Tuolumne,									
25	Trinity,									
26	Yuba,	922,517	4,612 58½	2,306 29¼	2,306 29¼	28,680	17,208	2,1820 58½	33,292 58½	55,113 17
27	Yolo,									

[O.] RECAPITULATION OF TABLES MARKED [L.] [M.] and [N.]

Number.	Names of Counties.	Value of real estate, other than town lots, with improvements.	Value of city or town lots, together with the improvements.	Value of personal property	Total value of property	Tax on real estate, other than city lots, for State purposes	Tax on city or town lots for State purposes.	Tax on personal property for State purposes.	Poll tax for State purposes.	Total amount of tax for State purposes.
1	Angeles, Los									
2	Barbara, Santa	$334,555	$128,189	$529,932	$992,676	$1,672 77	$640 94	$2,649 66	$1,160	$6,123 37
3	Butte,	54,285	18,296	195,713	268,294	271 42	91 48	978 56	2,040	3,381 46
4	Branciforte,								970	7,258 81
5	Clara, Santa	3,859,925		1,023,370	4,883,295	19,29) 62		5,116 85	3,185	27,601 47
6	Costa, Contra	1,193,841	202,607	605,992	2,002,440	5,969 20	1,013 03½	3,029 96	1,320	11,332 20
7	Calaveras,			266,078	266,078			1,331 50	8,210	9,541 51
8	Colusi,									
9	Diego, San									
10	Dorado, El									
11	Francisco, San	524,186	16,950,915	4,332,900	21,808,001	2,620 93	84,756 57	21,664 50	12,870	121,910 00
12	Joaquin, San	127,250	1,130,355	563,884	1,821,489	636 25	5,651 77	2,819 42	7,770	16,877 44
13	Mariposa,									
14	Mendocino,									
15	Marin,									
16	Monterey,	1,497,266	1,139,621	994,326	3,631,213	7,486 33	5,698 10½	4,971 63	1,710	19,866 06½
17	Napa,	700,914	52,365	164,885	918,164	3,504 57	261 82½	824 42	510	5,100 81½
18	Obispo, San Luis									
19	Sonoma,				1.187,672				1,105	7,043 46
20	Solano,									
21	Sutter,									
22	Shasta,									
23	Sacramento,	231,385	7,674,544	1,041,525	8,947,454	1,156 92½	38,372 72	5,207 62½	4,995	49,732 27
24	Tuolumne,									
25	Trinity,									
26	Yuba,	1,451,543		922,517	2,374,060	7,257 71		4, 61258	28,680	40,550 29
27	Yolo,									

It will be observed, that the foregoing tables, respecting the property and taxes of the State, are very imperfect. Abstracts have been received from only twelve Counties, and among these there is an entire want of uniformity, and of those details of the several kinds of property and taxes, so important to a thorough understanding of the resources of the State. It was to guard against this, that "Forms" were sent from this office, early last spring, to all the County Auditors and Assessors. In many cases these have been entirely disregarded, and all the different kinds of property confounded together. This, I trust, will be a sufficient explanation for the irregular manner in which these tables are submitted.

A TABULAR STATEMENT showing the condition of the Several Funds, on the 30th day of June, A. D., 1850.

GENERAL FUND.

CREDIT.

Bonds signed and delivered to the State Treasurer, ...	$300,000 00	
Receipts on account of the Foreign Miners' Licenses, . . .	3,156 27	$303,156 27

DEBIT.

Amount appropriated for Governor's Contingent Fund, . . .	$5,000 00	
Amount appropriated for Special Contingent Fund of Senate and Assembly, ...	2,680 00	
Bonds Redeemed, ...	3,950 00	
Interest paid on Bonds redeemed, .	206 27	
Whole amount of Warrants drawn on the General Fund, . . .	345,825 42	$356,661 69
Excess of Debits over Credits, . . .		$53,505 42

GOVERNOR'S CONTINGENT FUND.

CREDIT.

Amount of appropriation, ...	$5,000,00

DEBIT.

Amount of Warrants drawn on same, ...	500 00
Balance remaining unexpended, ...	$4,500 00

SENATE CONTINGENT FUND.

CREDIT.

Amount of appropriation, ...	$2,500 00

DEBIT.

Amount of Warrants drawn on same, . . .	1,453 69
Balance remaining unexpended, ...	$1,046 31

ASSEMBLY CONTINGENT FUND.

CREDIT.

Amount of appropriation, ...	$180 00

DEBIT.

Amount of Warrants drawn on same, ...	179 88
Balance remaining unexpended, ...	12

GENERAL REMARKS.

MINING.

Mining, the present year, has not been so profitable as was anticipated at the close of the wet season; and I am informed by persons, who have resided in the mines during the past summer and fall, that they have not yielded so profitably, in proportion to the amount of labor bestowed,

by at least 50 per cent., as they did during the first and second years after their discovery. As a consequence of this, mechanics are resorting again to their trades, and farmers to agriculture.

Mining will gradually become, as it is in most other countries abounding in the precious metals, a settled and distinct occupation, entirely under the direction and control of capitalists.

We shall then be able to raise more than will be required for our own consumption, and the drain upon us for gold will cease.

SALARIES.

The doctrine of *high salaries*, against which the people make so much complaint, and I think for good reason, as I shall hereafter attempt to show, seems to have taken a strong hold of the minds of the framers of the Constitution, if we are to judge from the enormous salaries paid the members and officers of that body; and it appears to have found favor with a majority of the first Legislature, as they refused to reduce their *per diem* and mileage below the standard adopted by the Convention.

At the time the salaries were fixed, labor was worth from twelve to sixteen dollars per day; board from thirty to forty dollars per week; whereas, at the present time, five dollars per day is believed to be more than an average of the prices paid; and board can be had at our first class hotels for twelve and sixteen dollars per week.

I would therefore respectfully recommend to you, and through you to the Legislature, a general and uniform reduction of all the salaries of State Officers, so that they may be made to bear a fair and equal proportion to the rewards of other kinds of labor and the means of subsistence.

I would also suggest the propriety of abolishing, either by nominal salaries or otherwise, all officers not immediately demanded by public necessity.

THE BOARD OF HEALTH.

As the Quarterly Reports of the Board of Health at San Francisco are made to this Office, I have deemed it not improper to call your attention and that of the Legislature, (to table marked V in the supplement,) to the condition of the "Marine Hospital Fund."

During the first quarter, ending August 5th, A. D. 1850, the receipts at the Board of Health amounted to thirty-four thousand six hundred and eighty-three dollars and sixteen cents ($34,683 16), which sum was required to pay the ordinary expenses of the establishment during that period.

For the second quarter, ending November 5th, A. D. 1850, the receipts, as reported, amounted to thirty thousand eight hundred and thirty dollars and ninety-three cents ($30,830 93), which sum was also necessary to pay the current expenses, with the exception of one hundred and sixty-seven dollars and forty-three cents ($167 43), found in the Hospital among the unreclaimed effects of deceased persons. This latter sum I directed the Health Commissioner to pay into the State Treasury, to form a part of the "State Hospital Fund," in accordance with section 16 "of an Act providing for the creation of a Marine Hospital for the State of California."

If the Institution cannot be made to realize more than is necessary to meet its ordinary expenses, it will be difficult to determine the time when the State will have a Marine Hospital Building. Should the present extraordinary imposition be continued on the commerce of our principal sea-port, the people have a right to expect something more than has been thus far effected.

The subject is one of importance, and should command the early attention of the Legislature.

Complaints have been made as to the manner in which its affairs have been conducted, and it would seem due alike to the people and the officers of the Board of Health, that an investigation be made, and if abuses are found to exist, have them promptly reformed, and if otherwise, that the public mind be disabused.

If the benefits conferred upon the community are at all commensurate with the burthens imposed, the institution should be sustained in some form, until a similar one is established by the United States

Government, even though the revenues thus raised should enure mostly to the advantage of a few individuals.

As Congress has appropriated fifty thousand dollars for the erection of a Marine Hospital at San Francisco, the day is at hand when a similar institution under the patronage of the State Government will be entirely superfluous.

Yet should the Legislature see proper to continue it for a limited time, sound policy and a just regard to the interests of the people, would point, in no questionable manner, to a large reduction of both the salaries and fees now allowed officers, assistants, and nurses, as a compensation for their services. The standard of prices at which these salaries, etc., were fixed, has passed away, and a reduced one now obtains in its stead.

The power to effect this reduction resides with the Legislature, and can be exercised and made to take effect at any time.

DELINQUENCIES.

On the 23d day of September last, I was officially informed by the State Treasurer, of the delinquency of Lorenzo A. Besançon, Collector of Licenses to Foreign Miners for the county of Tuolumne, to the amount of $9,941 in moneys collected, and in addition to 1013 unsold licenses remaining in his hands. I immediately made a requisition upon said Besançon for the amount due the State and remaining in his hands, and received in reply a note stating that he stood indebted to the State upon the books of the State Treasurer, to the amount of $9,945; that he was in the category of delinquents specified in Section 13 of the Act concerning Foreign Miners; and further, so soon as the State relieved him from the suits pending in the name of the State against him, he would make a full settlement: as things stood, that he had merely reported to the Treasurer the amount collected and retained.

I, therefore, in accordance with Section 13 of the Act concerning Foreign Miners, Sections 1 and 2 of "an Act prescribing the mode of receiving, keeping, and paying out the Public Funds," started an account with said L. A. Bensançon, charging him 25 per cent. damages, and interest at the rate of 10 per cent. per annum, upon the amount so

retained, amounting in all, principal, damages, and interest, (less his lawful commission, to $11,062 14, over and above the 1013 unsold licenses retained. This account I forwarded to the District Attorney for the 5th Judicial District, and directed him to bring suit immediately against said Bensançon and his sureties. I am informed by the District Attorney that suit was instituted, in accordance with my instructions, at the November Term of the District Court for Tuolumne county, and that the case has been continued for service upon the sureties. Further, that he had called upon said Bensançon, and obtained from him 943 of the unsold licenses. These I have ordered to be paid into the State Treasury. Such is the condition of the case at this time.

THE PAYMENT OF CERTAIN COUNTY EXPENDITURES OUT OF THE STATE TREASURY.

The last Legislature, in the absence of county organizations, provided for the payment of certain expenses out of the State Treasury, which, in justice to the State, should be paid by the counties themselves.

Of this character, I would respectfully make mention of the provision for the expenses incurred for "Criminal prosecutions, and conveying criminals from one county of the State to another, to a place of confinement." Also, to that providing for the payment of the accounts for stationery and furniture used by the County Clerks. The latter provisions alone will involve the State in an annual expense of over twenty thousand dollars. As yet there have been no accounts of this kind presented for payment. This has been owing entirely to the fact that the law in which this provision occurs, being of a local character, has never been published, and therefore the Clerks of the different counties have been ignorant of its existence. Its immediate repeal will effect a considerable saving to the State, and place the burthen of the expense where it rightfully belongs.

STATE PRINTING.

As will be seen, the Printing is the largest item of expenditure contained in the account for the First Fractional Fiscal Year, ending June

30th, A. D. 1850, amounting in the aggregate to seventy-four thousand and seventy-three dollars, twenty-five cents. ($74,073 25,) At that time, the pamphlet edition of the laws was not more than one-half completed, and since, as the work progressed, I have audited accounts to the amount of eighteen thousand, seven hundred and eleven dollars and fifty-eight cents, ($18,711 58). The Spanish edition is not yet finished, owing to the want of translations.

Unfortunately, the Legislature did not make any provision for assistance to the State Translator, and therefore, notwithstanding the State Translator has labored faithfully, this work, so important to a large class of our population, has been thus unseasonably delayed. And before the remaining translations can possibly be gotten ready for the press, the new Legislature will have convened, and commenced altering and repealing the laws.

The State Printer signed a bond, as provided for by law, relinquishing one-half the present bill of prices, and had the printing and binding of the Journals of the two Houses of the Legislature, and the "Bound Edition" of the Laws, executed in the Atlantic cities. The edition of the Statutes has been completed, and shipped by the way of the Isthmus of Panama, at a heavy extra cost for transportation; also, one hundred copies of the Journal of Proceedings, which were received nearly two months since. The remainder, 700 copies, have been shipped by the way of Cape Horn, and will arrive here some time in the month of February. I am informed by the State Printer, that their entire cost will come fully up to the limit fixed by law, $35,000, which, added to the other expenses will make the State Printing for the year ending January 1st, A. D. 1851, amount to near $130,000.

The necessity of a reduction of this enormous expense must be apparent to the most casual observer. No rate of taxation can be collected which will long support such expenditures.

Would we have our young State continue to prosper, there must be prompt and decided action in retrenching our ordinary expenses. If not, and they are continued at the present high standard, we may read our future financial history in the present and past condition of those States that adhered to wild schemes of internal improvements and extravagance, until *repudiation* stared them in the face, and for a time seemed to be their only remaining hope for relief.

It may not, however, be improper to remark, in this connection, that

the present State Printer, owing to the heavy discount on the State paper, has not realized out of the work more than sufficient to pay expenses.

THE MILITIA.

In respect to the law providing for the organization of the Militia, the conclusion forces itself upon my mind that it is, and will continue to be, a "dead letter" upon our Statute book.

There have been no returns whatever concerning the "Commutation Tax" received at this office. There have been no Warrants issued by me on the Paymaster General; nor have I heard of the law being enforced in a single county.

The Adjutant and Quarter-Master General, the officers placed in special charge of this branch of our State Government, have doubtless given the business all the attention its importance demanded, and should be able to furnish such facts and data as the workings of the system have developed.

Its operation, or rather its entire want of operation, would point either to the total repeal of the law, or else such a reduction of the "Commutation Tax" as will insure payment by the people.

As the law now stands, disregarded alike by the people whose duty it is to pay, and the officers who are deputed to collect the revenues, it only serves to bring all law into disrespect and contempt.

OUR FINANCIAL DIFFICULTIES.

The financial difficulties consequent upon our anomalous condition, is a subject about which every good citizen who expects to make this his future home, feels deeply interested. These difficulties have in a greater or lesser degree beset every new State in the confederacy in the earlier years of its existence. Ours has been peculiary difficult. Forced into being by circumstances the most extraordinary, we were cut off from

that support, experience, and preparation, in a territorial capacity, which most other States have received.

As Congress has adjourned without giving us that which every friend of California expected, and to which we are entitled by every principle of justice and right—the revenue arising from the customs whilst under a military government—and in the event of Congress failing to comply with our demands in reference to this subject, we shall be compelled to negotiate a loan in order to sustain and keep in motion the wheels of our State Government.

The reasons are obvious. The population and wealth of the State are of such a character, that in many cases they cannot be reached by taxation. Our population is more unsettled and changeable than, perhaps, that of any other State in the Union. As a consequence, property is in like condition. We are, as yet, dependent upon other States and foreign countries for the necessaries of life—thereby causing a constant drain from us of our gold dust and coin. But in a few years when our valleys and mountain sides are dotted over with cottages, and brought to a high state of cultivation, we will have the means of subsistence within our own borders, and there will be found no difficulty in raising the necessary means to sustain the ordinary expenses of the State.

Should we be so fortunate as to obtain say ten per cent. on the amount of customs, collected for five years, it will (joined to what taxes may be collected) bring into the State Treasury a sum sufficient to meet all the liabilities of the State, and place her finances on a firm and substantial basis. It would be doing no more than justice to us, and can work no injustice to other States. Our State has never been a charge upon the Federal Government, yet appropriations have been yearly made from the National Treasury to support Territorial Governments.

None such were ever made for this country. Besides, this money, known as the "Civil Fund," was paid by the people here—and here of right it belongs.

I have the honor to be,
Very respectfully
Your Ob't. Serv't.,
JOHN S. HOUSTON, Comptroller of State.

SUPPLEMENT

To the Annual Report of the Comptroller of State.

That you may have a better understanding of the present financial condition of the State, I have thought proper to make out and submit the following Supplementary Report, exhibiting the Receipts and Expenditures, from the 1st day of July to the 15th day of December, A. D. 1850. Also, such additional statistics as are deemed important.

Respectfully,

JNO. S. HOUSTON,
Comptroller of State.

COMPTROLLER'S OFFICE, SAN JOSÉ,
December 15, 1850.

[P.] RECEIPTS.

1.	From Foreign Miners' Licenses, ...	$26,574 89
2.	" Auction Duties, ...	4,866 56
3.	" State Assay Office, ...	276 28
	Total, ...	$31,717 73

[T.] EXPENDITURES.

EXECUTIVE DEPARTMENT.

1.	On account of Salary of Governor, . . .	$5,000 00
2.	" " " Secretary of State, . .	3,500 00
3.	" " " Comptroller, . . .	4,000 00
4.	" " " Treasurer, . . .	4,500 00
5.	" " " Surveyor General, . .	3,750 00
6.	" " " Attorney General, . .	3,500 00
7.	" " " Translator, . . .	3,578 08
8.	" " " Governor's Private Secretary,	1,000 00
	Total, ...	$28,828 08

CONTINGENT EXPENSES,

Of the following Offices, including Rent, Furniture, Clerk hire, Stationery, Fuel, Lights, and Printing.

1.	On account of the office of Governor, . . .	$873 13
2.	" " " Secretary of State, .	4,711 36
3.	" " " Comptroller, . .	4,172 54
4.	" " " Treasurer, . . .	2,662 67
5.	" " " Surveyor General, .	1,158 50
6.	" " " Attorney General, .	1,650 00
7.	" " " Translator, . . .	99 75
	Total, ...	$15,327 95

[Q.] LEGISLATIVE DEPARTMENT.

1.	Per diem and mileage of Senator Post, . . .	1,392 00
2.	Contingent Expenses of Senate, ...	60 00
	Total, ...	$1,452 00

[U.] JUDICAL DEPARTMENT.

SALARIES.

1.	On account of salaries of Supreme Justices, .	$15,219 17
2.	" " " " District Judges, . .	11,126 74
3.	" " " " District Attorneys, . .	3,003 28
	Total	$29,349 19

CONTINGENT EXPENSES.

SUPREME COURT.

1.	On account of Stationery, ...	$30 78
2.	" " " Seal, ...	80 00
3.	" " " Sheriff's attendance, . . .	678 00
4.	" " " Furniture, ...	589 00
	Total, ...	$1,377 78

[R.] MISCELLANEOUS.

1. For Printing the pamphlet Laws, ...	$18,937 27
2. " " " Laws in newspapers, . . .	368 00
3. For Stationery, for State Printing, . . .	1,137 00
4. Interest paid on Bonds redeemed, . . .	2,218 72
Total, ...	$22,653 59

[S.] RECAPITULATION.

Of Tables, marked [P.] [T.] [U.] [Q.] and [R.]

EXPENDITURES.

1. Executive Department, . . .	$44,156 93	
2. Legislative "	1,452 00	
3. Judicial "	30,726 97	
4. Miscellaneous, ...	22,653 59	
		$98,988 59

RECEIPTS.

1. From Foreign Miners, ...	26,574 89	
2. " Auction duties, ...	4,866 56	
5. " State Assay office, . . .	276 28	31,717 73
Excess of expenditures over receipts, . .		$67,270 86

A TABULAR STATEMENT,

Showing the amount of Comptroller's Warrants drawn on the Treasurer up the 13th day of December, A.D. 1850, and the amount unredeemed at that date.

Whole amount issued up to 30th day of June, A.D. 1850, ...		$347,958 99
" "	redeemed up to June 30th, A.D. 1850,	292,384 17
" "	unredeemed on the 30th day of June, 1850,	55,574 82
" "	drawn on the Treasurer from July 1st to December 15th, 1850,	96,769 87

Whole amount redeemed from July 1st to Dec. 15th, A.D. 1850, ...	9,370 45
Total amount unredeemed on the 15th day of Dec., A.D. 1850, ...	142,974 24

[U.] A TABULAR STATEMENT,

Of the condition of the State Debt, created under "an Act creating a temporary State Loan," on the 15th day of December, A.D. 1850.

Whole amount of outstanding Bonds on the 1st day of July, A.D. 1850, ...	$287,150 00
Whole amount of interest on outstanding Bonds on the 1st day of July, A.D. 1850, ...	28,848 29
Amount of Bonds redeemed from the 1st day of July to the 15th of December, A.D. 1850, ...	16,500 00
Whole amount of Bonds outstanding on the 15th day of December, 1850, ...	270,650 00
Whole amount of interest accruing on outstanding Bonds from July 1st to December 15th, A.D. 1850, . .	42,987 75
Whole amount of interest paid on Bonds, redeemed from July 1st to December 15th, A.D. 1850, . .	2,218 72
Total amount of interest due on outstanding Bonds, on the 15th day of December, A.D. 1850, . . .	71,836 04
Total amount of State Debt, created under "an Act providing for a Temporary State Loan," including both principal and interest, ...	342,486 04

[V.] A TABULAR STATEMENT,

Showing the Receipts and Expenditures of the Board of Health at San Francisco, for and on account of the State Marine Hospital.

FIRST QUARTER, ENDING AUGUST 5th, 1850.

RECEIPTS.					EXPENDITURES	
For what month	Commutation Money.	From Pay Patients	From other sources	Total.	For what month.	
May	$3,520 50	$180 00		$3,700 50	May	$3,621 70
June	13,164 00	1,537 50		14,701 50	June	8,208 54
July	10,983 50	1,160 60	$333 12	12,477 22	July	16,322 71
August (to the 5th)	1,649 00	2,059 44	95 50	3,803 94	August (to the 5th)	1,758 46
					Cash on hand (August 5th)	4,771 75
Total	$29,317 00	$4,937 54	$428 72	$34,683 16		$34,683 16

SECOND QUARTER, ENDING NOVEMBER 5th, 1850.

RECEIPTS.					EXPENDITURES	
For what month.	Commutation Money	From Pay Patients	From Apothecary	Total.	For what month	
August	$8,732 00	$162 00		$8,894 00	August	$10,279 84
September	6,856 50	2,614 25	$323 00	9,793 75	September	11,539 45
October	3,902 00	1,328 18		5,230 18	October	5,503 29
November	1,381 50	529 25	230 50	2,141 25	November (to the 5th)	1,686 49
Cash on hand (August 5th)				4,771 75	Cash on hand (November 5th)	1,821 86
Total	$20,872 00	$4,633 68	$553 50	$30,830 93		$30,830 93

[W.] A TABULAR STATEMENT,

Exhibiting the amount of Auction Sales in the different Counties, together with the amount of duties paid thereon, as reported to the Comptroller by the Auctioneers.

Number	Names of Counties.	Amount of sales on which duty of 4 per cent.	Amount of sales on which a duty of 1¼ per cent. was paid.	Amount at 1 per cent	Amount at ½ per cent.	Total amount of sales liable to a duty.	Total amount of duties paid.
1	San Francisco,	$39,214 11	$71,237 17	$133,384 38	$139,342 10	$683,177 60	$9,117 68
2	Sacramento,	28,769 00	27,085 41	319,957 75	7,925 00	383,737 19	4,345 21
3	Monterey,	1,668 69	13,485 66	90,064 36		25,218 71	336 28
4	Yuba,	1 693 50		20,370 48	11,270 00	33.333 98	293 87
5	San Diego,			915 00		915 00	9 51
6	Tuolumne,	1,061 81		3,275 27	1,060 00	5,379 08	59 26
	Total,	$72,407 11	$111,808 27	$787,967 24	$159,597 10	$1,131,761 56	$14,161 81

The above named are the only Counties from which reports have been received at this office.

IN SENATE, JAN. 11, 1851.

Referred to a Select Committee, consisting of Messrs. Heydenfeldt, Lippincott, and Crosby.

J. F. HOWE, Sec'y Senate.

DOC. No 4

The Annual Report of the Treasurer of State.

TREASURER'S OFFICE,
State of California, San José, 15th Dec., 1850.

To His Excellency, PETER H. BURNETT,
Governor of California:

SIR: In compliance with the provisions of "an Act concerning the Office of State Treasurer," I have the honor to submit my Report of the Financial Operations of the Treasury, from the organization up to the present time. The Statements are so arranged that the transactions of each fiscal year may be separately viewed, as contemplated by the Constitution.

STATEMENT OF THE OPERATIONS OF THE TREASURY,

From the Organization of the Fiscal Department to the 30th of June, 1850, *inclusive.*

Received from the State Comptroller, in Bonds of the State, created under "an Act creating a Temporary State Loan," approved February 1st, 1850, . .	$300,000 00
Received on account of Tax on Foreign Miners, . .	3,156 27
	$303,156 27
Total amount disbursed, ...	393,256 27
Balance in Treasury, 30th June, 1850, ...	9,900 00

STATEMENT OF THE OPERATION OF THE GENERAL FUND.

Amount to credit of this Fund in State Bonds, . .		$300,000 00
Less, appropriations to the credit of the Governor's Contingent Fund, . . .	$5,000 00	
Less, appropriation to the credit of the Special Contingent Fund of the Senate, . .	2,500 00	7,500 00
		$292,500 00
Received on account of Tax on Foreign Miners, . .		3,156 27
		$295,656 27

Amounts brought forward, ... $295,656,27

DISBURSEMENTS.

For Salaries of the

Governor, ...	$ 2,783	39
Secretary of State, ...	1,917	45
Treasurer, ...	2,416	43
Comptroller, ...	2,147	91
Surveyor General, ...	2,013	68
Attorney General, ...	1,898	62
Judges of Supreme Court, ...	7,500	00
Judges of District Court, ...	15,000	00
Private Secretary of the Governor, . .	333	33
Clerk of the Secretary of State, . . .	110	00
Clerk of the Treasurer, ...	900	00
Clerk of the Comptroller, ...	900	00
Amount paid State Printer, . . .	30,530	26
For Rent and Contingencies of Treasury, .	956	16
Contingencies of Secretary of State, . .	1,010	25
Contingencies of Comptroller of State, . .	809	66
Contingencies of Surveyor General, . .	670	00
Contingencies of Attorney General, . .	664	00
Contingencies of Supreme Court, . .	1,382	50
For pay and office rent of the temporary State Translator, ...	2,740	00
For the purchase of Patent Salamander Safe for the use of Treasury department, . .	1,180	00
Amount paid for State Seal, . . .	1,000	00
For Printing done by order of the Governor and Treasurer, ...	909	00
Pay of messenger sent to Monterey for the Public Archives (by order of Secretary of State), ...	100	00
For pay and mileage of Members of the Legislature, ...	129,563	60
Amounts carried forward,	$209,436	24 $295,656 27

Amounts brought forward, . . .	$209,436 24	$295,656 27
For pay of the Clerks and officers employed by the Legislature, ...	69,468 00	
For Contingent Expenses of the Legislature,	11,759 18	
Redemption of State Bonds, . . .	2,950 00	
Interest thereon, ...	206 27	
	$293,819 69	
Deduct balances due to sundry individuals upon Warrants redeemed in consequence of there being no funds in the Treasury, of a suitable denomination to pay such balances, ...	2,280 47	
	$291,539 22	$291,539 22
Balance to credit of General Fund, . . .		$4,117 05

STATEMENT OF THE OPERATIONS OF THE GOVERNOR'S CONTINGENT FUND.

Amount of appropriation to this fund (in State bonds),	$5,000 00
Warrants paid for the Contingent Expenses of the Governor,	500 00
Balance to credit of this fund, . . .	$4,500 00

STATEMENT OF THE OPERATIONS OF SPECIAL CONTINGENT FUND OF THE SENATE.

Amount of appropriation to this fund (in State bonds),		$2,500 00
Amount paid for expenses incurred in taking charge of a lunatic, ...	$946 75	
For postage of the Senate, ...	270 30	
		$1,217 05
Balance to the credit of this Fund, . . .		$1,282 95

RECAPITULATION

Of Balances to the Credit of the different Funds, viz:

Balance to credit of General Fund, ...	$4,117 05
" " Governor's Contingent Fund, . .	4,500 00
" " Special Contingent Fund of the Senate,	1,282 95
Total of Balances, ...	$9,900 00

STATEMENT OF THE OPERATIONS OF THE TREASURY.

From the first of July to the 15th December, 1850, inclusive.

Balance in the Treasury on the first July, 1850, in State Bonds, ...		$9,900 00
Received during said period in State Warrants, ...	$9,370 45	
Do. in State Bonds, ...	16,500 00	
Interest on Bonds, ...	2,218 72	
Cash, ...	3,628 56	$31,717 73
Total, ...		$41,617 73
Total amount disbursed, ...		31,689 12
Balance in Treasury, Dec. 15, 1850, ...		$9,928 61

STATEMENT OF THE OPERATION OF THE GENERAL FUND.

Balance to the credit of this Fund, July 1, 1850, . .		$4,117 05
Received:		
On account of Auction Duties, . .	$4,866 56	
" " State Assayer, . . .	276 28	
" " Foreign Miners' Tax, . .	26,674 89	$31,717 73
Total, ...		$35,834 78

DISBURSEMENTS.

For Salary of State Treasurer,	$1,250 00	
" " Clerk of "	700 00	
" " " Comptroller,	1,000 00	
" " " Secretary of State,	1,029 79	
" " District Judges,	1,854 56	
Amount paid State Printer,	4,238 22	
" " Office Rent of Secretary of State,	158 88	
" " Surveyor General,	100 00	
Paid for Goods and Services rendered for Supreme Court,	889 00	
Interest on Bonds redeemed,	2,818 72	
Amount of Bonds redeemed,	16,500 00	
" Balances paid,	1,529 31	
	$31,468 48	$31,468 48
Balance to credit of this Fund,		$4,366 30

STATEMENT OF THE OPERATIONS OF THE GOVERNOR'S CONTINGENT FUND.

Balance in the Treasury to the credit of this Fund on the 1st July, 1850,	$4,500 00

STATEMENT OF THE OPERATIONS OF THE SPECIAL CONTINGENT FUND OF THE SENATE.

Balance in the Treasury to the credit of this Fund, on 1st July, 1850,		$1,282 95
Amount paid for carrying express matters from San Francisco to San José,	$192 25	
Postage for Senate,	28 39	
		$220 64
Balance to credit of this Fund,		$1,062 31

RECAPITULATION

Of Balances to the Credit of the different Funds, viz:

Balance to credit of	General Fund, ...	$4,366 30
" "	Governor's Contingent Fund, . .	4,500 00
" "	Special Contingent Fund of the Senate, ...	1,062 31
Total of balances 15th Dec., 1850, ...		$9,928 61

It will be seen by the foregoing statements, that the financial operations of the State have been conducted by paper issues, being in Bonds drawing interest, and State Warrants, negotiable by endorsement.

The suggestions of remedies for the inconvenience and loss which thus results, both to the people and the State, is by law the province of another officer.

Very Respectfully,
Your Ob't Serv't,
RICHARD ROMAN,
State Treasurer.

DOC. No. 6

[B No. 2.]

Communication from the Secretary of State, relative to copies of Journals, Laws, &c.

OFFICE OF SECRETARY OF STATE,
San José, Jan. 7, 1851.

HON. JOHN MCDOUGAL,

Lieutenant-Governor and President of the Senate.

Sir: By a Resolution of the Senate, adopted on yesterday, and communicated to me by their Secretary, I am requested to furnish, for the use of the Senate, a copy of the Journal of the last Session; as also a copy of the bound Statutes; also, the Debates of the Convention, to each member, and if unable to do so, to state the reasons therefor.

In reply, I have the honor to state, briefly,

1st. That the Act providing "for the Distribution of the Journals, Laws," &c., does not authorize a distribution to the extent or in the manner contemplated by the Resolution.

2d. That a Joint Resolution "concerning the Reports of the Proceedings of the Convention of Monterey," does not authorize a distribution of the Debates to the extent or in the manner contemplated by the Resolution: and,

3d. That the Act "defining the Duties of State Librarian," prescribes in what manner books may be taken from the State Library by the members of the Legislature and its officers; and that, to make the distribution as requested, would be a violation of all the Acts referred to.

I have the honor to be,

Sir,

Your obedient servant,

W. VAN VOORHIES,

Secretary of State.

[B No. 3.]

Abstract of Votes for Seat of Government.

Abstract of the Official Returns of an Election held on the 7th day of October ult., for the permanent location of the Seat of Government of the State of California:

Vallejo received	7,477 votes.
San José	1,292
San Diego	14
Monterey	399
Santa Cruz	2
Reed's Proposition	651
Gilroy's	71
Eureka	301
Stockton	6
Sacramento	160
San Francisco	25
Benicia	70
Nevada	82
Downieville	150
Hamilton	10
Long's Bar	1
Nicolaus	1
Stuart's Bar	1
Yuba City	14
Marysville	1
Trinidad City	1

OFFICE OF SECRETARY OF STATE,
San José, Jan. 6, 1851.

I hereby certify the foregoing to be a correct abstract of official returns on file in this office.

W. VAN VOORHIES,
Secretary of State.

DOC. No. 7

[C.] ✓

Report of the Surveyor General to the Senate and Assembly, upon the Location of the State Capital,

SURVEYOR GENERAL'S OFFICE,

January 16, 1851.

TO THE PRESIDENT OF THE SENATE AND

SPEAKER OF THE ASSEMBLY:

By an Act passed April 22, 1850, it is made the duty of the Surveyor-General to visit and examine the different locations proffered for the Seat of Government, and report the peculiarities of each location, the natural advantages, and all matters of interest in reference to its position for the Capital of this State.

In compliance with which I have the honor to submit the following Report:

I have visited Vallejo, New York of the Pacific, and San José.

Vallejo is situated on the Straits of Carquines and Napa Bay. Its principal advantage as the Capital of the State is, that it is on the great travelled route from San Francisco to the populous districts of the San Joaquin and Sacramento; it is therefore easily communicated with from those sections of the State, and the coast steamers render it easy of access from the southern portion of the State. The harbor is good, and has sufficient water for the largest class vessels.

New York of the Pacific is situated at the junction of the Sacramento and San Joaquin rivers, and the same might be said of its location as of Vallejo—it being on the same line of travel.

San José is situated in a fertile valley of that name, which is already cultivated to a considerable extent. It is about sixty miles from San Francisco. During the rainy season, nearly the whole delegation of the State is obliged to pass through San Francisco to reach it, and at times this communication is very unpleasant, to say the least of it—the land

route being cut off, it is by small steamboats to Alviso, and thence by stage to San José.

The route, however, from San Francisco to San José is well adapted for a railroad, the construction of which would obviate this difficulty.

All of which is respectfully submitted.

CHAS. J. WHITING,
Surveyor-General.

DOC. No. 5

[C. No. 1.]

Communication from the Governor on Indian Difficulties, with the letter of Adam Johnston.

"GENTLEMEN OF THE SENATE AND ASSEMBLY:

"I have the honor to lay before both Houses of the Legislature the accompanying copy of a communication received by me from Adam Johnson.

"PETER H. BURNETT.

"SAN JOSÉ, *January*, 1851."

"SAN JOSÉ, *January 2d*, 1851."

"SIR:

"I have the honor to submit to you, as the Executive of the State of California, some facts connected with the recent depredations committed by the Indians, within the bounds of the State, upon the persons and property of her citizens. The immediate scenes of their hostile movements are at and in the vicinity of the Mariposa and the Frézno. The Indians in that portion of your State have, for some time past, exhibited disaffection and a restless feeling towards the whites. Thefts were continually being perpetrated by them, but no act of hostility had been committed by them on the person of any individual, which indicated general enmity on the part of the Indians, until the night of the 17th December last. I was then at the camp of Mr. James D. Savage, on the Mariposa, where I had gone for the purpose of reconciling any difficulty that might exist between the Indians and the whites in that vicinity. From various conversations which I had held with

various Chiefs, I concluded there was no immediate danger to be apprehended. On the evening of the 17th December we were, however, surprised by the sudden disappearance of the Indians. They left in a body, but no one knew why, or where, they had gone. From the fact that Mr. James Savage's domestic Indians had forsaken him and gone with those of the Rancheria or village, he immediately suspected that something of a serious nature was in contemplation, or had already been committed by them.

"The manner of their leaving, in the night and by stealth, induced Mr. Savage to believe that whatever act they had committed or intended to commit, might be connected with himself. Believing that he could overhaul his Indians before others could join them, and defeat any contemplated depredation on their part, he, with sixteen men, started in pursuit. He continued upon their traces for about thirty miles, when he came upon their encampment. The Indians had discovered his approach and fled to an adjacent mountain, leaving behind them two small boys asleep, and the remains of an aged female, who had died, no doubt, from fatigue. Near to the encampment Mr. Savage ascended a mountain in pursuit of the Indians, from which he discovered them upon another mountain at some distance. From these two mountain tops, conversation was commenced and kept up for some time between Mr. Savage and the chief, who told him they had murdered the men on the Frézno and robbed the camp. The Chief had formerly been on the most friendly terms with Savage, but would not now permit him to approach him. Savage said to them it would be better for them to return to their villages—that with very little labor daily they could procure sufficient gold to purchase them clothing and food. To this the Chief replied it was a hard way to get a living, and that they could more easily supply their wants by stealing from the whites and robbing them. He also said to Savage, he must not deceive the whites by telling them lies—he must not tell him that the Indians were friendly—they were not, but on the contrary were their deadly enemies, and that they intended killing and plundering them so long as a white face was seen in their country. Finding all efforts to induce them to return, or to otherwise reach them, had failed, Mr. Savage and his company concluded to return. When about leaving, they discovered a body of Indians, numbering about two hundred, on a distant mountain, who seemed to be approaching those with whom he had been

talking. Mr. Savage and company reached his camp in the night of Thursday, in safety. In the meantime we had determined to proceed to the Frézno, where the men had been murdered. Accordingly, on the day following, Friday, the 20th, I left camp with thirty-five men, for the camp on the Frézno, to see the situation of things there and to bury the dead. I also dispatched couriers to Agua Frio, Mariposa, and several other mining sections, hoping to concentrate a sufficient force on the Frézno, to pursue the Indians into the mountains. Several small companies of men left their respective places of residence to join us, but being unacquainted with the country they were unable to meet us. We reached the camp on the Frézno a short time after daylight. It presented a horrid scene of savage cruelty. The Indians had destroyed everything they could not use, or carry with them. The store was stript of blankets, clothing, flour, and everything of value; the safe was broken open and rifled of its contents; the cattle, horses, and mules, had been run into the mountains; the murdered men had been stript of their clothing, and lay before us filled with arrows: one of them had yet twenty perfect arrows sticking in him. A grave was prepared, and the unfortunate persons interred. Our force being small, we thought it not prudent to pursue the Indians further into the mountains, and determined to return. The Indians in that part of the country are quite numerous, and have been uniting other tribes with them for some time. On reaching our camp on the Mariposa, we learned that most of the Indians in the valley had left their villages and taken their women and children to the mountains. This is generally looked upon as a sure indication of their hostile intentions. It is feared that many of the miners in the more remote regions have already been cut off, and Agua Frio, and Mariposa are hourly threatened.

"Under this state of things, I come here at the earnest solicitation of the people of that region, to ask such aid from the State Government as will enable them to protect their persons and property.

"I submit these facts for your consideration, and have the honor to remain,

"Yours, very respectfully,

(Signed) "ADAM JOHNSTON."

"His Excellency,
PETER H. BURNETT."

[C. No. 2.]

Message of the Governor, on the Resignation of Senator Hope.

EXECUTIVE CHAMBER,
SAN JOSÉ, *January* 11, 1851.

TO THE HON. D. C. BRODERICK,
President of the Senate.

SIR: I have this day received from the Hon. A. W. Hope the accompanying letter, tendering his resignation as Senator from the district of Los Angeles and San Diego.

As the law requires the resignation of the members of the respective branches of the Legislature to be made to the Presiding Officers thereof, I respectfully request that you lay before the Senate, for their action, the letter above referred to.

JNO. MCDOUGAL.

His Excellency GOVERNOR P. H. BURNETT.

SIR: I take the liberty of addressing you, for the purpose of informing you that I resign my position as State Senator.

Respectfully,

A. W. HOPE.

LOS ANGELES, *December* 22*d*, 1850.

DOC. No. 10

[C. No. 3.]

Communication from the Governor on Appointments.

GENTLEMEN OF THE SENATE AND ASSEMBLY:

In compliance with the forty-sixth section of an Act in relation to "Officers," I herewith lay before you the following statement of appointments made by the Executive, since the preceding Session of the Legislature:—

Jonas Winchester, State Printer, to fill the vacancy occasioned by the resignation of H. H. Robinson. May 4th, 1850.

William H. Richardson, Collector of Licenses to Foreign Miners, for Yuba county, to fill the vacancy occasioned by the resignation of Wm. M. Kincaid. June 15th, 1850.

D. J. Woodleif, Collector of Licenses to Foreign Miners, for the county of Calaveras, to fill the vacancy occasioned by the resignation of William B. Almond. July 13th, 1850.

Ellison Dickey, Collector of Licenses to Foreign Miners, for the county of Sutter, to fill the vacancy occasioned by the appointment of William H. Richardson for Yuba county. July 20th, 1850.

George Simpton, Harbor Master for the Port of San Francisco, to fill the vacancy occasioned by the non-residence of James Hagan.

D. O. Shattuck, Chief Justice of the Superior Court of the city of San Francisco, to fill the vacancy occasioned by the resignation of P. A. Morse. November 2, 1850.

J. J. Grammond, Collector of Licenses to Foreign Miners, for the county of Mariposa, to fill the vacancy occasioned by the resignation of Benjamin McCulloch. September 24, 1850.

Tod Robinson, Judge of the Sixth Judicial District, to fill the vacancy occasioned by the non-residence of James S. Thomas.

E. W. McKinstry, Adjutant General, to fill the vacancy occasioned by the resignation of T. R. Per Lee.

PETER H. BURNETT.

SAN JOSÉ, *January* 6, 1851.

[C. No. 4.]

Communication from the Governor relative to Suits in Supreme and District Courts.

GENTLEMEN OF THE SENATE AND ASSEMBLY :

I have the honor to submit the annexed statement showing, so far as returns have been received, the number of cases on the Calendar in the District Courts, and the Supreme Courts, the number heard and determined, and the number still remaining undetermined.

PETER H. BURNETT.

SAN JOSÉ, *January* 6th, 1851.

SUPREME COURT OF CALIFORNIA.

March Term, 1850.

Whole number of Cases on the Calendar, ...		49
Number heard and decided, ...	20	
Number undisposed of, ...	29	49

Duration of Term,

From 4th March to 25th day of May, 1850.

June Term, 1850.

Whole number of Cases on the Calendar, . . .		42
Number heard, ...	28	
Number decided, ...	22	
Number undisposed of, ...	20	

Duration of the Term,
From 2d June to the 15th day of July, 1850.

CONTRA COSTA COUNTY.

May Term, 1850.

Whole number of Cases on the Calendar,		3
Criminal,	3	
Civil,	—	
Continued until next term.		3

Court commenced on the fourth Monday in May, 1850, and held three days.

CALAVERAS COUNTY.

July Term, 1850.

Whole number of Actions on the Calendar,		4
Continued,	2	
Dismissed	2	4

Court commenced on the 1st of July, A.D. 1850, and continued till July 2d, 1850.

CONTRA COSTA COUNTY.

September Term, 1850.

Whole number of Cases on Docket in said term,		15
Tried and determined,	10	
Continued till next term,	5	15

Court commenced its Session on the 27th day of September, A.D. 1850, and continued till the 2d of October, 1850.

TUOLUMNE COUNTY.

July Term, 1850.

Whole number of Civil Cases on the Calendar,		22
Criminal Actions,		14
Tried and determined on the Civil Docket,	17	
Continued on the Civil Docket,	5	
Tried and determined on the Criminal Docket,	12	
Tried and not determined,	2	
Whole number of Cases,		36

Court commenced its Session on the 15th day of July, A.D. 1850, and continued its Session till July 26, 1850.

SANTA CRUZ COUNTY.

August Term, 1850.

Whole number of Cases on the Calendar,		11
Number tried and determined,	4	
Continued,	7	11

Court commenced its Session on the third Monday of August, and continued three days.

SANTA CLARA COUNTY.

April Term, 1850.

Whole number of Actions on Docket,			48
Number transferred from Court of First Instance in Civil Cases,	16		
Number commenced in the District Court,	18		
Number of Indictments found at the said term,	14		48
Cases determined criminal	6		
Civil Cases,	21	27	
Continued,		21	48

Court commenced its Session on the 22d day of April, 1850, and continued till the 17th day of May.

SAN LUIS OBISPO.

October Term, 1850.

Whole number of actions on the Calendar,		4
Tried and determined,	1	
Continued,	3	4

Court commenced its Session on the — day of October, and continued to the — day of ——, 1850.

CALAVERAS COUNTY.

November Term, 1850.

Whole number of actions on Calendar,		9
Civil Cases,	8	
Criminal,	1	9

Number tried and determined	—	
Dismissed, ...	2	
Continued, ...	7	9

Court commenced its Session on the — day of November, 1850, and continued three days.

YOLO COUNTY.

September Term, 1850.

Whole number of Actions on the Calendar in said term, .		10
Number disposed of, ...	5	
Number continued, ...	5	10

Court commenced its Session on the — day of September, A. D. 1850, and held four days.

SAN DIEGO COUNTY.

September Term, 1850.

Whole number of Actions on the Calendar in said Term, .		8
Number tried and determined, ...	6	
Continued till next Court, ...	2	8

Court commenced its Session on the 2d day of September, 1850, and continued its Session till the 7th of the same month.

COUNTY OF EL DORADO.

June Term, 1850.

Number of cases on the Civil Docket, ...	23	
Number of Criminal Actions, ...	1	
Total number of Actions, ...		24
Criminal disposed of, ...	1	
Civil Actions disposed of, ...	13	
Continued, ...	10	24

Court commenced its Session on the 3d day of June, A. D. 1850, and continued till the 6th day of the same month.

COUNTY OF YUBA.

June Term, 1850.

Number of Cases on the Calendar,		17
Number tried,	12	
Dismissed,	2	
Change of Venue granted,	1	
Continued,	2	17

Court commenced its Session on the 3d of June, A. D. 1850, and continued till the 12th of the same month.

SACRAMENTO COUNTY.

May Term, 1850.

Number of Actions transferred from the Court of First Instance in Civil Cases,	48	
Number of Actions commenced in the District Court,	94	
Number of Indictments transferred from the Court of First Instance of Sacramento District with Criminal Jurisdiction,	2	
Number of Indictments found at said May Term, 1850,	10	
Total number on the Calendar,		154
Which were disposed of as follows:		
Indictments found May Term,	5	
Actions transferred from the Court of First Instance for Sacramento District in Civil Cases,	17	
Actions brought at the May Term,	65	
Total number of cases determined,	—	87

The May Term commenced its Session on the first Monday, the 6th day of May, 1850, and continued in Session till May 20th, 1850.

COUNTY OF SAN JOAQUIN.

August Term, 1850.

Whole number of cases on the Calendar,		67
Tried and determined,	42	
Continued,	25	67

Court commenced its Session on the — day of August, 1850, and continued sixteen days.

COUNTY OF YUBA.

November Term, 1850.

Number of Cases on the Calendar, ...		111
Number tried and determined, ...	52	
Number dismissed, ...	36	
Number remaining on Calendar, ...	23	111

The Term commenced on Monday the 4th day of November, and adjourned 9th December, 1850.

COUNTY OF LOS ANGELES.

Term commenced October 7, and ended October 22, 1850.

Number of cases on the Calendar, ...		11
Number tried and determined, ...	2	
Number remaining on Calendar, ...	9	11
Number Criminal Cases on Calendar, ...		6
Number tried and determined, ...	4	
Number remaining on Calendar, ...	2	6

COUNTY OF SUTTER.

Number of cases on the Calendar, ...		57
Number heard and determined, ...	36	
Number remaining undetermined, ...	21	57

Term commenced October 7, and lasted seven days.

Adjourned Term commenced 28th October, 1850, and lasted four days.

SACRAMENTO COUNTY.

October Term, 1850.

Number of Civil Actions disposed of, ...	153	
Number of State, " "	22	
Total number disposed of, ...		175
Number of Civil Actions remaining on the Calendar,	301	
Number of State Actions remaining on the Calendar,	17	
Total remaining on Calendar, ...		318
Number of days the Court was in Session, . . .		22

BUTTE COUNTY.

October Term, 1850.

Judgments rendered,	25	
Discontinued,	14	
Continued until Court in cause,	15	
Referred,	1	
Criminal Docket.		
Indictment set aside,	1	
Total,		56

DOC. No. 17

[C. No. 5.]

Communication from the Governor on Pardons.

GENTLEMEN OF THE SENATE AND ASSEMBLY:

In compliance with the provisions of the thirteenth Section of the fifth Article of the Constitution, I have the honor to submit the annexed statement of Pardons granted by the Executive during the past year.

PETER H. BURNETT.

SAN JOSÉ, *January* 6, 1851.

The People of the State of California,
vs.
William B. Thompson,
} GRAND LARCENY.

The defendant was tried and convicted of Grand Larceny before the Hon. John W. Geary, Judge of the Court of First Instance in Criminal Cases for the District of San Francisco, on the 24th day of January, 1850, and sentenced to one year's labor in the chain gang; and was unconditionally pardoned on the 3d day of April, 1850.

[D.]

Surveyor General's Report.

To HIS EXCELLENCY,

The Governor of the State.

SIR: Section 9th of an Act regulating the Duties of my Office, makes it incumbent on me to report to you upon various subjects; in compliance with which, I have the honor to submit the following:

I have not been called upon by law to make any surveys, nor have I received sufficient data from the County Surveyors, or from other sources, to make even an approximation to a correct map of the State.

I deem it unnecessary to make any plans or suggestions for the improvement of the internal Navigation of the State, as it is not probable that this State will undertake any such improvements at present.

I know of but one method of planting and preserving forests of timber trees; viz.: put the seeds in the ground and protect the shoots by a fence or ditch. As regards draining and the prevention of overflows and navigation, they can all be better done by private than public enterprises, and I have no doubt but that when the lands fit for cultivation without such outlay, shall be occupied, that our marshes will be drained.

There is no land that I can hear of belonging to the State. By a recent Act of Congress, the overflowed lands of the different States were granted to the States, but do not become their property until surveyed by the General Government.

Not having received any reports from the Assessors, I am unable to give any reliable information as to the quantity of arable land within the State, or the number of horses, cattle, &c. I am not aware of any disease having diminished the agricultural productions of the State. The Grasshopper has been very destructive in some localities; and as a preventive, I would recommend the extensive introduction of Turkies.

I have no means of ascertaining the quantity of mineral lands within the State. The amount of gold produced is probably from three to four millions a month.

But few of the County Surveyors have reported, and the notes and plans sent in are nearly useless, being detached surveys which it is impossible to locate. I would therefore suggest the propriety of locating one or more points in each County, by longitude and latitude, with which the County Surveyors could correct their work. In that way their surveys would be of use in making a map of the State, and would probably, during the coming year, furnish data sufficient to make a much better map than can be obtained in any other way.

The surveys of the County Surveyors will mostly be of the old Spanish grants; their connexion in one general map would probably show that there is still a large portion of the good land in the State not covered by said grants; a knowledge of which would be of great advantage to our people, enabling them to locate on land from which they would not be driven, and which they would therefore improve and cultivate.

The great drawback to agricultural interest in this State is the uncertainty of the land titles. In all other respects there is no State in the Union which offers the same inducements to the farmer. Most of the valley lands will produce one crop a year (without irrigation), equal, if not superior, to any in the Atlantic States. Our distance from all other agricultural countries affords us ample protection, and will ensure the farmer a good price for his produce; while the geographical position of our State and its mineral wealth will cause the majority of our people to turn their attention to mining and commerce: thereby creating a home market for our farmers.

All that California requires to enable her to furnish all the necessaries and most of the comforts of life is, that the land titles should become settled, so that our people could know that they possessed a home, and could reap the full benefit of their labors; then a large number of our people would really become citizens of California, and furnish a balance-wheel for the floating population which we must have for years to come.

Very respectfully,

Your obedient servant,

CHAS. T. WHITING,

Surveyor-General.

NAPA CITY, CALIFORNIA, *August* 12, 1850.

To CHAS. J. WHITING, ESQ.,

Surveyor-General, State of California.

Dear Sir: In accordance with the Act regulating the duties of your office, and that of County Surveyors and Assessors, we beg leave to submit the following:

The first matter to which we would call your attention, is that of internal improvement.

The navigation of Napa river is rendered exceedingly dangerous by the numerous snags imbedded in the channel: so much loss has already attended the navigation, that the citizens of this County have taken measures to have the snags removed four feet below low water-mark, which, by many persons who are familiar with the river, is thought will be amply sufficient to ensure safety to vessels drawing eight feet of water. We think that the entire snag should be removed, which can only be done by the Legislature appropriating about $3,000 for that purpose.

In the next place allow us to suggest that some assistance is given us by the State for the construction of a Plank Road from Napa City to the north end of the Valley, about thirty miles. Travel is sufficient to warrant the belief that the stock or the road would pay for itself in a short time.

The nature of the soil forbids the idea of a firm road otherwise, and no one doubts but a Plank Road would be attended with less expense than a Macadamized one. The material for the first is convenient and cheap, whereas for the other no rock suitable could be found in many miles.

So far as the actual surveys go, nothing can be definitely learned respecting the quantity of land belonging to the State in this County; but we are of the opinion that there is but little. The greater part of the land in the Valley is fine tillable soil, and there is but five miles that is not under cultivation.

There is about fifty thousand bushels of barley, ten thousand bushels of wheat, one hundred thousand cabbage, and ten thousand bushels potatoes raised in the Valley, besides many of the finest melons to be found anywhere.

The agricultural resources are as great as of any other County in the State.

There are near fifty thousand horses and cattle, and about three thousand sheep.

The citizens this season have turned their attention to improving their lands, by erecting suitable dwelling-houses, &c., &c., which gives our County quite a thriving appearance. The County Seat, Napa City, has doubled in population and number of houses during the past four months, and still continues to improve, which will soon make it a place of considerable importance.

When the snags from the river are known to be no longer dangerous, our shipping will increase no inconsiderable.

With respect,

Your obedient servants,

JOEL P. WALKER, Assessor,

JNO. E. BROWN, County Surveyor.

SANTA CRUZ, *December* 2, 1851.

To the Surveyor-General,

CHAS. J. WHITING, ESQ.

Sir: From the very limited means of information that I possess, I have compiled the following brief Report on those matters connected with "Section 9," of the "Act concerning the office of Surveyor-General," to which you called my attention in your circular lettter of May last. As regards the subject matter of the third division, section 9th, I have had no means, thus far, of forming even an approximate estimate as to the aggregate quantity of land belonging to the State in this County, owing to the multiplicity of Spanish claims and *permits* located in the County, the validity of which have not been determined. Of the "4th division of section 9th," a great proportion of the untimbered lands in the County are adapted both to tillage and grazing. Of the "5th division of section 9th," the following estimate of the number of horses, cattle, sheep, and swine, in the County, being compiled mostly from the

Assessor's roll, is, probably, nearly correct: horses, 1,125; cattle, 18,300; sheep, 1,100; swine, 375. Of the the "6th division, section 9th," I have no data whatever from which to estimate the quantity of wheat, rye, maize, potatoes, &c., raised in the County during the present year, Of the 7th division of section 9th, I have no knowledge of any mineral lands whatever within the County.

Very respectfully, yours,

EDW. B. KELLOGG,

County Surveyor.

Doc. No. 14

[D No. 2.]

Report of the State Printer.

TO THE PRESIDENT OF THE SENATE:

The sixth section of the "Act defining the duties of State Printer and fixing his compensation," approved March 9th, 1850, makes it the duty of that officer to present, within the first week of each annual session, a Report addressed to the Speaker of the Assembly and to the President of the Senate, "in which he shall exhibit the amount of work done by him under this law during the previous year, the nature of said work, the prices, and the aggregate receipts on the same."

In accordance with this requirement of the Statute, I have the honor to submit to you, herewith, the following

REPORT.

The present incumbent of the office of State Printer received his appointment from the Executive of the State, a vacancy having occurred by the resignation of the Printer elected by joint vote of the Senate and Assemby; and his Commission bears date the 4th of May, 1850, soon after which period his bond was given, and the duties of the office were entered upon.

The "Act to provide for the early publication of the Laws of California," required the issue of 800 copies in English and 300 copies in Spanish, in pamphlet form, for immediate distribution; and to execute the work thus ordered, was the first labor that devolved upon the Printer.

The printing of the pamphlet edition, not previously executed by the former incumbent, was commenced about the 10th of May, 1850, and completed some time in August, during which period seventy-eight separate Acts were issued, embracing 930 pages. Under the direction of

the Secretary of State, the pamphlet edition was distributed by the Printer to the members of the Legislature, and to the various officers entitled by law to receive them, as rapidly as the same could be got through the press. The report made by him to the Secretary of the State in December last, will show the manner in which that duty, gratuitously undertaken, was performed, and to that Report he begs leave respectfully to refer.

In regard to the printing of the Laws in the Spanish tongue, the progress has been exceedingly slow, in consequence of the impossibility of obtaining the translations more rapidly from the proper officer. In addition to those Laws which had been printed in Spanish by the former incumbent, there have been published up to the end of the year 1850, twenty-six acts, amounting to 448 pages, all of which, except the last (the Criminal practice Act, which was completed on the last day of December), were distributed to the counties, as promptly and effectively as the means of communication would allow. In the performance of the extra duty of distributing the Laws, the State Printer was fully aware that he placed himself in a position to have thrown upon him a large share of the blame arising from any failures there might occur in the copies not reaching the hands of the officers entitled to their possession, consequent upon the want of facilities for their transmission to distant points, and such has been the fact. Impressed, however, with an earnest desire to render the State whatever service was in his power, and being fully satisfied that, though somewhat tardy or irregular, the distribution might be far better made from San Francisco than from the Secretary's office in San José, he did not hesitate to render, without fee or reward, all the aid in his power effectively to carry out the provisions of the Act.

The time consumed in the printing of the pamphlet edition of the general Laws, and the consequent delay in the distribution of them—some of which were of the greatest importance to the proper transaction of business by the Judiciary, as well as other officers of the State—was unavoidable from the impossibility of procuring paper of a proper size; but to counteract this difficulty as far as was practicable, compositors were employed night and day, and presses were kept in motion constantly, for over two and a half months.

The amount of work performed under the Law, the nature of it, the prices, and the aggregate receipts on the same, are as follows:

PAMPHLET EDITION IN ENGLISH.

Composition of 1,247,132 ems, at $7 30 per 1,000,	$ 9,104 05
Presswork of 916 tokens, at $7 30 per token,	6,686 80
Folding and stitching 687,600 pages, at 2c. per page,	13,752 00
Do. do. 54,400 " 1c. "	544 00
Total in English,	$30,086 85

SPANISH EDITION.

Composition of 602,112 ems, at $14 60 per 1,000,	$8,790 83
Presswork of 224 tokens, at $7 30 per token,	1,635 20
Folding and stitching 130,400 pages at 2c. per page,	2,608 00
Do. do. 3,600 " 1c. "	36 00
Total in Spanish,	$13,070 03

MISCELLANEOUS.

Handbill Proclamation in reference to the General Election, 500 copies:

Composition, 10,000 ems, at $7 30 per 1,000,	$73 00
Presswork, 2 tokens, " "	14 60
Labels for State Librarian, 400 copies,	32 00
Comptroller's Blanks:	
4 Quires Receipts for Taxes, rule work, at $11 per quire,	$44 00
22 Quires Warrants, rule work, at $11 per quire,	242 00
Treasurer's Blanks:	
3½ Reams Licenses to Mine, ruled, at $11 per ream,	763 89
	$1,169 49

By these statements it will be seen that the sum of $44,326 37 has been paid for the Printing executed in this State, by the present Printer, up to the close of the year 1850.

Though it is made no part of the duty of the State Printer, in presenting his Report, to speak of any matters not specially required of him by the law defining his duties, yet he feels it due, both to himself and to the people of the State, to offer to the Legislature, through you,

such opinions and suggestions, on his part, as the circumstances of his position, and a proper respect for public sentiment, seem to demand.

And first in importance are the rates of compensation fixed by the Act in relation to that subject. Whether this law was "conceived in iniquity and brought forth in sin," as has been charged upon it in high quarters, is a question the solution of which more properly belongs to those who originated it, or the honorable members of the Legislature by which it was enacted. Whatever may be the imperfections of the law, the present State Printer is in no way responsible for them. Coming into office by appointment of the Executive, during the recess of the Legislature, he had nothing to do but to perform the duties *specifically* required of him by the several acts of that body; and these he has done, or endeavored to do, faithfully, promptly, and he trusts to the satisfaction of the Legislature and the people.

Were the payment for the public printing made *in cash*, the rates established by law are greatly beyond what a due regard for economy would at the present time justify; but large as are the rates, they have barely sufficed—under the embarrassing circumstances and difficulties occasioned by the payment of high rates of interest for necessary advances—for labor and materials, and by the ruinous depreciation of the Warrants upon the Treasurer (in which only has payment been made), to remunerate him for the execution of the State work. The extent to which it has been necessary to sacrifice Warrants, at one time at a discount of from 40 to 50 per cent., may be more fully and particularly shown to the proper committees of the Legislature, should such inquiry be deemed of any importance. It is alluded to here simply to show that, instead of the immense fortune which it has been thought the State Printer has accumulated from the proceeds of the public work, he has not yet realized a sufficient amount from the Treasury to meet the obligations already incurred in executing the same.

The amount of $7 30 allowed for each thousand ems of composition and for each token of Presswork (250 impressions), is certainly a high price, but when from this is deducted a discount of 35 per cent., which is less than the average at which Warrants could be sold, there remains $4 75, as the price per 1,000 and token.

This latter amount is further reduced by the deduction of $2 50, the rate paid to journeymen per thousand ems during the last year, leaving for the profits of the Printer, and for all other contingent expenses—rent,

interest, &c., the small sum of $2 25, which no one will consider an extravagant compensation in this country. It is the misfortune of States, as it is of individuals, that when unable to pay as they go, in current funds, they are compelled often to pay double for all they want; and that this has been so in the case of the Public Printing, cannot be attributed as the fault of the Printer.

In regard to the proposition for a modification of the scale of prices now established by law, the State Printer is not only willing to accede to a different and reasonable rate, but hereby offers to the Legislature to perform the printing hereafter to be ordered at a reduction of 20 per cent. Were the Treasury of the State in a condition to meet the drafts of the Comptroller in cash, a further reduction of 20 per cent. would be cheerfully submitted to. But it is not to be expected that work can be performed at as low a rate, when payment is made in a medium of uncertain and fluctuating value, as if made in money; nor do the people of this State require of those who perform arduous public duties, that they should render their labor for a meagre reward.

The prices paid for Spanish Printing should not be higher than $8 per 1,000 ems, instead of $14 60, as fixed by law, and the present officer respectfully suggests this reduction to the Legislature. In several other particulars he is ready to meet the demand for "retrenchment and reform," as far as is compatible with the execution of the duties imposed upon him, in a workmanlike manner.

THE JOURNALS AND BOUND VOLUMES.

By the "Act to provide for the distribution of the Journals, Laws, &c.," passed April 22d, 1850, it is ordered that 1050 copies of the Statutes in English, and 350 in Spanish, shall be printed and bound—the size of the pages, the arrangement of the contents, and the style of the binding, being definitely fixed by the Act. The 12th Section of this Act provides as follows:—

§ 12. The State Printer is hereby authorized to execute the Printing as contemplated in this Act, and at such place as he may select: *Provided*, that before proceeding to do so, he shall place in the hands of the Comptroller a relinquishment of one half the cost of such printing,

now fixed by the "Act defining the duties and fixing the compensation of State Printer: *Provided*, also, that the total amount for binding, stitching, folding, and transportation, and all other expenses, shall not exceed the sum of thirty-five thousand dollars."

In compliance with this section, the necessary relinquishment was deposited with the Comptroller of State; and on the 15th of May last the manuscripts of the Journals of the two Houses of the Legislature, with such portion of the Laws as had been transcribed were sent to New York, where it was contemplated to have the work done. During the first week in July following the "copy" of the Journal was put in the hands of the Printers, and on the 26th of August a part of the edition (100 copies) were shipped across the Isthmus of Panama, by Adams & Co.'s Express, and arrived at San Francisco in the month of October. This volume extends to 1340 pages, included in which is a copious index, and the quality of the materials and the mechanical execution of the work will compare favorably with the best specimens of typography emanating from the press of the country.

Owing to the unavoidable delay in transcribing the laws in the office of the Secretary of State, as also to the loss of a memorandum of those that had been forwarded, the whole of the "copy" did not reach the hands of the Contractor till the first day of October, between which time and the 26th of the same month, the Printing of the Volume of Statutes was completed, a portion of them bound, packed, and got under way across the Isthmus—the remainder following in the month of November, by the same route. The first parcel of these bound volumes has been received, and placed in possession of the Secretary of State, and the balance of the edition is looked for in all the ensuing week, which, with as little delay as possible, will be passed over to the proper department.

In the performance of this part of his contract, the State Printer has used the greatest possible diligence; and both in the quality of the material and the execution of the work, no pains nor expense has been spared by him. In addition to what was required of him by the law, he was compelled to assume, under the advice of the Secretary of State, the responsibility of engaging a person to prepare the marginal notes, Tables of Contents, and Indexes, which duty, as far as he has been able to judge, has been well done. For the expense of this necessary pre-

paration of the copy for the Volumes, it is believed no provision has been made by law.

The printing of the Volume of Statutes in the Spanish tongue has not been commenced, and this portion of the contract cannot be completed for some time, in consequence of the translations not being made. Up to the present time, only about one half of the Acts of the Legislature, passed at its first Session, have been translated; and though the State Printer was prepared to execute this portion of the work as promptly as might be, it has not been done for the reason stated.

The Journals and Statutes—a part of the former, and the whole edition of the latter—have been brought across the Isthmus at a very heavy extra cost. It would have been a compliance with the letter and spirit of his contract, had these books been shipped by the usual route. But actuated by a desire to have the books delivered at the opening of the present Session of the Legislature, and feeling a degree of pride in the matter, the State Printer did not hesitate to incur a large extra expenditure to accomplish this object, which course, he trusts, the Legislature will approve.

The Comptroller of State is authorized by the Act in relation to the State Printer to audit the accounts for Printing, as far as the work is completed and delivered; but in regard to the Bound Volumes, that officer declines to do so until the *whole* Contract is delivered, including, of course, the Spanish Volumes. As the latter cannot be printed for months, even if the Legislature does not see fit to repeal so much of the Act as requires their publication at this time in that language, the action of the Legislature is necessary in order to obtain payment for what has already been done.

The State Printer has contracted heavy obligations in the performance of this work, and he therefore respectfully asks the early action of the two Houses of the Legislature on the subject—that authority be given to the Comptroller to audit the account for printing, so far as to embrace what has already been completed, by allowing the half price provided by law—and also, such further sum as shall be equitable and just for compensating the services rendered in the making of the marginal notes, &c., and for the extra expenses for transportation.

All which is respectfully submitted.

J. WINCHESTER, State Printer.

SAN JOSÉ, *January* 11, 1851.

[E.]

State Translator's Report.

OFFICE OF STATE TRANSLATOR,
SAN JOSÉ, *Dec.* 20, 1850.

TO HIS EXCELLENCY,
GOV. PETER H. BURNETT.

SIR: I do not think it necessary, in my department as State Translator, to make any report to the Executive, inasmuch as all my translations, with the exception of one, have been published at large, and will all appear together from the hands of the State Printer, when the Legislature meets; but as a mark of respect to your Excellency, and as your Excellency may at this time wish to be informed upon the subject of my province, or at least upon the amount of work I have performed, I beg leave respectfully to make this brief report.

The class of duties allotted to me has been admitted as extremely onerous by every member of the last Legislature who understood the great difficulty, if not the impossibility, of translating the Laws into Spanish rapidly and correctly at one and the same time, and hence immediately after my election it was proposed that I should be allowed assistance, in order thereby to ensure as early as possible the translation and publication in Spanish of those Laws which the Mexican population would immediately require; but the proposition not only met with no success in the Assembly, but was treated as a matter that would incur a useless expense to the State, on the ground that the Californians might wait for the Laws, if the Translator could not perform his task sufficiently fast to satisfy them. Being thus left alone to perform the work, and not having been in good health for the last four months, it has not been in my power to do more in my capacity than what the subjoined list, which I have the honor to present to your Excellency, shows. The list comprises most of the longest Acts passed by the Legislature.

I would suggest to the Legislature the expediency of abolishing the office of State Translator, and appointing in lieu thereof four temporary translators for the space of three months, to translate all the laws suited to the wants of the native Californians. The expense of such an appointment would be trifling when compared to the great benefit that would accrue to our Mexican citizens from the arrangement; for then they would receive in three months, instead of one year, that which is indispensable and justly due to them.

I am with esteem,
Your Excellency's most
Ob't Serv't,
JOSEPH H. SCULL,
State Translator.

List of Acts Translated into Spanish.

An Act subdividing the State into Counties, and establishing the Seats of Justice therein.
An Act defining the amount of Revenue to be collected to defray the expenses of the Government of the State, for the year 1850.
An Act to supersede certain Courts, and regulate appeals therefrom to the Supreme Court.
An Act to regulate the Interest of Money.
An Act to organize the District Courts of the State of California.
An Act creating and regulating Public Ferries.
An Act empowering the Governor to appoint Commissioners of Deeds, and defining the duties of such officers.
An Act to regulate Elections.
An Act concerning the office of County Attorney.
An Act concerning the office of District Attorney.
An Act concerning Notaries Public.
An Act concerning the office of County Treasurer.
An Act concerning the office of County Assessor.
An Act concerning Lawful Fences, and animals trespassing on premises lawfully enclosed.
An Act prescribing the mode of assessing and collecting Public Revenue.
An Act establishing Recorders' Offices, and defining the duties of the Recorder and County Auditor.

An Act concerning Wills.

An Act to regulate proceedings in the County Courts, in cases of appeals from the Courts of Justices of the Peace.

An Act to organize the Courts of Sessions.

An Act to organize the County Court.

An Act adopting the Common Law.

An Act to regulate Descents and Distributions.

An Act concerning Crimes and Punishments.

An Act relating to Bills of Exchange and Promissory Notes.

An Act to prescribe the duties of Sheriffs.

An Act relative to Bonds, Due Bills, and other instruments in writing, and making them assignable.

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.

An Act to regulate proceedings against Debtors by Attachment.

An Act concerning Forcible Entries and unlawful Detainers.

An Act to regulate proceedings in Civil Cases in the District Courts, the Superior Court of San Francisco, and the Supreme Court.

An Act to regulate proceedings in Criminal Cases.

I would here remark that I have translated *twice* the first 356 Sections of this last mentioned Act. The original translation of them having been burned in San Francisco at the time the State Printers' establishment was destroyed, before it was printed. These 356 Sections are as voluminous as twenty or thirty small Acts, and the necessity of retranslating them has therefore prevented me from translating that additional number of Acts.

OFFICE OF SECRETARY OF STATE,
SAN JOSÉ, *Jan.* 13, 1851.

I hereby certify that the foregoing is a true copy of an original report on file in this office.

W. VAN VOORHIES,
Secretary of State.

DOC. No. 16

[E No. 2.]

Treasurer's Report on Foreign Miner's Tax Law.

TREASURER'S OFFICE, Jan. 14th, 1851.

To HON. JOHN BIGLER, SPEAKER OF THE ASSEMBLY:

SIR:—I herewith transmit the information requested by the resolution of your honorable body, of date 13th inst.

Very respectfully,
Your obedient servant,
RICHARD ROMAN,
State Treasurer.

W. B. ALMOND,

COLLECTOR FOR CALAVERAS COUNTY.

1850.			*Dr.*
May 6.	To 2,995 Licenses at $20,		$59,900 00
June 22.	Amount transferred to acc't. of Ben. McCulloch (Collector of Mariposa county),		107 30
" "	Amount transferred to account of R. Roman,		56 97
			$60,064 27
1850.			*Cr.*
June 22.	By State Bonds,	$2,950 00	
" "	Interest thereon,	206 27	
June 22 and July 17.	Return of 2,819 Licenses,	56,380 00	
July 17.	Commission on sales of 176 Licenses at $3,	528 00	
			$60,064 27

BEN McCULLOCH,

COLLECTOR FOR MARIPOSA COUNTY.

1850.				*Dr.*
May 1.	To 1,568 Licenses, at $20, ...			$31,360 00
1850.				*Cr.*
July 5.	By State Bonds, ...	$1,050 00		
" "	Interest thereon, ...	131 13		
" "	Amount brought from account of W. B. Almond, . . .	107 30		
" "	Warrants, ...	300 00		
Aug. 16.	Warrants, ...	500 00		
Aug. 16 and Dec. 18.	Return of 1,430 Licenses at $20, ...	28,600 00		
	Commission on sales of 138 Licenses at $3, ...	414 00		
1851.				
Jan. 13.	State Warrants, ...	233 00		
" "	Cash, ...	24 57		
				$31,360 00

W. W. GIFT,

COLLECTOR FOR EL DORADO COUNTY.

1850.				*Dr.*
May 1.	To 1,627 Licenses, at $20, ...			$32,540 00
1850.				*Cr.*
July 9.	By State Bonds, ...	$6,075 00		
" "	Interest thereon, ...	640 79		
" "	Warrants, ...	2,000 00		
Oct. 10.	State Bonds, ...	600 00		
" "	Interest thereon, ...	110 80		
" "	Return of 1,069 Licenses, . .	21,380 00		
	Commission on sales of 558 Licenses at $3, ...	1,674 00		
" "	Cash, ...	59 43		
				$32,540 00

W. H. RICHARDSON,

COLLECTOR FOR SUTTER AND YUBA COUNTIES,

1850.				*Dr.*
May 6.	To 1895 Licenses, at $20, ...			$37,900 00
1850.				*Cr.*
July 11.	By State Bonds, including interest,	$1,739	00	
Aug. 2.	Cash, ...	3,205	50	
Nov. 30.	Warrants, ...	3,412	78	
" "	State Bonds, ...	1,000	00	
" "	Interest thereon, ...	263	00	
" "	Cash, ...	23	72	
" "	Return of 1,363 Licenses, at $20, .	27,260	00	
	Commission on sale of 532 Licenses, at $3, ...	1,596	00	
				$37,900 00

HENRY M. NAGLEE,

COLLECTOR FOR SAN FRANCISCO COUNTY.

1850.				*Dr.*
May 21.	To 2,145 Licenses, at $20, . . .			$42,900 00
1850.				*Cr.*
July 11.	By State Bonds, including interest,	$119	00	
July 27 and Nov. 1.	Return of 2,138 Licenses, at $20, ...	42,760	00	
Nov. 1.	Commission on sale of 7 Licenses,	21	00	
				$42,900 00

T. B. VAN BUREN,

COLLECTOR FOR SAN JOAQUIN COUNTY.

1850.			*Dr.*
May 6.	To 1,007 Licenses, at $20, . . .		$20,140 00

1851.			*Cr.*
Jan. 10.	By return of 1,006 Licenses at $20,	$20,120 00	
" "	Cash, ...	17 00	
" "	Commission on sale of 1 License, .	3 00	
			$20,140 00

W. M. KINCAID,

COLLECTOR FOR YUBA COUNTY.

1850.			*Dr.*
May 6.	To 1,875 Licenses, at $20, ...		$37,500 00
1850.			*Cr.*
July 30.	By Warrants, ...	$929 79	
" "	State Bonds, ...	100 00	
" "	Interest thereon, . . .	12 00	
" "	Cash, ...	12 21	
" "	Return of 1,813 Licenses, at $20,	36,260 90	
" "	Commission on sale of 62 Licenses, at $3, ...	186 00	
			$37,500 00

JOHN H. GASS,

COLLECTOR FOR SACRAMENTO COUNTY.

1850.			*Dr.*
May and August 10.	To 671 Licenses, at $20, . .		$13,420 00
1850.			*Cr.*
July 29 and Sept. 20.	By return of 671 Licenses, at $20, . . .	$13,420 00	
			$13,420 00

J. J. H. GRAMMONT,

COLLECTOR FOR MARIPOSA COUNTY, *vice* BEN M'CULLOCH, RESIGNED.

1850.			*Dr.*
Sept. 25.	To 288 Licenses, at $20,		$5,760 00
1850.			*Cr.*
Dec. 20.	By Warrants,	$600 00	
" "	Cash,	12 00	
" "	Return of 252 Licenses, at $20,	5,040 00	
" "	Commission on sale of 36 Licenses, at $3,	108 00	
			$5,760 00

L. A. BESANÇON,

COLLECTOR FOR TUOLUMNE COUNTY.

1850.			*Dr.*
May 7.	To 3,415 Licenses, at $20,		$68,300 00
1850–'51.			*Cr.*
July 10, Sept. 17, and Jan. 6.	By return of 2,758 Licenses, at $20,	$55,160 00	
	Balance due State Treasury,		$13,140 00

JOHN F. ANKING,

COLLECTOR FOR SHASTA COUNTY.

1850.			*Dr.*
April 26.	To 1,269 Licenses, at $20,		$25,380 00
1851.			*Cr.*
Jan. 4.	By return of 534 Licenses, at $20,	$10,680 00	
	Balance due State Treasury,		$14,780 00

ELLISON DICKEY,

COLLECTOR FOR SUTTER COUNTY.

1850.		*Dr.*
July 30.	To 800 Licenses, at $20, ...	$16,000 00
	Amount due State Treasury, . . .	$16,000 00

A. W. ADAMS,

COLLECTOR FOR BUTTE COUNTY.

1850.			*Dr.*
April 29 and May 2.	To 1,503 Licenses, at $20, .		$30,060 00
1850.			*Cr.*
July 18.	By State Bonds, ...	$1,000 00	
" "	Interest thereon, . . .	85 00	
" "	Cash, ...	298 26	
" "	Return of 2 Licenses, at $20, .	40 00	
Dec. 16.	State Bonds, ...	1,750 00	
" "	Interest thereon, . . .	396 53	
" "	Cash, ...	40 21	
" "	Return of 1,027 Licenses, at $20, .	20,540 00	
" "	Commission on sale of 210 Licenses, at $3, ...	630 00	
			$24,780 00
	Balance due State Treasury, . . .		$5,280 00

D. J. WOODLIEF,

COLLECTOR FOR CALAVERAS COUNTY, *vice* W. B. ALMOND, RESIGNED.

1850.		*Dr.*
July 17.	To 3,000 Licenses, at $20, . . .	$60,000 00

1851.			*Cr.*
Sept. 21.	By State Bonds, . . .	$1,825 00	
" "	Interest thereon, . . .	298 07	
" "	Warrants, ...	1,280 00	
Dec. 26.	Return of 2,205 Licenses, at $20,	44,100 00	
" "	Commission on sale of 200 Licenses, at $3, ...	600 00	
			$48,103 07
	Balance due State Treasury, . . .		$11,896 93

RECAPITULATION.

24,058 Licenses issued to Collectors, at $20, . .		$481,160 00
19,087 Licenses returned by Collectors, . . .		381,740 00
AMOUNT RECEIVED FROM COLLECTORS.		
State Bonds, including Interest, . .	$19,694 60	
Warrants, ...	9,255 57	
Cash, ...	3,692 90	
		$32,643 07
Commission allowed Collectors on sale, ...		5,760 00
DUE STATE TREASURY.		
From L. A. Besançon, ...	$13,140 00	
From J. F. Anking, ...	14,700 00	
From Ellison Dickey, ...	16,000 00	
From A. W. Adams, ...	5,280 00	
From D. J. Woodlief, ...	11,896 93	
		$61,016 93
		$481,160 00

By the foregoing, it will be perceived that the following Collectors of Foreign Miners' Licenses have fully balanced their accounts with this office, viz:

W. B. Almond, Ben. McCulloch, W. W. Gift, W. H. Richardson, Henry M. Naglee, T. B. Van Buren, W. M. Kincaid, John H. Gass, and J. J. H. Grammont.

D. J. Woodlief, Collector for Calaveras County, is still engaged in the discharge of his official duties. Settlements with this office have been regularly made by him, as often as the same are required by law.

Those Collectors who have failed to settle their accounts with this office, are the following, viz:

L. A. Besançon, J. F. Anking, Ellison Dickey, and A. W. Adams.

For the recovery of the amount due the State from L. A. Besançon, Collector for Tuolumne County, legal steps have been already instituted.

TREASURER'S OFFICE,
January 18*th*, 1851.

To Hon. DAVID C. BRODERICK,
President of the Senate:

SIR: I beg leave to state that since the transmission of my first report, in answer to a resolution of your honorable body, requiring information concerning Collectors of Foreign Miners' License Tax, Mr. A. W. Adams, Collector for the County of Butte, has fully settled his account as such, by the return to this office of the remaining unsold licenses.

Very respectfully,
Your obedient servant,
RICHARD ROMAN,
State Treasurer.

DOC. No. 17

[F.]

Message from the Governor in relation to El Dorado, Mariposa, Bear Creek, and Gila Expeditions.

EXECUTIVE DEPARTMENT,
SAN JOSÉ, *January* 18, 1850.

To Hon. D. C. BRODERICK,
President of the Senate:

SIR: In pursuance of a resolution of the Senate, I have the honor to submit herewith all original official correspondence, and other documents in my possession, relating to the Indian disturbances which have occurred since the adjournment of the last Session of the Legislature. They are arranged respectively:

No. 1—Colorado and Gila Expedition.
No. 2—Bear Creek "
No. 3—El Dorado "
No. 4—Mariposa "

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It may not be improper, in connexion with the exhibit afforded by these official documents, to respectfully suggest that some steps should be speedily taken by the Legislature which shall more effectually enable the authorities of the State to protect our citizens against the hostile incursions of Indian tribes inhabiting our frontiers. In the absence of any effective measures on the part of the General Goverment for this purpose, the existing emergent circumstances of the State; the exposed situation of the interior frontier; the open declaration of hostilities on the part of some of the tribes; and, in short, the actual existence of an Indian War within our borders, seem not only to warrant, but imperatively require that the Legislature adopt some measures which shall afford, at least, the means of protection to those of our citizens exposed to the hostilities of the Indians.

The last Legislature, not anticipating these disturbances, made no pro-

vision to meet them, further than to authorize, in pursuance of the 3d section of Article 7th of the State Constitution, the Executive to call out the Militia. It will be observed that the commands heretofore ordered out have been armed and equipped, and their necessary supplies furnished, by individuals. The men who abandoned their daily avocations and callings to volunteer their services upon the occurrence of these disturbances, have received no pay. The General Government, under the provision of the Constitution to protect each State against foreign invasion and domestic violence, will, no doubt, ultimately provide for their payment; but in the meantime, as a precautionary step, and the better to protect ourselves until the General Government shall have interposed, I would recommend that provision be made to secure to those who have already served, as well as those who may be called upon in future to serve against the Indians, payment for their services. There are many claims outstanding, originating on account of the Indian disturbances, which have accrued. These should be examined and provision made for their adjustment.

I herewith also transmit a communication from myself, of date January 13th, 1851, to the Sheriff of Mariposa County, ordering out one hundred men, &c. The step was deemed advisable upon the representations which you will find were made from various quarters in respect to the necessity of some immediate action being taken by the State authorities. Since the issuance of this order, I have had several interviews with the Indian Commissioners appointed by the General Government, whom, I am informed, will shortly proceed to the scene of Indian disturbances with the view of negotiating treaties with the several tribes. Every facility in my power will be afforded to enable the Commissioners to effect the object of their Commission.

I have the honor to be,

Very respectfully,

Your obedient servant,

JNO. MCDOUGAL.

DOC. No. 15

[F No. 2.]

Special Message of the Governor of the State of California to the Legislature, in relation to the Indian Hostilities in Mariposa County, with accompanying Documents.

EXECUTIVE DEPARTMENT,

SAN JOSÉ, *January* 20, 1851.

TO THE LEGISLATURE OF CALIFORNIA:

I have the honor to transmit herewith copies of communications, received by express, in relation to further Indian disturbances which have occurred and are occurring in the County of Mariposa. In submitting these communications, it is deemed advisable to call the attention of the Legislature to the necessity existing for the immediate and prompt action in the passage of some law for the better protection of that portion of the State now exposed to the predatory incursions of hostile tribes of Indians. From the best information I have been able to gather, no doubt remains that serious hostilities have commenced between the whites and many of the tribes inhabiting our frontiers—hostilities which it becomes the policy of the State to terminate at the earliest practicable moment. A temporizing course serves only to protract, and thus render these difficulties more formidable.

Energetic measures are required, as the surest means left to the State of saving and preserving from unnecessary destruction the lives and property of its citizens. So far as the General Government is concerned, no present aid need be expected at all commensurate with the emergency. We must, therefore, rely upon ourselves for protection, and take such steps for this purpose as circumstances warrant, trusting that the General Government will ultimately afford us surer means of more effectually punishing aggressors than are now at our command.

It will appear from the accompanying communications, that the citizens of Mariposa county have promptly volunteered their services; but it will be seen, also, that they are without adequate means of subsistence and supplies, and are consequently unwilling, and unable, indeed, to continue in the service, without some provision being made which will afford them these necessary means. It is not to be expected that citizens either will or can abandon their avocations, and engage in the service of the State, without compensation: or at least, without some reliable assurance that the actual expenses incurred by them will be refunded, and remuneration for whatever loss of time may be occasioned. Those of our citizens residing in that section of the State where these disturbances occur are generally engaged in mining operations, and can illy afford to abandon their business at any season, but especially at this, and gratuitously devote their time, as well as their private means, to the defence of the State.

Up to this time, arms, ammunition, provisions, and other munitions of war, have been supplied by individuals. The State owes it to them to to see they are compensated.

I would therefore recommend that provision be made by law for the payment of whatever claims be justly due for and on account of services which have heretofore been rendered by its citizens in repelling Indian aggressions, and that some provision be also made for the protection and defence of the frontier in future, and until the General Government shall have adopted such measures as shall obviate the necessity for State interposition.

I have caused copies of the accompanying communications to be transmitted to the Commander of the tenth Military Department, United States Army.

JOHN MCDOUGAL.

AGUA FRIA, *January* 13, 1851.

His Excellency, PETER H. BURNETT:

Sir:—The Indians in this portion of the State, as you will be informed by the letter of Major James Burney, are in arms, and threaten to con-

tinue their hostilities. Property is unsafe, and life is insecure, in Mariposa county; and if this state of affairs shall be permitted to continue for many weeks, this portion of our beloved State will soon become depopulated. Will not your Excellency do something to relieve us from our danger and distressed situation? If the Legislature, now in session, has not already passed some general Act to provide for raising a temporary army to suppress riots and prevent depredations, we entreat your Excellency, at your earliest opportunity, to submit to their deliberation a Special Message for our relief and benefit.

Maj. James Burney, who has written to you somewhat at length, in relation to our danger and distressed situation, is the Sheriff of Mariposa county. He is a most excellent civil officer, and we have no doubt as to his capacity as a military officer. He has the confidence of our citizens, both as a private citizen and public officer. He is exceedingly popular; therefore we believe he can raise a temporary army for the present emergency, with less inconvenience and expense than any other person within our knowledge.

We hope our application will receive the early attention of your Excellency.

We are, very respectfully, your obedient servants,

J. M. BONDURANT, County Judge.
RICHARD H. DALY, County Attorney.

We, the undersigned, citizens of Mariposa county, concur fully in the sentiments contained in the foregoing letter.

(Signed) DAVID EASTON, and seventy others.

AGUA FRIA, Jan 18th, 1851.

SIR:—Your Excellency has doubtlessly been informed by Mr. Johnson and others, of repeated and aggravated depredations of the Indians in this part of the State. Their more recent outrages you probably are not aware of. Since the departure of Mr. Johnson, the Indian agent, they have killed a portion of the citizens on the head of the San Joaquin River, driven the balance off, taken away all the moveable

property, and destroyed all they could not take away. They have invariably murdered and robbed all the small parties they fell in with between here and the San Joaquin. News came here last night that seventy-two men were killed on Rattlesnake Creek; several men have been killed in Bear Valley. The Fine Gold Gulch has been deserted, and the men came in here yesterday. Nearly all the mules and horses in this part of the State have been stolen, both from the mines and the ranches. And I now, in the name of the people of this part of the State, and for the good of our country, appeal to your Excellency for assistance.

In order to show your Excellency that the people have done all that they can do to suppress these things, to secure quiet and safety in the possession of our property and lives, I will make a brief statement of what has been done here.

After the massacres on the Frézno, San Joaquin, &c., we endeavored to raise a volunteer company to drive the Indians back, if not to take them or force them into measures. The different squads from the various places rendezvoused not far from this place on Monday the 6th, and numbered but seventy-four men. A company was formed, and I was elected Captain, J. W. Riley 1st Lieut., E. Skeane, 2d Lieut. We had but eight days' provisions, and not enough animals to pack our provisions and blankets as it should have been done. We, however, marched, and on the following day struck a large trail of horses that had been stolen by the Indians. I sent forward James D. Savage, with a small spy company, and I followed the trail with my company. About two o'clock in the morning Savage came in and reported the village near, as he had heard the Indians singing. Here I halted, left a small guard with my animals, and went forward with the balance of my men. We reached the village just before day, and at dawn, but before there was light enough to see how to fire our rifles with accuracy, we were discovered by their sentinel. When I saw that he had seen us I ordered a charge on the village (this had been reconnoitered by Savage and myself). The Indian and my company got to the village at the same time, he yelling to give the alarm. I ordered them to surrender; some of them run off, others seemed disposed to surrender, but others fired on us: we fired, and charged into the village. Their ground had been selected on account of the advantages it possessed in their mode of warfare. They numbered about 400, and fought us three hours and

a half. We killed from 40 to 50, but cannot tell exactly how many, as they took off all they could get to. Twenty-six were killed in and around the village, and a number of others in the chapparel. We burned the village and provisions, and took four horses. Our loss was six wounded, two mortally; one of the latter was Lieut. Skeane, the other a Mr. Little, whose bravery and conduct through the battle cannot be spoken of too highly.

We made litters on which we conveyed our wounded, and had to march four miles down the mountain, to a suitable place to camp, the Indians firing at us all the way from the peaks on either side; but so far off as to do little damage. My men had been marching or fighting from the morning of the day before, without sleep, and with but little to eat. On the plain, at the foot of the mountain, we made a rude, but substantial fortification, and at a late hour those who were not on guard were permitted to sleep. Our sentinels were (as I anticipated they would be) firing at the Indians occasionally all night, but I had ordered them not to come in until they were driven in.

I left my wounded men there, with enough of my company to defend the place, and came into this place for provisions and recruits. I send them to-day reinforcements and provisions, and in two days more I march by another route, with another reinforcement, and intend to attack another village before going to the fort. The Indians are watching the movements at the fort, and I can come up in the rear of them unsuspectedly, and we can keep them back until I can hear from your Excellency.

If your Excellency thinks proper to authorize me or any other person to keep this company together, we can force them into measures in a short time. But if not authorized and commissioned to do so, and furnished with some arms and provisions, or the means to buy them, and pay for the services of the men, my company must be disbanded, as they are not able to lose so much time without any compensation.

Very respectfully,

Your ob't Serv't,

JAMES BURNEY.

[G.]

Message of the Governor, and Report of the Quartermaster General.

EXECUTIVE DEPARTMENT,
SAN JOSÉ, *January 24th*, 1851.

TO HON. DAVID C. BRODERICK,
President of the Senate.

SIR: I transmit herewith a Copy of the Report of the Quartermaster General of the California Militia, in obedience to a Resolution adopted by the Senate on yesterday.

I have the honor to be,
Very respectfully,
Your obedient Servant,
JNO. MCDOUGAL.

DOC. No 20

[G No. 2.]

QUARTERMASTER GENERAL'S OFFICE,
SAN JOSÉ, *January* 21*st*, 1851.

To HIS EXCELLENCY,
The Governor of the State of California.

SIR: I am required by section —— of the law organizing the Militia of this State, passed April 10th, 1850, to report to you annually the condition, &c., of the Quartermaster General's Department, &c. In compliance I have the honor to transmit the following Report:

Since my appointment to office, no arms, ammunition, or munitions of war, or clothing of any description whatever, has come into my possession from any source whatever, with the exception of twenty-five muskets, twenty-five carbines, and twenty-five holster pistols and holsters, accoutrements, &c., which shall be more particularly alluded to hereafter.

I deem it proper to include in this my annual report the history of an expedition to the Gila and Colorado rivers, commenced under the administration of His Excellency P. H. Burnett, late the Governor of California.

Early in the month of June it was deemed advisable, from intelligence received from the lower portion of the State concerning the Indian troubles on the Colorado river, for His Excellency the late Governor to order out a portion of the Militia of this State, and instructions were accordingly sent to Major-General Bean, commanding the 4th Division of California Militia, to organize a force of one hundred men, and despatch them to Colorado river, to the ferry formerly occupied by the late John Glanton and party—in case there was a volunteer force organized, General Bean was instructed to accept its services. Much was left to the discretion of General Bean, and indeed that officer was vested with unlimited power to act as circumstances might require.

These dispatches were taken by myself to Major-General Bean, and upon my arrival he instructed me in order No. 1 from his head-

quarters, to join the contemplated expedition, and act as Quartermaster and Commissary-General to it.

After some time spent in vain efforts to get men armed and equipped as the law directs, with provisions, &c., General Bean issued a second order to me, directing me to apply to the U. S. military authorities at San Diego for provisions and transportation; the reply was unfavorable to our plans, and in this dilemma General Bean issued a third order, No. 6, to me, directing me to carry into effect the order of His Excellency the late Governor. The duty of raising the men, arming, equipping, and provisioning them, devolved upon me, and I was directed to furnish the commands as many as I could muster, all the necessaries for a three months' campaign, and I was ordered to pay in drafts on the Treasurer of this State for all purchases I might make for the use of the expedition.

General Bean deemed that it was the desire of His Excellency to have the force sent immediately to the Colorado river, where the Indians were said to be very hostile.

Desiring to obey my instructions to the letter, I proceeded to Los Angeles, and entered upon the duties of my unpleasant mission, and after weeks spent in untiring exertion, succeeded in raising the force, arming, equipping, and provisioning it, and reported to General Bean, on the 25th of August, 1850, that my command was prepared to march.

At this time I had but forty men, but had made provision for one hundred, believing that there could be that number obtained from parties of emigrants whom I could meet on the road. I was not disappointed in my expectation of being able to obtain recruits, for every party with which I met furnished one or two, all being anxious to revenge some insult or wrong which they had received in passing through the territory of the Indians. When I arrived at the Colorado river my command numbered seventy-five rank and file. I continued to recruit, as General Bean had instructed me to get as many men as I thought necessary, until my whole command numbered one hundred and twenty-five. My official dispatches to General Bean, and which have been submitted to you, supersede the necessity of my entering into the details of my operations on the Gila.

The people of the Southern portion of the State showed no disposition to assist in fitting out the expedition, and the most extravagant prices were demanded for whatever I decided to purchase, but I could

not suspend my operations without orders from General Bean, believing that if he desired me to do so, he would inform me, as the distance between us was so very trifling.

The civil authorities of the city of Los Angeles, upon my requisition and receipts, furnished me with twenty-five muskets and accoutrements, one box of cartridges, and one of balls. Major Fitzgerald of the U. S. army, commanding the post of San Luis Rey, furnished me twenty-five carbines, twenty-five holster pistols and holsters, and the same number of sabres; the muskets were left with the Calhoun Ferry Company at the river, not being able to bring them with me on account of the difficulty of transportation. The carbines, pistols, &c., were returned, with the exception of a few which were broken in action, and unavoidably lost.

After I had been at the Colorado river for near a month, I received an order from General Bean directing me to vacate my post, disband my men, and report to him. I answered him, requesting him that the order might be extended to two weeks, for there were emigrants coming who had families, and their lives and property would have been endangered on account of the unprotected state of the frontier. A reply was returned, peremptorily requiring me to return and report to him. The emigrants in the meantime having crossed, I broke up my camp and returned, and reported to General Bean.

The men engaged in this expedition were emigrants just arrived in the country. Believing that the orders under which I was acting would meet fully with the approbation of the people and their representatives, and would meet the sanction of the Executive, I enlisted these men promising them that they would be paid; and if I might be allowed to express an opinion, the immediate liquidation of this debt would be an act of justice only to the men engaged in the Gila expedition.

The expedition, although expensive, was not altogether useless. The Yumas Indians, a warlike tribe, were taught to know that they could not trifle with the American Government with impunity, and that it would be prompt to punish any aggression upon its rights. These Indians who before were insulting and annoying to American emigrants, are now on the most friendly terms, and the future promises a continuation of these friendly relations.

The papers, vouchers, and documents, connected with the Gila expe-

dition, so far as they relate to my department, shall be submitted immediately. I much fear that the communications of General Bean have miscarried, and hence has arisen the misunderstanding in relation to the expedition.

All orders from General Bean will be submitted, and numbered in regular order.

I have the honor to be, sir,
With high regard,
Your obt. servt,
JOS. C. MOREHEAD,
Quarter-Master General,
State of California.

DOC. No. 21

[H.]

Proceedings and Testimony, in the contested Election case of William D. Fair and Thomas B. Van Buren, decided by the Senate of California, Jan. 25, 1851.

January 6, 1851.

The Lieutenant-Governor laid before the Senate a communication from Hon. Wm. D. Fair, contesting the seat of Hon. Thomas B. Van Buren.

January 11, 1851.

On motion of Mr. Heydenfeldt, the communication from the Secretary of State, relative to the contested election case of Wm. D. Fair *vs.* Thos. B. Van Buren, with the accompanying documents, the protest of Mr. Fair, and the testimony in relation thereto, were referred to the Committee on Elections, with power to send for persons and papers.

The protest, demurrer of Mr. Van Buren thereto, and testimony in the case, are as follows:

[Exhibit No. 1.]

TO THE HON. THE SENATE OF THE STATE OF CALIFORNIA.

I, William D. Fair, citizen of the County of San Joaquin, in the State aforesaid, claiming to be the Senator elect from said County, according to the legal returns of the General Election, held therein on the seventh day of October, A.D. 1850; and profoundly impressed with the conviction that your honorable body will uphold the laws of the State, and at all times guard the purity of the ballot box, and see that the voice of the people is respected and obeyed, respectfully represent:

1st. That the certificate of my election as Senator as aforesaid, has been withheld from and denied to me by Abram C. Bradford, Esq., Clerk of the District Court of said County, contrary to law.

2dly. That the certificate of election to which I claim to be entitled, according to law, has been given to and is now held by Thomas B. Van Buren, Esq., contrary to law.

3dly. That the right of the said Van Buren to the said certificate, is principally based upon the returns of the election held at the precincts known as Emery's Ferry, and Islip's Ferry, in said County situated; which said returns are fraudulent, and, according to the oath of the said Clerk, are illegal.

4thly. That the claim of the said Van Buren to the said certificate, and to the said seat in your honorable body, is unsupported by law, is in opposition to the will of a large majority of the voters of said County, as expressed at the ballot box on the day of the said election, and is in contemplation of law, absolutely fraudulent.

5thly. That several days after the said election, and at the time of my demand of my said certificate, the said Clerk refused to give me the same, and insisted upon his right to withhold the said certificate for the space of twenty days from the day of the said election, and at the time further insisted that he was allowed by law twenty days to decide which of the candidates, myself or the said Van Buren, was entitled thereto; and that the said Clerk did immediately thereafter depart from the city of Stockton, in said County, *via* San Francisco, for Sacramento city, in said State, as by oath of the said Clerk will be shown to your honorable body.

6thly. That as soon as I was informed of the return of the said Clerk to the city of Stockton, and of his giving the said certificate to the said Van Buren, I filed my statement of the grounds of contesting the right of the said Van Buren to a seat in your honorable body, as soon as possible; of which statement the said Clerk has wholly failed to give the said Van Buren the notice, and to serve a copy, as required by law, upon him; and has also wholly failed to afford me the benefit of the law in such cases made and provided.

7thly. That the claim of the said Van Buren to the said certificate, and the said seat in your honorable body, is partially based upon the returns from another precinct in said County, called Davis & Atherton's, and sometimes Williams & Atherton's Ranch, which said returns are absolutely void and illegal, because of the malconduct and grossly corrupt partiality of the principal Judge of the Election held at said precinct last named, as evidenced by the oath of a respectable citizen of said County.

8thly. That all the foregoing facts, and others pertinent hereto, can be fully substantiated and amply proved, by the depositions of citizens of said County, filed in the office of the Secretary of State, and by the testimony of other citizens of said County, temporarily residing in this city at the date hereof.

9thly. That the right of the undersigned to the said seat can be easily established before your honorable body.

And in consideration of the premises, it becomes me, as well in my own, as in behalf of the people of San Joaquin County aforesaid, to assert my right to a seat in your honorable body, and to protest, as I now do, against this unfounded claim of the said Thomas B. Van Buren, Esq., to the same.

Accordingly, I respectfully ask of your Honorable body an immediate investigation into, and final settlement of the right of the parties claiming to be entitled to represent the County of San Joaquin in the Senate of the State of California.

Very respectfully,
WM. D. FAIR.

SAN JOSÉ, *California, Jan. 6th*, 1851.

[Exhibit No. 2.]

State of California, County of San Joaquin, *ss.:*

To ABRAHAM C. BRADFORD, Esq.,
Clerk of the District Court of said County.

Sir: Take notice, that I, William D. Fair, a qualified voter and citizen of said County, claim to be legally entitled to a seat in the next Legislature of the State of California, as Senator, elected according to law, at the election held in the said County on the seventh day of Oct., A.D. 1850; and hereby enter my protest against the tenure of the office of Senator as aforesaid by Thomas B. Van Buren, Esq., who has received from you the certificate of election. And I, the said Wm. D. Fair, hereby notify all whom it may concern, that I shall contest his right to a seat in the said Legislature as Senator of the said County, so far as his

right may be based upon the "Election Returns" from the two precincts known as "Islip's Ferry Precinct," and "Heath and Emory's Precinct," upon the grounds hereinafter mentioned and stated; that is to say,

FIRST. As to the election held at Islip's Ferry on the said seventh day of October, 1850.

1st. Because the votes of foreigners and others were received and taken as votes by the Judges of said precinct, in favor of the said Van Buren before the polls were opened thereat.

2dly. Because the votes of Indians, and of foreigners, were taken and received as votes by the Judges of the said precinct, in favor of the said Van Buren, after the pretended polls had been opened.

3dly. Because the said election was not held and conducted as the law in such cases made and provided directs.

4thly. Because of the double voting practised thereat.

5thly. Because the pretended returns of the said election were not made out according to the law, and are illegal and fraudulent.

6thly. Because of the gross disregard, on the part of the Judges of the said election, of their honorable and responsible duties *as such*.

7thly. Because the election at the said precinct is utterly null and void, by reason of its illegality and the fraud thereby attempted to be committed upon the purity of the ballot box.

AND SECONDLY. As to the election held at Heath and Emory's:

1st. Because of the corrupt conduct of John Letford, one of the Judges at the said last named precinct, at the said election.

2dly. Because of the illegal conduct of one or more of the Judges thereof.

3dly. Because of the double voting practised at the said last-named precinct at the said election, in favor of the said Van Buren.

4thly. Because of illegal votes received and taken as *votes*, in favor of the said Van Buren thereat, on the day of the said election.

5thly. Because of the illegal manner in which the pretended returns from the said last-named precinct were made out by the Judges thereof, and their fraudulent commission and delivery to the Clerk of the District Court of said County.

6thly. Because the *so-called* returns from the said last-named precinct are utterly *irregular*, *incomplete*, and *illegal*.

7thly. Because the pretended voters at the last-named precinct are in great part *non-residents* of *said County*, and *aliens*.

And Finally, I, the said William D. Fair, relying upon my rights as guaranteed by the laws of my country, and claiming the full benefit of the legal returns of the late election, held on the day aforesaid, assert hereby my lawful claim to the said seat of Senator for the said County, and repeat my protest against the holding of the said seat by the said Van Buren and all others, and here likewise enter my solemn protest against the wrong inflicted upon the legal voters of San Joaquin County, and the great outrage committed upon the purity of the ballot box.

(Signed)

W. D. FAIR.

County of San Joaquin, State of California, *ss:*

This day personally appeared before me, Abram C. Bradford, Clerk of the District Court of said County, Wm. D. Fair, who, upon his oath, says, that the causes or grounds of contesting the election above referred to, as set forth in the foregoing statement are true, as far as the same are illegal, upon his own knowledge, and as far as the same are stated upon the information of others, he believes to be true.

W. D. FAIR.

Sworn before me this twenty-fifth day of October, 1850.

A. C. BRADFORD.
Clerk District Court.

State of California, County of San Joaquin, *ss:*

I, Abram C. Bradford, Clerk of the District Court of said County, hereby certify the foregoing five pages to contain a true and correct copy of the original statement filed with me by William D. Fair, Esquire, on the twenty-fifth day of October, 1850.

Given under my hand and the seal of said District Court, this 3d day of January, 1851.

[SEAL] A. C. BRADFORD,
Clerk.

[Exhibit No. 4.]

State of California, County of San Joaquin, *ss:*

The deposition of G. W. Keeler and others, witnesses on behalf of William D. Fair, Esq., in a certain matter pending between said Fair and Thomas B. Van Buren, Esq., touching the right of said Fair and Van Buren, to a seat in the Senate of the State of California, as Senator from the County of San Joaquin aforesaid, which depositions will be offered as evidence before the said Senate, in behalf of said Fair; that notice of the time and place of taking the depositions (to wit: the 30th day of December, A.D. 1850), and continued to 3d January, 1851, was duly given by said Fair to said Van Buren.

Question. By William D. Fair, Esq. Do you reside in this State; if so, how long, and where?

Answer. I have resided here upwards of two years; have resided at Keeler's ferry, on the Stanislaus river, since last February: this is about sixteen miles from Islip's Ferry, ten miles from Heath and Emory's, and one and a half miles from Knight's.

Q. 2d. Are you acquainted with these ferries, the persons living there and the number of inhabitants there, and surrounding or near there: if so, state the number as near as you know?

A. I am acquainted with most of the persons living at that ferry and near there; there were about six living at Heath and Emory's, about the same number I think at Islip's, some three or four at Cotton's Ferry; there may have been some eight or ten, or perhaps sixteen persons, living on the river from Islip's down to the mouth, in San Joaquin county; this includes all I know living on the San Joaquin side of the river; this includes some three persons living at a place called the Lone Tree, about ten miles this side of the river.

Q. Were you one of the Judges at Knight's Ferry; if yea, state how many persons voted there, and how many persons passed there on the day of election?

A. I believe there were forty-five votes polled there; some ten or twelve persons voted for State officers only; the number of persons passing there that day who did not vote did not exceed the number of fifty.

Q. Did the Judges at Knight's ferry receive the votes of all those who offered to vote?

A. They rejected all those who could not swear they were legal voters; those of whom we had any suspicion were sworn.

Q. Look at the annexed list of voters at Islip's, and state how many you know to be legal voters, or residents of the county of San Joaquin. (List marked A.)

A. Out of the list marked A, I know Benjamin Williams; he resides in Tuolumne county; James and Samuel Hawthorn live in same county (if they are the same persons I suppose them to be); Hugh O'Neil lives in the mines, either in Tuolumne, or Calaveras; William Evans, *alias* Texas Jack, lives in Tuolumne County, at least I have always understood so, and he told me himself that he lived in Tuolumne county; I don't know any of the others named on the list, except James Borland and a person named Smith; I don't know whether it is Jack Smith or not; the most of the persons I know who are residents of this County, and entitled to vote there, are not included in this list.

Q. Look at the list marked B, purporting to be a list of the votes given at Heath and Emory's Ferry, and state what number, and the names, you believe to be legal voters of the county of San Joaquin, at said precinct?

A. I know —— Toombs, —— Emory, —— Kerr, John Letford, and William B. Foreman; they are residents of the County of San Joaquin.

Q. Have you had an opportunity of knowing, and do you think you should have known the persons on said lists, if they had been residents and voters of the County of San Joaquin?

A. Yes, I have been passing up and down the river all summer, and should have known, the most of the persons named on the lists, if they had been legal voters at those precincts.

By W. D. Fair: Where was your residence on the day of the election

A. At Keeler's ferry.

By same: Do you know anything of the manner of conducting this election, which would be of benefit to William D. Fair or T. B. Van Buren; if so, state it?

A. I do not, except I was surprised at the number of votes taken.

G. W. KEELER.

W. B. Fleason, being duly sworn:

By W. D. Fair: State whether or not you are a citizen of the State of California, how long you have resided in the same, and where?

Answer. I have been in San Joaquin and Tuolumne Counties, since last June a year, engaged in trading.

By same: Are you acquainted with the location of Heath and Emory's Ferries, and the others mentioned by Mr. Keeler, the number living near there and adjacent; if so, state the number as far as you know?

A. I do not know the *names* of many persons; I do not think the number *exceeds* that stated by Mr. Keeler; there are but two persons on the lists that I know; these persons are Keeler and Emory.

W. B. FLEASON.

George G. Belt, sworn: State whether or not you are a citizen of the County of San Joaquin; if so, how long have you resided there, and where?

Answer. I have resided in the County of San Joaquin since the commencement of the town of Stockton; have resided in California about four or five years.

Question. Are you acquainted with Heath and Emory's, and Islip's Ferries, and the country adjacent; the number of persons who are legal voters at these places?

A. I am acquainted with Heath and Emory's, and Islip's Ferries, and the country adjacent; am well acquainted with the country; at Heath and Emory's Ferries there are about ten voters; at Islip's about five or six; the whole number of persons in the region of Heath and Emory's, and Islip's Ferry, from the mouth of the Stanislaus river on this side, up to Heath and Emory's Ferry, will not exceed thirty-five in number, with the exception of persons living on the roads from Stockton, and keeping taverns, which roads run at right angles with the river.

Q. Examine the lists marked (A), and state how many persons there are on the list who are known to you, and whether such persons are legal voters.

A. To the best of my knowledge and belief, I know but three persons on the list; John Lewis lives on the *south* side of the Stanislaus river near the mouth; Benjamin Williams lives on the same side in Tuolumne county, with Texas Jack; he told me he was one of the Judges of Election at Islip's; Dr. Borland lives in San Joaquin County; I believe him to be an Englishman.

Q. Examine the list of voters marked (B), purporting to have been taken at Heath and Emory's Ferry, and state how many of the persons on the list are entitled to vote at this place.

A. I know John Letford, O. C. Emory, —— Kerr, and —— Toombs; I don't know any of the others; I know a Henry Morton, living *in the city of Stockton;* I don't know the names of any of the others.

By same: Do you know any thing of the mode in which the election was conducted; if so, state what, and fully?.

A. Dr. Borland told me that he had no instruction as to the manner of conducting the election; he conducted the election in the same manner elections had formerly been conducted in this country; they were not particular as to the persons they received as voters; he was sorry that blame had fallen upon him; he had done for the best, and did not know any better; I met Benjamin Williams afterwards in Sonora, and asked him why he had conducted the election so badly, and why he came over to San Joaquin to act as Judge: that he belonged over in Tuolumne with Texas Jack; he asked what was the difference where a man voted.

GEO. G. BELT.

McKee Reaney sworn:

Question by W. D. Fair. State whether you are a resident of the county of San Joaquin; how long you have resided in California; how long in said County, and where; and what is your acquaintance with the county and the ferries therein?

Answer. I have been in California since December, 1848; in San Joaquin County since April, 1849; am pretty well acquainted with the people and the ferries in said County; my residence was in Stockton, from May, 1849, to 1st April, 1850, and have been residing in San

Joaquin County ever since; have been residing in the Calaveras since April, 1850.

Q. State whether you know Heath and Emory's, and Islip's Ferries, and the number of persons residing at and adjacent to said ferries, in the County of San Joaquin.

A. I should say that Heath and Emory's, Islip's, and Knight's, and Keeler's Ferries, would have about one hundred persons, including their hands and the persons living about them; there are no residents within twelve or eighteen miles, except at Lemon's.

Q. Have you had any talk with the Judges of the elections at Heath and Emory's, and Knight's?

A. Have not.

Q. Look at the list marked (A), purporting to be a list of votes taken at Islip's, and state how many of them you know to be residents of San Joaquin County, and state further, whether you know of any Spaniards, or Mexicans, living on the Stanislaus river.

A. I know none of the persons named on the list, except John White; he lives in Mariposa County, and also Texas Jack; or W. B. Evans, who lives in Tuolumne County: I know of no Spaniards or Mexicans, living on the Stanislaus river, in San Joaquin County.

Q. Look at the list marked (B), and state whether you know the persons named there, or any of them, to be voters or residents of San Joaquin county.

A. I knew three of them, John Letford, A. C. Emory, and George Kerr, to be residents and voters of said county; I know a William Cardwell, who was a resident of Mariposa county, on the day of election.

Q. From your knowledge of that portion of the county, how many votes do you suppose could have been polled on the day of election?

A. The number could not have exceeded one hundred in that part of the county.

By same. Do you know any thing of the manner in which the election was conducted at those precincts?

A. I do not, except from hearsay; I heard persons say they voted to get rid of being annoyed, and *acknowledged that they had no right to vote*, and that they saw Spaniards voting in wagons without getting out of the same, particularly at Islip's.

McKEE REANEY.

George Kerr sworn for Wm. D. Fair:

Question by Wm. D. Fair. Are you a citizen of the County of San Joaquin; if so, where, and how long, have you resided there?

Answer. I have been living in the San Joaquin District since August, 1849, and have been living in this county since; ever since it has been a county.

By same. Were you one of the judges at Heath and Emory's Precinct, in October, 1850?

A. I was.

By same. Who were the other judges at the same precinct, and who swore the judges?

A. I don't remember the names of the judges, except Mr. Emory; I think Mr. Toombs was one of the judges; the poll list will show.

Q. Were the judges sworn; if so, who swore them in?

A. I don't know.

Q. At what hour of the day were the polls opened?

A. I should judge about seven, or half past seven o'clock, I suppose.

Q. Was a proclamation made at the time of opening the polls; if yea, by whom?

A. I do not recollect by whom; I recollect of calling out myself that the polls were open.

Q. Did any person vote at that precinct without coming up to the ballot-box?

A. Not to my knowledge.

Q. Was any person, who offered to vote, rejected?

A. I think, but will not state positively, that one young man who offered to vote was rejected.

Q. How many of them who voted at Heath and Emory's precinct, were sworn as to their residence?

A. None, as far as I remember.

Q. Do you recollect whether any Spaniards or Mexicans voted there; if so, how many?

A. To the best of my recollection, I think there were not more than four or five; the poll-list will show (the persons of Spanish origin who voted, were claimed to be Californians).

Q. How many voters at that precinct do you think to be residents?

A. All of them who voted; they stated they were residents.

Q. Did the judges of this precinct inquire of all persons who voted there whether or not they were residents?

A. They did not.

Q. Do you know whether some Yackee Indians voted on the day of election?

A. I do not.

Q. Please examine the list of votes marked (B), purporting to have been taken at Heath & Emory's Ferry, and state how many you know to be residents of the County of San Joaquin; and the names of the persons?

A. I don't know, of my own personal knowledge, any except myself Mr. Toombs, Mr. Emory, Mr. Gardner, Mr. Truman, and Mr. Letford; these are the only names of my personal acquaintance.

Q. Do you know who acted as Clerk at this precinct?

A. Mr. Toombs, it appears from the list, acted as Clerk of the election.

Q. Do you know that Mr. Toombs took down the poll-list at the time of receiving the votes?

A. I presume that Mr. Toombs made out the poll list, and sent it to the County Clerk. I know that the names of the voters at that time were taken down in his hand-writing.

Q. Did you, as one of the judges of election, sign the poll-list referred to; and, if so, where?

A. I signed the returns of the number of votes given at Emory's. I signed the poll-list afterwards, at Stockton.

Q. Do you know that any other of the judges signed the poll-list in Stockton?

A. I have no positive recollection; Mr. Letford, or some other person, and myself, went into the Clerk's office, when I signed it; I can't say positively that Mr. Letford signed it at that time; Mr. Letford and myself came from Heath & Emory's together; Mr. Letford was in town on the day the poll-list was signed by me; I can't say, however, that Mr. Letford signed it on that day.

Q. Do you recollect to have stated that Mr. Letford signed the list on the day you did?

A. I do not.

Q. Will you examine the list of votes purporting to have been given

at Islip's ferry, and state how many you know to be residents of the county of San Joaquin?

A. I am personally acquainted with Montgomery, Smith, Hubre, Dr. Borland, Gillis; (I think), I believe those persons are residents of the County of San Joaquin; I don't know that the other persons are residents; but suppose they are, from the fact of their being on the list.

Q. Do you know that the package containing the poll-list sent down from Heath & Emory's was opened in Stockton, before it was delivered to Mr. Bradford, the Clerk?

A. I know it was opened in Stockton, before it was delivered to Mr Bradford, the Clerk; I opened it myself, to put my signature to it.

GEORGE KERR.

John White, sworn:

Question by Wm. D. Fair, Esq.: Were you the principal editor of the Stockton *Times* (a newspaper published in the town of Stockton), in the month of October, 1850?

Answer. I was.

Q. Do you know that the notice by the County Judge, of the election to be held in the County of San Joaquin, on said day, was published in that paper; if yea, when, and how often?

A. The notice was published in the Stockton *Times*, on October 5th, of the election that was held on the 7th, signed by Judge Williams, and that was the only advertisement by the County Judge that was published in that paper as to said election.

JOHN WHITE.

George Kerr comes before the Commissioners on this first day of January, A.D. 1851, and qualifies one of his answers, by saying that "all the persons of Spanish origin who voted, claimed to be Californians,' and says that this was the statement he made upon the examination.

M. ENDICOTT, Recorder.

Abraham Bradford, sworn:

Question by Wm. D. Fair: Were you Clerk of the District Court on the 7th day of October, A. D. 1850?

Answer. I was.

Q. Do you know how many days' notice of the day of election was given?

A. To the best of my recollection, the notice was issued some fifteen days before the day of election.

Q. Did you receive the returns of the election from the precinct known as Heath & Emory's, and Islips? if so, in what manner did they come; state fully concerning the same, as to the time, manner of their being sent, &c., &c.

A. The certificate of the Inspectors and Judges of election, at these places, were received by me and filed on the 8th day of October, A. D. 1850; the poll-list of Emory's ferry was received and filed on the 10th of same month; the poll-list of Islip's Ferry was also received and filed on the 10th.

Q. What was the appearance of the package containing the poll-list from Heath & Emory's, at the time it was received?

A. It bore the appearance of having been just sealed, the wafer being moist.

Q. Will you examine the poll-list sent down from Heath & Emory's and Islip's, and state whether the hand-writing on the two poll-lists is the same, whether they appear to have been written by the clerk, or in whose hand-writing they appear to be?

A. I have examined the poll-lists of the two precincts, and that from Islip's corresponds with the writing of the Inspector, James Boland; that from Emory's Ferry bears a strong resemblance to the hand-writing of said Borland.

Q. Would you judge the hand-writing on the two to be the hand-writing of the same person?

A. I would.

Q. State what occurred in your office when I called and demanded my certificate of election.

A. I recollect that you read the law to me, and stated that you thought you had a right to receive your certificate, from the character of the election returns; I did not consider that the law made me a

judge of the validity or correctness of the returns; I told you that it was a district election, and I was under the impression that I had twenty days to sign the certificate in, and as I was much engaged then, I would like you to defer the matter until I had an opportunity of examining the law; a day or two after that I left for San Francisco, expecting to be gone from five days to a week; I left, I believe, on the Friday following the day of election; the election occurred, I think, on Monday.

Q. Did you regard these returns from Heath & Emory's as legal returns?

A. I did, until they were proved otherwise.

Q. Do you consider that the returns are made out agreeably to law?

A. I know that they are not made out according to the form of law.

Q. State on what day I filed my statement of the grounds of contesting the election at those two precincts.

A. It was filed on the 25th day of October, 1850.

Q. Did you support myself, or Mr. Van Buren, at the late election?

A. I had promised Mr. Van Buren to vote for him, and did vote for him at that election.

A. C. BRADFORD.

Hairston Amyx, sworn:

Question by Wm. D. Fair: Will you look at the affidavits in the Stockton Journal, and also the affidavit marked (C), and state if the published affidavits and the written affidavit are the same in purport, and whether they were certified by you as a Justice of the Peace?

Answer. The written affidavits are the same, and the printed ones in the Journal are the copies thereof, and the signature to the written affidavit is mine.

HAIRSTON AMYX.

The Stockton Journal referred to is marked (D).

M. ENDICOTT, Commissioner.

E. D. Walker, being sworn, says: That I am a citizen of the County

of San Joaquin; reside near Atherton & Williams's Ranch; on the day of the last General Election I was at Atherton & Williams's Rancho in said county.

Question. State who were the Judges there, and the other officers.

Answer. There were only two Judges of Election there; one of them was Benjamin Williams, Judge of the County of San Joaquin; one of the Clerks was a brother or cousin of said Williams; another person acted as Sheriff; but did not act as a Judge, as far as I know.

Q. State how the election was conducted; the conduct of the Judges at that election.

A. I was there one hour before the election opened; I did not see any of the Judges sworn in; I was there when the polls were opened; I know that one vote was polled before the opening of the election; there were only three persons present, myself, Judge Williams, and the voter, whose name is Enoch Barnes, and his name was written down by the said Judge Williams; I saw Judge Williams, during the day, frequently leave his seat, and go out and get Americans, and Mexicans, or Spaniards, and bring them in and treat them, and have them to vote; I protested against it at the time, and told him I thought it was wrong, he was pursuing a course not justifiable in a Judge to pursue, and at the proper time should inform upon him; he brought at one time two or three Americans in to vote; I told him to ask them whether they were citizens of the county; he refused to do so, stating that it was not his business; I then asked them myself; they said they were residents of Calaveras county, and their votes were then thrown out and rejected; the conduct of both Judges in leaving the bench and going down to the road to bring up the voters was about the same: they *both* frequently did it.

Q. Were Mexicans, or persons of *Spanish* origin permitted to vote there; if so, how many?

A. There were eight or ten voted there, whom I believe to be Mexicans; the poll-book will show the number.

E. D. WALKER.

State of California, County of San Joaquin, *ss:*

I, Montague Endicott, a Commissioner to take depositions for the

County of San Joaquin, hereby certify that the foregoing depositions were taken and subscribed by the several deponents whose names are set forth; that the examination of said witnesses was continued, from day to day, from the 30th day of December, A.D. 1850, to the 3d day of January, A.D. 1851.

Given under my hand and seal, this 3d day of Janury, 1851.

M. ENDICOTT,
Commissioner for San Joaquin County.
[Seal.]

[Exhibit C.]

ELECTION AFFIDAVITS.

This is to certify that on Monday, the 7th instant, as I was passing Islip's Ferry, an election precinct of San Joaquin County, with a wagon and twelve passengers, we were called, and our names asked, before the polls were opened. The passengers consisted of nine Americans and three foreigners, and on hearing our names, the men who called us did, to the best of my knowledge and belief, take our names and use them as voters at the polls. We did not vote, nor did we go to the polls for that purpose. None of the passengers were residents of San Joaquin county.

THOMAS C. TOCHMAN.

Sworn to and subscribed before me, this the ninth day of October, A.D. 1850.

HAIRSTON AMYX, [Seal.]
Justice of the Peace.

This is to certify that I was at the polls at the same place mentioned in the affidavit of Thomas C. Tochman; a man took a ticket and put it in the ballot box, without my consent, as my vote; I am a resident of the County of Mariposa; my vote was put in, notwithstanding I told him

that I did not think I had the right to vote, but to get rid of him I told him to do just as he damned please; the vote was then put in the box.

JOSEPH N. THOMAS.

Sworn to and subscribed before me, this the ninth day of October, 1850.

HAIRSTON AMYX, [Seal.]
Justice of the Peace.

THE POLLS AT ISLIP'S FERRY.

(*Affidavit.*)

We hereby testify that the vote of a person signing himself Joseph N. Thomas, to an affidavit given before Hairston Amyx, Esq., Justice of the Peace in Stockton, and published in the Stockton *Journal* of the 19th inst., was rejected by the Inspector of Election of this precinct, and by each of us Judges of the Election, and we further testify that no use of his name was made as a voter.

No vote of Thomas C. Tochman was polled, and no use was made of his name—the returns in the hands of A. C. Bradford, Esq., can prove this. We further testify that the polls were opened by the Inspector of Election before any votes were taken, or any voters came to the polls.

The other charges contained in their affidavit we consider unworthy of refutation.

JAMES BOLAND, *Inspector.*
H. STICKNEY, BENJ. WILLIAMS, } *Judges of Election.*
H. BAKER, HUGH MONTGOMERY, } *Clerks.*

Sworn and subscribed to before me, this the 15th of October, 1850.

O. C. EMORY, *Justice of the Peace.*

[Notice.]

State of California, County of San Joaquin, *ss:*

To THOMAS B. VAN BUREN, ESQ:

SIR: Take notice, that on the 30th day of December, A.D. 1850, at the hour of 12, M., at the office of Montague Endicott, I shall proceed to take the depositions of McKee Reaney, George G. Belt, Wm. M. Shepperd, —— Keeler, and others, to be read before the Senate of the State of California, at the next ensuing meeting of the Legislature of said State, as evidence in support of my right to the seat in the said Senate, as Senator from the said County of San Joaquin, which you claim, under a certificate of election given by the Clerk of the District Court of San Joaquin District.

The depositions will be continued from day to day, at the place and time chosen aforesaid, till the same shall be completed.

[Signed] W. D. FAIR.

State of California.

The People of the State of California:

To the Sheriff of San Joaquin county:

Summon George Kerr to appear before me, at my office in Stockton, at one o'clock, P. M., on this day, to give evidence in a matter between Wm. D. Fair and Thomas B. Van Buren, touching the rights of said persons to a seat in the Senate of California, as Senator from the County of San Joaquin.

Given under my hand and seal this 30th day of December, A.D. 1850.

M. ENDICOTT,
Commissioner to take depositions for San Joaquin County.
[Seal.]

The People of the State of California:

To the Sheriff of San Joaquin county:

Attach George Kerr, and have him before me forthwith, to give testimony in a matter between Wm. D. Fair and Thomas B. Van Bu ren touching the rights of said persons to a seat in the Senate of said State.

Given under my hand and seal this 31st day of December, A.D. 1850.

M. ENDICOTT,
Commissioner to take depositions for San Joaquin County.
[Seal.]

Returns of General Election for State Officers, &c., held pursuant to law, on Monday, 7th October, A.D. 1850.

Names of voters.	*Number of votes.*	*Names of voters.*	*Number of votes.*
William Chapman	1	Hugh Montgomery	36
Chas. Ophy	2	William Evans	37
Wm. S. Archibald	3	Thos. L. Evans	38
Maurice Loup	4	Jno. Brown	39
Jno. Lewis	5	Thos. A. Wilson	40
Thos. Parkman	6	Jno. H. Kempton	41
Ang. Handson	7	Lewis Bateman	42
Saml. Ferman	8	George Thompson	43
James H. Lewis	9	Aaron Smyth	44
Wm. Laird	10	Oliver Schorile	45
Patrick Fernny	11	Charles H. Valletto	46
Jos. Hawthorn	12	C. A. Mackenzie	47
Samuel Hawthorn	13	Wm. Walbridge	48
Henry McCurdy	14	Joseph Ohuay	49
Henry S. Hovey	15	Elias Kingsley	50
Thomas N. Jones	16	E. L. Jamison	51
Francisco Salasco	17	Wm. Davies	52
Antonia Salasco	18	John S. Smith	53
Emanuel Salasco	19	Abel Huber	54
Juan Philipea	20	Wm. C. Gallis	55
Onecea Philipies	21	Dan'l A. Cowan	56
Sacramento Valensualo	22	Charles Dalley	57
Salrado Cantero	23	Lewis Kingsley	58
Casos Averdo	24	Patrick McLane	59
Jos. M. Cooper	25	Jos. L. Lauarence	60
E. J. Ward	26	Francis Lemon	61
John O. Corman	27	Wm. Y. Jones	62
Joseph Howard	28	Alfred H. Lawrence	63
Henry Baker	29	Joseph Gray	64
Philip Rop	30	Joseph H. Connere	65
Thos. P. Deal	31	Henry Belter	66
Benj. Williams	32	Michael McGuiness	67
Hamilton Stickney	33	George M. Reynolds	68
Pat. O'Ryan	34	Refus A. White	69
John J. Brown	35	Jesse P. Thayer	70

Official Returns—*Continued.*

Names of voters.	*Number of votes.*	*Names of voters.*	*Number of votes.*
Francis Osmond	71	H. S. Newman	101
Lewis Simpson	72	John Belter	102
John Worldly	73	James Williams	103
John Deitz	74	Antonio Ocano	104
Wm. Yowman	75	Manna Bastanto	105
Chas. B. Philips,	76	Zach. Smyth	106
John White.	77	Dan'l Koontz	107
John Connell	78	Pasca Graves	108
Henry Hayes	79	Sam'l Waterman	109
Peter F. Graham	80	Amhurst Bydler	110
Charles Scott	81	John F. Robinson	111
John Dickenson	82	Wm. Huffman	112
James H. Allen	83	Henry Hutchinson	113
Wm. Baker	84	Alonzo Sheridan	114
John Wheeler	85	Sylurs Richardson	115
James H. Fermer	86	George Lavino	116
Henry Seymour	87	Henry Rutland	117
Francis S. Tafft	88	Hugh O'Neil	118
John Lenobergen	89	Donald N. Frazer	119
W. W. Yager	90	Henry Anderson	120
Henry Lowers	91	Thomas H. French	121
Amano Alman	92	Cornelius Hitchcock	122
Andrew Reiger	93	James Freelove	123
James McKay	94	J. Jenkins	124
George A. Ready	95	Francis Reinhandt	125
George Kyte	96	Stephen Meaney	126
Patrick Jefferson	97	Richard E. Herd	127
John S. Sherman	98		
Wm. Adanus	99	No. of voters	127
Geo. Holbrook	100		

Of the above number of voters each candidate received for office as follows:

For Senator.

	Votes.
Thomas A. Van Buren received	127

Members of Assembly.

	Votes.
Mr. A. Van Camp received	25
Munro T. Robertson	110
F. Yeiser	97
James Mitchell	3
Wm. C. McDougal	116

For Attorney General.

James McDougal	126
H. Stearns	1

For District Attorney.

J. M. Huntington	119
J. K. Shafer	6

For Clerk of Supreme Court.

Eugene H. Tharp	116
Wm. H. Shannon	11

For Superintendent of Public Instruction.

H. B. Bateman	14

For State Capital.

Vallejo received	127

CERTIFICATE.

State of California, County of San Joaquin:

We, the undersigned, Inspectors, Judges, and Clerks of the election held pursuant to law, in and for said county, at the precinct known as Islip's Ferry, hereby certify that the within is a correct and true *copy* of the number of *voters* who voted, and also of the number each candidate received.

Witness our hands, this 7th October, A.D. 1850.

JAMES BOLAND, Inspector.

A. STICKNEY,
BENJAMIM J. WILLIAMS, } Judges.
Per THOS. P. LEE,

H. MONTGOMERY, } Clerks.
H. BAKER,

State of California, County of San Joaquin:

I, Abram C. Bradford, Clerk of said County, hereby certify the foregoing to be a correct copy of the original Poll-list of the voters at Islip's Ferry precinct in said County, at an election held 7th October, A.D. 1850, which list is now on file in my office.

Given under my hand, and private seal (there being no seal of office provided), this 2d day of November, 1850.

[SEAL.] A. C. BRADFORD, Clerk.

Returns of the General Election for State Officers, &c., held pursuant to law, on Monday, 7th day of October, A.D. 1850.

Names of voters.	*Number of votes.*	*Names of voters.*	*Number of votes.*
Wm. B. Phillips	1	James Brownlaw	25
Thomas Godkins	2	John G. Leggett	26
Wm. Pool	3	Wm. McFarlane	27
J. Van Lair	4	Emanuel Morio	28
W. E. Cardwell	5	Edward Fitzpatrick	29
F. E. Bartlett	6	Lewis P. Melton	30
John Eaves	7	George S. Wheeler	31
D. Liston	8	James L. Ford	32
John Moyer	9	Henry Crafts	33
David Buist	10	Wm. M. Bennett	34
George Crossmore	11	Iowa A. Williams	35
Micheal Kereako	12	Peter Dolan	36
Juan Irabiso	13	Fred. A. Denies	37
José Arviso	14	José Munis	38
George W. Toombs	15	Basinta Gonzales	39
W. B. Freeman	16	George Hortimane	40
E. O'Meria Regan	17	J. D. Natkins	41
D. B. Gardner	18	Wm. H. Rolison	42
W. Eugene Charlefranc	19	John Kelly	43
O. C. Emory	20	Jose Faster	44
George Kerr	21	Almia Alvador	45
John Jackson	22	Ignasia Rifus	46
Santiago Montago	23	John Moore	47
George W. Branch	24	James McDonald	48

Official Returns.—*Continued.*

Names of voters.	*Number of votes.*	*Names of voters.*	*Number of votes.*
John Ledford	49	John Teller	81
James Jeffreys	50	Augustus Fawn	82
John C. Cormor	51	James Willobough	83
Joshua Daffield	52	John Brown	84
Thos. B. Dahl	53	Wm. Edwards	85
Charles Jeffreys	54	Alexander Moloney	86
Abram Hulbet	55	John Milfeck	87
Valentine Smith	56	Wm. Alexander	88
Amos Calborne	57	John S. Dominick	89
Wm. McClosky	58	Lewis William	90
John White	59	Henry Morton	91
Thomas A. Ridley	60	Dominick Eggleston	92
Juliano Arguno	61	Alex. P. Calborne	93
Joseph Jubes	62	Augustus Wilkins	94
Joseph Morales	63	Wm. H. Bulwer	95
Ignassio Jubes	64	William Rose	96
Joseph Mills	65	Julian Clyne	97
John D. Hadlean	66	Israel Clements	98
Thomas Dogherty	67	A. Atkinson	99
Joseph Ortes	68	Daniel Webster	100
James Auchems	69	E. D. Jackinson	101
B. S. Williams	70	Philip Guilles	102
George A. Evans	71	Wm. Hughes	103
G. Whitehead	72	Owen Calgrass	104
John Waters	73	Joseph Burke	105
John Douglass	74	William Adams	106
Hugh Starkey	75	William Brady	107
James H. Gibson	76	James Goodwin	108
John Sykes	77	Amos Stewart	109
James Emory	78		
John Wilson	79	Number of votes polled,	109
Thomas L. Turatts	80		

Of which number each candidate received as follows:

For Senator.

	Votes.
Thomas B. Van Buren received	100

For Members of Assembly.

F. Yeiser received	101
James Mitchell	32
Mr. Howell	66
Dr. A. Van Camp	1
M. J. Robertson	1

For District Attorney.

J. M. Huntington	12
J. K. Shafer	90

For Clerk of Supreme Court.

Eugene H. Tharp	102

For Superintendent of Public Instruction.

M. Huddart	85
E. B. Bateman	17

For State Capital.

Vallejo	109

CERTIFICATE.

State of California, County of San Joaquin:

We, the undersigned, Inspector, Judges, and Clerks, of the Election, held pursuant to law, in and for said County, at the precinct known as Emory's Ferry, hereby certify that the within is a true and correct copy of the number of voters at this precinct, and also the number of votes each candidate received for his office.

Witness our hands this 7th day of October, A.D. 1850.

O. C. EMORY, Inspector.
GEORGE KERR, JOHN LITFORD, } Judges.
GEORGE W. TOOMBS, WM. B. FREEMAN, } Clerks.

Certificate of Clerk.

State of California, County of San Joaquin:

I, Abraham C. Bradford, Clerk of said County, certify the foregoing to be a correct copy of the original poll-list of the voters at Emory's Ferry precinct, in said County, at an election held 7th October, A.D. 1850, which list is now on file in my office.

Given under my hand and private seal (there being no seal of office provided), this second day of November, 1850.

A. C. BRADFORD, Clerk.

[SEAL.] M. ENDICOTT, Commissioner.

[Exhibit No. 5.]

Testimony of Messrs. Moore & Robb.

Hon. Mr. Moore, introduced as a witness by Mr. Fair, being sworn, says:

I had heard about the manner the election was conducted at H. & E.'s Ferry; Mr. Barnett, who lives near there, said we had no poll in our county near us, and we went, about fifteen or twenty of us, across the river into San Joaquin county, and voted; Barnett is a man in whose statement I can rely; he said they voted at the polls at Heath & Emory's Ferry, I think; they voted at the last election for State officers; should not think there was over fifteen or twenty voters at that precinct.

Mr. Robb, introduced as a witness by Mr. Fair, being sworn, says:

I publish a semi-weekly paper at Stockton, in San Joaquin county; there has never been an advertisement of an election published in my paper of the last election; it is a common report in that place that the County Judge intended to defeat Mr. Fair in the last election; I have travelled all the county, from the mouth of the Stanislaus river to the head, and taking in the four precincts on the river; I do not think there

is over fifty legal voters there; it was the opinion of the people of Stockton, that as Stockton had gone against Mr. Van Buren, that he was beaten by a large majority, and it is their opinion now; Col. Kerr, who was one of the Judges of election at the election in October last, acknowledged to me in Stockton that he had signed the poll-list of said election in Stockton; I told him it was regulated by law that after the poll-list left the place of holding the election, that the person who brought the returns to the County Clerk should swear that the list had not left his hands, nor been opened, until it was delivered to the Clerk; he told me another of the Judges of the election signed the poll-list at Stockton; he told me that he thought if honesty would win in the election, that Mr. Fair would get his seat; I charged him, in my paper, that Mexicans had voted there; he acknowledged that five had voted, but they all claimed to be Californians; men who knew them at Stockton said they were from Sonora; Mr. Fair was in Stockton a few days previous to the election; a week or two previous to the election.

By Mr. Van Buren:

Mr. Lane, a personal friend of Mr. Fair, told me before Van Buren was brought out as a candidate, that he (Fair) was a candidate for State Senator from San Joaquin District; soon after I published an advertisement, signed by Irwin, Fair, and Booker, in which it was set forth that Irwin and Fair would be the controlling partners in San Francisco, and reside there, and Booker in Stockton; under the supposition that Fair was to become a citizen of San Francisco, I told Van Buren that I would support him for Senator, and it was only when Mr. Fair returned, that I knew anything of his (Fair) running for the office; Fair said that he never intended to lose his residence in the District; the notice was published about a month previous to the election; Mr. Fair immediately proceeded to San Francisco, and opened a law office, and I saw him there; since the election, Fair has been absent from Stockton pretty much all the time; Fair came to Stockton less than a week before the election.

By Mr. Fair:

Booker told me that Fair found fault with the advertisement, in regard to this; that all the partners intended to do business in each city, and that Fair did not intend to lose his residence in Stockton; Mr. Fair told

me that he was misrepresented in the advertisement; that he never intended to lose his residence in Stockton.

Dr. Shepherd, introduced as a witness on the part of Mr. Fair, says:

I think there are ten or twelve voters between Stockton and Heath and Emory's Ferry, and perhaps an equal number at the Ferry; I think there are about thirty more at all the Ferries; I passed on that road about the middle of the summer.

TO THE COMMITTEE ON ELECTIONS:

I desire to represent to you, that the documents referred to you in the case of Wm. D. Fair, claiming to be entitled to the seat in the Senate, now held by me, are not properly evidence.

1st. Because they were transmitted to the Secretary of State by private hands, and not by mail, as required by law.

2d. They were taken before a Commissioner, and not before a Justice of the Peace, first duly commissioned by the Clerk of the District Court.

3d. I represent that said Fair filed his protest on the 25th of October, and not ten days after election, as required by law. His failure to do so is conclusive. My certificate was given on the fourteenth.

4th. I represent that said Fair was, at the time of the election, and for some time previous had been a resident of the city of San Francisco, and was not, at the time of the election, nor is he now, a resident or elector of San Joaquin county, and cannot by law contest the election.

5th. I have not, by law, been required to do anything in defence of my rights, because no protest was filed in the time required by law, and I knew that no legal contest could be thereafter had. I therefore omitted to take the testimony of an important witness, who is since dead.

I have not been able to show the illegal and fraudulent votes given to said Fair in Stockton, nor the fact of his residence being in San Francisco.

If there is any meaning in the law concerning contested elections, I claim the benefit of the law.

Very respectfully, &c.,

(Signed) THOS. B. VAN BUREN.

IN SENATE.

January 22, 1851.

Mr. Cooke, from the Committee on Elections, made the following report which was read and accepted. Mr. Woodworth, at the same time, giving notice of his intention to introduce a Minority Report:

Report of a majority of the Committee on Elections, in the matter of the contested seat of Thomas B. Van Buren:

REPORT.

The majority of the Committee on Elections, to whom was referred the statement, with the accompanying documents, of Wm. D. Fair, claiming to be entitled to the seat now held by Thomas B. Van Buren, would most respectfully report:

That they have had several sittings; that both parties have been before them; that they have received all evidence offered, and have given the whole subject a careful and serious consideration; that upon such consideration, they have come to the following conclusions:

1st. That the said Wm. D. Fair claims to be entitled to the seat, on the alleged ground of the polling of illegal votes at several of the election precincts of San Joaquin county, for the said Van Buren; and also, on account of the alleged irregular and fraudulent conduct of some of the Judges of such precincts: But that the evidence of such alleged facts submitted to the committee is of a most unsatisfactory and unsubstantial character. Most of the testimony consists of hearsay evidence, and of course is entitled to but little weight in determining the rights of parties.

That some illegal votes were cast at the precincts referred to, your committee have but little doubt; but the evidence does not make it appear that such illegal votes were cast for the said Van Buren, or that a sufficient number were cast for him to change the general result. It is highly probable that the right of suffrage was pretty liberally extended, in various quarters, during the last election: but your committee would feel scarcely authorized to order new elections on such probability.

The irregularities of the Judges complained of are not of such a

nature as, in the opinion of your committee, to vitiate, or set aside the returns.

It is evident that, in these early elections, many persons, ignorant of the precise forms required by the law, have departed from them in the conduct of elections; but such departure should not operate to annul the clearly-expressed intention of the voter.

2d. Sections 75 and 76 of Article VIIth, of the Act to regulate elections, in prescribing the mode and time of contesting elections, provide as follows:

"The right of any person declared duly elected to a seat in the Senate, or Assembly, may be contested by any qualified voter of the county or district to be represented by such Senator, or member of Assembly."

"The person contesting such election shall, *within ten days after such* election, file with the Clerk of the District Court of the county in which the alleged cause or causes of contest originated, a concise statement of the grounds on which he intends to rely, verified by affidavit."

In the opinion of your committee, the said Fair has failed to comply with this provision of the law. The election was held on the 7th of October, and the protest was not filed until the 25th of the same month.

Section 39 of Article Vth, of the same Act, provides:

"The person having the highest number of votes given for each office to be filled by the votes of a single county, or of a township, shall be declared elected; and the County Clerk shall *immediately* make out, and deliver, or send to him, a certificate of election, signed by said Clerk, and authenticated with the Seal of the County Court."

No laches on the part of said Clerk would be a sufficient excuse for not filing the certificate in the time agreed by law, as the law clearly provides that the person having received the highest number of votes is entitled to the certificate, and the Clerk may be compelled to deliver said certificate by process of law.

3d. Section 78 of Article VIIth, of said Act, provides:

"Written notice of such contest, specifying the time and place of taking depositions, and before whom to be taken, and a copy of the statement, certified by the Clerk of said Court, shall be delivered to the

person whose election is contested; or if he cannot be found, shall be left at the house where he last resided, by the Sheriff of the county in which such person claims his residence, within ten days after such statement shall have been filed in the Clerk's office."

It does not appear to be the duty of the Clerk to put the Sheriff in possession of such notice, but rather of the party contesting.

No such notice, as appears by the admission of Mr. Fair himself, and by the testimony, was ever given to Mr. Van Buren.

The necessity and justice of filing the certificate, in the time prescribed, and of giving the notice required by the law is to your committee very apparent.

Immediately after an election, the facts transpiring at the different precincts, all fresh in the minds of the witnesses, evidence can be easily procured, and the whole truth easily and clearly ascertained.

If, however, it be permitted that an individual may wait months, or even weeks, until the witnesses of his opponent are scattered far and wide, in the ever-changing condition of our citizens, much injustice may be done, and much difficulty will necessarily arise.

Finally, the undersigned, a majority of your committee, are of opinion that Hon. Thomas Van Buren is legally entitled to the seat now held by him, and recommend to the Senate the adoption of this report.

All of which is respectfully submitted.

MARTIN E. COOKE,
ELISHA O. CROSBY.

On motion of Mr. Douglass, it was

Resolved, That the contestants be allowed to appear, and prosecute their suits, within the bar of the Senate, either in person, or by counsel.

IN SENATE.

January 24, 1851.

On motion of Mr. Cooke, the Senate took up the report of the Committee on Elections, on the contested election case of Wm. D. Fair *vs.* Thos. B. Van Buren.

On motion of Mr. Douglass, Mr. Fair was invited to a seat within the bar of the Senate; and at Mr. Fair's request, the testimony in the case, and other papers connected therewith, was read by the Secretary. Mr. Fair addressed the Senate at length, in support of his claims to the seat in controversy.

IN SENATE.

January 25, 1851.

Mr. Van Buren replied to the argument of Mr. Fair.

Mr. Fair rejoined, closed the argument in the case, and retired from the Senate chamber; when, at the request of the contestant, previously made, the testimony was again read.

The question then being on the adoption of the report of the committee, declaring that "Hon. Thomas B. Van Buren is legally entitled to the seat now held by him," the yeas and nays were demanded thereon by Messrs. Douglass and Woodworth, and resulted as follows:

YEAS.

Mr. Adams	Mr. Heydenfeldt
Broderick	Lippincott
Cooke	Miller
Crosby	Warner
Green	—9.

NAYS.

Mr. Douglass	Wooodworth
Tingley	—3.

And the President decided that the Hon. Thomas B. Van Buren was the duly elected Senator from San Joaquin, for two years from the 6th of January, instant.

From this decision Mr. Woodworth appealed; and the question being, "Shall the decision of the President stand as the judgment of the Senate?" it was, by yeas and nays, decided in the affirmative, as follows:

YEAS.

Mr. Adams	Mr. Heydenfeldt
Cooke	Lippincott
Crosby	Miller
Douglass	Tingley
Green	Warner—10.

NAY.

Mr. Woodworth—1.

On motion of Mr. Douglass, it was

Resolved, That two hundred and fifty copies of the reports, testimony, and proceedings, in the contested election case of William D. Fair *vs.* Thomas B. Van Buren, be printed for the use of the Senate.

On motion of Mr. Van Buren, it was

Resolved, That Hon. Wm. D. Fair be allowed the same pay and mileage as a member of the Senate, up to this date.

A true copy from the originals.

Attest,

J. F. HOWE, Secretary of the Senate.

SAN JOSE, *January* 27, 1851.

DOC. No. 22

[I.]

Majority Report of Committee on Permanent Location of the Seat of Government.

MR. PRESIDENT:

The Committee on "Public Buildings" have had under consideration the question of the permanent location of the Seat of Government of this State, and beg leave to report, that by an Act of the last Legislature, the Electors of the State were called upon to express, through the ballot box, at the last General Election, their opinion and decision on the various Propositions made to the Legislature in regard to this question.

Returns have been received from nineteen of the Counties of this State, leaving eight counties from which no returns have been received; by which it appears that the whole number of votes cast on this question, as far as returns have been received, amounts to 12,292. Of this number, Vallejo received 8,949; San José, 1,371; and the balance are cast for some nineteen other different places. Of the counties yet remaining to be heard from, your committee is informed, and believes, that at least nine tenths of the votes have been cast in favor of Vallejo.

From this foregoing statement, it appears that the people in their sovereign capacity as electors have, by a very large majority, instructed this Legislature to fix the permanent location of the Capital of this State at Vallejo.

We are satisfied that Vallejo is, from its geographical position, the proper place for the permanent Seat of Government in preference to any other place voted for by the electors at the last election. The difficulty and expense to the members of the Legislature, and all others

having business at the Seat of Government, in reaching the present Capital, is so well known, that no remarks are deemed necessary from the committee on that subject. The Capital of a State should be situated where the greatest facilities of access to the same are offered. Nearly nine tenths of the members of the Legislature pass Vallejo in coming to San José, and the same may be said of County Treasurers, who are compelled to visit the Capital to settle their accounts with the Treasurer of State. If the Seat of Government is removed to Vallejo, many thousands of dollars will be saved to the State in each year in the amount of mileage paid both classes of officers mentioned.

Vallejo is situated in the richest and best agricultural portion of the State, the beautiful valleys of Sonoma, Napa, and Suisun, being in its immediate neighborhood. The climate will favorably compare with that of any portion of the earth; and being supplied with an abundance of good water, there are no diseases incident to the place.

Being provided with a commodious and good harbor, it is accessible to the largest ships.

It becomes important to us to consider the necessity, in locating the Seat of Government, of selecting a place accessible to ships. The material for the erection of State Buildings must be transported from a distant portion of the State, and the transportation of materials to an inland town, will be a labor so great as to entirely prevent the State from the erection of State Buildings for many years. This objection peculiarly applies to San José, situated as it is so far from any good harbor.

In case of war or insurrection, the town may be easily defended, and information readily conveyed to and from the place. The natural advantages of Vallejo are so ably set forth in the memorial of Gen. Vallejo to the last Legislature, and the report thereon made, that little more can be said on the subject.

We are now admitted as a State into the Union. Rich in mineral resources—beyond the wildest dreams of fancy—the eyes of the whole world are upon us. and a proper feeling of self-respect calls on us to permanently fix the Seat of Government in the place which Nature has intended it should be, on the Bay of San Francisco. We believe this question should be settled immediately, that the public mind may be at rest on the subject, and that proper steps may be taken for the erection of State buildings suitable for the transaction of the business of

the State, and the position which this State occupies amongst the States of the Union.

The committee therefore ask leave to introduce the accompanying bill, and recommend its passage.

MARTIN E. COOKE, Chairman.

[J.]

Report of Minority of the Committee on Public Buildings and Grounds, on Location of Seat of Government.

MR. PRESIDENT :

The undersigned, a member of the Committee on "Public Buildings," dissenting from the Report of the Majority of said committee, as also the Bill accompanying the same, begs leave to submit his reasons therefor in the following

MINORITY REPORT.

This can be more properly denominated "a Bill taxing the People of the State of California $370,000 in the years 1851 and 1852, to enable M. G. Vallejo & Co. to pay the State $370,000 in the year 1853 without interest," than a proposition to donate to the State $370,000 in any way tending to benefit our people, or relieve the State from her financial embarrassment.

The proposition is deceptive; it looks handsome when arrayed in tall columns of figures in a newspaper, and the unsuspecting would hail it as the hand of charity, filled to overflowing with gold, extended in kindness to aid poverty and destitution. Viewed in this apparently liberal light, the great mass voted for it without stopping to count *cost.*

Let us examine this proposed agreement which promises so much good to the State—$370,000 is to be paid to the State by Vallejo, in consideration that the Seat of Government is permanently located at Vallejo; and 156 acres of land donated for public building ground, the money to be paid two years after the permanent location of the Capital.

This is the sovereign remedy proposed to relieve California from embarrassment, and erect our public buildings.

What will it cost the tax-payers of this State to enable us to accept this *munificent* gift ?

I answer, a sum of money equal, if not greater, than all Vallejo's propositions combined.

To remove the Seat of Government from the city of San José to Vallejo—to transfer all the offices of State, office furniture, &c.—to provide suitable buildings for the use of the Legislature and State Officers for two years to come—will involve the State in larger expenditures of money, than in my humble judgment will ever be realized on the offer now under consideration.

It is not proposed to aid the State in any way for ten years to come. Our Treasury is now impoverished, even after onerous taxes have been imposed on the energy and industry of our people. The effect of the proposed removal will, if carried out, tend materially to aggravate our present financial embarrassment.

The whole expense of this *financial* operation is to be borne by the State, out of moneys exacted by way of taxes from the people; and for the thousands thus expended, there is no promise or proposition to refund. We must impose additional burdens on our people for two years to come, to enable M. G. Vallejo, at the end of that time, to give by way, professedly, of gratuity to the State $370,000.

This is but a speculative project on the part of individuals, to which the State is sought to be made a party, and is not the first *operation* of the kind which has occurred in the history of other States.

If any State that has been a party to such proposition has profited by it, I have yet to learn that fact—that some States that have been allured into speculations of this character under *golden* promises have paid dear for the whistle, is a well-attested historical fact. As a general rule, in every instance where a State or Government is a party to a contract with individuals, that State or Government is *victimized*—that when either party must be the loser, the interests of the State have uniformly been sacrificed.

It is assumed as one of the principal grounds of the majority for removal, that "the people in their sovereign capacity as electors have, by a very large majority, instructed this Legislature to fix the permanent location of the Capital at Vallejo."

This is a very equivocal assertion: its phraseology is deceptive. It is calculated to create the impression abroad that a "*very large majority*" of "the people" of California voted in favor of Vallejo—true, some ten or twelve thousand voted for and some four thousand voted against it;

whilst it is equally true that at least forty thousand did not vote at all on the question, though equally interested with those who voted for Vallejo, San José, and other points. Doubtless many did not vote on the question owing to the lack of information relative to the true merits of the different places proposed, leaving that question to their representatives, where it constitutionally belongs. And it may be well charged, in reference to the votes for Vallejo, that more of them were procured through the active exertions generally of parties *directly and personally* interested in Vallejo, than were cast by voters who acted on a full knowledge of the relative advantages of Vallejo or San José, and voted accordingly.

The location of the city of San José is inland, pleasant, and easy of access. It is situated in one of the most beautiful valleys in the world—its climate is not excelled by Italy, and for soil and productions it scarcely has a parallel on earth.

Distant from our great Commercial Emporiums (places not well suited as nurseries for Legislators), it makes it none the less desirable location of our great State.

Here we have a building comfortably, I might even be permitted to say, richly furnished for Legislative purposes, free of cost or charge to the State until such time as our revenues will justify the erection of a Capitol that shall be a fair representation of California.

When the finances of the State shall enable us to erect a State House, it will be found that the amount proposed by Vallejo ($120,000) will not defray one half the cost of construction.

Will two years hence find any surplus in the Treasury to expend for public edifices?

That it will not, from the present condition of things, is a matter that must be apparent to all.

When all the just liabilities of the State are summed up to this date, I doubt not it will exceed $200,000, and must be increased to a sum over $300,000 before the close of this Session, and no certain means of liquidating the same, only by reaching the pockets of our people by taxation. States, like individuals, had better pay their just debts before contracting for the erection of splendid edifices—better defer it until her means, after doing justice to her creditors, will justify the expenditure.

2. If Vallejo possessed such peculiar advantages for a large commer-

cial city, why have not the *keen* eyes of California *city builders* long since detected it?

Those hills have been in open and notorious view since San Francisco, Sacramento City, and Stockton, have sprung into existence, and yet all the great and overwhelming advantages of Vallejo Site for a Commercial Emporium and Capital remained hidden until near the close of the last Legislature.

3. The people voted for it—that is, 8 or 10,000 out of more than 150,000 voters in the State, voted for Vallejo, a few on the ground of direct interest, some on the supposition that it would be advantageous to the State, but the great mass from the mere circumstance that the name "Vallejo" was printed on the ticket containing their choice of candidates for the several offices to be filled, neither knowing or caring about Vallejo or San José, or else to accommodate some *interested* friend of Vallejo.

In point of geographical location for centrality, San José has every advantage that can be claimed for Vallejo.

Easy of access through one of the most romantic as well as rich valleys in the world, surrounded with abundance of timber, pure water, and building material, including fine marble, freestone, and limestone, renders it not only a desirable location for the Seat of Government, but presents a point where materials can be more abundantly and cheaply obtained to erect public edifices than at Vallejo.

But we must locate the Capital at the point most accessible to the whole State. Then, why not locate it at San Francisco. It is more easy of access from all parts of the State than any other place in it; no one will controvert this fact, yet no one contends for that location.

It is said, "nearly *nine-tenths* of the Members of the Legislature pass Vallejo in coming to San José." It will be conceded as a *fact* that the counties of San Francisco, Santa Clara, Contra Costa, Santa Cruz, Monterey, Los Angeles, Santa Barbara, San Luis Obispo, and San Diego have twenty-three members in the Legislature, but that they pass Vallejo in coming to San José, unless by going much out of their way to see the "Curiosity," is likewise a *fact* that no man knowing or conversant with the Geography of California, will for a moment controvert.

That "twenty-three" is *more* than *nine-tenths* of *fifty-two* is as apparent to me as that the Report of the Majority of the committee is more largely founded on *fiction* than *facts* to sustain Vallejo.

"Vallejo is situated in the richest and best agricultural portion of the State, the beautiful valleys of Sonoma, Napa, and Suisun, being in its immediate neighborhood." From this statement we are induced to believe that Vallejo is surrounded by fine rich valleys in its immediate vicinity.

But we are credibly informed that Sonoma valley is some eight or ten miles distant from Vallejo, and that Napa and Suisun stand in much the same relation to Vallejo that Sonoma does; perhaps not quite so distant.

There are *some* places where eight or ten miles would not be considered in the *immediate* vicinity. But it is said there is no accounting for taste. So, I presume, we may be permitted to say in regard to *distance* with some *men*. Any one, in taking an actual view of Vallejo, without being interested in making it the permanent Seat of Government, would say there was an entire lack of cultivatable land in the vicinity—an entire lack of timber, and would be puzzled to find an abundance of good water on the *face* of the ground there, or in that immediate vicinity.

"The climate will compare with that of any portion of the earth," and "there are no diseases incident to the place;" so we may say of the peak of Monte del Diablo, for the reason no human being ever lived there, or is likely to inhabit that dreary place. There is not a living resident in Vallejo, so disease has no subject to operate upon. The same argument may, with like force, be used in favor of the healthy location of the spire of St. Paul's Cathedral, which overlooks London.

The march of improvement has, as yet, left no mark there; and there the sturdy adventurer can be found located around it many miles distant—yet with all its pretended advantages of rich soil, good water, great harbor privileges, and superior location for a city—all these important considerations have always heretofore been overlooked by the cultivators of the soil, California city builders, and even the *donor* himself, for it is not reasonable to presume that with all these alleged advantages, if true, that General Vallejo would have hid them all under a bushel so long, with no other object in view than tendering them in charity to the State.

The hope of speculation has alone, in my judgment, opened such expanded views on the subject of Vallejo, leaving out of sight its true

merits, if it has any. But they say it is possessed of a commodious and good harbor, and is accessible to the largest ships.

This argument will apply more strongly to San Francisco, and perhaps to Benicia, Stockton, and Sacramento. Why not make all of them Seats of Government? "In case of war or insurrection, the town may be easily defended," and we might with like reason add, *easily taken.*

These reasons, among many more of a similar character, urged by the Majority in their Report, as justifying the removal of the Capital to Vallejo, we answer, not because they merit consideration as substantial arguments, but to demonstrate the truth of the adage, that "drowning men will catch at straws."

I dissent from the bill reported by the Majority. By its provisions the Seat of Government is to be permanently located at Vallejo, after the present Session of the Legislature, provided General Vallejo submits a Bond, to be approved by the Legislature, for the fulfilment of his proposition, to be executed to the Governor.

To pass this Bill requires a two third vote of all members elected of each House, but it evidently leaves the approval of the Bond for the payment of the consideration of the *removal*, and any after matter, to be passed by a bare *majority* vote.

It does not provide, as it should, that on the failure on the part of Vallejo to comply with his undertaking, the Act to be void.

If this Bill passes, Vallejo and his friends accomplish all they desire.

The location once effected, as proposed by the Bill, does not become void on the failure of Vallejo to pay the stipulated amount agreed upon. In other words, the State is bound by the contract, and General Vallejo is not.

The bill is an ingeniously-devised thing, well calculated to carry out the whole plan—a good bargain for Vallejo & Co., and a bad one for the State.

I am not disposed to countenance, for a moment, a proposition which must cost the State some *three or four hundred thousand dollars*, in order to reach $370,000 two years hence, and more especially when that sum is dependent upon one of those magnificent California speculations, many of which have proved ruinous in their effects.

Here is a proposed donation of 155 acres of land, worth about *five dollars* per acre.

No deed has been made to the State for the same, nor is it certainly known that Vallejo can make a good title thereto.*

Then why take this step until we *know* the State is to profit something by it.

For these, as well as many other reasons that might be urged against the Report of the Majority of the committee, I dissent and protest, and respectfully submit the same for the consideration of those whose duty it is to guard and protect the interests of our infant State.

GEO. B. TINGLEY.

* There is not a building on the ground at this time, nor have we any assurance that any can or will be provided for Legislative purposes, before the wants of the State will demand them. We have no means in the Treasury to provide them, and for one I doubt the policy of indebting the State further for such purpose, though we might be enabled to erect the necessary buildings, and procure furniture therefor, ON CREDIT.

DOC. No. 24

[K.]

Report of the Committee on Indian Affairs, 21st January, 1851.

MR. PRESIDENT:

The Committee on Indian Affairs, to whom was referred "an Act for the protection of the citizens of Mariposa County against the Indians," have had the same under consideration, and beg leave to submit the accompanying Bill as a substitute, and respectfully recommend its passage, and they further recommend that the Finance Committee be instructed to introduce a Bill authorizing a "War Loan" of $300,000, to be appropriated to the liquidation of claims caused by Indian Wars. All of which are respectfully submitted.

D. F. DOUGLASS, Chairman.

21st *January*, 1851.

[M.]

Report of the Select Committee to whom was referred "an Act concerning Divorces."

MR. PRESIDENT:

The Select Committee to whom was referred Assembly Bill, entitled "an Act concerning Divorces," have had the same under consideration, and beg leave to submit the following report:

The 26th section of the 4th Article of the Constitution declares that no divorce shall be granted by the Legislature.

It is insisted by the advocates of this measure, that, from the peculiar phraseology of this clause, its design was only to prevent the evil of Legislative action in particular cases, and not to prohibit the power from being conferred upon judicial tribunals, which might exercise it under the rules of law.

We hold the contrary opinion, and are forced to deny the propriety of that construction. We are of opinion that the Constitutional prohibition, taken together with our previous legislation, has sufficiently deprived us of all power of acting in the premises.

By the Act of April 13, 1850, we have adopted the Common Law of England as the rule of decision in this State. By the particular laws which give jurisdiction to the Ecclesiastical Courts of England, and which form a part of the great body of the Common Law, those courts are invested with the power of granting divorces from the bonds of matrimony in certain special cases, where the causes of divorce existed before the marriage, and are of that character which presented an insuperable obstacle to either or both of the parties entering into the marital relation.

The impotency of either, or consanguinity of both, within the prohibited degrees, are among the causes which give jurisdiction to these courts, and are mentioned as illustrations of their peculiar power in

cases of divorce. Beyond this, at the Common Law, the marriage contract has never been within the reach of the judicial power for the purpose of dissolution, but has always been held as one of the undoubted prerogatives of the Legislative power.

This doctrine cannot be denied or questioned, and it demonstrates, conclusively, that our Courts can have inherently no power over the subject of divorce, beyond such as is exercised by the Ecclesiastical Courts of England.

It is true that the Legislative power can legitimately confer a portion of its jurisdiction to be exercised by other tribunals, making those tribunals—in regard to such jurisdiction—quasi Legislative; and this has been done by many of the States of the Union, whose Legislatures have invested their courts with power in applications for divorce; but in many, if not in every instance, it has been done under the sanction of a Constitutional provision.

But we are in a different condition—in reference to the subject under consideration—from any other State; for while, as has been shown, the judiciary power of the State does not extend over the question of divorce, at the same time the Constitutional prohibition deprives the Legislature of the power; and, therefore, that which it does not possess it certainly cannot have the power to grant.

Your committee cannot close their report without referring to the moral aspect of the question submitted to them. The marriage tie was in ancient times, and still is in many countries of the world, regarded as a religious sacrament as well as a contract, and, therefore, indissoluble except by death. And so necessary do we regard this relation to the interests, the welfare, and the safety of society, that it is a subject of regret that modern opinion has denied its sacred character.

The philosophy of the present age, which has effected this change, not only looks upon marriage as a civil contract, but deems it also as merely conventional, as a rule directed by the arbitrary will of society, and not deriving its origin from the law of God or of Nature.

These views, although they may not be attributed to the majority, are rapidly gaining ascendency, and are followed by still other opinions, the tendencies of which are to subvert the purity of women, and unloose the restraints which have accompanied and helped to construct a refined civilization.

If marriage is only conventional, so is the chastity of woman; so is

her modesty, her delicacy, her refinement; and if we desire that these qualities should remain unimpaired, it behooves us to look well to the effect which our legislation will have in giving progress to opinions which are dangerous to society, or in relaxing those rules which have fixed a high standard of female excellence, which, if it is the work of society only, is the most blest of all its works.

If we are forced to regard marriage as but a civil contract, we must nevertheless look upon it as differing essentially from all other contracts —as a tie which, unlike other contracts, is not formed for pecuniary objects, but as one entering into the most sacred affections of the heart, which are above value and above price; we must make it maintain the position which the wisdom of the past has assigned to it, as the bond which holds society together, and the safeguard of civilization and advancement.

The importance of the moral view which the subject presents, renders it, in the opinion of your committee, a contract which should never be dissolved.

That there will be causes of unhappiness between man and wife, is as certain as that there are other evils of magnitude which attend individuals, and which legislation is powerless to relieve.

We think that any law which gives the opportunity to release from the matrimonial obligation, will have the effect of increasing the evil.

Persons will the more hastily enter the marriage state without giving the subject the reflection it deserves, and without the necessary caution they should use in ascertaining the character, disposition, and habits of each other; convinced that in the event of disagreement (however trivial), a remedy is at hand to snap the tie assunder.

On the other hand, if this most important of all contracts is rendered indissoluble, not only will it be entered into with the proper caution and consideration which it deserves, but after it is formed, the improbability of release will, in nearly every case of unhappy difference, operate as the medicament to produce a return of mutual conciliation and kindness.

That a few unfortunate cases will be beyond the power of relief or redress is true, but all legislation must look to the greatest good of the greatest number. Our sympathies for the few ought not, on a question of this magnitude, to swerve us from a policy so loudly demanded by the best interests of society.

Your committee, therefore, return the Bill, and recommend that it is

unconstitutional and inexpedient to legislate on the subject, and pray to be discharged from its further consideration. All of which is respectfully submitted.

(Signed) E. HEYDENFELDT, Chairman.
THOS. J. GREEN,
J. J. WARNER.

[M. No. 2.]

Statement of L. A. Besançon.

TO THE SENATE OF THE STATE OF CALIFORNIA:

The undersigned, late "Collector of Taxes for Foreign Miners," would respectfully represent,

That immediately after receiving his Commission he opened an office in the town of Sonora, and gave public notice thereof; also caused to be distributed throughout the county the law by which authority he acted. Thereupon notices were posted upon the trees, calling upon all foreigners, Mexicans, Peruvians, Chilians, French and English, to unite. The appeal reads—"There is the highest necessity for putting an end to the vexations caused by the Americans in California. If you do not intend to allow yourselves to be fleeced by a band of miserable wretches who are repudiated by their own country, then unite and go to the *Camp of Sonora*, on Sunday next; *there* will we try to guaranty security for us all, and restrain the rapacity of that horde who call themselves citizens of the United States, thereby profaning that country."

This notice was written in the several languages spoken by the people above named. On the 19th day of May, 1850, these people assembled in arms to the number, variously estimated, of from three to four thousand, marched into Sonora camp and imperiously demanded to know of the Collector if he intended to enforce the law, to which he replied affirmatively. Such hostile demonstrations were then made as caused the citizens to close their doors and prepare their arms for self defence. The Collector, aided promptly and efficiently by the Sheriff, George Work (who nearly lost his life in the affray), and by the Deputy Collectors and a few revolvers, caused the foreigners to retire to a valley about a mile and a half distant, where their numbers were increased to about five thousand, and preparations made, not simply to resist the law, but to attack those who attempted to enforce it. Judge Tuttle, in

the midst of the excitement, sent messengers to the different diggins for assistance, and before night 180 men arrived, well armed, most of whom had been soldiers. The following morning, the Sheriff and Collector at the head of these men—to whom great credit is due for their obedience to orders and general soldier-like conduct—marched out and drove this congregated mass of foreigners from camp to camp: seeking every opportunity, however, to have explained to them that, by a compliance with the law, they would be entitled to protection from the State. Most of these people returned to their labor, and the others were dispersed; all being satisfied that the law would be enforced at whatever hazard or sacrifice, hostilities ceased. A portion of the necessary expenses incurred in suppressing this insurrectionary movement—the first hostile demonstration made in resisting any State law—has been paid by the Collector, and he is held responsible for the remainder. About the 15th July, when the Collector made the first return of the number of licenses sold, these bills were presented—the Treasurer could not allow them in account, and there was no law authorizing the Comptroller to audit them, although the expenses were justly chargeable to the State.

The undersigned would further represent: That, on the 31st day of May, Alexander Bell, as relator, applied for a writ of injunction and one of *quo warranto*, to be directed to the Collector, which writs Judge Creaner refused to grant. On the 13th day of June a peremptory writ of mandamus issued from the Supreme Court, compelling Judge Creaner to direct a writ of *quo warranto* to L. A. Besançon, Collector of Taxes for Foreign Miners for the county of Tuolumne. On the 7th of June, E. J. C. Kewen, Attorney General, filed an information in the nature of a writ of *quo warranto*, in the Supreme Court. In the Attorney General's petition, the following language is used: "and your Petitioner further showeth that said Act is contrary to, and in violation of the Constitution of the State of California; that the exaction of license tax is unconstitutional and illegal, and that the exercise of said office of 'Collector of Licenses for Foreign Miners,' by the said L. A. Besançon, for the county of Tuolumne, is an unwarrantable assumption of office, of franchise and of power." Whereupon the Collector was commanded to appear before the Supreme Court.

On the 29th day of June, a summons issued from the Clerk's office of the county of San Joaquin, by order of Judge Creaner, requiring the

Collector to appear on the 3d Monday of July, and show by what warrant or authority he collected taxes.

Added to these annoying proceedings (although they contain no charge of malfeasance), increased as they were by the Attorney General taking position against the law, leaving the Collector unsustained or protected, there were other difficulties with which he had to contend. As each service was made upon him, a report would be circulated that he had no further power to make collections, and that the law was repealed. Foreigners who held licenses were driven from their holes by persons who spoke the English language, and the parties holding licenses would apply to the Collector for redress. The law declares that the tax-payer shall be protected, but does not make it the duty of the Collector to extend that protection; nor does it allow any compensation. One of your body, the Senator from San Joaquin, can testify as to the decided course which the undersigned took in endeavoring to maintain these people in the enjoyment of their purchased privileges. In reinstating those who had been driven from their diggins, the Collector was compelled to travel sometimes to the remotest parts of the county—common justice demanding that they should be protected in their labor or the money returned. It is but right that the State should pay the expense of enforcing its own laws.

While the proceedings above referred to were pending in the courts, the undersigned wrote a detailed statement of the facts to his securities, who were bound for him in the sum of $100,000. On the 13th day of September last the principal security upon the bond wrote as follows:

"Your position of holding the funds under existing circumstances is the correct one for the safety of all parties."

On the 18th day of September, the undersigned called upon the Treasurer, reported the amount he had collected, and avowed his determination to retain the same. As the State, so far from protecting him, permitted the Attorney General to endeavor to prevent him from performing his duty, he would protect himself and securities. This determination was strengthened by the fact that suits were about to be instituted under the advice of a distinguished lawyer, for the recovery of the money collected; and, as there was no law by which the State could be sued, suits would be brought against the person to whom the money had been paid. The substance of the above was stated the same day to the Comptroller, and two days after to the Governor at San Francisco.

The Collector was aware that it was the duty of Comptroller to cause the District Attorney to institute suit against him, which duty has been performed. Under the circumstances it was not deemed right that the undersigned should continue to exercise the functions of Collector, and Governor Burnett very properly withdrew the commission, closing his letter of the 25th of September as follows: "Although I do not question the purity of your motives, yet I am compelled to appoint some one whose opinions accord with those of the Executive."

The undersigned has now stated generally the causes that have embarrassed his action as an officer. First, the insurrectionary movement in May last—the expense of suppressing which should be borne by the State. Secondly, the multiplied judicial proceedings to test the Constitutionality of the law, which destroyed the business of collecting and subjected the undersigned to considerable expense to answer. In proof of the injury, not only to the Collector but the State, the returns made to the Treasurer show that four fifths of the licenses for Tuolumne county were sold within the first thirty days, and exceeded the collections made in any other county for sixty days.

The late decision of the Supreme Court, in the case of the State *vs.* Naglee, relieves the undersigned from a part of the difficulty under which he has labored, and as he is desirous of having an equitable settlement as speedily as possible, he respectfully asks that some legislative action be had, to enable the Comptroller to audit all accounts connected with this matter, that the Attorney General or District Attorney shall certify are sustained by such proof as they, or either of them, may consider sufficient to ensure recovery in a Court of Justice, were a suit brought against the State. As no law at present exists wherein the State consents to be sued, it will be perceived that it becomes the duty of the undersigned to present his claims as *offsets*, and have the matter determined by a jury of the county in which the State has brought suit against him. As it is not to be presumed that the State desires the expense of enforcing the law, or of protecting a community, to be borne by a single individual, the foregoing is submitted with full confidence that such action will be had in the premises, as will ensure a speedy and equitable settlement of accounts between the State and the late Collector of Taxes for Foreign Miners in Tuolumne county.

Respectfully,

L. A. BESANÇON.

[M. No. 3.]

Message from the Governor, vetoing "an Act to repeal 'Steamboat Inspection Act.'"

January 29, 1851.

Being informed by many of the members of the Legislature, with whom I fully concur, that a too hasty action was had in the passage of an Act, entitled "an Act to repeal 'an Act to provide for the Inspection of Steamboats,'" approved April 10, 1850, I am induced to return it to the Senate, in which body it originated, for their further consideration; and as an admonition against acting prematurely in matters seriously affecting the interest of the public.

With this view I herewith return the bill.

JNO. MCDOUGAL.

EXECUTIVE CHAMBER, *January* 28, 1851.

DOC. No. 2

[N.]

Minority Report on Divorces.

MR. PRESIDENT:

The undersigned members of the Select Committee, to whom was referred Assembly bill, entitled "an Act concerning Divorces," have had the same under consideration, and beg leave to submit the following *Minority Report:*

It is insisted by the opponents of this measure, that the Constitution not only prohibits the Legislature from granting Divorces, but denies the right of that body to delegate that power to the Judicial tribunals of the State.

We hold a contrary opinion, and are forced to deny the propriety of that construction, and submit the following arguments in support of our position.

1st. Section 26, 4th Article of the Constitution: "No Divorce shall be granted *by the Legislature.*

2d. Section 27, same article "No Lottery shall be authorized by this State, nor shall the sale of lottery tickets be allowed."

From the "peculiar phraseology" of the 26th section, it must be apparent to any mind of ordinary comprehension, that its design was only to prevent the evil of legislative action on this subject, for reasons so obvious to all that it would be time thrown away to enumerate them, whilst it is equally apparent there is nothing either expressed or implied in that section that denies the right of the Legislature to delegate that power to the Judiciary, to be exercised under the rules and restrictions prescribed by law.

The framers of the Constitution designed to prevent the passage of any law authorizing Lotteries in this State—they say so in plain language: "No Lottery shall be authorized by this State."

Here the prohibition is complete. Had the Constitution simply declared that no Divorces shall be granted by this State, then the grounds assumed by the majority would have been well taken.

But the Constitution very properly prohibited the Legislature from doing that which rightly belongs to the Judiciary.

It is admitted by the Majority, that in enforcing their doctrine, "a few unfortunate cases will be beyond the power of relief or redress;" they contend all legislation must look to the "greatest good of the greatest number."

This, as a general rule, is correct when applied to laws for the protection of person or property, to regulate contracts and commercial transactions in the business relations of men, aside from any considerations relating to the marital tie. But in reference to marriage contract, and the policy of law that should govern the same, we hold that a different rule should appertain.

Laws on this subject, though general in their provisions, are only designed to aid the "few unfortunate cases," which the Majority of the committee seek to sacrifice as exceptions to a general rule.

The great mass contract matrimonial alliances from feelings of affection the one to the other; and, from that noble impulse of the heart, adhere to the terms of the contract more closely than from any binding obligations of human law.

The Majority, in order to sustain their position, admit that there will be unfortunate cases beyond the power of relief or redress by law.

It is hard to conceive, in this enlightened age, on what principle a party, meritoriously entitled to the benefit and protection of law, shall be denied a hearing in a Court of Justice, or the redress of a wrong, the justness of which all are ready to admit.

We entertain a higher opinion of the sense of right and justice that characterized the framers of the Constitution, than to believe, for one moment, that they intended the very proper clause referred to, to bear the unaccountable construction passed upon it by the Majority.

The institution of marriage, whether viewed as a religious sacrament or a civil contract, when properly regarded and properly appreciated, is one of the most important and beneficial in the land.

Existing, as it has, from the earliest time, and forming a portion of the conventional and national code of every civilized people, it has become the basis of society, and is entitled to our consideration and protection.

In affording this protection, it becomes necessary to inquire into the nature of the marriage tie, and its operation in society.

As far as legislative action is concerned, it is to be regarded as a civil contract, although your committee would not deny that, like many of the obligations of life, it partakes both of a religious and civil character. Marriage is supposed to be founded in feelings of affection and respect, and, while these feelings continue, the relations of husband and wife are of the most sacred character.

Families are reared up within the benign influences of parental example, and the children who gathered in love and peace around the family hearth go forth into the world our country's most excellent citizens.

But when, by the fault of either of these parties, that respect and affection has ceased—when joy has departed from the family circle; when discord, and outrage, and violence have usurped the very inner temple of the household; when virtue itself has deserted the family altar; when children are trained up, both by precept and example, to indulgence in hatred, passion, and vice—the marital obligations become a distressing burden to the parties themselves, and a festering curse upon community.

When a husband has forgot his duty to his God, his country, his family, and himself, and prostrates himself below the level of the brute —when he has become a miserable, wretched, loathsome drunkard, a living cascase, bringing naught but wretchedness and misery into the bosom of his family—he has violated every obligation of the marriage contract, and it becomes, in the opinion of your committee, the bounden duty of those who are watching over the interests of the innocent and the oppressed to interpose the shield of the law, and to rescue the suffering wife and children from their pitiable condition.

When he becomes a demon, and dares descend to the vile crime of cruelty to her whom he has sworn to cherish and protect, it would scarcely seem possible that any one could be found who would seek to arrest the sword of justice, when wielded to sever such abominable ties.

Again, when purity has departed, and one of the parties has committed the foul act of adultery, you certainly would not tie cleanliness to filth, innocence to crime, the living to the dead!

Viewing this subject in any and every light, it appears to your committee not only proper, but absolutely necessary, that the law should

throw its protecting arm around the unfortunate, and rescue them from the abyss into which one false step has plunged them.

We therefore recommend the passage of the Bill, with such modifications, if any are deemed necessary, as the Senate may think advisable.

GEO. B. TINGLEY,
E. O. CROSBY, } *Minority Committee.*

Doc. No. 29.

[O.]

Message from the Governor on Indian Difficulties.

EXECUTIVE DEPARTMENT,
SAN JOSÉ, *Jan. 30th*, 1851.

TO THE HON. D. C. BRODERICK,
President of the Senate:

I have the honor to transmit herewith, in compliance with a resolution of the Senate, copies of a communication addressed to Gen. P. F. Smith, U. S. Army; instructions to Col. J. Neely Johnson, in relation to the recent Indian disturbances in Mariposa county; and a communication to the U. S. Indian Commissioners.

I have the honor to be,
Very respectfully,
Your obedient servant,
JNO. MCDOUGAL.

[P.]

Letter to Gen. Smith.

EXECUTIVE DEPARTMENT,
SAN JOSÉ, CAL., *Jan.* 28, 1851.

Brevt. Maj. Gen. PERSIFER F. SMITH,
Commanding Pacific Division U. S.:

SIR: I have the honor to transmit herewith copies of communications, together with other intelligence, relating to the existence of serious Indian disturbances in Mariposa county. Upon the receipt of these reports, and at the urgent solicitations of the citizens of that section invoking the aid of the State authorities, I deemed it my duty to order out a portion of the militia of the county in which the difficulties are occurring. Accordingly, orders were communicated to the Sheriff, instructing him, in pursuance of the laws of this State in such cases, to call out two hundred able-bodied militia; to organize them at the earliest practicable moment into independent companies, not to exceed four, and under officers of their own selection, to proceed at once to punish the offending tribes.

No report since the transmission of these orders has been received; I am, therefore, unable to state what further steps, if any, have been taken.

It will be observed that our citizens are in a very defenceless condition, and require troops, as well as arms, ammunition, and provisions.

The Indians seem to be determined on hostilities, and are concentrating for this purpose in numbers, and with that concert of action which may render even *them* formidable— especially at this time, when our means of defence are extremely limited, having neither arms, ammunition, nor provisions. It is due to our citizens on the frontier to extend them protection, and so far as it lies in my power, I am disposed to do so; confi-

dently believing that you will co-operate with me in discharging a duty at once so imperative and sacred.

With this view, I have to request that you inform me, at your earliest convenience, what aid we may expect to receive from your department, what number of effective troops can be relied on, at what point they are stationed, and what time will be required to collect them for the present service, if you deem it advisable to co-operate in the present emergency. This information is desired to enable me to act consistently and advisedly hereafter, as well as for the information of the Legislature of the State, should it become advisable to present the matter to that body. Allow me also to inquire, whether there can be furnished for the use of volunteers, arms and ammunition; and if so, the character of arms and the quantity of ammunition.

I have the honor to be,
Very respectfully,
Your obedient servant,
[Signed] JOHN MCDOUGAL.

[Q.]

Orders to Col. J. Neely Johnson.

EXECUTIVE DEPARTMENT,
SAN JOSÉ, *Jan.* 25, 1851.

To Col. J. NEELY JOHNSON:

SIR: Recent intelligence from the county of Mariposa informs me of the existence of very serious disturbances between the whites and Indian tribes inhabiting that section of our State. Information received by special express and otherwise, from reliable sources, represents the Indians to be numerous, united, and determined, and the depredations committed by them, both upon lives and property, extensive and destructive. The aid of the State has been, time and again, invoked, and the necessity for the adoption of prompt and energetic measures strenuously and earnestly urged upon the authorities by those citizens most exposed to their hostile incursions. When first reliably advised of the outbreak, an order was immediately transmitted to the Sheriff of Mariposa county, directing him to call out one hundred men, which it was then supposed would prove sufficient for the emergency. More recent advices, however, have led me to the conclusion that a greater force will be required than was at first supposed, and that it has become absolutely necessary to avoid the calamity of a protracted Indian war. Another order has been accordingly issued for an increased force of one hundred men, with instructions to organize them at the earliest possible moment into companies not to exceed four, and under officers of their own selection. This force may or may not be sufficient; the difficulty of communication with the scene of disturbances is so great as to render it almost if not quite impracticable to be perfectly advised of the exact state of affairs. I am left, therefore, to act as the emergency seems to require, and without that degree of particular and minute information so important to the prompt

and efficient suppression of Indian hostilities. Such being the case, and being desirous to do all in my power to afford our citizens protection in life and property, I have deemed it advisable to dispatch an officer of the staff to the scene of disurbances, with the view to ascertain, collect, and report all facts respecting them, which are or may be required to direct intelligently the further operations of the State authorities. You have been selected for this purpose.

You will proceed at once, and by the most expeditious route, to the County of Mariposa, where you will communicate with the officer in command of the forces which have been recently ordered out. If possible let the Indians be conciliated. Indian war is at all times to be deprecated, but especially so by us now, in the infancy of our career as a State, and before the General Government has provided us with the necessary means of protection and defence. We are in no condition to be harrassed by expensive and protracted disturbances, which, when the best provision has been made for them, prove seriously detrimental to the best interests of the people among whom they exist. I cannot, therefore too strongly impress upon you, and through you upon our citizens, to avoid studiously the commission of any act calculated to excite and exasperate unnecessarily the Indian tribes.

While the measures it may become necessary to adopt shall be firm, let them be tempered with kindness and forbearance, manifesting at all times a disposition to restore relations of friendship, and perpetuate a mutual good understanding, The great object is to effect *a peace* with the least bloodshed, and at the least expense, and no means should be left untried to bring it about. In this connexion I would suggest that, before leaving San Francisco, an interview be had by you with the United States Commissioners on this subject, who will, no doubt, cordially co-operate with you in whatever shall serve to effect an object so desirable. You will also assure them that every facility within your power will be extended to them, in the execution of their mission; and for this purpose, if they deem it necessary, you will order out such force as will securely protect their persons and property. If the Indians are still found to be obstinate and intractable after your endeavors, as well as the endeavors and means used by the Commissioners, to bring about an amicable adjustment of the existing difficulties, it will then become your duty to decide upon the line of offensive policy to be pursued,

Where pacific measures fail, a vigorous prosecution of the war is our most efficient remedy. As before remarked, the force already ordered out may be sufficient for all purposes, but this is a matter which I have not the means of determining; it must be left to your discretion and better judgment after you shall have clearly ascertained, by personal observation, the actual exigency. Should an emergency exist now, or arise hereafter, requiring an additional number of troops, which will not admit of the delay necessary to communicate with me, you are authorized to call out such additional numbers as may be necessary. But it is to be hoped this will not be required; and unless absolutely demanded by circumstances, of which you must be the judge, the call will not of course be made. We have every reason to believe that as soon as at all practicable, the General Government will take steps to afford us adequate protection; at present, however, efficient aid need not be expected. There are but few United States troops in the State, and those few are stationed at points distant from each other, and remote from the scene of disturbances, requiring time to collect and fit them for actual service; time, too, which may be all-important in speedily terminating our difficulties with the Indians, and thus saving many valuable lives as well as preserving much valuable property. I have taken occasion to transmit to the United States Commanding officer copies of the several communications received by me respecting these difficulties, and to request a supply of arms and ammunition. He will, no doubt, lose no time in affording such assistance as the means at his command enable him to do; but these are known to be quite too limited to rely on in case it is found that the Indians are united and determined upon waging a general warfare. You are, therefore, expected to act as circumstances seem to warrant; and if, on reaching Mariposa, it is ascertained that the end sought cannot be attained except by augmenting the forces, and that such augmentation will admit of no delay, you will endeavor to call into service the requisite number. I need not say that economy in the conduct of whatever operations you may find it advisable to commence, is of the last importance. To muster no more men than are required, to keep them in the service not a moment longer than their services are needed, to contract no unnecessary or improvident liabilities, but to practice the most rigid economy consistent with the interest to be subserved, are principles of action which cannot be too highly appreciated, or too closely adhered to.

Keep an accurate and minute account of all expenses incurred, and liabilities contracted by you in pursuance of these instructions.

You will report as often as the service requires, and fully as well upon what has been done, as upon what you think necessary, and report also, all such facts as shall afford a thorough understanding of the true condition of affairs.

Further advice, if it is deemed necessary, will be sent to you by express.

I have the honor to be, &c.

JNO. MCDOUGAL.

[R.]

Copy of the Governor's Letter to the Indian Commissioners.

[Copy.]

EXECUTIVE DEPARTMENT,
SAN JOSÉ, CAL., *Jan.* 25, 1851.

To Messrs. MCKEE, BARBOUR, and WOZENCRAFT,
U. S. Indian Commissioners:

GENTLEMEN: The advices received at this Department, of further difficulties between the whites and Indians in Mariposa County, have induced me to dispatch an officer of my staff (Col. J. Neely Johnson) to the scene of disturbances, for the purpose of making a personal examination into the actual condition of affairs, and with power to act as circumstances may seem to justify, to bring to a speedy end the difficulties which are reported as existing there.

Colonel Johnson is also requested to call on you, and make you acquainted with his instructions. As a general Indian war seems now to threaten us, and for the purpose, if possible, of bringing about some peaceful measures, by which the further shedding of blood may be arrested, and friendly relations re-established, I would respectfully suggest, if you can make it convenient and consistent with your duties, that you accompany Colonel Johnson to the scene of hostilities. It is presumed that, the difficulties having but recently commenced, you may be enabled to restore those relations of amity and friendship with the Indians, which are so sincerely desired by our Government. Prompt and cautious interposition may save many valuable lives. Col. Johnson will afford you every facility in his power

to effect this object, and will co-operate with you in all measures necessary to ensure a return of those friendly feelings which are so desirable to us, and so essential to the happiness of both the whites and Indians.

I have the honor to be,

Very respectfully,

Your ob't serv't,

JNO. MCDOUGAL.

[S.]

Report of the Finance Committee on Indian Affairs, January 28, 1851.

MR. PRESIDENT:

The Finance Committee have directed me to report the accompanying Bill, in accordance with a resolution of the Senate, in adopting the report of the Committee upon Indian Affairs.

Your Committee will take this occasion to repeat, that while they deprecate generally the issue of State Securities, yet this is an extraordinary occasion.

In the absence of an efficient United States force to suppress the numerous Indian outbreaks upon our extended frontier, it became necessary for the Governor to order out a military force. In doing which a necessary debt has been incurred, for which our State is legally and morally responsible. While it is a debt properly chargeable to the Federal Government, it is due to our own citizens who are now suffering by the delay of its payment. By this Bill our State not only liquidates said claims, but places that liquidation upon a footing which may be made immediately available to the claimants. This has been done by every other State under similar circumstances, and in no case has the Federal Government refused, after the usual delays, to refund the amounts so expended.

This Bill also contemplates the providing of further means to prosecute the war against the Indians, without which our frontier must continue to bleed under the very determined hostility of numerous tribes of Indians.

This Bill also appeals strongly to the United States Government to refund this debt to the State. The necessity for doing which must appear manifest; because it is clear that a regular army of sufficient force has not been, and perhaps cannot be, kept in our Gold Mines; and consequently our security must depend upon our own citizen soldiers.

THOS. J. GREEN, Chairman.

DOC. No. 3

[S. No. 2.]

Report from the Committee on Elections in the case of Stout *vs.* Adams..

The Committee on Elections, to whom was referred the matter of the contested seat of the Hon. A. W. Adams, having had the same under consideration, most respectfully report:

That your committee, after a long and careful examination of witnesses, introduced by both Mr. Adams, who now occupies the seat of Senator from the fifteenth Senatorial District, and Alfred H. Stout, the contestant of said seat, and after hearing the respective parties in person before your committee, they have agreed unanimously to recommend to the Senate that the seat of the said A. W. Adams be declared vacant, and notice thereof be given to the Governor of the State.

Your committee have arrived at this conclusion, from the proofs and facts presented to them, that the said A. W. Adams was not a resident of said fifteenth Senatorial district six months prior to the last General Election, and is thereby constitutionally disqualified from holding the office of State Senator from said fifteenth Senatorial district.

Your committee further respectfully report, that from the evidence before your committee, the votes in Shasta County were not polled in accordance with the Election Laws of this State: the General Election Laws having made no provisions for the establishing of precincts in the unorganized counties of this State in cases of a General Election, and the laws providing for the complete organization of unorganized counties, having no provisions relating to General Elections.

Your committee deem it but justice to the people of that county that they should be represented by the person of their choice, and as that county has been completely organized since the General Election, would now be entitled, under the existing General Election Laws, to par-

ticipate in a Special Election for Senator of the fifteenth Senatorial district.

Your committee further respectfully report, that they deem the Contestant to said seat not eligible from the facts hereinbefore set forth. All of which is respectfully submitted.

By order of the Committee,

DAVID F. DOUGLASS,

Chairman, pro tem.

[T.]

Letter from the Secretary of State.

SAN JOSÉ, *January* 29, 1851.

TO THE HON. D. C. BRODERICK,
President of the Senate:

SIR: In pursuance of a Joint Resolution adopted by the Legislature on the 22d inst., requiring the Comptroller and Secretary of State to procure offices within a more reasonable distance of the Capitol, I have caused such papers as it is supposed will be most frequently referred to during the Session to be deposited in the office now occupied by the Governor, and which, for the present at least, will be used as the office of Secretary of State.

Another has not yet been rented, because I have found it exceedingly difficult to procure a building any more convenient to the Capitol than that now used by me, which shall in all respects so well answer the purposes to which it is intended to be applied. Before the necessary offices can be possibly erected by the State, the papers, documents, books, &c., which, by law, are required to be deposited and kept in the office of Secretary of State, will have increased so as to make necessary for their proper preservation much larger and more commodious buildings than need be procured for other offices; and this increase, too, will consist of cumbrous matter, inconvenient, difficult, and expensive in its removal from place to place.

Besides the books already deposited in the Library, the Journals, Laws, Debates of the Convention, &c., yet to be received, the Department of State at Washington advises his Excellency the Governor, of the transmission on the 23d of September and 9th of December, ult., of a large number of volumes, which may be expected to reach us in a short time. To these may be added, the Journals, Laws, and other documents of the several States and Territories received, in a greater or less num-

ber by every successive mail, to say nothing of private donations, which we may reasonably calculate will not be inconsiderable.

From this very general statement on this branch, some idea may be formed of the character of building required for the use of my office; and the importance of securing a *permanent* location for it, until another is procured by the State, becomes, also, apparent.

The house now occupied by me is in every respect convenient and suitable (except, perhaps, in the particular indicated by the Resolution, and, in this, unexceptionable during intervals between Sessions of the Legislature), and may be *certainly* had, kept, and used by the State until other more permanent provision is made, without being subjected in the meantime, as better arrangements than letting to the State become practicable, to the inconvenience and expense of moving and removing the cumbrous materials of the office.

No means will be left untried to comply with the requirements of the Resolution in question, should the same continue without modification or amendment. I would, however, respectfully submit that the present location of the office, everything considered, is perhaps more eligible than can be had elsewhere.

I have the honor to be,
Very respectfully,
Your obedient servant,
WM. VAN VOORHIES.

DOC. No. 36

[U.]

Opinion of the Supreme Court of California, in the case of the People ex. re. Attorney-General *vs.* Henry M. Naglee.

STATE OF CALIFORNIA.

IN THE SUPREME COURT, DECEMBER TERM, 1850,
January 15th, 1851.

The People ex. re. Atorney-General,
vs.
Henry M. Naglee.

OPINION OF THE COURT.

The Legislature at its last Session passed an Act requiring foreigners, in order to entitle them to the privilege of Mining in this State, to procure a License for that purpose, and prohibiting all foreigners who had not such License from working the mines.

It will be unnecessary to examine the question in relation to the authority of the Attorney-General to institute the suit, and whether this form of proceeding is an appropriate method to test the Constitutionality of the statute; inasmuch as we have come to the conclusion that the judgment of the Superior Court should be affirmed, irrespective of the correctness of the Respondent's positions upon these points.

The points, on the part of the Appellant, which will be considered, are that the Act of the Legislature is in conflict; first, with the Constitution of the United States; secondly, with treaties of the United States with foreign nations; thirdly, with the treaty of Querétaro in particular; and fourthly, with the Bill of Rights, and the Constitution of California.

1st. Does the Act in question violate the Constitution of the United States? The Appellant contends that it is an usurpation of the powers conferred upon Congress by that instrument. Before proceeding to an

examination of this position, it is deemed advisable to recur to a few principles and rules of interpretation, which define the limits of the powers conferred upon Congress by the Constitution, and of those which the States still continue to retain. The General Government, though supreme within its Constitutional sphere, is yet limited in the objects of its jurisdiction, and in the extent of its authority. So far as the Constitution has, either expressly or by necessary and unavoidable implication, conferred upon it exclusive powers, to that extent State rights and State authority are subordinate; but no further than that it can point out its authority in the Constitution does its jurisdiction extend—over every thing beyond, State Legislation is supreme. In determining the boundaries of apparently conflicting powers between the States and the General Government, the proper question is, not so much what has been in terms *reserved* to the States, as what has been, expressly or by necessary implication, *granted* by the people to the National Government; for each State possesses all the powers of an independent and sovereign nation, except so far as they have been ceded away by the Constitution. The Federal Government is but the creature of the people of the States, and, like an agent appointed for definite and specific purposes, must show an express or necessarily implied authority in the charter of its appointment, to give validity to its acts. In order, therefore, to maintain the position that a State has not the power to do a given act, which, without a transgression of international law, falls within the scope of the powers of any independent nation, it is necessary to show that such power has been transferred by the Constitution from the State to the Federal Government. These principles are so well settled, and so universally recognized and admitted, that it is scarcely necessary to cite authorities in support or elucidation of them, but we shall refer to a few. They are foreshadowed by the Federalist (No. 32, p. 143, ed. 1837) even before the adoption of the Constitution. It was stated in this, that the State Governments would clearly retain all the rights of sovereignty which they had before the adoption of the Constitution of the United States, and which were not by that act *exclusively* delegated to the United States. This exclusive delegation, or rather alienation of the State sovereignty, would only exist in three cases:

1st. When the Constitution, in express terms, granted an exclusive authority to the Union.

2d. Where it granted, in one instance, an authority to the Union,

and in another, prohibited the States from exercising the like authority; and,

3d. Where it granted an authority to the Union, to which a similar authority in the States would be absolutely and totally contradictory and repugnant.

After the adoption of the Constitution, so jealous were the States lest their sovereignty should be entirely effaced by the general language of that instrument, that, at the first session of Congress an amendment was prepared, which was subsequently ratified by the constitutional members of States, which declares in explicit terms that "the powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people." The Judicial decisions of the Supreme Court of the United States, as well as of other Courts, have not essentially varied the contemporaneous exposition of the Constitution by the high authority of Hamilton. In Calder *vs.* Bud (3 Dallas 386), Judge Chase declared that State Legislatures retained all the powers of legislation which were not expressly taken away by the Constitution of the United States. In Sturges *vs.* Crowningshield (4 Wheaton 193), the Chief Justice observed that the powers of the States remained after the adoption of the Constitution what they were before, except so far as they had been abridged by that instrument; and in Houston *vs.* Moore (5 Wheaton 48), Mr. Justice Story, in the course of the clear exposition of the Constitution, which he gave in that case, remarked that the sovereignty of a State, in the exercise of its legislation, was not to be impaired, unless it was clear that it had transcended its legitimate authority; and that no person ought to be sought, much less to be adjudged, in favor of the United States, unless it was clearly within the reach of its Constitutional charter. "We are not," he adds, "at liberty to add one jot of power to the National Government beyond what the people have granted by the Constitution." The same principle has been recognized in various other decisions on Constitutional questions by the Supreme Court of the United States (2 Cranch, 397; 3 Wheaton, 386, 2 Peters, 245; 16 Peters, 627, 655, 664; 11 Peters, 103, 132; 14 Peters, 579; 15 Peters, 509).

These, then, being the rules by which it is to be determined what the powers of the National Government are, and what powers still remain with the States, it is necessary, in the next place, to inquire how far the States have surrendered the power of taxation to the General Govern-

ment, and to what extent they still retain that attribute of independence and sovereignty. With the exception of exports, imports, and tonnage, and such things as are held by the United States Government, where its rights might be impaired, if the property was taxed by the States, it seems to be conceded by most American Jurists that the power of taxation exists in the States to the full extent, in which it may be exercised by any sovereign nation. In support of this may be seen the following authorities: McCullock *vs.* Maryland, 4 Wheaton, 316, 425; Gibbons *vs.* Odgen, 9 Wheaton, 1; Providence Bank *vs.* Billings, 4 Peters, 561; Brown *vs.* Maryland 12; Wheaton, 441; 2 Story's Commentary on Constitution, 437; License Cases, 5 Howard, 588.

The power of taxation in independent nations is unrestricted as to things, and with the exception of Foreign Ambassadors and Agents, and their retinue, is unlimited as to persons, and is deemed a power indispensable to their welfare, and even their existence. The several States may, therefore, subject to the above restrictions, tax everything within their territorial limits, and every person, whether citizen or foreigner, who resides under the protection of their respective governments.

In the case of Harris *vs.* the City of Boston, and Smith *vs.* Turner (7 Howard), it was held by the Supreme Court of the United States that, so long as foreigners emigrating to our country remained on board of the ships in which they were "imported," they were properly to be considered as embraced within the provisions of the Constitution, which empowers Congress to regulate foreign commerce, and were therefore exempt from State taxation. But in those cases it was conceded by the judges, as well those of the majority as of the minority, that after the passengers had landed and become intermingled with citizens, they were subject to be taxed by the State. In the case of Smith *vs.* Turner above cited, Mr. Justice McLean observed (p.) that, when merchandise was taken from the ships, and became mingled with the property of the people of the State, it was, like other property, subject to the local law, and that the *same rule applied to passengers.* And he adds, "when they leave the ship and mingle with the citizens of the State, they become subject to its laws." Mr. Justice Catron, in the same case (p.), declares it to be a truism not open to denial, that the States may tax all persons and property within their respective jurisdictions, except in cases where they are affirmatively prohibited; and he adds, "certainly the States may tax their own inhabitants at discretion, unless

they have surrendered the power." Mr. Justice McKinley implicitly concedes the same thing, for he says (p.) "that passengers can never be subject to State laws until they become a part of the population of the State temporarily or permanently." These are the opinions of the Judges who were in the majority, and carried the restrictions upon the State power of taxation to the furtherest verge.

Those who were in the minority are even more explicit. The Chief Justice, in his opinion, says (p.), "it is admitted that they (passengers who were foreigners) are not exempt from taxation after they are on shore." Mr. Justice Daniel observed in substance (p.), that a tax upon a person placing himself within the sphere of the taxing power was purely an exercise of the great indefeasible right of taxation which has been explicitly said by that Court would extend to *every subject*, but for the restriction as to imports and exports imposed by the Constitution. The same Judge again says (p.), that that Court had asserted the power of taxation, with the single exception of taxes upon imports to be the *perfect and undiminished, and indispensible* power of a sovereign State. And Mr. Justice Woodbury (p.) declares it to be conceded, that if the tax in question in those cases, as a tax, had not been imposed till the passengers reached the shore, the objection to the validity of the law must fail. The above, then, being the inherent powers of taxation in every independent community, and this power not having been parted with by the people of the States when they organized the Federal Government, it consequently extends to all persons within the territorial jurisdiction of the respective States, and embraces foreigners residing therein, as well as their own citizens. The power being conceded the limitation and extent thereof must, as to subject matter, persons, amounts, and times of payment, rest in the discretion of the Government of each State; and if a State enacting laws in pursuance of this acknowledged power, sees fit to impose the burden of taxation upon a portion of the persons within the sphere of its jurisdiction, and specially exempt others, its legislation, even though it might be unequal and unjust, would yet be no infringement of the Constitution of the United States.

But it is claimed that the act of the Legislature interferes with the power of Congress to make rules and regulations respecting the territory belonging to the United States. We are not aware that it has ever been supposed that individuals, living upon the public lands of the

United States, whether as naked trespassers, or claiming under a pre-emption right, were exempt from taxation by the State. A poll tax upon them for State purposes, local taxes for highways, bridges, and objects of a like nature, have never, we apprehend, been deemed an interference with the power of Congress to make rules and regulations respecting the territory of the United States—even in those States where there has been an express provision in the act of admission, that the public lands should remain exempt from taxation while belonging to the United States, and for a certain period after they were sold. It can scarcely be doubted that our own State can, without any violation of this clause of the Constitution—more especially as Congress has never attempted to avail itself of the exercise of the powers conferred upon it—levy a poll-tax to such extent as it might deem expedient, upon all persons engaged in mining upon public lands, as well as upon the rest of her inhabitants; and if she might levy such tax upon all, there is nothing in the Constitution of the United States which deprives her of the power of imposing it upon a part only.

Although the State may not have the power to raise a revenue by direct taxation upon the public lands, or to make rules and regulations as to the surveying, leasing, or disposing of them, or as to the time or manner in which mineral lands may be worked, her power of taxation for police and municipal purposes, whether for the benefit of local districts, or for the support of the State organization, must be coextensive with the persons of all who enjoy the protection of her government, whether citizens or foreigners, whether occupying lands owned by themselves, or mining upon such portions as have not yet been severed from the national domain. To hold the reverse of this would be to hold that miners upon the public lands might remain exempt from taxation, and that the burdens of government must fall entirely upon the rest of the community.

It does not follow that the act in question can be deemed a rule or regulation respecting the public lands, because it may affect them indirectly, and may to a limited extent operate to prevent the working of them, and thereby diminish the revenue which might otherwise be derived from them by the United States. To the General Government is committed the power to regulate commerce with foreign nations and among the several States; and yet the States constantly tax things connected with foreign commerce and domestic trade, and thereby affect

them to a considerable degree. "They tax the timber, cordage, and iron, of which the vessels for foreign trade are made; tax their cargoes to the owners as stock in trade; tax the vessels as property, and tax the owners and crew per head for their polls." And although taxes upon such objects should be imposed to such an extent as to injure commerce materially, and even thwart the purposes of the General Government, they would still conflict with no clause of the Constitution.

This was an objection raised against the License Laws of Massachusetts, New Hampshire, and Rhode Island (5 Howard, 504, et seq); but the Supreme Court unanimously held that they were Constitutional, though they evidently tended to diminish importations of spirituous liquors, and lessen the revenue of the General Government from that source. But that being only an incident to them, and not their chief design, and the chief design being within the power of the States, the laws were upheld. So the statute under consideration, even though it may incidentally affect the public lands, that not being its main object, is unobjectionable on that ground.

But, again, concurring that the law is one which prescribes rules and regulations respecting the territory of the United States, it does not necessarily follow that it is invalid. The Constitution confers this power upon Congress, it is true, but it does not declare it to be an exclusive power. The exercise of a similar authority by the States is not expressly prohibited, and is not absolutely and totally contradictory and repugnant to the power of Congress. The case consequently does not fall within either of the classes mentioned in the Federalist, in which the States are said to be deprived of their previous attributes of sovereignty. Congress had neglected, and so far as we have any authentic information, still neglects, to exercise the powers conferred by the clause under consideration; and in the absence of all legislation by Congress, a statute like the one in question can scarcely be considered as infringing upon this dormant and unexecuted power of the General Government. Had Congress established rules and regulations for the mines, with which this Act was in conflict, there would be more plausibility in the objection of the Appellant. But the statute itself provides for its own suspension the moment Congress shall interfere. The latter clause of the sixth section provides, that "such foreigners may take out a new License, at the same rate per month, until the Governor shall issue his proclamation announcing the passage of a law by Congress regulating the

mines of precious metals in this State," and the fourteenth section is in the following words: "It shall be the study of the Governor, so soon as he shall have been officially informed of the passage of a law by the United States Congress, assuming the control of the mines of the State, to issue his proclamation, requiring all Collectors of Licenses to foreign miners to stop the issuing of such Licenses." There are many grants of power to Congress under forms of expression like the clause respecting the regulation of the public land, which have been held not to confer upon the National Government exclusive authority of legislation. Thus Congress is empowered to provide for organizing, arming, and disciplining the Militia; yet in the absence of Congressional legislation upon the subject, the State may exercise the same authority.—(Houston *vs.* Moore, v. Wheaton, 1, 49.) Congress has exclusive power to regulate commerce; and yet in Wilson *vs.* Blackbird Bridge Company (ii. Peters, 245), an Act of a State Legislature affecting commerce was held valid. In this case the Chief Justice observes: "if Congress had passed any Act which bore upon the case, any Act *in execution of the power* to regulate commerce, the object of which was to control legislation over those small navigable creeks into which the tide flows," &c., "we should feel much difficulty in saying that the State law coming in conflict with such Act would be valid. But Congress had passed no such Act." Congress has power to establish uniform Bankrupt Laws; and yet in Sturges *vs.* Crowninshield (iv. Wheaton, 122, 192), it was held that a State had authority to pass a Bankrupt Law, provided such law did not impair the obligation of contracts, and provided there was no Act of Congress in force to establish a uniform system of bankruptcy conflicting with such law. Congress has power to provide for the punishment of counterfeiting the current coin of the United States; but in Fox *vs.* the State of Ohio (v. Howard, 510), it was held that this provision did not prevent a State from passing a law to punish the offence of circulating counterfeit coin. Why then has not this State the power, in the absence of Congressional legislation, to pass a law which has no greater influence in *regulating* the public lands within the State, than the statute under consideration?

There can scarcely be a doubt that a State law, imposing a tax upon personal property of miners, such as their tools, machinery, provisions, and the gold extracted from the earth, would not amount to an usurpation on the part of the State of the Constitutional power of Congress

to make rules and regulations respecting the public lands: and it is difficult to see how such a law would be less exposed to Constitutional objections than a statute imposing a poll-tax per head.

The persons upon whom the statute of this State was intended to operate, do not come within the description of persons who were held to be exempt from State taxation, in Harris *vs.* The City of Boston, and Smith *vs.* Turner (vii. Howard). They are not on shipboard in our harbor, nor transiently passing through our territory. They are confessedly within the territorial jurisdiction of the State, and residents, or least sojourners, upon our soil; and being such, can claim no exemption under the principle of those cases.

If then this statute is to be regarded as a tax law, we are of the opinion that it conflicts with no clause in the Constitution of the United States. Persons, whether citizens or foreigners, occupying mineral lands within the State, though such lands form a portion of the public domain, are in respect to taxation, whether for the support of the State Government, or for police, or municipal purposes, subject to the Legislative jurisdiction of the State.

The power existing as to all, there is no prohibition in the Constitution of the United States against exercising it over a part only, save that section which declares that the citizens of each State shall be entitled to all privileges and immunities of citizens in the several States. But that section does not affect the present case, as the Act demands nothing from any citizen of the United States.

It being established, then, that the State may impose a tax upon the persons of foreigners alone, we think the power may be exercised in the manner prescribed by this statute. In other words, if a tax law be Constitutional, a license law may be equally so.

We have thus far directed our attention to the Constitutionality of the statute, as tested by the specific grants and prohibitions of power contained in the Constitution of the United States, and have spoken of the law as one imposing a direct poll-tax upon foreigners. But we are of the opinion that it should rather be viewed in the light of an Act prescribing certain conditions, upon compliance with which foreigners are to be permitted to reside in a given locality, and pursue a particular branch of business. It is in truth what it purports to be—a License Law. It was decided in Holmes *vs.* Dennison (xiv. Peters, 540; in Grove *vs.* Slaughter, xv. Peters, 449; and in Prigg *vs.* The Commonwealth of

Pennsylvania, xvi. Peters, 625), that the people of the several States of the Union had reserved to themselves the power of expelling from their borders any person or class of persons whom they might deem dangerous to their peace, or likely to produce a physical or moral evil; and although the position assumed in those cases, that a law of Congress, authorizing the introduction of any person or description of persons against the consent of the State, would be an usurpation of power, seems to have been overruled in Harris *vs.* the city of Boston, and Smith *vs.* Turner; yet these latter cases do not, as has been already observed, affect the Act of the Legislature now under consideration. The ground taken by Mr. Justice Woodbury in the cases last cited is, that every sovereign State possesses the power to prescribe the conditions on which aliens may enjoy a residence within, and the protection of, the State. This position is based upon the practice of nations, and of the respective States, as well before as since the formation of the Constitution upon the authority of writers upon international law, and the decisions of the Supreme Court of the United States, and is supported by a force and cogency of reasoning which render it impregnable. And although he was in the minority in the decision of the Court upon the peculiar facts of those cases, that circumstance in no wise impairs the force of his argument when applied to the statute, the validity of which is contested in this case. If therefore a State may prescribe the conditions upon which aliens may enjoy a resource within it, it may also declare the terms upon which they shall be permitted to make their residence in any given portion of the territory and exercise a particular employment. This is the very thing which the law in question purports to do. It requires foreigners to pay a fee for permission to enjoy the protection of the State Government in the mineral regions, and in the pursuit of the lucrative business of mining.

Viewed in this light it may be regarded as a police regulation, and therefore valid within the principles laid down in Milne *vs.* New York (xi. Peters, 132); and fortified by the views of the Court in the License cases, (v. Howard, 504), and in the New York passenger cases (vii. Howard). Nor do we see any great force in the objection that the law is a license to foreigners to trespass on the public lands. We do not regard it as such. The State takes the case precisely as it finds it. It sees numerous foreigners actually engaged in mining. It looks to the fact that the General Government permits

them to trespass on the public lands without complaint or any effort to prevent them from so doing, and it requires from them the payment of a fee while so engaged, and until Congress shall assume some control over the matter itself. Instead of the law being a license to foreigners to trespass on the public lands, it is rather a restriction on the commission of such trespasses. Besides, the State is not the steward nor bailiff of the General Government, having in charge the protection or security of public property.

But it is contended that the Act of the Legislature is in violation of treaties of the United States with foreign powers. A sufficient answer to this general objection is, that the complaint does not set forth the nationality of any person upon whom the Respondent is alleged to have exercised the functions of his office.

It charges that he "has exacted the sum of twenty dollars each from sundry foreigners in the County of San Francisco, for license to mine," without particularizing whether such foreigners were citizens of a nation with which the United States have any treaty relations. It does not state whether they were Mexicans, Chilenos, Englishmen, Frenchmen, Kanakas, or Chinese; and the Court cannot, upon this demurrer, determine whether any treaty has been violated by the Respondent. This difficulty alone would, upon this branch of the Plaintiff's argument, be a serious objection to his case; but inasmuch as it may be more satisfactory to have the whole matter, so far as this Court is concerned, disposed of in all points upon the merits, rather than upon inadvertencies, which might be supplied or corrected in a subsequent litigation, we shall proceed to examine this position of the Plaintiff's counsel. He insists that the Act is invalid, because it is opposed generally to treaties of the United States with foreign powers, and particularly to the treaty of Querétaro.

First, as to treaties generally. Perhaps the most satisfactory mode of testing the validity of the law under this point, will be to take the treaty with that power to whose subjects as extensive privileges are granted by our country as to those of any other nation. We will, therefore, consider the case as if it involved our treaty relations with Great Britain, and under the supposition that a subject of the Queen of Great Britain was the person from whom the sum of twenty dollars has been exacted. By the 14th Article of the Treaty of 1794 (known as Jay's Treaty), which was substantially renewed by Article 1st of the

Treaty of 1815, the subjects of the King of Great Britain, coming from his majesty's territories in Europe, had granted to them liberty freely and securely, and without hindrance or molestation, to come with their ships and cargoes to the lands, countries, cities, parts, places, and rivers within our territory, to enter the same, to resort there, to remain and reside there, without limitation of time; and reciprocal liberty was granted to the people of the United States in his majesty's European territories; *but subject always, as respects this article, to the laws and statutes of the two countries respectively.* By this treaty our inhabitants, whilst in the British dominions, were to abide by the laws of Great Britain; and the subjects and inhabitants of that country when in our territories, were to abide by the laws of the United States, and by the laws of the respective States where they might be. The only question, then, under this treaty is, whether this Act of the Legislature falls within the scope of the power of a sovereign nation, and at the same time is not included in the category, of powers granted by the States to the General Government; for if it falls within the former and is excluded from the latter, then it is one of the laws which the treaty itself makes obligatory upon British subjects. But we have seen that the power of taxation, and the power of prescribing the conditions upon which aliens shall be permitted to reside in a State, are attributes of a sovereign nation, which have not, except in certain specified cases, of which the present is not one, been given up to the Federal Government. Our statute, then, is one of the laws or statutes to which the treaty, by its own terms, provides that the subjects of Great Britain shall be subject. Chief Justice Taney, in speaking of this treaty in Harris *vs.* The City of Boston; and Smith, *vs.* Turner (7 Howard), uses the following language: "The permission there mutually given to reside and hire houses, and warehouses, and to trade and to traffic, is in express terms made subject to the laws of the two countries respectively. Now the privileges here given within the several States are all regulated by *State Laws*, and the reference to the laws of this country necessarily applies to *them*, and subjects the foreigner to their decision and control." The Act, then, is not repugnant to that treaty.

But even if the provisions of the statute did clash with the stipulations of that or of any other treaty, the conclusion is not deducible that the treaty must therefore stand, and the State law give way. The question in such case would not be solely what is provided for by the treaty, but

whether the State retained the power to enact the contested law, or had given up that power to the General Government. If the State retains the power, then the President and Senate cannot take it away by a treaty. A treaty is supreme only when it is made in pursuance of that authority which has been conferred upon the treaty-making department, and in relation to those subjects the jurisdiction over which has been exclusively entrusted to Congress. When it transcends these limits, like an Act of Congress which transcends the Constitutional authority of that body, it cannot supersede a State law which enforces or exercises any power of the State not granted away by the Constitution. To hold any other doctrine than this, would, if carried out into its ultimate and possible consequences, sanction the supremacy of a treaty which would entirely exempt foreigners from taxation by the respective States, or which should even undertake to cede away a part or the whole of the acknowledged territory of one of the States to a foreign nation. In the License Cases (5 Howard, 613), Mr. Justice Daniels, speaking of the provisions of the Constitution in relation to treaties, holds the following language: "This provision of the Constitution, it is to be feared, is sometimes expounded without those qualifications which the character of the parties to this instrument, and its adaptation to the purposes for which it was created, necessarily imply. Every power delegated to the Federal Government must be expounded in coincidence with a perfect right in the States to all that they have not delegated; in coincidence, too, with the possession of every power and right necessary for their existence and preservation; for it is impossible to believe that these ever were, either in intention or in fact, ceded to the General Government. Laws of the United States in order to be binding, must be within the legitimate powers vested by the Constitution. Treaties in order to be valid, must be made within the scope of the same power; for there can be no *authority of the United States*, save what is derived mediately or immediately, and regularly and legitimately from the Constitution. A treaty no more than an ordinary statute, can arbitrarily cede away one right of a State or of any citizen of a State." It is not within the scope of a Constitutional treaty to interfere with the reserved powers of taxation and control over foreigners which we have above discussed. No treaty, within our knowledge, has attempted to do it; and if such attempt should be made, the stipulations would,

we apprehend, be neither recognised nor enforced by the Supreme Tribunal of the nation. "If," says Chief Justice Taney, (7 Howard), "the United States have the power, then any legislation by the State in conflict with a treaty or an Act of Congress would be void; and if the States possess it, then any Act on the subject by the General Government in conflict with the State law would also be void, and this Court bound to disregard it."

And here let us remark that the questions which we have been examining are questions of *power*, and not questions of justice, or policy, or expediency. We hold that the *power* of taxation over foreigners, as well as of determining the condition on which they shall be permitted to enjoy the protection of the State in a particular place or occupation, is, in the language of the Supreme Court of the United States, "perfect and undiminished, and indispensable," and that it cannot be taken away or impaired by acts of Congress or treaties with foreign nations; and that the justice and expediency of tax and license laws must, so far as foreigners are concerned, whilst residing within our territorial limits, be left to the discretion of the States respectively, to be exercised as the wisdom of their Legislatures shall dictate, subject only to such restrictions as may be imposed by the organic laws of the several States.

But it is specially objected to this statute, that it is in conflict with the treaty between the United States and Mexico, known as the treaty of Querétaro. The eighth article of that treaty is in the following words:

"*Mexicans now established* in territories previously belonging to Mexico, and which remain for the future within the limits of the United States, as defined by the present treaty, shall be free to continue where they now reside, or to remove at any time to the Mexican Republic, retaining the property which they possess in the said territories, or disposing thereof, and removing the proceeds whenever they please, without their being subjected on this account to any contribution, tax, or charge whatever.

"Those who shall prefer to remain in the said territories, may either retain the title and rights of Mexican citizens, or acquire those of citizens of the United States. But they shall be under the obligation to make their election within one year from the date of the exchange of ratifications of this treaty; and those who shall remain in the said terri-

tories after the expiration of that year, without having declared their intention to retain the character of Mexicans, shall be considered to have elected to become citizens of the United States.

"In the said territories property of every kind, now belonging to Mexicans not established there, shall be inviolably respected. The present owners, the heirs of these, and all Mexicans who may hereafter acquire said property by contract, shall enjoy, with respect to it, guaranties equally ample, as if the same belonged to citizens of the United States."

The ninth article is as follows: "The Mexicans who, in the territories aforesaid, shall not preserve the character of citizens of the Mexican Republic conformably with what is stipulated in the preceding article, shall be incorporated into the Union of the United States, and be admitted at the proper time (to be judged of by the Congress of the United States) to the enjoyment of all the rights of citizens of the United States, according to the principles of the Constitution; and in the meantime shall be maintained and protected in the free enjoyment of their liberty and property, and secured in the free exercise of their religion without restriction."

Now the palpable objection to the argument of the Appellant's counsel, founded upon any contrariety between the statute and this treaty, is, that it does not appear that the Act has ever been enforced against any person entitled to the benefit of this treaty, or even against any citizen of Mexico. But we waive this, and treat the matter as if the complaint alleged the Mexican nationality of the parties who claim to have been aggrieved.

The eighth and ninth articles of the treaty above cited, distinguish between two classes of Mexicans: 1st, those who, at the time of the adoption of the treaty, were "established" in the territories ceded to the United States; and 2dly, such as were not "established there," but owned property within their limits. For the first class provision is made in the first two clauses of the eighth article, and in the ninth article; and the rights of the second class are defined in the last clause of the eighth article. It is not pretended that the statute conflicts, in any respect, with this last clause, and we may therefore dismiss the description of persons therein mentioned from further consideration.

The question then recurs upon the construction of the ninth article, and the first two clauses of the eighth; and it will be noticed that the

Mexicans described therein as "established" in the ceded territories, are of two descriptions: 1st, those who should be free to remove at any time to the Mexican Republic; and 2d, such as should choose to remain where they then resided. And here again there is no pretence that the rights of those Mexicans who have chosen to remain, have in any way been infringed. It is, then, only the second description of persons last mentioned in relation to whom there can be any conflict between the statute and the treaty. It must still further be observed that even this class is again distinguished in the treaty into: 1st, those who should retain the title and rights of Mexican citizens; and 2d, those who should acquire the title and rights of citizens of the United States. But here again the Appellant did not and could not claim, that the privileges of the last-mentioned first class, secured by the treaty, had been in any way prejudiced.

Having thus eliminated the case of all these descriptions of persons provided for by the treaty, but whose treaty rights neither are or were claimed to be affected by the statute, we are brought finally to the consideration of the real objection urged by the Appellant.

This objection is founded solely upon the ninth article of the treaty. It will be observed that this article speaks of such Mexicans only as should not preserve the character of Mexican citizens; that is, of such as, conformably with the stipulations of the second clause of the eighth article, should prefer to acquire the title and rights of American citizens. Who are they? The same clause last referred to declares that all Mexicans remaining in the said territories should [make their election within one year from the date of the exchange of ratifications of the treaty, whether they would retain the character of Mexican citizens or acquire that of citizens of the United States; and that all those who remained in such territories after the expiration of that year, *without having declared their intention to remain Mexican citizens*, should "*be considered as having elected to become citizens of the United States.*" The exchange of ratifications of the treaty took place at Querétaro the 30th day of May, 1848; and consequently all "established" Mexicans who had not on or before the 30th day of May, 1849, declared their intention still to continue Mexican citizens, elected to become American citizens. Those who have declared such intention, if there be any, still remain aliens and foreigners, and as such are subject to the same restrictions by State authority as the subjects or citizens of any other

foreign country. Those who have not declared such intention, are entitled to the privileges stipulated by the ninth article. But this class is specially excepted from the operation of the law in question, by the first section of the Act itself. Although the language of this section is not so clearly in unison with the peculiar phraseology of the treaty as it might be made, yet no one can doubt that, under a fair interpretation of it, all that class of persons designated in the ninth article of the treaty were intended by the Legislature to be, and in reality are, excepted from the operation of the Act. This being so, the objection that the statute conflicts with this article of the treaty must fail.

We have thus far considered the Act of the Legislature in reference to the Constitution of the United States and treaties with foreign powers generally, and the treaty of Querétaro in particular. We now proceed to test it by the Constitution of our own State.

The Appellant contends that the Act is void under the seventeenth section of the first article of the Constitution, which is as follows: "Foreigners who are, and who may hereafter become, *bona fide* residents of this State, shall enjoy the same rights in respect to the possession, enjoyment, and inheritance of property, as native-born citizens. Here again the ground upon which an argument against the statute could be based, appears to be wanting. The complaint does not charge that the foreigners from whom the Respondent has exacted the license fees had become, or were, *bona fide residents of this State*; and although foreigners, unless they were *such* residents, neither they, nor the Attorney General in their behalf, could avail themselves of this clause of the Constitution. Again, it is not alleged that they had any property in the possession, enjoyment, or inheritance of which they were molested. On the contrary the burden of the Appellant's argument is, that they have been prevented by this Act from availing themselves of the wealth of the public mineral lands of the United States. It is difficult to perceive how they could have any property in these lands to enjoy, possess, or inherit, and unless they had, this section of the State Constitution could not apply.

There is more plausibility in the objection, which is founded upon the thirteenth section of the Eleventh Article of the State Constitution, which is in the following words: "Taxation shall be equal and uniform throughout the State. All property in this State shall be taxed in proportion to its value, to be ascertained as directed by law; but Assessors

or Collectors of Town, County, and State taxes shall be elected by the qualified electors of the District, County, or Town in which the property taxed for State, County or Town purposes is situated."

Now it will be noticed, that although the first clause of this section speaks of taxation in a general and unlimited sense, yet the subsequent clause refers only to direct taxation upon *property*. It requires all property to be taxed in proportion to its value. It says that Assessors and Collectors shall be elected by the electors of the District, &c., in which the property taxed is situated. We are of the opinion that the first clause, when taken in connexion with the latter, should be construed as limited to direct taxation upon property, and we are further inclined to the opinion that in addition to this qualification, the section under review must be subjected to still greater restrictions and limitations. Our Constitution was framed by intelligent and practical men, who were well acquainted with the organization and operation of the system of State Government in all portions of the Union; and when they declared that taxation shall be equal and uniform throughout the State, they must have referred to such general taxation as in other States is commonly imposed alike upon all property for the purpose of defraying the expenses of the Government of the State, or of some municipal corporation. They could not possibly have intended that the entire aggregate amount of taxation upon persons, or the value of property in every town and city of the State, should be equal and uniform with the amount in every other town and city. That property in the city of San Francisco or in the city of Sacramento, for instance, should in the aggregate, be burdened for State, County, Town, and City purposes, with no greater assessments than the secluded ranchos in the country. If they did, they have given to us a perfectly impracticable instrument. But it is unnecessary now to decide how far this clause may be properly extended; and it is alluded to here, only for the purpose of showing that it could not have been intended by the Convention that the Constitution should cover so broad a ground as was claimed for it on the argument.

The statute in question, however, does not provide for what is commonly understood by the term Tax, or is meant in the Constitution by the term Taxation. The word Tax, in its common acceptation, denotes some compulsory exaction, which a Government makes upon persons or property within its jurisdiction, for the supply of the public necessities. It is ordinarily assessed beforehand at stated periods, and collected at appointed

times. Its payment is enforced, sometimes by the imprisonment of the person; at others by the sale of property. The law in question, however, partakes of none of these qualities. It does not require the exaction, at all events, of anything. The foreigner may pay, or need not pay, the specified amount, depending upon his own option whether he will or will not engage in mining operations. The amount is not assessed at all; it is not required to be paid at a definite time; and its non-payment is enforced neither by imprisonment nor sale of property. It is demandable only as often as a party of his own accord chooses to perform certain acts. It is in the nature of a fee of a specific sum, exacted for licenses to sell certain goods or liquors, or to exercise certain trades, or to exhibit some curiosity, as for admission to certain privileges, or as a toll for the enjoyment of certain facilities, none of which are regarded in the light of a tax in the common acceptation of the term. It is a license fee, and not a tax; and unless the statute be Constitutional, we see not how any license law can be Constitutional. But does any one doubt that the State may, for general purposes, exact license fees in the above and similar cases, or may empower counties, cities, and towns to demand them in order to defray their local expenses? We cannot believe that it was the intention of the framers of the Constitution not to grant such power to the State Government.

It may be said that under this construction the Legislature might abuse the power with which it is clothed by the Constitution, to depress some departments of business and elevate others. But the same objection may be made to all other attributes of the Legislative body. Power is always liable to be abused, to whatsoever individual or body of men it may be entrusted. The same guaranty against the abuse of this, as of all other powers, exists in the fact that an unjust, partial, or impolitic law can, under our system of Government, be but of short duration, after it shall have begun to react upon the people, and lessen or destroy the business of the community.

Judgment affirmed.

I, Eugene H. Tharp, Clerk of the Supreme Court of California, do certify the above to be a true copy of the opinion of the Court, delivered in the above-entitled cause, and now on file in my office.

Given under my hand and the seal of said Court affixed,
[L. S.] this 22d day of January, A.D. 1851.

E. H. THARP, Clerk, by
E. H. HODGES, Deputy-Clerk.

[V.]

Report of the Committee on Finance, in relation to creation of a War Loan for the suppression of Indian Hostilities.

MR. PRESIDENT:

The Finance Committee have directed me to report the accompanying Bill, in accordance with a resolution of the Senate in adopting the Report of the Committee on Indian Affairs.

Your committee will take this occasion to report, that while they deprecate, generally, the issue of State securities, yet this is an extraordinary occasion.

In the absence of an efficient United States force, to suppress the numerous Indian outbreaks upon our extended frontier, it became necessary for the Governor to order out a millitary force; in doing which, a necessary debt has been incurred, for which our State is legally and morally responsible. While it is a debt properly chargable to the Federal Government, it is due to our own citizens, who are now suffering by the delay of its payment. By this Bill, our State not only liquidates our claims, but places that liquidation upon a footing which may be made immediately available to the claimants. This has been done by every other State, under similar circumstances, and in no case has the Federal Goverment refused, after the usual delays, to refund the amount so expended.

This Bill alone contemplates the providing of future means to prosecute the war against the Indians, without which our frontier must continue to bleed under the very determined hostility from numerous tribes of Indians.

This Bill also appeals strongly to the United States Government to refund this debt to the State, the necessity for doing which must appear manifest, because it is clear that a regular army of sufficient force has not been, and perhaps cannot be, kept in our gold mines, and consequently our security must depend upon our own citizen soldiers.

THOMAS J. GREEN, Chairman.

[V. No. 2.]

Communication from the Secretary of State, with Letter of J. Neely Johnson.

OFFICE OF SECRETARY OF STATE,
SAN JOSÉ, CAL., *Feb.* 6, 1851.

Hon. D. C. BRODERICK,
President of the Senate:

SIR: In pursuance of a Joint Resolution adopted by the Legislature, and approved Feb. 5, requiring the Secretary of State to request the United States Commissioner taking the Census of this State to furnish a statement of the Census, I have the honor to transmit herewith a copy of a communcication received from the Census Agent several days since, from which it will be seen that arrangements have been made to furnish, at an early day, a complete abstract of census returns.

I shall avail myself of the earliest opportunity to address the Commissioner further on the subject. He is at present absent, having proceeded, under Executive direction, to Mariposa county, on business connected with the recent Indian disturbances.

I have the honor to be,
Your obedient servant,
W. VAN VOORHIES,
Secretary of State.

(Copy.)

SAN JOSÉ, *Feb.* 5, 1851.

SIR: I avail myself of my presence at the Seat of Government to reply to resolutions which I am unofficially advised have been adopted by the Senate and Assembly of this State calling upon me for a copy of the Census returns, taken by authority of the General Government.

I would remark that it is rendered the duty of the Census Agent, by the law and instructions from the proper department at Washington, to furnish your office with a complete copy of those returns; and by reason of past and existing causes which could not be controlled, I have not yet received from the various deputies those returns; and apprehensive that it might be delayed beyond the period of the adjournment of the Legislature, I had anticipated their wants by making arangements to furnish, at an early day, a complete abstract of this work, which will suffice the necessary wants of the Legislature in properly apportioning the State representation. This, permit me to assure you, shall be speedily done.

I have the honor to be,

Your obedient servant,

J. NEELY JOHNSON,
Census Agent.

Hon. W. VAN VOORHIES,
Secretary of State.

DOC. No. 3.

[V. No. 3.]

Letter of Mr. Adams to the Committee on Printing.

GENTLEMEN OF THE COMMITTEE:

The bill I introduced into the Senate a short time ago, to abolish the office of State Printer, and to let out the Public Printing by contract to the lowest bidder, should it be enacted into a law, will, from all the information I can gather on the subject, have the effect to save to the State some $60,000 or $75,000 per annum, as compared with the printing executed under existing laws. From the report of the Comptroller made to the Legislature at the present session, I learn that the following sums have been paid to the respective State Printers who have been commissioned by the power vested in the Executive of this State:

Amount paid to H. H. Robinson, . .	$53,132 79
" " J. Winchester, . .	45,959 88
For Bound Volumes of the Laws and Journals of the Legislature, . . .	35,000 00
	$134,092 67

This sum embraces the Warrants issued from March 16, 1850, to the 4th January, 1851, inclusive. This is an enormous amount of money paid for the printing executed for the State. To curtail this extravagance, I have introduced the bill favoring the contract system, believing it to be the most judicious course to pursue. As long as the law creating the office of State Printer continues on our statute books, and the office is sought after by political partizans, as a reward for party favor, and to organize a party press, so long will it prove deleterious to the public interest. What do we behold now? A dozen candidates seeking this lucrative station, not because they are practical printers, competent to perform the work, but simply to procure it as a sinecure,

or reward for past or future political objects. I am opposed to this. I am in favor of dissolving the connexion of the Public Printing with a party press. In the great States of New York, Pennsylvania, Ohio, and many others, I learn from a reliable source, that the Public Printing is given out by contract, and it works well. Lawyers, doctors, shoemakers, and blacksmiths do not come forward to take contracts for a business they know nothing about. Competition is confined to practical men, and they are the proper persons to undertake the job. What business has a lawyer, shoemaker, or blacksmith to do with type setting, or an inking apparatus? "Cobbler stick to your last," is a good motto. In Texas, as I well know, the printing is given out by contract and the system works well—economy in this branch of the public service is the certain result. I point to Texas as a model State on this particular subject. It is urged against the contract system that, under its enactments, the whole matter is complicated and liable to fraud. This is not true. It is the greatest and safest barrier that can be raised against fraud. The different kinds of bills, and work, must be specifically stated, and the prices per thousand ems for composition, and per token for press-work, must be set forth distinctly and clearly. There can be no room for fraud under the provisions of the bill I introduced. But under the State Printing Law, as it now exists, how does the matter stand? It is curious to look at the facts and then at the law. Last winter, but 4 pages (quarto) could be printed at a time, and for this per token of press-work the Public Printer received $7 30. But now 8 pages (octavo) can be printed on the presses in use here, and for this we pay $14 60 per token (250 impressions) requiring only the same amount of labor.

This fact I learn from Mr. A. H. Hayes, formerly publisher of the New Orleans *Delta* and *Cresent City*, and said to be one of the best and most reliable Printers in California. His statement is verified by the statement of Mr. Jobson, and other practical Printers, with whom I have conversed at San Francisco.

Mr. Jobson and partners have a large Printing establishment at that place, and they have assured me, that if the contract system prevails, *they* are prepared to enter into bond and security to execute the Public Work at one half, yes, 60 per cent. less than is now paid the Public Printer by existing prices. They are correct and honorable men, expert and well skilled in their profession or trade. I venture to say, gentlemen, if we put the Public Printing out by contract, that even a *lower* bid

can be obtained from others, to execute it in a style of neatness, durability, and finished mechanical excellence. This work can be done in our State without going to New York, as was the case last year. We should encourage our own mechanics and artizans. They have come here a long distance to follow their profession. We had as well go back to New York to legislate, as to send the printing there to be executed. This should not be. Let us encourage our mechanics and citizens first. We can attend to alien interest afterwards. It is curious, gentlemen, to examine the 11th section of the present law. After dollars are mentioned for certain specified items, "cents" are throwed in as a tub to the whale; a kind of a blind, to cover the gross imposition practised under its enactment. Whoever drew it up imagined that he was making a very nice, a very exact calculation, when he lugged in "cents" so often and unnecessarily.

The thing is too palpable to a close scrutiny. The object is apparent, and seemly requires the pruning knife to so rickety a schedule. Gentlemen, let us have the evidence of practical men in this matter. Let us go to San Francisco, and get the statement of old veterans at the printing business, and hear what they say upon the subject. I am not sufficiently skilled in the mysteries of the art to understand all the technicalities or minutiæ of the trade. But I know enough personally, and from the advice of others on whom I can rely, to understand a little about this matter.

The salaries of all of our officers of State are too high, but that of State Printer is an extravagance which should no longer be tolerated. Our Treasury is now bankrupt, Warrants are daily depreciating, and if we go on in lavish and wasteful expenditure, and it is not soon checked, the condition of the Exchequer will be pitiful indeed. I said before I cannot enter into the details of the printing business. But let a commission go to San Francisco, and let us have the statement of practical men, before we act hastily in this matter. It will require but few days to obtain this information in an authentic shape: after that we can base our action upon the data which will be furnished us from an impartial quarter.

The contract system will banish from the capital of the State the numberless candidates who will annually visit the Halls of Legislation, and "bore" members as "gently as a sucking dove," soliciting their suffrages for this office. Many honorable men I know are now

candidates for the station, and the present incumbent doubtless is one also; aye, they are "all honorable men." It is not individuals I war against: it is the office I wish to abolish, to prevent future scrambling and squandering of the public money.

The passage of the bill before you, or one of a similar character, will do this effectually. By the Act of the 9th March, 1850, "defining the duties of State Printer, and fixing his compensation," it is enacted, that "on all work or printing done after the first day of January, A. D. eighteen hundred and fifty-one, it shall be lawful for the Legislature to modify, amend, alter, or change the rates of charges fixed in this Act."

The Bill I introduced seeks to bring about this modification, this alteration of the law: our embarrassed Treasury requires it, the public interest demands it.

I desire, gentlemen, that my Bill should be properly guarded and fortified at every point; that all requisite checks and safeguards should be thrown around it. For that purpose, I shall move that a member from the Judiciary Committee and one from the Committee on Finance, be added to the Committee on Public Printing. Gentlemen, I do not wish to make a lengthy argument on this topic: I am not prepared to express my views fully. When we get the evidence which I desire, and which can be easily obtained at a trifling cost, I will have something further to say about State Printing.

In conclusion, I request of the committee to present to the Senate the following resolution:

Resolved, That two or more practical Printers of San Francisco, or elsewhere, be respectfully requested to furnish the Senate of California with all necessary and proper minutiæ and detailed information, in relation to the Public Printing in this State; their views as to what prices should be paid for executing the same; and what the Public Printing executed in California ought economically to cost; and that said Printers Report to this Senate, at an early day, by memorial or petition.

A. W. ADAMS.

DOC. No. 41

[W.]

Bond of M. G. Vallejo, John B. Frisbie, Salvador Vallejo, J. M. Estill, and Robt. Allen, together with their Affidavits as to the amount each is worth.

KNOW ALL MEN BY THESE PRESENTS: That we, M. G. Vallejo, John B. Frisbie, Salvador Vallejo, J. M. Estill, and Robert Allen, are held and firmly bound unto John McDougal, Governor of the State of California, and to his successors in office, in the sum of five hundred thousand dollars, to be paid to said John McDougal, Governor of the State, or to his successors in office, for the use of said State, to which payment well and truly to be made we bind ourselves, our heirs, executors, and administrators, jointly and severally, firmly by these presents, sealed with our seals, and dated the day of February, in the year of our Lord one thousand eight hundred and fifty-one.

Whereas, a portion of a proposition respecting the permanent Seat of Government of the State of California, signed by the said M. G. Vallejo, and presented to the Senate of said State on the 3d day of April, one thousand eight hundred and fifty, reads in the following words, to wit:

I. 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.

II. That he proposes to grant to the State, for the following purposes, free of cost:

1st. Twenty acres of lands 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 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, one hundred and twenty-five thousand dollars.

2d. For furnishing the same, ten thousand dollars.

3d. For the building of the Governor's house, ten thousand dollars.

4th. For furnishing the same, five thousand dollars.

5th. For a State Library and Translator's office, five thousand dollars.

6th. For a State Library, five thousand dollars.

7th. For the building of the offices of Secretary of State, Comptroller, Attorney Geneneral, Surveyor General, and Treasurer, should the Commissioners deem it proper to separate them from the State House, twenty thousand dollars.

8th. For the building of an Orphan's Asylum, twenty thousand dollars.

9th. For the building of a female Charity Hospital, twenty thousand dollars.

10th. For the building of a male Charity Hospital, twenty thousand dollars.

11th. For the building of an Asylum for the Blind, twenty thousand dollars.

12th. For the building of a Deaf and Dumb Asylum, twenty thousand dollars.

13th. For the building of a State University, twenty thousand dollars.

14th. For University Library, five thousand dollars.

15th. For Scientific Apparatus therefor, five thousand dollars.

16th. For Chemical Laboratory therefor, three thousand dollars.

17th. For a Mineral Cabinet therefor, three thousand dollars.

18th. For the building of four Common School edifices, ten thousand dollars.

19th. For purchasing books for the same, one thousand dollars.

20th. For the building of a Lunatic Asylum, twenty thousand dollars.

21st. For a State Penitentiary, twenty thousand dollars.

22d. For a State Botanical Collection, three thousand dollars.

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 much vital interest to the whole State.

And whereas, a law was approved on the fourth day of February, 1851, in the words following, to wit:

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

SECTION 1. That from and after the close of the present session of the Legislature, the city of Vallejo, situated upon the Bay of Napa and Straits of Carquinez, shall be the permanent Seat of Government for the State of California: *Provided*, M. G. Vallejo, shall submit a satisfactory Bond to the Legislature, to be approved by the Legislature and Governor, for the performance of the proposition submitted by the said M. G. Vallejo to the last Legislature; the bond to be entered into by the said M. G. Vallejo with the Governor of the State: *Provided*, that the said

M. G. Vallejo shall provide, for the space of three years, a State House and other offices of State, equal or better than those now occupied, without expense to the State: *And provided further*, that if said Vallejo shall fail or refuse to comply with the terms of his proposition, in whole or part, then this Act to be void.

And whereas, the said proposition has been accepted by the act aforesaid, approved as aforesaid, and the said Vallejo has become bound, and does hereby bind himself to the full performance of the said proposition, according to the terms thereof.

Now, the condition of this bond is such that if the said Vallejo shall well and truly perform and carry out all and singular, the stipulations and propositions on his part made, and which are contained in his proposition, presented to the Senate of this State on the third day of April, A.D. 1850, then this obligation shall be void, otherwise shall remain in full force and virtue.

M. G. VALLEJO,
JOHN B. FRISBIE,
SALVADOR VALLEJO,
ROBERT ALLEN,
J. M. ESTILL.

In presence of me, witness of the hand and seal of M. G. Vallejo, John B. Frisbie, Salvador Vallejo.

ROBERT R. PIERPONT.

Wm. H. Stewell, to R. Allen.
J. Holkins, to J. M. Estill.

State of California, Sonoma County, *ss.*:

Marianus G. Vallejo, of the City and County of Sonoma, being duly sworn, doth depose and say, that he is the person named and described in the foregoing bond; and deponent further saith, that he is worth in property, real and personal, one million of dollars over and above all liabilities or demands against him. And deponent further saith, that his entire estate is unencumbered; and further deponent saith not.

M. G. VALLEJO.

Sworn to before me, this 19th day of Feb., A. D.1851.

ROBERT R. PIERPONT,
Notary Public in and for the County of Sonoma.

State of California, County of Sonoma, *ss.:*

John B. Frisbie being duly sworn, doth depose and say, that he is one of the parties who executed the foregoing bond; and deponent further saith, that he is worth in property, real and personal, seventy-five thousand dollars over and above all legal liabilities or demands against him; and deponent further saith, that his estate is free from incumbrance.

JOHN B. FRISBIE.

Sworn to before me, this 19th day of Feb., 1851.

ROBERT R. PIERPONT,
Notary Public in and for the County of Sonoma.

State of California, Sonoma County, *ss.:*

Salvador Vallejo being duly sworn, doth depose and say, that he is one of the parties who executed the within bond; and that he is worth in property, real and personal, two hundred and fifty thousand dollars over and above all indebtedness and legal liabilities against him; and further deponent saith not.

SALVADOR VALLEJO.

Sworn to before me, this twenty-fourth day of February, 1851.

ROBERT R. PIERPONT,
Notary Public in and for the County of Sonoma.

State of California, San Francisco County, *ss.:*

James M. Estill being duly sworn, says that he is one of the parties who executed the within bond, and that he is worth in property, real

and personal, sixty thousand dollars over and above all liabilities, and that his estate is unencumbered.

J. M. ESTILL.

Sworn to before me, this 27th day of Feb., 1851. In witness whereof, I have hereto set my hand and seal of office, the day and year last written.

WM. C. STILES,
Notary Public, County of San Francisco.

State of California, Solano County, *ss.:*

Robert Allen being duly sworn, doth depose and say, that he is one of the parties who executed the foregoing bond; and deponent further says, that he is worth in property, real and personal, one hundred thousand dollars over and above all liabilities or demands against him; and further deponent saith not.

ROBERT ALLEN.

Sworn to before me, H. Lee, Notary Public of Solano County, Cal., this 28th day of Feb., 1851.

H. LEE,
Notary Public, Solano County, Cal.

DOC. No..... 47

[X.]

Report of Mr. Tingley, from Judiciary Committee on the Bond of General Vallejo.

MR. PRESIDENT:

The Committee on the Judiciary, to whom was referred the *form* of a Bond, submitted to them to be executed by M. G. Vallejo, in order to carry out the proposition for the removal of the Seat of Government to Vallejo,

REPORT:

That, on examination, no prominent objection is found to the *form* of the proffered Bond. *If personal surety alone* is to be exacted by the state of said Vallejo, it can probably as well be given in the form herewith reported back to the Senate as in any other.

But it is the opinion of some of your committee that the only "ample security" that can be given to the State to secure the payment of $370,000, two years hence, is mortgages upon real estate, of undoubted title, unincumbered, and of the cash value of at least $500,000, believing, from the downward tendency of the price of real estate at this time, that two years hence, it would not more than well secure the prompt payment of $370,000. We therefore recommend that said form of Bond be laid upon the table, until said Vallejo shall execute and tender for the consideration of the Senate, mortgages of the character above specified, as a surety for the faithful performance of the stipulation of his contract in this behalf.

We are prompted to this recommendation from the fact, that the men of *hundreds of thousands of to-day*, are the assignees and bankrupts of to-morrow, in California. It, to say the least of it, would be hazardous surety on the part of the State to take the personal guaranty of any

man, or set of men, for so large a sum of money, whilst mortgage surety would, in all probability, secure the certain payment of the same.

GEO. B. TINGLEY,
Of Judiciary Committee.

It is suggested as an amendment to the penalty in said *form*, that $370,000 be stricken out, and $400,000 inserted.

GEO. B. TINGLEY,
Of Judiciary Committee.

DOC. No 42

[Y.]

Minority Report of the Select Committee on the Bond of General Vallejo.

MR. PRESIDENT:

As one of the Select Committee to whom was referred the form of Bond to be executed by M. G. Vallejo, I object to the same;

1st. Because it does not propose to bind him to furnish a State House and State Offices, for three years, free of charge, according to the provisions of the Act for changing the Seat of Government.

2d. Because it is not proposed to furnish the form of a mortgage to secure the amount of money to be paid by Vallejo as stipulated in his Bond: believing that only will afford *ample* surety to the State for the payment thereof.

GEO. B. TINGLEY,
Minority Committee.

[Z.]

Communication from General Winn, in relation to the riots in Sacramento City.

HEAD QUARTERS, 2D BRIGADE, 1ST DIVISION, C. M.
SACRAMENTO CITY, *March* 8, 1851.

Governor McDOUGAL:

SIR—Enclosed I send you a list of accounts created during the squatter riots of August, 1850. Having been created under the order of Governor Burnett, dated August 15th, 1850, and addressed to me as Brigadier General, of course the Legislature will have no hesitation in allowing them a copy of this order, you will no doubt find in the Adjutant General's office. The patriotism of the 1st "California Guards," commanded by Captain W. D. M. Howard, and the "Protection Guards," commanded by Captain Wm. P. McCormic, deserve my special notice and commendation. As soon as they heard of our difficulties, they left their business and flew to our assistance, as fast as a steamboat could bring them; they immediately offered their services, even at a very late hour of the night, on the 17th of August. Their services were immediately accepted by me, and on the next day were discharged by my orders, inasmuch as I had no further use for them.

I understand they have never taxed the State for their services. I earnestly recommend that the Legislature pass resolutions, or an Act, authorizing the Commander-in-Chief to present each of those companies with a stand of colors, at such time and place as the Governor and Commanders of companies may agree upon. Such encouragement of Volunteer Companies is much needed in this country, particularly when they rush from their business as it were in a moment, to sustain the insulted majesty of law. Let it be heralded forth to the moral world that these young men deserve our gratitude; and then when danger threatens, or duty calls, every patriotic heart will beat high and quick to perform duty with arms in hand at the first blast of our country's bugle.

Major John S. Fowler, Major A. C. Latson, Colonel E. J. C. Kewen, Col. B. F. Foreman, and Major Wakeman Bryarly, as members of my staff, I am happy to say behaved gallantly, and were of much service during the few days' duty required at their hands. Captain Sherwood's Company was on duty and was of essential service as a police force, under command of B. F. Washington, Esq., by the special order of the Recorder and Common Council of this city. This company is not now in existence, or I should recommend the same Legislative action on its behalf that I recommend for the San Francisco Companies. A vote of thanks to the officers and members of that company would not be inappropriate, and such a course I cheerfully recommend. Henry Johnson, as a spy under my orders, was also of essential service, and merits my approbation and commendation.

You will be so good as to lay this communication and the accounts before the Legislature; and should any other information be necessary I will render it with much pleasure whenever required, or at least, such as may be in my possession.

During the Indian difficulties in El Dorado County, it became necessary under the orders of the Governor, to appoint as bearer of dispatches to Colonel Rogers' Camp some person who could for a few days remain near his command and report whatever might seem to be necessary: for this purpose I appointed Maj. J. H. Kelly, and purchased him a horse and rigging, costing about $300, which I afterwards sold for $50, for which I ask to be remunerated, and that a proper allowance be made to pay Kelly for his services and expenses an account of which I enclose. My expenses during the squatter riots was about $300, which I also submit to the Legislature for their consideration. I am pleased to say that Major Kelly faithfully performed his duty in as short a time as circumstances would justify, making regularly full reports of what was going on from time to time, and were by me sent to the Governor at San José.

Very respectfully, Your obedient servant,

A. M. WINN,
Brigadier General.

P. S.—There may be other claims on account of the riots of August last. It would be well that some general law for the auditing and payment of such claims be passed by the Legislature. WINN.

[AA No. 1.]

Communication addressed to Governor by Select Committee, appointed March 13, 1851, to inquire what troops had been called out.

(*Copy.*)

SENATE CHAMBER,
SAN JOSÉ, *March* 13, 1851.

To His Excellency JOHN MCDOUGAL,
Governor of California.

SIR: On the Journal of the Senate, with the date of the —— Inst., appears the following:—"On motion of Mr. Robinson a Select Committee, consisting of Messrs. Robinson, Foster, Warner, Douglass and Tingley, was appointed, to inquire into and report as to whether any troops have been called into service by order of the Governor, for the suppression of Indian hostilities."

In the absence of Mr. Robinson, Chairman of the Committee, it has devolved on me to address you this, requesting of you the information called for in the foregoing Resolution. Requesting an answer at your earliest convenience,

I have the honor to be,
Your obedient Servant,
STEPHEN C. FOSTER,
Temp. Chairman.

DOC. No. 144

[AA No. 2.]

Answer of the Governor to Communication of Committee, calling for information as to what Troops had been called into service.

EXECUTIVE DEPARTMENT,
SAN JOSÉ, *March* 15, 1851.

To STEPHEN C. FOSTER,
Chairman Select Committee of Senate.

SIR: I have the honor to acknowledge the receipt of your communication of the 13th inst., requesting me to state "whether any troops have been recently called into service of the State."

In reply thereto, I would state that Major-General Bean was directed, on the 1st inst., to organize a company of 50 men in the County of Los Angeles, for the purpose of checking the many Indian depredations that were being committed in that portion of the State.

With this exception, there has been no further forces called out than those which the Legislature have been previously advised of.

I have the honor to be,
Very respectfully,
Your obedient Servant,
JNO. MCDOUGAL.

[BB.]

Message of Governor, Vetoing Bill entitled "an Act to exempt the City of San Francisco from the operation of the Act prescribing the Mode of Assessing and Collecting the Public Revenue, for County purposes.

TO THE SENATE:

I have examined the Bill, entitled "an Act to exempt the City of San Francisco from the operation of the 'Act prescribing the mode of Assessing and Collecting Public Revenue, for County purposes,'" and herewith return it for the further consideration of the Senate, in which body it originated.

The 13th Section of the 11th Article of the Constitution of the State, declares that "Taxation shall be equal and uniform throughout the State." The Bill is in the following words—"The City of San Francisco shall be and the same is hereby exempted from the operation of the 'Act prescribing the mode of Assessing and Collecting Public Revenue,' passed March 30, 1850, so far as relates to the Assessment and Collection of Revenue for County purposes."

The operation of this Bill would be to throw the entire burden of the expenses of the County of San Francisco upon the citizens residing or owning property within the county and without the corporate limits of the City of San Francisco; while the city, which is in the enjoyment of all the privileges and advantages of the county organization, would be exempted from the payment of its *pro rata* amount of expenses and liabilities. The City of San Francisco is as much a portion of the County of San Francisco, as the Ranchos or farms lying within the limits of the county, and without the limits of the city. And in the corporate capacity of the county, the one cannot be exempted from the responsibilities incurred in their mutual and common organization, and leave the burden of the whole upon the other. Each enjoy mutually the

benefits and immunities of their county organization, and each are bound to pay, under the provisions of the Constitution, their *pro rata* assessment in the discharge of their responsibilities; and for any specific purpose in the levying of taxes either for County or State purposes, the Legislature cannot nor has not the power to require one portion of a community to pay a greater amount than is required of the other. The framers of the Constitution very wisely forbid the exercise of this power by the Legislature, for the reasons urged in the Convention, that they might, for the accomplishment of selfish ends, require one portion of the State to bear the burden of the expenses of the entire State Government.

The principle of equal and uniform taxation, as declared by the Constitution of our State, is applicable to Corporations, Cities, Towns, and Counties, as well as to the State at large. It gives protection to minorities, and communities living under legal organizations are burdened equally, so far as relates to the responsibilities of their political compact.

However much the City of San Francisco may be borne down by taxation in her municipal capacity, she cannot be relieved from her proportionate liabilities to the county at the expense of those living without her limits.

With the objection to the Bill as herein declared, I herewith return it.

JNO. MCDOUGAL.

EXECUTIVE CHAMBER,
March 12, 1851.

[CC.]

Communication from the State Treasurer.

TREASURER'S OFFICE,
SAN JOSÉ, *March 19th*, 1851.

Hon. DAVID C. BRODERICK,
President of the Senate.

SIR: In compliance with a resolution of your honorable body, of the 17th instant, I herewith transmit the desired information.

I am, sir, very respectfully,
Your obedient Servant,
RICHARD ROMAN,
State Treasurer.
By E. D. HAMMOND, Clerk.

AMOUNT OF REVENUE received in the Treasury, from December 15th, 1850, to March 19th, 1851.

From County Treasurers,	$239,578 85
Foreign Miners' Tax,	3,304 31
State Assayer,	829 79
State Hospital,	887 60
Peter G. Burnett overcharged office rent whilst Governor,	1,235 00
	$245,835 55

This amount being

In State Bonds,	$96,350 00
Interest,	28,509 96
Warrants,	119,506 16
Cash,	1,469 43
	$245,835 55

DISBURSEMENTS.

To balances due sundry individuals upon Warrants redeemed in consequence of there being no funds in the Treasury of a suitable denomination to pay such balances, . . .	$560 14
Lorenzo Hubbard, for Hospital expenses, . .	887 30
	$1,447 44

OFFICE STATE TREASURER,
SAN JOSÉ, *March* 19, 1851.

[DD.]

Communication from the Comptroller of State.

COMPTROLLER'S OFFICE,
March 18, 1851.

HON. D. C. BRODERICK,
President of the Senate.

Sir: Agreeably to the Resolution of the Senate of the 17th ult., I have the honor to transmit, for the information of your honorable body, the amount of Warrants drawn upon the State Treasurer, from December 15, 1850, to date ———.

Whole amount of Warrants drawn on State Treasurer, since December 15, 1850, to date ———, . . $189,091 50

It may not be improper, however, to remark, that the expenditures of the State, since the meeting of the Legislature, far exceeds this amount; as there are in all probability debts created against the State, and remaining unsettled at this time, amounting to *One Hundred and Twenty Thousand Dollars*, making the

Expenses of the State, since the 15th of December, 1850, $309,091 50

Respectfully,
JOHN S. HOUSTON,
Comptroller of State.

A True Copy.

Attest.
J. S. HOUSTON,
Comptroller of State.
By W. MELVIN SMITH, Clerk.

[EE.]

Report of the Commissioners appointed to lay off the Tracts of Land proposed to be Donated to the State by M. G. Vallejo.

TO THE HONORABLE SENATE AND ASSEMBLY
Of the State of California:

The undersigned, Commissioners appointed by your respective bodies, to meet the two named by Gen. M. G. Vallejo, for the purpose of selecting the several plots of ground proposed to be donated by him to the State, as set forth in his memorial on the third day of April, 1850, having performed that duty, beg leave respectfully to report:

That, in pursuance of your resolution assigning said duty to them, they repaired to the city of Vallejo; and after diligent examination, for several days, they *unanimously* made selection of the several public grounds for State purposes.

The undersigned deemed it best to place the Capitol, Governor's House, together with the University, and several other institutions, on the elevated hill immediately upon the secure and commodious harbor of Napa Bay, and from which points the whole of Sonoma and Pablo Bays, from the Twin Sisters into the Straits of Carquinez, may be seen; and from the Capitol Hill, of a clear day, may be seen the city and shipping of San Francisco, distant about twenty miles. From this point also may be seen, to the northward, the rich and beautiful valleys of Suscol, Napa, and Sonoma; those of Petaluma and San Rafael, to the west, and immediately in front; while on the south, are the picturesque shores of Contra Costa, and the valley of San Pablo, and the Peak of Mount Diablo; and in the rear, is the range of Suscol mountains, from which flows an abundance of good water, which is discharged into Napa Bay. As a commanding position, with fine building materials, and one of the best harbors in the world, with a neighborhood of unsur-

passed fertility, your Commissioners believe that a better location could not be made.

To the northward of Capitol Hill is one still more elevated, with all the commanding advantages of the former, and which your commissioners have selected as the site for the State University. Your commissioners would remark that it has been a question whether a situation more secluded would not be best for the education of youth; but they believe that modern experience teaches the contrary, that observation goes hand in hand with the rudiments, and that a youth, during his collegiate course, would gain more information from the Legislative debates, than from the ablest professorship.

The site selected for the Governor's House is situated between Capitol and University Hills, on an elevation of rare beauty, and nearly opposite where it is believed that the United States Navy Yard and Sectional Dock will be built.

The site selected as the Lunatic Asylum is near the junction of Napa Bay and the Straits of Carquinez. It will have a front of about 700 feet upon the two bays of Napa and Pablo, and the Straits, and will extend back into a beautiful valley, with the advantages of level grounds and seclusion, so that this unfortunate class of mankind may have the advantages of the stir from the great highway, or rural quiet, as the medical faculty may prescribe.

The site selected for the Deaf and Dumb Asylum, though not immediately upon the Bay, is sufficiently elevated to give this unfortunate portion of our fellow beings a good view of the shipping and city.

The Asylum for the Blind is selected in the valley near the Capitol, and that for the Orphan Asylum is about one mile distant upon a beautiful hill with a valley and running water through it.

The male and female Hospitals your commissioners thought it best to place on the northeast corner of the city, and the nearest point to the mineral springs of Suscol, which are believed to possess excellent medicinal qualities.

The four squares of two acres each for Common Schools has been located in different portions of the city, for the convenience of the citizens.

Your Commissioners believing that the offices of the Treasurer, Comptroller, Secretary of State, Surveyor General, and Attorney General, with the Translator's office and the State Library, should be

in the Capitol grounds, have, therefore, added the six acres proposed to be given for these buildings to the four acres for a Botanical Garden, so that a plot of ten acres has been selected near the Capitol, with a brook of running water through it.

The site for the Penitentiary has been selected on Napa Bay, and the nearest prominent hill to the Straits of Carquinez. This situation was selected for the reasons, that excellent building materials are on the spot; that it is near deep water, and would afford easy means of receiving and transferring heavy materials; and last though not least, that its formidable walls, immediately on the great highway to our inexhaustible gold mines, will stand as a warning to the shiploads of rascals congregating hither from the penal colonies of other nations.

Herewith your Commissioners take pleasure in presenting to the Legislature several specimens of free stone, of superior quality for building, and which abounds in great abundance in Vallejo; besides which, they have found extensive quarries of a hard stone, to be used for basements and prison walls. There are also, within a few miles, large quarries of lime stone of good quality.

THOMAS J. GREEN,
Commissioner of Senate.

D. P. BALDWIN,
R. T. SAUNDERS,
Commissioners of Assembly.

[FF.]

Report on the Pious Fund of California.

MR. PRESIDENT:

Your committee, to whom was entrusted the subject of the "Pious Fund of California," as well as to whom was referred a resolution on the same subject, beg leave to report: That from the difficulty of obtaining information at the Seat of Government on this subject, one of your committee proceeded to San Francisco for that purpose; that although unable to obtain, *even there*, all the information which they were desirous to lay before the Senate, they find that as early as 1735, a Will was acknowledged before Francenio Valle (Escribano Real), Royal Notary, which donates a large amount of property for an especial object, which object was the propagation of the Christian Religion among, and the reduction or civilization of the Indians of the Californias, and perhaps some other part of the northern frontier of Mexico. This Will, or a copy or abstract, we have been unable to obtain, and consequently, the only guide we have in its absence to direct us, in respect to its provisions, is to be found in the history of this fund.

From this source we find that from its creation to the time at which commenced difficulties in the administration of the Spanish Government in Mexico, this fund was held by the College of San Fernando, of Mexico, for the propagation of Christianity and civilization among the Indians of the Californias. Your committee also find, that subsequent to 1800, portions of this fund were, by government, diverted from this purpose, and under the form of loans, in some cases forced ones, appropriated by government for other purposes; that the interest on the loans was regularly paid by government to the Trustees of this fund, up to 1812, and in some cases a still later period.

We find that about 1810, as one item, the sum of $162,618 $\frac{43}{100}$, was by the "Consular Tribunal," one of the high Courts of Spain in Mexico, adjudged as due this fund, growing out of certain rents of real estate,

"Haciendo de Aroyozarco," which had been received and disposed of by government. On this sum, interest at six per centum was by the Court allowed, and the Tobacco revenue, being a government monopoly, was pledged for payment, which interest was faithfully paid until 1820.

We also find that the management of this fund had been usurped in part or whole, by the Mexican government, May 25, 1832; that in 1836, by a Decree of the Mexican government, the control and management of all the rents, revenue, and proceeds of this fund were relinquished by the Mexican government, in favor of the newly-organized Diocese of the Californias, and placed in the hands of the first-appointed Bishop.

In 1834, there was furnished from this fund, one item, $22,763 $\frac{15}{100}$, to the Mexican Government, to aid in sending a party of Colonists, under the direction of Hijar, to California; and about the same time, further sums, amounting to $32,000, in part or whole, for the same object, were received from this fund.

In February, 1842, Santa Anna, then President, issued the following Decree:

1st. Se deroga el articulo 6, del decreto de 19 Setiembre, de 1836, en que se privó el Gobierno de la Administracion del Fondo Piádoso y se puso à disposicion del Obispo.

2d. Volverá à estar à cargo del supremo Gobierno nacional la Administracion y inversion de los bienes en el modo y términos que este disponga para llevar el objeto que se propuso el donante, con la civilisacion y conversion de los Barbaros.

1. The sixth article of the Decree of September 19, 1836, by which the government was deprived of the administration of the Pious Fund, and placing it in the hands of the Bishop, is abrogated.

2. The administration and inversion of the property of this fund will return to the government in the form and manner which it may deem proper, to accomplish the object proposed by the donor, together with the civilization and conversion of the savages.

Your committee have examined a lengthy correspondence between the Ministers of the Mexican Government on the one part, and Pedro Ramierez, agent of the Bishop of California, of the other, in reference to this fund, immediately preceding the issuing of the decree of February 8, 1842; in which is not only denied the right of the Mexican Government to any portion of this fund, but in the opinion of your committee, it is fully substantiated that this fund belonged of right growing out of

the will of the original testator, admitted and confirmed, not only by the action of the regal Government of Spain, but also by legal decisions of its highest judicial tribunals, to the Californians, for the furtherance of the object proposed by the donor; nor do we discover the Mexican Government at this, or any previous period, asserted any other claim to the management of this fund, or revenue accruing from it, than that of expediency occasioned by the financial embarrassments of the government. We not only find them allowing and paying interest on all sums taken from this fund, but pledging certain specific revenues for this object. We also discover, by the decree of 1842, that to veil the motive for which this fund was seized, a specious pretence was set forth; that it was for carrying out the will of the donor.

The agent for the Bishop in the most formal manner protested against this act of usurpation, when complying with a peremptory order of the government to deliver over all the property of this fund to the government agent, Gen. Valencia, who was appointed by government as administrator of this fund.

The amount of the fund at that time, February, 1842, appears to have been about $1,255,816; of this sum it appears that about $504,964 was drawing interest at from five to ten per cent. per annum, which at six per cent. per annum to February, 1851, would amount to $777,634.

In conclusion, your committee, convinced that the administration and inversion of this fund does not by any right, either in law or equity, belong to the Mexican Government, but that it does belong to the Californias, for the furtherance and completion of the design and will of the donor, and that our incorporation in the union of the United States precludes the attainment of this right, except through the action of our General Government: we, therefore, would recommend the adoption of the accompanying resolutions:

Resolved, by the Senate and Assembly of the State of California, That the President of the United States be and he is hereby requested, to cause an investigation as to the rightful ownership of this fund, and if it shall appear to him that it is due and of right belongs to the State of California, he will cause the amount and interest so due to be retained out of the balance of the instalments due by the United States to Mexico, under the treaty of Guadalupe de Hidalgo.

Resolved, That a copy of this report and resolutions be forwarded to

our Senators and Representatives in Congress, with a request that they use all lawful and proper means to urge this claim upon the attention of the Federal Government.

J. J. WARNER, *Chairman.*

[GG.]

Communication from Adjutant General, with Abstract of Accounts, on file in Adjutant General's office. March 7th, 1851.

SAN JOSÉ, *April, 7th*, 1851.

THE HON. THE PRESIDENT OF THE SENATE :

SIR : I have the honor to comply with a Resolution of the Senate adopted on the 4th instant, by transmitting herewith "an Abstact of the Accounts for Compensation due to persons who rendered military services, under the commands of General Joseph C. Morehead, and Maj. William Rogers, and for the expenses incurred in arming, equiping, and provisioning the persons who rendered such services."

The statement is as accurate as it may be made from the papers filed in this office on the 7th March last.

Very respectfully, your obdt. servant,

E. W. MCKINSTRY,
Adjutant General.

HON. DAVID C. BRODERICK,
President of Senate :

Abstract of Accounts on file in the Adjutant General's office, March 7th, 1851, for compensation due persons who rendered Military Services under the command of General Joseph C. Morehead, and Major Wm. Rogers, and for expenses incurred in arming, equiping, and provisioning such persons.

"GILA EXPEDITION."

Amount of Expenses incurred for Equipments, Provisions, &c., ...	$14,329 76
Amount due Medical Staff, ...	2,795 00
" " Company A, Officers and Men, . .	40,297 00
" " " B, " " . . .	19,166 50
Total Expenses of General Expenditure, . . .	$76,588 26

"EL DORADO VOLUNTEERS."

Amount of Expenses incurred in Arming, Equipping, and Provisioning Batallion, ...	$28,191 94
Amount due for services to the Major, Commanding, Adjutant, Quarter Master, Commissary, and Surgeon, .	2,198 00
Amount due "Graham's Mounted Men," Officers and Men	3,804 00
" " Company A, El Dorado Volunteers, Officers and Men, ...	10,516 00
Amount due Company B, El Dorado Volunteers, Officers and Men, ...	9,865 47
Amount due Company C, El Dorado Volunteers, Officers and Men, ...	6,556 00
Amount due Company D, El Dorado Volunteers, Officers and Men, ...	11,480 15
Total Expenses, "El Dorado Volunteers, . . .	72,611 66
" " "Gila Expedition,"	76,588 26
Total	$149,199 82

[HH.]

Report of Commitee on State Prisons.

Your committee, to whom was referred a Communication from M. G. Vallejo, upon the subject of the State Prison, have had the same under consideration, and beg leave to offer the following Report:

Your committee, aware of the embarrassed financial condition of the State, and the necessity existing for calling to the aid of the State any resources whereby prisoners and convicts may be safely secured, recommend the favorable consideration of the offer of M. G. Vallejo.

Society demands a safeguard. Our laws must be sustained. Men convicted of the most heinous crimes, are sentenced to the County Jails or prison brigs, from which they easily escape, again to prowl upon the public. The expense attending the maintenance of such persons; their insecurity; the depressed financial condition of every county; heavy taxation upon the people for the support of these Prisons; heretofore the tardy execution of the laws; the increase of crime; and the immigration to this State of the depraved of all nations, make it our imperative duty to pass such an effective law, for the construction and maintenance of a State Prison, as will be least expensive to the State. Your committee find, by examination of such reports as they are enabled to procure, that the contract system has generally been adopted in the older States, and has proved most advantageous to the respective States.

The location, as selected by the Commissioners on the part of the Legislature, in connexion with the Commissioners appointed by M. G. Vallejo, to locate the particular grounds, as agreed by General Vallejo some few weeks since, report having selected within a quarter of a mile of the point formed by Carquinez Straits and Napa Bay.

The location is admirably selected with an eye to access and security. Your committee learn that the very ground selected abounds with the

finest limestone rock, and have also been informed that, adjoining the twenty acres selected as the State Prison site, ten acres have been reserved, at the solicitation of General Smith, one of the Commissioners on the part of General Vallejo, for the United States Government, he having informed the Secretary of War that an impregnable fortress could be erected which would completely command the Straits of Carquinez and Napa Bay; and, again, would afford ample security to the Prison in case of a rebellion or outbreak.

The Legislature located the Seat of Government at Vallejo, in compliance with a contract entered into with M. G. Vallejo. Their Commissioners selected sites for all the public buildings, and now an offer is made the Honorable the Legislature to incur all expenses in securing the convicts of this State, and releasing the different counties of this burdensome debt.

In what manner is the offer made?

Firstly. To pay the $20,000 due in two years, for the present security and maintenance of prisoners, until such time as the State shall be enabled to defray the expenses of erecting a State Prison:

Secondly. The Lessee further obligates himself to purchase hulks; the residue to be expended as the first contract directs:

Thirdly. All officers of said Prison to be paid by Lessee; the Inspectors, Superintendent, and employees, to be paid by the Lessee:

Fourthly. The subsisting, clothing, and guarding, and all rewards offered for escaped prisoners, to be paid by Lessee.

The proposition is munificent, and one that, in the opinion of your committee, would relieve the State, in her present condition, of a very heavy expenditure. From a "Statistical Table of Twenty Penitentiaries," which your committee have examined, they find that, where commodious and well-adapted Prisons have been erected and maintained, the result has been that a large majority of those prisons have been a source of heavy expense to the respective States. For instance, the earnings of the twenty prisons for the year 1850, amounted to $326,015; the amount of expenses incurred, $377,352.—Deficit, $109,420. Earnings above expenses, $16,577; showing that but four out of the twenty prisons yielded profitably to the States, viz: Connecticut, $1,832; Auburn, N. Y., $5,446; Virginia, $1,032; Ohio, 8,267. Your Committee, impressed with the necessity existing for the erection of said Prison, would urge upon the Legislature to take prompt action in this

matter. Again, your committee are aware that the State must erect all her Public Buildings within a short distance from this point, where as good building material as can be found in the State can be easily procured; its accessibility from all parts of the State; its security, being contiguous and adjoining to grounds selected for United States Barracks; its healthy and salubrious climate, all induce your committee to recommend the passage of the Bill accompanying this Report.

BENJAMIN S. LIPPINCOTT, Chairman.

DOC. No. 5

[II.]

Message of the Governor on Public Missions and Mission Claims.

EXECUTIVE DEPARTMENT,
SAN JOSÉ, 10*th April*, 1851.

TO THE SENATE AND ASSEMBLY:

I had intended, at an early period of the present Session of the Legislature, to recommend the passage of laws, saving and reserving to the purposes for which they were established, the institutions known as "Public Missions," and "Mission Claims," in this State.

Of these institutions there are twenty-one in California. They were established by benevolent individuals for educational purposes; experience has proved that they are beneficial in their operation. The first Mission was established in California in the early part of the eighteenth century, under the auspices of the priesthood known as the Franciscans, and their career furnishes an additional illustration of a fact already established by the missionaries of America and Europe, that conquests can be made with the cross when they cannot be made with the sword. These missionaries carried with them to a people then benighted, offerings of peace, and in the name of that power, of whom they were the ministers, they planted the symbol of our sacred religion upon a soil which the armies of Spain, the then mother country, could not subjugate. They were welcomed. The contributions of the central government in aid of the Missions, and the provisions then made for their permanent establishment, were acts which were cordially approved by the people. Encroachments have been made upon the property of the Missions, and the lands belonging to them have been, in some instances, taken forcible possession of, and occupied in utter disregard of the claims which these people have, or should have, upon our care and protection. The Mission property consists generally of a building or buildings, occupied by the missionaries and Indians, and the land adjacent.

I deem it only necessary now to call your attention to the fact, that the Mission lands were granted for educational purposes, and that they have been applied to those purposes for more than a century.

Time, and the beneficial influences produced by these instutions, have made them venerable and sacred in the eyes of the native population. To them the sale of these reservations by the Government, or the appropriation of them to objects other than those to which they were originally applied, would appear an act of injustice and oppression. Such an act would be contemplated by them with grief, because it would deprive them of a means of instruction, which they have learned to value, and which, if properly encouraged and regulated by the Legislature, would doubtless be in a great degree conducive to their welfare.

Many considerations could be urged to show the expediency of laws for the protection and perpetuation of these Missions among us. These considerations will doubtless suggest themselves to your minds, and I believe you will unite with me in the opinion that the passage of such laws would be attended with benefit. A public recognition of the sanctity of places devoted to spiritual worship and private instruction, is a concession which we owe to the alien people in our midst—perhaps more than any other. It is due to them, and due to ourselves.

I would, therefore, respectfully recommend that laws be passed giving full protection to the Catholic clergy and the Indians connected with the Missions, in the possession of the buildings and suitable grounds attached thereto, and until the proper agents shall settle the question of title.

JNO. MCDOUGAL.

DOC. No. 6.

[JJ.]

Report of the United States Census Agent to the Secretary of State.

OFFICE OF SECRETARY OF STATE,
SAN JOSÉ, April 15, 1851.

TO THE HON. DAVID C. BRODERICK,
President of the Senate:

SIR:—I have the honor to transmit herewith a copy of a communication received yesterday, from J. Neely Johnson, Esq., U. S. Census Agent for California. The communication explains itself.

Very respectfully,
Your ob't serv't,
W. VAN VOORHIES, Secretary of State.

U. S. CENSUS AGENT'S OFFICE,
SACRAMENTO CITY, CAL., *April* 10, 1851.

SIR: I have been necessarily delayed in complying with the resolution adopted by the General Assembly of this State, requesting me "to furnish an abstract of the Census Returns," in consequence of the many causes which have transpired to retard this work, and at the present time I am able to render but a partial and incomplete statement of the same, as the full returns have not been received. A letter of recent date from the Deputy to whom was assigned the District embracing the first two-named counties, informs me that he has completed his labors there; but furnishes no information as to the number of inhabitants. I have made repeated efforts—thus far ineffectual—to have the census taken in the County of Tuolumne. I have as yet received no information from the Deputy last appointed there.

In some instances, as you will observe, the returns are given in

round numbers. In such cases those figures are predicated upon the information furnished by the respective Deputies, which will be found a near approximation to the "Returns."

The counties of Trinity, Shasta, and Colusi, are given as comprehending one *District.* The gentleman who performed this duty in those counties received his commission in the month of September last, he being then a resident of Trinity. He entered upon this duty without the means of determining the proper subdivisions of this District, and so erroneous, in fact, was the general impression then prevailing amongst the population residing there, regarding the northern boundary of the State, that a large population on the Klamath river was not enumerated, being supposed to be comprehended in the Territory of Oregon.

The result of this enumeration, when completed, will, with all reasonable probability, fall short of the entire population of the State from thirty-three to fifty per cent. Such a result must naturally occur to the mind of every person conversant with the circumstances surrounding those engaged in the mines—probably the most numerous of our population—residing as many of them do, in unknown and unfrequented localities, whilst others are constantly changing their places of abode—thus absolutely precluding the possibility of their being found at all by the *census man.*

I am inclined to believe, from information of the most reliable character, that this disparity is greater in the extremely northern mining counties—that is to say: Trinity, Shasta, Colusi and Butte, than elsewhere. In reference to the first three named, that has been already partially explained.

In all the counties the census was taken in the months of September and October last, at a period when the miners had already or were leaving in large numbers for the more southern mining counties. In the last two or three months there has tended thitherward a large immigration, and at this time I am well advised that the population of Butte county is as numerous as any other county of the State.

With the foregoing explanations, I hope the returns herewith submitted in the Exhibit A. will render satisfactory the duty imposed upon me.

Very respectfully, &c.,

J. NEELY JOHNSON, Census Agent, Cal.

HON. W. VAN VOORHIES, Secretary of State.

EXHIBIT A.

County of	Trinity, Shasta, and Colusi,	1,152
"	Butte,	4,786
"	Yuba,	19,032
"	Sutter,	3,030
"	El Dorado,	20,785
"	Sacramento,	11,000
"	Yolo,	1,003
"	Napa,	414
"	Sonoma,	561
"	Mendocino,	56
"	Marin,	323
"	Solano,	580
"	Calaveras,	16,884
"	San Joaquin,	4,000
"	Mariposa,	4,400
"	San Francisco,	21,000
"	Contra Costa,	722
"	Santa Clara,	3,502
"	Monterey,	1,872
"	Santa Cruz,	674
"	San Luis Obispo,	336
"	Santa Barbara,	1,185
		117,318

[KK.]

Report of Joint Select Committee on the Apportionment of Senatorial and Assembly Districts.

MR. PRESIDENT:

The Joint Select Committee appointed by the Senate and Assembly, to report a Bill to reapportion the Members of the Senate and Assembly, among the several Counties of the State, have carefully considered the same, and report the accompanying Bill, and recommend its passage.

From all the reliable information within the reach of the Committee, they believe that the federal population of California now exceeds three hundred thousand souls. They have arrived at this conclusion from information derived from all parts of the State, as well as from a record of the overland emigration, the arrivals and departures by sea, in the last two years, and the estimated number of resident Californians at the time of the change of flags. It is to be regretted that the insufficient means furnished by the United States Government to the Commissioners appointed to take the Census, the migratory character of our population, the impracticability of reaching the greatest number of said population in the gorges of the mountains, have rendered the Census, so far reported, incorrect and unsatisfactory. Your committee, therefore, in agreeing upon the accompanying Bill, have had to seek better and more reliable sources of information. The reasons in favor of an increase of representation are too apparent, in the opinion of your committe, to need argument. The Constitution not only requires it to be done, but public opinion and public policy demands it. The old aphorism that "the few may but the many cannot be corrupted," is a sound republican sentiment, and while it guarantees wise and purer legislation, it is exempt from suspicions which now attach to small Legislatures. The fact cannot and should not be disguised, that evil-disposed persons have thrown out insinuations derogatory to this Legislature, and consequently to the people of California, because it is known that some half-dozen votes

control the passage of all laws. And your committee believe that this Legislature should at once place itself in the dignified position which is above suspicion.

The best experience teaches that legislation, instead of being retarded, is greatly facilitated by a larger number of representatives of the people than now composes the Legislature of California. The experience of every one in this body at present must demonstrate the necessity of our increase of the number. We find in our examination of the various committees absolutely necessary to prepare business for the two branches of this Legislature, that every member is on two or more committees; particularly is this the case in the Senate.

All legislative business must, consequently, be retarded in committee, or left in the hands of one or two of its members, which renders the passage of any law, through the various steps of legislative proceedings more tedious and slow. A subject properly considered and matured in committee, and by them reported favorably, should be a guarantee of its adoption; but now the hasty and necessarily loose investigation in committee render it necessary oftentimes that the same labor and investigation be gone through in the House to which it is reported.

For these and many other reasons which might be advanced, your committee recommend strongly that the number of Representatives be increased. The nearer we can connect the Legislature with the people, the more nearly will their wishes be truly represented. It is the true policy of every republic to have as many representatives as practicable. The idea of representation was first only conceived and adopted, because of the impracticabilty of the people assembling, *en masse*, to enact their own laws.

The argument that a smaller number of Representatives are more directly responsible to the people than a larger, is, if investigated, not only fallacious, but must lead to the inevitable conclusion that a monarchy is preferable to a democracy.

Your committee do not deem it necessary to pursue this subject further, and would most respectfully recommend the passage of the accompanying Bill.

THOS. J. GREEN,
Chairman of Senate Committee.
JOS. W. MCCORKLE,
Chairman of Assembly Committee.

[LL.]

Report of Mr. Warner on Railroads.

MR. PRESIDENT:

The Select Committee to whom has been referred, "an Act granting the right of way through the State of California to the United States, for the purpose of constructing Railroads," have had the same under consideration, and report that in the performance of their duty, they have endeavored to procure reliable information with regard to the trade of China, but owing to the scarcity of statistics and the short time they have had for the consideration of the subject, they are only able to make the following brief statement of the commerce of China.

The estimated annual quantity of Tea exported from China to various parts of the globe, amounts to the sum of $66,505,000. In 1838, 7,031 picals (937,466 lbs.), Raw Silk worth $1,686,528, was shipped from Canton in English bottoms.

The trade between England alone and China, from 1st July, 1837, to 30th June, 1838, is stated by the Canton Chamber of Commerce to have employed £11,700,040 sterling of British capital.

The British trade and commerce with Canton has progressed and rapidly increased since A.D. 1700: and the great mass of Foreign Commerce (which, inclusive of that of the "junks," is estimated at $80,000,000 annually), in the hands of the English and Americans. In 1834, 150 vessels, united tonnage 82,470 tons, cleared from Whampoa, and brought away 42,641,200 lbs of Tea. From October, 1836, to April, 1837, British traders took away 33,211,332 lbs. in proportion of one part green to 3½ of Black Tea. Total value of Tea exported that year, $20,255,065.

A fleet of 80 to 100 vessels, from 500 to 1,000 tons burden, are annually dispatched from Canton to the United States. About $15,000,000 is the amount of the annual exports to America. There was in the port of Hong Kong on the 20th of October, 1839, 157 vessels—tonnage 80,000 tons.

Having given a brief and imperfect statement of the value and importance of the trade of China, and having in view the importance of securing to the United States the benefit of this trade, which is rapidly increasing, and for which the principal nations of Europe are contending, your committee have given some attention to the subject of the best route from the Atlantic to China and India, and after considering the different routes in operation and proposed, so far as is in their power, have arrived at the conclusion that a Railroad, from some point on the Mississippi, or its tributaries, to some point on the bay of San Francisco, is the best route that can be adopted for the purpose of securing the Commerce of China and India; they therefore, as well for the security of this trade, as also to open a great national highway from California to the Atlantic coast, which, in the opinion of your committee, would be a greater defence and protection than all other military works. It would also be the means of great daily intercourse between the East and West coast of this Republic, thereby causing such an intercourse between the extremes of our country, as will tend in a great measure to prevent those sectional feelings which have ever been the destruction of wide-extended governments.

They would respectfully recommend the passage of the Bill, believing that it is the duty of this Legislature to encourage the speedy building of a Railroad from the Atlantic to the Pacific, across the territory of the United States.

All of which is respectfully submitted.

J. J. WARNER.

[MM.]

Report on San Francisco and Dolores Plank Road.

MR. PRESIDENT:

The Select Committee to whom was referred Assembly Bill No. 130, entitled "an Act to ratify and confirm an ordinance passed by the City of San Francisco, on the 18th day of November, 1850, authorizing the building of a Plank Road to the Mission of Dolores," have had the same under consideration, and instructed me to report, that by the 30th subdivision of the first section of Article third of an "Act to incorporate the City of San Francisco," passed April 15, 1850, the Common Council have the authority "to open, alter, abolish, widen, extend, establish, grade, pave, or otherwise improve, clean, and keep in repair streets and alleys."

That in accordance with the powers so granted, the said Common Council did proceed, by various ordinances, to procure the opening, grading, planking, and cleaning of streets; that such improvements necessarily involved the expenditure of large sums of money, which were raised by the most burdensome and enormous taxation upon the property of the citizens of San Francisco; that after the completion of the streets and alleys in the centre of the city, the importance and necessity of building a Plank Road to the Mission of Dolores became apparent to every citizen. Streets were therefore declared by the Council open as far as the Mission. The attention of the citizens of San Francisco, as well as of the agricultural valleys lying south of said city, was drawn to the projected work, each feeling an interest in its speedy completion. It would change the laborious and severe work of hours of travel into a pleasant ride of a few moments, and would tend greatly to increase the value of property both in and adjacent to the city of San Francisco.

The Treasury of the city, however, was empty, and the projected work required a large sum of money.

The Common Council accordingly, by ordinance, of which the follow-

ing is a copy, contracted with Charles L. Wilson to build such road, upon the conditions mentioned therein:

ORDINANCE,

Authorizing the building of a Plank Road to the Mission of Dolores

Whereas, it is very important to the interests of this city, that one of the streets, either Mission or Market street, together with the street or streets leading from California street where it intersects with Kearny street, to such intersection as may be preferred with one or the other of the first-named streets, to the Mission Dolores, should be well and substantially planked—an improvement that would greatly conduce to the prosperity of this city and the pleasure of her inhabitants. *And whereas*, the city, in consequence of the various improvements in which she has been and is still engaged, is not in a condition to embark in this important improvement; and it being represented to the City Government, that one Charles L. Wilson, a gentleman well and favorably known to many of its members, is willing to undertake said improvement and to complete the same in manner and form, and upon the conditions hereinafter specified; *therefore*, the People of the City of San Francisco do ordain as follows:

That the said Charles L. Wilson, or his assigns, shall have the sole and exclusive privilege of building a Plank Road between the termini before designated, on either of the streets mentioned, which he or his assigns may prefer: *Provided, however*, that the said road or work shall be planked twenty feet wide, and to be located in the centre of the street that may be selected; that the said improvement shall be constructed of three-inch plank firmly secured to stringers or sleepers properly let into the ground, which ground shall be properly graded: *And provided, furthermore*, that the said road shall be completed within six months from the passage of this ordinance, and shall, seven years thereafter, be surrendered or delivered over to said city in good order by said Wilson or his assigns.

In consideration of all which, the People of the City of San Francisco do furthermore ordain as follows:

That the said Charles L. Wilson, or his assigns, shall have the liberty or franchise of building the improvements before described between the termini designated, and shall have, use, and enjoy the same, together

with the space between the sidewalks, for the space of seven years, taking for the use of it by the public such tolls as are herein specified:

For horse, mule, or ass and rider, twenty-five cents.

For each led or drove horse, mule, or ass, ten cents.

For each vehicle drawn by a horse, mule, or ox, fifty cents.

For each vehicle drawn by two horses, mules, or oxen, seventy-five cents.

For an extra vehicle, twenty-five cents.

For a coach or wagon, drawn by four or more horses, mules, or oxen, one dollar. This charge is to be diminished ten cents if such carriage be drawn by three horses, mules, or oxen.

For drove cattle, ten cents each.

For each animal, with a pack or packs, twenty cents.

For sheep or hogs, or other animals, five cents each.

The People of the City of San Francisco do futhermore ordain, that the police laws of the city, which now are or may hereafter be in force for the preservation, protection, good order, and general police of the streets of this city, shall equally extend to this proposed improvement.

The People of the City of San Francisco do furthermore ordain, that after the said improvements shall be completed, any person refusing to pay the tolls before specified, or in any manner evade the payment thereof, shall for each offence pay a penalty of one hundred dollars, to be recovered before any Justice of the Peace of said city, upon the usual summons in the name of the toll-gatherer of said road, and for the use and benefit of the owner or owners of said road; and that the said toll-gatherer shall be a competent witness against the defendant or defendants in such proceedings.

WM. GREENE,
President Board of Aldermen.
A. BARTOL,
President Board of Assistant Aldermen.

Your committee believe that the work contemplated is one of great public utility and importance, and if completed would redound greatly to the interest and benefit of the City and State.

They would represent, that from information derived from reliable sources, they are satisfied that the said Charles L. Wilson, in good faith, entered upon and commenced work under his said contract with the

Common Council, and has already expended therein a large amount of money.

Your committee do not entertain the opinion that the Legislature, by the passage of the Bill under consideration, would be creating a corporation by special act; but they submit that it is simply proposed to confirm the ordinance of a City Council, about the mere technical legality of which doubts are entertained by citizens.

Your committee are of opinion that the right of the Legislature to take the action proposed in the premises is clear. They therefore have directed me to report the Bill to the Senate and recommend its passage.

THOS. B. VAN BUREN, *Chairman.*

[NN.]

Report of Mr. Van Buren on Homestead Bill, from the Committee of Conference.

MR. PRESIDENT:

The Joint Committee of Free Conference, to whom was referred Senate Bill, No. 21, entitled "a Bill to exempt the Homestead and other property from Forced Sale in certain cases;" and also, Assembly Bill, No. 136, upon the same subject, which passed the Assembly as a substitute for the Senate Bill, have had the same under consideration, and have instructed me to report the same back and recommend the passage of the Assembly Bill with the following amendment: And at the end of the 5th section the following: "*Provided*, that no bid shall be received for a less sum than Five Thousand Dollars."

Your committee would earnestly urge the passage of said Bill, as being the best which, under existing circumstances, can be presented with any prospect of success. The policy of exempting the homestead from forced sale, is recognized and approved by the ablest statesmen of the present day, and has been adopted in the legislation of many of the States of the Union. Of so much importance was it deemed by the framers of the Constitution, that they made it imperative upon the Legislature to enact some provision upon the subject.

And your committee believe that early legislation in the premises, providing for a liberal exemption, will produce the most beneficial results, and build up in our State a sound and prosperous community.

THOMAS. B. VAN BUREN,
Chairman of Senate Committee.

[OO.]

Message of the Governor, and Resignation of State Printer.

TO THE SENATE AND HOUSE OF ASSEMBLY:

I have the honor to inform the Legislature that the office of State Printer is now vacant, made so by the resignation of J. Winchester, Esq., the present incumbent.

I also take pleasure in transmitting herewith the letter of General Winchester, in which he explains the causes that induced him to take the step that he conceived he was compelled to do, in resigning the post of State Printer.

JNO. MCDOUGAL.

EXECUTIVE DEPARTMENT,
March 28, 1851.

(Copy.)

OFFICE OF THE STATE PRINTER,
SAN JOSÉ, *March* 27, 1851.

To His Excellency,
JOHN MCDOUGAL,
Governor of California:

Sir: Under the Act of March 9, 1850, "Defining the duties of State Printer, and fixing his compensation," the sum of $7 30 per 1,000 ems of composition, and the same per token of 250 impressions or less, was fixed as the compensation for the execution of the Public Printing; but

since I have held the appointment and performed the duties of State Printer, I have been paid exclusively in Warrants upon the Treasury, for which, at no period since May, 1850, have I been able to realize but 75 cents on the dollar (for a brief period only), while, for most of the time I have been in office, the depreciation has been greater—scarcely carrying the average of the past ten months above 50 cents.

Strongly believing that the Legislature would promptly exercise the power, vested solely in that body, to protect and restore the public credit, and fully aware that the cost of printing greatly exceeded what it ought to be, and would have been, under a cash system, I had the honor, in my report to the Legislature, to suggest a reduction in the price of *Printing*, of twenty-five per cent., and on other items, a still higher per cent. At that time I was able to realize 70 per cent. in the market for State Warrants; and could that price have been maintained, the proposed reduction would have left a small compensation to the Printer, over the cost of labor and other necessary expenses.

It is known, however, that the Legislature took no action in view of the financial condition of the State, tending to restore the public credit; but on the contrary the Acts making heavy appropriations for the suppressions of Indian disturbances, with other obvious causes, rapidly depreciated the Warrants, so that, since the first month of the Session, the rate has not ruled higher than 40 to 45 per cent. This depreciation has fallen onerously on the State Printer, as it has upon every individual connected with the public service; and though, nominally, a very high price has been paid, the amount realized scarcely more than sufficient to meet the costs of performing the work required.

While $7 30 cents was paid for each thousand of composition and each token of presswork, the cash value has been but $2 90 or $3 00. Of this, the regular rate of wages of Journeymen Printers consumed *two* dollars, leaving but one dollar to meet all other expenses, wear of materials, and constant personal superintendence, proof reading, &c. But so long as the sum received was sufficient to indemnify me for the expenses incurred, with something over for profit, I was willing to proceed in the prompt fulfilment of my duties under the laws. The Act of 26th of March inst., in a brief section, makes a horizontal reduction in the rates heretofore allowed for each class of the Public Printing of *forty per cent.* Had Warrants continued to realize the amount which could have been obtained when my report was made to the Legislature, even this reduc-

tion would have left the Printer enough to meet the *first cost* of executing the work required of him; but as no more than 40 per cent. on the dollar has been for some time, or is now obtainable, the expenses can no longer be met, under the operation of the new law.

The Act of 26th of March inst., reduces the price of composition and presswork (by far the largest and most important items in the business) to the sum of $4 38, and when from this a further discount, for depreciation of 60 per cent. is taken, the remainder is $1 75. For this sum no Printing establishment can do the work, unless by non-payment of their hands. And rather than be a means of depressing labor in California to a standard such as would necessarily be the effect of going on under this Act, I would prefer to retire from my position. Indeed no alternative is left for me. When my earnings will not pay the wages of honest labor, I should be dishonest not to abandon the business.

I do, therefore, hereby tender to you my resignation of the office of State Printer, to take effect from and after the present date.

I have the honor to be, &c.,

J. WINCHESTER,
State Printer.

[PP.]

Resignation of Hon. Pablo De la Guerra.

SAN JOSÉ, *May* 1, 1851.

TO THE HON. D. C. BRODERICK,
President of the Senate:

SIR: I do hereby tender my resignation as Senator from the Third Senatorial District of this State; said resignation to take effect from and after the close of the present Session of the Legislature.

Respectfully your
Ob't serv't,
PABLO DE LA GUERRA.

[QQ.]

Letter from Attorney General.

SAN FRANCISCO, *April* 21*st*, 1851.

TO THE HON. THE PRESIDENT OF THE SENATE
OF THE STATE OF CALIFORNIA:

SIR: I have received through the Secretary of the Senate a copy of a resolution of that body, instructing me "to inquire into the present situation of the State Hospital at San Francisco;" also, to ascertain "by what authority the Superior Court of the city of San Francisco have appointed persons to take charge of said Institution."

In reply to the resolutions forwarded me, I have the honor to inform the Senate, that, on the 23d day of March last a petition was exhibited to the Superior Court of San Francisco, subscribed by two citizens, John B. Weller and Calhoun Benham, setting forth that under and in pursuance of an Act of the State Legislature, providing for the creation of a Marine Hospital for the State of California, approved April 9th, 1850, a charitable trust had been created, which trust was vested in certain officers under the provisions of an Act creating Officers of Health for the Port of San Francisco, and defining their duties, approved April 8th, 1850.

That by Act of the present Legislature the law providing for "the Officers of Health" had been repealed, thereby vacating the offices of said trustees, and leaving the trust created under the Act for the establishment of a Marine Hospital without any person to manage or direct it. That there was a large amount of valuable property belonging to the trust procured by the funds set apart for that charity, which, for the reason stated, was in danger of being lost. That there were 75 or 100 patients in the Hospital who had paid their commutation tax, and to whom the State had pledged the benefits of the trust. In consideration of which the petitioners prayed that proper persons be appointed by the Court to take charge of the trust property and to execute the law for the creation of a Marine Hospital.

Upon the presentation of this petition it was held by the Court, as the law of the land, that no trust should fail for want of trustees, and that it properly devolved upon the Courts to appoint trustees in case of failure by appointment or succession. And thereupon the Court appointed as trustees, in pursuance of the prayer of the petition, Doctor John F. Thorpe and John W. Geary.

Those gentlemen entered upon the trust, and took charge of the trust property and proceeded to conduct the business of the Hospital in pursuance of the provisions of the law providing for its establishment.

Since, however, the order before mentioned, and since the gentlemen took charge of the Hospital, the repeal of the law creating the Hospital has taken place, and this fact has been communicated to them, consequently they have abandoned the trust, leaving the Hospital property without a legitimate proprietor or claimant.

Upon learning these facts I proceeded, as the law officer of the State, to the Hospital, took possession of the property, and placed a person in charge of it, and shall endeavor to preserve the same until such time as it can be legitimately disposed of.

In reply to the inquiry of the Senate, as to the authority of the Superior Court in the matter, it is my opinion, and I believe there can be no doubt upon the subject, that upon the facts stated, it was perfectly competent for the Superior Court to make the order stated, and I have as little doubt that in making the order the Court exercised not only a legitimate but a sound discretion. The only fault in the proceedings was that the proceedings should have been instituted by the law officer of the State, and not been left to private citizens. I should certainly have instituted the same proceedings if the matter had been presented to me.

Allow me, sir, further to state for the information of yourself and gentlemen of the Senate, that my present "whereabouts" is the city of San Francisco, where the Supreme Court of the State is now in session, and where by the Constitution and laws I have some business—and where also I hope to be able to render the State some more efficient service than would be possible by any attendance of mine upon your honorable body.

With great respect, I have the honor to be,

Your ob't serv't,

J. A. McDOUGALL, Attorney General.

[RR. No. 1.]

From Thomas J. Green to the Hon. Robert J. Walker.

NEW YORK, *November 25th*, 1850.

HON. ROBERT J. WALKER:

DEAR SIR: Having had the honor to make the preliminary move in the State California Legislature for the organization of our State University, so munificently endowed by pre-existing Laws, my mind has turned with much anxiety of late to that individual of our own country, most eminently learned in political and physical science, for a plan of its organization. Your introductory address before the National Institute in 1844—your wisdom in the Senate, and more subsequently your pre-eminently successful administration of the financial department of our Government—all point you out to my judgment as *the* man. For these reasons, together with the interest manifested by you while Secretary of the Treasury, in the education of your countrymen, by recommending and causing the lands for Common School purposes to be doubled by Congress—may I ask—

Will you, for a reasonable compensation, agree to furnish our Legislature, or a Board of Direction under their appointment, with the best plan, in your judgment, for such organization?

As our State must be the greatest mineral region of the earth, I have thought that minerals and mining should be the leading branch, such as it is taught in the "*Colegio de Mineria*," in Mexico; and as we have to buy everything we eat and wear, and the fuel with which we cook our food, that political economy should be the second, enforced with all the good reasons of your free trade principles.

I have the honor to be, very truly, your obedient Servant,

THOMAS J. GREEN,
Senator from Sacramento District, Cal.

[RR. No. 2.]

Letter of R. J. Walker, on State University, in reply to T. J. Green.

New York, November 26, 1850.

DEAR SIR: Your communication of yesterday, as Senator from Sacramento, California, has been received, requesting me, in case such should be the desire of the Legislature, to prepare a plan for the organization of their great University. There are many others far more competent than myself to perform this most important duty. Although the address to which you refer, in the preparation of which I was greatly aided by others, does show high admiration by me of physical science, as developing from time to time those beautiful laws impressed by the Almighty on all his works, yet, since my collegiate days, my investigations have only been directed at intervals to that great subject. My attention has been chiefly devoted to the study of international, of civil, and of common law, the history of governments and of republics, including our own great confederacy, to politics, and especially that most important branch, the subject of political economy. On this and kindred topics I might perhaps give you some little aid; but as regards physical science, my actual knowledge is extremely limited, when compared with that of many others of my countrymen. If I might be indulged in expressing an opinion on this subject, it would be in favor of the selection of such men as Henry and Bache, and many others whom I might name, as much more competent than myself to perform this great work. Nevertheless, if the Legislature of the State of California should think proper to assign this task to me, it would be undertaken with zeal and enthusiasm, but with undissembled distrust of my own ability to perform the work in a suitable manner. I would, however, call to my aid such persons as Henry and Bache, and others of my countrymen, distinguished in this country and throughout the world for their scientific

attainments, and their unwearied devotion to the great cause of education. With them it would be a labor of love to assist me in such a task, and I should have to rely mainly upon their superior knowledge in performing this work. In no event would I consent to receive any pecuniary compensation (as you kindly suggest) for any humble effort of mine to prepare such a plan. My only and all-sufficient reward would be in aiding, in some degree, in preparing a plan for the organization of your great University, an institution which, if properly organized and conducted, would contribute, even more than your gold, to the glory and happiness of advancing generations, in your great State. It would be the great light of the Pacific, diffusing its glorious radiance along the shores of Western America, and in time, penetrating those benighted regions of the East, which have been reposing for ages in the darkness of ignorance and Pagan superstition.

It is quite true, as stated in your letter, that I did, in my report as Secretary of the Treasury, in 1847 and 1848, recommend and procure from Congress the doubling of school lands. Indeed I recommended that they should be quadrupled, and hope that this will yet be done by Congress. Your school lands, as well as your five hundred thousand acres, are devoted by your Constitution to the great and noble purpose of education. If Congress should, as I trust they will, permit you to select all these lands in the gold region, as the property of the State, you will have the most magnificent fund for education ever enjoyed by any people. One tenth of the whole is devoted by your Constitution to the establishment of your University, and this, together with the valuable donations made by one of your own distinguished citizens, will give you a fund sufficient to create and endow forever the greatest University that has ever existed upon earth. It should embrace every branch of science, physical and hyperphysical. Among the most important would be, a department relating to Mines and Mining, which is now the occupation of a majority of your people; and, together with Commerce, the source of your wonderful wealth and progress. You should also have a department of Agriculture, to which a large portion of the labor of your people will in time be devoted. Commerce also should not be neglected, embracing the great truths of political economy. Your State, with its exports of gold, and magnificent harbors fronting upon the great Pacific; within three weeks, by steam, of the six hundred millions of people of Asia, must develope a commerce such as the world has

never witnessed. This to you is a most important subject, inasmuch as your exports are gold, and you import from your own country, or from others, nearly every article that is consumed by your people. Commercial restrictions are more injurious to you than any other people upon earth, and operate as a most onerous tax, without the slightest compensating advantages.

It is a remarkable fact, that whilst governments seeking for large revenues, and political parties have differed on the great question of commercial restrictions, yet that the learned men and eminent writers of Europe and America, unconnected with party and politics, have all invariably supported the great cause of commercial freedom. To you this is a vital question, and the light of truth on this great subject should proceed from your great University, unobstructed by the mists of prejudice, or the agitation of partisan politics. Searchers after truth for the sake of truth, and with a view only to promote the happiness of mankind, should be the persons called to inculcate the doctrine of that unrestricted commerce which unites State with State, and man with man, and nation with nation, in the great bond of reciprocal interest and intercourse. Commerce is the great agent of civilization. It is the friend of peace, of the arts and sciences, of musical progress, and must be the chief auxiliary and precursor in carrying from California the lights of Christianity to the East, from which it rose. Your gold and your commerce, aided by steam, must awaken Asia from the slumber of ages, and bring even the isolated regions of Japan within the range of trade and intercourse. This, however, is too wide a subject to discuss in this letter, and I have only to say, that if the Legislature should assign to others much more competent than myself, as would be best, the great and noble task of submitting a plan to the consideration of the Legislature for the organization of your University, it would give me pleasure to assist them by any suggestions which I could make on the subject. Should it be assigned to me, the effort would be made to prepare the plan, aided by the superior knowledge and experience of the most eminent of my countrymen in every department of science.

Very respectfully,

Your friend,

R. J. WALKER.

GEN. THOMAS J. GREEN,

Senator from Sacramento District.

[SS.]

Letter from General Green to Governor Burnett.

ORO, *May* 16, 1850.

HIS EXCELLENCY PETER H. BURNETT,
GOVERNOR OF CALIFORNIA.

SIR: Upon my arrival here to-day, I found a Volunteer Company under command of Captain Nicholas Altgeier, in preparation to go against the Indians said to be in force, and committing numerous murders upon this frontier. I have also learned that other companies are in preparation of moving. It has also been reported to me that these Indians, supposed to number several hundred, are headed by white men and some Chilians. It has been reported that an engagement took place on Deer Creek a few days since, in which eight whites and fifteen Indians were killed. Much excitement prevails in this quarter upon this subject. I have, therefore, thought it my duty, in the absence of orders from your Excellency, to take the field as well to protect our own citizens as to prevent excesses on their part, hoping very soon to receive your orders. While I think that reasonable allowance may be made for exaggerated reports in relation to these hostilities, I would respectfully suggest that your Excellency would order the Adjutant-General to my head-quarters, with instructions and authority (if it should prove necessary) for a further call upon the militia, &c.; and also authority to call upon the U. S. troops, should the emergency require it.

My calculation was to sail for Panama on the 1st of June, and hope to do so unless duty requires my presence here. In my absence Brigadier-Generals Eastland and Winn will be ready to execute your orders, and their prudence and discretion is of the soundest character.

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

THOS. J. GREEN, Major-General,
1st Division, California Militia.

[TT.]

Letter of General T. J. Green concerning Indian Affairs.

ORO, *May 25th*, 1850.

To His Excellency PETER H. BURNETT,
Governor and Commander-in-Chief Cal. Militia.

SIR: After my despatch to you on the 16th inst., I moved with Capt. Altgeier's and Capt. Charles Hoyt's Mounted Volunteers, on the 17th, upon Bear river. On the afternoon of the same day Lieut. Bell, of Capt. Altgeier's company, with ten men, being out upon a scout, encountered a large number of Indians, killing five and bringing in six prisoners. On the 18th I moved in the direction of Deer Creek, and scoured the country where a number of Indian depredations had been committed. We found the Indian villages newly deserted, and their trails leading south in the direction of Bear River.

On the 19th pursued said trails in the direction of Wolf Creek, to where Col. Holt was murdered and burnt in his mill. Found the Indian villages in this neighbourhood deserted, and the white settlement abandoned—trails still leading south, which we followed to Bear River and encamped upon the same.

On the 20th, leaving a camp guard with the horses, we crossed the river on foot to visit a large village on the south of said river, which we found deserted, and the trail recrossing the river. Upon our return I was informed that a large number of Indians, between two and three hundred, had assembled upon an elevated conical hill in two miles, a position evidently taken to give battle. After examining their position, I ordered Capt. Hoyt, with twenty men, to take station upon the foot of the hill upon the left, and with Capt. Altgeier, Lieut. Bell, and the balance of the men, in all 30. I charged up the most accessible side of the hill upon the right into the camp, and drove the Indians upon Capt. Hoyt's position, where a smart skirmish ensued. We pursued them for several miles in the hills and ravines, killing and wounding a

number, and took eight prisoners; their chiefs report eleven of their men killed, besides wounded. We had none killed—wounded Capt. Hoyt, Lieut. Lewis, and Mr. Russell. My aid, Major Frederick Emory, was accidentally shot through the thigh by the discharge of a rifle—all doing well. The day previous, in attempting to capture one of their spies, his determined resistance caused him to be shot, and in camp we found his remains upon a funeral pile nearly consumed. Here we found a large amount of supplies, consisting of beef, sugar, tea, and other articles, robbed from the wagons, and the clothes of the murdered teamster Matty. On the afternoon of the same day I sent the following note, with a flag of truce, to the chiefs, by an old woman who had been taken prisoner:—

WOLF CREEK CAMP, *May 20th*, 1850.

To the Indian Chiefs Weima, Buckler, Poollal, and others.

Your people have been murdering ours, robbing their wagons, and burning houses. We have made war upon you, killed your men, and taken prisoners your women and children.

We send you this plain talk by one of your grandmothers.

When you cease to rob and murder our people, we will cease to make war upon you, and then you can come in and get your women and children, who will be taken care of in the meantime.

If you wish peace come down to Johnson's old Rancho on Bear river, and report yourselves to Capt. Charles Hoyt, who will protect you until your great Father shall speak.

THOMAS J. GREEN, Major-General,
1st Div. Cal. Militia.

To-day the Chiefs, with a number of the men, met me at Kearny, and entered into the following treaty. It is my opinion, as well as the opinion of others better acquainted with these Indians, that they will observe the treaty in good faith. It is to be hoped that no acts of aggression will be commenced upon them by the whites. These Indians can be made very useful to the miners, if they have even a small portion of justice extended to them. Heretofore a few persons have monopolized much of their labor, by giving them a calico shirt per week, and the most indifferent food. This is not only wrong but

highly disgraceful, when they would be content with the pay of one fourth of the wages of the white man.

I have sent these Chiefs over on the north fork of the American river, to bring in others, now hostile, to Brigadier-General Eastland, on Bear river, who will, in the absence of further instructions from your Excellency, endeavour to bring them to terms.

I have the honor to be, very respectfully,

Your obedient Servant,

THOMAS J. GREEN, Major-General,

1st Div. Cal. Militia.

[UU.]

From Gen. Eastland, concerning Indian Disturbances in the Mines.

ORO, *May* 15, 1850.

GOVERNOR:

I have the honor to state for your information, that the Indians have recently become very troublesome, and are almost daily committing depredations of a character calculated to do great injury to the pursuits of the unoffending whites. Murder and theft are of almost daily occurrence, and unless speedily stopped, must prevent, in a great measure, the open actions of our countrymen in the mining districts. Would it not be well to order out a force of from two to three hundred, and drive the Indians back to the mountains? There will be no difficulty in raising a suficient force from this division—I presume Gen. Smith would give the necessary order on the Quartermaster, at Nicolaus, for one or two month's rations. I write in great haste, and respectfully ask your serious consideration on this matter, and your reply at an early date.

I have the honor, &c.,

THOS. B. EASTLAND,

Sen. Brig. General, 1st Division, Cal.

His Excellency,

GOV. BURNETT, San. José.

[VV.]

To Gen. Green, in relation to Indian disturbances on Deer Creek, &c.

SAN JOSÉ, *June 3d*, 1850.

MAJ. GEN. THOMAS J. GREEN:

DEAR SIR: Your communication of the 16th ult., as well as your last report, communicating the result of the expedition against the Indians, have been received, but by some accident the latter has been mislaid. Your course in reference to this expedition is entirely satisfactory and is fully approved. Although as Executive of the State I have no power to make treaties with any of the Indian Tribes, still I hope the arrangements you have made will prove beneficial, and preserve peaceful relations between the whites and Indians, until some more permanent line of policy shall be adopted by the United States. May I trouble you to send me a copy of your last report?

I have the honor to be,

Your ob't. Serv't.,

PETER H. BURNETT, Com. in Chief.

[WW.]

Letter from Thos. B. Eastland.

BEAR RIVER (60 miles N. Sac. City),
June 15th, 1850.

GOVERNOR:

In the "*Alta California*" of 31st May (which came into my hands by mere accident), I find Major-General Green's official report to you of the operations of the Volunteers under his command against the Indians, the terms of a truce made by him with three of their chiefs, and notice of having sent said chiefs to the north fork of American River, for the purpose of bringing the chiefs of other tribes to me, at this point, that if possible similar terms might be effected with them. Nearly a month has elapsed since these messengers departed; I have remained at my camp daily expecting them to come in, but as yet have received no intelligence from them, and conclude that they either did not go, or else were unsuccessful in accomplishing the object of their mission, and returned at once to their tribes. This failure is to be regretted, believing as I do that had the chiefs come in, and we had councilled together, the terms of a truce might have been agreed upon, which, if not faithfully carried out to the letter, would have prevented, in some degree, a continuation of the disturbances occurring so frequently, causing the *indiscriminate* and *wholesale murder* of both white men and Indians. But a few days since I was informed, that among the rocks of the river, not half a mile below this, the dead bodies of two white men (in a state of nudity) had been discovered. I at once proceeded to the spot, and upon examining them (though much decomposed and offensive to approach), I found the unmistakeable evidences of violence. From one of the bodies I extracted a flint barb, and both were covered with many arrow wounds; around the neck of one was a twisted withe; through the neck of the other a long cut, as if to

pass a cord, from which I infer that they were dragged some distance, and thrown into the river, but whether above or below this, it is impossible to form an opinion. These men were doubtless Miners, and at the time were "out prospecting." I have sent a description (necessarily imperfect) to a friend in the "Valley"), which possibly may lead to the identification of the bodies. As soon as possible I will have them interred.

While no one will attempt to justify the Indians in such barbarous deeds, it may well be asked if they may not frequently be perpetrated in retaliation for similar ones committed (mostly, no doubt, by lawless white men) upon their people? It is a well-known fact that among our white population there are men who boast of the number of Indians they have killed, and that not one shall escape them. If they have been wronged by *certain* individuals, and thus gratify their revengeful feelings, they do it at the cost of many of the lives of their own countrymen, and make sorrow and mourning for the widow and orphan. Far better would it be that the guilty should escape, than that such consequences should result from *indiscriminate* revenge.

That the Indians have been more "sinned against than sinning," since the settling of California by the whites, is the opinion of many old inhabitants, as well as Miners, who have lived in their midst, and watched the rise and progress of the many disturbances that have occurred; they are naturally inoffensive, and perhaps less warlike than any other tribes on the continent: indeed, they have not even the resources necessary for defence; the bow and arrow is their only arm; they are destitute of animals even for transportation purposes; they have no means of support within themselves, save the transitory fruits of the seasons, some few esculent fruits and acorns, the latter being garnered up for their winter supplies, by which they must stay or starve; they are to a man, almost, in a state of nature, without a single comfort in the way of clothing, and during the cold months huddle together in their *holes*, as their only protection against the inclemency of the weather; in fact, all their habits are peaceful, and in their whole character it is not discoverable that *naturally* they possess the first element of a warlike people; but the germ of a hostile spirit has been *created* in them, that without some prompt and decisive action on the part of the General Government, will grow and spread among them a deadly hate towards the whites, which ere long may cause our frontier to be marked with

lines of blood. If they are apt scholars they will not only be taught how to fight, but in time will muster many warriors, each with his fire-lock and butcher knife, taken perhaps from the bodies of murdered white men.

It is to be hoped that General Green's representations of Indian affairs in California to the President of the United States may be the means of causing the General Government to adopt such measures as will secure a speedy restoration of peaceable relations with the various tribes, and thereby bring them gradually within the pale of civilization, and reclaim them (if possible) from the vice of thieving (a sort of *constitutional* fault of theirs), which no doubt had much to do with the beginning of the present difficulties.

As Commander-in-Chief of this division during the absence of Major-General Green, I shall hold myself in readiness for any service your Excellency may call me upon, and in cases of emergency take the field at once, as per your verbal authority.

I have the honor to be,

Your Exc'y's. ob't. Servant,

THO. B. EASTLAND,

Brig. Gen. 1st Division Cal. Ma., comm'g.

To GOV. P. H. BURNETT,

Gov. of Cal., San José.

[XX.]

Letter from Senator Gwin.

SAN FRANCISCO, *April 30th*, 1851.

To the Hon. D. C. BRODERICK, President *pro tem.* of the Senate, and Hon. JOHN BIGLER, Speaker of the House of Assembly of California.

GENTLEMEN: The Secretary of the Senate has transmitted to me a copy of the "resolution" passed by the "Senate and House of Assembly," tendering to me the thanks of the people of California, for my "indefatigable exertions and zeal," and "constant and untiring advocacy in the Senate of the United States, of the just claims and interests of this State."

I receive with profound gratitude such assurance of the confidence of the people of California, thus manifested through their Legislature, and will earnestly strive to merit a continuance of that confidence by my future efforts, in securing to the State her best rights, as a member of the Confederacy. The position of a member of Congress from this new and unprecedented State, is fraught with serious difficulties, and requires immense labor to comply with the righteous demands and expectations of its inhabitants, for much is equitably due to them which the Government at Washington does not comprehend. But arduous and onerous as are the duties imposed upon me as one of your Senators I will enter upon their discharge at the ensuing Session with invigorated hope and renewed determination, after this agreeable evidence received from this people that they will endorse my best efforts in their behalf, however inefficient, if prompted by zeal for their welfare.

I beg leave through you, gentlemen, to express to the "Senate and House of Assembly," my warmest wishes for their success in ministering to the manifold wants of their constituents, and my most heartful thanks for this valued testimonial of their regard proffered me as a public servant.

Very respectfully,

WM. M. GWIN.

[YY.]

Message from the Governor.

TO THE SENATE AND ASSEMBLY.

I regret to be compelled, from facts that have been brought to my notice this evening, to announce the departure from this State on the 20th instant, under circumstances of a criminal nature, of Joseph C. Morehead, Quartermaster General of California. From statements which are supported by the affidavits of several persons, General Morehead, who had in charge, under the laws of the State, four hundred muskets and ninety thousand cartridges sold, through the house of Baker, Otis & Co., of San Francisco, a large portion of said arms, without any law or authority for that purpose, and appropriated the proceeds to his use.

This violation of the high trusts reposed in him by the people of California, calls for some immediate action on the part of the Legislature. I, therefore, respectfully ask that provision be made by law for his apprehension, either by a suitable reward, or by sending some person empowered with authority for his arrest.

JNO. MCDOUGAL.

EXECUTIVE CHAMBER, *April* 25, 1851.

[ZZ.]

Message of the Governor.

TO THE SENATE AND HOUSE OF ASSEMBLY.

I have this day appointed William H. Richardson Quartermaster General of California, to supply the vacancy occasioned by the removal from the State of Joseph C. Morehead; and have dispatched orders for him to proceed and collect together the little property left, and books and papers belonging to that Department.

JNO. McDOUGAL.

EXECUTIVE DEPARTMENT, *April* 26, 1851.

[ZZZ.]

Resignation of A. W. Adams as State Senator.

SAN JOSÉ, *April* 28, 1851.

TO THE PRESIDENT OF THE SENATE.

SIR: Recent intelligence from the Atlantic States, of the death of my father, renders it necessary that I should visit home during the coming season. And as it is highly improbable that I should be able to return before the next Session of the Legislature, I hereby tender my resignation as Senator from the 15th Senatorial District.

ALONZO W. ADAMS,
Senator from the 15th Senatorial District, California.

JOURNAL

OF THE

PROCEEDINGS OF THE ASSEMBLY.

JOURNAL OF THE ASSEMBLY.

HOUSE OF ASSEMBLY,

MONDAY, *January* 6, 1851.

The House of Assembly met at 12 o'clock, pursuant to the requisitions of the Constitution, when the following gentlemen appeared as members elect:—

From San Diego,	John Cook.
" Los Angeles,	Andres Pico.
" Monterey,	A. Randall.
" Santa Cruz,	E. B. Kellogg.
" Santa Clara,	A. C. Campbell.
	Thomas Bodley.
" San Francisco,	F. C. Bennett.
	James S. Wethered.
	Jesse D. Carr.
	W. C. Hoff.
	I. N. Thorne.
" San Joaquin,	F. Yeiser.
	Wm. C. McDougal.
" Calaveras,	Duncan W. Murphy.
	Jno. Y. Lind.
" Tuolumne,	B. F. Moore.
	W. W. Wilkins.
	D. P. Baldwin.
" Mariposa,	H. S. Richardson.
	Samuel A. Merritt.
" Sacramento,	Charles Robinson.
	John Bigler.
	Daniel J. Lisle.
" El Dorado,	G. D. Hall.
	Jeptha J. Kendrick.

From Marin, " Sonoma, " Napa, " Solano, and " Mendocino,	John S. Bradford.
" Yolo, " Colusi, " Trinity,	George W. Crane.
" Yuba,	Stephen J. Field.
" Butte,	R. F. Saunders.
" Shasta,	A. G. McCandless.

On motion of Mr. Bradford, the members present came forward, presented Certificates of Election, and were sworn into office by Hon. John H. Watson, Judge of the Third Judicial District.

On motion of Mr. Baldwin, Mr. Bradford was called to the Chair.

On motion of Mr. Moore, the House then proceeded to the election of a Speaker, Messrs. Baldwin and Cook officiating as Tellers.

The Roll being called by the late Clerk of the House, the members voted as follows:

For Hon. John Bigler—Messrs. Baldwin, Bennett, Bradford, Bodley, Campbell, Carr, Cook, Crane, Field, Hall, Hoff, Kellogg, Kendrick, Lind, McCandless, McDougal, Moore, Merritt, Murphy, Pico, Randall, Richardson, Robinson, Saunders, Wilkins, Yeiser—26.

Mr. Lisle voted for Mr. Campbell—1.

Mr. Thorne voted for Mr. Bennett—1.

Mr. Wethered voted for Mr. Cook—1.

Whereupon the Speaker *pro tem.* declared the Hon. John Bigler elected Speaker of the House of Assembly for the present Session.

Mr. Bigler being conducted to the Chair, arose and addressed the Assembly as follows:

GENTLEMEN OF THE ASSEMBLY:

It is perhaps unnecessary for me to assure you that I feel truly grateful for the honor conferred, and that I shall devote all my energies to render entire satisfaction in the discharge of my official duties. Less than one year since the first Legislature of the State of California assembled in this building. It assembled under very peculiar circumstances, and encountered difficulties of no ordinary character from the

commencement until the close of its labors; but few of the members had been residents of the State over eight months, and of course very deficient in the information requisite to an enlightened legislation. During the entire session not more than six petitions were received from the people expressive of their views, in regard to the system of laws proper to be passed for the good government of the State, and were therefore left on most subjects to grope their way in the dark. Thus situated, it is not so surprising that they erred in reference to some matters, as all will admit, as it is, that those errors were not more numerous and important.

The important duty of modifying, revising, and passing such additional enactments as may be deemed necessary to promote the interests of the people, devolves upon the Representatives which have assembled here to day. The laws of the last session have been tested, their defects made apparent, and we are now in possession of such important facts as will enable us to act judiciously in their modification.

In regard to the official duties conferred, I have only to assure you that perfect impartiality shall characterize all my decisions, and that I will endeavor so to construe the laws and regulations as to facilitate the business of the House, and never defeat the deliberative sense of the body. In conclusion, permit me to give you the assurance that your kindness will ever be gratefully remembered.

On motion of Mr. Moore, the House proceeded to the election of a Clerk—Messrs. Bodley and Moore acting as Tellers.

Mr. Moore nominated Geo. O. McMullin
Thorne " Samuel Flower.

Those who voted for Mr. Geo. O. McMullin were—Messrs. Baldwin, Bradford, Bodley, Campbell, Field, Hall, Kendrick, Lind, McCandless, McDougal, Moore, Murphy, Pico, Randall, Richardson, Robinson, Saunders, Wilkins, Yeiser, and Speaker—20.

Those who voted for Mr. Samuel Flower were—Messrs. Bennett, Carr, Crane, Hoff, Lisle, Merritt, Thorne, and Wethered—8.

Scattering—2.

Mr. McMullin having received the requisite majority of votes cast, was declared duly elected Clerk of the Assembly, came forward, and took the oath of office.

On motion of Mr. Baldwin, the House then proceeded to the election of an Assistant Clerk.

Mr. Murphy	nominated	R. Gaillard.
Lisle	"	Aaron D. Ohr.
McDougal	"	Charles Beers.

Those who voted for Mr. Gaillard were—Messrs. Baldwin, Bennett, Field, Hall, Kellogg, Kendrick, Lind, McCandless, Merritt, Moore, Murphy, Richardson, Saunders, Wethered, Wilkins, and Yeiser—16.

Those who voted for A. D. Ohr were—Messrs. Bradford, Bodley, Campbell, Carr, Cook, Crane, Hoff, Lisle, Pico, Randall, Thorne, and Speaker—12.

Mr. McDougal voted for Mr. Charles Beers.

Mr. Gaillard having received the requisite majority of all the votes cast, was declared duly elected Assistant Clerk, came forward, and took the oath of office.

Mr. Crane presented the following communication:

TO THE SPEAKER OF THE HOUSE OF REPRESENTATIVES:

SIR:—By vote of a Convention on the subject of Education, now holding in this city, it becomes my duty to ask the use of the Hall of Representatives, for the delivery of an address on Education, by the Rev. M. C. Briggs, of Sacramento City, this evening, at 6½, P. M.

E. BANNISTER, *Secretary.*

SAN JOSÉ, MON., *Jan.* 5th, 1851.

Mr. Crane moved that the use of the Hall be granted, for the purpose specified.

Whereupon Mr. Moore demanded the yeas and nays:

Those who voted in the affirmative were—Messrs. Baldwin, Bennett, Bodley, Carr, Cook, Crane, Field, Lind, McDougal, Merritt, Hall, Randall, Robinson, Saunders, Thorne, Wethered, and Wilkins—17.

Those who voted in the negative were—Messrs. Bradford, Campbell, Hoff, Kellogg, Kendrick, McCandless, Moore, Murphy, Pico, Richardson, Yeiser, and Speaker—12.

Agreed to.

Mr. Bradford offered the following:

Resolved, That a committee be appointed to inform the Senate that the Assembly have organized by the election of Hon. John Bigler as Speaker, Mr. G. O. McMullin as Principal Clerk, and R. Gaillard as Assistant Clerk.

Whereupon, the Speaker appointed Messrs. Bradford and McCandless said committee.

Mr. Cook moved to adjourn until to-morrow morning at 10 o'clock.

Mr. Baldwin moved to amend, by striking out 10 and inserting 11.

The question recurring on the amendment to strike out and insert, it was lost.

The motion to adjourn until 10 o'clock to-morrow was then taken, and decided in the negative.

Mr. Moore moved that the House then proceed to the election of Sergeant-at-Arms.

Mr. Cook moved to amend said motion by inserting, "The Sergeant-at-Arms of this Assembly shall discharge the ordinary duties of Door-keeper, until otherwise directed."

On the amendment Mr. Moore demanded the yeas and nays.

Those who voted in the affirmative were—Messrs. Bennett, Bodley, Campbell, Carr, Cook, Hoff, Kellogg, McDougal, Pico, Randall, Thorne, and Wethered—12.

Those who voted in the negative were—Messrs. Baldwin, Bradford, Crane, Field, Hall, Kendrick, Lind, McCandless, Merritt, Moore, Murphy, Richardson, Robinson, Saunders, Wilkins, Yeiser, and Speaker—17.

So said amendment was lost.

The House then proceeded to the election of Sergeant-at-Arms.

Mr. Moore	nominated	Mr. McDowell.
Wilkins	"	Gift.
Bodley	"	Davis.

Those who voted for Mr. Gift were—Messrs. Bennett, Bradford, Carr, Cook, Crane, Field, Hall, Hoff, Kellogg, Kendrick, Lind, Lisle, McCandless, Merritt, Murphy, Randall, Robinson, Richardson, Saunders, Thorne, Wethered, Wilkins, Yeiser, and Speaker—24.

Those who voted for Mr. McDowell were—Messrs. Baldwin, McDougal, and Moore—3.

Those who voted for Mr. Davis were—Messrs. Bodley, Campbell, and Pico—3.

Mr. Gift having received a majority of all the votes cast, was declared duly elected Sergeant-at-Arms, came forward, and took the oath of office.

On motion of Mr. Lisle, the House adjourned until 10 o'clock to-morrow.

HOUSE OF ASSEMBLY.

TUESDAY, *January* 7, 1851.

House met. Quorum present.

The Journal of yesterday was read and approved.

Mr. Moore moved that the Rules governing the Assembly at its last Session, be adopted, and that the Secretary of State be requested to furnish a copy of the same to each member.

Agreed to.

Mr. Crane moved that the members present, who had not been sworn in should come forward, whereupon:

Hon. Elam Brown, member elect from Contra Costa, presented his certificate and was sworn.

Mr. Hall offered the following:

Resolved, That the Secretary of State be required to supply each member of the House with a copy of the Journals of the last Session, as soon as practicable.

Mr. Field moved to amend the resolution, by inserting "also a copy of the bound Statutes, and a copy of the Debates of the Convention at Monterey."

The resolution as amended was adopted.

Mr. Crane offered the following:

Resolved, That the Sergeant-at-Arms be instructed to order four copies of each of the newspapers published in this city to be furnished to each of the members of this House daily.

On the adoption of the resolution, Mr. Moore demanded the ayes and nays.

In the affirmative—Messrs. Baldwin, Bennett, Bodley, Cook, Crane, Field, Kellogg, Kendrick, Merritt, Randall, Richardson, Robinson, Saunders, Thorne, and Wethered—15.

In the negative—Messrs. Bradford, Brown, Carr, Hall, Lisle, Lind, McCandless, Moore, Murphy, Yeiser, and Speaker—11.

So said resolution was adopted.

The following Message was received from the Senate, by their Secretary, Mr. Howe:

SENATE CHAMBER,
January 6, 1851.

MR. SPEAKER:

I am directed to inform the Assembly, that the Senate have convened, elected J. F. Howe, Secretary; Wm. B. Olds, Assistant Secretary; Elam Covington, Engrossing Clerk; Horace W. Carpentier, Enrolling Clerk; Clarke Burnham, Sergeant-at-Arms; and Wm. B. Stockton, Doorkeeper, and are now prepared to transact legislative business:

Also, that they have adopted a Joint Resolution, in which they request the concurrence of the Assembly, for the appointment of a Joint Committee to wait on the Governor and inform him that the two Houses have organized, and are ready to receive any communications from him, and that the Senate have appointed, as such commitee on their part, Messrs. Heydenfeldt and Van Buren.

J. F. HOWE, Secretary of the Senate.

On motion of Mr. Wilkins, so much of the foregoing Message as relates to the appointment of a Joint Committee to wait on the Governor, was concurred in; and the Speaker appointed as committee on the part of the House, Messrs. Wilkins and Hoff.

Mr. Hall moved that the House now proceed to the election of an Enrolling Clerk.

Agreed to.

Mr. Richardson	nominated	Mr. Wallace.
Bennett	"	W. Taylor.
Yeiser	"	Duperu.
Bradford	"	F. H. Sandford.

Those who voted for Mr. Taylor were—Messrs. Baldwin, Bennett, Bodley, Bradford, Carr, Cook, Crane, Field, Hall, Kellogg, Kendrick, Lisle, Lind, McCandless, Merritt, Moore, Murphy, Randall, Robinson, Saunders, Thorne, Wethered, and Speaker—23.

Mr. Brown voted for Mr. Sandford—1.

Mr. Richardson voted for Mr. Wallace—1.

Mr. Yeiser voted for Mr. Duperu—1.

Mr. Taylor having received a majority of all the votes given, was declared duly elected Enrolling Clerk, came forward, and took the oath of office.

On motion of Mr. Baldwin, the House then proceeded to elect an Engrossing Clerk.

Mr. Baldwin	nominated	R. B. Hays.
Crane	"	J. A Glover.

Those who voted for Mr. Hays were—Messrs. Baldwin, Bennett, Carr, Cook, Field, Lind, McCandless, Merritt, Moore, Murphy, Randall, Richardson, Saunders, Thorne, Wethered, Yeiser, and Speaker—17.

Those who voted for Mr. Glover were—Messrs. Bodley, Bradford, Brown, Crane, Hall, Kellogg, Kendrick, Lisle, and Robinson—9.

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

On motion of Mr. Wethered, the House proceeded to elect a Doorkeeper.

Mr. McCandless	nominated	R. B. Turner.
Crane	"	L. B. Austin.
"	"	Thomas Coats.
Yeiser	"	S. B. Phillips.
Lind	"	Wm. Cockburn.
"	"	J. M. Jones.
Moore	"	W. M. Christian.

Those who voted for Mr. Coats were—Messrs. Cook, Field, Hall, Kellogg, Kendrick, Lisle, Randall, Robinson, Saunders, and Speaker —10.

Those who voted for Mr. Austin were—Messrs. Baldwin, Bennett, Bradford, Campbell, Crane, Merritt, Thorne, and Wethered—8.

Those who voted for Mr. Jones were—Messrs. Bodley, Brown, Carr, and Richardson—4.

Those who voted for Mr. Cockburn were—Messrs. Lind and Murphy—2.

Mr. McCandless voted for Mr. Turner—1.

Mr. Moore voted for Mr. Christian—1.

Mr. Yeiser voted for Mr. Phillips—1.

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, ...	27
Necessary to a choice, ...	14

Those who voted for Mr. Coats were—Messrs. Cook, Field, Hall, Kellogg, Kendrick, Lind, Murphy, Randall, Robinson, Saunders, and Speaker—11.

For Mr. Austin—Messrs. Baldwin, Bennett, Bradford, Campbell, Carr, Crane, Lisle, Merritt, Thorne, and Wethered—10.

For Mr. Jones—Messrs. Bodley, Brown, and Richardson—3.

Messrs. Moore and McCandless voted for Mr. Turner.

Mr. Yeiser voted for Mr. Phillips.

No person having received a majority of all the votes cast, the House proceeded to a third balloting which resulted as follows:

Whole number of votes, ...	26
Necessary to a choice, ...	14

Those who voted for Mr. Coats were—Messrs. Carr, Cook, Field, Hall, Kellogg, Kendrick, Lind, Murphy, Randall, Robinson, Saunders, Thorne, and Speaker—13.

For Mr. Austin—Messrs. Baldwin, Bennett, Bodley, Bradford, Brown, Campbell, Crane, Lisle, Merritt, Wethered, and Yeiser—11.

Messrs. Moore and McCandless voted for Mr. Turner—2.

No person having received a majority of all the votes cast, the House proceeded to a fourth balloting, which resulted as follows:

Whole number of votes, ...	26
Necessary for a choice, ...	14

Those who voted for Mr. Coats were—Messrs. Carr, Cook, Field, Hall, Kellogg, Kendrick, Lind, Murphy, Randall, Robinson, Saunders, Yeiser, and Speaker—13.

For Mr. Austin were—Messrs. Baldwin, Bennett, Bodley, Bradford, Brown, Campbell, Crane, Lisle, Merritt, Moore, Thorne, and Wethered —12.

Mr. McCandless voted for Mr. Turner—1.

No person having received a majority of all the votes cast, the House proceeded to a fifth balloting, which resulted as follows:

Whole number of votes, ...	29
Necessary to a choice, ...	15

Those who voted for Mr. Austin were—Messrs. Baldwin, Bennett, Bodley, Bradford, Brown, Campbell, Crane, Hoff, Lisle, McCandless, Merritt, Moore, Thorne, Wethered, and Wilkins—15.

For Mr. Coats—Messrs. Carr, Cook, Field. Hall, Kellogg, Kendrick, Randall, Robinson, Saunders, and Speaker—10.

For Mr. Phillips—Messrs. Lind, McDougal Murphy, and Yeiser—4.

Mr. Austin having received a majority of all the votes cast, was declared duly elected Doorkeeper, came forward, and took the oath of office.

Mr. Wilkins, chairman of Joint Committee on the part of the House, reported that they had waited on the Governor, and informed him of the organization of both Houses, and that they were ready to receive any communication which he had to make—they were informed that the Governor would furnish the House with a copy of his annual Message at half past eleven o'clock to-day.

Mr. Field introduced Mr. Joseph W. McCorkle, member elect from Sutter county, who came forward, presented his certificate, and took the oath of office.

On motion of Mr. Bennett, the House then proceeded to the election of a Messenger.

Mr. Bennett nominated		Mr. Lambert,	
" McCandless	"	"	Shepherd,
	"	"	McLamara,
" Field	"	"	R. Irwin,
" Campbell	"	"	L. Santanna.

Whole number of votes, ...	30
Necessary for a choice, ...	16

Those who voted for Mr. Lambert were—Messrs. Bennett, Brown, McCorkle, McDougal, Saunders, and Yeiser—6.

For Mr. McLamara were—Messrs. Baldwin, Bradford, Crane, Kellogg, Lind, Moore, Murphy, Randall, Robinson, Thorne, and Wilkins—11.

For Mr. Irwin were—Messrs. Field, Hall, Hoff, Kendrick, Merritt, Richardson, and Speaker—7.

For Mr. Shepherd—Messrs. Cook, Lisle, McCandless, and Wethered—4.

Messrs. Campbell and Carr voted for Mr. Santanna.

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, ...	30
Necessary to a choice, ...	16

Those who voted for Mr. Lambert were—Messrs. Baldwin, Bennett, Brown, Carr, Crane, Lind, McCandless, McCorkle, McDougal, Merritt, Moore, Murphy, Saunders, Wilkins, and Yeiser—15.

For Mr. McLamara—Messrs. Bradford, Campbell, Hoff, Kellogg, Randall, and Thorne—6.

For Mr. Irwin—Messrs. Field, Hall, Kendrick, Richardson, Robinson, and Speaker—6.

For Mr. Shepherd—Messrs. Cook, Lisle, and Wethered—3.

No person having received a majority of all the votes cast, the House proceeded to a third balloting, which resulted as follows:

Whole number of votes, ...	31
Necessary to a choice, ...	16

Those who voted for Mr. Lambert were—Messrs. Baldwin, Bennett, Bradford, Brown, Carr, Crane, Hoff, Kendrick, Lisle, Lind, McCandless, McCorkle, McDougal, Merritt, Moore Murphy, Richardson, Thorne, Wethered, Wilkins, and Yeiser—22.

For Mr. McLamara were—Messrs. Bodley, Campbell, Kellogg, and Randall—4.

For Mr. Irwin—Messrs. Field, Hall, Robinson, and Speaker—4.

Mr. Cook voted for Mr. Shepherd—1.

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

On motion of Mr. Crane, the administration of the usual oath was dispensed with.

Mr. Lisle offered the following:

Resolved, That Editors of, and Reporters for, the several newspapers in this State be, and they are hereby invited to occupy seats upon the floor of this Hall.

Adopted.

Mr. Crane offered the following:

Resolved, The Senate concurring, that a Joint Committee of two from each House be appointed to wait upon the Clergymen of this city and invite them to act as Chaplains to the Legislature, in accordance with any arrangements they may make among themselves.

Further Resolved, that said Joint Committee be instructed to inform said Clergymen that the present embarrassed condition of the State Finances will preclude the possibility of any compensation being allowed them.

Mr. Kellogg moved that the resolution be laid upon the table.

Mr. Crane called for the ayes and nays.

Those who voted in the affirmative were—Messrs. Baldwin, Bennett, Bradford, Cook, Hall, Kellogg, Kendrick, Lind, McCandless, McCorkle, Merritt, Murphy, Moore, Randall, Richardson, Robinson, Saunders, Thorne, and Speaker—19.

Those who voted in the negative were—Messrs. Bodley, Brown, Campbell, Carr, Crane, Field, Hoff, Lisle, McDougal, Wethered, Wilkins, and Yeiser—12.

Agreed to.

The following annual Message was received from the Governor by his Private Secretary:

GENTLEMEN OF THE SENATE AND ASSEMBLY:

Since the adjournment of the Legislature we have passed through many scenes; some of melancholy, and some of pleasing character. Our cities have been visited by fire, pestilence and flood, and the whole State has passed through a severe monetary crisis, producing extensive failures and great pecuniary embarrassment. We have lost many most valuable citizens by that modern scourge, the cholera, which for the

first time visited our shores during the past fall. Under all these untoward circumstances, our population has rapidly increased, our wonderful resources have been greatly developed, and improvements have everywhere marked the progress of an energetic people. California has been admitted to her equal station among the free States of our great confederacy, and her Senators and Representatives are now heard in the national councils. We have great reason to be thankful to Him, who, in his wisdom and kindness mixes the evil and the good, and scatters thorns as well as flowers along the path of national and individual existence.

The application of California for admission into the Union gave rise to long and bitter protracted discussions in both branches of Congress, such as has never been before witnessed in that body. The fearful state of passionate excitement that followed these circumstances and recriminations, at one time seriously threatened a dissolution of the Union, and called for the dispassionate exertions of the great statesmen of all parties.

The people of California, in forming their Constitution, in the simplicity and sincerity of their hearts had supposed that they had adopted the most unobjectionable and effectual mode to allay excitement in reference to the question of slavery. They had acted upon the long-known and well-established principle of the South, that slavery was simply a domestic institution, with which the General Government had nothing to do, and which must be either prohibited or permitted by each State for herself. In the exercise of their right to form a Constitution for themselves not repugnant to the Constitution of the United States, they had prohibited slavery within the limits of the State, not supposing that they should thereby give offence to any portion of their fellow-citizens of other States. Perhaps in the varied history of all mankind there has never occurred an instance of such rapid and surprising progress in all that constitutes true independence and greatness, as that made by the American people, under the blessings secured by that great charter that makes us one nation. From distant, oppressed, and dependent colonies, we have risen in the short space of three quarters of a century to the first rank among nations. We have now a secure foothold upon the shores of the Pacific, and a new ocean, and a more extended and brilliant career lie open before us, if we shall only have the wisdom and energy to improve the advantages of our position. To be harrassed,

under such circumstances, with civil discord at home, is most unfortunate, indeed; although our present state of national greatness and felicity might possibly have been obtained without the Union, still it becomes a wise and prudent people to let *more* than well done alone; and this they have done, and will continue to do.

The events through which our country has recently passed have again proven the virtue and intelligence of the American people, and conclusively shown their ardent and unfaltering attachment to the Union and to Liberty. If our people, born in republican America, well accustomed to self-government and unshackled by old long established monarchial institutions and customs interwoven with all the frames of society, should yet, under these most favorable circumstances, be unable to preserve the Union and perpetuate our free institutions, then it would afford a melancholy but conclusive proof that republican systems of government are in their very nature impracticable and transitory, and the friends of human happiness and freedom could indulge but one regret—that our fathers wasted their blood and treasure for a purpose so delusive, and that there exists a solitary record in the world to show how much they were mistaken.

The portentous state of things that existed six months ago, it is hoped, has passed away forever; and our fellow citizens of every section of our country once more united in the bonds of fraternal kindness, are ready again to march forward in the path of improvement, progress, and greatness. California will be ready to do her part. She will readily forget the opposition made to her admission, and her people will not remember the aspersions cast upon their motives and character, but she will ever be foremost in all affairs to secure prompt, equal, and exact justice to each and every section of our country. She will know no North, no South, no East, and no West, but only our whole country; and if she has been the innocent but unfortunate cause of an excitement deeply to be deplored, she will henceforth make amends to the Union by her devotion to it, by her love of justice, and by the spirit of conciliation and kindness, she will ever exhibit towards all her sister States. From her distant but commanding position, separated as she is from all local causes of excitement, she will be able and always willing to exert a great and salutary conservative influence in the Legislative councils of the country.

Since the adjournment of the Legislature, repeated calls have been

made upon the Executive for the aid of the Militia, to resist and punish the attacks of the Indians upon our frontier. With a wild and mountainous frontier of more than eight hundred miles in extent, affording the most inaccessible retreats to our Indian foe, so well accustomed to these mountain fastnesses, California is peculiarly exposed to depredations from this quarter. The various small towns upon the confines of California have no political organization, and no regular government among them. The influence their chiefs have over them arises from that personal popularity gained by superior prowess in war, or wisdom in council; there is, therefore, no reason to suppose that there has been any regular or well-understood combination among them to make war upon the whites. They are all, however, urged on by the same causes of enmity, and the result has been, that at almost all points upon our widely-extended and exposed frontier, hostilities, more or less formidable, have occurred at intervals, and many valuable lives have been lost.

Among the more immediate causes that have precipitated this state of things, may be mentioned the neglect of the General Government to make treaties with them for their lands. We have suddenly spread ourselves over the country in every direction, and appropriated whatever portion of it we pleased to ourselves, without their consent and without compensation. Although these small and scattered tribes have among them no regular government, they have some ideas of existence, as a separate and independent people, and some conception of their right to the country acquired by long, uninterrupted, and exclusive possession. They have not only seen their country taken from them, but they see their ranks rapidly thinning from the effects of our diseases. They instinctively consider themselves a doomed race, and this idea leads to despair; and despair prevents them from providing the usual and necessary supply of provisions. This produces starvation, which knows but one law—that of gratification; and the natural result is, that these people kill the first stray animal they find. This leads to war between them and the whites, and war creates a hatred against the white man that never ceases to exist in the Indian bosom.

This state of things, though produced at an earlier period by the exciting causes mentioned, would still have followed in due course of time. Our American experience has demonstrated the fact, that the two races cannot live in the same vicinity in peace. The love of fame as well as the love of property are common to all men, and war and

theft are established customs among the Indian races generally (as they are among all poor and savage tribes of men), as a means to attain to the one, and to procure a supply of the other. When brought into contact with a civilized race of men, they readily learn the use of their implements and manufactures, but they do not so readily learn the art of *making* them. To learn the use of new comforts and conveniencies which are vastly superior to the old, is but the work of a day; but to acquire a knowledge of the arts and sciences, is the work of generations. Like the people of all thinly populated but fertile countries, who are enabled to supply the simplest wants of Nature from the spontaneous productions of the earth, they are, from habit and prejudice, exceedingly adverse to manual labor.

While the white man attaches but small value to little articles, and consequently exposes them the more carelessly, he throws in the way of the Indian that which is esteemed by him a great temptation and a great prize; and as he cannot make the article himself, and thinks he must have it, he finds theft the most ready and certain mode to obtain it. Success in trifles but leads to attempts of greater importance. The white man, to whom time is money, and who labors hard all day to create the comforts of life, cannot sit up all night to watch his property; and after being robbed a few times, he becomes desperate, and resolves upon a war of extermination. This is the common feeling of our people who have lived upon the Indian frontier. The two races are kept asunder by so many causes, and having no ties of marriage or consanguinity to unite them, they must ever remain at enmity. That a war of extermination will continue to be waged between the races until the Indian race becomes extinct, must be expected. While we cannot anticipate this result but with painful regret, the inevitable destiny of the race is beyond the power or wisdom of man to avert. Situated as California is, we must expect a long continued and harrassing irregular warfare with the Indians upon our borders, and along the immigrant routes leading to the States. Although few in numbers, and unskilled in the use of fire arms, they seem to understand all the advantages of their position, and they consequently resort to that predatory warfare, most distressing to us, and secure to them. They readily flee before every considerable force called out to meet them, and retire to haunts in the mountains, where it is vain for us to pursue. As time is to them of no value, they can readily content themselves to lie in wait for weeks at

secure points, ready to attaek small parties of miners remote from assistance. From their irregular mode of warfare and the features of the country in which they wage it, there is reason to believe that they will prove far more formidable than is generally supposed, and that in the end we shall lose man for man in our encounters with them.

Considering the number and mere predatory character of the attacks at so many different points along our whole frontier, I had determined, in my own mind, to leave the people of each neighborhood to protect themselves: believing they would be able to do so, and that a regular force would not find employment in the field. In two instances only have I deviated from the rule I laid down for the government of my own action. In these cases the attacks were far more formidable, and made at points where the two great emigrant trails enter the State. These attacks occurred at a period when the emigrants were arriving across the plains with their jaded and broken-down animals, and themselves destitute of provisions. Under these circumstances I deemed it due to humanity, and to our brethren arriving among us in a condition so helpless, to afford them all the protection within the power of the State. I was well satisfied that the Indians would direct most of their efforts against the emigrants, as they would readily learn that they could be more successful in such attacks; and if successful in the beginning, these attacks would be annually renewed, and the emigration of each succeeding year more and more exposed to robbery and murder. It occurred to me that it was the wisest and most humane policy, under the circumstances, to afford prompt assistance at the commencement of this system of plunder, and thus give the Indians a timely check, which would at least be likely to exert a salutary influence over them for some time to come. Had it once been known to our fellow citizens east of the Rocky Mountains that the Indians were most formidable and hostile on the latter and more difficult portions of the route, when the emigrants themselves would be least capable of self-protection, and that the State of California would render no assistance to parties so destitute; the emigration of families to the State across the plains would have been greatly interrupted and retarded. With all our efforts, we may expect, in a few years, to see all the tribes between this and the western borders of Missouri hostile, and engaged in a regular system of plunder and murder. The opportunities and temp-

tations are too great to be long withstood by these destitute and wandering people.

The first of these attacks was made on the 23d day of April last, at the confluence of the Gila and Colorado, where Glanton and a party of thirteen men had established a ferry across the latter stream. The attack was preconcerted, sudden, and so unexpected and successful, that eleven of Glanton's party, including himslef, were killed on the spot, and only three were able to escape, one of whom was wounded. It is possible that Glanton's party may have been guilty of some impropriety that gave immediate offence to the Indians, but the true motive no doubt arose from that jealousy which the Indian entertains of the white man, and which would naturally be aroused by the establishment of a ferry near the point where the Indians had a ferry of their own across the same stream. However this may be, the attack was excessive and unjustifiable, and amounted to a decided and serious act of war.

The papers communicating intelligence of this melancholy event, consisting of the sworn depositions of the three men who escaped, the proceedings of a meeting of the people of San Diego, and a letter from the Hon. Abel Stearns, Judge of the Court of First Instance for Los Angeles, were received at the seat of Government on the 23d May, during my temporary absence at Sacramento City. On the 1st day of June, orders were issued to the Sheriff of San Diego to call out 20 men, and to the Sheriff of Los Angeles for 40, who were directed to rendezvous at Los Angeles on the 22d June, or as soon thereafter as practicable, and were placed under the command of Maj. General Bean. Subsequently the number was increased to 100 men. General Bean was instructed to let the company select its own commander, and to direct "the officer in command to proceed promptly to the ferry upon the Colorado, and pursue such energetic measures as might be necessary to punish the Indians, bring them to terms, and protect the emigrants on their way to California." He was also instructed that when the objects contemplated should have been accomplished, the company should be discharged, and that much must be left to the discretion of himself and the officer in command, which they would have to use according to circumstances. Subsequently I learned, from unofficial sources, that the Indians had not proved so hostile to the emigrants travelling the route, as had been anticipated—that troops of the United States would be sent

to the scene of disturbance, and that the expedition had failed from the impossibility of procuring the requisite number of men. I received no official report from General Bean, which I supposed was owing to the distance and the difficulty of communication; and under the circumstances, I did not then deem any order from me to disband the troops either proper or necessary.

From a communication written by Gen. Morehead on the 15th Aug., addressed to the Hon. Richard Roman, and received by him about the 1st Sept., I was led to the belief that a party of Militia were in the field under his command. I immediately issued an order to Maj. Gen. Bean, dated Sept. 4th, to have them disbanded. All the orders issued by me to that officer, I am informed from private sources, were received by him, and yet I have received from him no official report in reference to the expedition.

The other instance in which I deemed it my duty to order out a portion of the Militia of the State, occurred in the County of El Dorado, in the vicinity of Ringgold. From a communication written by William Rogers, Sheriff of that county, and dated the 23d October, 1850, addressed to the Executive, as well as from other sources, it appeared that the Indians had sent off their women and children—had assembled in considerable numbers, and had killed several miners, and wounded and robbed several of the emigrants.

On the 25th October, I issued an order to William Rogers, directing him, as Sheriff of that county, to call out two hundred men, armed and equiped; to cause them to assemble at as early a day as practicable, and when assembled, to permit them to elect their own commander. The officer in command was instructed to proceed to punish the Indians engaged in the late attacks in the vicinity of Ringgold, and along the emigrant trail leading from Salt Lake to California. He was further directed to afford all the assistance in his power to the emigrants and others travelling the route, and not to keep more men under command than might be indispensable to accomplish the object intended; and to disband them at the earliest day, when the same should be accomplished. Under the call of the Sheriff, some two hundred and fifty men were mustered into service, who elected William Rogers as their commander. Not having authorized the call but for two hundred men, and not deeming the services of the others necessary, I refused commissions to the officers of the last company received into service by Major Rogers.

The forces were divided by Major Rogers into smaller parties, and sent

in different directions, and had several skirmishes with the Indians, in which some sixteen of their number were killed, and three of Major Rogers's command—the brave Col. McKinney, Dr. Dixon, and a Delaware Indian. On the 15th November orders were issued to Major Rogers to reduce his command to one hundred men, and to make a further reduction whenever circumstances would justify such a step. This order was promptly obeyed, and subsequently, as I learned from unofficial sources, the remainder of the troops were disbanded by Major Rogers.

Although the troops were not able to accomplish any brilliant achievements owing to the features of the country and the character of the foe, still they performed some hard service, and their efforts have secured peace in the vicinity, and protected the wearied emigrants. Had no determined resistance been made, the Indians would doubtless have become emboldened from this apathy, and would most likely have committed depredations far more serious.

In my former Message to the Legislature, I recommended the necessity and propriety of excluding free persons of color from the State. I then expressed the opinion that there was but one "of the 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." Subsequent observation has but confirmed this opinion.

I am aware that it is a subject of great delicacy, and one that cannot be touched without exciting the prejudices and sensibilities of men, and yet it is a question that must of necessity be met and should be calmly and justly considered. While the Legislator should entertain the most enlarged and liberal views, and should act upon all questions without hostility or partiality, for or against any class of the community, he is still *forced* by a desire to accomplish *practical* good, to respect the honest prejudices of men, which are not in his power either to mitigate or remove. Our Constitution excludes this class of persons from the right of suffrage, and from all offices of honor or profit under the State; and our laws exclude them from serving on juries, and from appearing as witnesses against a white man. Although it is assumed in the Declaration of Independence, as a self-evident truth, that all men are born free and equal, it is equally true that there must be *acquired* as well as *natural* abilities to fit men for self-government. Without considering

whether there be any reason for the opinion entertained by many learned persons, that the colored races are by nature inferior to the white, and without attaching any importance to such opinion, still it may be safely assumed, that no race of men, under the precise circumstances of this class, in our State, could ever hope to advance a single step in knowledge or virtue. Placed by our institutions and our usages (stronger than law) in a degraded and subordinate political and social position, which but reminds them at every step of their inferiority, and of the utter hopelessness of all attempts to improve their condition as a class, they are left *without motive* to waste their labor for that improvement, which, when attained, *brings them no reward.* However talented, wise, and virtuous, they are not permitted to enter the race for fame; and if they should acquire wealth, not being permitted to testify against a white man, even in a criminal case, they are left in many cases without *actual* protection, to be plundered with perfect impunity. They have no ideas, and no recollections of a separate national existence—no alliance with great names or families—no page of history upon which are recorded the glorious deeds of the past—no present privileges, and no hope for the future. To expect any race of men thus situated to make any sensible improvement as a *class*, is the wildest dream of the imagination, and utterly incompatible with all our sober experience.

That there are excellent and intelligent persons of color, is doubtless true; but our legislation must regard them as a class, and not as individuals. While our laws professedly admit *all* of this class to reside in the State, they are so framed as effectually to exclude the better portion; for surely there can exist no intelligent and independent man of color who would not promptly scorn the pitiful boon we offer him of a residence in the State, under conditions so humiliating.

The *practical* question then arises, whether it is not better for humanity, and for the mutual benefit of both classes, that they should be separated? Is it not better for the colored man himself? I am sure that, were the question put to the more intelligent portion of this class, they would unhesitatingly say at once, "Either give us all the privileges you claim for yourselves, or give us *none.* Make us *equal*, or keep us *separate.*" As all experience has demonstrated that it is for the mutual benefit of the parties to separate even husband and wife, when they cannot live happily together; so it is the best humanity to separate two races of

men, whose prejudices are so inveterate that they never mingle in social intercourse, and never contract any ties of marriage.

If the measure recommended can be justified in the State of Ohio, there are still more powerful reasons applicable to the peculiar condition of California. We have here a mixed population from all the world. We have here the Southern man, with his particular opinions and feelings in reference to this class; and the Northern man, with opposite sentiments and usuages; and the presence of this people among us has already resulted in death in some instances, and will continue to produce a state of embittered feeling between our fellow citizens from different portions of the Union, and prevent that cordial unanimity so necessary to the happiness of our community. As was anticipated, numbers of this race have been manumitted in the slave States by their owners, and brought to California, bound to service for a limited period as hirelings. We have thus, in numerous instances, practical slavery in our midst.

That this class is rapidly increasing in our State is very certain. If this increase is permitted to continue for some years to come, we may readily anticipate what will then be the state of things here, from what we see now occurring in some of the free States. We shall have our people divided and distracted by those distressing domestic controveries respecting the abolition of Slavery, which have already produced so much bitterness between different portions of the Union. When those who come after us shall witness a war in California between the two races, and all the disgraces and disasters following in its train, they will have as much cause to reproach us for not taking timely steps, when they were practicable, to prevent this state of things, as we now have for reproaching our ancesters for the evils entailed upon us by the original introduction of slavery into the Colonies. We have the warning voice of experience—they had not.

I would call the attention of the Legislature to the propriety of amending the twenty-first section of the eleventh Article of the Constitution, which provides that "all laws, decrees, regulations, and provisions, which from their nature require publication, shall be published in English and Spanish."

This provision of the Constitution must remain in force, under every change of circumstance, until amended; and the Legislature can exercise

no discretion, but is forced to carry it out in its true spirit and intent. The necessity and propriety of publishing the laws in Spanish, it occurs to me, should have been left to the judgment and liberality of the Legislature, to be governed by circumstances, and should not have been made a permanent Constitutional provision.

From the best estimate I have been enabled to make, the translation of the present statutes into Spanish, and their publication in that language, will cost the State from forty to fifty thousand dollars. It is difficult to procure correct translations, and so many delays have for occurred in publishing in that language, that they are not yet ready distribution. When distributed they will impart very little information to those for whom they were designed, for the reason, that the statutes form but a small portion of the law that affects the daily transactions of business. The great mass of every community do not derive any knowledge of the law from the reading of Statutes, but from intercourse with intelligent men, and especially from witnessing legal proceedings in Court. These must necessarily be in English, as they cannot be in both languages. We have now, or soon will have, as many citizens in the State who alone speak the French or German languages, as we have of those who speak the Spanish. To publish all those laws in all these different languages, would be almost impracticable. Besides it would be of very doubtful utility. To speak the one common language, forms a strong tie between citizens of the same State; and so long as the laws are published in different languages, so long one great incentive to learn the prevailing language is taken away, and the causes of a separation of different classes of our fellow citizens must continue.

I would earnestly invite the attention of the Legislature to the urgent necessity of amending the criminal laws of the State in several particulars. The original criminal jurisdiction, in cases of felony, is confined to the District Courts. These Courts are only required to hold certain terms in each county, at different periods of the year, with long intervals between. There are very few prisons in the State, and the expense of detaining prisoners from one term to another is exceedingly oppressive upon some of the counties; and these circumstances, joined to the impossibility of procuring the attendance of witnesses, in cases where the trials have been delayed, have rendered the administration of the criminal laws of the State, especially in the mining counties, almost wholly impracticable. As administered, our laws have afforded no

protection to the innocent, but have given great encouragement to offenders. Some more prompt, decisive, and efficient mode of enforcing the criminal laws of the State must be adopted, or the great ends of criminal punishment cannot be attained. I would, under the circumstances, suggest the propriety of conferring criminal jurisdiction upon the Courts of Sessions for some of the counties, requiring them to hold frequent regular terms, and also called terms, at any time when necessary to try a criminal, and giving the right of appeal as in other cases.

The punishment generally inflicted by our criminal Statutes, in cases of felony, not capital, is fine and imprisonment. These punishments taken together, or singly, for very obvious reasons, have little or no practical effect under existing circumstances. I would therefore recommend that other modes of punishment be adopted. For grand larceny and robbery, I would suggest the punishment of death. This severe punishment I would not recommend as a permanent one, to be continued when the State shall have her county prisons and her penitentiary; but such has been the frightful increase of these crimes, since the adjournment of the Legislature, that I know of no other mode of punishment, under present circumstances, that would be at all likely to check the evil, and prevent our citizens from taking justice into their own hands. The crime of grand larceny, in stealing horses and cattle, has become so common in many places, as to diminish their value fifty per cent. In some instances whole bands of tame cattle have been stolen, and farmers have lost all their teams, and been compelled to abandon their business in consequence. A firm and determined stand should be taken by the Legislature, and all the good citizens of the State, to extirpate these prevailing crimes. In the early periods of new communities, it has often been indispensably necessary to adopt more severe modes of punishment than would be justifiable in better regulated and older States. The State of Tennessee was infested at an early day with bands of horse thieves, and she was forced to adopt capital punishment in such cases, and a few years rigid and prompt execution of the law effectually checked the commission of the crime.

By an Act of the Legislature, parties to contracts are allowed to bind themselves to pay any rate of interest they may agree upon, and the Courts are bound to enforce the contract. In support of the principle involved in this measure, it has been often argued, that money is but an article of commerce; and that as such, if lenders have a right to

charge *any* interest for the use of it, they surely have the same right to stipulate as to the *rate* to be charged as the landlord who rents a house or a farm, and that the law has no right to interfere, but should enforce the contract as promptly in the one case as in the other.

However simple and apparently unanswerable this plausible *theory* may be, all experience has demonstrated its ruinous *practical* effects upon communities, and therefore it must be wrong in principle. I apprehend the error consists in considering money as simply an article of commerce, when it is in truth a *standard of value*, made so by law, and must be received in satisfaction of all debts. The credit system itself is sufficiently dangerous, but when connected with an extravagant and unlimited rate of interest, produces irreparable ruin to a large portion of the community. Few men rightly calculate the legitimate effects of paying a high rate of interest for money. If an individual borrows a considerable sum of money at a high rate of interest, and should not be able to pay it when due, the accumulation of a few months' interest puts it forever beyond his power to pay. He sees himself ruined for life—makes no further efforts to pay—leaves his creditor to sustain the loss of both principal and interest, while the borrower himself becomes a hopeless idler, and from thenceforward a useless, if not an evil member of society. If each individual stood alone, unconnected with others, there might be some truth in the principle assumed; but the State has an interest in the protection of individuals, as the prosperity or ruin of individuals makes up the prosperity or ruin of the whole. If a practice be injurious to public morals or public policy, it is the right of the State to restrain it.

The idea that competition among lenders would reduce the rate of interest to a fair and just standard, such as the legitimate profits of business would justify, seems to be delusive. Our own sad experience in California has conclusively shown that competition among lenders does not diminish the rate of interest; but the rates now asked, and the amount of security now demanded, are equal to if not greater than those required one year ago. I cannot but express the opinion, that the late monetary crisis in California has been more the legitimate result of the oppressive rates of interest charged, than of any other one cause. The result in many, if not in most cases, has been ruin to both lender and borrower. If the system is permitted to continue for some years longer, the productive industry of the State will be seriously crippled.

By the Act of the Legislature in reference to Notaries Public, the Executive is authorized to appoint as many Notaries for each county as he may deem necessary. As Justices of the Peace are not empowered to take the acknowledgments of deeds and other instruments, having no seal with which to authenticate the same, and as Notaries only reside in the towns and cities, it is exceedingly inconvenient for persons at a distance from the residence of a Notary to procure the authentication of instruments, especially where females are parties. It is difficult for the Executive to know what number of Notaries may be required for each county, and more difficult for him to know the character and qualifications of the applicants. And when appointments are made, the incumbents change their residence so frequently, that it is almost impossible to keep a sufficient number in office in some of the remote counties. I would therefore suggest, that the law be so amended as to require Notaries Public to be elected in the same manner as Justices of the Peace, and required to reside in their respective townships, the number to each township to be determined by the County Court or the Court of Sessions.

In pursuance of the Act authorizing the Executive to appoint Commissioners of Deeds, appointments have been made for many of the States, the incumbents to reside at the principal commercial points. To appoint a Commissioner for each county, in every State in the Union, would be a laborious task, if not impracticable, at this distance; and yet where appointments are made at only one or two points in each State, people who reside at a distance from the Commissioner would be compelled to incur much expense before they could avail themselves of his services. It is difficult for the Executive to know the character and qualifications of the different applicants, especially as those most meritorious are not always the most active in procuring recommendations. These officers, when appointed, are not subject to the control of the State authorities where they reside, and they are beyond our reach, and practically irresponsible for any malfeasance in office, and the present system must in the end lead to great abuses.

The laws of different States in reference to taking and certifying the acknowledgment of instruments, and the depositions of witnesses, are substantially the same; and if the effort were made in a spirit of enlightened liberality, it is thought that a uniform law upon these subjects might be adopted by the different States, containing the same provisions in

reference to instruments and depositions *to be sent out of the State.* This system if once adopted would avoid the evils of the present one, and afford much greater facility and security for the transaction of this kind of business. The law might be so framed as to be operative between all the States adopting it; and a few years' experience would demonstrate its practical benefits, and thus ultimately secure its adoption by all. It would form another link in the golden chain that binds together the States. California has a special and particular interest in this matter at this period of her history, as her people are from every State in the Union, and have left behind them friends, relatives, and property in almost every village and neighborhood in the Republic.

The beneficial effects of a system of direct taxation have already been seen in the increased impulse given to our agriculture during the past year. The large tracts of land have in many cases been subdivided, and smaller portions sold to agriculturists, who have thus became permanent and prosperous residents. The agricultural resources of California are much greater than have usually been supposed, and are equal to those of most of the States. In the language of one of her most intelligent citizens, "her fertile valleys and rich prairies are capable, when cultivated of producing an untold store of agricultural wealth."

In pursuance of the Act of the Legislature, defining the duties of the Surveyor General, it was expected that that officer would be enabled to embody in his report much useful statistical information, in reference to the geography and agriculture of the State. For reasons stated in his report he has not been able to do so. This information would have been exceedingly useful in the present infant state of that branch of industry. The climate and soil of California are *peculiar*, and the mode of cultivation best adapted to them is consequently very little understood. The result has been that the most incorrect views have been entertained by most persons in reference to these matters. While the opinion has generally been indulged, that irrigation was indispensable to the success of the farmer, the past year's experience has shown that all the grains, and nearly all the garden vegetables, can be grown in great abundance without it.

Were it not for the fact that our State is embarrassed in her finances, I should recommend the establishment of a separate and distinct bureau of statistics; but as the duties of the Surveyor General are not so numerous as to prevent his attention to the subject, and as they are, from their nature, somewhat connected with it, I would recommend the con-

tinuance of the provision requiring him to collect information from the different County Surveyors.

In connexion with this subject, I cannot but express my regret that the Legislature (owing to a difference of opinion as to the best mode) failed to carry out that wise and humane provision of the Constitution which was designed to protect from forced sale a certain portion of the homestead of all heads of families. This provision is peculiarly appropriate to California, and is another evidence of the wisdom and enlightened liberality of the framers of our excellent Constitution. Without families it is impossible for any State or community to exist and prosper. This provision, if carried out in the same enlightened spirit in which it originated, and especially if followed (as it is hoped it will be) by an Act of Congress, making grants in limited quantities to actual settlers upon the public lands, will soon fill up our State with energetic, industrious, and virtuous families, who will thus secure a permanent home, not dependent upon the fluctuations of trade and business. There can be no doubt but that the practical operation of this just and liberal provision will be eminently beneficial to both debtors and creditors, as it will have a tendency to check the excesses of the credit system, and make the credit of individuals, as it should ever be, more dependent upon their integrity, capacity, and industry, than upon the amount and value of the property they may temporarily control.

I may deem it my duty to call the attention of the Legislature to the necessity of a general reduction in the salaries of officers whose compensation is fixed by the Legislature. It is not in the power of the Legislature to reduce the salaries of most of the present State Officers during their continuance in office, but any reduction made will affect their successors.

The present rate of compensation, as fixed by the last Legislature, was, perhaps, too high under the then existing circumstances; but however this may be, since that time a great reduction has taken place in the prices of labor, both manual and professional, in property and rents, as well as in the expenses of living; and a corresponding reduction, it would seem, should be made in salaries. It is contrary to the genius and simplicity of a Republican Government to pay extravagant salaries. While an officer should be allowed such compensation for his services as will afford him a plain, decent support, he should not be allowed such a salary as would amount to a *speculation* in a case where there is no *risk*

incurred. The opinion entertained by many that high salaries will secure the services of men of superior merit, is not correct in all cases, High salaries excite more the cupidity of men than their patriotism, and more of that class succeed in obtaining office when salaries are high, than when they are at a fair rate. When salaries afford a *certain* but only a *moderate* living to incumbents, their duties are discharged with an eye to the approbation of their constituents, and to the acquirement of honest fame—motives more powerful in securing a faithful discharge of official duties than the desire of high salaries.

In this connexion I would suggest the propriety of reducing the fees of Clerks, Recorders, and other officers. The rates at present allowed are exceedingly oppressive upon those who seek justice in our Courts Cheap and speedy justice is one of the cardinal maxims of Republican Government; but when the Courts are only open by the payment of exorbitant costs in advance, it is better for men to suffer wrong than to seek redress.

At the late General Election there was elected a Superintendent o Public Instruction. It will be necessary to pass an Act prescribing his duties, and fixing his compensation. Under existing circumstances, before any of the public lands to which theState will be entitled have been assigned to her; and while we have so few families in the State, and our population is so unsettled, it may not be practicable to establish any general system of Free Schools, or to endow any University. But the time must soon arrive when we shall have both the families and the means to adopt and carry out such a system. In the meantime it might be made the duty of the Superintendent to collect useful statistical information, to be reported annually to the Executive, and by him laid before the Legislature at each regular Session.

By the provisions of the second section of the Ninth Article of the Constitution, " All estates of deceased persons, who may have died without leaving a will or heir, shall remain a perpetual fund; the interest of which shall be inviolably appropriated to the support of Common Schools throughout the State." It would be wise to make some efficient provision, by law, for the security of such funds, and for lending them out by responsible officers. I would recommend that they be deposited in the State Treasury, and invested in State securities.

I take great pleasure in referring to the passage, by Congress at its late session, of the Act granting the swamp and overflowed public lands to the several States in which they may be situated. By this law the

State of California will be entitled to immense bodies of fertile land, bordering upon the bays of San Francisco, San Pablo, and Suisun, and upon the rivers San Joaquin and Sacramento. These lands, it is thought by many intelligent persons, when properly drained and cultivated, will produce bountiful crops of rice, and perhaps of sugar-cane.

For want of the necessary surveys and plats, no estimate approaching towards accuracy can be made as to their extent and quantity, and a considerable time must elapse before their limits can be defined. It will be expedient for the Legislature at an early period to adopt some permanent line of policy in reference to the disposition to be made of these lands, and the proceeds arising from them, after deducting the necessary expenses of the levees and drains.

Without the passage of this Act, the right of eminent domain which resides in the State would entitle her, upon general principles, to all the lots in the City of San Francisco covered by ordinary high tide, so soon as the same should be reclaimed from the dominion of the sea. By this Act, however, every doubt may be considered as removed; I would therefore recommend that these lots be ceded to that city upon such conditions as may be just. I would also recommend that the right of pre-emption be granted to actual settlers upon these lands, on such equitable and liberal terms as may best promote their rapid improvement and cultivation.

Under the Joint Resolution authorizing the Governor to procure a suitable rock to be contributed by the State to the Washington Monument, I caused notice to be published in the public prints asking information and soliciting proposals from individuals. Having received no proposals, I found it necessary to employ a special agent for this purpose. The agent employed was William L. Smith, Esq., who proceeded to the south mines, and succeeded in procuring a beautiful specimen of gold-bearing quartz from the quarry of Messrs. Jackson & Elliston. It was placed in the care of the Hon. John Bidwell and Henry A. Schoolcraft, Esq. I cannot but mention in this place the generous liberality of Messrs. Howland, Aspinwall & Co., who transported the rock from San Francisco to New York City, and of Messrs. Adams & Co., who conveyed it from thence to Washington City, *free of charge.* It was there delivered to our Delegation in Congress, who delivered it to the President of the Washington Monument Association.

The past year has witnessed the rapid improvement of our cities, and

the increasing development of our great commercial resources, our trade with all the world, and more especially with China, the islands of the Pacific, and the north-west coast of America, has greatly increased in amount and importance, and our principal commercial points have already assumed the beautiful forms of regular cities. The people of California are destined to become a great commercial people, and every obstacle that has a tendency to shackle and trammel commerce, without a corresponding benefit, should be removed by the Legislature, so far as that body may have the power. With this view, I recommend an entire repeal of the Act establishing Quarantine Regulations at San Francisco. These regulations have proved a vexatious burden to commerce, while they have been impotent for good. I would also recommend a thorough revision of the Act creating a Marine Hospital and a Board of Health at that point. I would also recommend the repeal of the Act establishing a Superior Court of that City, and the passage of an Act crearing additional District Courts. The people of San Francisco not only pay their proportion of revenue to support the Judiciary of the whole State, but they are compelled, in addition to this, to pay the *entire expenses* of the Superior Court. I take it to be clear, that the people of every portion of the State are of right entitled to as many Courts, created and paid by the State, as may be required to administer justice. Where a Court is required to enforce mere local ordinances, not common to the whole State, it constitutes an exception to the general rule; but the Superior Court has as much civil urisdiction as the District Courts, and consequently comes within the general rule.

As the law exists, it is a matter of doubt whether Appeals lie from the decisions of Justices of the Peace to the Supreme Court. Although the amount involved in each case tried before these inferior Courts is small, except in cases of forcible entry and detainer, yet they make up in number what they lack in amount. The principles and the aggregate amounts involved in these cases are of as much importance to the community, as those arising in civil cases brought in the District Courts. As Appeals only lie to the County Courts, there can be no uniformity of decisions; and what will be law in one county, will not be law in another.

The late period of the Session at which California was admitted into the Union, and the press of other business, occasioned by the long and

protracted debates in both Houses upon the disturbing question of Slavery, prevented Congress from passing Acts for the establishment of a Mint at San Francisco, and for refunding to the State the duties collected in California previous to the recognition of our State Government. For the want of a Mint, the industry of the State has been severely taxed, and we have been forced to become tributary to other portions of the world to the amount of millions.

The Act of Congress passed in the beginning of the year 1849, extending the Revenue Laws of the United States over California, was perhaps the most extraordinary Act ever passed by that body, and was a plain and palpable violation of the most prominent principle, the disregard of which, by the mother country, led to the American Revolution. If there was one single principle well understood, and inflexibly cherished, by the heroes of that great struggle, it was the self-evident truth that taxation could not rightfully exist without representation; in other words, that both the government and the governed have some rights, which rights are mutual, and the exercise of the one depends upon the exercise of the other; and that while it is the duty of the citizen to pay his taxes, it is equally the duty of the government, at one and the *same time*, to afford him protection in his person and property.

One cannot contemplate the astonishing provisions of that Act without the most painful regret. It extended the Revenue Laws over California, not only without representation in Congress, but without giving or allowing us any government at all. The Act imposed upon us *burdens*, but extended to us no *benefits*. It *practically*, although not in terms, placed the judicial and ministerial power in the same hands; thus making the Collector of the Port of San Francisco both the collecting officer and the judge of the *law*, in cases in which he had a direct interest himself; and when the injured party complained, he was mocked with a delusive show of justice, by being referred to the distant and inaccessible Courts of Oregon and Louisiana; a provision about as equitable and just as the practice of Great Britain in transporting our people across the Atlantic to be tried in England, for alleged offences committed in the Colonies. Not a single case, to my knowledge, among the many decisions of the Collector, the correctness of which was called in question, was ever taken to the Courts either of Oregon or Louisiana, for the very plain and simple reason, that justice in such cases would have cost more than it would have been worth when attained.

The history of governments having Colonies, has shown how natural and usual it is for the mother country to *oppress*, and at the same time *neglect*, a distant and helpless people.

It is so natural and easy for Legislative bodies, as well as for individuals, to form prejudiced and disparaging opinions of others at a distance, and thus to find pretexts for oppressive exactions, while benefits are conferred with great reluctance. The fruits of these exactions never fail to reach the seat of the oppressor, while the indignant complaints of the oppressed fade and vanish in travelling over the intervening distance, and are never heard nor regarded.

The Act in question forms another strong and irresistible evidence of the truth of the great republican maxim, that an oft and frequent recurrence to first principles is indispensably necessary to the preservation of our institutions in their original purity. California will always be among the most devoted to this just sentiment; and while she has the honor and happiness to remain a member of the Confederacy, she will strenuously insist that justice be meted out to her, by refunding the moneys thus unjustly collected. This she owes to herself—to her own honor—but above all, to sacred principle and to the Union.

This Act seems to have been passed at the close of the Session, when there was not sufficient time for calm and deliberate reflection; and since the date of its passage, the attention of Congress has been almost wholly taken up with the consideration of other measures of more immediate and pressing importance. To doubt that justice will yet be done California, is to doubt the justice of Congress; and to doubt the ultimate justice of Congress, is to doubt the justice of the American people, their capacity for self-government, and the perpetuity of our institutions.

The question of revenue and expenditures, so important to individuals, families, and States, will necessarily occupy much of your attention. Of the temporary State loan there have been issued Bonds to the amount of two hundred and ninety thousand one hundred dollars, of which the sum of nineteen thousand four hundred and fifty dollars has been redeemed, leaving outstanding on the 15th December, 1850, the sum of two hundred and seventy thousand six hundred and fifty dollars, upon which interest had accrued to the amount of seventy-one thousand eight hundred and thirty-six dollars and four cents, making the sum total of the State Debt created under the Act authorizing a temporary State loan,

amount to the sum of three hundred and forty-two thousand four hundred and eighty-six dollars and four cents. In addition to this, there were unredeemed Comptroller's Warrants to the amount of one hundred and forty-two thousand nine hundred and seventy-four dollars and twenty-four cents, which, added to the outstanding three per cent. Bonds, and the interest due upon them up to December 15, would make the sum total of the State Debt on that day four hundred and eighty-five thousand four hundred and sixty dollars and twenty-eight cents. The total amount of receipts into the Treasury up to the 15th December, amounted to the sum of three hundred and twenty-four thousand nine hundred and seventy-four dollars, while the expenditures up to the same period amounted to the sum of four hundred and forty-seven thousand one hundred and fifty-three dollars and eighty-five cents; leaving an excess of expenditures, over and above receipts, of one hundred and twenty-two thousand one hundred and seventy-nine dollars and eighty-five cents. The estimated receipts for the second fiscal year, ending on 30th day of June, 1851, amount to the sum of five hundred and nineteen thousand five hundred and fifty dollars; while the estimated expenditures under the present rates of compensation, amount to the sum of four hundred and ninety-five thousand seven hundred and forty-seven dollars, leaving an excess of receipts over expenditures, of twenty-three thousand eight hundred and three dollars. But should the expenditures be reduced, as suggested by the Comptroller, to the sum of two hundred and eighty-nine thousand two hundred and three dollars and fifty cents, and the receipts into the Treasury equal the estimates, then there would remain a balance in the Treasury, on the 30th day of June, 1851, of two hundred and thirty thousand three hundred and forty-six dollars and fifty cents, applicable to the payment of the State Debt.

The Act for the better regulation of the Mines met with serious opposition in various portions of the State, and the amount of revenue derived from this source fell far short of what was confidently anticipated. Under the Act there was collected and paid into the Treasury up to the 15th December, the sum of twenty-nine thousand seven hundred and thirty-one dollars and sixteen cents; and the further sum of nine thousand nine hundred and forty-one dollars yet remains in the hands of L. A. Bensançon, the former Collector of Tuolumne county.

The necessity of convening the Legislature for the purpose of passing an Act to procure a loan for the State, was seriously urged upon my

attention, and the subject received all the consideration its great importance demanded. Extra sessions of the Legislatures of several States, as well as of Congress, have been frequently called, and not one of them, to my knowledge, has ever equalled the expectations of its friends. The only result that is *certain* to follow an extra session of a Legislative assembly is a heavy amount of additional expense, while the benefits are matters of doubt. In the present case, whether a quorum of both Houses could have been obtained, admitted of some question; and whether, when assembled, a majority of both Houses could have agreed upon a bill for creating a State loan, was more than problematical.

Our Constitution only authorizes the Executive to convene the Legislature upon "extraordinary occasions;" and to guard against the abuse of this power, the Governor is required to "state to both Houses when assembled the purpose for which they shall have been convened."

From this language, as well as from the nature and reason of the case, the "extraordinary occasion" contemplated by the framers of the Constitution must be some new and very important event, such as the happening of war, or other serious cause, arising after the adjournment of the Legislature, and which could not have come under its consideration while in regular session. The propriety of authorizing a loan in *addition* to the temporary State loan of three hundred thousand dollars, was elaborately discussed in the Legislature before its adjournment; but the Bill did not pass. It is true that the State was not then admitted into the Union, but that event was confidently anticipated. It is also true that the Act imposing a tax upon foreign miners had not then been tested, and had not then failed; and the present financial condition of the State was not then foreseen. But the mere deficit in the revenue was not, in my opinion, such an "extraordinary occasion" as required an extra session of the Legislature. The condition of the Treasury of the United States, at the time President Van Buren convened Congress, in consequence of the suspension of the Deposit Banks, was certainly as critical as the present situation of our State Treasury; and yet the result proved the action of the President in that case to have been unwise and unnecessary.

But there were other powerful reasons, founded upon principle, that had their due share of influence in forming my opinion upon this question. To have effected a loan it would have been necessary to issue Bonds running some fifteen or twenty years, and bearing a high rate of

interest. Capitalists, knowing that the money was only wanted to defray the current expenses of the civil administration, and not for the purposes of constructing some great, permanent, and profitable improvement, which itself would probably afford the means of ultimate reimbursement, would have demanded these conditions.

The practice of contracting State debts, especially for the mere purpose of defraying the ordinary expenses of the State Government, and when these debts are not to be paid until after the lapse of years, is one of pernicious tendency and of evil example, and would seem to be a plain violation of just and honest principle. Most of the States have contracted debts for the purpose of internal improvement; but few of them have borrowed money to defray ordinary expenses. There is a vicious principle in the practice of putting our burdens upon posterity without their consent. Those who have the *liberty* to contract debts should bear the *responsibility* of paying them. It would be exceedingly convenient for individuals, as well as States, to enjoy the happy privilege of contracting debts for their *own* use and benefit, while the burden of their payment would be thrown upon the shoulders of others. If such a system could once be successfully adopted, it would be found so easy and so tempting that there would remain no check and no limit to the evils to be entailed upon future generations.

The expenses of the Convention which framed the Constitution having all been paid, the only use the State had for the money to be obtained by loan, would have been to defray *ordinary* and *present* expenses. If, for instance, the State had borrowed one million of dollars, every dollar of it would have been expended to pay our *present expenses*, and would have saved us, of the present day, that amount of taxation; but the *payment* of this debt would have been postponed for years, and forced upon others against their will and without their consent, while they would have received none of the benefits, and would have the expenses of the State accruing in their *own* time to pay besides. While we are complaining, and justly too, that Congress has taxed us without representation or government, thus imposing upon us the burdens without giving us the benefits of government, we are urged to commit the same violation of principle, by borrowing money and expending it for our own temporary purposes, and at the same time putting the *entire* burden of payment upon our successors; thus in effect taxing them without bestowing any corresponding benefit in return.

It may be said that we confer benefits upon posterity, and they ought therefore to pay our debts. But it is plain that we shall confer no greater benefits upon them than those we have received from our ancestors, and no greater than they will confer upon their successors: and if we have the right to place our burdens upon them, they in their turn will have the same right to place their burdens upon the next succeeding generation; so that each existing generation, one after the other. will have the right to borrow money to defray their own daily expenses, and to put the task of payment upon their successors to the end of time.

Had the Legislature been convened, and a loan obtained, it would have precipitated the State into a system of extravagance which would have been difficult to lay aside. In two years from this time the State would have been in a condition as much embarrassed as at present, if not in a worse condition. There can perhaps no greater misfortune befal a young State than a large surplus in the treasury produced by a loan. It puts the people and the government upon delusive hopes, and *starts* a system of expenditures that cannot be sustained and continued. Young States, like young and inexperienced individuals, never cease expenditures while there is money in the treasury; and seldom stop while they have any credit left. The time must come when the State expenditures must fall within the limits of her income, and the *sooner* this is brought about the better for all parties in the end. It would, perhaps, be best for her to adopt a system of rigid economy at the commencement, so as to be certain to come within their limits.

As the Legislature has now no Constitutional power to borrow money, and as there are no cash funds in the treasury, the question arises how the current and necessary expenses of the State are to be paid. I would recommend that the present rate of taxation upon real and personal estate be continued, and that a reasonable reduction be made in the rate of the capitation tax. This latter tax has been generally considered too high, and this feeling has materially diminished the amount of revenue expected from that source. Were the rate less, a much larger amount could be collected. I would also recommend that Comptroller's Warrants be made by law receivable in payment of all State dues; and that the law requiring that officer to draw these Warrants be amended, as suggested by him in his able report. These Warrants may fall below their par value, but being made receivable in payment of the State dues, they will be absorbed by the incoming revenue, and this circumstance

will facilitate the collection of taxes, and prevent any great depreciation in the value of the Warrants. If the whole amount issued should be *less* than the amount of the State revenue, then they will rise nearly if not quite to par value. To bring about this desirable state of things, I recommend a rigid system of retrenchment in the expenditures of every department of the State. It occurs to me that the most rational, just, and certain mode of getting out of debt, is to make *more*, expend *less*, and borrow *none*. I also recommend a reduction of the rate of taxation imposed on property sold at auction. A larger amount of revenue can be collected from this source, it is thought, were the rates reduced. As at present established, the rates are so high as to materially diminish the amount of sales.

The attempt to administer the State Government during the past year has been attended by many difficulties. To start a new system, under ordinary circumstances, is no easy task—but no new State has ever been encompassed with so many embarrassments as California. Our people formd a mixeed and multitudinous host from all sections of our widely-extended country, and from almost every clime and nation in the world, with all their discordant views, feelings, prejudices, and opinions; and, thrown together like the sudden assemblage of a mighty army, had no time to compare notes or interchange opinions. Besides this, a majority considered themselves only temporary residents, and had therefore no permanent interest in sustaining the State Government. Serious resistance to the execution of the laws was threatened in some instances, and a very unfortunate disturbance occurred at Sacramento City, in reference to which it would be improper to express an opinion, as the facts of the case will be inquired into by the competent judicial tribunals.

The first session of the Legislature had more difficulties to meet than perhaps the Legislature of any other State. That body had no beaten road to travel, no safe precedents to follow; California required a *new* system, adapted to her new and anomalous condition. What that new system should be, time and experience could *alone* determine. With the experience of the past year before us, we may be enabled to make some useful and necessary amendments. I have suggested such as have appeared to me the most important. It will be doubtless necessary to amend the acts of the last session in many other respects; but I would respectfully suggest the propriety of making no amendments

except where manifestly required. The people have now become accustomed to the laws as they are; and by making but few amendments, a heavy amount of expense may be saved to the State.

The report of the Comptroller, herewith submitted, contains many valuable suggestions, to which I would respectfully invite your attention.

In conclusion, I would make but one other suggestion, more important than any yet made, because it concerns the virtue and honor of our community. The fourth section of the first chapter of the "Act to regulate proceedings in Civil Cases," is in these words: "Sec. 4. No action shall be maintained for criminal conversation or for seduction."

I recommend an entire repeal of this section, that the law may throw around the chastity of our wives and daughters that protection which ought to be afforded by the laws of every civilized country in the world.

PETER H. BURNETT.

SAN JOSÉ, *January* 6, 1851.

After the Clerk had commenced reading the Governor's Message, Mr. Cook moved that further reading of the Message be dispensed with.

Agreed to.

Mr. Moore moved that the Speaker be authorized to procure a clock for the use of the Assembly.

Agreed to.

Mr. Wilkins moved that 1000 copies of the Governor's Message be printed.

Not agreed to.

Mr. Campbell moved that 500 copies of the Governor's Message be printed in Spanish.

Agreed to.

TWELVE O'CLOCK.

Mr. Wilkins moved that the House now adjourn until 10 o'clock to-morrow.

Mr. Cook moved to amend by striking out "10," and inserting "3 o'clock this afternoon."

The question recurring on the amendment, it was not agreed to.

On the motion to adjourn until to-morrow, at 10 o'clock, Mr. Cook demanded the yeas and nays.

Those who voted in the affirmative were—Messrs. Baldwin, Bennett,

Bradford, Carr, Kendrick, Lisle, McCandless, McDougal, Murphy, Richardson, Saunders, Thorne, Wetmered, Yeiser, and Speaker—15.

In the negative—Messrs. Bodley, Brown, Campbell, Cook, Field, Hoff, Kellogg, Lind, Moore, Randall, Robinson, and Wilkins—12.

Agreed to.

HOUSE OF ASSEMBLY.

WEDNESDAY, *January 8th*, 1851.

House met.

The roll was called, and the following members were absent, to wit:—Messrs. Bennett, Carr, Randall, and Saunders.

The Journal of yesterday was read and approved.

The following Message was received from the Senate by their Secretary, Mr. Howe.

SENATE CHAMBER,
January 7th, 1851.

MR. SPEAKER:—

I am directed by the Senate to inform the Assembly that they have appointed a committee, consisting of Messrs. Heydenfelt, Tingley, and Cooke, to act with any similar committee which may be appointed on the part of the Assembly, to prepare and report Joint Rules for the Government of both Houses.

Mr. Wilkins moved that a committee of three be appointed to act with Senate's Committee in preparing Joint Rules for the Government of the two Houses.

Agreed to.

Mr. Richardson moved a reconsideration of the vote taken yesterday, by which the Sergeant-at-Arms was instructed to order four copies of each of the newspapers published in this city, to be be furnished to each of the Members of this House daily.

On the motion to reconsider, Mr. Moore demanded the ayes and nays.

Those who voted in the affirmative were:—

Mr. Bradford	Mr. Moore
Brown	Randall
Carr	Richardson
Hoff	Wilkins
Lisle	Yeiser
McCandless	Speaker
McDougal	—13.

In the Negative:—

Mr. Baldwin	Mr. Lind
Bennett	McCorkle
Bodley	Merritt
Campbell	Murphy
Cook	Pico
Crane	Robinson
Field	Saunders
Kellogg	Thorne
Kendrick	Wethered—18.

The motion to reconsider was lost.

HALF-PAST TEN O'CLOCK.

Mr. Wilkins moved, that in consideration of this being the 8th day of January, the Anniversary of the Battle of New Orleans, this House do now adjourn until ten o'clock to-morrow.

On this motion Mr. Crane demanded the ayes and nays.

Those who voted in the affirmative were:—

Mr. Baldwin	Mr. Merritt
Bennett	Moore
Bradford	Murphy
Carr	Pico
Hall	Richardson
Kellogg	Saunders
Kendrick	Thorne
Lisle	Wethered
McCandless	Wilkins
McCorkle	Yeiser
McDougal	Speaker—22.

In the negative:—

Mr. Bodley	Mr. Field
Brown	Hoff
Campbell	Lind
Cook	Randall
Crane	Robinson—10.

So the House stood adjourned.

HOUSE OF ASSEMBLY.

THURSDAY, *January 9th*, 1851.

House met.

The roll was called, and the following members were absent, to wit:—Messrs. McDougal, Randall, and Yeiser.

The Journal of yesterday was read and approved.

The Speaker announced the following as the Standing Committees of the Assembly:—

ON ELECTIONS.—Messrs Baldwin, McCandless, Kendrick, Lind, and Randall.

ON CORPORATIONS.—Messrs. Hoff, Thorne, Richardson, Lisle, and Yeiser.

ON PUBLIC PRINTING.—Messrs. McCorkle, Bennett, Robinson, Campbell, and Covarrubias.

ON CLAIMS.—Messrs. Hall, Bodley, Kellogg, Saunders, and Bennett.

ON WAYS AND MEANS.—Messrs. Murphy, Carr, Hoff, Randall, Merritt, McDougal, and Bodley.

ON THE JUDICIARY.—Messrs. Moore, Field, Hall, McCorkle, Thorne, Campbell, Yeiser, and Crane.

ON MILITARY AFFAIRS.—Messrs. Baldwin, Covarrubias, Pico, Carnes, and Kendrick.

ON COUNTIES AND COUNTY BOUNDARIES.—Messrs. Wethered, Richardson, Crane, Kellogg, and Pico.

ON COMMERCE.—Messrs. Carr, Randall, Carnes, Robinson, and Bradford.

ON EDUCATION.—Messrs. Bennett, Hall, Thorne, Kellogg, and Campbell.

ON AGRICULTURE.—Messrs. Brown, Carnes, Pico, and Kendrick.

ON ROADS AND CANALS.—Messrs. Wilkins, McDougal, Richardson, McCandless, and Brown.

ON PUBLIC BUILDINGS AND GROUNDS.—Messrs. Kendrick, Lisle, Campbell, Baldwin, and Randall.

ON PUBLIC EXPENDITURES.—Messrs. Kellogg, Carr, Bradford, and Merritt.

ON ACCOUNTS.—Messrs. Randall, Bennett, and Crane.

ON ENGROSSMENT.—Messrs. McCandless and Bodley.

ON ENROLLMENT.—Messrs. Bradford and Cook.

The Speaker announced Messrs. Wilkins, Bradford, and Cook, a committee to act with Senate's Committee in preparing Joint Rules for the Government of the two Houses.

The Speaker laid before the Assembly the following communication from the Secretary of State.

OFFICE of SECRETARY of STATE,
SAN JOSÉ, *January* 7, 1851.

Hon. JOHN BIGLER,
Speaker of Assembly:

SIR: By a Resolution of the Assembly, communicated to me by their Clerk, I am "required to supply each member of the House with a copy of the Journal of the last Session, as soon as practicable; also, a copy of the bound Statutes, and a copy of the Debates of the Convention at Monterey; also, that the Rules of the last Session be adopted, and that the Secretary be requested to furnish copies of the same."

According to the provisions of the Act "providing for the distribution of the Journals, Laws, &c.," it will be found that to the extent, and in the manner contemplated by the resolution, I am not allowed to make a distribution. The Act referred to directs that *one* copy (of the Laws, Journals, &c.) be furnished to each member of the Legislature—not to each member of every successive Legislature—but members of that of whose proceedings the Journal is kept. Those, therefore, of the present only, who were members of the last Legislature, are entitled to copies. Those of the present who were *not* members of the last Legislature, can obtain copies of whatever books may belong to the State only by availing themselves of the provisions of the "Act defining the duties of State Librarian," which prescribes particularly upon what conditions books can be obtained from the Library by members of the Legislature.

A Joint Resolution "concerning the Reports of the Proceedings of the Convention at Monterey," adopted April 16, 1850, provides, that the Executive Officers of the 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, &c." It will be observed, that under this Resolution, I have no authority to supply each member of the *present* House with a copy.

Herewith are transmitted all the copies of "Rules and Orders" to be found in my office.

I have the honor to be,
Your very Obdt. Servt.,
W. VAN VOORHIES,
Secretary of State.

Mr. Moore moved to lay the same on the table.

Agreed to.

The Speaker laid before the Assembly the following communication from the Secretary of State.

OFFICE of SECRETARY of STATE,
SAN JOSÉ, *January* 6, 1851.

To the Hon. the SPEAKER OF THE ASSEMBLY:

SIR: I have the honor to transmit herewith an abstract of such Official Returns as have been received at this office, of members to the Assembly, voted for at the last General Election, held October 7th ult.

Many of the counties, it will be observed, have not been heard from, which counties are indicated upon the abstract. I also transmit sealed papers, relating to a contested election between Wm. C. Smith and Robert T. Saunders.

I am, Sir,
Your very Obdt. Servt.,
W. VAN VOORHIES,
Secretary of State.

There is also herewith transmitted an abstract of the vote on the Permanent Location of the Seat of Government.

ABSTRACT OF THE ELECTION RETURNS FOR MEMBERS OF THE ASSEMBLY:

San Diego County.

John Cook received	93 votes.
Joshua H. Bean "	62

Los Angeles County.

Andres Pico received	178 votes.
Abel Stearns "	154
Lewis Granger "	131
Stephen C. Foster "	51

Santa Barbara County.

Henry Carnes	received	136 votes.
José Maria Covarrubias		133
José Covrillo	"	1
C. T. Botts	"	1

San Louis Obispo County.

Charles James Freeman	received	54 votes.
Eugeneo Montenegro	"	1
John Price	"	1

San Joaquin County.

No Returns.

Mariposa County.

No Returns.

Tuolumne County.

No Returns.

San Francisco County.

F. C. Bennett	received	1,652 votes.
J. D. Carr	"	1,736
J. S. Wethered	"	1,714
I. N. Thorne	"	1,572
W. C. Hoff	"	1,574

Monterey County.

James A. Gray	received	169 votes.
A. Randall	"	206

Santa Cruz County.

E. B. Kellogg	received	144 votes.
J. H. Rankin	"	68
Adna A. Hecox	"	19
J. R. Per Lee	"	1

Santa Clara County.

A. C. Campbell	received	533 votes.
Thomas Bodley	"	510
Peter O. Minor	"	385
W. F. Ely	"	345

Contra Costa County.

No Returns.

Calaveras County.

No Returns.

El Dorado County.

J. J. Kendrick	received	1,828 votes.
G. D. Hall	"	1,227
Josiah Gordon	"	616
—— Henderson	"	405
John Howell	"	304
E. B. Drake	"	314
F. Smith	"	279
Thos. Thompson	"	169
Frank Stuart	"	540
J. Coupt	"	95

Marin County.

No Returns.

Sonoma County.

No Returns.

Napa County.

No Returns.

Solano County.

No Returns.

Mendocino County.

No Returns.

Sacramento County.

No Returns.

Sutter County.

No Returns.

Yuba County.

No Returns.

Butte County.

J. E. Lewis	received . . .	218 votes.
Robert T. Saunders	" . . .	445
Masortt Darrah	" . . .	223
Wm. C. Smith	" . . .	415
G. S. Perry	" . . .	1
G. D. Ford	" . . .	2
G. Corell	" . . .	1

Shasta County.

A. G. McCandless	received . . .	166 votes.
A. C. Brown	" . . .	93
J. B. Watson	" . . .	39
S. Wood	" . . .	24
R. T. Saunders	" . . .	4
A. W. Adams	" . . .	1

Yolu, Colusi, and Trinity Counties.

G. W. Crane	received . . .	72 votes.
Ferdinand Woodward	" . . .	43
J. N. Hoag	" . . .	1
S. W. Brown	" . . .	7
J. C. T. Osgood	" . . .	148
G. Frank Lemon	" . . .	24

Certified by the persons who held the election, but not by the County Clerk of Trinity County.

OFFICE OF SECRETARY OF STATE,
SAN JOSÉ, *January 6th*, 1851.

I hereby certify the foregoing is a correct abstract of Official Returns now on file in this office.

W. VAN VOORHIES,
Secretary of State.

Abstract of the Official Returns of an Election held on the 7th of October ult., for the permanent location of the Seat of Government of the State of California.

Vallejo received	7,477 votes.
San José "	1,292
San Diego "	14
Monterey "	399
Santa Cruz "	2
Reed's proposition received	651
Gilroy's " "	76
Eureka received	301
Stockton "	6
Sacramento	160
San Francisco	25
Benicia "	70
Nevada "	82
Downieville	150
Hamilton "	10
Long's Bar "	1
Nicolaus "	1
Stuart's Bar	1
Yuba City "	14
Marysville "	1
Trinidad City	1

OFFICE OF SECRETARY OF STATE,
SAN JOSÉ, *January 6th*, 1851.

I hereby certify the foregoing to be a correct abstract of Official Returns on file in this office.

W. VAN VOORHIES,
Secretary of State.

Mr. Moore moved to lay the communication and abstracts on the table.

Agreed to.

The Speaker laid before the Assembly the following communication:

SAN JOSÉ, *January 8th*, 1851.

TO THE HON. JOHN BIGLER,

Speaker of Assembly.

I have the honor to tender to each member of the Assembly the *Daily California Courier*, in behalf of its editors and publishers. They will be furnished to each member in his seat.

Yours truly,

JAMES M. CRANE.

SAN JOSÉ, *January 7th*, 1851.

TO THE HON. JOHN BIGLER:

SIR: On behalf of the proprietors of the *Alta California* newspaper of San Francisco, I take the liberty of informing you that copies of that newspaper will be furnished daily to the Speaker, Members, and Officers of the House of Assembly gratuitously, during the Session of the Legislature.

I have the honor to remain,

Very respectfully,

Your obt. servt.

JOHN E. DURIVAGE.

Mr. Wilkins moved that the communication of Messrs. Crane and Durivage be received.

Agreed to.

Mr. Merritt offered the following:

Resolved, That the Clerk be authorized to purchase such stationery as may be necessary for the use of the Assembly.

Adopted.

Mr. Cook presented the petition of Wm. C. Smith, contesting the seat of Hon. R. T. Saunders, which, on motion of Mr. Moore, was referred to Committee on Elections.

Mr. Bodley moved that the members of the last Legislature be invited to seats on this floor.

Agreed to.

Mr. Willkins presented the following preamble and resolutions:

WHEREAS, the peculiar circumstances in which the citizens of California have been placed, since the occupation of the country by the American military forces, have been such as to require the organization of a State Government for the preservation of the public peace, and the interest of life, liberty, and property, and for the further purpose of obtaining admission into the Union as one of the Sovereign States thereof, to the end that they might participate in the common blessings of their countrymen; AND WHEREAS, they have been compelled in resorting to these measures, without any pecuniary aid from the government, to incur large expenditures which they are not now able to meet, owing in part to their extent; and such failures in their public revenues from taxation, as were necessarily incident to a provisional government, going into operation under a great variety of embarrassing and peculiar difficulties; therefore,

Resolved, by the General Assembly of the State of California, That it is just and expedient to ask of the Government of the United States the payment of all expenditures which have been incurred by the State of California, up to the period at which she was admitted to be one of the Sovereign States of the Union.

Resolved, That with a view to this end, the subject be referred to a Special Committee of five, with instructions to report thereon, and to recommend such measures as may be deemed by them most suitable and proper to accomplish the object proposed.

The question being taken on the adoption of the resolutions, they were adopted.

The question being taken on the adoption of the preamble, it was agreed to.

The following Message was received from his Excellency the Governor, by his Private Secretary:

GENTLEMEN OF THE SENATE AND ASSEMBLY:

Circumstances entirely unexpected and unforeseen by me, and over which I could have no control, render it indispensable that I should devote all my time and attention to my private affairs. I therefore

tender to both Houses of the Legislature my resignation as Governor of the State. I leave the high office, to which I was called by the voluntary voice of my countrymen, with but one only regret—that my feeble abilities have allowed me to accomplish so little for the State. In the humble sphere of a private citizen, I shall still cherish for her that ardent attachment she so justly merits. Within her serene and sunny limits I intend to spend the remainder of my days, many or few; and should an unfortunate crisis ever arise, when such a sacrifice might be available and necessary for her safety, my limited fortune and fame, and my life, will be at her disposal.

PETER H. BURNETT.

SAN JOSÉ, *Jan. 8th*, 1851.

Mr. Cook moved that the resignation of the Governor, Peter H. Burnett, as Governor of the State, be received.

Agreed to.

The following communication from the Governor, was received:

GENTLEMEN OF THE SENATE AND ASSEMBLY:

In compliance with the provisions of the thirteenth section of the fifth Article of the Constitution, I have the honor to submit the annexed statement of pardons granted by the Executive during the past year.

PETER H. BURNETT.

SAN JOSÉ, *Jan. 6th*, 1851.

The People of the State of California, *vs.* W. B. Thompson. } GRAND LARCENY.

The defendant was tried and convicted of Grand Larceny, before the Hon. John W. Geary, Judge of the Court of First Instance in Criminal Cases for the District of San Francisco, on the 24th day of January, 1850, and sentenced to one year's labor in the Chain-gang, and was unconditionally pardoned on the 3d day of April, 1850.

Mr. Campbell moved that the communication be received.

Agreed to.

A communication was received from the Governor, enclosing a copy of a report made to him by Adam Johnson relative to Indian difficulties.

Mr. Bradford moved that the communication and accompanying document be referred to the Committee on Military Affairs.

Agreed to.

The following communication was received from the Governor.

GENTLEMEN OF THE SENATE AND ASSEMBLY:

In compliance with the forty-sixth section of the Act in relation to "Officers," I herewith lay before you the following statement of appointments made by the Executive since the last Session of Legislature.

Jonas Winchester, State Printer, to fill the vacancy occasioned by the resignation of H. H. Robinson. May 4th, 1850.

William H. Richardson, Collector of Licenses to Foreign Miners for Yuba County, to fill the vacancy occasioned by the resignation of Wm. M. Kincaid. June 15, 1850.

D. J. Woodleif, Collector of Licenses to Foreign Miners for the County of Calaveras, to fill the vacancy occasioned by the resignation of William B. Amond. July 13th, 1850.

Ellison Dickey, Collector of Licenses to Foreign Miners for the County of Sutter, to fill the vacancy occasioned by the appointment of William H. Richardson for Yuba county. July 20, 1850.

George Simpton, Harbor Master for the Port of San Francisco, to fill the vacancy occasioned by the non-residence of James Hagan.

D. O. Shattuck, Chief Justice of the Superior Court of the City of San Francisco, to fill the vacancy occasioned by the resignation of P. A. Morse. November 2, 1850.

J. J. Grammond, Collector of Licenses to Foreign Miners for the County of Mariposa, to fill the vacancy occasioned by the resignation of Benjamin McCulloch. September 24, 1850.

Tod Robinson, Judge of the Sixth Judicial District, to fill the vacancy occasioned by the non-residence of James S. Thomas.

E. W. McKinstry, Adjutant General, to fill the vacancy occasioned by the resignation of J. R. Per Lee.

PETER H. BURNETT.

SAN JOSÉ, *January 6th*, 1851.

Mr. Wilkins moved that the communication be received.

Agreed to.

The following communication was received from the Governor:

GENTLEMEN OF THE SENATE AND ASSEMBLY:

I have the honor to submit the annexed statement showing, so far as returns have been received, the number of cases on the Calendar in the District Courts and the Supreme Courts, the number heard and determined, and the number still remaining undetermined.

PETER H. BURNETT.

SAN JOSÉ, *January 6th*, 1851.

SUPREME COURT OF CALIFORNIA.

March Term, 1850.

Whole number of Cases on the Calendar, . . .		49
Number heard and decided, ...	20	
Number undisposed of, ...	29	49

Duration of Term.

From 4th March to 25th of May, 1850.

June Term, 1850.

Whole number of Cases on the Calendar, . . .		42
Number heard, ...	28	
Number decided	22	
Number undisposed of, ...	20	

Duration of Term,

From 2d June to the 15th day of July, 1850.

CONTRA COSTA COUNTY.

May Term, 1850.

Whole number of cases on the Calendar, . . .		3
Criminal, ...	3	
Civil, ...	0	
Continued until next term, ...	3	

Court commenced on the 4th Monday in May, 1850, and held three days.

CALAVERAS COUNTY.

July Term, 1850.

Whole number of Actions on the Calendar,		4
Continued	2	
Dismissed,	2	4

Court commenced on the 1st of July, A.D. 1850, and continued till July 2d, 1850.

CONTRA COSTA COUNTY.

September Term, 1850.

Whole number of Cases on Docket in said term,		15
Tried and determined,	10	
Continued till next term,	5	15

Court commenced its Session on the 27th of September, A.D. 1850, and continued till the 2d of October, 1850.

TUOLUMNE COUNTY.

July Term, 1850.

Whole number of Civil Cases on the Calendar,		22
Criminal Actions,		14
Tried and determined on the Civil Docket,	17	
Continued on the Civil Docket,	5	
Tried and determined on the Criminal Docket,	12	
Tried and not determined,	2	
Whole number of Cases,		36

Court commenced its Session on the 15th day of July, A.D. 1850, and continued its Session till July 26, 1850.

SANTA CRUZ COUNTY.

August Term, 1850.

Whole number of Cases on the Calendar,		11
Number tried and determined,	4	
Continued,	7	11

Court commenced its Session on the third Monday of August, and continued three days.

SANTA CLARA COUNTY.

April Term, 1850.

Whole number of Actions on Docket, ...			48
Number transferred from Court of First Instance in Civil Cases, ...	16		
Number commenced in the District Court . . .	18		
Number of Indictments found at the said term, . .	14		48
Cases determined criminal, ...	6		
Civil Cases, ...	21	27	
Continued, ...		21	48

Court commenced its Session on the 22d day of April, 1850, and continued till the 17th day of May.

SAN LUIS OBISPO.

October Term, 1850.

Whole number of Actions on the Calendar, . . .		4
Tried and determined, ...	1	
Continued, . . . , ...	3	4

Court commenced its Session on the — day of October, and continued to the — day of —, 1850.

CALAVERAS COUNTY.

November Term, 1850.

Whole number of actions on Calendar, ...		9
Civil Cases, ...	8	
Criminal, ...	1	9
Number tried and determined, ...	—	
Dismissed, ...	2	
Continued, ...	7	9

Court commenced its Session on the — day of November, 1850, and continued three days.

YOLO COUNTY.

September Term, 1850.

Whole number of Actions on the Calender in said term, .		10
Number disposed of, ...	5	
Number continued, ...	5	10

Court commenced its session on the — day of September, A.D. 1850, and held four days.

SAN DIEGO COUNTY.

September Term, 1850.

Whole number of Actions on the Calendar in said Term,		8
Number tried and determined,	6	
Continued till next Court,	2	8

Court commenced its Session on the 2d day of September, 1850, and continued its Session till the 7th of the same month.

COUNTY OF EL DORADO.

June Term, 1850.

Number of cases on the Civil Docket,	23	
Number of Criminal Actions,	1	
Total number of Actions,		24
Criminal disposed of,	1	
Civil Actions disposed of,	13	
Continued,	10	24

Court commenced its Session on the 3d day of June, A.D. 1850, and continued till the 6th day of the same month.

COUNTY OF YUBA.

June Term, 1850.

Number of Cases on the Calendar,		17
Number tried,	12	
Dismissed,	2	
Change of Venue granted,	1	
Continued,	2	17

Court commenced its Session on the 3d of June, A.D. 1850, and continued till the 12th of the same month.

SACRAMENTO COUNTY.

May Term, 1850.

Number of Actions transferred from the Court of First Instance in Civil Cases,	48
Number of Actions commenced in the District Court,	94

Number of Indictments transferred from the Court of First Instance of Sacramento District with Criminal Jurisdiction,	2	
Number of Indictments found at said May Term, 1850,	10	
Total number on the Calendar,		154
Which were disposed of as follows:		
Indictments found May Term,	5	
Actions transferred from the Court of First Instance for Sacramento District in Civil Cases,	17	
Actions brought at the May Term,	65	
Total number of cases determined,	—	87

The May Term commenced its Session on the first Monday, the 6th day of May, 1850, and continued in Session till May 20th, 1850.

COUNTY OF SAN JOAQUIN.

August Term, 1850.

Whole number of cases on the Calendar,		67
Tried and determined,	42	
Continued,	25	67

Court commenced its Session on the — day of August, 1850, and continued sixteen days.

COUNTY OF YUBA.

November Term, 1850.

Number of Cases on the Calendar,		111
Number tried and determined,	52	
Number dismissed,	36	
Number remaining on Calendar,	23	111

The Term commenced on Monday, the 4th day of November, and adjourned 9th December, 1850.

COUNTY OF LOS ANGELES.

Term commenced October 7, and ended October 22, 1850.

Number of cases on the Calendar,		11
Number tried and determined,	2	
Number remaining on Calendar,	9	11
Number Criminal Cases on Calendar,		6
Number tried and determined,	4	
Number remaining on Calendar,	2	6

COUNTY OF SUTTER.

Number of Cases on the Calendar,		57
Number heard and determined,	36	
Number remaining undetermined,	21	57

Term commenced October 7, and lasted seven days.

Adjourned Term commenced 28th October, 1850, and lasted four days.

SACRAMENTO COUNTY.

October Term, 1850.

Number of Civil Actions disposed of,	153	
Number of State, " "	22	
Total number disposed of,		175
Number of Civil Actions remaining on the Calendar,	301	
Number of State Actions remaining on the Calendar,	17	
Total remaining on Calendar,		318
Number of days the Court was in Session,		22

BUTTE COUNTY.

October Term, 1850.

Judgments rendered,	25	
Discontinued,	14	
Continued until Court in cause,	15	
Referred,	1	
Criminal Docket.		
Indictment set aside,	1	
Total,		56

After the Clerk commenced reading the communication—

Mr. Lisle moved that the further reading of the same be dispensed with, and that it be received.

Agreed to.

The Speaker announced Messrs. Wilkins, Carr, Merritt, Kellogg, and McDougal a Special Committe on Resolutions introduced by Mr. Wilkins, relative to the Government of the United States assuming the payment of all expenditures incurred by this State up to the time of her admission into the Union.

Mr. Thorne gave notice that he would, at an early day, introduce a bill, giving to Theodore Adams, and the company that he may hereafter form, a Charter to build a Railroad from the City of San Francisco to the City of San José.

Mr. Hall presented a petition of R. A. Wilson, praying that a salary be allowed him for services as Judge of First Instance for the District of Sacramento, which was,

On motion of Mr. Hall, referred to Committee on Claims.

Mr. Robinson gave notice that he would, on to-morrow or at an early day, introduce a bill concerning "Forcible Entry and Detainer."

Mr. Hall gave notice that he would, at an early day, introduce a "Bill to Exempt the Homestead and other Property from Forced Sale in certain cases."

Mr. Crane gave notice that he would, at an early day, introduce a bill providing for a Salary for the County Judge of the County of Yolo.

Mr. Moore offered the following:

Resolved, That the Clerk be instructed to furnish this House with thirty-six copies of Rules governing the Assembly.

Mr. Bennett moved to amend the Resolution, by striking out the thirty-six and inserting one hundred.

The question recurred on the amendment of Mr. Bennett, which was carried.

The question then recurred on the adoption of the Resolution as amended.

Adopted.

Mr. Robinson gave notice that he would, on to-morrow, move that the ninth Rule of the Standing Rules and Orders for conducting the business of the Assembly, be stricken out.

Mr. Carr offered the following:

Resolved, That the Joint Rules of both Houses be printed in the same pamphlet with the Rules to govern the business of this House.

Mr. Carr moved to lay said Resolution on the table.

Agreed to.

Mr. Robinson offered the following:

Resolved, That so much of the Governor's Message as refers to Public Lands belonging to the State be referred to a Special Committee, to be appointed by the Speaker.

Adopted.

Mr. Campbell offered the following:

Resolved, That the Judiciary Committee be authorized to procure a suitable room for business, and to employ a Clerk for said committee.

Adopted.

Mr. Field gave notice that he would, at an early day, introduce the following bills:

A Bill to Incorporate the City of Marysville:

A Bill to Incorporate the City of Nevada.

A Bill to divide Yuba County, and to establish a new county, to be called Merada County.

Mr. Baldwin moved that the Committee of Ways and Means be authorized to procure a suitable room for business, and to employ a Clerk.

Agreed to.

Mr. Carr gave notice that he would, at an early day, introduce the following bills:

A Bill, amendatory of the "Act creating the office of Pilots for the entrance of the Harbor of the Bay of San Francisco;"

A Bill, amendatory of the Act creating the office of Harbor Master for the Port of San Francisco;

A Bill to abolish the Act creating the Quarantine Laws for the Bay of San Francisco.

Mr. Campbell gave notice that he would, at an early day, introduce a bill to amend the Act adopting the Common Law as a rule of decision in this State; also,

A Bill to amend the Act to regulate Proceedings in the District Courts, and also a bill to amend an Act to regulate Proceedings before Justices of the Peace.

The following Message was received from the Senate by their Secretary:

SENATE CHAMBER, *January* 9, 1851.

Mr. SPEAKER:

I am directed by the Senate to inform the Assembly, that his Excellency, Peter H. Burnett, has this day tendered to the Senate his resignation as Governor, adressed to the Senate and Assembly of the State of California; and that they have passed a Joint Resolution to receive

and accept such resignation, in which they request the concurrence of the Assembly.

They have also passed a Concurrent Resolution, that both Houses meet in Convention, at one o'clock to-day, to receive the resignation of his Excellency the Governor, and to proceed to the inauguration of the Lieutenant Governor as Governor of the State of California.

J. F. HOWE, Sec. Senate.

The question then recurred on the adoption of Senate's Joint Resolution, which was carried.

Mr. Baldwin moved to concur in Senate's Resolution to receive the resignation of his Excellency the Governor, and to proceed to the inauguration of the Lieutenant Governor as Governor of the State.

Agreed to.

Mr. Merritt gave notice that, at an early day, he would introduce a bill in relation to the Offices of County Clerk and Recorder for the County of Mariposa.

Mr. Bodley moved that the House do now adjourn, to meet ¼ before 1 o'clock to-day.

Not agreed to.

Mr. Crane moved to adjourn, to meet at 1 o'clock.

Not agreed to.

Mr. Crane offered the following:

Resolved, That the Proprietors of the *State Journal* and *Daily Argus* of San José, be requested to furnish the four papers, ordered to each member of this House, in wrappers.

Adopted.

Mr. Kellogg gave notice that he would, at an early day, introduce a bill to create a Special Act for the construction of a Wagon Road between San José and Santa Cruz.

Mr. Robinson moved that the communication from the Secretary of State, relating to the distribution of the Journal, Laws, &c., to the Members of Assembly, be taken from the table.

Agreed to.

Mr. Baldwin moved that the Secretary of State's communication be referred to a Special Committee.

Agreed to.

The Speaker appointed as said committee, Messrs. Baldwin, Robinson, and Hall.

Mr. Richardson offered the following:

Resolved, That the Committee on Military Affairs be instructed to take early action in regard to the disturbances referred to by the Indian Agent, in his communication to the Governor.

Adopted.

At 12 o'clock, Mr. Hall moved that the House take a recess until 1 o'clock.

Agreed to.

ONE O'CLOCK, P.M.

Quorum present.

Mr. Bennett moved that a committee of two be appointed to inform the Senate that the House was ready to proceed to the inauguration of the Governor.

Agreed to.

The Speaker appointed Messrs. Bennett and McCorkle said committee.

Mr. Baldwin offered the following:

Resolved, That the Sergeant-at-Arms be directed to keep an account of the postage of each Member of the Assembly, which shall be certified to by the Speaker as being part of the Contingent Expenses of the House, and at the end of each quarter shall be audited and paid out of the funds in the Treasury.

Adopted.

The Sergeant-at-Arms announced the President, *pro tem.*, and Members of the Senate.

The two Houses then went into Convention. President of the Senate in the Chair.

IN CONVENTION.

Hon. E. Heydenfeldt, President *pro tem.* of the Senate, presided as President of the Convention, announced the object of the Convention, and directed the Secretary of the Senate to read the resignation of his Excellency the Governor.

The President then stated that the question recurred on the reception of the Governor's resignation.

Mr. Broderick appealed from the decision of the Chair.

The question then was, Shall the decision of the Chair stand as the judgment of the Convention.

On this question Mr. Crane demanded the ayes and nays.

Those who voted in the affirmative were—

Messrs. Adams	Messrs. Lind
Douglass	McCorkle
Lippincott and	Merritt
Miller	Moore
of the Senate, and	Murphy
Bradford	Randall
Bennett	Richardson
Brown	Robinson
Carr	Saunders
Cook	Thorne
Crane	Wethered
Hall	Yeiser, and
Kellogg	Speaker,
Kendrick	of the Assembly
Lisle	—27

In the negative—

Messrs. Broderick	Messrs. Campbell
Cooke	Field
Crosby	Hoff
Tingley, and	McDougal
Van Buren	Pico, and
of the Senate, and	Wilkins
Baldwin	of the Assembly
Bodley	—13

The decision of the Chair was sustained.

The question then recurred on the acceptance of the Governor's resignation, when the Secretary of the Senate proceeded to call the names of Senators, and the Clerk of the House the names of the Members of the Assembly.

Those who voted in the affirmative were—

Messrs. Adams	Messrs. Hall
Cooke	Hoff
Crosby	Kendrick
Tingley	Lisle
Douglass	Lind
Heydenfeldt	McCorkle
Lippincott	McDougal
Miller, and	Merritt
Van Buren	Murphy
of the Senate, and	Pico
Baldwin	Richardson
Bodley	Robinson
Brown	Saunders
Bradford	Thorne
Campbell	Wethered
Cook	Wilkins, and
Crane	Speaker—34
Field	

In the negative—

Messrs. Broderick	Messrs. Moore
of the Senate, and	Randall, and
Carr	Yeiser
Bennett	of the Assembly
Kellogg	—7

So the resignation was accepted.

Mr. Tingley moved:

That a committee of two, on the part of the Senate and House, be appointed to wait upon the Hon. John McDougal, and inform him that the Convention were ready to receive him, and to proceed to his inauguration.

Agreed to.

Messrs. Tingley and Adams on the part of the Senate, and Messrs. Field and Carr on the part of the Assembly, were appointed said committee.

Mr. Van Buren moved:

That the Hon. Judge Henry Lyons be invited to officiate in administering the oath of office to the Hon. John McDougal, as Governor of the State.

Agreed to.

Mr. Van Buren on the part of the Senate, and Mr. Baldwin, on part of Assembly, were appointed said committee to wait on Judge Lyons, and extend said invitation.

Mr. Lippincott moved:

That the Hon. John C. Frémont, Senator in Congress, be invited to take a seat within the bar of the Convention.

Agreed to.

Mr. Lippincott on the part of the Senate, and Mr. Cook on the part of the House, were appointed a committee to extend said invitation.

Hon. John McDougal was then introduced, the oath of office administered by Associate Judge Lyons, a copy thereof subscribed by the Governor, when he proceeded to address the Convention as follows:

FELLOW-CITIZENS OF THE
SENATE AND HOUSE OF ASSEMBLY:

The resignation of the Governor of our State was this day communicated to your respective bodies. Under the requirements of the Constitution, the duties of that office devolve upon the Lieut. Governor. In assuming, therefore, the high and responsible trusts of the Chief Magistrate of our State, I must take occasion to say that I do so with many distrusts of a proper ability to discharge them with that wisdom so essential in our new and anomalous condition; relying, however, upon your characteristic liberality, and that of our fellow-citizens, to regard with an indulgent consideration whatever I may do in my new capacity, I can only give the assurance that in the discharge of my Administrative duties I shall endeavor to be governed and guided by a determination singly to the prosperity and happiness of our people. You have met, gentlemen, under peculiar and extraordinary circumstances. You have assumed upon yourselves an amount of labor, the importance of which cannot be overrated nor too frequently reverted to; and I trust that in all of your Legislative labors, you may be governed by that calmness and consideration so necessary to sound and practical Legislation, giving you assurance of my energetic operation in all

matters necessary to further the wishes and interests of a confiding constituency.

JOHN MCDOUGAL.

SAN JOSÉ, *January 9th*, 1851.

The President then announced that the business for which they had assembled having been concluded, the Convention stood adjourned *sine die*.

IN ASSEMBLY.

QUARTER BEFORE TWO O'CLOCK.

On motion of Mr. Bradford, the House adjourned to meet at ten o'clock to-morrow.

HOUSE OF ASSEMBLY.

FRIDAY, *January 10th*, 1851.

House met.

The Roll was called, and the following members were absent, to wit: Messrs. Hall and Randall.

The Journal of yesterday was read and approved.

The Speaker announced Mr. Bennett as placed on the Committee on Education in place of Mr. Field, declining.

Mr. Baldwin moved that the reading of communications received yesterday from the Governor and Secretary of State be dispensed with.

Agreed to.

Mr. Cook asked leave of absence for Mr. Randall.

Granted.

The Speaker announced as committee on that part of the Governor's Message referring to Public Lands of this State, Messrs. Robinson, Field, Campbell, Randall, and Brown.

Mr. Wilkins, Chairman of Joint Committee on part of the House, appointed to prepare and report Joint Rules for the government of both Houses, reported that they have had the same under consideration, and beg leave to report the following Rules, and recommend their adoption:

JOINT RULES AND ORDERS,

Of the Senate and Assembly, adopted at their Second Session, held at the City of San José, January 6, 1851.

1. 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 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.

2. When a message shall be sent from the Senate to the Assembly, it shall be announced at the door by the Door-keeper, and shall be respectfully communicated to the Chair by the person by whom it may be sent.

3. The same ceremony shall be observed when a message shall be sent from the Assembly to the Senate.

4. Messages shall be sent by such persons as a sense of propriety in each House may determine to be proper.

5. 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.

6. 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.

7. 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 enrollment 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.

8. 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.

9. 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.

10. All orders, resolutions, and votes which are to be presented to the Governor of the State, for his approbation, shall also in the same manner be previously enrolled, examined, and signed, and shall be presented in the same manner and by the same committee, as provided in the case of bills.

11. 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.

13. 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.

14. Each House shall transmit to the other all papers on which any bill or resolution shall be founded.

15. After each House shall have adhered to their disagreement, a bill or resolution shall be lost.

16. 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.

17. 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.

18. No spiritous liquors shall be offered for sale, or exhibited within the Capitol, or on public grounds adjacent thereto.

The question recurred on the adoption of the Report.

Adopted.

Mr. Richardson offered the following:

Resolved, That a Special Committee be appointed by the Speaker, to draft a memorial to Congress, asking that the expenditures for the suppression of Indian hostilities be refunded to the State.

Adopted.

Mr. Bradford moved to reconsider the vote taken yesterday, by which the Clerk was ordered to have 100 copies of the Rules and Orders printed.

The question was, "Shall the vote be reconsidered?"

Agreed to.

The question then recurred on the adoption of the resolution, when Mr. Bradford moved to lay the same on the table.

Agreed to.

Mr. Robinson, in accordance with previous notice, offered the following:

Resolved, That the ninth Rule for the government of this House be stricken out.

Agreed to.

Mr. Robinson, agreeably to previous notice, introduced "a Bill concerning Forcible Entry and Detainer," which was read first and second times, when,

On motion of Mr. Baldwin, it was referred to the Judiciary Committee, and the usual number of copies ordered to be printed.

Mr. Moore offered the following:

Resolved, That so much of the Governor's Message as relates to Courts, be referred to the Judiciary Committee.

Adopted.

The Speaker announced as Special Committee to draft a memorial to Congress, asking that the expenditures for the suppression of Indian hostilities be refunded to the State, Messrs. Richardson, Hall, Thorne, McCandless, and Crane.

Mr. McCorkle offered the following:

Resolved, That 1000 copies of the Governor's Message be printed for the use of the House.

Mr. Baldwin moved to amend the resolution by inserting, "and accompanying documents," which was accepted.

The question recurred on the adoption of the resolution.

Not agreed to.

Mr. Carr, agreeably to previous notice, introduced "a Bill for the repeal of an Act entitled 'an Act regulating the Quarantine of Vessels in the Port and Harbor of San Francisco,'" which was read the first and second times, and referred to the Commitee on Commerce.

Mr. Carr gave notice that, at an early day, he would introduce "a Bill to abolish the Inspection Laws of Steamships and Steamboats for the State of California."

Mr. Hoff gave notice that he would, at an early day, introduce "a Bill to suppress Gambling;"

Also, "a Bill for the more effectual punishment of Criminals, by labor in the Chain-gang."

Mr. Campbell gave notice that, at an early day, he would introduce "a Bill to amend 'an Act to regulate proceedings in Criminal Cases in the District Courts;'"

Also, "a Bill to amend 'an Act to regulate proceedings in Criminal Cases before Justices of the Peace.'"

Mr. Thorne gave notice that he would, at an early day, introduce "a Bill to provide for the Election of a Board of Supervisors in each county, in the State."

Mr. Brown gave notice that he would, at an early day, introduce "a Bill to abolish the office of District Attorney."

The following Message was received from the Senate, by their Secretary, Mr. Howe:

SENATE CHAMBER, *Jan. 10th*, 1851.

MR. SPEAKER:

I am directed by the Senate to inform the Assembly that they have adopted the code of the Joint Rules and Orders of the Senate and Assembly, this day reported by the Joint Committee on that subject.

Also, that they have adopted a Joint Resolution, herewith transmitted, granting leave of absence to Hon. Robert Hopkins, District Judge of the 7th Judicial District.

Senate Joint Resolution accompanying the Message, granting leave of absence to Hon. Judge Hopkins, District Judge of the 7th Judicial

District, was taken up, read first, second, and third times, the Rules being suspended for that purpose, and passed.

Mr. Moore introduced the Hon. Mr. Carnes, the member elect from Santa Barbara, who came forward and took the oath of office.

Mr. Thorne gave notice that at an early day he would introduce a bill to repeal the Act creating the office of State Printer.

Mr. Hoff gave notice that, at an early day, he would introduce a bill to cede to the City of San Francisco all the title of the State to the lots in the said city which are covered by ordinary high tide.

FIFTEEN MINUTES BEFORE 12 O'CLOCK.

Mr. Richardson moved to adjourn till 3 o'clock this afternoon.

Agreed to.

THREE O'CLOCK, P.M.

House met. Quorum present.

Mr. Bradford offered the following :

Resolved, That the House of Assembly convene each day (Sunday excepted), at the hour of 11 o'clock, A.M., and remain in Session till 3 o'clock, P.M., unless otherwise specially adjourned.

Mr. Crane moved to amend said Resolution by striking out "11," and inserting "10."

The question recurred on the adoption of the amendment, which was lost.

The question then recurred on the adoption of the original resolution.

Agreed to.

Mr. McCorkle offered the following:

Resolved, That so much of the Governor's Message as relates to the Quarantine Laws, Board of Health, and Marine Hospital, be referred to the Standing Committee on Commerce; that so much thereof as relates to Indian Disturbances be referred to the Committee on Military Affairs; that so much thereof as relates to Claims against the State be referred to the Committee on Claims; that so much thereof as relates to Free Negroes, Reducing the Salaries and Fees of Office, Notaries Public, Commissioners of Deeds, &c., be referred to the Committee on the Judiciary; that so much thereof as relates to Printing in English, and to Trans-

lating and Printing in the Spanish language, be referred to Committee on Public Printing; that so much of it as relates to the finances of the State and taxation, be referred to the Committee on Ways and Means.

Adopted.

Mr. Wilkins offered the following:

Resolved (The Senate concurring), That the Hon. Charles M. Creanor, Judge of the 5th Judicial District, have leave of absence from this State, from and after the 1st of May next, for four months.

When, on motion of Mr. Wilkins, the Rules were suspended, and the Resolution read first, second, and third times, and passed.

Mr. Wilkins, Chairman of Special Committee, to whom were referred the preamble and resolutions asking of Congress the payment of all expenditures which have been incurred by the State of California, up to the time of her admission into the Union, made the following Report:

The Committee to whom were referred the resolutions upon the subject of procuring from the General Government the payment of all expenses incurred by the State of California, from the time of the organization thereof to the date of her admission as one of the Sovereign States of the Union, have had the same under consideration, in conformity with special instructions therein contained, and beg leave to submit the following

REPORT.

The causes which led to the organization of the State Government of California are well known here, and at the time were obvious to the Government of the United States. They are matters of history—and it would be a useless labor to recapitulate in detail the many considerations growing out of these which made it necessary and proper to adopt some regular form of Civil Government in the absence of all national legislation, which had been postponed by the opinions of those who held the power, and not by the wishes of the people of California. It is not inappropriate, however, to the occasion to say, that, independent of the earnest solicitation which was felt by a very large and intelligent population who had emigrated from the United States, that this rich and newly-acquired Territory should be received into the Union as a Sovereign State—the actual condition of society rendered it imperative upon them to place their lives, liberty, and property upon a more firm

basis, having not only the form of law, but its present and future security and certain ultimate justice. The military occupation of the country, however well intended and faithfully executed, was to the ends proposed, without some intermediate power, not well suited to the habits, customs, and opinions of a people, nine tenths of whom had always enjoyed the blessings of the wisest civil institutions. They came to the country, entertaining, as a mass, the true law-abiding spirit which has peculiarly distinguished the American character under every variety of circumstances. The result was the formation of numerous local authorities at the several points where sufficient settlements had been made to justify it; but in the absence of a general administrative power, those temporary regulations were unequal to the state of things, and were not always directed by the best spirit and the wisest judgment. They afforded, therefore, in some cases and particulars only a temporary relief, and too often tended to the injury of the weaker and the benefit of the stronger party. In this condition of things, these local authorities soon lost the confidence of the people, and the natural consequences were a frequent resort to the right of individual retaliation. To sum up the general condition of the country in a single sentence, it was impracticable for a civilized and Christian people to endure longer the state of things, without lowering their character and suffering evils which threatened to become permanent and irremediable. The organization, therefore, of a State Government was of prime necessity.

It is, therefore, reasonable to expect that the expenditures which have been incurred by the State of California will be reimbursed by the General Government, if a proper application be made. It would be no difficult task to enter into more minute details, and to show by the facts of our history and those connected with the United States in relation to its Territories, however distant, that the obligation on their part to release us from our present embarrassments, by the payment of all our public expenditures up to the date of our admission into the Union as a Sovereign State, is unquestionable, and that we have a full confidence that this reimbursement will be allowed by the General Government. The committee therefore recommend the adoption of the following Resolutions:—

Resolved (the Senate concurring), That our Senators be instructed and our Representatives be requested to use their best efforts to obtain an appropriation by Congress for the payment of the whole of the Public

Expenditures of the State of California, up to the date of its admission into the Union.

Resolved (the Senate concurring), That the Governor be requested to direct the Comptroller to make out a statement of the Expenditures, and forward separate copies of them to each of our Senators and Representatives, and at the same time to transmit to them copies of this Report and Resolutions, and request them to present the same to Congress.

Which was read first time, and on motion of Mr. Baldwin, laid on the table.

Mr. Hall gave notice that he would, at an early day, introduce "a Bill to provide for the holding of a Special Term of the District Court for the County of El Dorado;"

Also "a Bill amendatory of the Act in relation to the time of holding the several District Courts, and the Superior Court of this State."

Mr. Hall moved that Mr. Lisle be added to the Committee on Claims, temporarily.

Agreed to.

Mr. Crane moved that the Resolution authorizing the Clerk to have 100 copies of the Rules and Orders of this House printed, be taken from the table.

Agreed to.

The question recurred upon the adoption of the Resolution, when Mr. Crane moved to amend the same, by inserting that the Joint Rules for the transaction of business between the two Houses be printed at the same time.

The question recurred on the adoption of the amendment.

Agreed to.

The question then was on the adoption of the resolution as amended.

Adopted.

Mr. Robinson moved that the Report and Resolutions asking of Congress to make an appropriation for the payment of expenditures of this State, up to the time of her admission into the Union, be taken from the table.

Agreed to.

Mr. Moore moved that the Report and Resolutions be recommitted, with general instructions.

Agreed to.

Mr. Merritt offered the following:

Resolved, That the Committee on Elections be required to report on Monday next, and that it be made the order of the day for Monday, to decide the right of contested seats.

Adopted.

Mr. McCandless gave notice that he would, at an early day, introduce "a Bill to regulate Ferries."

Mr. Robinson offered the following:

Resolved, That a committee be appointed to wait upon the Governor, and request of him a copy of the Comptroller's and Treasurer's Report for the use of this House.

Adopted.

The Speaker appointed Messrs. McCorkle and McCandless said committee.

Mr. Crane moved a reconsideration of the vote by which a committee was appointed to wait on the Governor and request a copy of the Comptroller's and Treasurer's Reports.

Agreed to.

The question then recurred upon the adoption of the resolution, when Mr. Hall offered the following as a substitute.

Resolved, That the Governor be requested to furnish this House with copies of the Comptroller's and Treasurer's Reports.

The question then recurred on the adoption of the substitute.

Adopted.

TEN MINUTES AFTER 4 O'CLOCK.

On motion of Mr. Crane, the House then adjourned to meet at 11 o'clock to-morrow.

HOUSE OF ASSEMBLY.

SATURDAY, *January 11th*, 1851.

House met.

The roll was called, and the following members were absent, to wit:—Messrs. Carr, Crane, Field, Saunders, and Wilkins; on leave Mr. Randall.

The Journal of Friday was read and approved.

Mr. Carr the chairman of Committee on Commerce, to whom was referred the "Bill for the Repeal of the Act, entitled 'an Act regulating the Quarantine of Vessels in the Port and Harbor of San Francisco,'" begged leave to report:—

That they have had the same under consideration, and believe the Act referred to is injurious and ought to be repealed.

Your committee therefore report back the Bill without amendment, and recommend its passage.

The Bill accompanying the report was read a third time.

The question then was, "Shall the Bill pass?" when Mr. Robinson moved to lay the Bill on the table until Monday next.

Agreed to.

Mr. Richardson, chairman of Select Committee to whom was referred the resolution to draft a memorial to Congress, asking that the expenditures for the suppression of Indian Hostilities be refunded to the State, asked leave respectfully to report the annexed Preamble and Joint Resolutions, and recommend their adoption.

WHEREAS, the unfortunate, anomalous position in which the State of California was placed previous to her admission into the Union, by reason of the fact of her not being a member of that Union, not having the fostering care and protection of a parental Government, but rather impelled by a force of circumstances, over which she could wield no control, to rely upon her own resources for support and defence, it has become necessary for us in so doing to assume responsibilities and incur some indebtedness as an assumption on our part of that which properly belongs to, and should be paid by, the General Government, to supply ourselves with that defence and protection which the policy of said Government guarantees to us as American citizens and members of the same family. AND WHEREAS, the Indians within the confines of this State, and within its borders, have made frequent incursions upon the settlements of its citizens, committing many depredations upon them, destroying their lives and property, and especially frequenting the emigrant trails leading to this country, waylaying the wearied emigrants, murdering indiscriminately men, women, and children, and stealing from those who were so fortunate as to save their lives their provisions and cattle, thus rendering their condition deplorable indeed, without the

means of either remaining or of progressing except by assistance from us; AND WHEREAS under this state of circumstances it became necessary for the Executive of this State to order out a force sufficient to quell these disturbances and render the protection required:

Whereupon be it Resolved, the Senate concurring, that our Senators be instructed, and our Representatives in Congress be requested, to exert their best efforts, both by their votes and influence with the General Government, to procure the payment to the State of California of the amount of money which may have been expended by the said State, or for which said State may have become responsible, in supplying the means of our defence against Indian depredations, *not* as an appropriation to the State of California, nor as the payment of a debt due by the State of California, but as a debt legitimately due by the General Government.

Mr. McCorkle moved that the Rules be suspended, and the Joint Resolutions be read a second time now.

Not agreed to.

Mr. Bradford offered the following:

Resolved, that the Senate be invited to attend at this Hall at 12 o'clock A. M., on Saturday, the 18th inst., to proceed to the election of one United States Senator to succeed Hon. John C. Frémont, whose term of office expires on the third of March next.

Mr. Crane moved to lay the same on the table. Agreed to.

Mr. Merritt asked leave of absence for Mr Bennett. Granted.

Mr. McCandless offered the following:

Resolved, That his Excellency the Governor be requested to inform this House, whether the office of Quartermaster General of this State is not vacant, and to transmit therewith the necessary information to enable the Legislature to take proper cognisance of the subject.

Adopted.

The Speaker laid before the Assembly the following communication.

EXECUTIVE CHAMBER,

SAN JOSÉ, *Jan.* 10th, 1851.

To HON. JOHN BIGLER, Speaker of the Assembly.

SIR: I have this day appointed A. D. Ohr, my Private Secretary.

JOHN MCDOUGAL.

The Speaker laid before the Assembly the following communication.

OFFICE OF SECRETARY OF STATE,
SAN JOSÉ, *Jan.* 11th, 1851.

TO THE HON. THE SPEAKER OF THE ASSEMBLY:

SIR: I have the honor to transmit herewith a statement of the official Election Returns of Tuolumne County, for the location of the Seat of Government.

Very respectfully,
Your ob't serv't.,
W. VAN VOORHIES, Secretary of State.

Statement showing the votes given in Tuolumne County on the 7th day of Oct. ult., for the permanent location of the Seat of Government of the State.

For Vallejo,	. . . . .	1,210 votes.
" San Francisco,	. . . .	2 "
" San José,	. . . . .	77 "
" Monterey,	. . . . .	1 "
" Sacramento,	. . . .	2 "

OFFICE OF SECRETARY OF STATE,
SAN JOSÉ, *Jan.* 11th, 1851.

I hereby certify the foregoing to be a true statement of Election Returns for Tuolumne County on file in this office.

W. VAN VOORHIES, Secretary of State.

Mr. Baldwin, Chairman of Select Committee, to whom was referred a communication of the Secretary of State, relating to the Journals, Laws, &c., to be distributed to members of the Assembly, made the following:

REPORT.

MR. SPEAKER:

The Select Committee to whom was referred a communication from the Secretary of State, in reply to a resolution of the Assembly requiring him to furnish each member of the House with a copy of the Journals of last session, also a copy of the bound Statutes and a copy of the Debates of the Convention at Monterey, also a copy of the Rules of

last Session, have instructed me to report, that the Secretary of State, in non-complying with the requirements of the resolution, acted in the discharge of his duty as defined by law, and further, that the last Legislature did not make any provision for giving the present incumbents of this Session the articles above specified; and it is the opinion of your committee that it would not only be totally unnecessary, but attended with heavy expenses to the State, to order a reprint of them, and therefore advise a simple compliance with the laws defining the duties of Librarian, by means of which all books within it, and all that are necessary to the operations of this body, can be found.

The question recurred on the adoption of the report.

Adopted.

Mr. Hall announced the presence of Hon. Abel Stearns, member elect from Los Angeles, who came forward, presented his certificate, and took the oath of office.

Mr. Hoff offered the following:

Resolved, That the Senate be invited to meet the Assembly in Convention, on the second Monday of February next, at noon, to proceed to the election of an United States Senator, as successor to Hon. John C. Frémont.

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

Agreed to.

Mr. Baldwin moved to adjourn until Monday at 11 o'clock.

On this motion Mr. Cook demanded the ayes and nays.

Those who voted in the affirmative were—

Messrs. Baldwin	Messrs. McDougal
Bradford	Moore
Carr	Murphy
Carnes	Saunders
Field	Stearns
Hall	Thorne
Hoff	Wilkins
Kendrick	Yeiser
Lind	Speaker
McCandless	—19.

In the negative were—

Messrs. Bodley	Messrs. McCorkle
Brown	Merritt
Campbell	Pico
Cook	Richardson
Crane	Robinson
Kellogg	Wethered
Lisle	—13.

So the House stood adjourned.

HOUSE OF ASSEMBLY.

MONDAY, *January 13th*, 1851.

The House met.

The roll was called, and the following members were absent, to wit: Messrs. Bodley, Field, Merritt ; and on leave, Messrs. Bennett and Randall.

The Journal of Saturday was read and approved.

Mr. Baldwin, Chairman of Committee on Elections, asked for further time to make a report on the contested seat of Mr. Saunders.

Granted.

Mr. Hall offered the following:

Resolved, That in the contested elections being tried before this House, the contestant in each case shall be allowed by himself, or counsel, to appear, and prosecute his cause within the Bar.

Adopted.

Mr. Lisle offered the following:

Resolved, That the Treasurer of this State be requested to transmit to this House a statement of the number of Licenses delivered to the Collector of Foreign Taxes in each county, the amount of money paid into the Treasury by each of such Collectors, and also the number of Licenses returned by said Collectors to the Treasurer.

Adopted.

A Message was received from the Senate by their Secretary, Mr.

Howe, informing the Assembly that they have elected Hon. D. C. Broderick President of the Senate, in place of Hon. John McDougal Lieutenant Governor, inaugurated as Governor of California;

Also, that they have adopted the Assembly Joint Resolution, granting leave of absence to Hon. Charles M. Creanor, Judge of the Fifth Judicial District;

Also, that they have passed a Bill, herewith transmitted, entitled "an Act to repeal 'an Act providing for the inspection of Steamboats,'" in which the concurrence of the Assembly is respectfully requested.

Senate Bill number four, accompanying the Message, entitled "an Act to repeal 'an Act to provide for the inspection of Steamboats,'" was taken up and read the first time.

Mr. Wilkins, Chairman of Select Committee, to whom was recommitted the Preamble and Joint Resolutions asking of Congress to make an appropriation for the payment of expenditures of this State up to the time of her admission into the Union, reported that they have revised the whole subject, and respectfully report the same back to the House without amendment.

Mr. Baldwin moved to amend the resolutions accompanying the Report by striking out all after the word "Resolved," and inserting the following:

"The Senate concurring, 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 to secure 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, or the same before or since the extension of the Revenue Laws of the United States over the same by Act of Congress. And also until such time as our Senators and Representatives were admitted as Representatives of 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 for their own individual use or benefit.

"*Further Resolved*, the Senate concurring, That the Governor be requested to forward to each of our Senators and Representatives in Congress a certified copy of the foregoing Resolutions."

Mr. Moore offered the following as a substitute for the Preamble, Joint Resolutions, and Amendment:

Resolved (if the Senate concur), That our Senators in Congress be instructed, and our Representatives requested, to use their best efforts to further the passage of a Bill, refunding to the State of California all moneys collected from Imposts by the officers of the General Government from the people of this State, previous to the States having a Representation upon the floor of Congress.

The question recurred on the adoption of the substitute, when

Mr. Moore demanded the ayes and nays.

Those who voted in the affirmative were—Messrs. Bodley, Bradford, Brown, Campbell, Carnes, Hall, Lind, McCandless, McCorkle, Moore, Pico, Robinson, Thorne, Wethered, and Yeiser—15.

In the negative were—Messrs. Baldwin, Carr, Cook, Crane, Field, Hoff, Kellogg, Kendrick, Lisle, McDougal, Merritt, Murphy, Richardson, Saunders, Stearns, Wilkins, and Speaker—17.

So said substitute was lost.

Mr. Baldwin then stated that his resolutions were intended as a substitute to the Preamble and Joint Resolutions.

The question then recurred on the adoption of Mr. Baldwin's substitute.

Mr. Wilkins demanded the ayes and nays.

Those who voted in the affirmative were—Messrs. Baldwin, Bradford, Brown, Hall, Lind, McCandless, McCorkle, Moore, Murphy, Robinson, Saunders, Thorne, Wethered, Yeiser, and Speaker—16.

In the negative were—Messrs. Campbell, Carr, Carnes, Cook, Crane, Field, Hoff, Kellogg, Kendrick, Lisle, McDougal, Pico, Merritt, Richardson, Stearns, and Wilkins—16.

So said substitute was lost.

The question then recurred on the adoption of the Preamble and Joint Resolutions.

Not agreed to.

Mr. Moore moved to refer the subject matter contained in the Preamble and Resolutions to the Committee on Public Expenditures.

Agreed to.

Assembly Bill, No. 2, for the repeal of "An Act, entitled 'An Act regulating the Quarantine of Vessels in the Port and Harbor of San Francisco,'" was then taken up and read a third time, when

Mr. Thorne moved to refer the Bill to a Select Committee, with instructions to amend by inserting after the word "San Francisco," the words approved, "April 9th, 1850."

Agreed to.

On motion of Mr. Bradford, the same committee were instructed to amend the enacting clause, so as to comply with the requisition of the Constitution.

The Speaker appointed as said committee, Messrs. Thorne and Hoff.

The following communication, received this morning from the Senate, was taken up and read:

SENATE CHAMBER,
January 13th, 1851.

MR. SPEAKER:

I am directed by the Senate to inform the Assembly, that they have passed Bills entitled an "Act to repeal an Act regulating the Quarantine of Vessels for the Port and Harbor of San Francisco," and an "Act to repeal 'an Act creating Officers of Health for the Port of San Francisco,'" which are herewith transmitted, and in which the concurrence of the Assembly is respectfully requested.

J. F. HOWE,
Secretary of Senate.

Senate Bill No. 11, accompanying the Message, entitled an "Act to repeal 'an Act creating Officers of Health for the Port of San Francisco,'" was read the first time, and, on motion of Mr. Crane, the Rules were suspended, and the bill read a second time.

Mr. Campbell moved that the Bill be referred to the Committee on Commerce.

Agreed to.

Senate Bill No. 13, accompanying the Message, entitled an "Act to repeal 'an Act regulating the Quarantine of Vessels at the Port and Harbor of San Francisco,'" was taken up and read the first time.

Mr. Thorne, Chairman of Select Committee, to whom was referred the Bill entitled "an Act to repeal 'an Act regulating the Quarantine of Vessels for the Port and Harbor of San Francisco,'" with certain instructions, reported the same back to the House, amended as directed, and recommended its passage.

The question recurred on concurring in the amendments made by the committee.

Agreed to.

The question then was, "Shall the bill pass?" Decided in the affirmative.

Preamble and Joint Resolutions asking of Congress to refund the expenditures made by the State in suppressing Indian Hostilities, was then taken up.

On motion of Mr. Crane, the House resolved itself into Committee of the Whole, Mr. Hoff in the Chair, on said Preamble and Joint Resolutions. After some time spent therein, the Committee rose, reported the same back to the House without amendment, and recommended its passage.

The question recurred on concurring in the Report of the committee.

Concurred in.

The question then recurred on the passage of the Resolutions.

Agreed to.

The question then recurred on the adoption of the Preamble.

Adopted.

Mr. Campbell gave notice that he would, on to-morrow morning, introduce a Bill concerning Attorneys at Law.

Mr. Thorne offered the following:

Resolved, That the State Printer be, and is hereby required, to make out a Report in conformity with the requirements of Section 6th of the Act defining the duties of the State Printer, and fixing his compensation, and on to-morrow to submit the same to this House. And further be it

Resolved, That the Secretary of State and Comptroller be requested to inform the House whether upon examination and inquiry they have found the work which has been put into the hands of the State Printer, has been properly dispatched.

Adopted.

One o'clock, P.M.

On motion of Mr. McCandless, the House adjourned until to-morrow 11 o'clock.

HOUSE OF ASSEMBLY.

TUESDAY, *Jan. 14th*, 1851.

House met.

The roll was called, and the following members were absent, to wit: Messrs. Baldwin, McDougal, and Murphy; on leave, Mr. Randall.

The Journal of yesterday was read and approved.

Mr. Lisle presented the following Memorial and accompanying documents, from the Court of Sessions of Sacramento County:

To the Honorable the Senate and Assembly of the State of California, in Legislative Assembly convened:

The Court of Sessions of the County of Sacramento propose, respectfully, to present to your honorable bodies some facts displaying the fiscal condition of said county, arising from its organization, its peculiar relation to the counties above and around it, and the totally inadequate sources of revenue provided to meet the necessary expenditures thus caused.

The geographical position of the county and county seat, as the natural outlet and inlet for the extensive northern mining regions, and including also some portion of what is termed the "Southern Mines;" and Sacramento City being the only place of immediate access, where hospitals are established for persons unable to defray their expenses while sick, necessarily becomes the receptacle of the pauper sick from all the counties embraced in the regions referred to. The immense burden thus forced upon the citizens of the city and county, may be estimated by reference to the statement of the City Physician hereto appended, marked "A."

The anomalous condition of things, necessarily incidental to the magical manner in which communities have been formed in a country but a few months since a desert, renders a too close scrutiny into the *rights* of applicants for this species of charity impossible, even if the ordinary exercise of the principles of Christian benevolence would have allowed it. At the same time, the people, while submitting to this enormous expense, have relied with confidence on the justice of the Legislature to refund at least a portion of the amount which has been expended, and such a provision for the future as they in their wisdom should deem meet.

The same causes above enumerated also combine to render this county the resort of great numbers who make themselves amenable to the laws;

and the imperfect means of punishment at the command of the authorities, together with the want of a State Prison, tend necessarily to swell the county expenditure. From the statement marked "B," it will be seen the cost of maintaining prisoners, Jailors' charges, &c., amount to $15,649 $\frac{10}{100}$ for seven months—almost equal to the sum permitted by law to be raised for all county purposes. The amounts expended *for* the same period, for Court expenses, examination and arrest of criminals, and rent of Court Houses, together with the Sheriff's fees, Clerk's fees, and Coroner's expenses, amounts to the sum of $27,767 $\frac{11}{100}$. The General County expenses, including Auditor, Treasurer, Elections, Assessment, &c., amount to the sum of $18,265 $\frac{30}{100}$. While the present state of things continues, no very material reduction of expense can be hoped for.

The tax upon Auction Sales, which is now diverted to the State Treasury, is but imperfectly collected. Were it, or a part of it, placed at the command of the county authorities for a few years, its collection would be insured, and it would afford at least partial relief. The tax upon Real Estate and personal, for county purposes, should amount to at least $75,000 in this county, while under the present law but about one fourth of the amount is collected.

This Court would respectfully call the attention of the Legislative Assembly to the memorial of Captain John Radford, marked "C." Capt. Radford was severely wounded while in the discharge of his duties as a Deputy Sheriff under the order of his superior, at the same time that Sheriff McKinney lost his life.

The bill of Dr. Bryarly for attendance, $300, is reasonable and just. The bill of Henry E. Robinson, for $146 $\frac{50}{100}$, marked "D," is for necessary articles furnished the Sheriff during these riots.

It is the opinion of this Court, that if the county were able to meet these claims, their character is such as precludes the action of the county authorities, and renders the Supreme powers of the State the proper source of relief for the claimants.

There is also a just claim held by Messrs. R. M. Stansbury & Co., or rather the city authorities of Sacramento City, for the care of county sick, and the burial of county dead, amounting to about $8,000, which your Memorialists are without the means to satisfy; and which they even doubt their power to recognise as claims against the county, under the authority conferred upon them.

This Court would also recommend a change in the criminal proceedings, so that petty offences and misdemeanors may be finally disposed of before the Magistrates, subject to such guards and restrictions as may be necessary to secure the rights of the citizen.

The present system is cumbersome and expensive in the extreme. A provision is also recommended, by which costs may be collected from parties bringing criminal charges on frivolous grounds. It is believed that the rights and privileges of the citizen may be as fully secured as they now are; while celerity will be given to justice, and enormous expenditure saved to the country.

The expense of maintaining persons is constantly increasing with the depreciation of scrip; admonishing us to urge upon the Legislative Assemblies early action, as the only means of averting a condition of hopeless bankruptcy.

Submitting to your honorable bodies views which we deem correct, and required by the circumstances which surround us, we, as in duty bound, will ever pray.

EDWARD J. WILLIS, County Judge.
THOMAS C. SACKETT, Associate Judge.

To the Hon. the Senate and House of Representatives of the State of California.

The petition of John D. Radford, a resident of the City and County of Sacramento, in the State of California, respectfully represents to your honorable bodies, that during the recent unfortunate difficulties in the said county, where the Laws of the State and its constituted Authorities were set at defiance, and opposed by an armed force; to wit, in the month of August, A.D. 1850, your petitioner then acting as Deputy-Sheriff of said county, and whilst in the discharge of the duties enjoined upon him by virtue of the Laws of the State, in attempting to execute a process of one of the constituted Courts of the State of California, was severely wounded by the discharge of a gun in the hands of one of the individuals charged with the commission of an offence against the State, and whom your petitioner was endeavoring at the time to arrest. That your petitioner, by this wound so received, which shattered the right arm of your petitioner, has suffered severely since, so much so, as to render the same of little or no service whatever

to your petitioner during the whole of the period since the accident occurred, and even now threatens your petitioner with disability for life. That your petitioner, for a long period of time after receiving said wound, was confined to his bed and room, and was necessarily put to great and heavy expense, as the employment of a physician, nurse, &c., during the period of his incapacity. That your petitioner, relying upon the justice of his claim, and the liberality of your honorable body, as the Representatives of the People of California, in the defence of whose legal rights your petitioner has so severely suffered, and in consideration of the fact that your petitioner has been greatly injured in his business, from which alone he derives his support, and being entirely dependent upon his individual exertions for an honest and honorable maintenance and support: he therefore prays your body, in tender consideration of his injuries, to grant him such relief as the nature of his case may demand, and may seem meet and just to the Legislature, as the Representatives of an enlightened and liberal people.

JOHN D. RADFORD.

Mr. Lisle moved to refer said memorial and documents to the Committee on Ways and Means.

Agreed to.

Mr. Robinson moved that the usual number of copies of memorial and documents be printed.

Not agreed to.

Mr. Baldwin, chairman on Committee of Elections, asked and obtained further time to complete his Report on the contested seat of Mr. Saunders.

Mr. Moore, chairman of the Committee on the Judiciary, introduced a "Bill concerning Attorneys and Counsellors at Law," which was read the first time, the usual number of copies ordered printed, and on motion of Mr. Bodley made the order of the day for Thursday next.

Mr. Carr, chairman of Committee on Commerce, to whom was referred Senate Bill No. 11, entitled "an Act to repeal 'an Act creating Officers of Health for the Port of San Francisco,'" reported the same back to the House without amendment, and recommended its passage.

The Bill was then read a third time, and, on motion of Mr. Bradford, laid on the table.

Mr. Kellogg, chairman of Committee on Public Expenditures, to whom was referred the subject of the Civil Fund, derived from collec

tions made by the Military and Revenue Officers of the United States in this country, prior to the admission of California into the Union as a sovereign State, and who were instructed to inquire into the nature and amount of the claim which the State of California may have to such fund or collection, would respectfully report as follows :—

As it regards the money collected in California, prior to the extension of the United States Revenue Laws over her territory, and the subsequent installation of Collectors at the different ports, your committee would state, that while they recognize the right *possessed* and *exercised* by the Government of levying contributions upon the hostile inhabitants of the country, *previous to the treaty of peace*, and while (overlooking abstract principles of right involved) they are willing to concede the apparent necessity which existed at the time for *continuing* those contributions or taxes to an extent commensurate with the actual expenses of the civil Government, they are constrained to question the *legal* or equitable right which the General Government then had to collect *more*.

Your committee are therefore of the opinion that such surplus revenue as may have been collected prior to the installation of revenue officers by act of Congress, rightfully belongs to the State Government, and should be refunded. With respect to moneys subsequently collected by revenue officers acting under the orders of the General Government, prior to our admission as a sovereign State, your committee would remark that, in their opinion, the principle of *taxation without representation* is in direct violation of the spirit of our free institutions, and of an acknowledged principle of our Government.

They would therefore beg leave to submit the following resolutions, viz :—

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 utmost exertions, and aid by their votes and influence the passage of such laws as will secure to the State of California the *net proceeds* of all imposts or duties which have been collected by the military or revenue officers of the General Government, in the various ports of the State, from the time of the treaty of peace with Mexico, to that of our admission as a sovereign State of the Union.

Be it further Resolved, That the Governor is requested to forward to each of our Senators and Representatives in Congress a certified copy of the foregoing Preamble and Resolutions.

All of which is respectfully submitted.

E. B. KELLOGG,
Chairman of Committee.

MR. FIELD'S SUBSTITUTE FOR FIRST RESOLUTION CONTAINED IN MR. KELLOGG'S REPORT.

Resolved (*if the Senate concur*), That our Senators in Congress be instructed, and our Representatives be requested, to further the passage of a law, at the earliest possible period, refunding to this State the moneys collected from duties on foreign goods, and paid by the people of this State to officers of the General Government, from the time of the occupation of this country by the forces of the United States up to the admission of the State into the Union.

Mr. Lisle moved that the Rules be suspended, and Joint Resolutions, accompanying the Report of Committee on Public Expenditures, be read a second time.

Agreed to.

Mr. Field offered the following as substitute for the first Resolution:

Resolved (If the Senate concur), That our Senators in Congress be instructed, and our Representatives requested, to further the passage of a law at the earliest possible period, refunding to this State the moneys collected from duties on foreign goods, and paid by the people of this State to officers of the General Government, from the time of the occupation of this country by the forces of the United States up to the admission of the State into the Union.

Mr. Field moved that the Preamble and Joint Resolutions, introduced by Mr. Wilkins, Chairman of Special Committee; Report of Committee on Public Expenditures relative to the Civil Fund; and also the substitute for the first Resolution embraced in Report of Committee on Expenditures, be printed, and made the order of the day for Friday next.

Agreed to.

The following Message and accompanying documents were received from the Governor, by his Private Secretary, Mr. Ohr:—

EXECUTIVE DEPARTMENT,
SAN JOSÉ, *January* 14*th*, 1851.

To Hon. JOHN BIGLER,
Speaker of Assembly.

SIR: Please to lay before the body over whom you preside, the accompanying reply to their resolution, making certain inquiries in relation to the office of Quartermaster-General.

I have the honor to be,
Very respectfully,
Your obedient Servant,
JOHN MCDOUGAL.

EXECUTIVE DEPARTMENT,
SAN JOSÉ, *January* 14*th*, 1851.

TO THE HOUSE OF ASSEMBLY.

In reply to the resolution adopted by your body, requesting the Executive to state whether the office of Quartermaster-General is vacant or not, and to transmit the necessary information to enable the Legislature to take proper cognizance of the subject, I have to state that shortly after the enactment of the law creating that office, Joseph C. Morehead was elected thereto by the Legislature, who was accordingly commissioned.

The term of his office expires on the 1st day of January, 1854, by the 9th Section of the Law above refered to.

There is no evidence on file in this office of his resignation or death—the only two causes by which the office could become vacant; and, therefore, so far as the Executive possesses any information, the office is not vacant.

I would in this connexion respectfully allude to an omission in the law of last winter, to provide for the proper punishment of Military officers for malfeasence in office, or for any unsoldierlike conduct. The only mode of redress now left for the punishment of those who may violate the laws governing their office, is to repeal the section creating the office.

JOHN MCDOUGAL.

Mr. Campbell, pursuant to previous notice, introduced "a Bill to amend an Act entitled 'an Act adopting the Common Law,'" which was

read the first and second times, the Rules being suspended for that purpose, and referred to the Judiciary Committee.

The following communication and accompanying Report was received from the State Printer.

OFFICE OF STATE PRINTER,
SAN JOSÉ, *January 14th*, 1851.

To the Hon. the HOUSE OF ASSEMBLY.

In reply to the resolution of your body, passed yesterday, I beg leave to state, that the Report required by law of the State Printer was delayed in its preparation in consequence of being obliged to obtain transcripts of the amounts from the Comptroller's office, rendered necessary by the destruction of books and papers containing the same, in the fire of September in San Francisco.

The Report was placed in the hands of the Speaker of the Assembly yesterday, in accordance with the 6th section of the Act referred to, soon after 12 o'clock, A. M.

Very Respectfully,
J. WINCHESTER,
State Printer.

REPORT OF THE STATE PRINTER.

TO THE SPEAKER OF THE HOUSE OF ASSEMBLY:

The sixth section of the "Act defining the duties of State Printer and fixing his compensation," approved March 9th, 1850, makes it the duty of that officer to present, within the first week of each annual session, a Report addressed to the Speaker of the Assembly and to the President of the Senate, "in which he shall exhibit the amount of work done by him under this law during the previous year, the nature of said work, the prices, and the aggregate receipts on the same."

In accordance with this requirement of the Statute, I have the honor to submit to you, herewith, the following

REPORT.

The present incumbent of the office of State Printer received his appointment from the Executive of the State, a vacancy having occurred by the resignation of the Printer elected by joint vote of the Senate and Assembly; and his commission bears date the 4th of May, 1850, soon after which period his bond was given, and the duties of the office were entered upon.

The "Act to provide for the early publication of the Laws of California," required the issue of 800 copies in English and 300 copies in Spanish, in pamphlet form, for immediate distribution; and to execute the work thus ordered, was the first labor that devolved upon the Printer.

The printing of the pamphlet edition, not previously executed by the former incumbent, was commenced about the 10th of May, 1850, and completed some time in August, during which period seventy-eight separate Acts were issued, embracing 930 pages. Under the direction of the Secretary of State, the pamphlet edition was distributed by the Printer to the members of the Legislature, and to the various officers entitled by law to receive them, as rapidly as the same could be got through the press. The report made by him to the Secretary of State in December last, will show the manner in which that duty, gratuitously undertaken, was performed, and to that report he begs leave respectfully to refer.

In regard to the printing of the Laws in the Spanish tongue, the progress has been exceedingly slow, in consequence of the impossibility of obtaining the translations more rapidly from the proper officer. In addition to those Laws which had been printed in Spanish by the former incumbent, there have been published up to the end of the year 1850, twenty-six acts, amounting to 448 pages, all of which, except the last (the Criminal Practice Act, which was completed on the last day of December), were distributed to the counties, as promptly and effectively as the means of communication would allow. In the performance of the extra duty of distributing the Laws, the State Printer was fully aware that he placed himself in a position to have thrown upon him a large share of the blame arising from any failures there might occur in the copies not reaching the hands of the officers entitled

to their possession, consequent upon the want of facilities for their transmission to distant points, and such has been the fact. Impressed, however, with an earnest desire to render the State whatever service was in his power, and being fully satisfied that, though somewhat tardy or irregular, the distribution might be far better made from San Francisco than from the Secretary's office in San José, he did not hesitate to render, without fee or reward, all the aid in his power effectively to carry out the provisions of the Act.

The time consumed in the printing of the pamphlet edition of the general Laws, and the consequent delay in the distribution of them—some of which were of the greatest importance to the proper transaction of business by the Judiciary, as well as other officers of the State—was unavoidable from the impossibility of procuring paper of a proper size; but to counteract this difficulty as far as was practicable, compositors were employed night and day, and presses were kept in motion constantly, for over two and a half months.

The amount of work performed under the Law, the nature of it, the prices, and the aggregate receipts on the same, are as follows:

PAMPHLET EDITION IN ENGLISH.

Composition of 1,247,132 ems, at $7 30 per 1000,	$9,104 05
Presswork of 916 tokens, at $8 30 per token,	6,686 80
Folding and stitching 687,600 pages, at 2c. per page,	13,752 00
Do. do. 54,400 " 1c. "	544 00
Total in English,	$30,086 85

SPANISH EDITION.

Composition of 602,112 ems, at $14 60 per 1,000,	$8,790 83
Presswork of 224 tokens, at $7 30 per token,	1,635 20
Folding and stitching 130,400 pages, at 2c. per page,	2,608 00
Do. do. 3,600 " 1c. "	36 00
Total in Spanish,	$13,070 03

MISCELLANEOUS.

Handbill Proclamation in reference to the General Election, 500 copies:

Composition, 10,000 ems, at $7 30 per 1,000, . .	$73 00
Presswork, 2 tokens, " per token, . .	14 60
Labels for State Librarian, 400 copies, . . .	32 00

Comptroller's Blanks:

4 Quires Receipts for Taxes, rule work, at $11 per quire,	$44 00
22 Quires, Warrants, rule work, at $11 per quire, .	242 00

Treasurer's Blanks:

3½ Reams Licenses to Mine, ruled, at $11 per ream, .	763 89
	$1,169 49

By these statements it will be seen that the sum of $44,326 37 has been paid for the Printing executed in this State, by the present Printer, up to the close of the year 1850.

Though it is made no part of the duty of the State Printer, in presenting his Report, to speak of any matters not specially required of him by the law defining his duties, yet he feels it due, both to himself and to the people of the State, to offer to the Legislature, through you, such opinions and suggestions, on his part, as the circumstances of his position, and a proper respect for public sentiment, seem to demand.

And first in importance are the rates of compensation fixed by the Act in relation to that subject. Whether this law was "conceived in iniquity and brought forth in sin," as has been charged upon it in high quarters, is a question the solution of which more properly belongs to those who originated it, or the honorable members of the Legislature by which it was enacted. Whatever may be the imperfections of the law, the present State Printer is in no way responsible for them. Coming into office by appointment of the Executive, during the recess of the Legislature, he had nothing to do but to perform the duties *specifically* required of him by the several acts of that body; and these he has done, or endeavored to do, faithfully, promptly, and he trusts to the satisfaction of the Legislature and the people.

Were the payment for the public printing made in *cash*, the rates established by law are greatly beyond what a due regard for economy would at the present time justify; but large as are the rates, they have barely sufficed—under the embarrassing circumstances and difficulties occasioned by the payment of high rates of interest for necessary advances—for labor and materials, and by the ruinous depreciation of the Warrants upon the Treasurer (in which only has payment been made), to remunerate him for the execution of the State work. The extent to which it has been necessary to sacrifice Warrants, at one time at a discount of from 40 to 50 per cent., may be more fully and particularly shown to the proper committees of the Legislature, should such inquiry be deemed of any importance. It is alluded to here simply to show that, instead of the immense fortune which it has been thought the State Printer has accumulated from the proceeds of the public work, he has not yet realized a sufficient amount from the Treasury to meet the obligations already incurred in executing the same.

The amount of $7 30 allowed for each thousand ems of composition and for each token of Presswork (250 impressions), is certainly a high price, but when from this is deducted a discount of 35 per cent., which is less than the average at which Warrants could be sold, there remains $4 75, as the price per 1,000 and token.

This latter amount is further reduced by the deduction of $2 50, the rate paid to journeymen per thousand ems during the last year, leaving for the profits of the Printer, and for all other contingent expenses—rent, interest, &c., the small sum of $2 25, which no one will consider an extravagant compensation in this country. It is the misfortune of States, as it is of individuals, that when unable to pay as they go, in current funds, they are compelled often to pay double for all they want; and that this has been so in the case of the Public Printing, cannot be attributed as the fault of the Printer.

In regard to the proposition for a modification of the scale of prices now established by law, the State Printer is not only willing to accede to a different and reasonable rate, but hereby offers to the Legislature to perform the printing hereafter to be ordered at a reduction of 20 per cent. Were the Treasurer of the State in a condition to meet the drafts of the Comptroller in cash, a further reduction of 20 per cent. would be cheerfully submitted to. But it is not to be expected that

work can be performed at as low a rate, when payment is made in a medium of uncertain and fluctuating value, as if made in money; nor do the people of this State require of those who perform arduous public duties, that they should render their labor for a meagre reward.

The prices paid for Spanish Printing should not be higher than $8 per 1,000 ems, instead of $14 60, as fixed by law, and the present officer respectfully suggests this reduction to the Legislature. In several other particulars he is ready to meet the demand for "retrenchment and reform," as far as is compatible with the execution of the duties imposed upon him, in a workmanlike manner.

THE JOURNALS AND BOUND VOLUMES.

By the "Act to provide for the distribution of the Journals, Laws, &c.," passed April 22d, 1850, it is ordered that 1050 copies of the Statutes in English, and 350 in Spanish, shall be printed and bound—the size of the pages, the arrangement of the contents, and the style of the binding, being definitely fixed by the Act. The 12th Section of this Act provides as follows:—

§ 12. The State Printer is hereby authorized to execute the Printing as contemplated in this Act, and at such place as he may select: *Provided*, that before proceeding to do so, he shall place in the hands of the Comptroller a relinquishment of one half the cost of such printing, now fixed by the "Act defining the duties and fixing the compensation of State Printer: *Provided*, also, that the total amount for binding, stitching, folding, and transportation, and all other expenses, shall not exceed the sum of thirty-five thousand dollars."

In compliance with this section, the necessary relinquishment was deposited with the Comptroller of State; and on the 15th of May last the manuscripts of the Journals of the two Houses of the Legislature, with such portion of the Laws as had been transcribed, were sent to New York, where it was contemplated to have the work done. During the first week in July following the "copy" of the Journal was put in the hands of the Printers, and on the 26th of August a part of the edition (100 copies) were shipped across the Isthmus of Panama, by Adams & Co.'s Express, and arrived at San Francisco in the month of

October. This volume extends to 1340 pages, included in which is a copious index, and the quality of the materials and the mechanical execution of the work will compare favorably with the best specimens of typography emanating from the press of the country.

Owing to the unavoidable delay in transcribing the laws in the office of the Secretary of State, as also to the loss of a memorandum of those that had been forwarded, the whole of the "copy" did not reach the hands of the Contractor till the first day of October, between which time and the 26th of the same month, the printing of the Volume of Statutes was completed, a portion of them bound, packed, and got under way across the Isthmus—the remainder following in the month of November, by the same route. The first parcel of these bound volumes has been received, and placed in possession of the Secretary of State, and the balance of the edition is looked for in all the ensuing week, which, with as little delay as possible, will be passed over to the proper department.

In the performance of this part of his contract, the State Printer has used the greatest possible diligence; and both in the quality of the material and the execution of the work, no pains nor expense has been spared by him. In addition to what was required of him by the law, he was compelled to assume, under the advice of the Secretary of State, the responsibility of engaging a person to prepare the marginal notes, Tables of Contents, and Indexes, which duty, as far as he has been able to judge, has been well done. For the expense of this necessary preparation of the copy for the Volumes, it is believed no provision has been made by law.

The printing of the volume of Statutes in the Spanish tongue has not been commenced, and this portion of the contract cannot be completed for some time, in consequence of the translations not being made. Up to the present time, only about one half of the Acts of the Legislature, passed at its first Session, have been translated; and though the State Printer was prepared to execute this portion of the work as promptly as might be, it has not been done for the reason stated.

The Journals and Statutes—a part of the former, and the whole edition of the latter—have been brought across the Isthmus at a very heavy extra cost. It would have been a compliance with the letter and spirit of his contract, had these books been shipped by the usual route. But

actuated by a desire to have the books delivered at the opening of the present Session of the Legislature, and feeling a degree of pride in the matter, the State Printer did not hesitate to incur large extra expenditure to accomplish this object, which course, he trusts, the Legislature will approve.

The Comptroller of State is authorized by the Act in relation to the State Printer to audit the accounts for Printing, as far as the work is completed and delivered; but in regard to the Bound Volumes, that officer declines to do so until the *whole* Contract is delivered, including, of course, the Spanish Volumes. As the latter cannot be printed for months, even if the Legislature does not see fit to repeal so much of the Act as requires their publication at this time in that language, the action of the Legislature is necessary in order to obtain payment for what has already been done.

The State Printer has contracted heavy obligations in the performance of this work, and he therefore respectfully asks the early action of the two Houses of the Legislature on the subject—that authority be given to the Comptroller to audit the account for printing, so far as to embrace what has already been completed, by allowing the half price provided by law—and also, such further sum as shall be equitable and just for compensating the services rendered in the making of the marginal notes, &c., and for the extra expenses for transportation.

All which is respectfully submitted.

J. WINCHESTER, State Printer.

SAN JOSE, *January* 11, 1851.

After the Clerk had commenced reading the Report,

On motion of Mr. Lind, further reading was dispensed with, and the same referred to the Committee on Printing.

Senate's Message received this morning, informing the Assembly that they have passed a Joint Resolution transmitted, relative to the Public Archives and Documents, in which the concurrence of the House is respectfully requested, was taken up and read.

Senate's Joint Resolution accompanying the Message, relative to the Public Archives and Documents, was then read first time, the Rules were suspended, and,

On motion of Mr. Moore, read a second time; when,

On motion of Mr. Bradford, the same was referred to Committee on Public Expenditures.

The following Messsage was received this morning from the Senate, by their Secretary, Mr. Howe:

MR. SPEAKER:

I am directed by the Senate to inform the Assembly that they have passed Bills, herewith transmitted, severally entitled "an Act to repeal 'an Act requiring Alcaldes and Judges of First Instance to account for Moneys received and expended by them;'" and "an Act to repeal 'an Act for the better regulation of the Mines and the Government of Foreign Miners;'" in which the concurrence of the Assembly is respectfully requested.

Senate bill No. 9, accompanying the Message, entitled "an Act to repeal 'an Act requiring Alcaldes and Judges of First Instance to account for Moneys received and expended by them,'" was taken up, read first time; and,

On motion of Mr. Moore, the Rules were suspended, the Bill read second time, and referred to the Judiciary Committee.

Senate bill No. 14, accompanying the Message, entitled "an Act to repeal 'an Act for the better Regulation of the Mines, and the Government of Foreign Miners,'" approved April 13th, 1850, was taken up, read first time; and,

On motion of Mr. Wilkins, the Rules were suspended, the Bill read second time, and then referred to Committee on Ways and Means.

Mr. McCorkle offered the following:

Resolved, That the Governor be requested to furnish the House with a copy of the Report of the Surveyor-General, made to him in pursuance of law.

Adopted.

Mr. Thorne gave notice that, on to-morrow, he would introduce a Bill to establish a State Hospital, and for other purposes, in the city of San Francisco.

Mr. Richardson gave notice that, on Saturday next, he would introduce a Bill authorizing a State Loan, not to create a new State indebtedness, but to cancel the last State loans.

Mr. Crane moved that the Committee on Elections report *instanter*, on contested seat of Mr. Saunders.

Not agreed to.

Mr. McCandless moved to take a recess until ten o'clock.

Not agreed to.

Mr. Hall moved to adjourn until ten o'clock to-morrow.

Not agreed to.

Mr. McCorkle moved that the Chairman of Committee on Elections have until to-morrow to report on the contested seat of Mr. Saunders.

Agreed to.

Mr. Moore gave notice that he would, on to-morrow, offer a Resolution to repeal the Resolution requiring the House to meet and adjourn at stated hours.

ONE O'CLOCK, P.M.

On motion of Mr. Bennett, the House adjourned.

HOUSE OF ASSEMBLY.

WEDNESDAY, *January 15th*, 1851.

House met.

The following member was absent, to-wit, Mr. McDougal; on leave, Mr. Randall.

The Journal of yesterday was read and approved.

Mr. Wethered presented petition of James Austin, praying for relief for loss of State Bonds by fire, which was read, and on motion of Mr. Crane, referred to a Select Committee, consisting of Messrs. Crane, Wethered, and Lisle.

Mr. Hall presented the following communication :—

TO THE HON. THE LEGISLATURE OF THE STATE OF CALIFORNIA IN CONVENTION ASSEMBLED.

As Major of the First Division of California Volunteers of the County of El Dorado, recently engaged in a war with the Indians, I hereby transmit for your consideration : 1st. Governor Burnett's orders and Brigadier-General Winn's to me, in reference to my duty in said War. 2d. The

Muster Rolls. 3d. The Commissary's Accounts. The two last will be found to be properly certified, in accordance with the Regulations of the United States Army. I have only to add, that I sincerely trust these documents will receive your earliest consideration. Relying upon the honor and justice of the State, individuals have furnished provisions and means to carry on the war successfully, without receiving any compensation. The allowing and paying of their claims will be an act of simple justice. The compensation of the officers and men is addressed to your discretion. They have received nothing, and their services have been of a severe and trying character, at a sacrifice of private business. The greatest deprivations were submitted to, with a consciousness that a generous State would amply compensate them. Trusting to your sense of justice, I have the honor of remaining

Yours, &c., &c.,

WILLIAM ROGERS,
Brig.-Col. First Division Cal. Volunteers.

Mr. Hall moved that the communication and accompanying documents be referred to Committee on Military Affairs.

Agreed to.

Mr. Bennett presented a petition and other documents from citizens of San Francisco, relative to appointment of other Pilots at the Port of San Francisco; and,

On motion of Mr. Bennett, the same was referred to Committee on Commerce.

Mr. Bradford, Chairman of Joint Committee on Enrolled Bills, on part of the House, reported that they have examined and find correctly enrolled a Joint Resolution to grant leave of absence to the Hon. C. M. Creanor, Judge of the Fifth Judicial District.

Mr. Stearns presented a petition from the Court of Sessions of Los Angeles County, relative to the reduction of costs in criminal cases; when,

On motion of Mr. Moore, it was referred to Committee on Judiciary.

Mr. Baldwin, chairman of Committee on Elections, to whom was referred the petition and accompanying documents of William C. Smith, contesting the seat of Robt. T. Saunders, made the following

REPORT.

MR. SPEAKER:

The committee to whom was referred the petition of William C. Smith, contesting the election of Robert T. Saunders, the member returned from the County of Butte, ask leave to report:—That in the investigation of this case, your committee find that on the 7th day of October, 1850, being the first Monday of said month, an election was held for member of Assembly: that by the election returns, as certified by the Clerk of the Court of said county, R. T. Saunders received 445, and Wm. C. Smith, 415 votes. The petitioner, Wm. C. Smith, however, contends: 1st. That thirty-eight votes, counted for the said Saunders by order of the Court of Sessions, were given without the limits of Butte, and within the limits of Yuba County; and that if the said thirty-eight votes had been rejected, the said contestant would have received a majority of votes given for member of Assembly; 2d. The petitioner alleges that the returns from the precinct of Independence were suppressed, and not returned according to law; 3d. That the said R. T. Saunders would not have received a majority of votes over the contestant, even though the returns from the County of Yuba, as charged, had been properly received. In the investigation of these charges and allegations, your committee find that the law requires the contestant, within ten days after such election, to file with the Clerk of the District Court of the county in which the alleged cause or causes of contest originated, a concise statement of the grounds on which he intends to rely, verified by affidavit. The facts before your committee show that this statement was not filed until the 25th, when the election occurred on the seventh of October; showing that it was not filed until seven days after the time prescribed by the Act regulating contested elections had expired. The law further requires that written notice of such contest shall be delivered to the person whose seat is contested, or if he cannot be found, shall be left at the house where he last resided. The return of the Sheriff of Butte is not in compliance with the law, nor is there any evidence before your committee that the said Saunders was notified of said intention to contest, or of the time, place, or persons before whom the testimony, which the contestant in this case has produced before the committee, was to be taken.

All the evidence offered before your committee on the part of the

contestant, being of this *ex parte* character, and taken before one Justice of the Peace, when the law requires that it should be taken before two; and other requisitions of the law as before mentioned, deemed by your committee material and important to be observed, not having been complied with, your committee would have desired to be discharged from the consideration of said petition; but a desire to arrive at the ends of justice, and to give expression to the wishes of the people of Butte County, have induced your committee to examine and maturely consider the testimony thus informally presented by the contestant, and giving to that testimony the force and effect of evidence taken in accordance with the prescribed forms of law. Your committee are, nevertheless, after a review of all the testimony offered, constrained to come to the conclusion, that they have no evidence of a conclusive or even satisfactory character, to establish that the precinct in controversy is without the limits of the County of Butte. The evidence on this subject is of a doubtful and conflicting character, resting upon the opinion of men widely differing. The boundary line between Butte and Yuba counties on the side in which the precinct in controversy was established, is described as being the dividing ridge between Yuba and Feather Rivers, no actual survey having been made, or line marked out or designated, the country being abruptly broken, and ridges running in different directions; there being no continuous dividing ridge, but a series of disconnected ridges and mountains. Your committee are unable, upon the testimony offered, in the absence of any actual survey, to determine that this precinct is without the limits of the County of Butte, but believe that there is nothing in the evidence before them that would justify them in excluding the votes given at this precinct, which was duly established by the Court of said county, from being received in the election returns of said election. In reference to the returns of the precinct of Independence, referred to in the petition of contestant, no evidence of any character has been submitted to your committee, to sustain the allegations of said petition in reference to that point. Your committee would therefore present to the House of Assembly the following resolution:

Resolved, That R. T. Saunders is entitled to retain his seat in the House of Assembly, as the legally constituted representative of the County of Butte.

D. P. BALDWIN, Chairman of Committee.]

1.

To the Hon. the House of Assembly of California:

Your petitioner, Wm. C. Smith, respectfully represents, that at the regular Election for Officers of State, on the 7th day of October, 1850, he was duly elected as Representative of the County of Butte; that he received a majority of all the votes given by the legally qualified Electors of said county, for said office of Representative; that, notwithstanding this fact, the Certificate of Election was issued from the office of the Clerk of said county, to one Robert T. Saunders, by virtue of a special order of the Court of Sessions of said county. Your petitioner is informed and believes, that this Certificate of Election, held by said Robert T. Saunders, is informal and insufficient, as well as illegal. That the votes of an entire precinct of the adjoining County of Yuba were included and counted in the returns of Election for Butte County; whereas by law of the State, Butte County is of itself constituted a district, and entitled to a representative.

All of which your petitioner is prepared to prove, as your honorable body may direct.

Your petitioner therefore prays that this matter may be promptly inquired into and examined by the House of Assembly, and that such action may be had as will give the representative of their choice to the people of Butte County on the floor of this House.

Respectfully Yours,

WM. C. SMITH.

SAN JOSÉ, *Jan.* 6, 1850.

2.

State of California, County of Butte.

Hamilton, Oct. 25, 1850.

Personally appeared before me, W. T. Sexton, Clerk of the District Court in and for said county. William C. Smith, who, being duly sworn, deposeth and saith:—that he is a qualified Elector of the County of Butte, that he was a candidate at an Election held on Monday, the seventh of Oct., A.D. 1850, for the office of Member of Assembly for said county, and that he contests the Election of Robert T. Saunders to said office, for reasons as follows—to wit:

First, that thirty-eight votes counted for the said Robert T. Saunders, by the County Clerk of said county, by order of the Court of Sessions, he, the said deponent, verily believes were given without the limits of the County of Butte, and within the limits of the County of Yuba, and that if the said return of thirty-eight votes were rejected, the said Robert T. Saunders would not have a majority of votes for said office of Member of Assembly. And the deponent further says, that he verily believes that the returns of said Election from the precinct of Independence were suppressed, and not returned to the office of the County Clerk according to law; and that, if the returns from Independence had been returned to the office of the County Clerk according to law, that the said Robert T. Saunders would not be entitled to a certificate of election, even though the returns which this deponent verily believes were received from the County of Yuba were counted in favor of the said Robert T. Saunders.

WM. C. SMITH.

State of California, County of Butte.

William C. Smith being duly sworn, deposeth and saith, that the statements set forth in the foregoing affidavits are true to the best of his knowledge and belief.

Sworn and subscribed before me, W. T. Sexton, Clerk of the District Court in and for said county, this 25th day of Oct., A.D. 1850.

Witness my hand and private seal (there being no official seal provided), the day and year above written.

[L. S.] W. T. SEXTON, Clerk District Court.

3.

I, Warren T. Sexton, Clerk of the District Court in and for Butte County, and State of California, do hereby appoint J. T. Elliott and N. B. Morse, Justices of the Peace in and for the township of Long's Bar, of said county, to take the depositions of witnesses, in case of the contest for the office of member of Assembly, between Wm. C. Smith and Robert T. Saunders, at the house of J. T. Elliott, in said township, on Tuesday, the nineteenth day of November, A.D. 1850.

In testimony whereof I have hereunto set my hand and affixed my private seal (there being no official seal provided), this 26th day of October, A.D. 1850.

[L.S.] W. T. SEXTON, Clerk District Court.

4.

State of California, County of Butte.

Robert T. Saunders and all whom it may concern:

You are hereby notified that a statement for contesting the election of the office of Representative of the County of Butte, in the Assembly of the State of California, has been duly filed in my office, a certified copy of which is hereto annexed: and that I have appointed J. T. Elliott and A. D. Morse Justices of the Peace in said county, to take the testimony in that behalf, at the house of J. T. Elliott, at Long's Bar, in said county, on Tuesday, the nineteenth day of November, A.D. 1850.

Witness my hand and private seal (there being no official seal provided) this 26th day of October, A.D. 1850.

[L. S.] W. T. SEXTON, Clerk District Court.

WM. C. SMITH, *vs.* ROBERT T. SAUNDERS. } Notice of contest filed Nov. 8th, 1850.

The within notice served upon Robert T. Saunders, by forwarding copies of notice and complaint to him at Sacramento City, he not being found in the county of Butte.

JOSEPH Q. WILBUR, Sheriff of Butte County.

5.

State of California, County of Butte.

Depositions of witnesses in case of contesting the election for seat in the Legislature of the State of California—contest between Messrs. Wm. C. Smith and Robert T. Saunders, of Butte County; election held on Monday the 7th October, 1850. By order of W. T. Sexton, Clerk of

District Court of Butte county, I, this nineteenth day of Nov., 1850, called a Court for taking testimony in the above stated case; one of the Court, and the defendant, Robert T. Saunders, being absent, the Court was adjourned till the 20th, at 10 o'clock, A.M.

WEDNESDAY, Nov. 20th.—Court met pursuant to adjournment (Justice J. T. Elliott absent), and proceeded to take the following depositions in the above case:

DEPOSITION OF E. W. CALIF, CALLED BY WM. C. SMITH.

Question. What is your age?

Answer. Thirty-nine years.

Q. What is your occupation?

A. Merchant and miner.

Q. Where was your place of residence in October last?

A. On Slate Creek, the westerly bank.

Q. Do you know of an election being held at your place on the 7th of October last?

A. Yes.

Q. By whom was the election called?

A. By order of the Court.

Q. Was an order for holding elections presented to you?

A. Yes.

Q. Who presented the order to you?

A. Mr. Davis.

Q. How much did he tell you it would be worth to hold the election at your place?

A. Nothing.

Q. Who was the principal Inspector of the Election?

A. Myself.

Q. Who were the Judges?

A. Messrs. Murray and Baker.

Q. Who were the Clerks?

A. Nelson and Richards.

Q. Was the election held at your house?

A. Yes, sir.

Q. What number of votes were there polled at that election?

A. Thirty-eight.

Q. Were any of said votes given by proxy?

A. I believe there were.

Q. About how many?

A. About eight or ten, I think.

Q. Had you not a conversation with Mr. A. W. Adams previous to the election?

A. Yes, sir.

Q. What did Mr. Adams tell you it would be worth to you by having an election at your place?

A. He said it would be worth five or six hundred dollars.

Q. Did he not tell you this at the same time that he was State Collector?

A. Yes.

Q. Did not Mr. Adams tell you that he had funds belonging to the State, and that you would get your pay as soon as the services were rendered?

A. Yes, sir.

Q. From your knowledge of the country, which side of the dividing ridge between Feather River and the Yuba should you think Slate Creek is?

A. South-east side.

The above statement is to the best of my knowledge.

E. W. CALIF.

DEPOSITION OF A. C. ROBINSON, CALLED BY WM. C. SMITH.

Question. What is your age?

Answer. Forty-four.

Q. What is your place of residence?

A. In Butte county.

Q. What is your occupation?

A. I am a miner.

Q. Into what stream does Slate Creek empty, and where does it rise?

A. It empties into the Yuba, and rises on the south side Pilot Butte and the main divide between the waters of the Yuba and Feather Rivers.

Q. Have you ever followed Slate Creek from its mouth to its source?

A. I have.

Q. Do you know that Slate Creek and all its tributaries is on the south and southeast side of the divide between Feather River and the Yuba.

A. I do.

Q. Have you been on the Honcut, and to its source?

A. I have.

Q. Do you know of a regular divide from the head of the Honcut running to the Sierra Nevada, passing between and separating the waters of Feather and Yuba Rivers?

A. I do.

Q. Do you know where Mr. Calif kept store on Slate Creek?

A. I do.

Q. Do you know whether or not Mr. Calif's store was on the south side of the main divide between Feather and the Yuba?

A. It was on the south side.

Q. Were you assessed on Slate Creek?

A. I was.

Q. By whom?

A. By the Assessor of Yuba County.

Q. How did you know that it was the Assessor of Yuba County?

A. I made him show by what authority he assessed.

A. C. ROBINSON.

DEPOSITION OF MR. A. O. BOWEN, CALLED BY WM. C. SMITH.

Question. What is your age?

Answer. Thirty years.

Q. What is your occupation?

A. A Miner.

Q. Where is your place of residence?

A. In Butte County at present.

Q. Do you know where Slate Creek is?

A. I do.

Q. Do you know into what stream Slate Creek empties?

A. It empties into the Yuba.

Q. Have you followed Slate Creek from its mouth to its source?

A. Not the whole distance.

Q. Have you been to its source?

A. I have not, but very near.

Q. From your knowledge of this country, is Slate Creek and all its branches south and south-east of the divide between Feather River and the Yuba?

A. It is.

Q. About how long should you think Slate Creek is?

A. I do not know.

Q. Were you assessed on Slate Creek?

A. I was.

Q. By whom?

A. By the Assessor of Butte county.

A. O. BOWEN.

MR. ROBINSON RECALLED.

Q. Do you know about how long Slate Creek is?

A. It is from fifty to sixty miles from the mouth to its source, following the stream.

A. C. ROBINSON.

I do certify that the testimony given in the within depositions, to wit: that of E. W. Calif, A. C. Robinson, and A. O. Bowen, was subscribed and sworn to before me this 20th day of November, 1850.

NELSON D. MORSE, J. P.

6.

Abstract of the Returns of an Election held at Independence, in the County of Butte, on Monday, the seventh day of October, 1850.

For Attorney General, John K. Brown,	27
" " E. B. Cone,	1
For Clerk of Supreme Court, Eugene H. Tharp,	31
For Superintendent of Public Instruction, William Sherman,	27
For Capital of the State, Vallejo,	29
For State Senator, Charles F. Lott,	27
" " Alonzo W. Adams,	3
For District Attorney, George A. Smith,	27
For Member of Assembly, William C. Smith,	30
" " Robert T. Saunders,	1

State of California, County of Butte.

I, W. T. Sexton, County Clerk in and for Butte County, do hereby certify the above to be a true Abstract of the returns of an Election held at Independence, in said county, on Monday, the 7th day of October, A. D. 1850.

In witness whereof I have hereunto set my hand and affixed my private seal (there being no official seal provided), this 26th day of December, A. D. 1850.

[L. S.] W. T. SEXTON, *County Clerk.*

P. S. The returns of Independence were not received until after the General Abstract had been forwarded to the Secretary of State, and the person bringing them could not take the oath prescribed by law.

7.

Abstract of the Returns of an Election held in the County of Butte, on Monday, the seventh day of October, A.D. 1850, *for the Election of one Member of Assembly.*

	Chico.	Hamilton.	Aplin.	Long.	Bidwell.	Stringtown.	Stony Point.	Stuart's Store.	Toll's Ranch.	Adams's Poll.	Harris's Dry Diggings.	Forbes's Ranch.	Barker's Ranch.	Garden Ranch.	Gras Valley.	Clear Creek.	Mouth N Creek.	Smith's Bar.	Rich Bar.	Onion Valley.	Rich Bar, North Fork.	Butte Hill.	Neal's Ranch.	Stout Town.	Gates's Store.	Slate Creek.*	Vote of Candidates.	Total.
I E N. Lewis,	37		28		37	5		21			9	4	11			30				17	13		4				216	
R T Saunders,		28		5	52	37	1	11	31	23	20	9	18	2	24	21	9	11	25	8	36	11	9	11	14	38	415	
M H. Darrach,		13	7	54	14	9	71		55	2		17		1													223	
Wm C. Smith,		2	26	69	29	17	5		38	7		51		19	9	28	45	36	16	9	6		3				415	
J S. Perry,														1													1	
J D M Ford,																						1		1			2	
G Coryell,																							1				1	1305

* Slate Creek being a tributary of the Yuba, should not be counted in the vote of Butte County, but it is returned as above by official order of the Court of Sessions.

State of California, County of Butte.

I, W. T. Sexton, County Clerk in and for Butte County, do hereby certify the above to be a correct Abstract of the returns of an Election held in said county, on Monday, the seventh day of October, A.D. 1850,

for the Election of a Member of Assembly for said county, now on file in my office.

In testimony whereof, I have hereunto set my hand and private seal (there being no official seal provided), this 26th day of December, A.D. 1850.

[L. S.] W. T. SEXTON, *County Clerk.*

8.

William C. Smith, being duly sworn, deposes and says: that he is a resident of the County of Butte, and State of California; that he has been a resident of said county since the 25th day of October, A. D. 1849, and of the State since about the 1st of the same month; that he was a candidate for a seat in the General Assembly of said State, for the county aforesaid, at the General Election held on the 7th day of October last, the opponents of said affiant being Robert T. Saunders, —— Darrach, and —— Lewis; that this affiant received of all the votes—the returns of which were received at the Clerk's office of said county, deducting therefrom ten votes admitted by proxy, at the Slate Creek poll—a majority of nine votes over said Saunders, which also exceeded the number of votes cast for either of the other candidates, Darrach and Lewis. This affiant further saith, that by rejecting the votes received on Slate Creek (which this affiant is informed, and so believes, to be in Yuba county), the majority of said affiant over said Saunders will be 37 votes; and by rejecting the votes of the "Independence Poll," which were not received at the Clerk's office in the time required by law, would yet leave a majority of seven votes for the affiant over and above the said Saunders.

This affiant further saith, that by virtue of an order from the Court of Sessions of said county, the Clerk thereof was compelled to issue to said Saunders a certificate, and this affiant caused to be placed in the hands of the Sheriff of said county a notice of his intention to contest said election; but said Saunders having immediately upon the receipt of such certificate left the county, the Sheriff, to whom the same was delivered, did not serve it on him in person, but deposited a copy in the Post-office directed to said Saunders. This affiant further saith, that he

used all the diligence and proper exertions which he could reasonably employ to have served upon him such notice, and if the same were not served, it arose from the absence of said Saunders, and the negligence of the Sheriff.

This affiant further saith, that in accordance with the requirements of the law, two Justices were appointed before whom the testimony was to be taken concerning said contested seat; but on the day appointed for the same, but one of the said Justices was present, the other being then out of the county; that said affiant had said matter adjourned until the succeeding day, to enable him to procure the attendance of another Justice, which he could not procure, after using all the diligence for such object—the Justice to whom application was made wholly refusing to appear. This affiant further saith, that acting by the advice of several legal gentlemen, and among others, Judge Sherwood, the presiding Judge of the Judicial District embracing said county, he proceeded to take the testimony before the one Justice so appearing for the purpose. This affiant further saith, as he is informed, and so believes, that said Saunders was advised of the purpose and object of said affiant to contest said election, and purposely avoided the service of process.

WM. C. SMITH.

Sworn, and subscribed to before me the 14th day of Jan., 1851.

C. T. RYLAND.

Notary Public, in and for the County of Santa Clara, State of California.

Moses Bean was sworn.—Does not know whether Slate Creek precinct is within the County of Butte: is Judge of that county, and on being informed that it was in that county, ordered a poll to be opened there. That precinct was established by a called Court.

Question. Who solicited for a precinct?

Answer. Mr. Davis and Fowler.

Q. How long before the election was the order issued?

A. A short time.

[The order of election was issued during the week previous to the election.]

J. Q. Wilbur sworn.—I have resided in Butte County since May;

am Sheriff; have no personal knowledge of the north-east boundary; know Slate Creek precinct is generally considered in Butte County; had no business at Slate Creek save posting notices of election. The dividing ridge between Yuba and Butte counties is broken, and I do not believe a continuous ridge can be found; have not personal knowledge of there being a continuous ridge between Yuba and Feather rivers above Barker's Ranch. Barker's Ranch is ten miles, more or less, from Calif's store.

J. Q. WILBUR.

AMENDMENT TO DEPOSITION.

SAN JOSÉ, *January* 13, 1851.

I, J. Q. Wilbur, do testify to the following statements: That I am Sheriff of Butte County, and have been such since the 13th day of June last. I have never served any notice of contest upon R. T. Saunders, in Butte County, nor has any notice, to my knowledge, been served upon Mr. Saunders by any other officer in Butte County, or left at his residence. Mr. Saunders was at the County Seat of Butte a sufficient length of time after receiving his Certificate of Election for a notice to be served upon him before leaving for below. The precinct in question, viz. Slate Creek, or more properly Calif's Store, is, in my opinion, in the County of Butte; never heard it questioned until after the General Election, and then only by Mr. Saunders's opponent, W. C. Smith; should have no hesitation in serving process at said precinct; received an order of election for said precinct from the Court of Sessions of my county, and posted the same by deputy; received the returns of election for Capital of State, counted the same as required by law, and forwarded them to the State Department. Have been from the head of Honcut Creek, for some miles in the direction of Calif's Store, and have never observed any continuous dividing ridge, the country being abruptly broken, and ridges running in different directions for a few miles at a time. Do not believe from my observations, that if survey was made, there would be any *continuous* dividing ridge found, or that Calif's Store would be thrown in any other county than Butte.

JOSEPH Q. WILBUR.

D. P. BALDWIN, Chairman of Committee on Elections.

SURVEYOR GENERAL'S OFFICE,
December 20, 1850.

SIR: In reply to your note of this date, I have to inform you that there has not been any surveys sent into my office from either Butte or Yuba Counties. I cannot, therefore, say in which of the two counties "Slate Creek" is situated, said creek not being laid down on any map of the State which I have seen, or mentioned in the Act subdividing the State into counties.

Very respectfully,
Your ob't serv't.,
CHAS. J. WHITING,
Surveyor General.

ROBERT T. SAUNDERS, Esq.

Mr. Cook moved that the Report of Committee on Elections in the case of contested seat of Mr. Saunders, with the accompanying documents, be laid on the table, and the Clerk be ordered to have the same printed.

Agreed to.

Mr. Hall, Chairman of the Committee on Claims, to whom was referred the petition of R. A. Wilson, for compensation as Judge of the Criminal Court of Sacramento County, during the Territorial Government of this State, reported that they have had the same under consideration, and find the same subject was entertained by the last Legislature, when a General Bill was introduced for the benefit of all civil officers in the same predicament of the petitioner, and lost. The committee holding the same reasons, would respectfully recommend the rejection of the petition.

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

Mr. McCandless offered the following:

Resolved, That the Rules regulating the meeting and adjourning of this House be repealed.

Adopted.

Mr. Lisle offered the following:

Resolved, That so much of the communication of the late Governor as refers to the appointment made by him, to fill the vacancy in the Judgeship of the Sixth Judicial District, occasioned by the removal of

the Hon. James S. Thomas from the State, be referred to the Judiciary Committee, with instructions to report on Friday next.

Adopted.

Mr. Crane, pursuant to previous notice, introduced "a Bill to fix the compensation of the County Judge of Yolo County," which was read the first and second times, the Rules being suspended for that purpose; and,

On motion of Mr. Crane, the Bill was referred to Committee on Public Expenditures.

The following communication and accompanying document, received this morning from the Governor, was taken up.

EXECUTIVE DEPARTMENT,
SAN JOSÉ, *January* 15, 1851.

To the Hon. JOHN BIGLER,
Speaker of House of Assembly:

SIR: I have the honor herewith to transmit a copy of the Report of the Surveyor General, in compliance with a Resolution adopted by the House of Assembly on yesterday, which please lay before that body.

I have the honor to be,
Very respectfully,
Your ob't serv't.,
JOHN MCDOUGAL.

To HIS EXCELLENCY,
The Governor of the State.

SIR: Section 9th of an Act regulating the Duties of my Office, makes it incumbent on me to report to you upon various subjects; in compliance with which, I have the honor to submit the following:

I have not been called upon by law to make any surveys, nor have I received sufficient data from the County Surveyors, or from other sources, to make even an approximation to a correct map of the State.

I deem it unnecessary to make any plans or suggestions for the improvement of the internal Navigation of the State, as it is not probable that this State will undertake any such improvements at present.

I know of but one method of planting and preserving forests of timber trees; viz. put the seeds in the ground and protect the shoots by a fence or ditch. As regards draining and the prevention of overflows and navigation, they can all be better done by private than public enterprises, and I have no doubt but that when the lands fit for cultivation without such outlay, shall be occupied, that our marshes will be drained.

There is no land that I can hear of belonging to the State. By a recent Act of Congress, the overflowed lands of the different States were granted to the States, but do not become their property until surveyed by the General Government.

Not having received any reports from the Assessors, I am unable to give any reliable information as to the quantity of arable land within the State, or the number of horses, cattle, &c. I am not aware of any disease having diminished the agricultural productions of the State. The Grasshopper has been very destructive in some localities; and as a preventive, I would recommend the extensive introduction of Turkeys.

I have no means of ascertaining the quantity of mineral lands within the State. The amount of gold produced is probably from three to four millions a month.

But few of the County Surveyors have reported, and the notes and plans sent in are nearly useless, being detached surveys which it is impossible to locate. I would therefore suggest the propriety of locating one or more points in each county, by longitude and latitude, with which the County Surveyors could correct their work. In that way their surveys would be of use in making a map of the State, and would probably, during the coming year, furnish data sufficient to make a much better map than can be obtained in any other way.

The surveys of the County Surveyors will mostly be of the old Spanish grants; their connexion in one general map would probably show that there is still a large portion of the good land in the State not covered by said grants; a knowledge of which would be of great advantage to our people, enabling them to locate on land from which they would not be driven, and which they would therefore improve and cultivate.

The great drawback to agricultural interest in this State is the uncertainty of the land titles. In all other respects there is no State in the Union which offers the same inducements to the farmer. Most of the

valley lands will produce one crop a year (without irrigation), equal, if not superior, to any in the Atlantic States. Our distance from all other agricultural countries affords us ample protection, and will insure the farmer a good price for his produce; while the geographical position of our State and its mineral wealth will cause the majority of our people to turn their attention to mining and commerce: thereby creating a home market for our farmers.

All that California requires to enable her to furnish all the necessaries and most of the comforts of life is, that the land titles should become settled, so that our people could know that they possessed a home, and could reap the full benefit of their labors; then a large number of our people would really become citizens of California, and furnish a balance-wheel for the floating population which we must have for years to come.

Very respectfully,
Your obedient servant,
CHAS. T. WHITING,
Surveyor-General.

Mr. Wilkins moved that the Message and accompanying document be laid on the table.

Agreed to.

The following communication and accompanying document, received this morning from the Governor, was taken up:

EXECUTIVE DEPARTMENT,
SAN JOSÉ, *January* 15, 1851.

To the Hon. JOHN BIGLER,
Speaker of the Assembly.

SIR: In compliance with a resolution adopted by the House of Assembly, calling upon the Executive for copies of the Reports of the Comptroller and Treasurer of State, I have the honor herewith to transmit a copy of the Report of the Treasurer of State, and to state that my predecessor sent to the Senate the original Report of the Comptroller, and there being no copy thereof on file in this department, I am unable to furnish one, as requested by the Assembly.

I have the honor to be,
Very respectfully,
Your obed't servant,
JOHN MCDOUGAL.

TREASURER'S OFFICE,
STATE OF CALIFORNIA, SAN JOSÉ, 15*th Dec.*, 1850.

To His Excellency, PETER H. BURNETT,
Governor of California:

SIR: In compliance with the provisions of "an Act concerning the Office of State Treasurer," I have the honor to submit my Report of the Financial Operations of the Treasury, from the organization up to the present time. The statements are so arranged that the transactions of each fiscal year may be separately viewed, as contemplated by the Constitution.

STATEMENT OF THE OPERATIONS OF THE TREASURY,

From the Organization of the Fiscal Department to the 30th June, 1850, inclusive.

Received from the State Comptroller, in Bonds of the State, created under "an Act creating a Temporary State Loan," approved February 1st, 1850, . .	$300,000 00
Received on account of Tax on Foreign Miners, . .	3,156 27
	$303,156 27
Total amount disbursed, ...	393,256 27
Balance in Treasury, 30th June, 1850, . . .	9,900 00

STATEMENT OF THE OPERATION OF THE GENERAL FUND.

Amount to credit of this Fund in State Bonds, . .		$300,000 00
Less, appropriations to the credit of the Governor's Contingent Fund, . .	$5,000 00	
Less, appropriation to the credit of the Special Contingent Fund of the Senate, .	2,500 00	7,500 00
		$292,500 00
Received on account of Tax on Foreign Miners, . .		3,156 27
Amount carried forward, ...		$295,656 27

Amount brought forward, ...		$295,656 27

DISBURSEMENTS.

For Salaries of the

Governor, ...	$2,783 39	
Secretary of State, ...	1,917 45	
Treasurer, ...	2,416 43	
Comptroller, ...	2,147 91	
Surveyor General, ...	2,013 68	
Attorney General, ...	1,898 62	
Judges of Supreme Court, . . .	7,500 00	
Judges of District Court, . . .	15,000 00	
Private Secretary of the Governor, . .	333 33	
Clerk of the Secretary of State, . .	110 00	
Clerk of the Treasurer, ...	900 00	
Clerk of the Comptroller, . . .	900 00	
Amount paid State Printer, . . .	30,530 26	
For Rent and Contingencies of Treasury, .	956 16	
Contingencies of Secretary of State, .	1,010 25	
Contingencies of Comptroller of State, .	809 66	
Contingencies of Surveyor General, . .	670 00	
Contingencies of Attorney General, . .	664 00	
Contingencies of Supreme Court, . .	1,382 50	
For Pay and Office Rent of the Temporary State Translator, ...	2,740 00	
For purchase of Patent Salamander Safe for the use of Treasury department, .	1,180 00	
Amount paid for State Seal, ...	1,000 00	
For Printing done by order of the Governor and Treasurer, ...	909 00	
Pay of Messenger sent to Monterey for the Public Archives (by order of Sec. of State), .	100 00	
For Pay and Mileage of Members of the Legislature, ...	129,563 60	
For pay of the Clerks and officers employed by the Legislature, ...	69,468 00	
For Contingent Expenses of the Legislature,	11,759 18	
Amounts carried forward,	$290,663 42	$295,656 27

Amounts brought forward, . .	$290,663 42	$295,656 27
Redemption of State Bonds, . . .	2,950 00	
Interest thereon, ...	206 27	
	$293,819 69	
Deduct balances due to sundry individuals upon Warrants redeemed in consequence of there being no funds in the Treasury, of a suitable denomination to pay such balances, ...	2,280 47	
	$291,539 22	$291,539 22
Balance to credit of General Fund, . . .		$4,117 05

STATEMENT OF THE OPERATIONS OF THE GOVERNOR'S CONTINGENT FUND.

Amount of appropriation to this fund (in State Bonds),	$5,000 00
Warrants paid for the Contingent Expenses of the Governor,	500 00
Balance to credit of this Fund, . . .	$4,500 00

STATEMENT OF THE OPERATIONS OF SPECIAL CONTINGENT FUND OF THE SENATE.

Amount of appropriation to this fund (in State bonds),		$2,500 00
Amount paid for expenses incurrred in taking charge of a lunatic, ...	$946 75	
For Postage of the Senate, ...	270 30	
		$1,217 05
Balance to credit of this Fund, . . .		$1,282 95

RECAPITULATION

Of Balances to the Credit of the different Funds, viz:

Balance to credit of General Fund, ...	$4,117 05
" " Governor's Contingent Fund, . .	4,500 00
" " Special Contingent Fund of the Senate,	1,282 95
Total of Balances, ...	$9,900 00

STATEMENT OF THE OPERATIONS OF THE TREASURY,

From the 1st of July to the 15th December, 1850, inclusive.

Balance in the Treasury on the first July, 1850, in State Bonds,		$9,900 00
Received during said period in State Warrants,	$9,370 45	
Do. in State Bonds,	16,500 00	
Interest on Bonds,	2,218 72	
Cash,	3,628 56	$31,717 73
Total,		$41,617 73
Total amount disbursed,		31,689 12
Balance in Treasury, Dec. 15, 1850,		$9,928 61

STATEMENT OF THE OPERATION OF THE GENERAL FUND.

Balance to the credit of this Fund, July 1, 1850,		$4,117 05
Received :		
On account of Auction Duties,	$4,866 56	
" " State Assayer,	276 28	
" " Foreign Miners' Tax,	26,674 89	$31,717 73
Total,		$35,834 78

DISBURSEMENTS.

For Salary of State Treasurer,	$1,250 00	
" " Clerk of "	700 00	
" " " Comptroller,	1,000 00	
" " " Secretary of State,	1,029 79	
" " District Judges,	1,854 56	
Amount paid State Printer,	4,238 22	
" " Office Rent of Secretary of State,	158 88	
" " Surveyor General,	100 00	
Paid for Goods and Services rendered for Supreme Court,	889 00	
Amount carried forward,		$11,220 45

Amounts brought forward,	$11,220 45	$35,834 78
Interest on Bonds redeemed,	2,818 72	
Amount of Bonds redeemed,	16,500 00	
" Balances paid,	1,529 31	
	$31,468 48	$31,468 48
Balance to credit of this Fund,		$4,366 30

STATEMENT OF THE OPERATIONS OF THE GOVERNOR'S CONTINGENT FUND.

Balance in the Treasury to the credit of this Fund on the 1st July, 1850,	$4,500 00

STATEMENT OF THE OPERATIONS OF THE SPECIAL CONTINGENT FUND OF THE SENATE.

Balance in the Treasury to the credit of this Fund on 1st July, 1850,		$1,282 95
Amount paid for carrying express matters from San Francisco to San José,	$192 25	
Postage for Senate	28 39	
		$220 64
Balance to credit of this Fund,		$1,062 31

RECAPITULATION

Of Balances to the Credit of the different Funds, viz:

Balance to credit of General Fund,	$4,366 30
" " Governor's Contingent Fund,	4,500 00
" " Special Contingent Fund of the Senate,	1,062 31
Total of Balances 15th Dec., 1850,	$9,928 61

It will be seen by the foregoing statements, that the financial operations of the State have been conducted by paper issues, being in Bonds drawing interest, and State Warrants, negotiable by endorsement.

The suggestions of remedies for the inconvenience and loss which thus results, both to the people and the State, is by law the province of another office.

Very respectfully,
Your obedient servant,
RICHARD ROMAN,
State Treasurer.

Mr. Wilkins moved that the communication and accompanying document be laid upon the table.

Agreed to.

Mr. Moore moved that the report of the Treasurer be printed.

Agreed to.

The Speaker laid before the House the following communication from the Comptroller and Secretary of State:

To HON. JOHN BIGLER,
Speaker of Assembly.

SIR: We have the honor to state in reply to a Resolution of the Assembly, requesting to be informed whether the work which has been put into the hands of the State Printer has been properly dispatched, that as far as we are now able to ascertain by inquiry and examination, that officer has prosecuted the publication of the Laws, Journals, &c., with as much dispatch as under the circumstances could be expected.

Respectfully,
JNO. S. HOUSTON,
Comptroller of State.
W. VAN VOORHIES,
Secretary of State.

SAN JOSÉ, *Jan.* 15*th*, 1851.

The following Message, received this morning from the Senate, was taken up:

SENATE CHAMBER, *Jan.* 15, 1851.

MR. SPEAKER:

I am directed by the Senate to inform the Assembly, that they have appointed as the Joint Standing Committee on Enrolled Bills on their

part, under the Joint Rules and Orders adopted by the two Houses, Messrs. Warner and Van Buren.

J. F. HOWE, Sec'y of Senate.

Mr. Moore moved a reconsideration of the vote by which the Clerk was ordered to have the Treasurer's Report printed.

Agreed to.

The question then recurred on the motion to print.

Lost.

Mr. Crane moved a reconsideration of the vote by which the House refused to print memorial of Court of Sessions of Sacramento County.

Agreed to.

The question recurred on the motion to print said memorial.

Agreed to.

Senate Bill No. 4, entitled "an Act to repeal 'an Act to provide for the Inspection of Steamboats,'" was taken up, read the second time, and, on motion of Mr. Crane, referred to Committee on Commerce.

Mr. Hall moved that a Standing Committee of five be appointed on Indian Affairs.

Agreed to.

HALF-PAST 12 O'CLOCK,

On motion of Mr. Lisle, the House adjourned until to-morrow at 10 o'clock.

HOUSE OF ASSEMBLY.

THURSDAY, *January* 16, 1851.

House met.

The roll was called, and the following members were absent, to wit: Messrs. Carr, Lisle, Robinson, Thorne, and Yciser; on leave, Mr. Randall.

The Journal of yesterday was read and approved.

Mr. Campbell presented petition and account against the State, of F. H. Sandford, as District Attorney, which was referred to Committee on Claims.

Mr. Moore, Chairman of Judiciary Committee, to whom was referred

the petition of Court of Sessions of Los Angeles County, made the following

REPORT:

MR. SPEAKER:

The Judiciary Committee, to whom was referred the petition of the Court of Sessions of Los Angeles, relating to a reduction of criminal Costs, have had the same under consideration, and beg leave to Report, that a Bill is now in preparation by said committee to regulate fees in all cases, including Criminal Matters; and that the whole matter will be better attended to in a general law upon the subject than any special law for any particular county; therefore they report the same back to the House, and recommend that it be laid upon the table for the present.

The question recurred on the adoption of the report.

Adopted.

Mr. Moore, Chairman of Judiciary Committee, introduced the following Bill: "an Act requiring Alcaldes and Judges of the Courts of First Instance to account for Moneys received by them," which was read first time; and,

On motion of Mr. Moore, read second time by title, and ordered to be printed.

Mr. Campbell, from the Judiciary Committee, reported a Bill for an Act to regulate the Interest on Money, which was read first time; and,

On motion of Mr. Bodley, the Rules were suspended, and the bill read second time, and ordered to be printed.

Mr. Kellogg, Chairman of Committee on Public Expenditures, to whom was referred the Bill fixing the compensation of County Judges of Yolo County, report the Bill back to the House without amendment, and recommend its passage.

On motion of Mr. Moore, the Bill was referred to the Judiciary Committee.

The Joint Committee on Enrolled Bills reported that they have examined, and find correctly enrolled, a Joint Resolution granting leave of absence to the Hon. Robert Hopkins, Judge of the Seventh Judicial District.

Mr. Crane, Chairman of Select Committee, to whom was referred the petition of James Austin, praying that the State should refund him, for loss by fire of certain Bonds of the State, made the following

REPORT:

MR. SPEAKER:

The Select Committee, to whom was referred the petition of James Austin, for relief from loss of certain State Bonds or Scrip of this State, which loss is alleged in said petition to have been caused by fire on the morning of the 4th of May last past, beg leave respectfully to report, that they have had the subject matter under consideration, and the only conclusion to which they can come, after as thorough an investigation as the circumstances will permit is, that the prayer of the Petitioner should be heard and relief granted; while your committee feel the importance of preventing precedents being established, and a door being opened for the practice of frauds upon the State, yet, in this case, your committee feel confident that the facts alleged by the petitioner are literally true.

The opinion of your committee is, and they are supported in their opinion by that of the Attorney General of the State, that if there was any law whereby demands against the State could be enforced by judicial process, the petitioner in this case could, by virtue of law, recover judgment against the State for the amount alleged to have been lost, together with interest, and that it is but equitable and just that the loss should be made good, and more especially as the State will lose nothing. But to prevent any such loss to the State, your committee recommend that the petitioner, before any relief shall be granted, make and execute unto the State a bond, with two or more securities, to be approved by the District Judge of the Fourth Judicial District, or any Judge of the Supreme Court of the City of San Francisco, in the penal sum of two thousand five hundred dollars, conditioned as follows: That at such time as the State Scrip or Bonds shall have been all redeemed or called in, with the exception of that portion which may be lost or destroyed, it shall be found that the amount missing shall not equal the amount of the claim of the petitioner, then he shall indemnify the State for all loss, damage, and cost that may accrue by reason of said State paying petitioner's claim, and that said Bond shall be deposited with the State Treasurer by the Comptroller of State.

And your Committee would further recommend that, inasmuch as the dates of the Scrip alleged to have been lost cannot be ascertained, and therefore the interest cannot be ascertained or determined, that relief to

the petitioner be granted by an issue of State Warrants to the amount of one thousand and fifty dollars, and drawing interest thereon from the 4th of May, A.D. 1850, at the rate of three per cent. per month. Your committee would, in conclusion, offer the following Resolution:

Resolved, That the Committee on Public Expenditures be instructed to report a Bill to this House granting relief to James Austin, in accordance with the recommendations contained in this report.

All of which is respectfully submitted.

The question recurred on the adoption of the resolution.

Mr. Moore moved to lay the report and resolution on the table.

Agreed to.

Mr. Brown offered the following:

Resolved, That the Speaker and Clerk of the House be and are hereby authorized to employ, when deemed necessary, additional Clerks to copy reports, bills, &c., which may be ordered to be printed, and also to make a copy of the Journal to be filed in the office of the Secretary of State.

Mr. Moore moved to amend said resolution by striking out the words "Speaker and."

Not agreed to.

The question then recurred on the adoption of the resolution.

Adopted.

Mr. Bennett offered the following:

Resolved, That the estimate of distances for the mileage allowed to the Members of the last Session be adopted as the rule for the present Session.

Adopted.

Mr. Bodley offered the following:

Resolved, That the Secretary of the Senate be requested to furnish the Members of this House with a copy of the Comptroller's Report.

Adopted.

Assembly Bill No. 3, "Concerning Attorneys and Counsellors at Law," was taken up, when, on motion of Mr. Crane, the House resolved itself into Committee of the Whole, Mr. Bradford in the Chair. After some time spent therein, the committee rose, reported progress, and asked leave to sit again.

Granted.

Mr. Baldwin offered the following:

Resolved, That the Board of Health of the City of San Francisco shall

be required to furnish a full and correct Report to this House, of the number of persons received into said Hospital from the time of its establishment, and of what diseases, also of the number discharged and cured, and of the deaths occurring therein, and from what cause; also of all moneys received and expended, and for what reason the same were so expended; also how many vessels have been subjected to the Health Office Laws, and what has been the efficacy of the Quarantine system in preventing the spread of contagious diseases.

Adopted.

The Speaker announced as Standing Committee on Indian affairs, Messrs. Hall, Baldwin, Merritt, Saunders, and Lind.

The Speaker laid before the House the following communication from the State Treasurer:—

TREASURER'S OFFICE, *Jan.* 14*th*, 1851.

To HON. JOHN BIGLER,
Speaker of the Assembly:

SIR: I herewith transmit the information requested by the Resolution of your honorable body, of date 13th inst.

Very respectfully,
Your obedient servant,
RICHARD ROMAN,
State Treasurer.

W. B. ALMOND,

COLLECTOR FOR CALAVERAS COUNTY.

1850.		*Dr.*
May 6.	To 2,995 Licenses at $20, ...	$59,900 00
June 22.	Amount transferred to acc't. of Ben. McCulloch (Collector of Mariposa county), . . .	107 30
" "	Amount transferred to account of R. Roman, .	56 97
		$60,064 27

1850.			*Cr.*
June 22.	By State Bonds, ...	$2,950 00	
" "	Interest thereon, . . .	206 27	
June 22 and July 17.	Return of 2,819 Licenses,	56,380 00	
July 17,	Commission on sales of 176 Licenses at $3, ...	528 00	
			$60,064 27

BEN. McCULLOCH,

COLLECTOR FOR MARIPOSA COUNTY.

1850.			*Dr.*
May 1.	To 1,568 Licenses, at $20, ...		$31,360 00
1850.			*Cr.*
July 5.	By State Bonds, ...	$1,050 00	
" "	Interest thereon, . . .	131 13	
" "	Amount brought from account of W. B. Almond, . . .	107 30	
" "	Warrants	300 00	
Aug. 16.	Warrants, ...	500 00	
Aug. 16 and December 18.	Return of 1,430 Licenses, at $20, . . .	28,600 00	
	Commission on sales of 138 Licenses, at $3, ...	414 00	
1851.			
Jan. 13.	State Warrants, ...	233 00	
" "	Cash, ...	24 57	
			$31,360 00

W. W. GIFT,

COLLECTOR FOR EL DORADO COUNTY.

1850.			*Dr.*
May 1.	To 1,627 Licenses, at $20, ...		$32,540 00
1850.			*Cr.*
July 9.	By State Bonds, ...	$,675 00	
" "	Interest thereon, ...	640 79	
" "	Warrants, ...	2,000 00	
Oct. 10.	State Bonds, ...	600 00	

Oct. 10.	Interest thereon, ...		$110 80	
" "	Return of 1,069 Licenses, . .		21,380 00	
	Commission on sales of 558 Licenses at $3, ...		1,674 00	
" "	Cash, ...		59 43	
				$32,540 00

W. H. RICHARDSON,

COLLECTOR FOR SUTTER AND YUBA COUNTIES.

1850.			*Dr.*
May 6.	To 1895 Licenses, at $20, ...		$37,900 00
1850.			*Cr.*
July 11.	By State Bonds, including interest,	$1,139 00	
Aug. 2.	Cash, ...	3,205 50	
Nov. 30.	Warrants, ...	3,412 78	
" "	State Bonds, ...	1,000 00	
" "	Interest thereon, ...	263 00	
" "	Cash, ...	23 72	
" "	Return of 1,363 Licenses, at $20, .	27,260 00	
	Commission on sales of 532 Licenses, at $3, ...	1,596 00	
			$37,900 00

HENRY M. NAGLEE,

COLLECTOR FOR SAN FRANCISCO COUNTY.

1850.			*Dr.*
May 21.	To 2,145 Licenses, at $20, . . .		$42,900 00
1850.			*Cr.*
July 11.	By State Bonds, including interest,	$119 00	
July 27 and Nov. 1.	Return of 2,138 Licenses, at $20, ...	42,760 00	
Nov. 1.	Commission on sales of 7 Licenses, at $3,	21 00	
			$42,900 00

T. B. VAN BUREN,

[COLLECTOR FOR SAN JOAQUIN COUNTY.

1850.				*Dr.*
May 6.	To 1,007 Licenses, at $20, . . .			$20,140 00
1851.				*Cr.*
Jan. 10.	By return of 1,006 Licenses at $20,	$20,120	00	
" "	Cash, ...	17	00	
" "	Commission on sale of 1 License, .	3	00	
				$20,140 00

WM. M. KINCAID,

COLLECTOR FOR YUBA COUNTY.

1850.				*Dr.*
May 6.	To 1,875 Licenses, at $20, ...			$37,500 00
1850.				*Cr.*
July 30.	By Warrants, ...	929	79	
" "	State Bonds, ...	100	00	
" "	Interest thereon, ...	12	00	
" "	Cash, ...	12	21	
" "	Return of 1,813 Licenses, at $20, .	36,260	90	
" "	Commission on sale of 62 Licenses, at $3, ...	186	00	
				$37,500 00

JOHN H. GASS,

COLLECTOR FOR SACRAMENTO COUNTY.

1850.				*Dr.*
May and August 10.	To 671 Licenses, at $20, .			$13,420 00
1850.				*Cr.*
July 29 and Sept. 20.	By return of 671 Licences at $20, . . .	$13,420	00	
				$13,420 00

J. J. H. GRAMMONT,

COLLECTOR FOR MARIPOSA COUNTY, *vice* BEN. M'COLLOCH, RESIGNED.

1850.			*Dr.*
Sept. 25.	To 288 Licenses, at $20,		$5,760 00
1850.			*Cr.*
Dec. 20.	By Warrants,	$600 00	
" "	Cash,	12 00	
" "	Return of 252 Licenses, at $20,	5,040 00	
" "	Commission on sale of 36 Licenses, at $3,	108 00	
			$5,760 00

L. A. BESANCON.

COLLECTOR FOR TUOLUMNE COUNTY.

1850.			*Dr.*
May 7.	To 3,415 Licenses, at $20,		$68,300 00
1850–'51.			*Cr.*
July 10, Sept. 17, and Jan. 6.	By return of 2,758 Licenses, at $20,	$55,160 00	
	Balance due State Treasury,		$13,140 00

JOHN F. ANKENEY,

COLLECTOR FOR SHASTA COUNTY.

1850.			*Dr.*
April 26.	To 1,269 Licenses, at $20,		$25,380 00
1851.			*Cr.*
Jan. 4.	By return of 534 Licenses, at $20,	$10,680 00	
	Balance due State Treasury,		$14,780 00

ELLISON DICKEY,

COLLECTOR FOR SUTTER COUNTY.

1850.		*Dr.*
July 30.	To 800 Licenses, at $20, ...	$16,000 00
	Amount due State Treasurer, . . .	$16,000 00

A. W. ADAMS,

COLLECTOR FOR BUTTE COUNTY.

1850.			*Dr.*
April 29 and May 2.	To 1,503 Licenses, at $20, . .		$30,060 00
1850.			*Cr.*
July 18.	By State Bonds, ...	$1,000 00	
" "	Interest thereon, ...	85 00	
" "	Cash, ...	298 26	
" "	Return of 2 Licenses, at $20, .	40 00	
Dec. 16.	State Bonds, ...	1,750 00	
" "	Interest thereon, . . .	396 53	
" "	Cash, ...	40 21	
" "	Return of 1,027 Licenses, at $20, .	20,540 00	
"	Commission on sale of 210 Licenses, at $3, ...	630 00	
			$24,780 00
	Balance due State Treasury, ...		$5,280 00

D. J. WOODLIEF,

COLLECTOR FOR CALAVERAS COUNTY, *vice* W. B. ALMOND, RESIGNED.

1850.		*Dr.*
July 17.	To 3,000 Licenses, at $20, ...	$60,000 00

1851.			Cr.
Sept. 21.	By State Bonds,	$1,825 00	
" "	Interest thereon,	298 07	
" "	Warrants,	1,280 00	
Dec. 26.	Return of 2,205 Licenses, at $20,	44,100 00	
" "	Commission on sale of 200 Licenses, at $3,	600 00	
			$48,103 07
	Balance due State Treasury,		$11,896 93

RECAPITULATION.

24,058 Licenses issued to Collectors, at $20,		$481,160 00
19,087 Licenses returned by Collectors,		381,740 00

AMOUNT RECEIVED FROM COLLECTORS.

State Bonds, including Interest,	$19,694 60	
Warrants,	9,255 57	
Cash,	3,692 90	
		$32,643 07
Commission allowed Collectors on sale,		$5,760 00

DUE STATE TREASURY.

From L. A. Besançon,	$13,140 00	
From J. F. Anking,	14,700 00	
From Ellison Dickey,	16,000 00	
From A. W. Adams,	5,280 00	
From D. J. Woodleif,	11,896 93	
		$61,016 93
		$481,160 00

By the foregoing, it will be perceived that the following Collectors of Foreign Miners' Licenses have fully balanced their accounts with this office, viz:

W. B. Almond, Ben. McCulloch, W. W. Gift, W. H. Richardson, Henry M. Naglee, T. B. Van Buren, W. M. Kincaid, John H. Gass, and J. J. H. Grammont.

D. J. Woodleif, Collector for Calaveras County, is still engaged in the discharge of his official duties. Settlements with this office have been regularly made by him, as often as the same are required by law.

Those Collectors who have failed to settle their accounts with this office, are the following, viz:

L. A. Besançon, J. F. Anking, Ellison Dickey, and A. W. Adams.

For the recovery of the amount due the State from L. A. Besançon, Collector for Tuolumne County, legal steps have been already instituted.

Information not sufficient, though deemed reliable, has been received by me, to the effect that J. F. Ankeney, the Collector for Shasta County, having failed to make any sales, placed the unsold Licenses in the hands of a gentleman for transmission to this office. I have every assurance that they will be delivered in a short time.

I have been unofficially informed by Ellison Dickey, Collector for Sutter County, who is now in this city, that he has been robbed of the entire amount of Licenses which were delivered to him.

A. W. Adams, Collector for Butte County, states that his deficiency arises from the refusal of one of his agents, with whom certain Licenses were left, to make a return of the same.

Mr. Wilkins moved that the report, with the exception of statements made by Collectors, be printed.

Agreed to.

Mr. Field moved that the Document accompanying the Governor's Message of January 6th, 1851, stating the number of cases on the Calendar in the District Courts, and the Supreme Court, the number heard and determined, and the number still remaing undetermined, be printed.

Agreed to.

Mr. Hall asked and obtained leave to withdraw the communication and accompanying documents, presented by Col. Wm. Rogers, relative to the war with the Indians.

Mr. Carr, Chairman of the Committee on Commerce, to whom was

referred Senate Bill No. 4, entitled "an Act to repeal 'an Act to provide for the Inspection of Steamboats,'" reported that they have had the same under consideration, and return the same without amendment, and recommend its passage.

The report was adopted.

The question recurred on Engrossing said Bill.

Agreed to.

A Message was received from the Senate, by their Secretary, Mr. Howe, informing the Assembly that they have passed Bills herewith transmitted, severally entitled "an Act to prohibit Lotteries;" and "an Act to amend 'an Act declaring certain Rivers, Creeks, and Sloughs, herein named, Navigable,'" approved March 20, 1850; in which the concurrence of the Assembly is respectfully requested.

Senate Bill No. 12, accompanying the Message, entitled "an Act prohibiting Lotteries," was read the first and second times, the Rules being suspended for that purpose, and referred to the Judiciary Committee.

Senate Bill, No. —, accompanying the Message, entitled "an Act to amend 'an Act declaring certain Rivers, Creeks, and Sloughs, herein named, Navigable,'" approved March 20, 1850, was taken up, read the first time, and,

On motion of Mr. Lisle, the Rules were suspended, the Bill read the second time, and referred to the Committee on Commerce.

Mr. Pico offered the following:

Resolved, That from and after to-morrow, this House shall meet at ten o'clock, A.M.

Mr. Baldwin moved to amend, by striking out "ten" and inserting "eleven."

Not agreed to.

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

Lost.

The question recurred on the adoption of the resolution.

Agreed to.

Mr. Cook moved that the Committee on the contested seat of Mr. Saunders be empowered with authority to send for persons and papers.

Mr. Field moved to lay the motion of Mr. Cook on the table.

Not agreed to.

The question then recurred on the motion of Mr. Cook.

Not agreed to.

Mr. Thorne offered the following:

Resolved (the Senate concurring), That the Assembly meet the Senate in Convention on Tuesday next, at 12 o'clock, for the purpose of electing a United States Senator, to succeed the Hon. J. C. Frémont, whose term of office expires on the 4th of March next.

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

Agreed to.

Mr. Carr gave notice that he would, at an early day, introduce the following Bills:

"A Bill to provide for the Granting of Divorces;" "a Bill to provide for the Taxation of Money, Gold, Silver, and Quicksilver."

Mr. Carr, on leave granted, introduced "a Bill entitled 'an Act regulating and prescribing the duties of Pilots for the Bay and Harbor of San Francisco, and other purposes,'" which was read first and second times by title, and on motion of Mr. Moore, referred to Committe on Commerce.

Mr. Bradford moved that the usual number of copies of said Bill be printed.

Not agreed to.

ONE O'CLOCK.

On motion of Mr. Carr, the House adjourned.

HOUSE OF ASSEMBLY.

FRIDAY, *January* 17, 1851.

House met.

The roll was called, and the following members were absent, to wit: Messrs. Brown, Campbell, Carnes, Hall, Hoff, Lisle, Merritt, Robinson, Saunders, Stearns, and Thorne; on leave, Mr. Randall.

The Journal of yesterday was read and approved.

Mr. Moore, Chairman of Judiciary Committee, to whom was referred Senate Bill No. 12, entitled "an Act to prohibit Lotteries," reported that they have had the same under consideration, and beg leave to return the same back to the House with the following amendment:

Strike out all after section 1 in Senate's Bill, and insert sections 2, 3, 4, and 5, as reported by committee.

The question recurred on agreeing to the amendment made by the committee.

Agreed to.

Mr. Bradford offered the following as the 6th section of said Bill.

"Section 6th. This Act to take effect from and after the 15th day of February."

Agreed to.

Mr. Bodley, from Committee on Engrossment, reported as correctly engrossed, Bill No. 4, entitled "an Act to repeal 'an Act to provide for the inspection of Steamboats.'"

The question then recurred on the final passage of the Bill.

Agreed to.

Mr. Richardson, "on leave," introduced "a Bill authorizing the Treasurer of the State to negotiate a Loan upon the faith and credit of the State," which was read first and second times, the Rules were suspended for that purpose, and,

On motion of Mr. Lind, referred to the Committee on Ways and Means.

On motion of Mr. Bradford, the House resolved itself into Committee of the Whole, Mr. Cook in the Chair, on resolutions of Messrs. Wilkins, Kellogg, Baldwin, Moore, and Field, "relative to the Civil Fund;" after sometime spent therein, the committee rose, reported progress, and asked leave to sit again.

Granted.

Mr. Carnes introduced Mr. Covarrubias, member elect from Santa Barbara county, who came forward and took the oath of office.

On motion of Mr. Moore, the House resolved itself into Committee of the Whole, Mr. Cook in the Chair, on resolutions of Messrs. Wilkins, Kellogg, Baldwin, Moore, and Field, "relative to the Civil Fund;" after some time spent therein, the committee rose, reported progress, and asked leave to be discharged from the further consideration of the subject.

Agreed to.

On motion of Mr. Moore, the report and resolutions "relative to the Civil Fund," were referred to a Select Committee, consisting of Messrs. Moore, McCorkle, and Kellogg, with instructions to report to-morrow.

The Speaker laid before the House the following communication from the Sergeant-at-Arms:

To HON. JOHN BIGLER,

Speaker of the House of Assembly:

SIR: I herewith have the honor to report, that after having made diligent inquiry for candles for use of the House, I have found that the only suitable article can be purchased for cash alone, and there are no funds in the Treasury. I therefore ask of your honorable body to make some provision for the purchase of these and other articles that may be required for your use.

As I have great difficulty in getting supplies in this place generally, and am often forced to take a very indifferent article, or to go without any, I would respectfully suggest that the House direct that their supplies be made from San Francisco.

Very respectfully,

W. W. GIFT.

Mr. Bradford moved that the communication be referred to the Committee on Ways and Means.

Agreed to.

Mr. Richardson moved that the House take up Assembly Bill No. 3, "concerning Attorneys and Counsellors at Law."

Agreed to.

On motion of Mr. Crane, the House resolved itself into Committee of the Whole, Mr. Bradford in the Chair, on Assembly Bill No. 3, "concerning Attorneys and Counsellors at Law;" after some time spent therein, the committee rose, reported the Bill with sundry amendments back to the House, which amendments were concurred in by the House, when the committee was discharged from the further consideration of the Bill.

Mr. Baldwin then moved to amend the 15th section of the Bill, by striking out the words "by the Supreme Court, and by no other Court in this State."

Not agreed to.

Mr. Bodley offered the following, as Section 12 to said Bill:

"SEC. 12. An Attorney shall have a lien for his compensation, when specially agreed, on all moneys in his hands belonging to his client, but shall have no other liens."

Not agreed to.

The question recurred on engrossing the Bill.

Agreed to.

The Speaker laid before the House the following communication and accompanying documents from J. H. Rogers, Health Officer of the State of California for the Bay of San Francisco:

To the Hon. Mr. BIGLER,
Speaker of the Assembly:

In compliance with a resolution offered to the House, by the Hon. Mr. Baldwin, demanding information from the Board of Health, I have the honor to transmit a printed copy of their Report to the late Governor.

It will be seen, by reference to that document, that from May to December, twelve hundred persons have been admitted. The receipts from capitation taxes have supported the Hospital, with a small surplus in its treasury. The amount in its treasury would have been several thousands, had not many of the vessels refused to pay over the money they had received from their passengers; and for which suits are now pending. And it is no less melancholy than true, that many of those passengers have been taken ill, and on application to the Hospital, showing their receipts, we had no authority to admit them, for those who gave them the receipts had neglected and refused to comply with the law, in not sending the money to the Commissioners of Health.

Since my entering upon the duties of my office, in May last, I have visited about five hundred vessels, of every description. More than one half of that number have had disease on board. It has been my care and vigilance to have the sick sent to the Hospital, and give directions for the vessel to air and ventilate her apartments.

It is with profound regret that I have to announce to the Legislature the inadequacy of our present laws, so far as relates to owners and captains, not sufficiently provisioning their vessels with fresh vegetables for so long a voyage. Daily are vessels arriving who have scurvy on board, and on the voyage have lost several; and others die after arriving. And while questioning the officers why they have not stopped at some port, they invariably give the reply, that their owners instructed them not to enter any intermediate ports. There are a large number in the

Hospital whose constitutions are destroyed, and if not relieved by death, must become a burden to the State.

Without having the official documents at hand, I would state my belief that not less than twenty thousand names are recorded who have paid their capitation tax, and, of consequence, are entitled, for the next five years, to all the privileges of the Institution.

I would add, for the information of the Assembly, that many have arrived here destitute and penniless: yet the owners and captains have exacted their full amount of passage, and thrown them on our shores to swell the number of paupers.

I have ever considered it my duty, in guarding the portals to the Bay of San Francisco, that my vigilance and care extended to the welfare of the *whole* State. There is not a maritime port in the United States, or Europe, but what has its sanitary regulations. The State of California can claim for herself as having adopted a liberal marine sanitary regulation.

Respectfully,

J. H. ROGERS,

Health Officer of the State of California

For the Port of San Francisco.

REPORT

Of the Resident Physician of the State Marine Hospital from May 7th to December 7th, 1850.

MONTH.	Number Admitted	Number Discharged	Number Cured	DISEASES. Diarrhœa	Dysentery	Intermittent Fever	Typhus Fever	Erysipelas	Colic	Hepatitis	Gonorrhœa	Fistula	Fracture	Paralysis	Cholera Morbus	Phthysis Pulmonalis	Asthma	Delirium Tremens	Bronchitis	Laryngitis	Pneumonia	Contusions	Orchitis	Acute Rheumatism	Chronic Rheumatism	Hæmorrhoids	Debility	Hemiplegia	Scurvy	Cholera	Jaundice	Secondary Syphilis	Mania	Dropsy	Ophthalmia	Scalds	Poisoned	Convulsions	Deaths	Remaining in Hospital
May, 1850	39	11	11	9	6	4					2	3		1			1		2					5			2		3			1							4	24
June,	138	86	86	28	17	12	3		2	4			4			6		3	4	1	5	4		10	7	2	4	1	12		4		3		2				16	60
July,	190	158	158	32	26	9	6	4	5	2	8	5	2	3		4	7	2	3	2	4	3	1	13	5	1	[illegible]				2	7	2	4	3	2		2	13	79
August,	280	169	169	52	48	23	9	2	7	3	12		5	4	2	10	6	1	4		6	2	3		27														36	92
September	214	179	179	47	39	24	11	4	2		9	2	4	3		6	4	3	3		5	4		24	13				4		2	1							23	104
October,	217	158	158	56	42	12	4	1	5	10	2	4	7			2	1		7		2	2		19	14	3	2		16	4	3	4	2	3					31	132
November,	184	151	151	38	26	9	4	2	3	4	7	1	3	2	3	1	4		5		4	2		15	8	1	3		11	5	4	3	3	2	2	5	1		26	139
TOTAL	1200	912	912	262	204	93	37	13	21	23	40	15	25	13	5	29	23	9	28	3	26	17	4	113	47	7	14	1	46	9	15	16	10	9	7	7	1	2	149	631

RECAPITULATION.

Whole number of Commutation Patients admitted	1,054
Whole number of Pay Patients admitted	146
Total	1,200
Whole number discharged cured, to Dec. 7	912
Remaining in Hospital, sick, to Dec. 7	139
Dead	149
Total	1,200

OF THIS NUMBER

Died of Diarrhœa	32
" " Dysentery	26
" " Paralysis	3
" " Delirium Tremens	2
" " Typhus Fever	16
" " Laryngitis	2
" " Jaundice	2
" " Scurvy	14
" " Scalds	2
" " Mania	3
" " Phthysis Pulmonalis	2
" " Cholera	7
" " Cholera Morbus	4
" " Hæmorrhoids	3
" " Colic	2
" " Cystitis	1
" " Secondary Syphilis	5
" " Fractures and Contusions	4
" " Fistula	3
" " Wounds, punctured	2
" " Pneumonia	5
" " Bronchitis	3
" " Hemiplegia	3
" " Dropsy	8
Total	149

We do hereby certify the above Report to be correct.

J. H. ROGERS, *Health Officer*,
L. HUBBARD, *Resident Physician*,
JNO. F. THORP, *Health Commissioner*.

SAN FRANCISCO, Cal., Dec. 18, 1850.

ANNUAL REPORT OF THE BOARD OF HEALTH,

Showing all Receipts and Expenditures for and on Account of the State Marine Hospital, from May 5th to December 15th, 1850.

	RECEIPTS.				EXPENDITURES.									
	Commutation Money.	From pay-patients	From Sales by Apothecary, &c	Total.	Rent of Hospital.	Nurses and other Attendants.	Salaries of Physicians and per centage of H Com'r	Expenses of the Board of Health.	Fuel.	Medicines.	Groceries and other provisions	Hospital Repairs and Furniture.	Undertaker.	Total.
May . . .	$3620 50	75 00		3695 50	500 00	53 30	460 00	1814 30		15 35	39 50	739 25		$3621 70
June .. .	13164 00	1537 50		14701 50	2071 00	420 00	1836 07	1916 00	20 50	31 75	529 36	1483 86		8308 54
July ..	10983 50	1174 60	333 12	12491 22	1851 11	689 66	1881 87	776 00	89 00	6385 13	1327 35	2798 49	525 00	16323 61
August	10381 00	2173 44	95 50	12649 94	1100 00	1194 71	2135 79	1523 65	202 00	353 29	2893 45	2635 38		12038 27
September	6856 50	2614 25	323 00	9793 75	1300 00	1572 72	1950 00	1268 75	164 00	556 01	2129 17	1548 80	1050 00	11539 45
October .	3902 00	1328 18		5230 18	800 00	458 10	300 00	945 43	126 00	566 69	1732 88	474 00	100 00	5503 16
November	5505 50	872 25	409 50	6787 25	1500 00	804 97	1363 60	1017 00	46 50	414 76	1478 37	135 28	636 08	7396 56
December	2367 50	2947 42		5314 92	300 00	864 00	1463 24	967 50	729 00		984 28	216 75	245 00	5769 77

RECAPITULATION.

Amount of commutation money	$56780 50
Received from Pay Patients	12722 64
Received from sales at Apothecary, and for rent of same	1161 12
Total of Receipts	$70664 26

Paid for rent of building used as Hospital . . .	$9422 11
Paid nurses and other attendants at Hospital . .	6057 53
Paid salaries of Resident Physician and Assistants, and per centage of Health Commissioner . . .	11390 57
Paid for Health Officer's boat and wages of crew, printing, office rent, Clerk's salary, &c.	10228 63
Paid for fuel for Hospital	1377 00
Paid for medicines ($4,500 being for drug store) for Hospital use	8322 98
Paid for groceries, provisions, &c.	11114 36
Paid for brig Bee ($800), lumber, carpenter work, furniture for Hospital, &c.	10031 81
Paid undertaker, expense of deceased patients . .	2556 08
Total of Expenditures	$70501 06

Receipts	$70664 26
Expenditures	70501 06
Balance	$163 20

We do hereby certify the above to be a correct return of receipts and expenditures.

(Signed) J. H. ROGERS, Health Officer,
L. HUBBARD, Resident Physician,
JNO. F. THORP, Health Commissioner.

SAN FRANCISCO, Cal., Dec. 18, 1850.

After the Clerk had commenced the reading of the Report of the Health Officer, Mr. Robinson moved that the further reading be dispensed with. Agreed to.

Mr. Robinson moved that the Report of the Health Officer be printed, and referred to Committee on Commerce.

Mr. Moore moved as a substitute for Mr. Robinson's motion, that the Report be referred to Committee on Commerce.

The question recurred on the adoption of substitute. Lost.

The question then recurred on Mr. Robinson's motion. Agreed to.

Mr. Campbell gave notice that he would, on to-morrow, introduce "A Bill to authorize the holding of a Special Term of the District Court of the County of Santa Clara."

The following Message, received this morning from the Senate, was taken up and read.

SENATE CHAMBER, *January* 17, 1851.

MR. SPEAKER:

I am directed by the Senate respectfully to inform the Assembly, in reply to the Resolution yesterday adopted by your honorable body, that the Report of the Comptroller is not now in the possession of the Senate, but is in the hands of a committee, and that the Secretary is therefore unable to furnish the copy requested.

J. F. HOWE, Sec'y. of Senate.

Mr. Richardson moved that the Resolution inviting the Senate to attend in the Hall of the Assembly on Saturday, 18th of January, 1851, for the Election of an United States Senator, be taken from the table. Not agreed to.

HALF PAST TWELVE O'CLOCK.

On motion of Mr. Lind, the House adjourned.

HOUSE OF ASSEMBLY.

SATURDAY, *January* 18*th*, 1851.

House met.

The roll was called, and the following members were absent, to wit: Messrs. Bennett, Bodley, Hoff, and Pico; on leave, Mr. Randall.

The Journal of yesterday was read and approved.

The Speaker laid before the House a communication from members

of the Bar at Sacramento, requesting an increase of salary for the District Attorney of that District, which was, on motion, referred to the Judiciary Committee.

Mr. Robinson presented a memorial of the members of the Bar of Sacramento, praying that the County of Sacramento be made a separate Judicial District, which was, on motion of Mr. Field, referred to the Judiciary Committee.

Mr. Carr presented a petition of the Benicia, Sacramento, and San Joaquin Pilots, which was, on motion of Mr. Thorne, referred, without reading, to the Committee on Commerce.

Mr. Moore, Chairman of Committee on Judiciary, to whom was referred "A Bill to fix the Compensation of the County Judge of Yolo County," reported that they have had the same consideration, and beg leave to submit the following as a substitute, and recommend its passage.

Assembly Bill No. 5, entitled a "Bill to fix the Compensation of the County Judge of Yolo County," was taken up, read, and ordered to be engrossed.

Mr. Moore, Chairman of the Judiciary Committee, to whom was referred so much of the Governor's Message as refers to the appointment made to fill the vacancy in the Judgeship of the Sixth Judicial District, made the following

REPORT.

MR. SPEAKER:

The Judiciary Committee, in obedience to the requirements of the following Resolution:

Resolved, That so much of the communication of the late Governor as refers to the appointment made by him to fill the vacancy in the Judge, ship of the Sixth Judicial District, occasionedby the removal of the Hon. James S. Thomas from this State, be referred to the Judiciary Committee, with instructions to report on Friday next, which resolution passed the House on the 15th instant, "beg leave to report:" That the 33d section of "an Act concerning Officers" contains an enumeration of the events, upon the happening of which every office shall become vacant, and that the 4th cause in this enumeration is, "his ceasing to be a resident of the State, district, county, township, or town in which the duties of his office are to be exercised, or for which he shall have been elected." By the 38th Section of the same Act it is made the duty of the County

Clerk, whenever a vacancy occurs in certain offices, among which is included that of District Judge, " to certify such vacancy, and how it occurred, to the Governor." According to the best information in the possession of the committee, the Judgeship of the Sixth Judicial District became vacant by the former Judge ceasing to be a resident of that District, and that such vacancy was duly certified by the Clerk of Sacramento County, in compliance with law. The 46th section of the Act referred to directs that when any vacancy shall occur in the office of District Judge, the Governor shall fill the same by granting a Commission which shall expire at the next General Election by the people. It is the opinion therefore of the committee, that it was the imperative duty of the Governor to appoint some person to supply the vacancy in the Sixth Judicial District, to hold the office until the next General Election.

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

Mr. Moore, Chairman of Select Committee to whom was referred Joint Resolution of Messrs. Wilkins, Kellogg, Baldwin, Moore, and Field, relative to the Civil Fund, asked and obtained further time to Report.

Mr. Lisle offered a " Joint Resolution instructing our Senators, and requesting our Representatives, to procure the passage of a law for the relief of Capt. William Waldo," which was read first and second times, the Rules being suspended for that purpose, and on motion of Mr. Lisle, referred to a Select Committee, consisting of Messrs. Lisle, Robinson, and Hall.

Mr. Field asked and obtained leave of absence for Mr. Hoff.

Mr. Robinson offered the following:

Resolved, That the Comptroller of State be required, as soon as possible, to report to this House the sums paid for house rent for the several officers of the State, setting forth the amount charged by each officer, and also transmit to this House copies of any correspondence which may have taken place in relation to allowances for rent charges. Adopted.

Mr. Saunders offered the following:

Resolved, That the Committee on Claims be authorized to employ a Clerk, and procure a suitable room for business, said Clerk to act as a general Committee Clerk, when not specially employed. Adopted.

Mr. Thorne offered the following

Resolved, That the Committee on Public Printing, to whom was referred the Report of the State Printer, be requested to report upon the same on Monday next. Adopted.

Mr. Campbell, on leave, introduced a Bill "to authorize the holding of a Special Term for the District Court of Santa Clara," which was read a first time, and,

On motion of Mr. Bodley, the Rules were suspended, the Bill read second time, and ordered to be engrossed.

Mr. Carr, on leave, introduced a Bill, entitled "an Act concerning Divorces," which was read first and second times by title, and,

On motion of Mr. Field, referred to the Judiciary Committee.

Mr. Carr, on leave, introduced a Bill, entitled "an Act creating the office of Harbor Master for the Port and Harbor of San Francisco, and for other purposes," which was read first and second times, by title, and,

On motion of Mr. Thorne, referred to the Committee on Commerce.

Mr. Hall, Chairman of Committee on Claims, to whom was referred the demand of Frederick H. Sandford, for services as District Attorney for the District of San José during the Territorial Government, reported that they have had the same under consideration, and that however just and equitable these claims may be, the General Government only should be looked to for compensation, and that it would be highly improper and inexpedient at present to pay this account from any funds belonging to this State. Adopted.

The Speaker laid before the House the following communication from the State Treasurer:

TREASURER'S OFFICE,
January 18, 1851.

TO THE HON. JOHN BIGLER,
Speaker of Assembly:

SIR: I beg leave to state that since the transmission of my first Report in answer to a Resolution of your honorable body, requiring information concerning Collectors of Foreign Miners' License Tax, Mr. A. W. Adams, Collector for the County of Butte, has fully settled his account as such, by the return to this office of the remaining unsold Licenses.

Very respectfully,
Your obedient servant,
RICHARD ROMAN, State Treasurer.

Mr. Moore moved that Committee on Public Expenditures, to whom was referred Senate's Joint Resolution relative to the Public Archives, be requested to report instanter. Agreed to.

Mr. Kellogg, Chairman of Committee on Public Expenditures, to whom was referred the Joint Resolution transmitted from the Senate in

relation to the Public Archives, reported that they are of opinion that to procure copies of such papers as relates to Land Titles, Missions, and the Public Domains of the State, alluded to in the final clause of the Resolution, necessarily creates a certain amount of expense to the State, to provide for which a mere Resolution is incompetent; they would therefore recommend the accompanying Bill as a subsitute for the Resolution.

The question recurred on the adoption of the substitute,

When Mr. Moore moved to postpone indefinitely the Joint Resolution and substitute.

Agreed to.

Mr. Baldwin moved that the subject contained in Senate's Joint Resolution, and Mr. Kellogg's substitute, relative to the Public Archives, be referred to a Select Committee to report to the House what right the State of California has to demand these papers, and the expediency of having the State furnished with copies of the same.

Agreed to.

The Speaker appointed as said committee, Messrs. Baldwin, Moore, Kellogg, Field, and McCorkle.

A Message from the Governor was received by his Private Secretary, informing the Assembly that he had signed a Joint Resolution granting leave of absence to the Hon. Charles M. Creanor, Judge of the Fifth Judicial District.

Mr. Baldwin offered the following:

Resolved, That the Governor be requested to inform the Assembly whether he has received any late intelligence of Indian Hostilities existing within this State, and if so, of what character; also, that he be requested to inform the Assembly what action he has had thereupon.

Adopted.

On motion of Mr. Moore, the House resolved itself into a Committee of the Whole, Mr. Baldwin in the Chair, on Assembly Bill No. 6, entitled "an Act requiring Alcaldes and Judges of First Instance to account for moneys received by them." After some time spent therein, the committee rose, reported the Bill with amendments, and was discharged from the further consideration of the subject.

On motion of Mr. Moore, the House concurred generally in amendments made in Committee of the Whole, and ordered the Bill to be engrossed.

Mr. Thorne moved that the House take up Senate Bill No. 13, enti-

tled "an Act to repeal 'an Act regulating the Quarantine of Vessels at the Port and Harbor of San Francisco.'"

Agreed to.

On motion of Mr. Thorne, the House resolved itself into a Committee of the Whole, Mr. Murphy in the Chair, on Senate Bill No. 13, entitled "an Act to repeal 'an Act regulating the Quarantine of Vessels in the Port and Harbor of San Francisco.'" After some time spent therein, the committee rose, reported the Bill back to the House without amendment, and was discharged from further consideration of the same.

Mr. Moore moved to lay said Bill on the table.

Not agreed to.

Mr. Merritt offered the following:

Resolved (the Senate concurring), That the Comptroller be required to issue State Warrants in sums of ten, twenty, and fifty dollars, if demanded by persons holding claims against the State.

Mr. Moore moved that the Resolution be indefinitely postponed, and demanded the ayes and nays.

Those who voted in the affirmative were—

Mr. Brown	Mr. Stearns
Moore	Thorne
Murphy	Speaker—6.

Those who voted in the negative were—

Mr. Baldwin	Mr. Lind
Bennett	McCandless
Bodley	McDougal
Campbell	Merritt
Carr	Pico
Carnes	Richardson
Cook	Robinson
Crane	Saunders
Field	Wethered
Kellogg	Wilkins
Kendrick	Yeiser
Lisle	—23.

Not agreed to.

Mr. Merritt offered the following:

Resolved, That the Senate be invited to meet the Assembly in this Hall, at ten o'clock, A.M., on Tuesday, the 21st instant, to proceed to the election of United States Senator, to fill the vacancy of Hon. J. C. Frémont.

Mr. Baldwin moved that said Resolution be indefinitely postponed.

On this motion, Mr. Kellogg demanded the ayes and nays.

Those who voted in the affirmative were—

Mr. Baldwin	Mr. Lisle
Bennett	Lind
Brown	McDougal
Carr	Moore
Carnes	Robinson
Cook	Stearns
Crane	Thorne
Field	Wilkins
Kellogg	—17.

Those who voted in the negative were—

Mr. Bodley	Mr. Pico
Campbell	Richardson
Kendrick	Saunders
McCandless	Wethered
Merritt	Yeiser
Murphy	Speaker—12.

Agreed to.

Mr. Crane offered the following:

Resolved, That the Committee on Public Expenditures be instructed to report a Resolution to this House, fixing the compensation of Clerks and other officers of this House.

Adopted.

Mr. Bodley, from Committee on Engrossed Bills, reported as correctly engrossed, Assembly Bill No. 3, "concerning Attorneys and Counsellors at Law."

Assembly Bill No. 3, "concerning Attorneys and Counsellors at Law," was taken up, read the third time, and

On its passage, Mr. Bodley demanded the ayes and nays.

Those who voted in the affirmative were—

Mr. Campbell	Mr. Moore
Cook	Pico
Crane	Robinson
Field	Saunders
Kellogg	Thorne
Kendrick	Wethered
Lisle	Yeiser
McCandless	—17.
McDougal	

Those who voted in the negative were—

Mr. Bodley	Mr. Merritt
Bradford	Richardson
Brown	Stearns
Carnes	Wilkins
Lind	Speaker—10.

So said Bill passed.

A Message from the Senate was received, informing the Assembly that the Governor had, this day, notified the Senate that he did, on yesterday, sign Joint Resolution, originating in the Senate, granting leave of absence to Hon. Robert Hopkins, District Judge of the Seventh Judicial District.

Mr. Bradford offered the following:

Resolved, That the Comptroller be required to report to this House the amount of Warrants drawn upon the Treasury for Contingent Expenses for the offices of Comptroller, Secretary of State, Treasurer, Surveyor, and Attorney-General, up to this date; also the object for which the Warrants were drawn.

Adopted.

ONE O'CLOCK.

On motion of Mr. Wilkins, the House adjourned until 10 o'clock on Monday next.

HOUSE OF ASSEMBLY.

MONDAY, *January 20th*, 1851.

House met.

The roll was called, and the following members were absent, to wit:

Messrs. Baldwin, Lisle, and McCandless; on leave Mr. Randall.

The Journal of yesterday was read and approved.

Mr. Field presented a petition from sundry citizens of San Francisco, desirous of organizing an Insurance Company; also introduced "a Bill for the Incorporation of Mutual Insurance Companies," which was read first and second times by title, and on motion of Mr. Field, referred with petition to Committee on Corporations.

Mr. McDougal asked and obtained leave of absence for Mr. Baldwin.

Mr. Moore, from the Judiciary Committee, to whom was referred the Bill concerning Forcible Entries and Unlawful Detainers, reported that they have had the same under consideration, and respectfully ask leave to report a substitute for the same, and recommend its passage.

After the Clerk had commenced reading the substitute offered by Mr. Moore chairman of Committee, on motion of Mr. Field, further reading was dispensed with, and the Bill ordered printed.

Mr. Moore, from the Judiciary Committee, to whom was referred the petition of Members of the Bar of Sacramento County, respectfully requesting an increase of salary of the District-Attorney of that District, for the reason that his present salary is, in their opinion, inadequate and unsufficient compensation for his services, ask leave to report,

That a Bill is now in the course of preparation by your Committee, fixing the salaries and fees of officers, in which will be included the compensation of District Attorneys.

They therefore report the petition back to the House, and recommend that it be laid upon the table.

The question recurred on adopting the resolution.

Agreed to.

Mr. Moore, from the Judiciary Committee, to whom was referred the petition of Members of the Bar of Sacramento County, asking of the Senate and Assembly that the Law may be so amended that Sacramento County shall constitute one Judicial District—ask leave to report,

That they have now in preparation "a Bill concerning Courts," in which the different Judicial Districts will be so arranged as, in their

opinion, will meet the wishes and convenience of the people of the different sections of the State; believing, therefore, that any special legislation in reference to the subject matter of the petition would be unnecessary, they ask leave to report the same back to the House, and that they may be discharged from its further consideration.

The question recurred on adopting the Report.

Agreed to.

Mr. Moore, Chairman of Judiciary Committee, to whom was referred a Bill concerning Divorces, reported that they have had the same under consideration, and beg leave to report a substitute for the same, with a recommendation that the substitute pass, and ask that they may be discharged from a further consideration of the subject.

After the Clerk had commenced reading the substitute, on motion of Mr. Field, further reading was dispensed with, and the usual number of copies ordered to be printed.

Mr. Kellogg, from Committee on Public Expenditures, in accordance with instructions given, reported the following Resolution, fixing the per diem compensation of the officers of the Assembly.

Resolved, That the principal Clerk of the Assembly shall receive eighteen dollars per day; the Assistant Clerk, the Engrossing, the Enrolling, and Clerks of Committees, each sixteen dollars per day; the Sergeant-at-Arms, sixteen dollars per day; the Door-keeper, fourteen dollars per day; the Page and Porter, each ten dollars per day.

Mr. Moore moved that the Resolution be laid on the table.

Not agreed to.

On motion of Mr. Merritt, the Resolution was adopted.

Mr. Bodley, from Committee on Engrossed Bills, reported as correctly engrossed Assembly Bill No. 12, entitled "a Bill to authorize the holding of a Special Term of the District Court for the County of Santa Clara."

Mr. Bradford, from Committee on Enrolled Bills, reported as correctly enrolled Senate Bill No. 4, entitled "an Act to repeal an Act for the Inspection of Steamboats."

Mr. Moore, Chairman of Select Committee, to whom was referred the subject matter in relation to the expenses of the Government of the State of California prior to her admission, and also the matter in relation to the Civil Fund, ask leave to report,

That they have had the same under consideration, and have con-

cluded it right and proper to adopt a different course of procedure from that recommended in the papers submitted and referred to them, viz., to memorialize Congress, through the President of the United States, together with the resolutions of instructions to our Senators and Representatives, to urge the claims as set forth in the memorial, to a speedy and final decision.

Your Committee respectfully recommend the passage of the memorials and resolutions, and ask to be discharged from the further consideration of the subject.

After the Clerk had commenced reading the memorial accompanying the Report, on motion of Mr. Field further reading was dispensed with, and the usual number of copies ordered to be printed, and made the special order of the day for Wednesday next.

Mr. Hall, on leave, introduced a Bill to provide for the holding of a Special Term of the Distric tCourt within and for El Dorado County, which was read first and second times, and referred to the Judiciary Committee.

Mr. Stearns, on leave, introduced a Bill entitled "an Act to authorize and require the Judge of the First Judicial District Court to hold Special Terms of said District Court," which was, on motion of Mr. Field, read first and second times, and referred to the Judiciary Committee.

ORDERS OF THE DAY.

Assembly Bill No. 12, entitled "a Bill to authorize the holding of a Special Term of the District Court for the County of Santa Clara," was taken up.

Mr. Moore moved to lay said Bill on the table for the present.

Not agreed to.

The question then was, "Shall the Bill pass?" when Mr. Moore demanded the ayes and nays.

Those who voted in the affirmative were—

Mr. Bennett	Mr. Carnes
Bodley	Crane
Bradford	Cook
Brown	Hall
Campbell	Kellogg

Mr. Kendrick	Mr. Saunders
Lisle	Thorne
McCandless	Wethered
McDougal	Wilkins
Pico	Yeiser
Richardson	Speaker
Robinson	—23.

Those who voted in the negative were—

Mr. Field	Mr. Merritt
Hoff	Moore
Lind	Murphy
McCorkle	—7.

So said bill passed.

Senate bill No. 12, entitled "an Act to prohibit Lotteries," was taken up and read a third time.

The question then was, "Shall the bill pass?"

Mr. Moore demanded the yeas and nays.

Those who voted in the affirmative were—

Mr. Bennett	Mr. Lisle
Bodley	Lind
Brown	McCandless
Campbell	McDougal
Carr	Merritt
Carnes	Moore
Cook	Pico
Crane	Robinson
Field	Stearns
Hall	Wethered
Hoff	Wilkins
Kellogg	Yeiser
Kendrick	Speaker—26.

Those who voted in the negative were—

Mr. Bradford	Mr. Richardson
McCorkle	Saunders
Murphy	Thorne—6.

So said Bill passed.

Mr. Field gave notice that he would, on to-morrow, introduce "a Bill to amend the 'Act declaring certain Rivers, Creeks, and Sloughs, herein named, navigable,'" passed March 20th, 1850.

Mr. Crane gave notice that he would, on some future day, introduce "a Bill as a substitute for the Act entitled 'an Act to provide for the Incorporation of Colleges,' and repealing the same."

On motion of Mr. Campbell, the House resolved itself into Committee of the Whole, Mr. Bradford in the Chair, on Assembly bill No. 7, entitled "a Bill for an Act to regulate the Interest on Money;" after some time spent therein, the committee rose, reported the bill back to the House, with sundry amendments, and asked to be discharged from the further consideration of the same.

Granted.

On motion of Mr. Moore, the House concurred generally in the amendments made by the Committee of the Whole, and ordered the bill engrossed.

Mr. Bodley, from Committee on Engrossments, reported as correctly engrossed, Assembly bill No. 6, entitled "an Act requiring Alcaldes and Judges of the Courts of First Instance to account for moneys received by them."

The bill was then read a third time.

Mr. Campbell moved that the bill be referred to a Select Committee, with instructions to amend the bill as follows: After the words "First Instance" insert, "and all former Governors of California," and strike out from "since" to the word "exercised."

Not agreed to.

The question then was, "Shall the bill pass?" when Mr. Moore demanded the yeas and nays.

Those who voted in the affirmative were—

Mr. Bennett	Mr. Hoff
Bradford	Kendrick
Brown	Lisle
Cook	Lind
Crane	McCorkle
Field	McDougal
Hall	Moore

Mr. Murphy	Mr. Wethered
Robinson	Yeiser
Thorne	Speaker—20.

Those who voted in the negative were—

Mr. Bodley	Mr. Pico
Campbell	Richardson
Carnes	Saunders
Covarrubias	Stearns
Kellogg	Wilkins—10.

So said bill passed.

Mr. Field, on leave, introduced "a Bill to Incorporate the city of Marysville," which was read first and second times, by title, and referred to Committee on Commerce.

Mr. Lisle, in the name of Mr. Marcus D. Boruck of Sacramento City, presented, through the Assembly, to the State of California, the following valuable Books, "Documentary History of New York, in 2 vols.," and "Reports on the Finances, 1849 and 1850."

Mr. Lisle moved that said books be deposited with the State Librarian by the Sergeant-at-Arms.

Agreed to.

Mr. Cook offered the following:

Resolved, That the thanks of this State are due and hereby tendered to Marcus D. Boruck, Esq., for three valuable volumes presented by him to the State of California, and that the Clerk of this House be requested to forward a copy of this resolution to Mr. Boruck, at Sacramento City.

Adopted.

TWELVE O'CLOCK.

On motion of Mr. Lind, the House adjourned.

HOUSE OF ASSEMBLY,

TUESDAY, *January* 21*st*, 1851.

House met.

The roll was called, and the following members were absent, to wit: Messrs. Carnes, Cook, Covarrubias, Field, Hall, Moore, Pico, and Stearns; on leave, Mr. Randall.

The Journal of yesterday was read and approved.

Mr. Moore, from Judiciary Committee, to whom was referred Assembly Bills No. 17 and 18, being "an Act to provide for a Special Term of the District Court in and for El Dorado County," and "an Act to authorize and require the District Judge of the First Judicial District to hold Special Terms of said District Court," beg leave to report the said bills back to the House, with a recommendation they be laid upon the table, for the reason that a bill is now in preparation by your committee which, it is believed, will provide for and secure the object of said bills.

The committee ask to be discharged from the further consideration of the same.

The question then recurred on the adoption of the Report.

Not agreed to.

On motion of Mr. Hall, Assembly Bill No. 17, accompanying the Report of the Judiciary Committee, entitled "an Act to provide for a Special Term of the District Court in and for El Dorado County," was then taken up, read a third time, and ordered to be engrossed.

Assembly Bill No. 18, accompanying the Report of the Judiciary Committee, entitled "an Act to authorize and require the Judge of the First Judicial District to hold Special Terms of said District Court," was taken up, read, and on motion of Mr. Field, was laid upon the table.

Mr. Carr, from the committee to whom was referred a petition from the citizens of San Francisco, praying that an additional number of Pilots be appointed for the Port and Harbor of San Francisco, as well as a petition from sundry persons, asking the appointment of Bar Pilots for the Port and Harbor of San Francisco, having had the same under consideration, reported that the subject matter contained in said petitions is embraced in a bill which is now before this House.

On motion of Mr. Campbell, the report and petitions were laid on the table.

Mr. Carr, from the Committee on Commerce, to whom was referred Assembly Bill No. 11, entitled "an Act creating the office of Harbor Master for the Port and Harbor of San Francisco, and other purposes," reported said bill back to the House with a substitute.

After the Clerk had commenced reading the substitute, on motion of Mr. Thorne, the bill was read the first and second times by title, and ordered to be printed.

Mr. Carr, from the Committee on Commerce, to whom was referred so much of the Governor's Message as relates to the Quarantine Laws, the Board of Health, and the Marine Hospital, reported that they have had these subjects under consideration and that they are now preparing a bill proposing many alterations in the Law, establishing a Board of Health and the Marine Hospital, which bill will be speedily presented for the consideration of the House. The repeal of the Quarantine Law has already passed this House, and is now before the Senate.

On motion of Mr. Bradford, the report was laid on the table.

Mr. Carr, from Committee on Commerce, to whom was referred the report of Officers of Board of Health, reported that they have had the same under consideration, and as there is a bill now before the House which proposes an alteration in duties of the Board of Health, it is not necessary to give the subject further consideration. The committee reported the same back to the House, and asked to be discharged from its further consideration.

Granted.

Mr. Bodley, from Committee on Engrossment, reported as correctly engrossed, Assembly Bill No. 7, entitled "a Bill for an Act to regulate the Interest on Money;" also, Assembly Bill No. 19, entitled "an Act to fix the compensation of the County Judge of Yolo County."

Assembly Bill No. 7, entitled "a Bill for an Act to regulate the Interest on Money," was taken up, read a third time, and passed.

On motion of Mr. Bodley, the Title of Assembly Bill No. 7 was amended so as to read an Act instead of a Bill.

Assembly Bill No. 19, entitled "an Act to fix the compensation of the County Judge of Yolo County," was taken up, read a third time, and passed.

Mr. Moore offered the following:

Resolved, That a Select Committee be appointed to inquire into and report upon the amount of Printing performed under any Act or Resolution of the House of Representatives, of the last session of the Legislature, and particularly whether any Printing has been charged the State, and paid for, which has not been performed.

Adopted.

The Speaker appointed on said Committee, Messrs. Moore, Campbell, and McDougal.

Mr. Wilkins introduced a Joint Resolution instructing our Senators, and requesting our Representatives, to procure an appropriation of Agricultural lands in California, for a State University and Common Schools, which was read the first and second times, the Rules being suspended for that purpose.

Mr. Wilkins moved to suspend the Rules that the Joint Resolution might be read the third time.

Not agreed to.

The following Message and accompanying documents, received this morning from the Governor, was taken up and read:

EXECUTIVE DEPARTMENT,
SAN JOSÉ, *January* 21, 1851.

TO THE LEGISLATURE OF CALIFORNIA:

I have the honor to transmit herewith copies of communications, received by express, in relation to further Indian disturbances which have occurred, and are occurring, in the County of Mariposa. In submitting these communications, it is deemed advisable to call the attention of the Legislature to the necessity existing for the immediate and prompt action in the passage of some law for the better protection of that portion of the State now exposed to the predatory incursions of hostile tribes of Indians. From the best information I have been able to gather, no doubt remains that serious hostilities have commenced between the whites and many of the tribes inhabiting our frontiers—hostilities which it becomes the policy of the State to terminate at the earliest practicable moment. A temporizing course serves only to protract, and thus render these difficulties more formidable.

Energetic measures are required, as the surest means left to the State of saving and preserving from unnecessary destruction the lives and property of its citizens. So far as the General Government is concerned,

no present aid need be expected at all commensurate with the emergency. We must, therefore, rely upon ourselves for protection, and take such steps for this purpose as circumstances warrant, trusting that the General Government will ultimately afford us surer means of more effectually punishing aggressors than are now at our command.

It will appear from the accompanying communications, that the citizens of Mariposa county have promptly volunteered their services; but it will be seen, also, that they are without adequate means of subsistance and supplies, and are consequently unwilling, and unable, indeed, to continue in the service without some provision being made, which will afford them these necessary means. It is not to be expected that citizens either will or can abandon their avocations, and engage in the service of the State, without compensation: or at least, without some reliable assurance that the actual expenses incurred by them will be refunded, and remuneration for whatever loss of time may be occasioned. Those of our citizens residing in that section of the State where these disturbances occur, are generally engaged in mining operations and can illy afford to abandon their business at any season, but especially at this, and gratuitously devote their time, as well as their private means, to the defence of the State.

Up to this time, arms, ammunition, provisions, and other munitions of war, have been supplied by individuals. The State owes it to them to see they are compensated.

I would therefore recommend that provision be made by law for the payment of whatever claims be justly due, for and on account of services which have heretofore been rendered by its citizens in repelling Indian aggressions, and that some provision be also made for the protection and defence of the frontier in future, and until the General Government shall have adopted such measures as shall obviate the necessity for State interposition.

I have caused copies of the accompanying communications to be transmitted to the Commander of the tenth Military Department, United States Army.

JOHN MCDOUGAL.

AGUA FRIA, *Jan.* 13, 1851.

HIS EXCELLENCY, PETER H. BURNETT:

SIR: The Indians in this portion of the State, as you will be informed by the letter of Major James Burney, are in arms, and threaten to continue their hostilities. Property is unsafe and life is insecure, in Mariposa county; and if this state of affairs shall be permitted to continue for many weeks, this portion of our beloved State will soon become depopulated. Will not your Excellency do something to relieve us from our danger and distressed situation? If the Legislature, now in session, has not already passed some general act to provide for raising a temporary army to suppress riots and prevent depredations, we entreat your Excellency, at your earliest opportunity, to submit to their deliberation a special message for our relief and benefit.

Maj. James Burney, who has written to you somewhat at length, in relation to our danger and distressed situation, is the Sheriff of Mariposa county. He is a most excellent civil officer, and we have no doubt as to his capacity as a military officer. He has the confidence of our citizens, both as a private citizen and public officer. He is exceedingly popular; therefore we believe he can raise a temporary army for the present emergency with less inconvenience and expense than any other person within our knowledge.

We hope our application will receive the early attention of your Excellency.

We are, very respectfully, your obedient servants,

J. M. BONDURANT, County Judge.
RICHARD H. DALY, County Attorney.

We, the undersigned, citizens of Mariposa county, concur fully in the sentiments contained in the foregoing letter.

(Signed) DAVID EASTON, and seventy others.

AGUA FRIA, *Jan 13th*, 1851.

SIR: Your Excellency has doubtlessly been informed by Mr. Johnson and others of repeated and aggravated depredations of the Indians in this part of the State. Their more recent outrages you probably are not aware of. Since the departure of Mr. Johnson, the Indian agent, they

have killed a portion of the citizens on the head of the San Joaquin river, driven the balance off, taken away all the moveable poperty, and destroyed all they could not take away. They have invariably murdered and robbed all the small parties they fell in with between here and the San Joaquin. News came here last night that seventy-two men were killed on Rattlesnake creek; several men have been killed in Bear Vally. The Fine Gold Gulch has been deserted and the men came in here yesterday. Nearly all the mules and horses in this part of the State have been stolen, both from the mines and the ranches. And I now, in the name of the people of this part of the State, and for the good of our county, appeal to your Excellency for assistance.

In order to show your Excellency that the people have done all that they can do to suppress these things, to secure quiet and safety in the possession of our property and lives, I will make a brief statement of what has been done here.

After the massacres on the Frézno, San Joaquin, &c., we endeavored to raise a volunteer company to drive the Indians back, if not to take them or force them into measures. The different squads from the various places rendezvoused not far from this place on Monday, the 6th, and numbered but seventy-four men. A company was formed, and I was elected Captain; J. W. Riley, 1st Lieut., E. Skeane, 2d Lieut. We had but eight day's provisions, and not enough animals to pack our provisions and blankets as it should have been done. We, however, marched, and on the following day struck a large trail of horses that had been stolen by the Indians. I sent forward James D. Savage, with a small spy company, and I followed the trail with my company. About two o'clock in the morning, Savage came in and reported the village near, as he had heard the Indians singing. Here I halted, left a small guard with my animals, and went forward with the balance of my men. We reached the village just before day, and at dawn, but before there was light enough to see how to fire our rifles with accuracy we were discovered by their sentinel. When I saw that he had seen us I ordered a charge on the village (this had been reconoitered by Savage and myself). The Indian and my company got to the village at the same time, he yelling to give the alarm. I ordered them to surrender, some of them ran off, others seemed disposed to surrender, but others fired on us: we fired, and charged into the village. Their ground had been selected on account of the advantages it possessed in

their mode of warfare. They numbered about 400, and fought us three hours and a half. We killed from 40 to 50, but cannot tell exactly how many, as they took off all they could get to. Twenty-six were killed in and around the village, and a number of others in the chapparel. We burned the village and provisions, and took four horses. Our loss was six wounded, two mortally; one of the latter was Lieut. Skeane, the other a Mr. Little, whose bravery and conduct through the battle cannot be spoken of too highly.

We made litters on which we conveyed our wounded, and had to march four miles down the mountain to a suitable place to camp, the Indians firing at us all the way, from the peaks on either side; but so far off as to do little damage. My men had been marching or fighting from the morning of the day before, without sleep, and with but little to eat. On the plain, at the foot of the mountain, we made a rude, but substantial fortification; and at a late hour those who were not on guard were permitted to sleep. Our sentinels were (as I anticipated they would be) firing at the Indians occasionally all night, but I had ordered them not to come in until they were driven in.

I left my wounded men there, with enough of my company to defend the place, and came into this place for provisions and recruits. I send them to day reinforcements and provisions, and in two days more I march by another route, with another reinforcement, and intend to attack another village before going to the fort. The Indians are watching the movements at the fort, and I can come up in the rear of them unexpectedly, and we can keep them back until I can hear from your Excellency.

If your Excellency thinks proper to authorize me or any other person to keep this company together, we can force them into measures in a short time. But if not authorized and commissioned to do so, and furnished with arms and provisions, or the means to buy them, and pay for the services of the men, my company must be disbanded, as they are not able to lose so much time without any compensation.

Very respectfully, your ob't serv't,

JAMES BURNEY.

Mr. Merritt moved to refer the Message of the Governor and accompanying documents to a Select Committee, with instructions to report instanter.

The Speaker appointed as said committee, Messrs. Merritt, Baldwin, Hall, Lind, and McCorkle.

The following Message, received this morning from the Senate, was read:

SENATE CHAMBER, *January* 21*st*, 1851.

MR. SPEAKER:

I am directed by the Senate to inform the Assembly that they have passed Assembly Bill, entitled "an Act for the repeal of 'an Act regulating the Quarantine of Vessels in the Port and Harbor of San Francisco.'" Also, that they have adopted a Concurrent Resolution, herewith transmitted, relative to the offices of Comptroller and Secretary of State, in which the concurrence of the Assembly is respectfully requested.

J. F. HOWE,
Secretary of Senate.

Senate's Concurrent Resolution accompanying the Message, relative to the offices of Comptroller and Secretary of State, was then read and adopted.

Mr. Hall presented the claim of sundry citizens of the State, for services in the Indian War, under Col. Wm. Rogers, and moved that they be referred to Committee on Indian Affairs.

Agreed to.

Mr. Campbell moved that the resolution accompanying the report of the Committee on Election, relative to the contested seat of Mr. Saunders, be taken from the table.

Agreed to.

The question recurred on adopting the resolution, Mr. Campbell demanded the ayes and nays.

Those who voted in the affirmative were—

Mr. Baldwin	Mr. Field
Bodley	Hall
Bradford	Hoff
Brown	Kellogg
Campbell	Kendrick
Carr	Lind
Carnes	McCandless
Covarrubias	McDougal

Mr. Merritt
Moore
Murphy
Pico
Richardson
Robinson
Mr. Stearns
Wethered
Wilkins
Yeiser
Speaker—27.

In the negative were—

Mr. Cook
Crane
Lisle
Mr. McCorkle
Thorne
—5.

So said motion was adopted.

Mr. Field offered the following:

Resolved, That Wm. C. Smith be allowed mileage and per diem compensation to date, at the same rates as members of the Assembly.

Adopted.

A message from the Senate was received by their Secretary, informing the Assembly that they have passed Bills herewith transmitted, entitled "an Act to exempt Firemen from Military Services and Jury Duty," and "an Act to repeal 'an Act concerning the offices of State Assayer, Melter, and Refiner of Gold, and defining his duties,'" in each of which the concurrence of the Assembly is respectfully requested.

Senate Bill No. 24, accompanying the Message, entitled "an Act to exempt Firemen from Military Service and Jury Duty," was taken up, read a first and second time, the Rules being suspended for that purpose, and referred to the Judiciary Committee.

Senate Bill No. 5, accompanying the Message, entitled "an Act to repeal 'an Act concerning the office of Assayer, Melter, and Refiner of Gold, and defining his duties,'" was taken up, read a first and second time, the Rules being suspended for that purpose, and referred to the Judiciary Committee.

Mr. Wilkins moved a reconsideration of the vote taken yesterday, on a resolution by which the House fixed the per diem compensation of the officers of the Assembly.

Agreed to.

The question then recurred on the adoption of the resolution.

Mr. Wilkins offered the following as a substitute for said resolution:

Resolved, That the Principal Clerk shall receive twenty-four dollars per day, the Assistant Clerk twenty-two dollars per day, the Engrossing and Enrolling Clerks each twenty-two dollars per day, the Sergeant-at-Arms twenty dollars per day, the Doorkeeper sixteen dollars per day, the Messenger sixteen dollars per day, the Porter ten dollars per day.

The question recurred on the adoption of the substitute.

On this question Mr. Bodley demanded the yeas and nays.

Those who voted in the affirmative were—

Mr. Carnes	Mr. Moore
Campbell	Murphy
Covarrubias	Pico
Field	Richardson
Hall	Robinson
Hoff	Saunders
Kendrick	Stearns
Lisle	Thorne
Lind	Wethered
McCandless	Wilkins
McCorkle	Speaker
McDougal	—23.

Those who voted in the negative were—

Mr. Baldwin	Mr. Carr
Bodley	Cook
Bradford	Kellogg
Brown	Merritt—8.

On motion of Mr. Field, the House resolved itself into Committee of the Whole, Mr. Baldwin in the Chair, on Assembly Bill No. 16, entitled "a Bill concerning Divorces." After some time spent therein, the Committee rose, reported back the Bill to the House with amendments, and were discharged from the further consideration of the subject.

On motion of Mr. Moore, the House concurred generally in the amendments made in Committee of the Whole, and the Bill was ordered engrossed.

The following Report was made by Mr. Baldwin, Chairman of the Committee on Military Affairs:

MR. SPEAKER:

The Committee on Military Affairs have instructed me to report that no system of law having been established for the Government and Regulation of the Militia of California whilst in actual service, and being fully impressed with the importance of so doing, would respectfully recommend the passage of the following Bill.

D. P. BALDWIN,
Chairman of Committee.

Bill accompanying the Report, entitled "an Act for the Regulation of the Militia of California whilst in actual service," was read first and second times, the Rules being suspended for that purpose.

Mr. Carr, on leave introduced a Bill, entitled "an Act providing for the Establishment of a State Hospital in the State of San Francisco," which was read first and second times, the Rules being suspended for that purpose, and referred to the Judiciary Committee.

Mr. Baldwin moved that the Bill, entitled "an Act for the Regulation of the Militia of the State of California," be taken up, and that the Rules be suspended and the Bill read three times.

Agreed to.

Mr. Robinson moved to lay the Bill on the table.

Not agreed to.

The question then was "Shall the Bill pass?"

Mr. Wilkins demanded the yeas and nays.

Those who voted in the affirmative were—

Mr. Baldwin	Mr. Hall
Bennett	Hoff
Bodley	Kellogg
Bradford	Kendrick
Brown	Lisle
Campbell	Lind
Carr	McCorkle
Carnes	McDougal
Cook	Merritt
Crane	Murphy
Covarrubias	Pico
Field	Richardson

Mr. Robinson	Mr. Wilkins
Stearns	Yeiser
Thorne	Speaker
Wethered	—31.

In the negative—None.

Mr. Hall, from the Committee on Indian Affairs, to whom was referred the Govenor's Message and accompaning Documents, relative to Indian Difficulties in Mariposa County, reported the same back to the House, and asked to be relieved from the instructions given them this morning.

Agreed to.

On motion of Mr. Field, Mr. Cook was added to the Committee on Engrossment.

Mr. Thorne gave notice that he would, on to-morrow, introduce "a Bill in relation to suits brought to recover certain Lands, or the possession thereof."

ONE O'CLOCK.

On motion of Mr. Wilkinson, the House adjourned until 7 o'clock, P.M.

SEVEN O'CLOCK, P. M.

House met; quorum present.

On motion of Mr. Bradford, the abstract of the returns of the election of Members of the Assembly was taken from the table, and referred to Committee on Elections.

Mr. Robinson presented a complaint from Mr. Charles C. Hall, praying for remuneration for supplies given to emigrants.

On motion of Mr. McCorkle, after the Clerk had commenced reading, further reading was dispensed with, and the complaint was referred to a Select Committee, consisting of Messrs. Lisle, Robinson, and Hall.

Mr. Robinson offered the following resolution:

Resolved (the Senate concurring), That the two Houses meet in Joint Convention, on Friday next, for the purpose of electing a United States Senator, to fill the place of J. C. Frémont, whose term of office expires on the fourth day of March next, 1851.

The question then was on the adoption of the resolution.

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

Mr. Merritt demanded the ayes and nays.

Those who voted in the affirmative were—

Mr. Baldwin	Mr. Kellogg
Bennett	McDougal
Carr	Robinson
Carnes	Stearns
Cook	Thorne
Crane	Wilkins—12.

In the negative were—

Mr. Bradford	Mr. McCandless
Brown	Merritt
Campbell	Moore
Covarrubias	Murphy
Field	Pico
Hall	Richardson
Hoff	Wethered
Kendrick	Yeiser
Lind	Speaker
McCorkle	—19.

Lost.

The question then recurred on adoption of resolution.

Mr. Moore moved to reconsider the vote by which the House refused to lay the resolution on the table.

On the motion to reconsider the vote just taken, Mr. Moore demanded the ayes and nays.

Those who voted in the affirmative were—

Mr. Baldwin	Mr. Hall
Bennett	Kellogg
Carr	Moore
Carnes	Robinson
Cook	Stearns
Covarrubias	Thorne
Crane	Wilkins—14.

In the negative—

Mr. Bradford	Mr. McDougal
Brown	Merritt
Campbell	Murphy
Field	Pico
Hoff	Richardson
Lind	Wethered
Kendrick	Yeiser
McCandless	Speaker
McCorkle	—17.

Not agreed to.

The question then recurred on the adoption of the resolution.

Mr. Cook moved the indefinite postponement of the resolution.

Mr. Lisle demanded the ayes any nays.

Those who voted in the affirmative were—

Mr. Baldwin	Mr. Kellogg
Bennett	Lisle
Carr	Moore
Carnes	Robinson
Cook	Stearns
Crane	Thorne
Hall	Wilkins—14.

In the negative—

Mr. Bodley	Mr. McCorkle
Bradford	McDougal
Brown	Merritt
Campbell	Murphy
Covarrubias	Pico
Field	Richardson
Hoff	Wethered
Kendrick	Yeiser
Lind	Speaker
McCandless	—19.

Not agreed to.

Mr. Thorne moved that the House do now adjourn, and demanded the ayes and nays—

Those who voted in the affirmative were—

Mr. Baldwin	Mr. Kellogg
Bennett	Lisle
Bodley	Moore
Carr	Robinson
Cook	Stearns
Crane	Thorne
Hall	Wilkins—14.

In the negative were—

Mr. Bradford	Mr. McCorkle
Brown	McDougal
Campbell	Merritt
Carnes	Murphy
Covarrubias	Pico
Field	Richardson
Hoff	Wethered
Kendrick	Yeiser
Lind	Speaker
McCandless	—19.

Not agreed to.

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

On this motion Mr. Bradford demanded the yeas and nays.

Those who voted in the affirmative were—

Mr. Baldwin	Mr. Kellogg
Bennett	Lisle
Bodley	Moore
Carr	Robinson
Carnes	Stearns
Cook	Thorne
Crane	Wilkins
Hall	—15.

Those who voted in the negative were—

Mr. Bradford	Mr. McDougall
Brown	Merritt
Campbell	Murphy
Covarrubias	Pico
Field	Richardson
Hoff	Wethered
Kendrick	Yeiser
Lind	Speaker
McCandless	—17.

Not agreed to.

Mr. Merritt moved that the House adjourn.

Mr. Merritt demanded the yeas and nays.

Those who voted in the affirmative were—

Mr. Baldwin	Mr. Kellogg
Bennett	Lisle
Bodley	Moore
Campbell	Robinson
Carr	Stearns
Cook	Thorne
Crane	Wilkins
Hall	—15.

Those who voted in the negative were—

Mr. Brown	Mr. McDougal
Carnes	Merritt
Covarrubias	Murphy
Field	Pico
Hoff	Richardson
Kendrick	Wethered
Lind	Yeiser
McCandless	Speaker
McCorkle	—17.

Not agreed to.

Mr. Bennett moved a call of the House.

Mr. Moore demanded the yeas and nays.

Those who voted in the affirmative were—

Mr. Baldwin	Mr. Hall
Bennett	Kellogg
Bodley	Lisle
Campbell	Moore
Carr	Robinson
Carnes	Stearns
Cook	Thorne
Crane	Wilkins—16.

Those who voted in the negative were—

Mr. Bradford	Mr. McDougal
Brown	Merritt
Covarrubias	Murphy
Field	Pico
Hoff	Richardson
Kendrick	Wethered
Lind	Yeiser
McCandless	Speaker
McCorkle	—17.

Not agreed to.

Mr. Kellogg moved that the House adjourn.

Mr. Moore demanded the yeas and nays.

Those who voted in the affirmative were—

Mr. Baldwin	Mr. Kellogg
Bennett	Lisle
Bodley	Moore
Carr	Robinson
Cook	Stearns
Crane	Thorne
Hall	Wilkins—14.

Those who voted in the negative were—

Mr. Campbell	Mr. McDougal
Carnes	Merritt
Covarrubias	Murphy
Field	Pico
Hoff	Richardson
Kendrick	Wethered
Lind	Yeiser
McCandless	Speaker
McCorkle	—17.

Mr. Bennett moved a call of the House.
Mr. Moore demanded the yeas and nays.

Those who voted in the affirmative were—

Mr. Baldwin	Mr. Kellogg
Bennett	Lisle
Bodley	Moore
Carr	Robinson
Carnes	Stearns
Cook	Thorne
Crane	Wilkins
Hall	—15.

Those who voted in the negative were—

Mr. Brown	Mr. McCorkle
Campbell	McDougal
Covarrubias	Merritt
Field	Murphy
Hoff	Richardson
Kendrick	Wethered
Lind	Yeiser
McCandless	Speaker—16.

Not agreed to.

On motion of Mr. Hall, the Resolution was laid on the table, and made the Special Order of the day for to-morrow.

The following Message, received to-day from the Senate, was taken up and read :—

SENATE CHAMBER,

January 21*st*, 1851.

MR. SPEAKER:

I am directed by the Senate to inform the Assembly that they have passed a Bill, herewith transmitted, entitled "an Act for the protection of the Citizens of Mariposa County against the Indians," in which the concurrence of the Assembly is respectfully requested.

J. F. HOWE, Secretary of Senate.

Senate Bill No. 27, accompanying the Message, entitled, "an Act for the Protection of the Citizens of Mariposa County against the Indians," was taken up, and read the first time.

Mr. Richardson moved that the Rules be suspended, and the Bill taken up, and read the second time by title.

Mr. Baldwin moved as an amendment, that the Bill be read and referred to the Committee on Indian Affairs, with instruction to report to-morrow, and that it be made the order of the day for to-morrow.

Mr. Crane moved to amend, by instructing the Committee to report instanter.

Mr. Lisle demanded the previous question.

The question then was, "Shall the main question be put?"

Agreed to.

The question then recurred on the adoption of the amendment to the amendment. Agreed to.

The question then recurred on the adoption of the original motion as amended. Agreed to.

The Bill was then read a second time by title, and referred to Committee on Indian Affairs.

Mr. Hall, in accordance with a motion just passed, made the following Report:

MR. SPEAKER:

The Committee on Indian Affairs, to whom was referred Senate Bill, entitled, "An Act for the Protection of the Citizens of Mariposa County against the Indians," have had the same under consideration, and have instructed me to report, that in view of the importance of the subject, and the doubt entertained in regard to the provi-

sion made for relief under the Militia Laws of the State, they would ask until to-morrow morning to further consider the subject, and to make their final report.

On motion of Mr. Robinson, the House adopted the report.

NINE O'CLOCK.

On motion of Mr. Merritt, the House adjourned.

HOUSE OF ASSEMBLY.

WEDNESDAY, *January* 22, 1851.

House met.

The roll was called, and the following members were absent, to wit: Messrs. Bennett, Carr, Covarrubias, Murphy, and Pico; on leave, Mr. Randall.

The Journal of yesterday was read and approved.

Mr. McDougal presented a petition from Edwin Sexton, requesting that his name may be changed to Edwin Schultz Saxton.

Mr. Merritt moved that the petition be referred to the Judiciary Committee.

Not agreed to.

Mr. Crane moved to refer the petition to a Select Committee of one.

Not agreed to.

Mr. Lisle moved to lay the petition on the table.

Not agreed to.

On motion of Mr. Field, Mr. McDougal was allowed to withdraw the petition.

Mr. McDougal gave notice that he would, on to-morrow, introduce "a Bill to change the name of Edwin Sexton to that of Edwin Schultz Saxton."

Mr. Hoff, from Committee on Corporations, to whom was referred Assembly Bill No. 13, entitled "a Bill to Incorporate the City of Marysville, reported the same back to the House without amendment, and recommended that it be printed, and made the Special Order of the day for Saturday next.

Mr. Murphy, of the Committee of Ways and Means, made the following Report:

The Committee of Ways and Means, to whom was referred the peti-

tion from the Court of Sessions of Sacramento, have had the same under consideration, and have instructed me to report:

That much of the matter embraced in said petition having reference to claims against the State of California, and changes desired to be effected in said county in regard to criminal proceedings in said county, embrace subjects more properly referable to other committees of this honorable body. That so much and such parts thereof, praying that the taxes now collected for State purposes upon auction sales, within the City and County of Sacramento, be placed in whole or in part at the control of the county authorities, and so much as refers to the increase of the tax upon real estate and personal property for county purposes, your committee have given their most careful consideration; the result of which will be reported in a general Bill, which they have under consideration and in preparation, revising the Revenue Laws of the State. Your committee, therefore, recommend that so much of said petition as refers to claims be transferred to the Committee on Claims.

The question then recurred on the adoption of the Report.

Adopted.

Mr. Moore, Chairman of Judiciary Committee, to whom was referred Senate Bill No. 5, entitled "an Act to repeal 'an Act concerning the office of State Assayer, Melter and Refiner of Gold, and defining his duties;" also Senate Bill No. 24, entitled "an Act to exempt Firemen from Militia Service and Jury Duty," reported the same back to the House without amendment, and recommended their passage.

Senate Bill No. 5, entitled "an Act to repeal 'an Act concerning the office of State Assayer, Melter and Refiner of Gold, and defining his duties,'" was then read a third time.

The question then was, "Shall the bill pass?"

Decided in the affirmative.

Senate Bill No. 24, entitled "an Act to exempt Firemen from Military Service and Jury Duty," was read the third time.

The question then was, "Shall the bill pass?"

Decided in the affirmative.

Mr. Hall, Chairman of the Committee on Indian Affairs, to whom had been referred Senate Bill No. 27, entitled "an Act for the protection of the citizens of Mariposa County against the Indians," reported that they have examined the law, and earnestly recommend its passage.

Mr. Baldwin, from the same committee, asked and obtained time to make a minority report.

Mr. Carr, from Committee on Commerce, to whom was referred Assembly Bill No. 8, entitled "an Act regulating and prescribing the duties of Pilots for the Bay and Harbor of San Francisco, and other purposes," reported the same back to the House with a substitute, and recommended its passage.

The substitute accompanying the report was then read first and second times by title, the Rules being suspended for that purpose; and, on motion of Mr. Lind, was ordered to be printed.

Mr. Bodley, from the Committee on Engrossment, reported as correctly engrossed, Assembly Bill No. 16, entitled "a Bill concerning Divorces:" also, Assembly Bill No. 17, entitled "a Bill to provide for a Special Term of the District Court, within and for El Dorado County."

Assembly Bill No. 16, "concerning Divorces," was then read a third time.

The question then was, "Shall the Bill pass?"

Mr. Campbell demanded the ayes and nays.

Those who voted in the affirmative were—

Mr. Baldwin	Mr. McCorkle
Bennett	McDougal
Bodley	Merritt
Brown	Moore
Carr	Thorne
Field	Wethered
Hall	Yeiser
Hoff	Speaker
Lisle	—17.

In the negative were—

Mr. Bradford	Mr. McCandless
Campbell	Murphy
Caines	Pico
Covarrubias	Richardson
Crane	Robinson
Kellogg	Saunders
Kendrick	Stearns
Lind	Wilkins—16.

So the Bill passed.

Assembly Bill No. 17, entitled "a Bill to provide for a Special Term of the District Court in and for Eldorado County," was read a third time.

The question then was, "Shall the Bill pass?"

Decided in the affirmative.

Mr. Bradford, from Joint Committee on Enrolled Bills, reported that they have examined, and find correctly enrolled, "an Act for the repeal of 'an Act regulating the Quarantine of Vessels in the Port and Harbor of San Francisco;'" also that they have presented the Governor for his signature "an Act to repeal 'an Act to provide for the inspection of Steamboats;'" also, that they have examined, and find correctly enrolled, "Joint Resolution, directing the Secretary and Comptroller of State to procure offices near the Capitol."

Mr. Crane offered the following:

Resolved, that the Door-keeper be authorized to employ a Porter for this House.

On the adoption of the resolution, Mr. Moore demanded the ayes and nays.

Those who voted in the affirmative were—

Mr. Bradford	Mr. McCandless
Campbell	McCorkle
Covarrubias	Merritt
Crane	Murphy
Field	Richardson
Hall	Robinson
Hoff	Saunders
Kendrick	Wethered
Kellogg	Wilkins
Lisle	Speaker—20.

Those who voted in the negative were—

Mr. Baldwin	Mr. McDougal
Bennett	Moore
Bodley	Pico
Brown	Stearns
Carr	Thorne
Carnes	Yeiser—12.

Adopted.

Mr. Merritt, on leave, introduced a Bill "concerning County Recorders," which was,

On motion of Mr. Merritt, read the first and second times by title, the Rules being suspended for that purpose, and ordered to be printed.

The Speaker laid before the House a communication from the Comptroller of State, containing correspondence between the Attorney General and Comptroller of State.

After the Clerk had commenced reading the communication—

On motion of Mr. Bodley, further reading was dispensed with, and the same was referred to the Committee on Ways and Means.

The Speaker laid before the House the following communication from the Comptroller of State.

COMPTROLLER'S OFFICE,
SAN JOSÉ, *January* 22, 1851.

To the Hon. JOHN BIGLER,
Speaker of the Assembly:

SIR: In reply to a resolution of the Assembly, adopted January 18th, requiring me to report to the House the amount of Warrants drawn upon the Treasury, for Contingent Expenses of the offices of Comptroller, Secretary of State, Treasurer, Surveyor General, and Attorney General, up to the date of the passage of the resolution; also the objects for which the Warrants were drawn; I have the honor to state, that I have drawn Warrants in favor of those offices, amounting in all to $16,950, for the various objects specified in the following report.

JOHN S. HOUSTON,
Comptroller of State.

SECRETARY OF STATE'S OFFICE.

Rent,	$3,300 00
Stationery,	20 66
Fuel,	121 00
Candles,	3 00

Postage,	1 25
Matting,	39 00
Six Chairs	30 00

For State Library.

One Book Case,	120 00
For Printing Labels,	32 00
Total,	$3,666 91

COMPTROLLER'S OFFICE.

Rent,	$2,381 67
Fuel,	167 00
Stationery,	138 00
Candles,	172 00
Printing—blank Warrants and Receipts,	289 00
Printing—advertising,	106 00
Postage,	34 66

Office Furniture, viz:

3 Chairs,	9 00
1 Clock,	20 00
1 Large Desk,	178 00
2 Tables,	85 56
Window Curtains,	7 50
Drayage,	8 00
1 Hatchet,	2 00
Total,	$3,598 36

SURVEYOR GENERAL'S OFFICE.

Rent,	$2,310 00
Stationery,	118 50
Fuel,	37 00
Candles,	60 00
Total,	$2,525 50

TREASURER'S OFFICE.

Rent,	$2,266 66
Fuel,	169 50
Stationery,	161 66
Candles,	52 50
Printing—advertising,	267 00

Office Furniture, viz:

6 Chairs,	18 00
1 Iron Safe, including transportation,	1,240 00
1 Large Desk,	139 50
1 Table Cover,	20 00
1 Tin Sign,	20 00
1 Table and Cover,	25 00
1 Bucket,	1 50
2 Locks, for desks,	3 50
1 Lamp,	3 00
Travelling expenses to San Francisco, under Act Feb. 1st, 1850,	60 00
Total,	$4,447 82

ATTORNEY GENERAL'S OFFICE—GEN. KEWEN.

Rent,	$2,250 00
Candles,	16 00

Furniture, viz:

6	Chairs,	18 00
3	Brass Candlesticks,	1 50
1	Counter Brush,	1 00
1	Table Cover,	10 00
1	Hatchet,	1 50
	Stove rent,	12 00
	Total,	$2,310 00

ATTORNEY GENERAL'S OFFICE—GEN. MCDOUGAL.

Furniture, viz:

	Carpeting,	$144 00
1	Table,	30 00
1	Secretary Desk,	75 00
6	Chairs,	45 00
1	Stove and pipe,	40 00
1	Settee,	25 00
1	Table Cover,	8 00
	Candlesticks,	5 00
	Candles,	20 00
	Fuel,	10 00
	Total,	402 00
	Total Expense,	$2,712 00

After the Clerk had commenced reading the communication, on motion of Mr. Moore further reading was dispensed with, and referred to the Committee on Public Expenditures.

Mr. Baldwin, from Committee on Indian Affairs, to whom was referred Senate Bill No. 27, entitled "an Act for the Protection of the Citizens of Mariposa County against the Indians," made the following minority

REPORT.

MR. SPEAKER:

Being one of the Committee on Indian Affairs, to whom was referred a Bill entitled "an Act for the Protection of the Citizens of Mariposa County against the Indians," and dissenting from the report of the majority of said Committee, asks leave to submit the following minority Report:

That the Bill provides for nothing more than is already contained in the law as it now stands, save in fixing the pay and the mode of payment of the troops, which your committee are of the opinion would be ruinous to the finances of our young State, your committee are further of the opinion that the news from Mariposa is not of such a startling character as to give cause of serious alarm. The citizens of the mining districts are bold and fearless, as well as numerous and well armed, and are capable of protecting themselves against the aggressions of the Indians of California, who are a weak, cowardly, and imbecile race, and only one in ten possessing or understanding the use of fire-arms. The Executive of the State has the power of calling out the Militia for the suppression of hostilities by an order to the Sheriff, and it is the opinion of your Committee that it is all the protection the people of Mariposa require, and that it is all that is in the power of this State to give, together with promises and assurances from the Legislature, to use the Militia so called out, and to persons furnishing them with supplies to use her exertions in getting Congress speedily to assume and defray the expenses of said war; and it is further the opinion of your committee that it is not the province of California to assume all expenses of hostilities occurring upon her frontier, and that if she pursues that policy it will involve her in a labyrinth of debt, from which she will never be able to extricate herself; and will require so large an issue of Treasury Warrants as to render them, if not totally valueless, bearing but a few cents on the dollar.

Your committee would therefore respectfully suggest and move the indefinite postponement of the Bill.

D. P. BALDWIN.

The question then recurred on the indefinite postponement of the Bill, as recommended in the Report.

Mr. Baldwin demanded the ayes and nays.

Those who voted in the affirmative were—

Mr. Baldwin	Mr. Kellogg
Bennett	McCandless
Bradford	McCorkle
Bodley	Moore
Brown	Pico
Campbell	Robinson
Carr	Saunders
Carnes	Stearns—16.

In the negative were—

Mr. Crane	Mr. Murphy
Field	Richardson
Hall	Thorne
Hoff	Wethered
Kendrick	Wilkins
Lisle	Yeiser
McDougal	Speaker
Merritt	—15.

So the Bill was indefinitely postponed.

The following Message from the Senate, received this morning, was read:

SENATE CHAMBER,
January 22d, 1851.

MR. SPEAKER:

I am directed by the Senate to inform the Assembly that they have passed Assembly Bills, entitled "an Act to authorize the Holding of a Special Term of the District Court for the County of Santa Clara;" also, with an amendment fixed to the margin thereof, Assembly Bill entitled "an Act for the regulation of the Militia of California, whilst in actual Service;" also that they have refused to pass Assembly Bill entitled "an Act requiring Alcaldes and Judges of Courts of First Instance to account for Moneys received by them;" and Assembly "preamble and Joint Resolution asking Congress to Refund the Expenditures made by the State in suppressing Indian Hostilities," which are herewith res-

pectfully returned. Also that the President has signed a Bill originating in the Senate, entitled "an Act to Repeal an Act to provide for the Inspection of Steamboats;" Assembly Bill No. 22, returned from the Senate with an amendment, entitled "a Bill for the Regulation of the Militia of California whilst in Actual Service," was taken up, and Senate's amendments concurred in.

The following message, received this morning, was read:—

SENATE CHAMBER,
January 22*d*, 1851.

MR. SPEAKER:

I am directed by the Senate to inform the Assembly that they have passed a Bill, herewith transmitted, entitled "an Act to prevent the Coining of Money by Individuals," in which the concurrence of the Assembly is respectfully requested.

J. F. HOWE, Secretary of Senate.

Senate Bill No. 7, accompanying the Message, entitled "an Act to prevent the Coining of Money by Individuals," was read first and second times, the Rules being suspended for that purpose, and on motion of Mr. Thorne, referred to Committee on Ways and Means.

ORDERS OF THE DAY.

Mr. Moore moved that the memorials and resolutions relative to the Civil Fund, which were made the order of the day for to-day, be made the order of the day for to-morrow.

Agreed to.

Assembly Concurrent Resolution, fixing Friday next as the day for the two Houses to meet in Convention, to elect a United States Senator, was taken up and read.

Mr. Richardson, on leave, inserted "Wednesday" instead of "Friday" in the Resolution.

Mr. Moore moved to postpone indefinitely the Resolution.

Mr. Murphy moved a call of the House.

Agreed to.

Those absent were Messrs. Baldwin, Cooke, Covarrubias, and McCorkle.

On motion of Mr. Moore, the Sergeant-at-Arms was dispatched after absentees.

Mr. Hall moved to suspend further proceedings under the call of the House for a special purpose.

Agreed to.

Mr. Moore withdrew the motion to indefinitely postpone the Resolution, and offered the following:

Resolved, That the Assembly Hall be granted to the use of the Hon. T. J. Green, on the occasion of a complimentary festival to be given to the Legislature of California, on the evening of the 4th February next

Adopted.

The question then was on the indefinite postponement of the Assembly's Concurrent Resolution.

The Sergeant-at-Arms appeared at the Bar with Messrs. McCorkle. and Covarrubias.

Mr. Bodley moved that Mr. McCorkle be excused without paying the usual fee.

Agreed to.

On motion of Mr. Campbell, Mr. Covarrubias was excused without paying the usual fee.

Mr. Bodley moved that Mr. Cook have leave of absence for the remainder of the day.

Not agreed to.

Mr. Baldwin made his appearance.

Mr. Campbell moved that Mr. Baldwin be excused without paying the usual fee.

Agreed to.

Mr. Lind moved that further proceedings under the call of the House be dispensed with.

Not agreed to.

Mr. Bodley moved that Mr. Cook have leave of absence for the balance of the day.

Not agreed to.

The Sergeant-at-Arms was again dispatched after Mr. Cook.

Mr. Thorne moved that further proceedings under the call of the House be suspended.

Agreed to.

Mr. Moore moved to reconsider the vote by which further proceedings under the call of the House was suspended.

Agreed to.

Mr. Lisle moved to adjourn.

The Speaker stated, that in order to decide a seeming conflict of the Rules of the House, he would decide that a motion to adjourn during the proceedings under a call of the House was out of order.

From this decision Mr. Lisle took an appeal.

The question then was: "Shall the decision of the Chair stand as the Judgment of the House?"

On this question Mr. Moore demanded the ayes and nays.

Those who voted in the affirmative were—

Mr. Covarrubias	Mr. Merritt
Field	Murphy
Hoff	Pico
Kendrick	Richardson
Lind	Saunders
McCandless	Wethered
McDougal	Yeiser—14.

In the negative were—

Mr. Baldwin	Mr. Hall
Bennett	Kellogg
Bodley	Lisle
Bradford	McCorkle
Brown	Moore
Campbell	Robinson
Carnes	Stearns
Carr	Thorne
Crane	Wilkins—18.

The decision of the Chair was not sustained.

QUARTER-PAST ONE O'CLOCK.

On motion of Mr. Bennett, the House adjourned.

HOUSE OF ASSEMBLY.

THURSDAY, *January 23d*, 1851.

House met.

The roll was called, and the following members were absent, to wit: Messrs. Carr, Field, McCandless, Merritt, Stearns, and Wethered; on leave, Mr. Randall.

The Journal of yesterday was read and approved.

On motion of Mr. Bradford, the communication received yesterday from the Comptroller of State, containing correspondence between Comptroller and Attorney General, was stricken from the Journal of yesterday.

Mr. Bodley asked and obtained leave of absence for Mr. Campbell for to-day.

Mr. McDougal presented the petition of Edwin Sexton, praying that his name may be changed to that of Edwin Schultz Saxton, which was, on motion of Mr. Wilkins, laid on the table.

Mr. Hall presented a memorial from Kemp P. Anderson, praying that a Bill may be passed, giving him the privilege of establishing an Electro-Magnetic Telegraph, which was, on motion of Mr. Hall, referred to Committee on Corporations.

Mr. Hall gave notice that he would, on to-morrow, introduce "A Bill to allow Kemp P. Anderson to Erect and use the Electro Telegraph in this State.

Mr. Hoff, from Committee on Corporations, to whom was referred petition of citizens of San Francisco, praying that they may organize a Mutual Insurance Company; also, "a Bill providing for the Incorporation of Mutual Insurance Companies," reported the same back to the House, and recommended the printing of the bill, and that it be made the special order of the day for Monday next.

Adopted.

On motion, said petition was laid on the table.

Mr. Carr, Chairman of the Committee on Commerce, to whom was referred Senate Bill No. —, entitled "An Act to amend 'an Act, declaring certain Rivers, Creeks, and Sloughs herein named, navigable, approved March 20th, 1850,'" reported that they have had the same under consideration, and finding the different Acts concerning the

bridging and obstructing of water-courses to conflict, returned the same back to the House, with two substitutes for the Act, and recommended their passage.

The Bills were then read a first time, and on motion of Mr. Lisle, laid on the table.

Mr. McDougal, agreeably to previous notice, introduced "a Bill changing the name of Edwin Sexton to that of Edwin Schultz Saxton," which was read a first time, the Rules being suspended, and read a second time by title.

Mr. Crane moved to refer the Bill to Committee on Judiciary.

Not agreed to.

Mr. Crane moved to amend the Bill by striking out all after the enacting clause, and inserting the following as section 1st:

"Section 1. That the name of Edwin Sexton be, and is hereby changed, to that of Edwin Schultz Saxton."

Agreed to.

On motion of Mr. Williams, the Rules were suspended, and the Bill read a third time.

The question then was, "Shall the Bill pass?"

Decided in the affirmative.

Mr. Thorne, agreeable to previous notice, introduced "an Act in relation to suits brought to recover certain lands, or the possession thereof," which was read a first time, and, on motion of Mr. Bennett, the Rules were suspended, and the Bill read a second time, and referred to the Judiciary Committee.

Mr. Moore, from the Select Committee, to whom was referred the subject relative to the Archives and Records of the State of California, reported that they have had the same under consideration, and that as the committee have been informed, the present Secretary of State, in obedience to a Joint Resolution passed by the last Legislature, has made the demand as required by law, and the demand has not been complied with; the subject has, therefore, become one upon which the Legislature should act promptly, and your Committee recommend the passage of the following Bill, and ask to be discharged from further consideration of the subject:

"Bill concerning the Archives and Records of California, while under the Government of Mexico," accompanying the report, was then read a

first time; the Rules being suspended, was read a second time by title, and ordered to be printed.

The Speaker announced as the first business in order the unfinished business of yesterday, which was proceedings under a call of the House.

Mr. Cook made his appearance, and was, on motion of Mr. Lind, excused.

Mr. Lind moved that further proceedings under a call of the House be suspended.

Agreed to.

The question then recurred on the indefinite postponement of Concurrent Resolution, relative to the two Houses meeting in Convention on Friday next, for the purpose of electing a U. S. Senator.

Mr. Richardson moved that the resolution be laid on the table.

Agreed to.

Mr. Crane gave notice that he would, on to-morrow, introduce "a Bill requiring Alcaldes to account for moneys and other property of deceased persons received by them;" also, "a Bill amendatory of an Act concerning Habeas Corpus."

Mr. McDougal gave notice that he would, on to-morrow, or some future day, introduce a memorial instructing our Senators and requesting our representatives in Congress, to urge a right of Railway through the territories of the United States, beginning at some proper point on the Pacific, and terminating at some proper point on the Mississippi River, and further urging an appropriation of lands to aid in accomplishing the work.

On motion of Mr. Wilkins, "Joint Resolution instructing our Senators, and requesting our Representatives, to procure a portion of Agricultural Lands in the State of California, for a State University and Common Schools, was taken up, read a third time, and passed.

Joint Resolution requiring the Comptroller of State to issue State Warrants in sums of $10, $20, and $50, was taken up and read a second time.

The question recurred on Engrossing said resolution.

Mr. Moore demanded the ayes and nays.

Those who voted in the affirmative were—

Mr. Bennett	Mr. Kendrick
Bodley	Lisle
Brown	McDougal
Cook	Merritt
Covarrubias	Richardson
Crane	Saunders
Field	Wethered
Hall	Wilkins
Hoff	Yeiser
Kellogg	Speaker—20.

In the negative were—

Mr. Bradford	Mr. Pico
Carr	Robinson
Carnes	Stearns
Lind	Thorne
Moore	—9.

So the Resolution was ordered to be Engrossed.

Mr. Moore gave notice that he would, on to-morrow, introduce "a Bill for an appropriation of $20,000, for the Suppression of Indian Hostilities in Mariposa County, to be paid out of the General Fund."

On motion of Mr. Moore, the House resolved itself into a Committee of the Whole, Mr. Bradford in the Chair, on Bill No. 15, "concerning Forcible Entries and Unlawful Detainers." After some time spent therein, the committee rose, reported the Bill back, and asked leave to sit again.

Granted.

On leave given, Mr. Carr introduced "Concurrent Resolution, requesting the Governor to use all the powers conferred on him by the Constitution of this State, to restore peace and quietness to the inhabitants thereof," which was read the first time, and,

On motion of Mr. Robinson, laid upon the table.

Mr. Carnes gave notice that he would, on to-morrow, introduce "a Bill defining the Interest on all Warrants issued by the Comptroller on the State Treasurer."

Mr. Carr gave notice that he would, at an early day, introduce "a Bill to tax Gambling."

Mr. Field gave notice that he would, on to-morrow, introduce "a Bill

to provide for the early publication of the Laws of California, and repealing the present Act on the subject."

QUARTER BEFORE TWELVE O'CLOCK.

On motion of Mr. Robinson, the House adjourned.

HOUSE OF ASSEMBLY.

FRIDAY, *January* 24, 1851.

House met.

The roll was called and the following members were absent, to wit: Messrs. Crane and Thorne; on leave, Mr. Randall.

The Journal of yesterday was read and approved.

By consent, Mr. McDougal had leave to change his vote on the indefinite postponement of Senate Bill No. 27, entitled "an Act for the Protection of the Citizens of Mariposa County against the Indians," and the Clerk was instructed to make the correction in the Journal of the 22d January.

Mr. Campbell presented a petition from Joseph Evans, praying that he may be remunerated for Bonds lost; which,

On motion of Mr. Campbell, was referred to Committee on Claims.

Mr. Kellogg, from Committee on Public Expenditures, to whom was referred the communication of the Comptroller, touching the amount of Warrants drawn upon the Treasury for Contingent Expenses of the offices of Comptroller, Secretary of State, Treasurer, Surveyor General, Attorney General; also, the object for which the Warrants were drawn, reported that they have examined the accounts, and consider it proper at this time to express the satisfaction which they have derived from said examination. Your committee are of the opinion that the Contingent Expenses of the above-named parties, as shown by the report of the Comptroller, have been moderate, and the spirit of economy therein manifested appears to them worthy of commendation.

Mr. Moore moved that the Comptroller's Report and Communication be laid on the table, and ordered printed.

Mr. Cook called for a division of the question.

The question was on laying the Report, and the Comptroller's Communication on the table.

Agreed to.

The question then recurred on printing the same.

Agreed to.

Mr. Bodley, from the Committee on Engrossment, reported as correctly engrossed, "a Joint Resolution requiring the Comptroller to issue Warrants in sums of Ten, Twenty, and Fifty Dollars."

Joint Resolution, accompanying the Report, was then read a third time, and on motion of Mr. Carr, laid on the table until to-morrow.

Mr. Bradford in the chair.

Mr. Speaker Bigler offered the following:

Resolved, That the Committee on Corporations be instructed to report "a Bill supplementary to an Act, entitled 'an Act to incorporate Sacramento City,'" passed February 27, 1850, prohibiting the Common Council of said city from voting themselves a yearly or monthly Salary, without first obtaining the consent of the people at the Annual Election for city officers; and further to prohibit the Council aforesaid from issuing Bonds or any other evidence of City indebtedness, without the approval or signature of the Mayor.

On motion of Mr. Bigler, the Resolution was laid on the table, and made the order of the day for Saturday week next.

Speaker Bigler in the chair.

Mr. Moore, on leave, introduced "a Bill amendatory of an Act, entitled 'an Act creating Officers of Health for the Port of San Francisco, and defining their duties,'" passed April 8th, 1850; and of an Act entitled "an Act for the creation of a Marine Hospital for the State of California," passed April 8th, 1850; which was read the first and second times by title, the Rules being suspended for that purpose, and referred to the Judiciary Committee.

Mr. Moore, agreeably to previous notice, introduced "a Bill appropriating Money out of the Treasury for the suppression of Indian Hostilities in the Counties of Mariposa and Tuolumne," which was read the first time.

Objection being made to the Bill, the question then recurred on its rejection.

On this question Mr. Moore demanded the yeas and nays.

Those who voted in the affirmative were—

Mr. Brown	Mr. Pico
Campbell	Randall
Carnes	Robinson
Cook	Saunders
Kellogg	Stearns
Lisle	Thorne
McCandless	Wilkins
McDougal	—15.

In the negative—

Mr. Bennett	Mr. McCorkle
Bodley	Merritt
Bradford	Moore
Hall	Richardson
Hoff	Wethered
Kendrick	Speaker—12.

So the Bill was rejected.

Mr. Campbell asked and obtained leave of absence for Mr. Crane.

The Speaker laid before the House the following Annual Report of the Comptroller of State, which was, on motion of Mr. Bodley, ordered printed.

COMPTROLLER'S OFFICE,
SAN JOSÉ, *Dec. 14th*, 1850.

To His Excellency, PETER H. BURNETT,
Governor of the State of California:

SIR: In obedience to the requirements of law, I respectfully submit for your consideration the following Report of the condition of the Fiscal Affairs of the State for the first Fractional Fiscal Year, ending on the 30th day of June, A.D. 1850, together with such remarks as are deemed proper.

You will find the subject embraced under the following heads:

I.

A General Statement of the Receipts and Expenditures during the first Fractional Fiscal Year, ending June 30th, A.D. 1850.

II.

An Estimate of the Revenue and Expenditures for the second Fiscal Year, ending on the 30th day of June, A.D. 1851.

III.

A Detailed Statement of the condition of the State Debt, on the 30th day of June, A.D. 1850.

IV.

A Tabular Statement, showing separately the whole amount of each appropriation of money made by law; the amount paid under the same, and the balance unexpended on the 30th day of June, A.D. 1850.

V.

A Tabular Statement, showing the amount of Revenue chargeable to each County for the present year, the aggregate amount of each object of taxation, together with the tax assessed on the same.

VI.

A Tabular Statement, showing the condition of the several Funds on the 30th day of June, A.D. 1850.

VII.

General Remarks.

A TABULAR STATEMENT

Of the Receipts and Expenditures during the first Fractional Fiscal Year, ending on the 30th day of June, A.D. 1850.

[A.] RECEIPTS.

Bonds signed and delivered to the State Treasurer, under "an Act creating a Temporary State Loan," . .	$300,000 00
From Licenses to Foreign Miners, ...	3,156 27
Total, ...	$303,156 27

[B.] EXPENDITURES.

EXECUTIVE DEPARTMENT—SALARIES.

1.	On account of Salary of the Governor, . . .	$2,766 39
2.	" " Secretary of State, . .	1,917 45
3.	" " Comptroller, . . .	2,147 91
4.	" " Treasurer, . . .	2,416 43
5.	" " Attorney General, . .	1,898 62
6.	" " Surveyor General, . .	2,013 68
7.	" " Governor's Private Sec'y,	333 33
	Total, ...	$13,493 81

CONTINGENT EXPENSES.

Including Rent, Fuel, Lights, Clerk Hire, Stationery, Furniture, and Printing.

1.	On account of the office of Governor, . . .	$1,747 00
2.	" " Secretary of State, .	3,187 16
3.	" " Comptroller, . . .	2,110 66
4.	" " Treasurer, . . .	4,458 66
5.	" " Attorney General, . .	664 00
6.	" " Surveyor General, .	907 00
	Total, ...	$13,074 48

[C.] LEGISLATIVE DEPARTMENT—PER DIEM.

1.	On account of Senators, ...	$44,117 60
2.	" " Members of Assembly, . . .	61,482 40
3.	" " Officers of the Senate, . . .	19,715 00
4.	" " " " Assembly, . .	19,931 00
	Total, ...	$145,246 00

MILEAGE.

1.	On account of Senators, ...	$8,377 60
2.	" " Members Assembly, . . .	17,126 00
	Total, ...	$25,503 60

CONTINGENT EXPENSES.

1.	On account of the Senate, ...	$20,681 13
2.	" " Assembly, ...	24,376 21
	Total, ...	$45,057 34

[D.] JUDICIAL DEPARTMENT—SALARIES.

1.	On account of Salaries of three Justices of Supreme Court,	$7,500 00
2.	" " nine District Judges, .	16,875 00
3.	" " " " Attorneys, .	
	Total, ...	$24,375 00

CONTINGENT EXPENSES.

1.	On account of the Supreme Court, including Rent, Furniture, Fuel, Lights, Stationery, . .	$2,621 50
	Attendance of Sheriff, ...	
	Total, ...	$2,621 50

[E.] MISCELLANEOUS.

1.	On account of the pay of the temporary Translator, and Assistants during the Session of the Legislature,	$2,165 00
2.	On account of Printing for the Legislature, . .	41,022 63
3.	On account of Printing the Pamphlet Laws, . .	28,708 24
4.	On account of the State Seal, ...	1,000 00
5.	" " Quartz Rock, for the Washington Monument, D.C., ...	934 00
6.	On account of Printing Blank Licenses for Foreign Miners, ...	2,123 88
7.	On account of Stationery for the State Printing, .	1,680 50
8.	On account of Special Messenger to Monterey for the State Archives, ...	100 00
9.	On account of office rent for the temporary State Translator, ...	315 00
10.	On account of publishing Laws in the newspapers,	538 00
11.	On account of interest paid on Bonds redeemed, .	206 27
	Total, ...	$78,793 52

RECAPITULATION

Of Tables marked [A.] [B.] [C.] [D.] and [E.]

EXPENDITURES.

Executive Department, . . .	$26,568 30	
Legislative Department, . . .	215,806 94	
Judicial Department, . . .	26,996 50	
Miscellaneous Department, . .	78,793 52	$348,165 26

RECEIPTS.

Bonds delivered to the State Treasurer, .	$300,000 00	
From Licenses to Foreign Miners, . . .	3,156 27	$303,156 27
Excess of Expenditures over Receipts, . . .		45,008 99

[X.] A STATEMENT, SHOWING THE

Amount of Warrants unredeemed on the 13th day of June, A.D. 1850.

Whole amount of Warrants drawn by the Comptroller on the Treasurer up to June 30th, A.D., 1850, .	$347,958 99
Whole amount redeemed at the Treasury up to June 30th, A.D., 1850, ...	$292,384 17
Total amount outstanding on the 30th day of June, A.D., 1850, ...	$55,574 82

The above-mentioned Receipts were the only means of support provided by the first Legislature, which could in any way be made available during the first Fractional Fiscal Year.

The Bonds, although drawing the extraordinary interest of three per cent. per month, depreciated in the market one fourth their par value.

This was owing, in a great measure, to the unusual delay on the part of the Congress of the United States, in recognizing our organization as a State and admitting us into the Union, thereby casting doubt and distrust upon the legality of our proceedings, at a time when our hopes rested entirely upon public confidence.

The arrrival of the news of our admission into the Federal Union had, for a short time, a marked effect on the credit of the State. Previously Bonds, though having five and six months interest due thereon, were little or no sale; now they sold readily, and at an advanced price

These Bonds, however, afforded only a temporary relief. The issue being restricted to three hundred thousand dollars ($300,000), they were nearly all expended at the time of the adjournment of the Legislature. Since that time the State Government has been kept up without a dollar in the Treasury, and at a ruinous sacrifice of the interests of those whose whole time has been employed in the service of the State.

Had the amount of Bonds issued been double—say six hundred thousand dollars ($600,000)—it would not only have met all expenditures during the first Fractional Fiscal Year, but also all those incurred up to the time prescribed for the payment of the annual taxes into the State Treasury. Nor would their value have been reduced materially by this increase of the amount issued. For, since the Bonds have been exhausted, I have continued, as in duty bound, to audit all accounts presented, properly certified, and have issued Warrants on the Treasurer accordingly—amounting in all up to June 30th, A.D. 1850, to $347,958 99, being $44,802 72 more than the whole amount of receipts.

These unredeemed Warrants the Treasurer of State, by a circular addressed to the different Collectors, has made receivable for all State dues. And as the Collectors are not required to pay into the State Treasury the *identical* moneys collected, it is not unreasonable to suppose that they will purchase these Warrants with what gold and silver they may have on hand at the time of settling their annual accounts, and pay them into the State Treasury instead of the gold and silver, and *possibly* instead of the Bonds.

Not only so, but the tax-payers themselves will purchase Warrants instead of Bonds, they being cheaper, thereby reducing their taxes to the amount of the discount on the Warrants. And I have reason to believe this has been the general custom throughout the State the present year. It is not difficult to foretell the result. The taxes for this year will be entirely absorbed by the Bonds and Warrants, and still leave a considerable amount of Bonds outstanding, bearing a heavy interest. As regards the past, had Bonds been issued with which to have redeemed these Warrants, the State would at least not have been charged with making an unjust distinction between different classes of creditors, all of whom are equally entitled to interest upon the delayed payment of their claims. And as to the future, our prospects would

not be materially different. As things are, I see no hope of speedy relief.

The total amount of receipts, on account of the Foreign Miners' Tax, during the first Fractional Fiscal Year, was only $3,156 27.

This law, on which the hopes of many were placed for replenishing the Treasury of the State, proved almost wholly imoperative.

This unfortunate result was superinduced by a variety of causes operating in the same channel, but principally by the law itself.

The Legislature, with a laudable desire to realize the largest possible amount of revenue, in order to sustain the present expensive organization, placed the tax so high that the law, instead of being the means of obtaining a revenue for the State, amounted virtually to a prohibition.

Had the License been offered at five dollars per month, instead of twenty, every foreigner could have paid it without difficulty, and a large revenue would have been collected.

In many cases, not having the means of paying so onerous a burden, the foreigners abandoned the mines and left the country.

In some few instances, open resistance was offered to the Collectors; and although the law was sustained, it failed in the most signal manner to accomplish the essential end of its institution.

Even the meagre amount collected has brought but little into the Treasury, besides Bonds and Warrants.

[G.] II.

AN ESTIMATE of the Receipts and Expenditures for the Second Fiscal Year, ending on the 30th day of June, A. D. 1851.

RECEIPTS.

1. Proceeds of State Tax on property on the General List of 1850, $450,000—one eighth delinquent,	$393,750 00
2. Tax on 30,000 Polls at $5 each—two thirds delinquent,	50,000 00
3. Duty on Auction Sales,	30,000 00
4. Tax on Foreign Miners,	45,000 00
5. State Marine Hospital,	200 00
6. State Assay Office,	600 00
7. Military Commutation Tax,	
Total,	$519,550 00

[H.] EXPENDITURES.

EXECUTIVE DEPARTMENT.

1. Salaries of the State Officers, ...	$65,500 00
2. " " Clerks in State Offices, . . .	12,800 00
3. Contingent Expenses of the State Offices, including Rent, Fuel, Lights, Stationery, Furniture, and Printing,	28,300 00
Total, ...	$106,600 00

[I.] LEGISLATIVE DEPARTMENT.

1. Per Diem and Mileage of Members of Legislature,	$104,607 00
2. " " of the Officers of the Legislature, .	27,540 00
3. Contingent Expenses of the Legislature, . .	27,000 00
Total, ...	$159,147 00

[Y.] JUDICIAL DEPARTMENT.

1. Salaries of the Officers of the Supreme and District Courts, ...	$115,000 00
2. Contingent Expenses of the Supreme Court, .	15,000 00
Total, ...	$130,000 00

[Z.] MISCELLANEOUS.

1. State Printing, ...	$100,000 00

RECAPITULATION.

1. Executive Department, ...	$106,600 00
2. Legislative, "	159,147 00
3. Judicial, "	130,000 00
4. Miscellaneous, "	100,000 00
Total, ...	$495,747 00

[J.]

ESTIMATE OF EXPENDITURES, in which Salaries and other expenses, under the control of the Legislature, are calculated at rates bearing a fair proportion to the rewards of other kinds of labor.

EXECUTIVE DEPARTMENT.

1.	Salaries of State Officers, . .	$51,000 00	
2.	" " Clerks, ...	9,900 00	
3.	Contingent Expenses, including Rent, Fuel, Light, Stationery, Furniture, and Printing, ...	$20,700 00	$81,600 00

LEGISLATIVE DEPARTMENT.

1.	Per Diem and Mileage of Members of the Legislature, ...	$48,338 50	
2.	Per Diem of Officers of the Legislature,	7,200 00	
3.	Contingent Expenses, . . .	11,000 00	$66,538 50

JUDICIAL DEPARTMENT.

1.	Salaries of the Officers of the Supreme and District Courts, . . .	$115,500 00	
2.	Contingent Expenses, . . .	10,000 00	$125,500 00

MISCELLANEOUS.

1.	State Printing, ...	$50,000 00	$50,000 00
	Total, ...		$323,638 50

In making the preceding estimates of the Receipts for the second Fiscal Year, ending June 30th, A.D. 1851, I have had little data on which to base my calculations, owing to the neglect on the part of some of the County Auditors, and unavoidable failure on the part of others, in forwarding to this office abstracts of the assessment lists of their respective counties. Although they are required to send in these abstracts on the 1st day of November annually, from one cause and another only one third of the entire number have as yet been received. The Auditor of Butte County informs me that, owing to the resignation of both the Treasurer and Assessor, he will be unable to send in the abstract for that county before the 1st day of January next. The Assessor of Tuolumne County had not commenced making his assessment on the 6th of the present month. Other counties were late in organizing, and some few, I believe, did not organize at all. Taking, however, those abstracts before me as a guide, I estimate the amount of

Taxable Property at $90,000,000, which sum at one half of one per cent. gives $450,000; and deducting one eighth as delinquent, leaves a revenue from this source amounting to $393,750.

I have supposed thirty thousand, as the number of Polls that will be listed; although there is no doubt double that number, or even treble, in the State. Supposing two thirds of the number listed delinquent, we still have $50,000 from this source.

I have taken the amount of Auction Sales reported during the past six months, as an index of the remainder of the Fiscal Year. From all sources I think we may calculate, with certainty, on realizing the amount ($519,550) estimated.

For the purpose of showing more clearly the saving that may be effected for the State by the coming Legislature, I have taken the trouble to make out two Estimates of Expenditures for the second Fiscal Year, ending on the 30th day of June, A.D. 1851.

In the first I have taken the expenditures of the State for the past eleven months as a basis of my estimates, and I find, in case the present and past ratio is adhered to, that there will be necessary to meet the expenses of the second Fiscal Year, the sum of Four Hundred and Ninety Five Thousand, Seven Hundred and Forty Seven dollars ($495,747).

In the second Estimate of Expenditures I have adopted the following retrenched rates, all of which are under the control of the Legislature, viz:—

Salary of Governor's Private Secretary—per annum, .	$1,500
" " Superintendent of Public Instruction—per annum,	1,000
" " Clerks in the State department, each, " "	3,000
Contingent Expenses of all the State Offices, including Rent, Furniture, Fuel, Lights, Stationery, and Printing, .	20,700
Contingent Expenses of the Supreme Court, including same,	10,000
(Session of the Legislature to continue 60 days),	
Members of the Legislature, per day, ...	10
Mileage of Members for every 20 miles travel, . . .	10
Clerks of the Legislature, per day, ...	10
Sergeant-at-Arms, per day, ...	8
Doorkeepers and Messengers, per day, ...	6
State Printing, ...	50,000

In estimating the contingent expenses of the State offices, I added $2,400 to that of the Secretary of State, to meet the necessary expense of translating Laws into Spanish. We may in this way dispense with the services of the State Translator, and save a considerable sum to the State, not only in the amount now paid as Salary, but also in Rent, Furniture, Fuel, and Lights. Besides, the experience of the past year proves the necessity of employing a sufficient number of persons to translate the required Statutes immediately after their passage by the Legislature. This year, under the present system, our Spanish population will derive little or no benefit from this expenditure of money on the part of the State, as the Legislature will be engaged in altering and repealing our present Code, before the Spanish edition is published and distributed. And to no one does the superintendence of the translating of the Laws more appropriately belong, than to the Secretary of State. If, however, the Legislature should see fit to retain the services of a State Translator, and empower him to employ the requisite assistance for the speedy completion of the work, I would suggest the policy of allowing him only a per diem salary, for the time he is actually employed with the work.

For the offices of the Attorney General and Surveyor General, I suppose $1,800 each a sum sufficient to defray all expenses of Stationery and Postage. And as there are few duties as yet pertaining to these offices, I thought it unnecessary to make any allowance in the estimate for either Rent, Fuel, Furniture, Printing, or Lights. As we have no system of Common Schools, the Superintendent of Public Instruction appears to be a useless appendage and an unnecessary expense; I have therefore made no allowance for any contingent expenses to that office.

You will observe that the *minimum* estimate of expenditures applies only to one half of the second Fiscal Year, as six months of it will have expired at the time of the meeting of the Legislature. Also that no reduction is made in the estimates for the salaries of the Governor, Secretary of State, Comptroller, Treasurer, Attorney General, and Surveyor General, as the Constitution prohibits any reduction of the Salaries of these officers, during the time for which they shall have been elected. I would respectfully recommend a general reduction of the Salaries by the coming Legislature, to take effect from and after the expiration of the terms of the present incumbents.

Finally, I will conclude this subject by giving the sums total of our

ordinary expenses (as estimated) for the second Fiscal Year, ending June 30, 1851—showing the amount that can be saved by the Legislature, by a reduction of those Salaries under their control.

Maximum Estimate, ...	$495,747 00
Minimum, "	289,203 50
Difference, ...	$206,543 50

Thus it appears that a saving may be effected in our ordinary expenses of $206,543 50, or nearly one half of our annual expenses.

[I.] III. A TABULAR STATEMENT,

Showing the condition of the State Debt on the 30th day of June, A.D. 1850, created under an Act approved February 1st, A.D.1850.

Bonds signed and delivered to State Treasurer.				Total amount issued by the State Treasurer.	Whole amount redeemed up to June 30th, A D 1850	Amount of Bonds outstanding on the 30th day of June, 1850.	Total amount of interest on outstanding Bonds on the 30th day of June, 1850.		Amount of interest paid on Bonds redeemed previous to the 30th day of June, 1850.		Total amount of the State Debt on the 30th day of June, 1850, including both principal and interest	
Number.	Denomination.	Amount.	Total Amount									
	Dol	Dol	Dol	Dol	Dol	Dol.	Dol	Ct	Dol.	Ct	Dol.	Ct.
777	100	77,700										
368	225	82,800										
179	500	89,500										
50	1000	50,000	300,000	290,100	2950	287,150	28,848	29	206	27	315,998	29

For some of the details of the foregoing statement I am under obligations to the State Treasurer. As Auditor of Public Accounts, it is made my duty to give, in my annual Report, "a full and detailed statement of the condition of the public debt;" yet nearly the entire management and control of the present "Temporary State Loan" is placed in the hands of the State Treasurer, on whose statements I am dependent in order to

make this "full and detailed statement;" or indeed to give any details connected therewith, which either you or the Legislature may desire.

Nor is this the only instance in which our Revenue Laws seem to defeat the very end and object for which the office of State Comptroller was created.

The "Act creating the office of State Assayer, Melter and Refiner of Gold, and defining his duties," after providing for the raising of a Revenue for State Purposes, requires the officers of that establishment to make settlements with the State Treasurer every sixty days, and pay over the amount collected to the Treasurer, without any order whatever from this office. The consequence of such a system is to place funds in your State Treasury, of which there is no account taken in this or any office except that of the State Treasurer. The same remarks are applicable, and with equal force, to the Law in reference to Foreign Miners.

It is respectfully submitted whether it would not be better and more in accordance with the laws of all well-regulated States, to require all settlements of public accounts to be made at this office, and no money permitted to be paid into the State Treasury, except on an order from the Comptroller.

It may not be improper in this connexion to call your attention, and that of the Legislature, to the importance of making some alteration in the law authorizing the Comptroller to draw Warrants on the Treasurer. As you are aware, these Warrants pass, by simple endorsement, from hand to hand, as a particular amount of money. Under the existing state of things, the Comptroller, should he be so disposed, may draw Warrants on the Treasurer to an unlimited amount, and in no other office does there appear the least evidence of the amount so drawn.

From the foregoing "Statement," concerning the State Debt, there appears to have been issued by the Treasurer $290,100 in Bonds, bearing interest at the rate of three per cent. per month. Of this amount there was redeemed at the Treasury, previous to the 30th day of June, 1850, $2,950, leaving unredeemed at that date, $287,150. The interest on this latter amount, up to the 30th day of June, 1850, is $28,848 $\frac{29}{100}$; which latter amount added to the principal on outstanding Bonds, gives $315, 998 the true $\frac{29}{100}$, as amount of the State Debt created under an "Act creating a Temporary State Loan."

We have, then, as a total indebtedness of the State, on the 30th day of June, A.D. 1850—

1. Outstanding Bonds, ...	$287,150 00
2. Interest on outstanding Bonds, ...	28,848 29
3. Warrants unredeemed, ...	55,574 82
Total, ...	$371,573 11

[K.] IV.

A TABULAR STATEMENT, showing separately the whole amount of each appropriation of money made by law, the amount paid under the same, and balance remaining unexpended on the 30th day of June, A.D. 1850.

ACTS.	Amount of the appropriation.	Am'nt of Warrants drawn on the same.	Balance unexpended.
1. An Act appropriating money out of the General Fund to defray the ordinary expenses of the State during the first Fractional Fiscal Year, ending June 30th, A D. 1850 . . .	$750,000	$340,447 09	$409,552 91
Also, same Act, an appropriation, for the same purposes, to be expended from and after the 30th day of June, A D 1850	250,000		250,000 00
2. An Act providing for certain Post Office and other expenses of the Senate. Approved April 20, 1850. .	2,500	1,453 69	1,046 31
Also, same Act, for additional Post Office expenses of the Assembly .	180	179 88	12
3. An Act for the remuneration of Charles White, for money advanced to Caleb Lyon for the State Seal. Approved March 9th, A D 1850 . .	1,000	1,000 00	
4. An Act to provide for the distribution of the Journals, Laws, Supreme Court Reports, and other documents Approved April 22d, A. D. 1850	35,000		35,000 00
5. Amount set apart as Governor's Contingent Fund under "an Act concerning the Revenue, Funds, Expenditure of the Property of the State, and management thereof" . .	5,000	500 00	4,500 00
6. An Act authorizing the Secretary of State, Comptroller, Treasurer, Surveyor General, and Attorney General to rent Offices, &c. Approved February 9th, A.D. 1850. (For Rent)	20,000	4,378 33	15,621 67
Total, ...	$1,063,680	$347,958 99	$715,721 01

[V.] A TABULAR STATEMENT, showing the amount of Revenue chargeable to each County for the present year—the aggregate amount of each object of taxation, together with the tax assessed on the same.

[L.] REAL ESTATE, OTHER THAN CITY OR TOWN LOTS.

Number.	Names of Counties	Number of acres of Land	Value of the same without improvements	Value of improvements	Total Value	Am't of tax chargeable on same for State purposes.	Am't of tax chargeable on same for ordinary County purposes.	Am't of tax chargeable on same for Public Building purposes	Total am't of tax chargeable on the same for State and County purposes
1	Angeles, Los	1,091,770	$302,570	$31,985	$334,555	$1,672 77	$836 38		$2,509 15
2	Barbara, Santa	96,600	35,735	18,550	54,285	271 42	135 71		407 13
3	Butte,	189,319	3,235,675	624,250	3,859,925	19,299 62½	9,649 81		28,949 43
4	Branciforte,	377,528	1,141,953	51,858	1,193,841	5,969 20½	2,984 60½	2,984 60½	11,938 41
5	Clara, Santa								
6	Costa, Contra								
7	Calaveras,								
8	Colusi,								
9	Diego, San								
10	Dorado, El								
11	Francisco, San	148,044	473,611	50,575	524,186	2,620 93	1,310 46	1,310 46	5,241 85
12	Joaquin, San	95,484	127,250		127,250	636 25	318 12	318 12	1,272 49
13	Mariposa,								
14	Mendocino,								
15	Marin,								
16	Monterey,	767,033½	1,364,966	132,300	1,497,266	7,486 33	3,743 16½	3,743 16½	14,972 66
17	Napa,	214,034			700,914	3,504 57	1,752 28½		5,256 85½
18	Obispo, San Luis								
19	Sonoma,								
20	Solano,								
21	Sutter,								
22	Shasta,								
23	Sacramento,	159,250	205,085	26,300	231,385	1,156 92½	578 46¼	578 46¼	2,313 85
24	Tuolumne,								
25	Trinity,								
26	Yuba,								
27	Yolo	82,192 4-5							

Number.	Names of Counties.	Value of City or Town lots without improvements.	Value of the improvements.	Total Value	Amount of tax chargeable on same for State purposes	Amount of tax chargeable on same for ordinary County purposes	Amount of tax chargeable on same for Public Building purposes	Total amount of tax chargeable on same for State and County purposes.
1	Angeles, Los							
2	Barbara, Santa	$27,720	$100,469	$128,189	$640 94	$320 47		$961 41
3	Butte,	17,096	1,200	18,296	91 48	45 74		137 22
4	Branciforte,							
5	Clara, Santa							
6	Costa, Contra	164,957	37,650	202,607	1,013 03¼	506 51¾	506 51¾	2,026 07
7	Calaveras,							
8	Colusi,							
9	Diego, San							
10	Dorado, El							
11	Francisco, San			16,950,915	84,754 57	42,377 28	42,377 28	169,509 13
12	Joaquin, San	1,012,405	117,950	1,139,355	5,651 77	2,825 88	2,825 88	11,303 53
13	Mariposa,							
14	Mendocino,							
15	Marin,							
16	Monterey,	622,975	516,646	1,139,621	5,698 10½	2,849 05¼	2,849 05¼	11,396 21
17	Napa,			52,365	261 82½	130 91¼		392 73½
18	Obispo, San Luis							
19	Sonoma,							
20	Solano,							
21	Sutter,							
22	Shasta,							
23	Sacramento,	6,798,844	875,700	7,674,544	38,372 72	19,186 36	19,186 36	76,745 44
24	Tuolumne,							
25	Trinity,							
26	Yuba,							
27	Yolo.							

Number	Names of Counties.	Value of personal property	Am'nt of tax chargeable on same for State purposes.	Am'nt of tax chargeable on same for ordinary County purposes.	Am'nt of tax chargeable on same for Public Building purposes.	State Poll Tax	County Poll Tax	Total am'nt of tax chargeable for County purposes.	Total amount of tax chargeable for State purposes	Total amount of tax chargeable on polls and personal property for State and County purposes.
1	Angeles, Los									
2	Barbara, Santa	$529,932	$2,649 66	$1,324 83		$1,160	$580 00	$1,904 83	$3,809 66	$5,714 49
3	Butte,	195,713	978 56	489 28		2,040	1,020 00	1,509 28	3,018 56	4,527 84
4	Branciforte,					970	388 00			
5	Clara, Santa	1,023,370	5,116 85	2,558 42½		3,185	1,592 00	4,150 92	8,301 85	12,452 77
6	Costa, Contra	605,992	3,029 96	1,514 98	$1,514 98	1,320	660 00	3,689 96	4,349 96	8,039 92
7	Calaveras,									
8	Colusi,									
9	Diego, San									
10	Dorado, El									
11	Francisco, San	4,332,900	21,664 50	10,832 25	10,832 25	12,870	7,722 00	29,386 50	34,534 50	63,921 00
12	Joaquin, San	563,884	2,819 42	1,409 71	1,409 71	7,770	1,770 00	10,589 42	10,589 42	21,178 84
13	Mariposa,									
14	Mendocino,									
15	Marin,									
16	Monterey,	994,326	4,971 63	2,485 81½	2,485 81½	1,710	855 00	5,826 63	6,681 63	12,508 26
17	Napa,	164,885	824 42	412 21		510	255 00	667 21	1,334 42	2,001 63
18	Obispo, San Luis									
19	Sonoma,									
20	Solano,									
21	Sutter,									
22	Shasta,									
23	Sacramento,	1,041,525	5,207 62½	2,603 81¼	2,603 81¼	4,995	2,497 50	7,705 12½	10,202 62½	17,907 75
24	Tuolumne,									
25	Trinity,									
26	Yuba,	922,517	4,612 58½	2,306 29¼	2,306 29¼	28,680	17,208 00	21,820 58½	33,292 58½	55,113 17
27	Yolo,									

RECAPITULATION OF TABLES MARKED [L.] [M.] and [N.]

Number.	Names of Counties	Value of real estate, other than town lots, with improvements.	Value of city or town lots, together with the improvements.	Value of personal property.	Total value of property	Tax on real estate, other than city lots, for State purposes	Tax on city or town lots for State purposes.	Tax on personal property for State purposes.	Poll tax for State purposes	Total amount of tax for State purposes.
1	Angeles, Los									
2	Barbara, Santa	$334,555	$128,189	$529,932	$992,676	$1,672 77	$640 94	$2,649 66	$1,160	$6,123 37
3	Butte,	54,285	18,296	195,713	268,294	271 42	91 48	978 56	2,040	3,381 46
4	Branciforte,								970	7,258 81
5	Clara, Santa	3,859,925		1,023,370	4,883,295	19,299 62		5,116 85	3,185	27,601 47
6	Costa, Contra	1,193,841	202,607	605,992	2,002,440	5,969 20	1,013 03½	3,029 96	1,320	11,332 20
7	Calaveras,			266,078	266,078			1,331 50	8,210	9,541 51
8	Colusi,									
9	Diego, San									
10	Dorado, El									
11	Francisco, San	524,186	16,950,915	4,382,900	21,808,001	2,620 93	84,756 57	21,664 50	12,870	121,910 00
12	Joaquin, San	127,250	1,130,355	563,884	1,821,489	636 25	5,651 77	2,819 42	7,770	16,877 44
13	Mariposa,									
14	Mendocino,									
15	Marin,									
16	Monterey,	1,497,266	1,139,621	994,326	3,631,213	7,486 33	5,698 10½	4,971 63	1,710	19,866 06½
17	Napa,	700,914	52,365	164,885	918,164	3,504 57	261 82½	824 42	510	5,100 81½
18	Obispo, San Luis									
19	Sonoma,				1,187,672				1,105	7,043 46
20	Solano,									
21	Sutter,									
22	Shasta,									
23	Sacramento,	231,385	7,674,544	1,041,525	8,947,454	1,156 92½	38,372 72	5,207 62½	4,995	49,732 27
24	Tuolumne,									
25	Trinity,									
26	Yuba,	1,451,543		992,517	2,374,060	7,257 71		4,612 58	28,680	40,550 29
27	Yolo,									

It will be observed that the foregoing tables, respecting the property and taxes of the State, are very imperfect. Abstracts have been received from only twelve counties, and among these there is an entire want of uniformity, and of those details of the several kinds of property and taxes so important to a thorough understanding of the resources of the State. It was to guard against this that "Forms" were sent from this office, early last Spring, to all the County Auditors and Assessors. In many cases these have been entirely disregarded, and all the different kinds of property confounded together. This, I trust, will be a sufficient explanation for the irregular manner in which these tables are submitted.

A TABULAR STATEMENT showing the condition of the several Funds, on the 30th day of June, A.D. 1850.

GENERAL FUND.

CREDIT.

Bonds signed and delivered to the State Treasurer, ...	$300,000 00	
Receipts on Account of the Foreign Miners' Licenses, ...	3,156 27	$303,156 27

DEBIT.

Amount appropriated for Governor's Contingent Fund, ...	$5,000 00	
Amount appropriated for Special Contingent Fund of Senate and Assembly,	2,680 00	
Bonds redeemed, ...	3,950 00	
Interest paid on Bonds redeemed, . .	206 27	
Whole amount of Warrants drawn on the General Fund, ...	345,825 42	$356,661 69
Excess of Debits over Credits, ...		$53,505 42

GOVERNOR'S CONTINGENT FUND.

CREDIT.

Amount of appropriation, ...	$5,000 00

DEBIT.

Amount of Warrants drawn on same, ...	500 00
Balance remaining unexpended, ...	$4,500 00

SENATE CONTINGENT FUND.

CREDIT.

Amount of appropriation, ...	$2,500 00

DEBIT.

Amount of Warrants drawn on same, ...	1,453 69
Balance remaining unexpended, ...	$1,046 31

ASSEMBLY CONTINGENT FUND.

CREDIT.

Amount of appropriation, ...	$180 00

DEBIT.

Amount of Warrants drawn on same, ...	179 88
Balance remaining unexpended, ...	12

GENERAL REMARKS.

MINING.

Mining, the present year, has not been so profitable as was anticipated at the close of the wet season; and I am informed, by persons who have resided in the mines during the past summer and fall, that they have not yielded so profitably, in proportion to the amount of labor bestowed, by at least 50 per cent., as they did during the first and second years

after their discovery. As a consequence of this, mechanics are resorting again to their trades, and farmers to agriculture.

Mining will gradually become, as it is in most other countries abounding in the precious metals, a settled and distinct occupation, entirely under the direction and control of capitalists.

We shall then be able to raise more than will be required for our own consumption, and the drain upon us for gold will cease.

SALARIES.

The doctrine of *high salaries*, against which the people make so much complaint, and I think for good reason, as I shall hereafter attempt to show, seems to have taken a strong hold of the minds of the framers of the Constitution, if we are to judge from the enormous salaries paid the members and officers of that body; and it appears to have found favor with a majority of the first Legislature, as they refused to reduce their *per diem* and mileage below the standard adopted by the Convention.

At the time the salaries were fixed, labor was worth from twelve to sixteen dollars per day; board from thirty to forty dollars per week; whereas, at the present time, five dollars per day is believed to be more than an average of the prices paid; and board can be had at our first class hotels for twelve and sixteen dollars per week.

I would therefore respectfully recommend to you, and through you to the Legislature, a general and uniform reduction of all the salaries of State Officers, so that they may be made to bear a fair and equal proportion to the rewards of other kinds of labor and the means of subsistence.

I would also suggest the propriety of abolishing, either by nominal salaries or otherwise, all offices not immediately demanded by public necessity.

THE BOARD OF HEALTH.

As the Quarterly Reports of the Board of Health at San Francisco are made to this Office, I have deemed it not improper to call your

attention and that of the Legislature (to table marked V in the supplement) to the condition of the "Marine Hospital Fund."

During the first quarter, ending August 5th, A.D. 1850, the receipts at the Board of Health amounted to thirty-four thousand six hundred and eighty-three dollars and sixteen cents ($34,683 16), which sum was required to pay the ordinary expenses of the establishment during that period.

For the second quarter, ending November 5th, A.D. 1850, the receipts, as reported, amounted to thirty thousand eight hundred and thirty dollars and ninety-three cents ($30,830 93), which sum was also necessary to pay the current expenses, with the exception of one hundred and sixty-seven dollars and forty-three cents ($167 43), found in the Hospital among the unreclaimed effects of deceased persons. This latter sum I directed the Health Commissioners to pay into the State Treasury, to form a part of the "State Hospital Fund," in accordance with section 16 "of an Act providing for the creation of a Marine Hospital for the State of California."

If the Institution cannot be made to realize more than is necessary to meet its ordinary expenses, it will be difficult to determine the time when the State will have a Marine Hospital Building. Should the present extraordinary imposition be continued on the commerce of our principal seaport, the people have a right to expect something more than has been thus far effected.

The subject is one of importance, and should command the early attention of the Legislature.

Complaints have been made as to the manner in which its affairs have been conducted, and it would seem due alike to the people and the officers of the Board of Health that an investigation be made, and if abuses are found to exist, have them promptly reformed, and if otherwise, that the public mind be disabused.

If the benefits conferred upon the community are at all commensurate with the burdens imposed, the institution should be sustained in some form, until a similar one is established by the United States Government, even though the revenues thus raised should enure mostly to the advantage of a few individuals.

As Congress has appropriated fifty thousand dollars for the erection of a Marine Hospital at San Francisco, the day is at hand when a simi-

lar institution under the patronage of the State Government will be entirely superfluous.

Yet should the Legislature see proper to continue it for a limited time, sound policy and a just regard to the interests of the people would point, in no questionable manner, to a large reduction of both the salaries and fees now allowed officers, assistants, and nurses, as a compensation for their services. The standard of prices at which these salaries, etc., were fixed, has passed away, and a reduced one now obtains in its stead.

The power to effect this reduction resides with the Legislature, and can be exercised and made to take effect at any time.

DELINQUENCIES.

On the 23d day of September last, I was officially informed by the State Treasurer of the delinquency of Lorenzo A. Bensançon, Collector of Licenses to Foreign Miners for the County of Tuolumne, to the amount of $9,941 in moneys collected, and in addition to 1,013 unsold licenses remaining in his hands. I immediately made a requisition upon said Bensançon for the amount due the State and remaining in his hands, and received in reply a note stating that he stood indebted to the State upon the books of the State Treasurer to the amount of $9,945; that he was in the category of delinquents specified in Section 13 of the Act concerning Foreign Miners; and further, so soon as the State relieved him from the suits pending in the name of the State against him, he would make a full settlement: as things stood, that he had merely reported to the Treasurer the amount collected and retained.

I, therefore, in accordance with Section 13 of the Act concerning Foreign Miners, Sections 1 and 2 of "an Act prescribing the mode of receiving, keeping, and paying out the Public Funds," started an account with said L. A. Bensançon, charging him 25 per cent. damages, and interest at the rate of 10 per cent. per annum, upon the amount so retained, amounting in all, principal, damages, and interest (less his lawful commission), to $11,062 14, over and above the 1,013 unsold licenses retained. This account I forwarded to the District Attorney for the Fifth Judicial District, and directed him to bring suit immediately

against said Bensançon and his sureties. I am informed by the District Attorney that suit was instituted, in accordance with my instructions, at the November Term of the District Court for Tuolumne County, and that the case has been continued for service upon the sureties. Further, that he had called upon said Bensançon, and obtained from him 943 of the unsold licenses. These I have ordered to be paid into the State Treasury. Such is the condition of the case at this time.

THE PAYMENT OF CERTAIN COUNTY EXPENDITURES OUT OF THE STATE TREASURY.

The last Legislature, in the absence of county organizations, provided for the payment of certain expenses out of the State Treasury, which, in justice to the State, should be paid by the counties themselves.

Of this character, I would respectfully make mention of the provision for the expenses incurred for "Criminal prosecutions, and conveying criminals from one county of the State to another, to a place of confinement." Also, to that providing for the payment of the accounts for stationery and furniture used by the County Clerks. The latter provisions alone will involve the State in an annual expense of over twenty thousand dollars. As yet there have been no accounts of this kind presented for payment. This has been owing entirely to the fact that the law in which this provision occurs, being of a local character, has never been published, and therefore the Clerks of the different counties have been ignorant of its existence. Its immediate repeal will effect a considerable saving to the State, and place the burden of the expense where it rightfully belongs.

STATE PRINTING.

As will be seen, the Printing is the largest item of expenditure contained in the account of the First Fractional Fiscal Year, ending June 30th, A.D. 1850, amounting in the aggregate to seventy-four thousand and seventy-three dollars and twenty-five cents ($74,073 25). At that time, the pamphlet edition of the Laws was not more than one-half com-

pleted, and since, as the work progressed, I have audited accounts to the amount of eighteen thousand seven hundred and eleven dollars and fifty-eight cents ($18,711 58). The Spanish edition is not yet finished, owing to the want of translations.

Unfortunately, the Legislature did not make any provision for assistance to the State Translator, and therefore, notwithstanding the State Translator has labored faithfully, this work, so important to a large class of our population, has been thus unseasonably delayed. And before the remaining translations can possibly be gotten ready for the press, the new Legislature will have convened, and commenced altering and repealing the laws.

The State Printer signed a bond, as provided for by law, relinquishing one-half the present bill of prices, and had the printing and binding of the Journals of the two Houses of the Legislature, and the "Bound Edition" of the Laws, executed in the Atlantic cities. The edition of the Statutes has been completed, and shipped by the way of the Isthmus of Panama, at a heavy extra cost for transportation; also, one hundred copies of the Journal of Proceedings, which were received nearly two months since. The remainder, 700 copies, have been shipped by the way of Cape Horn, and will arrive here some time in the month of February. I am informed by the State Printer, that their entire cost will come fully up to the limit fixed by law, $35,000, which, added to the other expenses, will make the State Printing for the year ending January 1st, A.D. 1851, amount to near $130,000.

The necessity of a reduction of this enormous expense must be apparent to the most casual observer. No rate of taxation can be collected which will long support such expenditures.

Would we have our young State continue to prosper, there must be prompt and decided action in retrenching our ordinary expenses. If not, and they are continued at the present high standard, we may read our future financial history in the present and past condition of those States that adhered to wild schemes of internal improvements and extravagance, until *repudiation* stared them in the face, and for a time seemed to be their only remaining hope for relief.

It may not, however, be improper to remark, in this connexion, that the present State Printer, owing to the heavy discount on the State paper, has not realized out of the work more than sufficient to pay expenses.

THE MILITIA.

In respect to the law providing for the organization of the Militia, the conclusion forced itself upon my mind that it is, and will continue to be, a "dead letter" upon our Statute book.

There have been no returns whatever concerning the "Commutation Tax" received at this office. There have been no Warrants issued by me on the Paymaster General; nor have I heard of the law being enforced in a single county.

The Adjutant and Quartermaster General, the officers placed in special charge of this branch of our State Government, have doubtless given the business all the attention its importance demanded, and should be able to furnish such facts and data as the workings of the system have developed.

Its operation, or rather its entire want of operation, would point either to the total repeal of the law, or else such a reduction of the "Commutation Tax" as will insure payment by the people.

As the law now stands, disregarded alike by the people whose duty it is to pay, and the officers who are deputed to collect the revenues, it only serves to bring all law into disrespect and contempt.

OUR FINANCIAL DIFFICULTIES.

The financial difficulties consequent upon our anomalous condition, is a subject about which every good citizen who expects to make this his future home feels deeply interested. These difficulties have in a greater or lesser degree beset every new State in the confederacy in the earlier years of its existence. Ours have been peculiarly difficult. Forced into being by circumstances the most extraordinary, we were cut off from that support, experience, and preparation, in a territorial capacity, which most other States have received.

As Congress has adjourned without giving us that which every friend of California expected, and to which we are entitled by every principle of justice and right—the revenue arising from the customs while under a military government—and in the event of Congress failing to comply with our demands in reference to this subject, we shall be compelled

to negotiate a loan in order to sustain and keep in motion the wheels of our State Government.

The reasons are obvious. The population and wealth of the State are of such a character, that in many cases they cannot be reached by taxation. Our population is more unsettled and changeable than, perhaps, that of any other State in the Union. As a consequence, property is in like condition. We are, as yet, dependent upon other States and foreign countries for the necessaries of life—thereby causing a constant drain from us of our gold dust and coin. But in a few years, when our valleys and mountain sides are dotted over with cottages and brought to a high state of cultivation, we will have the means of subsistence within our own borders, and there will be found no difficulty in raising the necessary means to sustain the ordinary expenses of the State.

Should we be so fortunate as to obtain say ten per cent. on the amount of customs, collected for five years, it will (joined to what taxes may be collected) bring into the State Treasury a sum sufficient to meet all the liabilities of the State, and place her finances on a firm and substantial basis. It would be doing no more than justice to us, and can work no injustice to other States. Our State has never been a charge upon the Federal Government, yet appropriations have been yearly made from the National Treasury to support Territorial Governments.

None such were ever made for this country. Besides, this money, known as the "Civil Fund," was paid by the people here—and here of right it belongs.

I have the honor to be,
Very respectfully,
Your ob't serv't,
JOHN S. HOUSTON, Comptroller of State.

SUPPLEMENT

To the Annual Report of the Comptroller of State.

That you may have a better understanding of the present financial condition of the State, I have thought proper to make out and submit the following Supplementary Report, exhibiting the Receipts and Expen-

ditures, from the 1st day of July to the 15th day of December, A.D. 1850. Also, such additional statistics as are deemed important.

Respectfully,

JNO. S. HOUSTON,
Comptroller of State.

COMPTROLLER'S OFFICE, SAN JOSÉ,
December 15, 1850.

[P.] RECEIPTS.

1.	From Foreign Miners' Licenses,	$26,574 89
2.	" Auction Duties,	4,866 56
3.	" State Assay Office,	276 28
	Total,	$31,717 73

[T.] EXPENDITURES.

EXECUTIVE DEPARTMENT.

1.	On account of Salary of Governor,	$5,000 00
2.	" " " Secretary of State,	3,500 00
3.	" " " Comptroller,	4,000 00
4.	" " " Treasurer,	4,500 00
5.	" " " Surveyor General,	3,750 00
6.	" " " Attorney General,	3,500 00
7.	" " " Translator,	3,578 08
8.	" " " Governor's Private Secretary,	1,000 00
	Total,	$28,828 08

CONTINGENT EXPENSES

Of the following Offices, including Rent, Furniture, Clerk hire, Stationery, Fuel, Lights, and Printing.

1.	On account of the office of Governor,	$873 13
2.	" " " Secretary of State,	4,711 36
3.	" " " Comptroller,	4,172 54
	Amount carried forward,	$9,757 03

Amount of expenditures brought forward,		$9,757 03
4. On account of the office of Treasurer,		2,662 67
5. " " " Surveyor General,		1,158 50
6. " " " Attorney General,		1,650 00
7. " " " Translator,		99 75
Total,		$15,327 95

[Q.] LEGISLATIVE DEPARTMENT.

1. Per diem and mileage of Senator Post,	$1,392 00
2. Contingent Expenses of Senate,	60 00
Total,	$1,452 00

[U.] JUDICIAL DEPARTMENT.

SALARIES.

1. On account of Salaries of Supreme Justices,	$15,219 17
2. " " " " District Judges,	11,126 74
3. " " " " District Attorneys,	3,003 28
Total,	$29,349 19

CONTINGENT EXPENSES.

SUPREME COURT.

1. On account of Stationery,	$30 78
2. " " " Seal,	80 00
3. " " " Sheriff's attendance,	678 00
4. " " " Furniture,	589 00
Total,	$1,377 78

[R.] MISCELLANEOUS.

1. For Printing the pamphlet Laws,	$18,937 27
2. " " " Laws in newspapers,	368 00
3. For Stationery for State Printing,	1,137 00
4. Interest paid on Bonds redeemed,	2,218 72
Total,	$22,653 59

[S.] RECAPITULATION

Of Tables, marked [P.] [T.] [U.] [Q.] and [R.]

EXPENDITURES.

1. Executive Department, . . .	$44,156 03	
2. Legislative, " . . .	1,452 00	
3. Judicial, " . . .	30,726 97	
4. Miscellaneous, ...	22,653 59	
		$98,988 59

RECEIPTS.

1. From Foreign Miners, . . .	26,574 89	
2. " Auction Duties, . . .	4,866 56	
3. " State Assay office, . . .	276 28	31,717 73
Excess of Expenditures over Receipts, . . .		$67,270 86

A TABULAR STATEMENT,

Showing the amount of Comptroller's Warrants drawn on the Treasurer up to the 13th day of December, A.D. 1850, and the amount unredeemed at that date.

Whole amount issued up to 30th day of June, A.D. 1850, ...	$347,958 99
" " redeemed up to June 30th, A.D. 1850,	292,384 17
" " unredeemed on the 30th day of June, 1850, ...	55,574 82
" " drawn on the Treasurer from July 1st to December 15th, 1850, . .	96,769 87
" " redeemed from July 1st to Dec. 15th, A.D. 1850, ...	9,370 45
Total amount unredeemed on the 15th day of Dec., A.D. 1850, ...	142,974 24

[U.] A TABULAR STATEMENT,

Of the condition of the State Debt, created under "an Act creating a temporary State Loan," on the 15th day of December, A.D. 1850.

Whole amount of outstanding Bonds on the 1st day of July, A.D. 1850, ...	$287,150 00
Whole amount of interest on outstanding Bonds on the 1st day of July, A.D. 1850, ...	28,848 29
Amount of Bonds redeemed from the 1st day of July to the 15th of December, A.D. 1850, . . .	16,500 00
Whole amount of Bonds outstanding on the 15th day of December, 1850, ...	270,650 00
Whole amount of interest accruing on outstanding Bonds from July 1st to December 15th, A.D. 1850, . .	42,987 75
Whole amount of interest paid on Bonds, redeemed from July 1st to December 15th, A.D. 1850, . .	2,218 72
Total amount of interest due on outstanding Bonds, on the 15th day of December, A.D. 1850, . . .	71,836 04
Total amount of State Debt, created under "an Act providing for a Temporary State Loan," including both principal and interest	342,486 04

[V]

A TABULAR STATEMENT,

Showing the Receipts and Expenditures of the Board of Health at San Francisco, for and on account of the State Marine Hospital.

FIRST QUARTER, ENDING AUGUST 5th, 1850.

RECEIPTS					EXPENDITURES.	
For what month.	Commutation Money	From Pay Patients.	From other sources.	Total.	For what month.	
May	$3,520 50	$180 00		$3,700 50	May	$3,621 70
June	13,164 00	1,537 50		14,701 50	June	8,208 54
July	10,983 50	1,160 60	$333 12	12,477 22	July	16,322 71
August (to the 5th)	1,649 00	2,059 44	95 50	3,803 94	August (to the 5th)	1,758 46
					Cash on hand (August 5th)	4,771 75
Total	$29,317 00	$4,937 54	$428 72	$34,683 16		$34,683 16

SECOND QUARTER, ENDING NOVEMBER 5th, 1850.

RECEIPTS.					EXPENDITURES.	
For what month	Commutation Money.	From Pay Patients	From Apothecary.	Total.	For what month.	
August	$8,732 00	$162 00		$8,894 00	August	$10,279 84
September	6,856 50	2,614 25	$323 00	9,793 75	September	11,539 45
October	3,902 00	1,328 18		5,230 18	October	5,503 29
November	1,381 50	529 25	230 50	2,141 25	November (to the 5th)	1,686 49
Cash on hand (August 5th)				4,771 75	Cash on hand (November 5th)	1,821 86
Total	$20,872 00	$4,633 68	$553 50	$30,830 93		$30,830 93

Exhibiting the Amount of Sales in the different Counties, together with the amount of duties paid thereon, as reported to the Comptroller by the Auctioneers.

Number	Names of Counties.	Amount of sales on which duty of 4 per cent.	Amount of sales on which a duty of 1½ per cent was paid.	Amount at 1 per cent.	Amount at ½ per cent.	Total amount of sales liable to a duty.	Total amount of duties paid.
1	San Francisco,	$39,214 11	$71,237 17	$433,384 38	$139,342 10	$683,177 60	$9,117 68
2	Sacramento,	28,769 00	27,085 44	319,957 75	7,925 00	383,737 19	4,345 21
3	Monterey,	1,668 69	13,485 66	90,064 36		25,218 71	336 28
4	Yuba,	1,693 50		20,370 48	11,270 00	33,333 98	293 87
5	San Diego,			915 00		915 00	9 51
6	Tuolumne,	1,061 81		3,275 27	1,060 00	5,379 08	59 26
	Total,	$72,407 11	$111,808 27	$787,967 24	$159,597 10	$1,131,761 56	$14,161 81

The above named are the only Counties from which reports have been received at this office.

The following Message was received this morning from the Senate, and read.

SENATE CHAMBER,
January 24, 1851.

MR. SPEAKER :

I am directed by the Senate to inform the Assembly that they have non-concurred in the amendments of the Assembly to Senate Bill, entitled "an Act to prohibit Lotteries;" also, that the President of the Senate has signed Assembly Bill, entitled "an Act regulating the Quarantine of Vessels in the Port and Harbor of San Francisco," and "Joint Resolution relative to the offices of Comptroller and Secretary of State."

J. F. HOWE,
Secretary of Senate.

Senate Bill No. 12, accompanying the Message, entitled "an Act to prohibit Lotteries," was then read, and on motion of Mr. Moore, the House insisted on their amendment.

Mr. Bradford, from the Committee on Enrolled Bills, reported that they have examined, and found correctly enrolled, "an Act for the regulation of the Militia of California whilst in actual service;" also, "an Act authorizing the Judge of the District Court for the County of Santa Clara to hold a Special Term in and for said county."

A Message was received from the Senate by their Secretary, informing the House that they have passed Bills, herewith transmitted, entitled "an Act to amend 'an Act concerning Offices;'" and "an Act for the permanent location of the Seat of Government."

Senate Bill No. 26, accompanying the Message, entitled "an Act to amend 'an Act concerning Offices,'" was then read the first time.

Senate Bill No. 20, accompanying the Message, entitled "an Act for the permanent location of the Seat of Government," was read the first and second time, the Rules being suspended for that purpose, and on motion of Mr. Campbell, laid on the table and ordered to be printed.

Mr. Bradford asked and obtained leave of absence for Mr. Brown.

Mr. Bennett, on leave, introduced a Bill, entitled "an Act to create the office of State Printer, to define his duties, to fix his compensation, and to regulate the distribution of Published Volumes," which was, on motion of Mr. Bennett, read first and second times by title, the Rules

being suspended for that purpose, and referred to Committee on Printing.

Mr. Wilkins offered the following:

Resolved, That the subject in relation to our Indian difficulties be referred to the Standing Committee on Indian Affairs, with instructions to report a Bill on that subject.

Adopted.

Mr. Merritt offered the following:

Resolved, That the Committee of Ways and Means be required to report a Bill providing for a loan for the purpose of defraying the expenses incurred in suppressing Indian Hostilities on our frontier.

Adopted.

Mr. Robinson, on leave, introduced "a Bill to repeal 174th section of an Act entitled 'an Act concerning Corporations,'" which was read first time.

Mr. Carnes, agreeably to previous notice, introduced "a Bill defining the Interest on all Warrants issued by the Comptroller on the State Treasury," which was read first and second times, the Rules being suspended for that purpose, and, on motion of Mr. Field, laid on the table until to-morrow.

Mr. Bodley offered the following:

Resolved, That a Special Committee of three be appointed to examine the books of the Comptroller and Treasurer of State, and report to this House.

Adopted.

The Speaker appointed as said committee, Messrs. Bodley, Wilkins, and McCorkle.

ORDERS OF THE DAY.

"Report and Resolutions relative to the expenses of the Government of the State of California up to the time of her admission;" also, "in relation to the amount of duties collected at the Ports of the State of California during the same period," was then taken up, and, on motion of Mr. McCorkle, the House resolved itself into a Committee of the Whole on said Report and Resolutions; after some time spent therein the committee rose, reported progress, and asked leave to sit again.

Agreed to.

Mr. Hall, agreeably to previous notice, introduced "a Bill entitled 'an

Act to allow Kemp T. Anderson to erect and use the Electro-Magnetic Telegraph within this State,'" which was read first time.

Mr. Lisle moved that the Bill be laid on the table.

Not agreed to.

Mr. Field moved that the Rules be suspended and the Bill read a second time by title, and referred to Committee on Corporations.

Agreed to.

QUARTER BEFORE ONE O'CLOCK.

On motion of Mr. Wilkins, the House adjourned.

HOUSE OF ASSEMBLY.

SATURDAY, *January 25th*, 1851.

House met.

The roll was called, and the following members were absent, to wit:

Messrs. Covarrubias, Kellogg, McCandless, Pico, Saunders, Stearns, Wethered, Wilkins, and Yeiser.

The Journal of yesterday was read and approved.

Mr. Lisle asked and obtained leave of absence for Mr. Wethered.

Mr. Crane presented a petition from citizens of the town of Eureka, requesting that they may be granted a charter, which was, on motion of Mr. Crane, referred to the Committee on Commerce.

Mr. Moore, from the Judiciary Committee, reported "a Bill to amend an Act entitled 'an Act to regulate Elections,'" passed March 23d, 1850, which was read first and second times by title, the Rules being suspended for that purpose, and ordered printed.

Mr. Hall, Chairman of Committee on Indian Affairs, made the following report:

The committee to whom was referred the subject in relation to our Indian difficulties with instructions to report, have had the same under consideration. Your committee would respectfully represent, that in their opinion it is highly important that the Legislature of this State should provide some immediate measures for the protection of the lives

and property of her citizens from Indian depredations. These hostilities are confined to no particular locality, but, from well authenticated intelligence, we believe exist along a great portion of our frontiers, and greatly impede, if they do not effectually prevent, mining operations in our richest mining districts. The dignity and honor of the State, both of which are involved in the protection of her citizens and the maintenance of her independence, require that the present Legislature should, by prompt and energetic legislation, suppress existing hostilities, and devise some means to insure future and permanent peace with the Indians. Your committee, therefore, report the accompanying Bill, and recommend its passage.

Bill accompanying the report, entitled "a Bill to provide for the Suppression of Indian Hostilities in this State," was read first and second times, the Rules being suspended for that purpose, and referred to Committee on Ways and Means.

Mr. Bradford, from Committee on Enrolled Bills, reported that they had examined and found correctly enrolled, "an Act to repeal 'an Act concerning the office of Refiner, Melter and Assayer of Gold, and defining his Duties;'" also "an Act to exempt Firemen from Militia Service and Jury Duty;" also, that they had this day presented to His Excellency, Governor McDougal, for his signature, "an Act for the repeal of 'an Act regulating the Quarantine of Vessels for the Port and Harbor of San Francisco.'"

On motion of Mr. Bradford, the vote taken yesterday by which a committee was appointed to examine the books, &c., of the Treasurer and Comptroller of State, was reconsidered.

Mr. Bodley moved to reconsider the vote reconsidering the vote, by which a committee was appointed to examine the books, &c., of the Comptroller and Treasurer of State.

Agreed to.

The question then recurred on the reconsideration of the vote taken yesterday, by which a committee was appointed to examine the books, &c., of Comptroller and Treasurer of State.

Agreed to.

The question recurred on adopting the resolution, when Mr. Bradford moved to lay the resolution on the table.

Agreed to.

Mr. Carr offered a "Concurrent Resolution requiring the Comptroller

to issue Warrants in stated sums," which was read the first and second times, and referred to Committee on Ways and Means.

Mr. Crane, agreeably to previous notice, introduced "a Bill requiring Alcaldes to account for moneys and other property of deceased persons received by them," which was read first and second times, the Rules being suspended for that purpose, and referred to the Judiciary Committee.

Mr. Richardson asked and obtained leave to introduce "a Bill to declare the meaning of the 3d Part of section 1st of 'an Act concerning Licenses,'" which was read first and second times, the Rules being suspended for that purpose, and referred to the Judiciary Committee.

Mr. Crane offered the following:

Resolved, That the Committee on Public Expenditures be appointed on the part of this House, to act with committee of Senate, as the Joint Select Committee to investigate the accounts of the Treasurer and Comptroller of State.

Adopted.

On motion of Mr. Wilkins, the House resolved itself into Committee of the Whole, Mr. Thorne in the Chair, on Report and Resolutions of Select Committee, "in relation to the expenses of the Government of the State of California, up to the time of Admission;" also, in relation to the amount of Duties collected at the Ports of the State of California during the same period; after some time spent therein, the committee rose, reported the same back to the House with an amendment, and was discharged from the further consideration of the subject.

The question then recurred on concurring in amendment made in Committee of the Whole.

Agreed to.

The question then recurred on engrossing the same.

Agreed to.

The following Message, received this morning from the Senate, by their Secretary, was read:

SENATE CHAMBER, *Jan. 25th*, 1851.

MR. SPEAKER:

I am directed by the Senate to inform the Assembly, that they have passed Assembly Bill, herewith transmitted, entitled "an Act to change the name of Edwin Sexton to that of Edwin Schultz Saxton;"

also, that they have elected Hon. E. Heydenfeldt, a Senator from San Francisco, President *pro tem.*, in pursuance of the 49th Standing Rule of the Senate.

J. F. HOWE, Secretary of the Senate.

MR. BRADFORD in the Chair.

Mr. Bigler gave notice that he would, on Monday, introduce a "Joint Resolution of instruction to our Senators and Representatives in Congress to oppose the sale or lease of Mineral Lands within the State of California."

SPEAKER BIGLER in the Chair.

Mr. Moore gave notice that he would, on to-morrow, or some subsequent day, introduce "a Bill to repeal an Act entitled 'an Act creating the office of State Translator,'" passed Jan. 31, 1850; also, "a Bill to provide for the Translation of the Laws."

Mr. Field, agreeably to previous notice, introduced a "Bill declaring certain Rivers and Creeks navigable," which was read the first and second times, the Rules being suspended for that purpose, and ordered to be printed.

On motion of Mr. Field, the House resolved itself into Committee of the Whole, Mr. Crane in the Chair, on Assembly Bill No. 13, entitled "an Act to incorporate the City of Marysville." After some time spent therein, the committee rose, reported the Bill back to the House with an amendment, and were discharged from the further consideration of the subject.

The question then recurred on the amendment made in Committee of the Whole.

Agreed to.

The question then recurred on engrossing the Bill.

On motion of Mr. Field, the Bill was considered as engrossed, and read a third time.

The question then was, "Shall the Bill pass?"

Decided in the affirmative.

On motion of Mr. Carr, Assembly Bill No. 20, entitled "an Act creating the office of Harbor Master for the Port and Harbor of San Francisco, and other purposes," was taken from the table, and made the order of the day for Monday next.

On motion of Mr. Bennett, "Joint Resolution requiring Comptroller to issue Warrants in sums of $10, $20, and $50," was taken up, and indefinitely postponed.

Mr. Bradford gave notice that he would, on Monday next, introduce "a Bill for an Act to confirm the order of the Court of Sessions for Solano County, in relation to the assessment of 1850 within said county."

On leave given, Mr. Carnes introduced as a substitute for Assembly Bill No. 34, "a Bill allowing Warrants on the Treasury to draw Interest."

The question then recurred on adopting the substitute.

Agreed to.

Mr. Moore moved to indefinitely postpone the Bill, and demanded the yeas and nays.

Those who voted in the affirmative were—

Mr. McCandless	Mr. Randall
Moore	Thorne—4.

Those who voted in the negative were—

Mr. Baldwin	Mr. Kellogg
Bennett	Kendrick
Bodley	Lisle
Bradford	Lind
Brown	McDougal
Carr	Merritt
Carnes	Murphy
Cook	Pico
Covarrubias	Robinson
Crane	Stearns
Field	Wilkins
Hoff	Yeiser
Hall	Speaker—26.

The question then recurred on the engrossment of the Bill.

Agreed to.

On motion of Mr. Bennett, the Rules were suspended, and the Bill read a third time.

The question then was, "Shall the Bill pass?"

Decided in the affirmative.

Mr. Crane, agreeably to previous notice, introduced "an Act to provide for the incorporation of Colleges and Universities," which was read the first and second times, the Rules being suspended for that purpose, and referred to Committee on Education.

Mr. Lind offered the following Resolution:—

Resolved, That the Committee on Elections be instructed to inquire and report whether George W. Crane is entitled to his seat in this body as a representative from the Counties of Yolo, Calusi, and Trinity, or whether the said seat is now vacant.

Adopted.

Mr. Murphy gave notice that he would, at an early day, introduce a "Bill to change the mode of serving process in Civil Cases."

ONE O'CLOCK.

On motion of Mr. Bodley, the House adjourned.

HOUSE OF ASSEMBLY.

MONDAY, *January 27th*, 1850.

House met.

The roll was called, and the following members were absent, to wit:—Messrs. Carr, Randall, Richardson; on leave, Mr. Wethered.

The Journal of yesterday was read and approved.

Mr. Hall, Chairman of Committee on Claims, made the following Report, which was adopted.

The Chairman of Committee on Claims, to whom was referred so much of the memorial of the Court of Sessions of Sacramento County as relates to Claims, have, after a careful examination of the subject, instructed me to report that the Bill presented by H. E. Robinson for Munitions, and the petition of John D. Radford for relief, in consequence of injuries received in the squatter difficulties in Sacramento City, are more properly demands against the Treasury of the County. Your committee are fully persuaded that any other view of the subject

would set an unfortunate precedent, and therefore open the doors for more frequent and extravagant demands against the State, and would therefore recommend the rejection of these.

Mr. Murphy, Chairman of Committee on Ways and Means, to whom was referred a Resolution of instructions to report a Loan Bill to defray the expenses which may be incurred in suppressing Indian Hostilities, reported the following Bill.

Bill accompanying the Report entitled, "An Act authorizing the Treasurer of the State to negotiate a Loan upon the faith and credit of the State, for the purpose of defraying the expenses which may be incurred in suppressing Indian Hostilities now existing in this State, in the absence of adequate provision being made by the General Government," was read first and second times, the Rules being suspended for that purpose, and ordered printed.

Mr. Moore, Chairman of Judiciary Committee, to whom was referred "A Bill requiring Alcaldes to account for moneys and other property of deceased persons received by them," reported that they have had the same under consideration, and return the same back to the House, and recommend its passage.

On motion of Mr. Moore, the Bill was ordered printed.

Mr. Bodley, from Committee on Engrossment, reported as correctly engrossed, Assembly Bill No. 13, entitled, "An Act to Incorporate the City of Marysville;" also Assembly Bill No. 34, entitled, "A Bill allowing Warrants on the Treasury to draw Interest."

Mr. Bradford, from Committee on Enrolled Bills, reported that they have examined and find correctly enrolled, "An Act to change the name of Edwin Sexton to that of Edwin Schultz Saxton."

Mr. Baldwin, to whom was referred a resolution making inquiries in reference to the Archives of California, submitted the following minority

REPORT.

MR. SPEAKER:

The undersigned, of the Select Committee to whom was referred a resolution making inquiry in reference to the Archives of California, disagreeing with the majority of said committee, ask most respectfully to submit the following Minority Report:

Your committee has investigated the subject so far as his limited

means of information would admit of, and from evidences received from the most reliable sources, has ascertained that the Archives in question are composed for the most part of grants of lands from the Mexican Government to private individuals and to corporate bodies; and that they are the only evidences in the possession of Government by which it can distinguish between lands the property of private individuals and lands belonging to the General Government; and as it is the province of the United States Government to investigate and decide upon the validity of these grants, it is therefore the opinion of your committee that these Archives are the property of the United States Government, and belong properly to the land office to be established for and within this State.

Your committee have further been informed that there are other papers within the Archives in question relating to other subjects, which properly belong to this State, but have never been separated from those belonging to the General Government.

Your committee have further been informed, that the whole of these Archives were taken charge of by General P. F. Smith, of the U. S. A., by an order of the department at Washington City, and can only be released by an order from the same source, which your committee are of opinion can be easily obtained, for such portion of the said Archives as may properly belong to this State.

Your committee would further recommend the passage of the following Joint Resolution :—

Resolved (the Senate concurring), that our Senators be, and are hereby instructed, and our Representatives requested, to use their influence in obtaining from the department at Washington, to have given up to this State, such portions of the Archives of California as may be found justly and properly to belong to her.

Your committee would further report, that it is his opinion that the copying of the Archives in question would not only be totally useless, but attended with enormous expense to the State, and your committee has been informed that access can be had by any one wishing to examine these Archives, and copies of any records can be obtained by any one so desiring.

D. P. BALDWIN.

On motion of Mr. Baldwin, the reading of Report and Resolutions was dispensed with, and the same ordered printed.

MR. BRADFORD in the Chair.

Mr. Bigler, agreeably to previous notice, introduced "a Joint Resolution in relation to Mineral Lands," which was read the first and second times, the Rules being suspended for that purpose, and referred to a Select Committee, consisting of Messrs. Lisle, Merritt, McCandless, Kendrick, and Field.

Mr. Moore, agreeably to previous notice, introduced "a Bill for the repeal of an Act entitled 'an Act to create the office of State Translator,'" which was read the first time.

Mr. Moore moved that the Rules be suspended, and the Bill read the second time, and ordered printed.

Mr. Cook called for a division of the question.

The question then was, on suspending the Rules.

Agreed to.

The question then recurred on Printing.

Not agreed to.

Mr. Moore, agreeably to previous notice, introduced "a Bill to provide for the Translation of the Laws," which was read the first and second times, the Rules being suspended for that purpose, and referred to Committee on Printing.

Speaker BIGLER in the Chair.

Mr. Bradford, agreeably to previous notice, introduced "a Bill for an Act to legalize the order of the Court of Sessions of Solano County," which was read the first and second times, the Rules being suspended for that purpose, and referred to Committee on Public Expenditures.

Mr. Carr, agreeably to previous notice, introduced "an Act to authorize the Governor of this State to remove and appoint Port Wardens," which was read the first and second times, the Rules being suspended for that purpose, and referred to Committee on Commerce.

Mr. Pico gave notice that he would, on to-morrow, or at an early day, introduce "a Bill for an Act to suppress Gaming."

ORDERS OF THE DAY.

Assembly Bill No. 20, entitled "an Act creating the office of Harbor

Master for the Port and Harbor of San Francisco, and for other purposes," was taken up, when,

On motion of Mr. Crane, the House resolved itself into a Committee of the Whole, Mr. Kellogg in the Chair, on said Bill. After some time spent therein, the committee rose, reported progress, and were discharged from the further consideration of the subject.

On motion, the Bill was referred to Committee on Commerce.

Senate Bill No. 13, entitled "an Act to amend 'an Act concerning Offices,'" was taken up, read the second time, and referred to the Judiciary Committee.

Assembly Bill No. 32, entitled "an Act to repeal the one hundred and seventy-fourth section of the Act entitled 'an Act concerning Corporations,'" was taken up, and read the second time.

Mr. Campbell moved to refer the same to the Judiciary Committee.

Mr. Field moved to amend, by referring same to Committee on Corporations.

The question then was on the amendment.

Not agreed to.

The question then recurred on the motion to refer the Bill to the Judiciary Committee, when,

On motion of Mr. Robinson, the Bill was laid on the table.

The following Messages, received this morning from the Governor, by his Private Secretary, were read.

EXECUTIVE CHAMBER,
SAN JOSÉ, *January* 27, 1851.

To the Hon. JOHN BIGLER,
Speaker, &c.,

SIR: I am directed by his Excellency the Governor to inform the Assembly, that he has this day signed an Act, entitled "an Act for the Repeal of an Act Regulating the Quarantine of Vessels in the Port and Harbor of San Francisco, approved April 9, 1850;" also that his Excellency did, on the 20th instant, appoint the Hon. B. S. Lippincott and G. Neely Johnson his Aides-de-Camp.

Very respectfully,
A. D. OHR, Private Sec. of the Gov.

EXECUTIVE CHAMBER,
SAN JOSÉ, *January* 27, 1851.

To Hon. JOHN BIGLER,
Speaker of Assembly:

SIR: The accompanying volumes of Greenhow's History of Oregon and California I received from the author, with a request to present them to the Legislature of California, which I now take great pleasure in doing.

I have the honor to be,
Very respectfully, your obt. Servant,
JOHN MCDOUGAL.

On motion of Mr. Wilkins, the volumes accompanying the Message were received, and the thanks of the Assembly tendered the author.

Mr. Bradford in the Chair.

On motion of Mr. Robinson, Assembly Bill No. 26, entitled "an Act to amend an Act concerning Corporations, approved April 22, 1850;" also Assembly Bill No. 27, entitled "an Act to amend an Act declaring certain Rivers, Creeks, and Sloughs herein named Navigable, approved March 20, 1850," was taken up.

Mr. Lisle moved that Assembly Bill No. 26 be indefinitely postponed.

The question then was on the indefinite postponement of Bill No. 26, when Mr. Bigler demanded the ayes and nays.

Those who voted in the affirmative were—

Mr. Baldwin	Mr. Hall
Bodley	Lisle
Campbell	McCandless
Cook	Pico
Crane	Thorne—10.

Those who voted in the negative were—

Mr. Bradford	Mr. Kellogg
Brown	Kendrick
Carr	Merritt
Carnes	Moore
Covarrubias	Randall
Field	Richardson
Hoff	Robinson

Saunders	Yeiser
Stearns	Speaker
Wilkins	—19.

So the motion was lost.

Mr. Moore moved to lay said Bills on the Table, and make them the Order of the Day for Friday next.

Agreed to.

Mr. Stearns offered the following:

Resolved, That the Governor be and is hereby requested to furnish this House with copies of Instructions given to Major-General Bean and Brigadier-General Morehead, with regard to the expedition ordered to the Colorado River against the Indians, and whether General Bean or Morehead were authorized to draw upon the Treasury to defray the expenses of the same, and to what amount.

Adopted.

Mr. Merritt offered the following:

Resolved, That the Committee on Commerce be required to report a general Bill, providing for the creation of the office of Harbor Master for the Ports and Harbors of this State.

Adopted.

Mr. Merritt moved to adjourn.

Mr. Bodley demanded the ayes and nays.

Those who voted in the affirmative were—

Mr. Baldwin	Mr. Randall
Bradford	Richardson
Kellogg	Robinson
Kendrick	Saunders
McCandless	Thorne
McCorkle	Wilkins
Merritt	Yeiser, and
Moore	Speaker—16.

In the negative were—

Mr. Bodley	Mr. Carr
Brown	Carnes
Campbell	Cook

Mr. Covarrubias
Crane
Field
Hall
Mr. Hoff
Lisle
Pico
Stearns—14.

ONE O'CLOCK.

The House adjourned.

HOUSE OF ASSEMBLY.

TUESDAY, *January 28th*, 1851.

House met.

The roll was called, and the following members were absent, to wit: Messrs. Crane and McDougal; on leave, Mr. Wethered.

The Journal of yesterday was read and approved.

Mr. Cook presented a petition from merchants and residents of the City of San Francisco, praying that a law may be passed, imposing a tax upon Pedlars, which was read, and referred to Committee of Ways and Means.

Mr. Richardson presented a petition from citizens of Mariposa County, relative to Mineral Lands of this State, which was read, and referred to the Select Committee who have under consideration Preamble and Joint Resolutions upon the same subject.

Mr. Hall, from Committee on Claims, reported as follows:

The Committee on Claims, to whom was referred the petition of Joseph Evans, for relief for the loss of two State Bonds, each for the amount of two hundred and twenty-five dollars, alleged to have been destroyed by the fire in San Francisco, on the 4th of May last, have had the same under consideration, and believe the loss was sustained as stated by petitioner. Your committee, from a very careful consideration of the subject, while they desire to avoid a precedent that would open the way to the practice of fraud upon the State, are of the opinion that, if there were any judicial process by which demands could be recovered against the State, said petitioner could recover judgment against the State for the amount alleged to be lost, together with

interest. Your committee believe further, that it is but common justice that this loss should be made good to petitioner, as the State is a *bona fide* debtor, and no loss will thereby accrue to the State. However, to prevent the possibility of fraud, your committee recommend that before any relief be granted to the petitioner he be required to execute and deliver a bond for double the amount alleged to be lost, to be approved by the Judge of the Third Judicial District, and filed with the Comptroller of State, conditioned that if at such time when the State Scrip shall have been all redeemed, except that portion lost or destroyed, it shall be found that the deficit does not equal the amount lost by petitioner, said petitioner will indemnify the State for all loss and damage sustained by granting him relief. Your committee ask to be discharged from the further consideration of the petition, and would recommend that the Committee on Public Expenditures take charge of the subject, with instructions to report a Bill for the relief of the petitioner, in accordance with the opinions expressed in this report.

G. D. HALL,
Chairman of Committee on Claims.

The question then was on discharging the committee.

Agreed to.

The question recurred on referring the petition to committee on Public Expenditures.

Agreed to.

Mr. Murphy, Chairman of Committee on Ways and Means, made the following Report:

The committee, to whom was referred a "Bill to provide for the Suppression of Indian Hostilities," have had the same under consideration, and have instructed me to report that a Bill of a similar character has already been reported by your committee, which meets the purposes contemplated by said Bill, in a manner deemed by your committee more certain and expedient, and better calculated to meet the end proposed. Your committee would, therefore, ask to be discharged from the further consideration of the Bill.

The question then was on adopting the Report.

Agreed to.

Mr. Murphy, Chairman of Committee of Ways and Means, to whom

was referred "Joint Resolution requiring the Comptroller to issue Warrants in stated sums," reported that they have had the same under consideration, and that they have examined the resolution and the subject referred to, and herewith return the same to the House without amendment, and recommend its passage.

On motion of Mr. Moore, the resolution accompanying the Report was laid on the table.

Mr. Murphy, Chairman of the same Committee, made the following Report.

The committee, to whom was referred the account of rent paid for Offices of State, and the correspondence between the Comptroller and Attorney-General relative thereto, have examined the same, and instructed me to report that the subject matter contained in said correspondence, having reference to moneys paid by the State, more properly belongs to the consideration of the Committee on Public Expenditures. Your committee, therefore, beg leave to return said accounts and correspondence to the House, and recommend their reference to the Committee on Public Expenditures, and ask to be discharged from the further consideration of the same.

The question then was on adopting the Report.

Adopted.

Mr Moore, Chairman of Judiciary Committee, to whom was referred Senate Bill No. 26, entitled "an Act amending an Act concerning Offices," reported that they have had the same under consideration, and as they now have a Bill in preparation repealing the Act concerning offices, which will be reported to the House at an early day, they respectfully return Senate's Bill back, and recommend that it be laid on the table for the present.

The question then was on adopting the Report.

Adopted.

Mr. Kellogg, Chairman of Committee on Public Expenditures, to whom was referred "a Bill for an Act to legalize the order of the Court of Sessions of Solano County," reported that they have had the same under consideration, and respectfully return the Bill back to the House without amendment, and recommend its passage.

On motion of Mr. Bradford, the Bill was ordered to be engrossed.

Mr. Bodley, from Committee on Engrossment, reported as correctly engrossed, "Report, Joint Resolutions, and Memorials to Congress, ask-

ing for the payment of expenditures of this State up to the time of her admission; also to refund the moneys collected by the General Government."

The report and Joint Resolutions were then read a third time and passed.

Mr. Campbell then offered the following:

Resolved (the Senate concurring), That the two Houses meet in Convention, on Monday next, at twelve o'clock, M., for the purpose of electing a U. S. Senator, to supply the place of the Hon. J. C. Frémont, whose term expires on the fourth of March next.

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

Not agreed to.

Mr. Lisle moved to indefinitely postpone said resolution.

Not agreed to.

The question then recurred on the adoption of said resolution.

Adopted.

Mr. McCorkle offered the folllowing:

Resolved, That the Committee of Ways and Means be instructed to inquire into and report to this House "a Bill fixing the meaning and true intent of the fifty-sixth section of the Act entitled an Act prescribing the mode of Assessing and Collecting Public Revenue."

Adopted.

Mr. Richardson offered the following:

Resolved, That a Committee of five be appointed by the Speaker, to examine Vallejo, the proposed seat of Government, and to make a Report thereon forthwith.

On motion of Mr. Merritt, the resolution was laid on the table.

Mr. Hoff, agreeably to previous notice, introduced "a Bill for the suppression of Gaming," which was read first and second times by title, the rules being suspended for that purpose, and on motion of Mr. Hoff, referred to Committee of Ways and Means.

The Speaker laid before the House the following communication from J. D. Hoppe, P. M.:

P. O., SAN JOSÉ, *Jan.* 25, 1851.

TO THE HON. THE SPEAKER
AND MEMBERS OF HOUSE OF REPRESENTATIVES :

GENTLEMEN :

Enclosed please find copy of correspondence between myself and Mr. James M. Goggin, Special P. O. Agent for California, in relation to the right of Members of the Legislature to endorse their names upon the Envelopes of the Paper which they send to their Constituents. You will perceive I am allowed no discretionary powers in the matter, but am instructed to adhere strictly to the law on the subject. Members of your Hon. Body are therefore respectfully requested to conform thereto and oblige

Their ob't serv't,
J. D. HOPPE,
P. M. San José.

P. O. SAN JOSÉ, *Jan.* 10, 1851.

JAMES M. GOGGIN, ESQ.,
P. O. Agent for California :

DEAR SIR: The Members of the Legislature are in the habit of writing their names across the wrappers of the papers they send to their Constituents. This I am aware is a violation of the letter of the law. But is it under the circumstances such a violation of the letter of the law as to make it my duty to adhere strictly thereto ?

Your instructions upon the subject are solicited as early as convenient.

Yours respectfully,
J. D. HOPPE,
P. M. San José.

SPECIAL AGENCY OFFICE,
SAN FRANCISCO, *Jan.* 22, 1851.

SIR : My absence from the City for the last week or ten days will account for my delay in answering your letter of the 10th instant. My reply to your query as to the right of Members to endorse their names upon the wrappers of newspapers and other printed matter forwarded through the mail is, that according to what has been recognised and

considered the proper construction of the law they have no such right; —for the Law itself you are referred to the 30th section of the Act of 1825, and for the construction of the same to chapter 58, sections 426 and 427 of the Regulations for the Government of the Post Office Department.

Respectfully your ob't serv't,
JAMES M. GOGGIN,
Special Agent P. O. D.

To J. D. HOPPE, Esq.,
P. M. San José.

Mr. Bradford moved to lay the communication on the table.

Not agreed to.

Mr. Robinson moved that the Sergeant-at-Arms be instructed to arrange with the Postmaster of this City, so that the Members of this House can pay their Postage through the Page.

Not agreed to.

On motion of Mr. Field, the communications were laid on the table.

The following Message, received this morning from the Senate, was read:

SENATE CHAMBER, *Jan.* 27, 1851.

MR. SPEAKER:—

I am directed by the Senate to inform the Assembly that they have passed Assembly Bill, herewith returned, entitled "An Act to provide for a special term of the District Court within and for El Dorado County;" also that they have passed a Bill, herewith transmitted for the concurrence of the Assembly, entitled, "An Act amendatory of an Act providing for the erection of a Marine Hospital for the State of California;" also that they have adopted Concurrent Resolutions, herewith transmitted, in relation to the printing of the Reports of Comptroller and Treasurer of State, and in relation to the Committee on Counties and County Boundaries, in which the concurrence of the Assembly is respectfully requested. Also that they have appointed a Select Committee of three, consisting of Messrs. Lingley, Crosby, and Van Buren, to act with a similar committee on the part of Assembly, to examine the Books, Papers, &c., of the Comptroller and Treasurer of State, and report thereon.

J. F. HOWE,
Sec. of Senate.

Accompanying the Message,

Senate Bill No. 37, entitled "An Act amendatory of an Act providing for the creation of a Marine Hospital for the State of California," was then read first and second times, the Rules being suspended for that purpose, and ordered printed.

Senate's Concurrent Resolution accompanying the Message, relative to printing 500 copies of the Comptroller's and Treasurer of State's Report, was read and adopted.

Senate's Concurrent Resolution accompanying the Message, relative to the Census and the reapportionment of the next Legislature, was read and adopted.

Mr. Baldwin moved that a Select Committee of three be appointed to confer with the Postmaster relative to the subject matter contained in the communication of to-day from said Postmaster.

Agreed to.

Whereupon the Speaker appointed as said Committee, Messrs. Baldwin, Robinson, and McCorkle.

On motion of Mr. Field, the House resolved itself into Committee of the Whole, Mr. Baldwin in the chair, on "Bill to amend an Act entitled 'An Act to regulate Elections, passed March 23, 1850;'" after some time spent therein, the committee rose, reported progress, and asked leave to sit again.

Leave granted.

ONE O'CLOCK.

On motion of Mr. Saunders, the House adjourned.

HOUSE OF ASSEMBLY.

WEDNESDAY, *January 29th*, 1851.

House met.

The following members were absent, to wit:—Messrs. Campbell, Covarrubias, Crane, McCandless, McCorkle, McDougal, Randall, and Stearns; on leave, Messrs. Wethered and Brown.

The Journal of yesterday was read and approved.

Mr. Carr, Chairman of Committee on Commerce, made the following

REPORT.

MR. SPEAKER :—

The committee to whom was referred Assembly Bill No. 41, entitled "An Act to authorize the Governor of this State to remove and appoint Port Wardens," have had the same under consideration, and have instructed me to report the following amendment, and recommend its passage, viz. In the second section, after the word "four" insert the following, "and also all other Ports and Harbors within this State, Two Port Wardens."

The question then recurred on the amendment proposed in the Report.

Mr. Moore moved to lay the Bill and the Report on the Table.

Mr. Carr demanded the yeas and nays.

Those who voted in the affirmative were—

Mr. Crane	Mr. Moore
McCandless	Pico
McCorkle	Randall
Merritt	Robinson—8.

In the negative were—

Mr. Bennett	Mr. Kendrick
Bodley	Lisle
Bradford	Lind
Carr	Murphy
Carnes	Saunders
Cook	Stearns
Field	Thorne
Hall	Wilkins
Hoff	Yeiser
Kellogg	Speaker—20.

So the motion was lost.

The question then recurred on amendment.

Mr. Crane demanded the ayes and nays.

Those who voted in the affirmative were—

Mr. Bennett	Mr. Lisle
Bodley	Lind
Bradford	Merritt
Carr	Murphy
Campbell	Pico
Cook	Richardson
Carnes	Robinson
Field	Stearns
Hall	Thorne
Hoff	Wilkins
Kellogg	Yeiser
Kendrick	Speaker—24.

In the negative were—

Mr. Crane	Mr. Moore
McCandless	Randall
McCorkle	Saunders—6.

The amendment was agreed to.

The question then occurred on engrossing said Bill.

Agreed to.

Mr. Carr, Chairman of Committee on Commerce, to whom was referred the petition from citizens of Eureka, asking to be incorporated by this Legislature, reported that under a General Law passed the 27th of March, 1850, to provide for the incorporation of towns, the Judge of the County Court has ample power to authorize the citizens of any town in this State to become incorporated. And in the event of there being no County organization, the Governor has been empowered to give the right for incorporating any such town, upon proper application being made. Your committee would therefore respectfully recommend that the petition be presented to His Excellency the Governor for his action under the law as it now exists, and that your committee be discharged from the further consideration of the same.

On motion, the Report was adopted.

On motion of Mr. Crane, the Report was ordered to be printed.

Mr. Carr, Chairman of Committee on Commerce, made the following

REPORT.

The committee to whom was referred Assembly Bill No. 20, entitled "an Act creating the office of Harbor Master and for other purposes," with instructions to alter or amend the same so as to make it a general law, have had the same under consideration, and have instructed me to report,

That your committee are of the opinion that it is not expedient to make this Bill a general one; that many of its provisions will not apply to other towns and seaports in this State;—your committee being satisfied that some law should be provided to meet the wants and interests of every portion of this State. They therefore respectfully recommend the passage of a law conferring upon the Town Authorities of each town in this State, when in their judgment it may be necessary to create the office of Harbor Master.

In view of the foregoing recommendation, your Committee have prepared, and herewith present for the consideration of the House a Bill.

Bill accompanying the Report, entitled a "Bill to establish the office of Harbor Master in this State," was read first and second times, the Rules being suspended for that purpose, and ordered printed.

Assembly Bill No. 20, entitled "an Act creating the office of Harbor Master for the Port and Harbor of San Francisco and for other purposes," reported back with amendments, was, on motion of Mr. Moore, laid on the table for the present.

Mr. Bodley, from the Committee on Engrossed Bills, reported as correctly engrossed, Assembly Bill No. 42, entitled "an Act to legalize the order of the Court of Sessions of Solano County."

Assembly Bill No. 42, entitled "an Act to legalize the order of the Court of Sessions of Solano County," was taken up and read a third time. The question then was, "Shall the Bill pass?" Decided in the affirmative.

Mr. Bradford offered a Joint Resolution, requiring the Secretary of State to request the United States Commissioner, taking the Census of this State, to furnish a statement of the census of this State, which was read first, second, and third times, considered as engrossed, the Rules being suspended for that purpose, and passed.

Mr. Robinson offered a Joint Resolution in reference to the "settlement of Land Titles;" also Joint Resolution in relation to Public Lands; which were read first time, and laid on the table.

Mr. Hall offered the following:

Resolved (the Senate concurring), that the Committee on Claims of the two Houses shall act together in Joint Committee upon Claims arising for provisions and services rendered in the Indian difficulties in this State.

Adopted.

Mr. Wilkins, on leave, introduced a Bill to be entitled "an Act to provide for the Collection of a Capitation Tax," which was read first and second times, the Rules being suspended for that purpose, and referred to the Committee of Ways and Means.

The following Message, received from the Senate on yesterday, was read.

SENATE CHAMBER,
January 28, 1851.

MR. SPEAKER:

I am directed by the Senate to inform the Assembly that the President has signed Bills, severally entitled "an Act to repeal an Act concerning the office of State Assayer, Melter and Refiner of Gold," and defining his duties; "an Act to Exempt Firemen from Militia Service and Jury Duty;" "an Act authorizing the Judge of the District Court for the County of Santa Clara to hold a Special Term in and for said County;" "an Act for the Regulation of the Militia of California whilst in actual service," and "an Act to change the name of Edwin Sexton to that of Edwin Schultz Saxton."

Also, that the Senate request a Committee of Conference in reference to the disagreeing votes of the two Houses on the Bill entitled "an Act to Prohibit Lotteries," and have appointed as said committee, on their part, Messrs. Crosby, Tingley, and Warner.

J. F. HOWE, Secretary of Senate.

On motion of Mr. Bradford, the Speaker appointed as Committee on the Disagreeing Votes of the two Houses, on Senate "Bill to Prohibit Lotteries," Messrs. Bradford, Field, and Moore.

Mr. Wilkins, on leave, introduced a Bill, to be "entitled 'an Act the better to provide for and Collecting Licenses for Foreign Miners, and to reduce the price of Licenses;'" which was read first and second times, the Rules being suspended for that purpose, and referred to the Committee on Ways and Means.

Mr. Campbell presented a proposition for a donation to the State of California, which was,

On motion of Mr. Campbell, referred to Committee on Public Buildings and Grounds.

Mr. Robinson offered the following:

Resolved, That the Committee on Public Buildings and Grounds be instructed to visit the site of Vallejo, the proposed Seat of Government, in company with the Surveyor General, and report concerning the same to this House at their earliest convenience.

On motion of Mr. Moore, the resolution was laid on the table until to-morrow.

ORDERS OF THE DAY.

Assembly "Joint Resolution requiring the Comptroller to issue Warrants in stated hours," was taken up and read.

Mr. Moore moved to amend by inserting after the word "Just," the words "and Legal."

Agreed to.

The question then was on engrossing the resolutions.

Mr. Moore demanded the yeas and nays.

Those who voted in the affirmative were—

Mr. Baldwin	Mr. Kendrick
Bennett	Lisle
Bodley	McCandless
Bradford	Lind
Campbell	Merritt
Carr	Murphy
Cook	Saunders
Field	Thorne
Hall	Wilkins
Hoff	Yeiser
Kellogg	Speaker—22.

Those who voted in the negative were—

Mr. Carnes	Mr. Pico
McCorkle	Richardson
Moore	Stearns—6.

The resolution was ordered engrossed.

The following Message, received this morning from the Governor, was read :

EXECUTIVE CHAMBER,
SAN JOSÉ, *January 29th*, 1851.

TO THE ASSEMBLY :

I am directed by His Excellency the Governor to inform the Assembly that he did on yesterday sign the following Acts : "an Act entitled an Act for the regulation of the Militia of California whilst in actual service ;" "an Act to change the name of Edwin Sexton to that of Edwin Schultz Saxton ;" and "an Act authorizing the Judge of the District Court of the County of Santa Clara to hold a Special Term in and for said county."

Very respectfully,
A. D. OHR,
Private Secretary of the Governor.

The following Message from the Senate, received this morning, was read :—

SENATE CHAMBER,
January 29th, 1851.

MR. SPEAKER :

I am directed by the Senate to inform the Assembly that they have passed a Bill, herewith transmitted, entitled "an Act to limit the term of Leases ;" also that they have adopted an amendment herewith transmitted, for the concurrence of the Assembly, providing that the Committee on Claims of the two Houses shall hereafter act as a Joint Committee.

J. F. HOWE, Secretary of Senate.

Senate Bill No. 34, entitled "an Act to limit the terms of Leases," was read the first time.

Objection being made to the Bill, the question then was, "Shall the Bill be rejected ?"

On this question, Mr. Wilkins demanded the ayes and nays.

Those who voted in the affirmative were—

Mr. Bodley	Mr. Moore
Campbell	Pico
Carnes	Stearns
Crane	Wilkins
McCorkle	Yeiser—10.

Those who voted in the negative were—

Mr. Baldwin	Mr. Lind
Bennett	McCandless
Bradford	Merritt
Carr	Murphy
Cook	Randall
Field	Richardson
Hall	Robinson
Hoff	Saunders
Kellogg	Thorne
Kendrick	Speaker
Lisle	—21.

Not agreed to.

On motion the Bill was read a second time, the Rules being suspended, and referred to a Special Committee, consisting of Messrs. Murphy, Baldwin, and Campbell.

The following Message from the Senate was received :—

SENATE CHAMBER,
January 29th, 1851.

MR. SPEAKER:

I am directed by the Senate to inform the Assembly that his Excellency the Governor this day returned with his objections the Bill originating in the Senate, entitled "an Act to repeal an Act to provide for the Inspection of Steamboats," and that on a reconsideration of the same, the question being, "Shall the Bill pass, the objections of the Governor notwithstanding?" it was decided in the negative.

J. F. HOWE, Secretary of Senate.

On motion of Mr. Crane, the House resolved itself into Committee of the Whole, Mr. Baldwin in the Chair, on Bill No. 37, entitled a

"Bill to amend an Act entitled 'an Act to regulate Elections,'" passed March 23d, 1850. After some time spent therein, the committee rose, reported progress, and were discharged.

First and second amendments made in Committee of the Whole were concurred in.

Mr. Thorne moved to amend second amendment by striking out the words "second Wednesday," and inserting the words "on the first Tuesday after the first Monday of the month of August."

Not agreed to.

The question then recurred on agreeing to the second amendment made in Committee of the Whole.

Agreed to.

The question then recurred on agreeing to the fourth amendment made in Committee of the Whole.

Not agreed to.

Mr. Moore moved a reconsideration of the vote by which the House concurred in the first amendment made in Committee of the Whole.

Mr. Campbell demanded the yeas and nays.

Those who voted in the affirmative were—

Mr. Baldwin	Mr. McCorkle
Bradford	Merritt
Cook	Moore
Covarrubias	Randall
Field	Robinson
Hoff	Thorne
McCandless	—13.

Those who voted in the negative were—

Mr. Bennett	Mr. Kendrick
Bodley	Lind
Campbell	Murphy
Carnes	Saunders
Crane	Stearns
Hall	Wilkins
Kellogg	Yeiser
Lisle	Speaker—16.

Not agreed to.

The question then recurred on engrossing said Bill, when Mr. Crane moved to lay said Bill on the table for the present.

Agreed to.

Mr. Crane offered the following:—

Resolved, That the Attorney-General be required to furnish this House with his opinion in writing, in reference to the true meaning of the 25th section of the Constitution, and especially the two last clauses.

On motion of Mr. Robinson, the Resolution was laid on the table.

A QUARTER PAST ONE O'CLOCK.

On motion of Mr. Wilkins, the House adjourned.

HOUSE OF ASSEMBLY.

THURSDAY, *January 30th*, 1851.

House met.

The roll was called, and the following members were absent, to wit:

Messrs. Covarrubias, Hall, Kellogg, McCandless, Pico, Merritt, Robinson, Saunders, and Yeiser; on leave, Mr. Brown.

The Journal of yesterday was read and approved.

Mr. Bodley, from the Committee on Engrossed Bills, reported correctly engrossed Assembly Bill No. 41, entitled "an Act to authorize the Governor of this State to remove and appoint Port Wardens," and also, "Joint Resolutions requiring the Comptroller to issue Warrants in stated sums."

Bill No. 41, entitled "an Act to authorize the Governor of this State to remove and appoint Port Wardens," was then read a third time, and the question being, "Shall the Bill pass?" it was decided in the affirmative.

"Joint Resolutions requiring the Comptroller to issue Warrants in stated sums," was read third time, and the question being, "Shall the Resolutions pass?" it was decided in the affirmative.

Mr. Crane moved a reconsideration of the vote by which the House passed said Joint Resolutions.

On this question Mr. McCorkle demanded the ayes and nays.

Those who voted in the affirmative were—

Mr. Bennett	Lind
Bodley	McCorkle
Bradford	McDougal
Campbell	Merritt
Carnes	Moore
Cook	Murphy
Crane	Randall
Field	Richardson
Hall	Robinson
Hoff	Stearns
Kellogg	Wethered
Kendrick	Wilkins
Lisle	Yeiser—26.

In the negative were—

Mr. Baldwin	Thorne
Pico	Speaker
Saunders	—5.

The vote was reconsidered.

The question then recurred on the passage of the resolutions.

Mr. Moore moved to commit the resolutions to the Committee on the Judiciary, with instructions to report on the constitutionality of the same.

On this question Mr. Crane demanded the ayes and nays.

Those who voted in the affirmative were—

Mr. Campbell	Moore
Carnes	Pico
Hall	Randall
Lind	Robinson
McCorkle	Stearns
Merritt	Speaker—12.

In the negative were—

Mr. Baldwin	Cook
Bennett	Crane
Bodley	Field

Hoff	Richardson
Kellogg	Saunders
Kendrick	Thorne
Lisle	Wethered
McCandless	Wilkins
McDougal	Yeiser
Murphy	—19.

Not agreed to.

The question then recurred on the passage of the resolution.

Mr. Kellogg moved that the Rules be suspended in order to permit Mr. Moore to offer a substitute.

Not agreed to.

Mr. Moore moved that the resolution be laid on the table until to-morrow.

Mr. McCorkle demanded the ayes and nays.

Those who voted in the affirmative were—

Mr. Carnes	McCorkle
Cook	Moore
Field	Randall
Hoff	Robinson
Kellogg	Stearns
Lind	—11.

In the negative were—

Mr. Baldwin	Merritt
Bennett	Murphy
Bodley	Pico
Campbell	Richardson
Crane	Saunders.
Hall	Thorne
Kendrick	Wethered
Lisle	Wilkins
McCandless	Yeiser
McDougal	Speaker—20.

The motion was lost.

The question then recurred on the passage of the resolution.
Mr. Moore demanded the yeas and nays.

Those who voted in the affirmative were—

Mr. Baldwin	McDougal
Bennett	Merritt
Bodley	Murphy
Campbell	Saunders
Carr	Thorne
Hoff	Wethered
Kellogg	Yeiser
McCandless	—15.

In the negative were—

Mr. Bradford	Moore
Carnes	Pico
Cook	Randall
Covarrubias	Richardson
Crane	Robinson
Field	Stearns
Lisle	Wilkins
Lind	Speaker
McCorkle	—17.

So the resolution was lost.

Mr Baldwin, from Select Committee, to whom was referred Senate Bill No. 34, entitled "an Act to limit Terms of Leases," reported that they have had the same under consideration, and respectfully return the same with an amendment, and recommend the same to your favorable consideration.

In the first line of Second Section, strike out the word "Laws," and insert "Leases."

Mr. Campbell gave notice that he would make a minority report, and moved that the Bill be laid on the table and ordered printed.

Agreed to.

Mr. Bradford, from the Joint Committee on Enrolled Bills, reported that they have examined, and find correctly enrolled, "an Act to provide for a Special Term of the District Court in and for El Dorado County."

Mr. Bradford, from Joint Committee on Enrolled Bills, reported that on Tuesday, 28th inst., they presented to his Excellency Governor McDougal, for his signature, "an Act regulating the Militia of California whilst in actual service;" also, "an Act changing the name of Edwin Sexton to that of Edwin Schultz Saxton;" also, "an Act authorizing a Special Term for the District Court of Santa Clara County;" also, "an Act to exempt Firemen from Militia service and Jury duty;" also, "an Act to repeal 'an Act concerning the office and defining the duties of office of State Assayer.'"

Mr. Bodley offered the following:

Resolved, If the Senate concur, the two Houses meet in Convention on Tuesday next, at 12, M., to proceed to the election of United States Senator, to fill the seat of the Hon. J. C. Frémont, whose term expires on the 4th of March next.

Adopted.

Mr. Pico, agreeably to previous notice, introduced a "Bill to suppress Gaming," which was read first and second times, the rules being suspended for that purpose, and referred to Committee of Ways and Means.

Mr. Hall, on leave, introduced a Bill, entitled "an Act to tax Gaming in this State," which was read first and second times, the Rules being suspended for that purpose, and referred to Committee on Ways and Means.

The following Message, received this morning from the Senate, was read:—

SENATE CHAMBER,

January 29th, 1851.

MR. SPEAKER:

I am directed by the Senate to inform the Assembly that they have passed Assembly Bill, entitled, "an Act to Incorporate the City of Marysville."

J. F. HOWE, Sec. of Senate.

The following Message and accompanying documents, received this morning from the Governor, were read and referred to Committee on Military Affairs.

TO THE HOUSE OF ASSEMBLY:

I have the honor to transmit herewith copies of all orders and instructions issued from this department to Maj. Gen. Bean; also copies of orders and instructions from Gen. Bean to Gen. Morehead, all of which are in relation to the Indian difficulties on the Colorado and Gila Rivers, and in compliance with the request of the Assembly for copies thereof.

It will be seen that there was no power given Gen. Bean to draw on the Treasurer of State for the expenses attendant upon the expedition; but by reference to the instructions of Gen. Bean to Gen. Morehead, it will be seen that the latter officer was directly instructed to draw on the Treasurer for all expenses necessary in fitting out the expedition.

JOHN MCDOUGAL.

EXECUTIVE DEPARTMENT,
January 30*th*, 1851.

SAN JOSÉ, *June* 1*st*, 1850.

J. H. BEAN, Major Gen. of the 4th Division California Militia:

SIR: I inclosed you a printed copy of documents received at the Seat of Government in my absence, and relating to the late Indian disturbances on the Colorado. I have directed the Sheriff of Los Angeles to raise forty, and the Sheriff of San Diego, twenty men, to rendezvous at Los Angeles on the 22d day of June, 1850, or as soon thereafter as practicable, armed and equipped as the law directs, and to report to you at the place of rendezvous. The company will choose their own officers. Should it be within your knowledge that a volunteer company has been formed at Los Angeles or San Diego (as may have been done before this), you will direct the Sheriffs of the two counties above *not to proceed*, and will accept the services of the volunteer company. When the force is organized, you will instruct the officer in command to proceed promptly to the ferry on the Colorado, and pursue such energetic measures as may be necessary to punish the Indians, bring them to terms, and protect the emigrants on their way to California. Should there be any of the military forces of the United States acting against the Indians, the officer in command will act in conjunction with and under the orders of the commander of the Federal troops. You will carefully instruct the officer in command of the

State Militia, that while it is his duty to use the most determined and energetic measures, it is equally his duty to conduct his operations with prudence and as much humanity as may be consistent with the legitimate ends and objects of the war. When the objects contemplated shall have been accomplished, the company will be discharged. The commander of the company, in the absence of an officer of the United States, will report to you and be subject to your orders. Much must be left to his and your discretion, which you will have to use according to circumstances. In the absence of Major Gen. Bean, Brigadier Gen. Covarrubias will execute this order.

Your ob't serv't,

PETER H. BURNETT,
Governor and Commander-in-Chief.

SAN JOSÉ, *June 4th*, 1850.

MAJ. GEN. J. H. BEAN :

DEAR SIR : Since the date of my communication to you of the 1st inst., I have received some additional information, which leads to the conclusion that as many as one hundred men may be needed. You will therefore, if you deem that number requisite, call upon the Sheriffs of Los Angeles and San Diego for forty men in addition to the sixty already required, observing the same proportion as near as may be between the two counties. As I stated before, much must depend upon your discretion, as new circumstances will no doubt arise; and I hope you will not hesitate to use it in case it should be required.

Your ob't serv't,

PETER H. BURNETT,
Governor and Commander-in-Chief.

SAN JOSÉ, *Sept. 4th*, 1850.

SIR: I have not received from you any official information in reference to the expedition against the Indians on the Colorado. From the difficulty of communication, I presume your reports must have miscarried.

I had learned from unofficial sources that the Indians were not so hostile as expected, and that troops of the United States would be sent to the spot. I had also learned from like sources that the expedition

had failed, from the impossibility of procuring the requisite number of men, and consequently did not deem any order from me necessary or proper. From a communication written by Gen. Morehead, dated August 5th, and addressed to the Hon. Richard Roman, I am led to suppose that some troops of the State are still kept in service. Should this be so, you will issue orders to have them disbanded without delay. I shall send different copies of this communication by different conveyances, that at least one of them may reach you.

I have the honor to be,
Your ob't serv't,
PETER H. BURNETT,
Governor and Commander-in-Chief.

To MAJ. GEN. J. H. BEAN,
4th Div. Cal. Militia.

GENERAL ORDERS, NO. 1.

HEAD QUARTERS, FOURTH DIVISION
CAL. MILITIA, SAN DIEGO,
July 9th, 1850.

1st. Quartermaster General J. C. Morehead is hereby ordered to join the expedition *en route* for the Colorado, and act as Quartermaster and Commanding General to the Expedition.

2d. He will make the necessary preparation for fitting out the Expedition with as little delay as possible.

J. H. BEAN,
Maj.-General commanding
Fourth Division Cal. Militia.

ORDERS, NO. 2.

J. C. MOREHEAD,
Quartermaster and Acting Com.-General,
State of California:

SIR:

I have this day received orders from his Excellency the Governor and Commander-in-Chief of the forces of California, dated June 1st and

4th. You are already informed of the nature of these orders. After passing San Philippe about half way to the Gila River, you encounter a desert; from that point until the expedition returns, it will be entirely dependent upon what it takes with it for subsistence. From leaving San Philippe, three months is the least time (with any certainty) required to accomplish the wishes and orders of his Excellency. Fifty men is the least number with which we can hope or expect to accomplish anything. Major Lee, Commander-General of the United States forces in Oregon and California, is now here; you will request him to furnish supplies for fifty men for three months; you will make the necessary purchase for equipping the Expedition, for which you will pay in drafts on the Treasury of the State of California.

J. H. BEAN,
Maj.-General commanding
Fourth Division Cal. Militia.

To J. C. MOREHEAD,
Quartermaster and Acting Com. Gen. State of Cal.

GENERAL ORDER, No. 6.

HEAD QUARTERS, FOURTH DIVISION
CAL. MILITIA, SAN DIEGO,
July 11, 1850.

SIR: You will proceed without delay to Los Angeles and El Rancho de China, and purchase for the use of the State, and for as many troops as you can muster, the required number of rations, the number of animals necessary for your outfit, proportioned to your number of men, &c., and proceed with as little delay as possible to the mouth of the Gila and Colorado rivers, and if practicable, make a treaty with the Indians there; or if such is impossible, you will then take the orders of his Excellency the Governor and Commander-in-Chief for your guide, and act upon them as near as it is possible to do.

You will also report to these Head-Quarters all your acts in relation to the expedition.

You will pay in drafts on the State Treasurer for all purchases you may make for the use of the expedition.

I am, sir, very respectfully,
Your ob't serv't,
J. H. BEAN,
Maj.-Gen. commanding
Fourth Division Cal. Militia.

To Brig.-Gen. J. C. MOREHEAD,
Quartermaster and Acting Com. Gen. Cal.

Mr. Thorne, on leave, introduced a petition from citizens of San Francisco, praying that the Seat of Government may not be removed, which was read.

Mr. Wilkins moved that the petition be laid on the table.

Not agreed to.

Mr. Crane moved that the petition be referred to the Committee on Public Buildings and Grounds.

Agreed to.

Mr. Moore, on leave, presented a petition from the Mayor and Councilmen of Sonoma, praying that a general law may not pass legalizing grants made by Alcaldes and Indians in this State, which was read.

Mr. Baldwin moved that the petition be printed, when Mr. Moore demanded the previous question.

The question then was, "Shall the main question be now put?"

Agreed to.

The question then was on printing the petition.

Agreed to.

Mr. Bradford presented a statement of votes given in Stockton, showing the number of votes given for "Vallejo" and other places, which was read and referred to Committee on Public Buildings and Grounds.

The Speaker laid before the House the following communication from the Secretary of State, which was read and referred to Committee on Public Buildings and Grounds.

SAN JOSÉ, *January* 29, 1851.

TO THE HON. JOHN BIGLER, Speaker of the Assembly:

SIR: In pursuance of a Joint Resolution, adopted by the Legislature on the 22d inst., requiring the Comptroller and Secretary of State to

procure offices within a more reasonable distance of the Capitol, I have caused such papers as it is supposed will be most frequently referred to during the Session to be deposited in the office now occupied by the Governor, and which, for the present at least, will be used for the office of Secretary of State.

Another has not yet been rented, because I have found it exceedingly difficult to procure a building any more convenient to the Capitol than that now used by me which shall in all respects so well answer the purposes to which it is intended to be applied, before the necessary offices can possibly be erected by the State.

The papers, documents, books, &c., which by law are required to be deposited and kept in the office of Secretary of State will have increased so as to make necessary for their proper preservation a much larger and more commodious building than need be procured for other offices; and this increase, too, will consist of cumbrous matter, inconvenient, difficult, and expensive in its removal from place to place.

Besides the Books already deposited in the Library, the Journals, Laws, Debates of the Convention, &c., yet to be received, the Department of State at Washington advises his Excellency the Governor of the transmission, on the 23d of September and 9th of December ult., of a large number of Volumes which may be expected to reach us in a short time. To this may be added the Journals, Laws, and other documents of the several States and Territories, received in a greater or less number by every successive mail, to say nothing of private donations, which we may reasonably calculate will not be inconsiderable.

From this very general statement on this branch some idea may be formed of the character of building required for my office; and the importance of securing a permanent location for it, until another is provided by the State, becomes also apparent. The house now occupied by me is in every respect convenient and suitable (except perhaps in the particular indicated by the resolution, and in this unexceptionable during intervals between the Sessions of the Legislature), and may be certainly had, kept, and used by the State until other more permanent provision is made, without being subjected in the meantime, as better arrangements than letting to the State become practicable, to the inconvenience of moving and removing the cumbrous materials of the office. No means will be left untried to comply with the requirements of the

resolution in question, should the same continue without modification or amendment. I would, however, respectfully submit that the present location of the office, everything considered, is perhaps more eligible than can be had elsewhere.

I have the honor to be,
Very respectfully,
Your ob't servant,
W. VAN VOORHIES, Secretary of State.

Mr. Crane asked and obtained leave to withdraw the Petition of Citizens of Eureka, praying for a Charter.

Mr. Crane gave notice that he would, at some future day, introduce a Bill to provide for the organization of Trinity County.

Mr. Field, on leave, introduced a "Bill to Incorporate the City of Nevada," which was read first and second times, the rules being suspended for that purpose, and ordered printed.

Mr. Field, on leave, introduced a "Bill to provide for the early publication and distribution of the Laws of California," which was read first and second times by title, the rules being suspended for that purpose, and ordered printed.

Mr. Hall, agreeably to previous notice, introduced a "Bill to Exempt the Homestead and other property from Forced Sale in certain cases," which was read first and second times by title, the rules being suspended for that purpose, and ordered printed.

Mr. Bodley presented a Petition from Citizens of Santa Clara to the Legislature in relation to the Seat of Government, which was read, and referred to Committee on Public Buildings and Grounds.

Mr. Crane moved that the House resolve itself into Committee of the Whole on Assembly Bill No. 45, "An Act authorizing the Treasurer of the State to negotiate a loan upon the faith and credit of the State for the purpose of defraying the expenses which may be incurred in suppressing Indian Hostilities now existing in this State, in the absence of adequate provision being made by the General Government."

Not agreed to.

Mr. McCandless moved to adjourn.

Mr. Cook demanded the ayes and nays.

Those who voted in the affirmative were—

Mr. Bodley	Mr. Thorn
Randall	Yeiser—4.

Those who voted in the negative were—

Mr. Bradford	Mr. McCandless
Campbell	McCorkle
Carr	McDougal
Carnes	Merritt
Cook	Murphy
Crane	Moore
Covarrubias	Pico
Field	Richardson
Hall	Robinson
Hoff	Saunders
Kellogg	Stearns
Kendrick	Wethered
Lisle	Wilkins
Lind	Speaker—28.

Not agreed to.

On motion of Mr. Field, the House resolved itself into Committee of the Whole, Mr. Bradford in the Chair, on Bill concerning County Recorders. After some time spent therein, the committee rose, reported progress, and had leave to sit again.

QUARTER PAST ONE O'CLOCK.

On motion, the House adjourned.

HOUSE OF ASSEMBLY.

FRIDAY, *January* 31, 1851.

House met.

The roll was called, and the following members were absent, to wit: Messrs. Baldwin, Bennett, Kellogg, McCandless, McCorkle, Saunders, and Yeiser; on leave, Mr. Brown.

The Journal of yesterday was read and approved.

Mr. Hall presented an account from J. F. Frazier, for services rendered in the Colorado Expedition, which was read, and referred to Committee on Claims.

Mr. Murphy, Chairman of Committee on Ways and Means, reported as follows:

MR. SPEAKER:

The committee to whom was referred the petition of merchants and residents of San Francisco, praying for the passage of a law to protect them from Hawkers and Pedlars, have had the same under consideration, and have instructed me to report a Bill, which is herewith transmitted, and recommend its passage.

Bill accompanying the Report, entitled "an Act to License Hawkers and Pedlars in this State," was read a first and second time, the Rules being suspended for that purpose, and ordered to be printed.

Mr. Bradford, Chairman of Committee of Conference, to whom were referred the disagreeing votes of the two Houses, on Senate Bill entitled "an Act to prohibit Lotteries," reported that it is agreed that the House should recede from the fourth section of their amendment to the Bill, and that the Senate should concur in the second, third, fifth, and sixth sections of said amendment.

The question then was on adopting the Report, when Mr. Lind moved to lay the Report on the table.

Agreed to.

Mr. Campbell, from Select Committee, to whom was referred Senate "Bill to limit the duration of Leases," made the following minority Report:

MR. SPEAKER:

As one of the Select Committee to whom was referred Senate Bill "To limit the Duration of Leases," I would respectfully present this minority Report. I do not consider that we, as a Legislative body, should attempt to prohibit any one from making whatever disposition of his property he may deem necessary. It would be interference on our part which, in the opinion of your committee, would be in direct opposition to the principles of our Republican Government. We consider that men should be allowed the right as well to lease their property for any number of years as to sell it in fee simple. Our citizens should be

allowed to use their property in any manner they please, so long as it does not interfere with the interests of the people in general.

On motion of Mr. Campbell, the Report was laid on the table.

Mr. Field offered the following:

Resolved, That the compensation of the Committee and Copying Clerks be the same as that of the Enrolling and Engrossing Clerks.

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

Not agreed to.

Mr. Bradford moved to amend said resolution as follows: Strike out the words "Engrossing and Enrolling Clerks," and insert the words "Members of the House."

On this amendment Mr. Bennett demanded the ayes and nays.

Those who voted in the affirmative were—

Mr. Bennett	Mr. Lisle
Bradford	Merritt
Campbell	Pico
Carr	Randall
Carnes	Richardson
Covarrubias	Stearns
Hoff	Thorne
Kellogg	Wethered—16.

In the negative were—

Mr. Bodley	Mr. Murphy
Cook	Robinson
Field	Saunders
Hall	Wilkins
Kendrick	Yeiser
McDougal	Speaker
Moore	—13.

Amendment adopted.

The question then recurred on the Resolution as amended.

Adopted.

Mr. Bennett moved a reconsideration of the vote just taken.

Not agreed to.

ORDERS OF THE DAY:

Assembly Bill No. 26, entitled "an Act to amend an Act concerning Corporations, approved April 22d, 1850;" also, Assembly Bill No. 27, entitled "an Act to amend an Act declaring certain Rivers, Creeks, and Sloughs herein named Navigable, approved 20th March, 1850," were taken up.

Mr. Robinson moved to lay said Bills on the table, and take up in Committee of the Whole Bill No. 39, entitled "an Act declaring certain Rivers and Creeks Navigable."

Mr. Hall moved to amend said motion by taking up in Committee of the Whole Bill No. 45, entitled "a Bill authorizing the Treasurer of the State to negotiate a Loan upon the faith and credit of the State for the purpose of defraying the expenses which may be incurred in suppressing Indian Hostilities, now existing within this State, in the absence of adequate provision being made by the General Government."

The question recurred on the amendment.

Not agreed to.

The question then recurred on the motion to take up, in Committee of the Whole, Bill No. 39, entitled "a Bill declaring certain Rivers and Creeks Navigable."

Agreed to.

The House resolved itself into Committee of the Whole, Mr. Kellogg in the Chair, on Bill No 39, entitled "a Bill declaring certain Rivers and Creeks Navigable;" after some time spent therein, the Committee rose, reported progress, and had leave to sit again.

Assembly Bill No. 26, entitled "an Act to amend an Act concerning Corporations, approved April 22d, 1850," was taken up and read.

Mr. Field moved to amend said Bill by inserting after the word "endanger," the words "or obstruct."

Agreed to.

Mr. Carr moved to amend said Bill by striking out the word "navigated," and inserting the word "navigable."

Agreed to.

The question then was on Engrossing said Bill.

Agreed to.

Assembly Bill No. 27, entitled "an Act to amend an Act declaring certain Rivers, Creeks, and Sloughs herein named Navigable, approved March 20, 1850," was taken up, read, and ordered to be engrossed.

On motion of Mr. Carr, Bill No. 32, entitled "an Act to repeal the 174th section of the Act entitled 'an Act concerning Corporations,'" was taken up, read, and ordered engrossed.

On motion of Mr. Campbell, the House resolved itself into Committee of the Whole, Mr. McCorkle in the Chair, on Bill No. 23, "concerning County Recorders;" after some time spent therein, the committee rose, reported amendments, and were discharged.

On motion of Mr. Bodley, the House concurred generally in amendments made in Committee of the Whole.

Mr. Lind moved that the House reconsider the vote taken yesterday, by which the House refused to pass Joint Resolutions requiring the Comptroller to issue Warrants in stated sums.

Mr. Moore moved a call of the House, and demanded the yeas and nays. Those who voted in the affirmative were—

Mr. Baldwin	Mr. Moore
Bradford	Murphy
Carnes	Randall
Covarrubias	Richardson
Field	Stearns
Lind	Wilkins
McCorkle	Yeiser—14.

In the negative—

Mr. Bennett	Mr. McCandless
Bodley	McDougal
Campbell	Merritt
Cook	Pico
Hall	Robinson
Hoff	Thorne
Kendrick	Wethered
Lisle	Speaker—16.

The motion was lost.

Mr. Moore moved to adjourn, and demanded the yeas and nays. Those who voted in the affirmative were—

Mr. Bodley	Mr. Pico
Carnes	Randall
Campbell	Thorne
Moore	—7.

In the negative—

Mr. Baldwin	Mr. McCorkle
Bennett	McDougal
Bradford	Merritt
Carr	Murphy
Cook	Richardson
Covarrubias	Robinson
Field	Saunders
Hall	Stearns
Kellogg	Wethered
Kendrick	Wilkins
Lind	Yeiser
McCandless	Speaker—24.

The motion was lost.

The question then recurred on the motion to reconsider. On this question Mr. McCorkle demanded the ayes and nays.

Those who voted in the affirmative were—

Mr. Baldwin	Mr. McDougal
Bennett	Merritt
Bodley	Murphy
Campbell	Richardson
Carr	Robinson
Field	Saunders
Hall	Thorne
Hoff	Wethered
Kellogg	Wilkins
Kendrick	Yeiser
McCandless	Speaker—22.

In the negative were—

Mr. Bradford	Mr. McCorkle
Carnes	Moore
Cook	Pico
Covarrubias	Randall
Lind	Stearns—10.

The vote was reconsidered.

On motion of Mr. Baldwin, the Joint Resolutions were laid on the table until to-morrow.

Mr. Bodley moved to adjourn. On this question Mr. Campbell demanded the ayes and nays.

Those who voted in the affirmative were—

Mr. Bodley	Mr. Randall
Campbell	Stearns
Hoff	Thorne
Pico	—7.

In the negative were—

Mr. Baldwin	Mr. McCandless
Bennett	McCorkle
Bradford	McDougal
Carr	Merritt
Carnes	Moore
Cook	Murphy
Covarrubias	Richardson
Field	Robinson
Hall	Saunders
Kellogg	Wethered
Kendrick	Wilkins
Lisle	Yeiser
Lind	Speaker—26.

So the motion was lost.

Mr. Bradford moved to take up Senate Bill No. 20, entitled "an Act for the permanent location of the Seat of Government."

Mr. Bodley moved a call of the House, and demanded the ayes and nays.

Those who voted in the affirmative were—

Mr. Baldwin	Mr. Carnes
Bennett	Covarrubias
Bodley	Crane
Bradford	Field
Campbell	Hall
Carr	Hoff

Mr. Kellogg
Kendrick
Lind
McCandless
McDougal
Moore
Murphy
Mr. Pico
Saunders
Stearns
Thorne
Wilkins
Yeiser
Speaker
—27.

In the negative—
Mr. Cook
Lisle
McCorkle
Merritt
Mr. Randall
Richardson
Robinson
—7.

The motion was agreed to.

A call of the House being made, Messrs. Brown and Freeman were absent.

Mr. Robinson moved that the House take up Senate Bill No. 20, entitled "an Act for the permanent location of the Seat of Government," and that the same be offered to the Committee on Public Buildings and Grounds.

Mr. Bodley moved to adjourn. On this question Mr. Campbell demanded the ayes and nays.

Those who voted in the affirmative were—
Mr. Bodley
Campbell
Carr
Carnes
Cook
Covarrubias
Crane
Hall
Mr. Hoff
Lisle
Kendrick
Pico
Randall
Stearns
Thorne
Wethered—16.

In the negative were—
Mr. Baldwin
Bennett
Bradford
Mr. Field
Kellogg
Lind

Mr. McCandless	Mr. Richardson
McCorkle	Robinson
McDougal	Saunders
Merritt	Wilkins
Moore	Yeiser
Murphy	Speaker—18.

Motion lost.

The question then recurred on the motion to take up said Bill, and refer the same to Committee on Public Buildings and Grounds.

Agreed to.

On motion of Mr. Merritt, Mr. Bradford was added to Committee on Public Buildings and Grounds.

HALF PAST TWO O'CLOCK.

On motion of Mr. Moore, the House adjourned.

HOUSE OF ASSEMBLY.

SATURDAY, *February* 1*st*, 1851.

House met.

The Roll was called, and the following members were absent, to wit: Messrs. Carnes, Cook, Covarrubias, Hall, Hoff, Kellogg, Lisle, McCorkle, Merritt, Murphy, Randall, Saunders, and Stearns; on leave, Mr. Brown.

The Journal of yesterday was read and approved.

Mr. Kendrick, Chairman of Committee on Public Buildings and Grounds, made the following Report:

MR. SPEAKER:

The Committee on Public Buildings and Grounds, to whom was referred the "Bill to fix the Permanent Seat of Government at the City of Vallejo;" and also the propositions of the City of San José and the Town of Santa Clara, to donate a large amount of lands and town lots to the State, if the permanent Seat of Government should be at the City of San José, and also several petitions; have had them under consideration, and beg leave to report, that after the committee con-

sidered the various propositions and petitions, in the limited time allowed them, they are unable to agree sufficiently to give any definite opinion upon the matter. Three of the committee were desirous to report the Bill back without amendment and recommend its passage, and the Chairman, with two of the Committee, would recommend the Bill be laid on the table, until the Bonds of M. G. Vallejo be submitted and be approved or rejected by the Legislature; and also that the Bonds for the propositions from San José and Santa Clara be also submitted, to be approved or rejected by the Legislature in the same manner as is necessary for the passage of the Bill, before any further action be had thereon.

All of which is respectfully submitted.

J. J. KENDRICK, Chairman.
A. RANDALL.
A. C. CAMPBELL.

Mr. Bradford, from the same committee, reported as follows:

We, the undersigned members of the Committee on Public Buildings and Grounds, to whom was referred the Bill fixing the location of the permanent Seat of Government, beg leave to report that the length of time which this subject has been before the public, and the full and complete discussion which has been had upon its merits, the unequivocal manner in which the people in their sovereign capacity have accepted of its provisions, all admonish us that to make a report on the full merits of the question would be more than futile. They would, therefore, recommend that the Bill be passed without amendment.

D. P. BALDWIN.
J. S. BRADFORD.

Mr. Moore moved to lay the Reports on the table for the present.

Agreed to.

The Speaker laid before the House the following communication from Mr. Hall:

SAN JOSÉ, *Feb.* 1, 1851.

HON. JOHN BIGLER, Speaker of the House of Representatives:

DEAR SIR; I hereby tender my resignation as a Representative in the General Assembly of the State of California; my motive arises from

a conflict of honest opinions and conviction with instructions upon an important question now before the Legislature. With sincere regard for yourself personally, and ardent hopes for wise and harmonious legislation on the part of those with whom I am about to separate,

I have the honor to be,

Your ob't servant,

G. D. HALL.

Mr. Richardson moved that the resignation be accepted, and that the Governor be notified of the same.

Not agreed to.

The following message, received yesterday from the Senate, was read:

SENATE CHAMBER,

FRIDAY, *January* 31, 1851.

MR. SPEAKER:

I am directed by the Senate to inform the Assembly that the Governor has notified the Senate that he did, on the 28th inst., sign Bills originating in the Senate, entitled "An Act concerning the office of State Assayer, Melter and Refiner of Gold, and defining his duties," and "An Act exempting Firemen from Militia Service and Jury Duty;" also that they have passed Assembly Bills, entitled "An Act to legalize the order of the Court of Sessions of Solano County," and "An Act to fix the compensation of the County Judges of Yolo County;" also that they have adopted Assembly Joint Resolutions requiring the Secretary of State to request the United States Commissioner taking the census of this State to furnish a statement of the census of the State for the use of the Legislature;" also that they have adopted the Report of the Committee of Conference on the Disagreeing Votes of the two Houses, on the Bill entitled "An Act to prohibit Lotteries;" also that they have refused to concur in the resolution of the Assembly, fixing Tuesday next, at 12, M., as the day for an election of United States Senator.

J. F. HOWE,

Secretary of Senate.

Mr. Bradford moved to take up the Report made to-day by the Committee on Public Buildings and Grounds.

Agreed to.

On motion of Mr. Wilkins, a call of the House was ordered, when the following members were absent, to wit: Messrs. Baldwin, Carnes, Covarrubias, Hall, Lisle, McCorkle, Murphy, and Saunders.

On motion of Mr. Moore, the Sergeant-at-Arms was dispatched after the absentees, and the doors ordered closed.

Mr. Hall appeared, and was excused without paying the usual fee.

Mr. Baldwin appeared, and was excused without paying the usual fee.

Mr. Merritt moved that further proceedings, under a call of the House, be suspended temporarily.

Agreed to.

Mr. Hall asked and obtained leave to withdraw his resignation.

Mr. Carnes appeared, and was excused without paying the usual fee.

On motion of Mr. Moore, all the absentees were excused without paying the usual fee.

The roll was again called, and Mr. Covarrubias was absent.

Mr. Covarrubias made his appearance, and, on motion of Mr. Baldwin, was excused without paying the usual fee.

On motion of Mr. Bradford, further proceedings under the call were suspended.

On motion of Mr. Murphy, the Reports made this morning by Committee on Public Buildings and Grounds were taken up and read.

Mr. Moore moved the indefinite postponement of Report made by Chairman of said committee.

Mr. Hall offered the following:

Resolved, That the Reports and Bill under consideration be laid upon the table until such time when M. G. Vallejo shall tender to this House a Bond conditioned for the performance of his proposition, or to a time when he shall signify his readiness to deposit with the Treasurer of State the sum of $370,000 for the use of the State.

The question recurred on adopting said resolution, when

Mr. Campbell demanded the ayes and nays.

Those who voted in the affirmative were:

Mr. Bodley	Mr. Kendrick
Campbell	Pico
Cook	Randall
Crane	Robinson
Hall	Stearns
Hoff	Thorne
Kellogg	Speaker—14.

Those who voted in the negative were:

Mr. Baldwin	Mr. McDougal
Bennett	Merritt
Bradford	Moore
Carr	Murphy
Carnes	Richardson
Field	Saunders
Lisle	Wethered
Lind	Wilkins
McCandless	Yeiser
McCorkle	—19.

The resolution was lost.

The question then recurred on the indefinite postponement of the Report of Committee on Public Buildings and Grounds.

Agreed to.

Mr. Campbell moved to indefinitely postpone the Report from same committee, signed by Messrs. Bradford and Baldwin.

Mr. Bradford moved to amend said motion by laying the Report on the table.

Not agreed to.

The question then recurred on the indefinite postponement of the Report.

Mr. Campbell, on leave, withdrew his motion to indefinitely postpone the Report.

On motion of Mr. Murphy, the Report was laid on the table, and Senate Bill No. 20, entitled "An Act for the permanent location of the Seat of Government," was taken up and read.

Mr. Campbell offered the following as Section 2d to said Bill:

"Section 2d. Should any future Legislature, by a vote in conformity with the Constitution at any future time, remove the capital from the City of Vallejo, the said Vallejo and his bondsmen shall in no wise be released from the obligation made to the Governor of this State, but shall be bound and liable in the same manner as if the capital should remain permanent at the City of Vallejo."

Mr. Hall moved to amend the said section as follows:

"That it shall require a vote of two thirds of all the members elect of the General Assembly to approve the bond given by any party whose proposition may be accepted for the permanent location of the Seat of Government; and the lands and money donated shall not necessarily be appropriated to the specific objects mentioned, but shall be applied and used at the discretion of the State, and in no event shall the party giving the bond be released from paying the money, provided the capital shall be removed from Vallejo."

On motion of Mr. Bradford, the amendment was laid on the table.

A message from the Senate was received informing the Assembly that the President has signed Assembly Bill entitled "An Act authorizing theJudge of the District Court of El Dorado County to hold a Special Term within and for said county."

The question then recurred on adopting the proposed section second.

Mr. Campbell moved a call of the House.

Agreed to.

A call of the House being ordered, the following members were absent, viz. Messrs. Carnes, Kellogg, Lisle, Robinson, and Yeiser.

On motion of Mr. Bradford, the Sergeant-at-Arms was dispatched after the absentees, and the door was ordered closed.

Messrs. Yeiser, Lisle, and Hall, made their appearance, and were, on motion, excused without paying the usual fees.

Mr. Cook moved to reconsider the vote by which Mr. Lisle was excused.

Agreed to.

The question then recurred to excuse Mr. Lisle without paying the usual fee.

Not agreed to.

The Sergeant-at-Arms appeared with Mr. Robinson, when,

On motion of Mr. Campbell, he was excused without paying the usual fee.

Mr. Cook moved that further proceedings under the call be suspended.

Not agreed to.

Mr. Campbell moved that further proceedings under the call be dispensed with.

Not agreed to.

Mr. Carnes appeared, and,

On motion of Mr. Moore, was excused without paying the usual fee.

Mr. Bennett moved that further proceedings under the call be dispensed with.

Not agreed to.

Mr. Bennett moved to take a recess for one hour.

Mr. Robinson moved to amend said motion by adjourning until seven o'clock.

The question then recurred on the amendment.

Not agreed to.

The question then recurred on the motion to take a recess for one hour.

Not agreed to.

Mr. Hall moved to adjourn until Monday morning at ten o'clock.

Mr. Campbell demanded the ayes and nays.

Those who voted in the affirmative were—

Mr. Cook	Mr. Randall
Covarrubias	Robinson
Hall	Thorne
Hoff	Speaker
McCorkle	—9.

Those who voted in the negative were—

Mr. Baldwin	Mr. Carnes
Bennett	Crane
Bodley	Field
Bradford	Kendrick
Campbell	Lisle
Carr	Lind

Mr. McCandless	Mr. Richardson
McDougal	Saunders
Merritt	Stearns
Moore	Wethered
Murphy	Wilkins
Pico	Yeiser—24.

Not agreed to.

Mr. Bennett moved to adjourn to five o'clock.

Not agreed to.

Mr. Cook moved to adjourn until half-past six o'clock.

Not agreed to.

The Sergeant-at-Arms appeared with Mr. Kellogg.

Mr. Campbell moved to excuse Mr. Kellogg without paying the usual fee.

Not agreed to.

Mr. Bradford moved that further proceedings under the call be dispensed with.

Agreed to.

The question then recurred on adopting the proposed section second.

On this question Mr. Campbell demanded the ayes and nays.

Those who voted in the affirmative were—

Mr. Bodley	Mr. Pico
Campbell	Randall
Cook	Robinson
Covarrubias	Stearns
Crane	Thorne
Hall	Wethered
Kendrick	—13.

Those who voted in the negative were—

Mr. Baldwin	Mr. Hoff
Bennett	Kellogg
Bradford	Lisle
Carr	Lind
Carnes	McCandless
Field	McCorkle.

Mr. McDougal	Mr. Saunders
Merritt	Wilkins
Moore	Yeiser
Murphy	Speaker
Richardson	—21.

Not agreed to.
The question then was on ordering the Bill to a third reading.
Agreed to.
The Bill was then read a third time.
The question then was, "Shall the Bill pass?"
On this question Mr. Bradford demanded the ayes and nays.

Those who voted in the affirmative were—

Mr. Baldwin	Mr. McCorkle
Bennett	McDougal
Bradford	Merritt
Carr	Moore
Carnes	Murphy
Cook	Richardson
Field	Robinson
Hall	Saunders
Hoff	Thorne
Kellogg	Wethered
Lisle	Wilkins
Lind	Yeiser
McCandless	Speaker—26.

Those who voted in the negative were—

Mr. Bodley	Mr. Kendrick
Campbell	Pico
Covarrubias	Randall
Crane	Stearns—8.

So the Bill passed.
Mr. Bradford moved a reconsideration of the vote just taken.
On motion of Mr. Merritt, said motion was indefinitely postponed.

FOUR O'CLOCK.

On motion, the House adjourned until Monday morning.

HOUSE OF ASSEMBLY.

MONDAY, *February* 3, 1851.

House met.

The roll was called, and the following Members were absent, to wit: Messrs. Baldwin, Carr, Covarrubias, Kellogg, McCandless, Pico, and Stearns.

The Journal of Saturday was read and approved.

Mr. Hall presented a petition from citizens of White Rock Valley, in El Dorado County, praying for protection from Indian depredations, which was, on motion, referred to Committee on Indian Affairs.

On motion of Mr. Kellogg, Mr. Freeman, member elect from San Luis Obispo, came forward, presented his certificate, and was sworn in.

Mr. Cook, from Committee on Engrossed Bills, reported, as correctly engrossed, Assembly Bill No. 26, "an Act to amend an Act concerning Corporations, approved April 22d, 1850;" also Assembly Bill No. 32, "an Act to repeal the one hundred and seventy-fourth section of the Act entitled an Act concerning Corporations;" also Assembly Bill 27, "an Act to amend an Act declaring certain Rivers, Creeks, and Sloughs navigable, approved March 20, 1850."

Bill No. 26, entitled "an Act to amend an Act concerning Corporations, approved April 22, 1850," was read a third time.

The question being, "Shall the Bill pass?" it was decided in the affirmative.

Bill No. 32, entitled "an Act to repeal the one hundred and seventy-fourth section of an Act concerning Corporations," was read a third time.

The question being, "Shall the Bill pass?" it was decided in the affirmative.

Bill No. 27, entitled "an Act to amend an Act, declaring certain Rivers, Creeks, and Sloughs, herein named navigable, approved March 20, 1850," was read a third time.

The question then recurred on the passage of the Bill, when, on motion of Mr. Field, the Bill was laid on the table for the present.

Mr. Cook offered the following:

Resolved, That whereas much just complaint has been made through the public press, and from the people of this State, on the subject of the

State Printing, in reference to the alarming amount paid last year, which is said to have been about one hundred and fifty thousand dollars; AND WHEREAS the State is almost if not quite in a bankrupt condition, it is only reasonable to expect that tl is Legislature will forthwith devise some better plan than the present, by which the laws of this State may be placed within the reach of our citizens, without continuing the present unjust and ruinous system, which has cost this State up to Wednesday last, for printing done *this Session*, about eleven thousand dollars, or nearly five hundred dollars per day, which amount has already been audited; therefore:

Resolved, That the Committee on State Printing be requested to report to this House, at as early a day as possible (by Bill or otherwise), a plan for the reduction of the amount paid for State Printing; and also report why this House (being a separate branch of the Legislature) does not possess the power to have its own printing done at any office where it can be done at about one half the amount now paid.

Adopted.

Mr. Campbell offered the following:

Resolved, the Senate concurring, That the Legislature do adjourn *sine die*, on the twentieth day of the present month.

On motion of Mr. Cook, the resolution was laid on the table.

Mr. Merritt offered the following:

Resolved, if the Senate concur, That the Senate and Assembly meet in Convention in this Hall, on Thursday the sixth instant, for the purpose of electing a United States Senator in the place of the Hon. J. C. Frémont, whose term of office expires on the fourth of March next.

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

Not agreed to.

The question then recurred on adopting said resolution.

Adopted.

Mr. Bodley offered the following:

Resolved, That the Committee on Elections be instructed to examine the claims of Mr. Freeman to his seat as a Member of Assembly from San Luis Obispo.

Adopted.

The Speaker laid before the House a communication from J. Mariano Bonilla, setting forth reasons that detained the Hon. Chas. J. Freeman

from taking his seat at an earlier date, which was read and referred to Committee on Elections.

Mr. Hall gave notice that he would, at an early day, introduce a Bill relative to State Warrants.

Mr. Campbell gave notice that he would, on to-morrow, introduce a Bill to fix the pay of members of the Legislature.

Mr. Crane, on leave, introduced "a Bill authorizing the Keepers of Warehouses to sell goods on Storage after a certain period," which was read first and second times by title, the rules being suspended for that purpose, and referred to Committee on Commerce.

ORDERS OF THE DAY.

Senate Bill No. 13, entitled "an Act to repeal an Act regulating the Quarantine of Vessels at the Port and Harbor of San Francisco," was taken up and indefinitely postponed.

Report of the Conference Committee relative to the disagreeing votes of the two Houses on Senate bill to "Prohibit Lotteries," was taken up and read.

Mr. Moore moved to lay the same on the table.

Not agreed to.

On motion of Mr. Field, the House reconsidered the vote just taken on report of Conference Committee.

On motion of Mr. Field, the report was laid on the table.

Bill No. 23, concerning "County Recorders," was taken up and ordered engrossed.

Mr. Yeiser gave notice that he would, at an early day, introduce a "Bill for the purpose of Fixing the Limits and Surveying of Lands."

On motion of Mr. Moore, Senate Bill, entitled "an Act amendatory of an Act providing for the creation of a Marine Hospital for the State of California," was taken up and read third time.

The question being, "Shall the Bill pass?" it was decided in the affirmative.

On motion of Mr. Carr, the House resolved itself into Committee of the Whole, Mr. Baldwin in the Chair, on Bill entitled "an Act creating the office of Harbor Master for the Port and Harbor of San Francisco, and for other purposes." After some time spent therein, the committee rose, reported progress, and were discharged.

On motion of Mr. Hoff, said Bill was referred to a Special Committee, consisting of Messrs. Hoff, Carr, and Moore.

On motion of Mr. Robinson, the House resolved itself into Committee of the Whole, Mr. Campbell in the Chair, on "Bill declaring certain Rivers and Creeks Navigable." After some time spent therein, the committee rose, reported progress, and were discharged.

On motion of Mr. Bradford, the House concurred generally in the Amendments made in Committee of the Whole.

The Bill was then ordered engrossed.

Mr. Baldwin, Chairman of Committee on Elections, made the following

REPORT:

The Committee on Elections, to whom it was referred to inquire whether George W. Crane is entitled to a seat in this body as a representative from the counties of Yolo, Colusi, and Trinity, or whether the said seat is vacant, respectfully report:

That on the 28th of October, 1850, the Clerk of the County Court of Yolo County gave a certificate to George W. Crane, stating in substance, that said George W. Crane had received the greatest number of votes, so far as the returns of election had then come to the knowledge of the Clerk.

This is therefore no certificate of election, and not even *prima facie* evidence that the incumbent is entitled to his seat.

Indeed the Clerk of Yolo County has no right to give a certificate of election to a member of the Assembly, because under the "Act to Regulate Elections," the 41st section provides, that when an officer is to be chosen by the electors of a district composed of two or more counties, the returns are to be transmitted to the County Clerk of the county which stands first in alphabetical arrangement in the list of counties composing such district; according, then, to the directions of this Act, the election in Yolo for Member of the Assembly was returnable to the County Clerk of Colusi; but as Colusi County has not been organized, it was impossible to make the returns as required by law, and as there is no other power appointed to receive the returns, and certify the election, your committee are of opinion that they must be treated as a nullity, unless this House will look to the vote alone as an index of the voice of the people, and can feel itself empowered to disregard a strict compliance with the letter of the law, in order to render justice to the people of the District.

With a view to that end, your committee have examined the election returns, and have ascertained that the Polls were opened on the day of General Election in the Counties of Trinity and Yolo, but not in the County of Colusi, or at least that no returns of election have been received from the latter county. The County of Trinity was not organized, but the election returns are properly certified by persons signing themselves Judges and Inspectors of election, and therefore, in regard to a want of compliance with the rules fixed by the election law, they stand in the same objectionable attitude as do the returns from the County of Yolo, and both must be rejected or both regarded. Your committee believe it would be most consistent with propriety to look to both counties as an expression of the will of the people of the District; for they believe that when there is a defect in the law, or such an improper administration of it as denies the opportunity of the Electors to vote in compliance with its regulations, that still the people have the right to vote; and their vote cast in such manner as they were able to give it, should be respected by the Legislative authority. This very question came before the House of Representatives of the United States some years ago, in the case of Moore and Letcher, from Kentucky, and, after full debate, it was decided in accordance with the opinion of your committee as above expressed.

Upon looking, then, to the election returns from the Counties of Trinity and Yolo for a member of this Assembly, your committee find that there were two hundred and ninety-six votes cast.

Of this number,

J. M. Hogg received	1 vote.
L. W. Brown	7 votes.
G. Frank Demon	24 "
Ferdinand Woodward	43 "
George W. Crane	72 "
Hiram P. Osgood	148 "
Richard Dugan	1 vote.

According to these returns it appears that Hiram P. Osgood has received the largest number of votes, and if the doctrine is true, as maintained in this report, that the will of the people must be regarded, then Hiram P. Osgood should have been entitled to his seat in this Assembly if he had appeared in proper time to claim it.

Your committee are therefore of the opinion that George W. Crane is not the legal representative of the District because, as by the returns above stated, another person received a majority of the votes of the Electors, and he can therefore in no wise be regarded as the exponent of their will, or the representative of their interest. Your committee are further of the opinion that the fact of Mr. Osgood having appeared since the reference to your committee to claim his seat at this late day of the session, is no reason why another person who is not entitled to it by law should be allowed to claim it; as well might any person receiving the next highest number of votes attempt to hold the seat of an absent or deceased member.

A question, however, of much difficulty to your committee is, whether the non-appearance of Mr. Osgood within the time limited by law to contest the seat or lay claim to it, deprives him now of his right to hold it, or whether said seat is by reason thereof now vacant. If no one had occupied the seat, Mr. Osgood's appearance at any time during the Session, even on the last day, would have entitled him to his seat. Does the act of another in taking the seat, who is not the legal representative of the District, and consequently to which he is not entitled, impair the right which Mr. Osgood could otherwise have claimed?

However this question might be decided under a different state of facts, your committee have come to the conclusion that, as there is not even *prima facie* evidence in the returns of election, or certificate, which entitled G. W. Crane heretofore to occupy the seat of Representative from that District in this House, the law of notice does not apply.

Your committee therefore recommend the adoption of the following resolution:

Resolved, That Hiram P. Osgood, having received the highest number of votes from the district composed of the Counties of Yolo, Colusi, and Trinity, is entitled to his seat in this House, as member of Assembly.

D. P. BALDWIN, *Chairman.*

Mr. Campbell moved that the Report and accompanying documents be laid on the table, ordered printed, and made the special order of the day for Saturday next.

Mr. Murphy moved to amend by striking out "Saturday" and inserting "Wednesday."

On the amendment, Mr. Moore demanded the ayes and nays. Those who voted in the affirmative were—

Mr. Baldwin	Mr. Merritt
Field	Murphy
Hoff	Richardson
Lind	Saunders
McCandless	Speaker
McCorkle	—11.

In the negative—

Mr. Bennett	Mr. Kellogg
Bradford	Kendrick
Brown	Lisle
Campbell	McDougal
Carr	Moore
Carnes	Randall
Cook	Robinson
Covarrubias	Stearns
Freeman	Wethered
Hall	Wilkins—20.

Amendment was lost.

The question then recurred on agreeing to the original motion.

Agreed to.

Mr. Bradford, from the Joint Committee on Enrolled Bills, reported that they have presented to the Governor for his signature, "an Act to authorize the holding of a Special Term of the District Court within and for El Dorado County;" also, that they have examined and find correctly enrolled "an Act to fix the compensation of the County Judge of Yolo County; also "an Act to Incorporate the City of Marysville;" also "Joint Resolution requiring the Secretary of State to request the United States Commissioner now taking the census of this State to furnish a statement of the census to this Legislature."

Mr. Murphy gave notice, that he would, on to-morrow, move a reconsideration of the vote taken to-day, by which the House fixed Thursday,

the 6th inst., as the day to elect a United States Senator, in place of Hon. J. C. Frémont, whose term of office expires on the 4th of March next.

QUARTER BEFORE ONE O'CLOCK.

On motion of Mr. Saunders, the House adjourned.

HOUSE OF ASSEMBLY.

TUESDAY, *February 4th*, 1851.

House met.

The roll was called, and the following members were absent, to wit: Messrs. Baldwin, Carr, Covarrubias, McCorkle, and Stearns.

The Journal of yesterday was read and approved.

Mr. Cook asked and obtained leave of absence for Mr. Carr.

Mr. Bradford, from the Joint Committee on Enrolled Bills, reported as correctly enrolled "an Act for the permanent location of the Seat of Government."

Mr. Bodley presented a memorial from the Mayor and City Council of San José, praying that the State may remunerate them for expenses incurred in purchasing and preparing a State House for the use of the Legislature, which was read.

Mr. Cook moved to refer the memorial to the Committee of Ways and Means.

Mr. Crane moved to amend said motion by striking out the words "Ways and Means," and inserting "Public Expenditures."

Not agreed to.

On motion of Mr. Hall, the Petition was referred to the Committee on Claims.

Mr. Lisle presented a petition from citizens of Sacramento, remonstrating against the repeal of the law declaring the American Fork navigable, which was, on motion of Mr. Bradford, referred to Committee on Commerce.

Mr. Robinson presented a petition from citizens of Sacramento and Sutter counties, praying that a charter may not be granted to build a

Bridge across the American river, which was read and laid on the table.

Mr. Randall presented a petition from David Spence, praying that the State pay him for services as Prefect, &c., of the District of Monterey, which was read and referred to Committee on Claims.

Mr. Randall presented a memorial from the citizens of Monterey, praying for a reduction of the fees and salaries of all State and county Officers and a more economical administration of the State Government, which was read and laid on the table for the present.

Mr. Moore, Chairman of the Judiciary Committee, to whom was referred "a Bill providing for the establishment of a State Hospital," reported the same back to the House with a substitute, and recommended its passage.

On motion of Mr. Moore, the substitute was ordered to be printed.

Mr. Moore, Chairman of Judiciary Committee, reported "a Bill to regulate proceedings in Civil Cases in the Courts of Justice in this State," which was read first and second times by title, the Rules being suspended for that purpose, and ordered to be printed.

Mr. Hall, Chairman of the Committee on Indian Affairs, made the following

REPORT.

MR. SPEAKER:

The Committee on Indian Affairs, to whom was referred the petition of citizens of El Dorado county, praying for security and protection from Indian depredations, have had the same under consideration, and respectfully report:

That the many appeals made to the Legislature from our frontier citizens, demanding immediate assistance, authenticated, as they are, by the public press throughout the State, convince your committee that the emergency is such as not only justifies, but imperatively requires, immediate attention from your honorable body, to the exclusion of any other business, however important. With a rapidity of succession that should startle every good citizen with apprehension for the property and personal safety of our frontier population, every item of information brings melancholy intelligence of lives destroyed, houses deserted, and property sacrificed.

With a public spirit and patriotism characteristic of the American,

our citizens have risen equal to the emergency, and anticipating aid and encouragement from the State Government, have promptly armed in self-defence. That such a state of affairs can long exist, and that our frontiers can long be held and protected by the unaided efforts of a sparse population, poorly provided with munitions of war, and possessing to a very limited extent the necessaries of life, is a thought that must be abandoned by every practical, sound thinking man.

The Executive of this State has discharged his duty in this behalf as efficiently as the limited powers extended by our laws will admit; but the sanction of Executive authority, while it may flatter the spirit of the struggling patient, is a poor substitute for food and clothing. The Legislature should co-operate with the Executive; and an imperative demand is now made upon us to perfect the projected measures taken to suppress these hostilities. Until this co-operation shall exist, your committee are of opinion that any steps that have been or may be taken by the Executive will be fully inoperative; while our citizens, exhausted in means, and despairing of aid or protection, will abandon our whole frontier.

Aware of the pecuniary embarrassments of the State, and sympathizing with every effort to maintain her credit, we would not encourage the inconsiderate assumption of a debt to injure her character or to cripple her prosperity. But believing the primary object of civil government to be the protection of its citizens, and despising the meanness that could pause to consider a question of *dollars and cents*, when property and life itself are the daily tribute for the privilege of citizenship, we recommend that the present loan bill before the House, or some other equally comprehensive in its objects, be passed immediately.

In conclusion, your committee would represent, that in the present undeveloped condition of our agricultural resources, the mineral products of our country must be mainly relied on for the protection of our commerce and the maintenance of government; and that the people who are sought to be relieved by the measures herein recommended, are the inhabitants of the mineral regions, and the true producers of the country.

On motion of Mr. Moore, the Report was laid on the Table, and ordered to be printed.

Mr. McCandless, from the Committee on engrossed Bills, reported as correctly engrossed Bill No. 39, entitled a "Bill declaring certain Rivers and Creeks Navigable."

The Bill was then read a third time, when Mr. Moore moved that the same be referred to a select committee with instructions to strike out the words "Red Bluffs" in the 1st Section, and insert the words "Redding's Ranche."

Agreed to.

The Speaker appointed as said Committee Messrs. Moore, McCandless, and Field.

Mr. Kellogg, chairman of the committee on Public Expenditures, to whom was referred the petition of Joseph Evans to be remunerated for State Bonds alleged to have been lost, reported that they have examined the subject, and while they recognise the equity of the claim, they consider it proper to throw around the State every safeguard in their power to ward off abuses which may hereafter arise, and indemnify her against loss. They would therefore recommend the passing of a Bill for the refunding of the principal and interest which would have accrued on said bonds up to the date of the issuing of the Warrants authorized in the following Bill.

Bill accompanying the Report, entitled "an Act for the relief of Joseph Evans," was read first and second times, the Rules being suspended for that purpose.

Mr. Moore, from select committee to whom was referred with instructions "a Bill declaring certain Rivers and Creeks Navigable," reported the same back amended.

Amendment agreed to.

The question then was, "Shall the Bill pass?"

Decided in the affirmative.

Mr. Merritt, from select committee to whom was referred the Joint Resolutions relative to the Mineral Lands of California, made the following majority

REPORT:

The undersigned, a majority of select committee to whom was referred Joint Resolutions relative to the Mineral Lands of California, having examined the same, and finding that they embody not only the sentiments of a majority of the committee, but also of nine tenths of the population of this State, would most earnestly recommend their adoption.

SAML. A. MERRITT,
J. J. KENDRICK,
A. G. MCCANDLESS.

On motion of Mr. Lisle, the Report and Joint Resolution were laid upon the Table.

Mr. Campbell, agreeably to previous notice, introduced "a Bill to fix the Pay of Members of the Legislature," which was read first and second times, the Rules being suspended for that purpose, and referred to Committee of Ways and Means.

Mr. Hall, agreeably to previous notice, introduced "a Bill to Regulate the Issue of State Warrants," which was read first and second times by title, the rules being suspended for that purpose, and referred to Committee of Ways and Means.

The following Message, received this morning, was read:

SENATE CHAMBER,

February 4th, 1851.

MR. SPEAKER:

I am directed by the Senate to inform the Assembly that the President of the Senate has signed Assembly Bill, entitled "an Act to Legalize the Order of the Court of Sessions of Solano County;" also, that they have adopted concurrent Resolution of the Senate providing for "an Election of United States Senator," with an amendment, striking out the words "Tuesday next," and inserting "the 20th instant;" also that the Senate have passed Bills entitled "an Act to provide for the Payment of the Salary of the Quarter-Master-General;" and an Act entitled "an Act to Exempt the Homestead and other property from Forced Sale in certain cases," which are herewith transmitted for the concurrence of the Assembly.

J. F. HOWE, Secretary of Senate.

Assembly's concurrent Resolution, relative to the Election of a United States Senator, returned from the Senate with an amendment, was taken up, when the House refused to concur in said amendment.

Mr. Bodley moved to reconsider the vote by which the House refused to concur in the amendment.

Not agreed to.

Senate Bill No. 44, entitled "an Act to provide for the Payment of the Salary of Quarter-Master-General" was taken up, read first and second times by title, the Rules being suspended for that purpose, and referred to Committee on Claims.

Senate Bill No. 21, entitled "a Bill to Exempt the Homestead and other property from Forced Sale in certain cases," was taken up and read first and second times by title, the Rules being suspended for that purpose, and referred to the Committee on the Judiciary.

QUARTER AFTER ELEVEN O'CLOCK.

On motion of Mr. Moore, the House adjourned until to-morrow three o'clock, P. M.

HOUSE OF ASSEMBLY.

WEDNESDAY, *February 5th*, 1851.

House met.

The roll was called, and the following members were absent, to wit: Messrs. Bodley, Covarrubias, Freeman, Kellogg, Pico, and Stearns.

The Journal of yesterday was read and approved.

Mr. McCorkle presented a petition of citizens of Sutter County, praying that said county be divided, which was read and referred to Committee on Counties and County Boundaries.

Mr. McCorkle, Chairman of Committee on Public Printing, made the following Report:

MR. SPEAKER:

Your committee, to whom was referred the Bill providing for the abolishment of the office of State Printer, &c., have had the same under consideration, and ask leave to report. The Legislature, at the last Session, created by Law the office of State Printer for the term of two years, whose duty it was to execute all the printing and binding of both branches of the Legislature, and of the several departments of the State Government, and all other work required of the State Printer by Law, at such compensation as may be fixed by Law. The second section of the Law, entitled "an Act to create the office of State Printer, and define his duties," provides, That the State Printer, previous to entering upon the discharge of his duties, shall execute a Bond for the skilful and faithful performance of said work, in the penal sum

of ten thousand dollars. In accordance with the provisions of the above-mentioned Law, a State Printer was elected, and the Bond aforesaid duly executed and approved.

Your committee are, therefore, of the opinion that the Contract between the Legislature and the State Printer is still in force and effect.

Your committee would further state, that by the 13th section of the Act defining the duties of State Printer, and fixing his compensation, it is provided, that on all work or printing done after the first day of January, 1851, it shall be lawful for the Legislature to modify, amend, alter, or change the rate of charges fixed in the aforesaid Act.

Your committee, therefore, in pursuance of this provision of the Law, would recommend a reduction in the rates of charges fixed by Law for State Printing, which will appear in the Bill accompanying this Report.

The Bill accompanying the Report, entitled "a Bill to fix the compensation of State Printer for the year 1851," was read first time and laid on the table.

Mr. Bradford, from the Joint Committee on Enrolled Bills, reported that they have examined and find correctly enrolled, "an Act amendatory of 'an Act providing for the creation of a Marine Hospital for the State of California.'"

Mr. Hall gave notice that he would, on to-morrow or some future day, introduce "a Bill concerning Miners, and to make the custom among Miners evidence in suits at Law in certain cases."

Mr. Wilkins gave notice that he would, on to-morrow or some future day, introduce a "Bill to secure to Miners their rights, and for the better regulation of the mines."

The following Message, received this afternoon, was read:

SENATE CHAMBER,
February 4th, 1851.

MR. SPEAKER:

I am directed by the Senate to inform the Assembly that they have refused to recede from their amendment to Assembly's concurrent Resolution, fixing Thursday next for an Election of United States Senator, and request a Committee of Conference on the disagreeing votes of the two Houses, having appointed as said committee, on their parts, Messrs. Heydenfeldt Lippincott, and Cooke. Also, that the Presi-

dent of the Senate has signed Bills severally entitled, an "Act to fix the compensation of the County Judge of Yolo County;" "an Act to incorporate the City of Marysville;" "an Act for the permanent location of the seat of Government;" and a "Joint Resolution requiring the Secretary of State to request the United States Commissioner taking the census of this State to furnish a statement of the census for the use of the present Legislature."

J. F. HOWE, Sec. of Senate.

Mr. Murphy moved that a Committee of Conference be appointed to meet with Senate's Committee on the disagreeing votes of the two Houses relative to the Election of United States Senator.

Agreed to.

The Speaker appointed as said committee Messrs. Murphy, Merritt, and Campbell.

The following Message, received this afternoon from the Governor, was read:

EXECUTIVE CHAMBER,
SAN JOSÉ, *February 4th*, 1851.

MR. SPEAKER:

I am directed by his Excellency the Governor to inform the Assembly that he did, on the 1st inst., sign an Act, entitled "an Act authorizing the District Judge of the District Court of El Dorado County to hold a Special Term within and for said county;" also, another Message herewith transmitted.

Very respectfully,
A. D. ORR, Sec. of the Gov.

TO THE ASSEMBLY:

M. G. Vallejo has this day deposited in this office a Deed for —— acres of land in the City of Vallejo, to be selected by Agents or Commissioners of State, in such portions as they may deem proper for the interests of the State in the erection of Public Buildings.

JNO. MCDOUGAL.

EXECUTIVE OFFICE, *Feb.* 4, 1851.

Mr. Bradford presented the following communication, accompanied with a Bond, from M. G. Vallejo:

SAN JOSÉ, *Feb.* 4, 1851.

TO THE HON. SENATE AND ASSEMBLY
of the State of California:

The undersigned most respectfully represents that he has executed a title to the State, and placed the same in the hands of the Governor, for the several tracts of Land for the Public Buildings in the City of Vallejo, as proposed by him, and which have been accepted by two thirds of the Legislature. He furthermore respectfully represents that the accompanying Bond in blank is hereby submitted to the Legislature to be approved by them, and which when approved or amended, he will in a few days offer as securities upon them names which he thinks will be in the judgment of the Legislature most ample.

He also represents that he has named on his part General Persifer F. Smith and John B. Frisbee as Commissioners, to meet such three others as the Legislature may elect, who shall proceed to lay off and mark out the several tracts of Land proposed for Public Buildings in his aforesaid proposition.

Very respectfully, your ob't serv't,
G. M. VALLEJO.

Mr. Bradford moved that the Communication and Bond be referred to the Judiciary Committee, and the same be printed.

Mr. Campbell called for a division of the question.

The question then recurred on referring the Communication and Bond to the Judiciary Committee.

Agreed to.

The question then was on printing the same.

Not agreed to.

Mr. Field moved that the House take up report of Committee of Conference relative to the disagreeing votes of the two Houses on "Senate Bill prohibiting Lotteries."

Agreed to.

On motion of Mr. Moore, the Report was laid on the table.

Mr. Robinson moved that the House take up the "Joint Resolution relative to public Lands;" also, "Joint Resolution relative to the settlement of Land Titles."

Not agreed to.

On motion of Mr. Murphy, the House resolved itself into Committee

of the Whole, Mr. Bradford in the chair, on Bill entitled "an Act authorizing the Treasurer of State to negotiate a Loan on the faith and credit of the State, for the purpose of defraying the expenses which may be incurred in suppressing Indian Hostilities now existing in this State, in the absence of adequate provision being made for that purpose by the General Government;" after some time spent therein, the Committee rose, reported the Bill with amendments, and were discharged.

On motion of Mr. Field, the House concurred generally in amendments made in Committee of the Whole.

Mr. Field moved that the Bill be considered as engrossed, and read a third time now.

Mr. Moore moved to lay the Bill on the table.

On this motion Mr. Wilkins demanded the yeas and nays.

Those who voted in the affirmative were—

Mr. Baldwin	Mr. McCorkle
Bradford	McDougal
Brown	Moore
Campbell	Murphy
Carr	Randall
Carnes	Robinson
Cook	Stearns
Freeman	Thorne
Lisle	Wethered—18.

In the negative—

Mr. Bennett	Mr. Lind
Covarrubias	Merritt
Crane	Pico
Field	Richardson
Hall	Wilkins
Hoff	Yeiser
Kendrick	Speaker—14.

So the motion was agreed to.

Mr. Robinson offered the following:

Resolved, That the Committee of Ways and Means be instructed to report "a Bill for funding the present State Debt to the amount of Three Hundred Thousand Dollars."

Adopted.

HALF PAST FOUR O'CLOCK.

On motion of Mr. Hall, the House adjourned.

HOUSE OF ASSEMBLY.

THURSDAY, *February* 6, 1851.

House met.

The roll was called, and the following members were absent, to wit: Messrs. Field, Freeman, McCandless, Murphy, Randall, Saunders, Wilkins, and Yeiser.

The Journal of yesterday was read and approved.

Mr. Campbell presented a petition of Monton & Ravian and others, praying that the State pay them for Bonds of the State, lost by fire, which was read and referred to Committee on Claims.

Mr. Hall presented a memorial from Robert Porter, concerning services rendered in the Indian War, which was read and referred to Committee on Claims.

Mr. Moore, Chairman of the Judiciary Committee, reported "a Bill concerning Courts of Justice of this State and Judicial Officers," which was read first and second times by title, the Rules being suspended for that purpose, and ordered to be printed.

Mr. Bennett, Chairman of Committee on Education, made the following report:

MR. SPEAKER:

The Committee on Education, to whom was referred Assembly Bill No. 40, entitled "an Act to provide for the Incorporation of Colleges and Universities," have had the same under consideration, and ask leave to report:

That they have not been able to discover any improvements in the Bill proposed upon the provisions of the Act already in force, which was passed April 20, 1850. The progress of education in this State during the past year has not been such, in the opinion of your committee, as to

call at this time for any special Legislation in regard to the higher institutions of learning; and until some specific project shall be had in contemplation for the establishment of a College or University, to which an Act of the Legislature might be made admirably applicable, all further Legislation would necessarily be theoretical and vague. The committee therefore recommend that the Bill be indefinitely postponed.

The question then recurred on the indefinite postponement of the Bill accompanying the report, entitled "an Act to provide for the Incorporation of Colleges and Universities."

Mr. Robinson moved to lay said Bill on the table.

Agreed to.

The Speaker laid before the House the following communication from the Hon. Mr. Freeman.

To the Hon. the SPEAKER OF THE ASSEMBLY,
of the State of California.

SIR: As circumstances have come to my knowledge since my arrival in this place which preclude my retention of office as Representative for the County of San Luis Obispo, I beg leave to tender the resignation of my seat in this Assembly; at the same time I beg leave to state that I accepted office under the impression that a residence in this State previous to the formation of its Constitution entitled me to a seat in this House as one of your honorable body.

I am, Sir,
Your obedient servant,
C. J. FREEMAN.

On motion of Mr. Baldwin, the resignation was accepted, and the Clerk requested to inform the Governor of the same.

On motion of Mr. Field, the House resolved itself into a Committee of the Whole, Mr. Lisle in the Chair, on "Bill to Incorporate the City of Nevada." After some time spent therein, the committee rose, reported the Bill with amendments, and were discharged.

On motion of Mr. Bodley, the House concurred generally in amendments made in Committee of the Whole.

On motion of Mr. Field, the Bill was considered as engrossed, and read a third time.

The question then was, "Shall the Bill pass?"

Decided in the affirmative.

Mr. Cook, from the Committee on Engrossed Bills, reported as correctly engrossed, Assembly Bill No. 23, entitled "a Bill concerning County Recorders."

Mr. Bodley moved that the Bill be read a third time by title.

Agreed to.

The question then was, "Shall the Bill pass?"

Decided in the affirmative.

On motion of Mr. Moore, the House resolved itself into Committee of the Whole, Mr. Murphy in the Chair, on Bill entitled "an Act to License Hawkers and Pedlars in this State." After some time spent therein, the committee rose, reported the Bill with an amendment, and were discharged.

Mr. Campbell moved to refer said Bill to a Select Committee, with instructions to amend the same, by exempting from taxation the sale of manufactured goods and products of this State.

Agreed to.

The Speaker appointed as said committee Messrs. Campbell, Moore, and Field.

A Message was received from the Senate informing the Assembly that they have passed a Bill, herewith transmitted, entitled "an Act granting certain Public Lands within the City of San Francisco, and quieting titles of Claimants thereto." Also, that the Governor has notified the Senate that he did, on the 4th instant, sign a Bill originating in the Senate, entitled "an Act for the Permanent Location of the Seat of Government."

Senate Bill No. 41, entitled "an Act granting certain Public Lands within the City of San Francisco, and quieting titles of Claimants thereto," was, on motion of Mr. Hall, read first and second times by title, the Rules being suspended for that purpose, and referred to a Select Committee.

The Speaker appointed as said committee Messrs. Hall, Murphy, Field, Lisle, and McCorkle.

Mr. Bradford moved that the Bill be printed.

On this motion Mr. Moore demanded the ayes and nays.

Those who voted in the affirmative were—

Mr. Baldwin	Mr. Lisle
Bradford	McCorkle
Carr	McDougal
Carnes	Merritt
Cook	Murphy
Covarrubias	Pico
Crane	Stearns
Field	Wethered
Hall	Wilkins
Hoff	Speaker
Kellogg	—21.

Those who voted in the negative were—

Mr. Bodley	Mr. Moore
Brown	Kendall
Campbell	Richardson
Kendrick	Robinson
Lind	Yeiser—10.

Agreed to.

Mr. Robinson moved to make the Bill the order of the day for the 25th instant.

Not agreed to.

Mr. Carr moved to make the Bill the order of the day for to-morrow.

On motion of Mr. Moore said resolution was laid on the table.

Mr. Hall, Chairman of Committee on Claims, to whom was referred Senate Bill entitled "an Act to provide for the Payment of the Salary of the Quartermaster General", reported that they have had the same under consideration, and recommend its passage.

The Bill was then read, when Mr. McCorkle moved to amend the same, by inserting the words "Adjutant General McKinstry."

Not agreed to.

The question then was on ordering the Bill to a third reading.

Agreed to.

The question then was, "Shall the Bill pass?"

When Mr. Moore demanded the ayes and nays.

Those who voted in the affirmative were—

Mr. Baldwin	Mr. McDougal
Carr	Merritt
Cook	Moore
Crane	Murphy
Carnes	Pico
Covarrubias	Stearns
Hall	Wethered
Hoff	Wilkins
Kendrick	Speaker
Kellogg	—19.

In the negative—

Mr. Bodley	Mr Campbell
Bradford	McCorkle
Brown	Randall—6.

Messrs. Richardson and Robinson were excused from voting.

So the bill passed.

Mr. Baldwin, Chairman of the Committee on Elections, to whom were referred the Papers, with instructions to examine the claims of Mr. Freeman to his seat as member of the Assembly, reported the same back without action, and the committee were discharged from the further consideration of the subject.

On motion of Mr. Wilkins, the Papers were laid on the table.

Mr. Baldwin, from the Select Committee appointed to make some postal arrangement for the Assembly, reported that they have called on the Postmaster, and have been informed that the only difficulty existing in regard to the subject is the habit of members franking their names on the wrappers of their newspapers, which is contrary to the express provision of the United States law regulating the Post Office Department. Your committee have further been informed that all letters and papers delivered at the Post Office by the Page of the House are marked paid, and forwarded and charged to this body.

On motion of Mr. Merritt, the Report was adopted.

The Speaker laid before the House the following communication from the Secretary of State :

SAN JOSÉ, California,
Office of Secretary of State.

HON. JOHN BIGLER,
Speaker of the Assembly:

SIR: In pursuance of a Joint Resolution adopted by the Legislature and approved February 5th, requiring the Secretary of State to request the United States Commissioner now taking the census of this State to furnish a statement of the census, I have the honor to transmit herewith a copy of a communication received a few days since from the Census Agent, from which it will be seen arrangements have been made to furnish at an early day a complete Abstract of Census Returns. I shall avail myself of the earliest opportunity to address the Commissioner further on the subject. He is at present absent, having proceeded under Executive direction to Mariposa County, on business connected with the late Indian disturbances.

I have the honor to be, your obedient servant,
W. VAN VOORHIES, Secretary of State.

SAN JOSÉ, CALIFORNIA, *February 1st*, 1851.

SIR: I avail myself of my presence in the Seat of Government to reply to resolutions, which I have been unofficially advised have been adopted by the Senate and Assembly of this State, calling upon me for a copy of the Census returns, taken under the authority of the General Government. I would remark that it is rendered the duty of the Census Agent, by the law and instructions from the proper department at Washington, to furnish your office with a complete copy of those returns, and by reason of past and existing causes which could not be controlled, I have not yet received from the various deputies those returns, and am apprehensive that it might be delayed beyond the period of the adjournment of the Legislature. I have anticipated their wants by making arrangements, at an early day, to furnish a complete abstract of Census Returns, which will suffice the necessary wants of the Legislature in properly apportioning the State Representation. This, permit me to assure you, shall be speedily done.

I have the honor, &c.,
J. NEELY JOHNSON, *Census Agent.*

HON. W. VAN VOORHIES,
Sec. of State.

On motion of Mr. Moore, the communication was laid on the table.

Mr. Bradford, from the Committee on Enrolled Bills, reported that they have presented to the Governor for his signature "an Act to Legalize the Order of the Court of Sessions of Solano County;" also, "an Act to fix the Compensation of the County Judge of Yolo County;" also, "an Act for the permanent Location of the Seat of Government;" also, "an Act to Incorporate the City of Marysville;" also, "Joint Resolution requiring the Secretary of State to request the U. S. Commissioner now taking the Census of this State to furnish a statement of the Census of this State."

Mr. Carr, agreeably to previous notice, introduced a Bill entitled "an Act to tax Money, Gold, Silver, and Quicksilver," which was read first and second times by title, the Rules being suspended for that purpose, and referred to Committee of Ways and Means.

Mr. Murphy, from Committee of Conference, appointed to confer with Senate's Committee relative to the disagreeing votes relative to the Election of United States Senator, reported that they were unable to agree, and requested to be discharged from the further consideration of the subject.

The question then was on adopting the report.

Adopted.

On motion of Mr. Moore, the House resolved itself into Committee of the Whole, Mr. Bradford in the chair, on Bill entitled "an Act authorizing the Treasurer of State to negotiate a loan upon the faith and credit of the State for the purpose of defraying the expenses which may be incurred in suppressing Indian Hostilities now existing in this State in the absence of adequate provision being made by the General Government." After some time spent therein the committee rose, reported the Bill with amendments, and were discharged.

On motion of Mr. Merritt, the House concurred generally in amendments made in Committee of the Whole.

Mr. Moore moved to amend the sixth section as follows:

"*Provided, however*, that nothing herein shall authorize the Governor or Treasurer, or either of them, to expend any portion of the amount herein provided for, except in strict conformity with law, nor to negotiate for any greater sum than is authorized to be expended."

On the amendment Mr. Moore demanded the ayes and nays.

Those who voted in the affirmative were—

Mr. Carr	Mr. Pico
Carnes	Randall
Covarrubias	Stearns
Moore	—7.

In the negative were—

Mr. Bennett	Mr. Lind
Bodley	McCorkle
Bradford	McDougal
Brown	Merritt
Cook	Murphy
Field	Richardson
Hall	Robinson
Hoff	Wethered
Kellogg	Wilkins
Kendrick	Yeiser
Lisle	Speaker—22.

The amendment was lost.

Mr. Moore moved to amend the seventh section by striking out all after the word "Bonds."

On this amendment Mr. Moore demanded the ayes and nays.

Those who voted in the affirmative were—

Mr. Carnes	Mr. Moore
Covarrubias	Pico
McCorkle	Randall
Field	Stearns—8.

In the negative were—

Mr. Bennett	Mr. McDougal
Bodley	Merritt
Bradford	Murphy
Cook	Richardson
Hall	Robinson
Hoff	Wethered
Kellogg	Wilkins
Kendrick	Yeiser
Lisle	Speaker—18.

So the amendment was lost.

The question then was on ordering the Bill engrossed.

Agreed to.

HALF PAST ONE O'CLOCK.

On motion, the House adjourned.

HOUSE OF ASSEMBLY.

FRIDAY, *February 7th*, 1851.

House met.

The roll was called, and the following members were absent, to wit: Messrs. Baldwin, Bodley, Covarrubias, Crane, Kellogg, Pico, Randall, Saunders, and Stearns.

The Journal of yesterday was read and approved.

Mr. Cook, from Committee on Engrossed Bills, reported as correctly engrossed, Assembly Bill No. 45, entitled "an Act authorizing the Treasurer of State to negotiate a Loan upon the faith and credit of the State, for the purpose of defraying the expenses which have been and may be incurred in suppressing Indian hostilities in this State, in the absence of adequate provision being made by the General Government."

Engrossed bill, entitled "an Act authorizing the Treasurer of State to negotiate a Loan upon the faith and credit of this State, for the purpose of defraying the expenses which have been and may be incurred in suppressing Indian hostilities in this State, in the absence of an adequate provision being made by the General Government," was then read a third time.

The question then was, "Shall the Bill pass?"

Decided in the affirmative.

Mr. Bradford, from Joint Committee on Enrolled Bills, reported that they have this day presented to his Excellency the Governor for his signature, "an Act amendatory of an Act providing for the creation of a Marine Hospital for the State of California."

The following Message, received from the Governor on yesterday, was read:—

EXECUTIVE CHAMBER,
SAN JOSÉ, CALIFORNIA,
February 6th, 1851.

MR. SPEAKER:

I am directed by his Excellency the Governor to inform the Assembly, that he did, on yesterday, sign the following Bills, to wit:

"An Act entitled an Act to fix the compensation of the County Judge of Yolo County;" "an Act to legalize the order of the Court of Sessions of Solano County;" "an Act to Incorporate the City of Marysville;" also a "Joint Resolution requiring the Secretary of State to request the United States Commissioner now taking the Census of this State to furnish a statement of the Census of this State."

Very respectfully,
A. D. OHR,
Private Secretary of the Governor.

The following communication, received on yesterday from the Senate, was read:—

SENATE CHAMBER,
February 6th, 1851.

MR. SPEAKER:

I am directed by the Senate to inform the Assembly that the President of the Senate has signed a Bill, entitled "an Act amendatory of an Act providing for the creation of a Marine Hospital for the State of California."

Also, that the Senate have adopted a "Concurrent Resolution, herewith transmitted, providing for the Election of a United States Senator on the 20th inst.," in which the concurrence of the Assembly is respectfully requested.

Senate's "Concurrent Resolution, fixing the 20th inst. to elect a United States Senator," was read.

Mr. Moore moved to lay the Resolution on the table.

Mr. Murphy moved to amend said Resolution, by striking out the "20th inst." and inserting "11th inst."

Agreed to.

The question then recurred on adopting the Resolution as amended.

Adopted.

Mr. Wilkins, agreeably to previous notice, introduced a Bill to be entitled "an Act to secure Miners their rights," which was read first and second times, the Rules being suspended for that purpose, and referred to a Select Committee.

The Speaker appointed as said Committee Messrs. Richardson, Wilkins, Saunders, McCorkle, and Kendrick.

Mr. Hall, Chairman of "the Committee on Claims," to whom was referred the petition of Monton & Ravian, R. Maillon, Du Boon, Virgulaux & Grison, Jacques Duvasque and Homer Maintigneux, praying relief for the loss of certain State Bonds, having had the same under consideration, would respectfully report that they have satisfactory evidence of the fact, and do believe that State Bonds belonging to the Petitioners, of the following description and value, were destroyed in the fire of the 4th of May, in the City of San Francisco, to wit:

No.	144	value	$250.
"	145	"	250.
"	192	"	100.
"	542	"	100.
"	———	"	100.

Your committee would recommend that relief be granted petitioners, provided that they give bond in double the amount of their claim, to secure the State against any loss that may hereafter accrue on account of the State allowing their claim, said bond to have two or more good and sufficient securities, to be approved by the District Judge of the Fourth Judicial District, or any Judge of the Superior Court of the City of San Francisco. Your committee would further recommend that the Committee on Public Expenditures be instructed to report a Bill granting relief to the petitioners, in accordance with the recommendations herein contained, and pursuant to the precedents established in the case of Austin & Evans.

Mr. Moore moved to refer the Report and accompanying documents to the Committee on Public Expenditures.

Agreed to.

Mr. Bennett, from the Committee on Printing, to whom was referred the Bill providing for the abolishment of the office of State Printer, &c., having had the same under consideration, ask leave to make the following Majority Report:

That they concur with the minority of the Committee in the statement that at the last session of the Legislature the office of State Printer was created, and the term of that office defined to be commensurate with that of the State Comptroller and Treasurer; and that during his term of office he was required by law to execute all of the printing and binding of the two branches of the Legislature and the several departments of the State Government, and all other work required of the State Printer by law, at such compensation as may be fixed by law.

In pursuance of the Act, the Legislature proceeded on the 16th of January, 1850, to elect a State Printer, and the choice fell upon H. H. Robinson, who was thereupon duly qualified, and entered upon his appropriate duties on or before the 4th day of May, 1850. The office of State Printer became vacant by the resignation of H. H. Robinson.

In accordance with the provision of the Constitution, Act 5, Section 8, "When any office shall from any cause become vacant, and no mode is provided 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 at the end of next Session of the Legislature."

The Governor granted a commission to James Winchester for said office, which commission will of course expire at the close of the present Session of the Legislature.

Whatever contract therefore between the Legislature and the State Printer may be fairly implied in the appointment of the present incumbent of the office, it must necessarily terminate with the expiration of his commission, and without further Legislation there will be no provision for executing the State Printing after that date. Your committee are clearly of opinion that it is for the true interests of the Government to determine by law the amount of compensation to be paid for this branch of the public service, in order to secure competency, promptitude, and responsibility in the execution of the work. They have carefully compared the estimates set forth in the Bill under consideration with the reduced prices, proposed in the Report of the present incumbent of the office of State Printer, and with the prices indicated in the Bill proposed by the minority of the Committee, and find them to be much more favorable to the State than in either of those propositions; and they are convinced, after taking advice from practical and experienced

Printers, that the estimates proposed in the Bill are as low as the work can be executed, at the range of prices for materials and labor which are likely to prevail in California for the next two years. Your committee therefore recommend the passage of the Bill, and the election of a State Printer in pursuance thereof.

Mr. McCorkle moved to lay the Report and Bill on the table.

Mr. Campbell moved to amend by ordering the Report and Bill printed.

The question then was on the amendment.

Agreed to.

The question then recurred on the motion as amended.

Agreed to.

Message from the Senate received this morning was read, informing the Assembly that they have passed Assembly Bills, entitled, "An Act to amend an Act concerning Corporations," and "An Act to repeal the 174th Section of the Act entitled 'An Act concerning Corporations.'"

On motion of Mr. Cook, the House took up Bill No. 61, entitled a "Bill to fix the compensation of State Printer for the year 1851."

On motion of Mr. Campbell, the Bill was read second time by title, and ordered printed.

On motion of Mr. Robinson, the House took up "Joint Resolutions in reference to the settlement of Land Titles;" also "Joint Resolutions in relation to Public Lands."

"Joint Resolution relative to the settlement of Land Titles," was read second and third times, the Rules being suspended for that purpose.

The question then was, "Shall the Resolutions pass?"

Decided in the affirmative.

Mr. Murphy moved a reconsideration of the vote just taken, by which the House passed "Joint Resolution relative to Land Titles."

Agreed to.

On motion of Mr. Richardson, the Resolutions were ordered printed.

"Joint Resolution relative to Public Lands," was read second time by title, and ordered printed.

On motion of Mr. Field, the House resolved itself into Committee of the Whole, Mr. Hall in the chair, on "Bill to provide for the early publication and distribution of the Laws of California." After some time

spent therein, the committee rose, reported the Bill with amendments, and asked to be discharged from the further consideration of the Bill.

The question then recurred on discharging the committee.

Not agreed to.

On motion of Mr. Murphy, the House resolved itself into Committee of the Whole, Mr. Yeiser in the chair, on Bill entitled "An Act providing for the establishment of a State Hospital." After some time spent therein, the committee rose, reported progress, and asked leave to sit again.

Mr. Moore offered the following:

Resolved, That the Sergeant-at-Arms be directed to have, as soon as possible, doors hung at the entrance of this Hall, and to enforce the Rules excluding persons from the floor of this House, unless specially invited within the Bar.

Adopted.

Mr. Lind moved to adjourn.

On this question Mr. Cook demanded the ayes and nays.

Those who voted in the affirmative were—

Mr. Baldwin	Mr. Murphy
Carr	Randall
Covarrubias	Saunders
Hall	Wethered
Kendrick	Yeiser
Lind	Speaker—12.

In the negative—

Mr. Bennett	Mr. Lisle
Bodley	McCorkle
Bradford	McDougal
Brown	Moore
Campbell	Pico
Carnes	Robinson
Cook	Stearns
Field	Thorne
Hoff	—17.

Not agreed to.

On motion of Mr. Field, the House took up Bill No. 37, entitled "A Bill to amend an Act to regulate Elections, passed March 23, 1850."

Mr. Murphy moved to amend first section of said Bill, by striking out "2d Wednesday in July" and inserting "1st Monday in August."

Agreed to.

Mr. McDougal moved to amend the fifth section of said Bill by striking out all after the word "create" and inserting "in any part of the county an Election precinct, when petitioned so to do by ten voters."

On said amendment Mr. Wilkins demanded the ayes and nays.

Those who voted in the affirmative were—

Mr. Baldwin	Mr. Moore
Brown	Murphy
Carnes	Pico
Covarrubias	Richardson
Hall	Stearns
Kendrick	Thorne
McCandless	Wilkins
McCorkle	Yeiser
McDougal	Speaker
Merritt	—19.

In the negative—

Mr. Bennett	Mr. Field
Bodley	Lisle
Bradford	Wethered
Cook	—7.

So the amendment was agreed to.

The question then recurred on the amendment made in Committee of the Whole as amended.

Agreed to.

Mr. Moore moved to amend the second amendment by striking out the word "August" and inserting "June."

Not agreed to.

Mr. Field moved to strike out "August" and insert "September."

Not agreed to.

The question then recurred on ordering the Bill to be engrossed.

Agreed to.

Mr. Hall offered the following:

Resolved, That the committee to whom was referred the "Bill providing for the Translation of the Laws in the Spanish Language," be instructed to make their report on to-morrow.

Adopted.

Mr. Bradford, from the Committee on Enrolled Bills, reported that they have examined, and find correctly enrolled, "an Act to provide for the payment of the Salary of the Quartermaster General."

Mr. Baldwin moved to adjourn.

Mr. Wilkins demanded the ayes and nays.

Those who voted in the affirmative were—

Mr. Bodley	Mr. Murphy
Covarrubias	Pico
Hoff	Randall
Kendrick	Richardson
Lind	Thorne
McCandless	Yeiser
McDougal	Bigler—14.

Those who voted in the negative were—

Mr. Bennett	Mr. Lisle
Bradford	McCorkle
Brown	Merritt
Carr	Moore
Carnes	Stearns
Cook	Wethered
Field	Wilkins
Hall	—15.

The motion was lost.

Mr. Field, agreeably to previous notice, introduced "a Bill dividing the State into Counties, and establishing the Seats of Justice therein," which was read first and second times, the Rules being suspended for

that purpose, and referred to Committee on Counties and County Boundaries.

Mr. Moore presented the account of Philip W. Keyser, and others, for services rendered as Deputy Sheriffs, in assisting collection of Foreign Miners' Taxes, which were referred to Committee on Claims.

Mr. Lisle moved to adjourn.

Mr. Wilkins demanded the ayes and nays.

Those who voted in the affirmative were—

Mr. Bradford	Mr. Merritt
Brown	Moore
Carnes	Murphy
Covarrubias	Pico
Hoff	Randall
Kendrick	Stearns
Lind	Thorne
McCandless	Yeiser
McCorkle	Speaker
McDougal	—19.

In the negative were—

Mr. Bennett	Mr. Lisle
Cook	Richardson
Crane	Wethered
Field	Wilkins
Hall	—9.

HALF-PAST TWELVE O'CLOCK.

The House adjourned.

HOUSE OF ASSEMBLY

SATURDAY, *February 8th*, 1851.

House met.

The roll was called, and the following members were absent, to wit:

Messrs. Covarrubias, McCandless, Kellogg, and Yeiser.

The Journal of yesterday was read and approved.

Mr. Field presented a petition from citizens of Yuba County, praying that the county be divided, which was referred to Committee on Counties and County Boundaries.

Mr. Moore presented a petition from Charles H. Bears and Charles Elleard, praying that they should be reimbursed for cash advanced in carrying an express from San Francisco to San José, which was referred to Committee on Claims.

Mr. Randall presented a petition from citizens of San Francisco, praying that steamers coasting within the boundaries of the State be exempted from paying pilotage, which was referred to Committee on Commerce.

Mr. McCorkle, Chairman of Committee on Printing, to whom was referred "Bill to provide for the Translation of the Laws into the Spanish Language," reported that they have had the same under consideration, and ask leave to introduce the following bill as a substitute, and recommend its passage.

Bill accompanying the report, entitled "a Bill to provide for the Translation of the Laws," was read the first and second times by title, the Rules being suspended for that purpose, and ordered printed.

Mr. Hall, Chairman of Committee on Claims, to whom was referred the petition of David Spence, asking pay for services as Prefect of Monterey, having had the same under consideration, reported, that while they acknowledge the equity of the claim against the General Government, they can see no peculiar merit in this case that should make it an exception from the policy adopted in your General Legislation upon similar claims. Your committee, therefore, report adversely to the petitioner, and ask to be discharged from the further consideration of the subject.

The question then was on adopting the report.

Agreed to.

Mr. Wethered, Chairman of Committee on Counties and County Boundaries, to whom was referred a petition of citizens of Sutter County, asking for a division of that County; and also, "a Bill dividing the State into Counties, and establishing the Seats of Justice therein," reported that they have had the same under consideration, and return the bill back with amendments, and recommend its passage;

and inasmuch as the bill reported back accomplishes the object of the petition from Sutter County, they ask to be discharged from the further consideration of said petition.

The question then was on discharging the Committee.

Agreed to.

On motion of Mr. Field, the Bill was ordered to be printed.

Mr. Carr, Chairman of the Committee on Commerce, to whom was referred a petition from citizens of Sacramento, remonstrating against the repeal of the law declaring the American Fork navigable, having had the same under consideration, reported that this House has already acted upon the subject matter contained in said petition, and beg to be discharged from the further consideration of the same.

The question then was on discharging the committee.

Agreed to.

Mr. Carr, Chairman of the Committee on Commerce, to whom was referred "a Bill to authorize the Keepers of Warehouses to sell goods on Storage after a certain period," reported that they have considered the same, and return the Bill back without amendment, and recommend its passage.

"A Bill to authorize Warehouse-Keepers to sell goods on Storage after a certain period," was then ordered to be printed.

Mr. Cook, from Committee on Engrossed Bills, reported as correctly engrossed, Assembly Bill No. 52, entitled "a Bill to Incorporate the city of Nevada."

Mr. Bradford, from the Joint Committee on Enrolled Bills, reported that they have this day presented to the Governor, for his signature, "an Act to provide for the payment of the Salary of the Quartermaster General."

Mr. Richardson, Chairman from Select Committee to whom was referred a Bill entitled "an Act securing to Miners their rights," reported that upon examination they have come to the conclusion that the Bill is unconstitutional, and recommend its indefinite postponement.

On motion of Mr. Wilkins, the Bill was laid on the table.

Mr. Hoff, Chairman of Select Committee to whom was referred "a Bill creating the office of Harbor Master for the Port and Harbor of San Francisco, and for other purposes," reported that they have had the same under consideration, and return the Bill with amendments, and recommend its passage as amended.

Mr. Field moved that the bill be laid on the table, and that the same be printed.

Agreed to.

Mr. McCorkle offered the following:

Resolved, That the Committee on Claims be requested to report to this House what action, if any, said committee have had upon the claims presented by certain citizens of El Dorado county against the State for the suppression of Indian hostilities; and if said claims have been examined, that said committee be instructed to report to this House immediately.

Adopted.

Mr. Carr offered the following:

Resolved, That the Committee to whom was referred Senate Bill No. 41, be instructed to report the same back to this House on Monday next, and that the same be made the Special Order of the day for 11 o'clock that day.

Mr. Merritt moved to lay said resolution on the table.

Mr. Carr demanded the yeas and nays.

Those who voted in the affirmative were—

Mr. Baldwin	Mr. Moore
Bodley	Murphy
Bradford	Pico
Campbell	Randall
Hall	Richardson
Kendrick	Robinson
Lind	Saunders
McCorkle	Wilkins
McDougal	Yeiser
Merritt	Speaker—20.

In the negative—

Mr. Bennett	Mr. Hoff
Brown	Lisle
Carr	Stearns
Cook	Thorne
Crane	Wethered
Field	—11.

So the motion was agreed to.

Mr. Cook asked and obtained leave of absence for Mr. Kellogg.

Mr. Bradford offered the following:

Resolved (the Senate concurring), That a Joint Committee of the two Houses be appointed, consisting of six from the Assembly and three from the Senate, to report to the Senate such amendments to the Constitution of this State as in their judgment should be submitted to the people for their approval at the next general election.

Mr. Moore moved to lay said Concurrent Resolution on the table, and demanded the yeas and nays.

Those who voted in the affirmative were—

Mr. Bodley	Mr. McCorkle
Bradford	Merritt
Brown	Moore
Cook	Murphy
Crane	Randall
Field	Robinson
Hall	Stearns
Hoff	Saunders
Kendrick	Speaker
Lind	—19.

In the negative—

Mr. Baldwin	Mr. McDougal
Bennett	Pico
Campbell	Richardson
Carr	Thorne
Carnes	Wethered
Lisle	Wilkins—12.

So the motion was agreed to.

The following Message, received this morning from the Senate, was read:

SENATE CHAMBER, *Feb.* 7, 1851.

MR. SPEAKER:

I am directed by the Senate to inform the Assembly that they have adopted a Joint Resolution, herewith transmitted, in reference to

the Bonds submitted by M. G. Vallejo, for the faithful performance of his proposition in regard to the Permanent Location of the Seat of Government, in which the concurrence of the Assembly is respectfully requested; also, that they have refused to concur in Assembly's amendment to Senate's Concurrent Resolution fixing the 20th inst. for an election of U. S. Senator, and ask a Committee of Conference thereon, having appointed as such committee on their part, Messrs. Lippincott, Van Buren, and Adams; also, that the Senate have passed Assembly Bill, entitled "an Act declaring certain Rivers and Creeks navigable," with amendments numbered 1, 2, and 3, and affixed to the margin of the Bill; also, that they have passed Bills, herewith transmitted for the concurrence of the Assembly, entitled "an Act concerning the Uniformed Volunteer Companies of California," and "an Act concerning the organization of the Militia."

J. F. HOWE, Secretary of Senate.

On motion of Mr. Murphy, a Committee of Conference was appointed, consisting of Messrs. Murphy, Baldwin, and Hall, to confer with Senate's Committee on the disagreeing votes of the two Houses, relative to the election of United States Senator.

Senate's Joint Resolution in reference to the Bond proposed by M. G. Vallejo, was read first time.

Mr. Robinson moved to lay said resolution on the table.

On this motion Mr. Bradford demanded the ayes and nays.

Those who voted in the affirmative were—

Mr. Bennett	Mr. Lind
Bodley	McCorkle
Brown	Merritt
Campbell	Pico
Carr	Randall
Cook	Richardson
Crane	Robinson
Field	Saunders
Hall	Stearns
Hoff	Thorne
Kendrick	Wethered
Lisle	Speaker—24.

In the negative—

Mr. Baldwin	Mr. Moore
Bradford	Murphy
Carnes	Wilkins
McDougal	Yeiser—8.

So the motion was agreed to.

Assembly Bill, entitled "a Bill declaring certain Rivers and Creeks Navigable," returned from Senate with amendments, was read, when the House concurred in first and third amendments, and non-concurred in second amendment, made by Senate.

Senate Bill No. 45, entitled "an Act concerning Uniformed Volunteer Companies of California," was read first and second times, the Rules being suspended for that purpose, and referred to the Judiciary Committee.

Senate Bill No. 43, entitled "an Act to amend 'an Act concerning the organization of the Militia,'" was then read.

Objections being made to said Bill, the question then was, "Shall the Bill be rejected?"

Mr. Baldwin moved that the Rules be suspended and the Bill be read a second time by title, and referred to Committee on Military Affairs.

Agreed to.

Mr. Merritt gave notice that he would, on some future day, introduce "a Bill concerning Clerks of Courts of Justice;" also, "a Bill fixing the Salary of the Superintendent of Public Instruction."

Mr. Hall, Chairman of Committee on Claims, to whom was referred the Memorial from the Mayor and City Council of San José, praying that the State may remunerate them for "Expenses incurred in preparing a State House for the use of the Legislature," reported that they have considered the same with some care, and by reference to documents in the Mayor's office of said city, find that the account set forth in said Memorial is correct.

The account of the memorialists embraces the expenditures for fitting up and furnishing the State House for the first Session of the Legislature of this State, and extends to the date of February 3d, 1851: the aggregate amount is $64,358 00. The items of this account have been allowed with a single exception. The original cost of the State House was $34,000; and your committee, considering the depreciation of pro-

perty since the time of the purchase, have estimated its present value at one half of its original cost, which depreciated value has been placed to the credit of memorialists. Your committee are not sufficiently persuaded, from the nature of the agreement by which the City of San José furnished a State House for the use of the Legislature, that the amount of the rent for other public buildings within the city by other officers of State should be taken in the present account. It has been thought best simply to suggest the subject and leave it to the judgment of your honorable body. Your committee therefore recommend that the prayer of your memorialists be granted, and also recommend the passage of the accompanying Bill.

Bill accompanying the Report, entitled "a Bill for the Relief of the Mayor and City Council of the City of San José," was read first and second times, the Rules being suspended for that purpose, laid on the table, and ordered to be printed.

Mr. Field gave notice that, on Monday, he would introduce "a Bill to regulate summary proceedings for the possession of real property in certain cases;" also, "a Bill concerning Sheriffs;" also, "a Bill concerning Jurors."

ORDERS OF THE DAY.

Report and Resolutions of Committee on Elections, relative to the Seat of Mr. Crane in the Assembly, was taken up.

Mr. Hall offered the following:

Resolved, That Mr. Osgood be invited to take a seat within the Bar, and be allowed to conduct his cause in the contested election now pending before this House.

Adopted.

The question then recurred on adopting committee's resolution, declaring Mr. Osgood entitled to his seat as a member of this Assembly, from the Counties of Yolo, Colusi, and Trinity.

Mr. Wilkins moved a call of the House.

Agreed to.

The roll was then called, and the following members were absent, to wit: Messrs. Covarrubias and Stearns.

Messrs. Stearns and Covarrubias made their appearance.

The question then recurred on adopting the resolution.

On this question Mr. Wilkins demanded the ayes and nays.

Those who voted in the affirmative were—

Mr. Baldwin	Mr. Merritt
Bradford	Murphy
Covarrubias	Randall
Hall	Robinson
Kendrick	Saunders
Lind	Wilkins
McCandless	Yeiser
McCorkle	Speaker—16.

In the negative were—

Mr. Bennett	Mr. Lisle
Bodley	McDougal
Brown	Moore
Campbell	Pico
Carr	Richardson
Carnes	Stearns
Cook	Thorne
Field	Wethered
Hoff	—17.

So the resolution was lost.

Mr. Baldwin offered the following:

Resolved, That the seat of the Representative of the Counties of Yolo, Colusi, and Trinity, in this Assembly, is now vacant.

On adopting said resolution, Mr. Campbell demanded the ayes and nays.

Those who voted in the affirmative were—

Mr. Baldwin	Mr. Murphy
Covarrubias	Randall
Hall	Richardson
Lind	Robinson
McCandless	Saunders
McCorkle	Yeiser
McDougal	Speaker
Merritt	—15.

In the negative—

Mr. Bennett	Mr. Hoff
Bodley	Kendrick
Bradford	Lisle
Brown	Moore
Campbell	Pico
Carr	Stearns
Carnes	Thorne
Cook	Wethered
Field	Wilkins—18.

So the resolution was lost.

Mr. Richardson moved a reconsideration of the vote by which Mr. Osgood was declared not entitled to his seat.

Mr. Carnes moved to adjourn.

Mr. Wilkins demanded the ayes and nays.

Those who voted in the affirmative were—

Mr. Bennett	Mr. Saunders
Bodley	Stearns
Carnes	Thorne
Cook	—7.

In the negative—

Mr. Baldwin	Mr. McCorkle
Bradford	McDougal
Brown	Merritt
Campbell	Moore
Carr	Murphy
Covarrubias	Pico
Field	Randall
Hall	Richardson
Hoff	Robinson
Kellogg	Wethered
Kendrick	Wilkins
Lisle	Yeiser
Lind	Speaker
McCandless	—27.

Mr. Robinson called for the previous question.

The question then was, "Shall the main question be now put."

Agreed to.

The question then was on reconsidering the vote by which the House declared that Mr. Osgood was not entitled to his seat.

Agreed to.

The question then was, on adopting the resolution declaring Mr. Osgood entitled to his seat as a member of this Assembly, from the Counties of Yolo, Colusi, and Trinity.

Mr. Campbell demanded the ayes and nays.

Mr. Moore moved a call of the House.

Agreed to.

The roll was then called, and all the members were present.

The question then was, on adopting the resolution declaring Mr. Osgood entitled to his seat as a member of this Assembly, from the Counties of Yolo, Colusi, and Trinity.

The ayes and nays being demanded, those who voted in the affirmative were—

Mr. Baldwin	Mr. Merritt
Bradford	Murphy
Covarrubias	Randall
Hall	Richardson
Kellogg	Robinson
Kendrick	Saunders
Lind	Wilkins
McCandless	Yeiser
McCorkle	Speaker—18.

In the negative—

Mr. Bennett	Mr. Hoff
Bodley	Lisle
Brown	McDougal
Campbell	Moore
Carr	Pico
Carnes	Stearns
Cook	Thorne
Field	Wethered—16.

So the resolution was adopted.

Mr. Saunders moved to reconsider the vote just taken.

Mr. Baldwin moved to indefinitely postpone said motion.

Mr. Saunders demanded the ayes and nays.

Those who voted in the affirmative were—

Mr. Baldwin	Mr. Murphy
Bradford	Randall
Covarrubias	Richardson
Hall	Robinson
Kellogg	Saunders
Kendrick	Stearns
Lind	Wilkins
McCandless	Yeiser
McCorkle	Speaker
Merritt	—19.

In the negative—

Mr. Bennett	Mr. Hoff
Bodley	Lisle
Brown	McDougal
Campbell	Moore
Carr	Pico
Carnes	Thorne
Cook	Wethered
Field	—15.

On motion of Mr. Baldwin, Mr. Osgood came forward and took the oath of office.

On motion of Mr. Field, the per diem pay and mileage of members was allowed Mr. Crane.

The Speaker laid before the House a communication from the State Translator relative to the publication and distribution of the Laws in Spanish, which was laid on the table, and ordered printed.

THREE O'CLOCK, P.M.

On motion, the House adjourned.

HOUSE OF ASSEMBLY.

MONDAY, *February* 10, 1851.

House met.

The roll was called, and Mr. Randall was absent; on leave, Mr. Kellogg.

The Journal of Saturday was read and approved.

Mr. Moore, chairman of the Judiciary Committee, to whom was referred the draft of a Bond to be executed by M. G. Vallejo, and others, reported that they have had the same under consideration, and are of the opinion that, viewed as a legal instrument purely, the draft with some slight verbal alterations is correct in form. They would recommend, however, that the amount of the Bond be increased from $370,000 to $500,000. All of which is respectfully submitted.

Mr. Campbell moved to lay said Report on the table until to-morrow morning.

Agreed to.

Mr. Moore moved that the Bond be printed.

Not agreed to.

Mr. Wethered, chairman of committee on Counties and County Boundaries, to whom were referred the several petitions of citizens of Yuba County praying for a Division of said County, reported that they have had the petitions under consideration, and find that the objects of the petitioners are carried out in the Bill dividing the State into Counties, which has been presented to the House and ordered to be printed. They therefore ask to be discharged from the further consideration of the petitions. All of which is respectfully submitted.

The question then was on discharging the committee.

Agreed to.

Mr. Bradford, from the joint committee on enrolled Bills, reported that they have examined, and find correctly enrolled, "an Act to Repeal the 174th section of the Act entitled 'an Act concerning Corporations;'" also "an Act to amend an Act concerning Corporations, approved April 22d, 1850."

Mr. Campbell, chairman of the select committee to whom was referred the "Act to License Hawkers and Pedlars in this State," reported that they have had the same under consideration, and that they have made

several amendments to the same, in accordance with the instructions given them, and recommend their adoption and the passage of the Bill.

The first amendment made by committee to said Bill was then read and concurred in.

The question then was on concurring in the 2d amendment made by said committee, when, on motion of Mr. Bradford, the Bill and amendments were laid on the table.

Mr. Bradford offered the following:

"For the purpose of obtaining an expression of the opinion of the House on this question, I offer the following: *Resolved*, That John S. Bradford is not entitled to a seat as Member of this Assembly."

Mr. Bodley offered the following as a substitute for said Resolution:

Resolved, That the committee on Elections be instructed to inquire whether the seat now held by the Hon. J. S. Bradford should not be declared vacant, and report the same to this House.

Mr. Robinson offered the following as a substitute for the substitute:

Resolved, That the committee on Elections be instructed to examine into the claims of each and every member of this House, and report thereon.

Mr. Field moved that the whole subject be laid on the table.

Not agreed to.

The question then recurred on adopting the substitute for the substitute.

Not agreed to.

The question then recurred on adopting the substitute.

Adopted.

Mr. Murphy, chairman of conference committee appointed to confer with Senate's committee on the disagreeing votes of the two Houses relative to the Election of United States Senator, reported that they have agreed on Monday, the 17th instant, at two o'clock, to proceed to said Election.

The question then was on adopting the report.

Adopted.

The following Message, received this morning from the Senate, was read:

SENATE CHAMBER,
February 10th, 1851.

MR. SPEAKER:

I am directed by the Senate to inform the Assembly that the Governor has notified the Senate that he did, on the 7th instant, sign Bill originating in that body, entitled "an Act amendatory of an Act providing for the creation of a Marine Hospital for the State of California;" also "an Act to provide for the Payment of the Salary of the Quarter-master-General;" also that the President of the Senate has signed Bills entitled "an Act concerning Corporations," and "an Act to repeal the 174th Section of the Act entitled 'an Act concerning Corporations.'"

G. F. HOWE, Sec. of Senate.

The Speaker laid before the House the following communication from the State Printer:

OFFICE OF STATE PRINTER,
SAN JOSÉ, *Feb.* 10, 1851.

Hon. JOHN BIGLER,
Speaker of Assembly:

SIR: I beg leave to inform you, and through you the Honorable Members of the House of Assembly, that my contract with the State for the Binding and Printing of the "Journals" and "Statutes" of the First Session of the Legislature has been completed, with the exception of the Printing of the Laws in Spanish, which, for want of translations, has not yet been done, and that the whole edition of the bound volumes of the Statutes in English are received, and are ready for delivery to the Secretary of State. In order that the honorable members of the Assembly may be enabled to judge of the manner in which I have performed the duty imposed upon me by the Act, I respectfully solicit their acceptance of a specimen copy of each of the volumes of Statutes for their examination. This I am gratified to be able to do from the surplus copies struck off to supply any damage that might happen to the State edition, in transportation across the Isthmus during the rainy season.

It has been with myself a matter of pride, far more than of profit, to execute the important trust imposed upon me by the State, so as not only to insure the entire and hearty approval of the Legislature and people, but also in such style of typographical neatness and beauty as should

be creditable to the art and worthy of the State of California, and at the same time be a fair sample of future issues in material and appearance. I would rather forego all hope of pecuniary profit than to find that my work failed to fulfil the letter and spirit of my contract. The size of the volume was definitely fixed by the law, and which I had no power to alter.

I have the honor to be,
Your obedient servant,
J. WINCHESTER.

Mr. Moore moved to lay the communication of the State Printer on the table.

Agreed to.

On motion of Mr. Field, the communication of the State Printer was taken from the table.

Mr. McCorkle offered the following:

Resolved, That the House accept the specimen copy of the Statutes as proposed by the State Printer, and that the communication be referred to the Committee on State Printing, and that the thanks of this House be and are hereby tendered to the State Printer for his liberality.

Adopted.

Mr. Richardson offered the following:

Resolved, That Tuesday, 18th Feb., 1851, the Senate Bill No. 41 be made the special order of the day.

Mr. Baldwin moved to lay said resolution on the table.

Agreed to.

Mr. Robinson offered the following:

Resolved, That the Select Committee, to whom was referred the Water Lot Bill, be instructed to invite the Rev. Mr. Waters to deliver a discourse on next Sabbath, founded upon the following text, from the 5th chapter of the Book of Isaiah, commencing at the 8th verse, as follows: "Woe unto them that join house to house, that lay field to field till there be no place, that they may be placed alone in the midst of the earth; therefore hell hath enlarged herself, and opened her mouth without measure; and their glory, and their multitude, and their pomp, and he that rejoiceth shall descend into it."

Mr. Cook moved to lay said resolution on the table, and demanded the ayes and nays.

Those who voted in the affirmative were—

Mr. Bradford	Mr. Lind
Brown	McCandless
Carr	McCorkle
Carnes	McDougal
Cook	Murphy
Covarrubias	Pico
Field	Robinson
Hall	Stearns
Hoff	Thorne
Kendrick	Wethered
Lisle	Speaker—22.

In the negative—

Mr. Baldwin	Mr. Randall
Bennett	Richardson
Merritt	Wilkins
Moore	Yeiser
Osgood	—9.

Mr. Robinson gave notice that he would, on to-morrow, introduce a "Bill to incorporate County Libraries;" also a "Bill to incorporate Schools, Academies, and Seminaries of Learning."

On motion of Mr. Moore, the House resolved itself into Committee of the Whole, Mr. Yeiser in the Chair. On Bill entitled "an Act providing for the Establishment of a State Hospital," after some time spent therein, the Committee rose, reported the Bill with amendments, and were discharged.

On motion of Mr. Bedley, the Bill with amendments was laid on the table.

Mr. Hall asked and obtained leave to withdraw the petition of David Spence, praying that the State pay him for services as Prefect, &c., of the District of Monterey.

Mr. McDougal gave notice that he would, on to-morrow, introduce a "Bill concerning Toll Bridges;" also at some future day, "a Bill to establish a Southern State Hospital at Stockton."

Mr. Moore presented a Memorial from the State Printer, praying that his claim for the payment of the amount due on account of his contract be taken into consideration and ordered to be audited and paid at an early day, which was referred to a Special Committee, consisting of Messrs. Moore, Bodley, McCorkle, Field, and Bradford.

Mr. Bodley gave notice that he would, on to-morrow or some future day, introduce a Bill to amend an Act, entitled "An Act concerning Lawful Fences, and Animals Trespassing on Premises lawfully inclosed," passed March 30, 1850.

Mr. Robinson moved that Bill No. 40, entitled, "An Act to Provide for the Incorporation of Colleges and Universities," be taken from the table and referred to Select Committee.

Agreed to.

The Speaker appointed as said committee Messrs. Robinson, Baldwin, Lind, McDougal, and Yeiser.

TWO O'CLOCK.

On motion of Mr. Moore, the House adjourned.

HOUSE OF ASSEMBLY.

TUESDAY, *Feb.* 11*th*, 1851.

House met.

The roll was called, and the following members were absent, to wit: Mr. Randall; on leave, Mr. Kellogg.

The Journal of yesterday was read and approved.

Mr. Stearns presented papers concerning a claim of the County of Los Angeles, papers relating to the claim of Wilson Jones, and papers relating to claims of J. G. Baxter, Mariano Lopez, and Manuel Romero, which were referred to Committee on Claims.

Mr. Campbell, to whom was referred the form of a Bond of M. G. Vallejo, made the following Minority Report.

Mr. SPEAKER:

As one of the Judiciary Committee to whom was referred the form of a Bond to be given by M. G. Vallejo, for the faithful performance

of his proposition for the permanent location of the Seat of Government, I would beg leave to make a Report, that I do not consider the Bond in proper form, being merely personal security, and which cannot in this country especially be considered ample security. As it is of vital importance to the State that great care should be taken in this matter, I would suggest that no other security be taken but a mortgage upon real estate of at least the value of four hundred thousand dollars and of undoubted title; and secondly, the proposed Bond only obligates the said Vallejo to perform the conditions of his first proposition, and does not bind him to furnish the State for three years with the buildings specified in his second proposition. I am of the opinion, if the State Capital has been sold for a certain price, we should secure the full performance and payment of the considerations of the sale, and that the State shall be furnished with a State House as good, if not better, than the one now occupied, and the offices of State furnished in accordance with his last proposition, as well as the compliance with the first proposition. This can only be done in my estimation by mortgage upon undoubted real estate security, to at least four hundred thousand dollars cash value. Personal security in this country is the most insecure of all, for the rich man to-day is worthless to-morrow, and in two years hence there is no telling who will have one cent's worth of property to pay their debts or liabilities. I would therefore recommend that M. G. Vallejo be required to give a mortgage upon unencumbered real estate of the cash value of five hundred thousand dollars, the title to which shall be undisputed, and that he be bound in the Bond for the faithful performance of the last proposition made by him as well as the first.

All of which is respectfully submitted.

Mr. Merritt moved to lay said Report on the table.

Agreed to.

Mr. Cook, from Committee on Engrossed Bills, reported as correctly Engrossed, Assembly Bill, entitled, "a Bill to amend an Act entitled, 'An Act to regulate Elections, passed March 23, 1850.'"

The Bill was then read a third time.

On motion of Mr. Field, the Bill was recommitted to a Select Committee, consisting of Messrs. Field, Merritt, and Bradford, with instructions to amend the same as follows: Insert after the words "there are," in the twentieth line, the words "thirty or;" also after the word "Voters," in the last line of said section, the words "provided there

shall not be more than one precinct in each ward of a city;" also at the end of the 6th Section add the words "In case no Inspector be appointed at a precinct by the County Judge, the Electors present on the morning of the day of Election at the place where the polls are opened on the day of the last previous General Election, may appoint an Inspector for such precinct."

Mr. Cook offered the following:

Resolved, That the certificates of election of Members to the present House of Assembly be taken from the files and referred to the Committee on Elections, and that that Committee be requested to report to this House at an early day in conformity to the fifty-ninth article of the Standing Rules of this House.

Adopted.

Mr. Bradford gave notice that he would, on to-morrow or some future day, introduce "a Bill to legalize the sale of Real and Personal Property for Taxes, within the different Cities and Counties within the State."

Mr. Carr introduced "a Bill to provide for the Inspection of Steamboats," which was read the first and second times by title, the Rules being suspended for that purpose, and ordered printed.

Mr. Robinson, agreeably to previous notice, introduced "a Bill to incorporate County Libraries," which was read the first and second times, the Rules being suspended for that purpose, and referred to a Select Committee, consisting of Messrs. Robinson, Thorne, and Yeiser.

Mr. Robinson, agreeably to previous notice, introduced "a Bill to Incorporate Schools, Academies, and Seminaries of Learning," which was read the first and second times, the Rules being suspended for that purpose, and referred to a Select Committee, consisting of Messrs. Robinson, Thorne, and Yeiser.

The following Message, received this morning from the Senate, was read:

SENATE CHAMBER, *Feb.* 12, 1851.

MR. SPEAKER:

I am directed by the Senate to inform the Assembly that they have passed Bills originating in the Assembly, entitled "an Act authorizing the Treasurer of the State to negotiate a Loan upon the faith and credit of the State, for the purpose of defraying the expenses which have been or may be incurred in suppressing Indian Hostilities in this State, in the

absence of adequate provision being made by the General Government;" also, "that the Senate have adopted the report of the Committee of Conference on the disagreeing votes of the two Houses, in reference to the Election of U. States Senator," thereby fixing the 17th instant as the day for such Election by the Joint Vote of the two Houses.

J. F. HOWE, Sec'y of Senate.

ORDERS OF THE DAY.

"An Act providing for the establishment of a State Hospital," was taken up, when the House concurred in the 1st, 2d, 3d, 6th, 8th, 10th, and 11th, and nonconcurred in the 7th amendments made in Committee of the Whole.

4th amendment, made in Committee of the Whole, which reads as follows:—"9th section, 5th line, fill up the blank with $5,000" was read, when Mr. Bodley moved to strike out "$5,000," and insert "$4,000," and demanded the yeas and nays.

Those who voted in the affirmative were—

Mr. Baldwin	Mr. McDougal
Bodley	Pico
Campbell	Randall
Carnes	Richardson
Covarrubias	Robinson
Hoff	Stearns
Kendrick	Wilkins
Lind	—15.

In the negative—

Mr. Bennett	Mr. Merritt
Bradford	Moore
Brown	Murphy
Carr	Osgood
Cook	Saunders
Kellogg	Thorne
Lisle	Wethered
McCandless	Yeiser
McCorkle	Speaker—18.

Not agreed to.

4th amendment was then concurred in.

9th amendment was then read. The question recurred on concurring in said amendment, when

Mr. Wilkins demanded the yeas and nays.

Those who voted in the affirmative were—

Mr. Bradford	Mr. Murphy
Brown	Osgood
Carr	Richardson
Cook	Saunders
Hall	Stearns
Hoff	Thorne
McCandless	Wethered
McCorkle	Yeiser
Moore	Speaker—18.

In the negative—

Mr. Baldwin	Mr. Lisle
Bennett	Lind
Bodley	McDougal
Campbell	Merritt
Carnes	Pico
Covarrubias	Randall
Field	Robinson
Kellogg	Wilkins
Kendrick	—17.

The amendment was concurred in.

12th amendment was then read, when Mr. Bradford offered the following as a substitute, "suits or claims now pending shall not be affected by such repeal."

Adopted.

Mr. Robinson moved to amend the 9th section of said Bill by striking out the word "two," and inserting the word "one," and demanded the yeas and nays.

Those who voted in the affirmative were—

Mr. Baldwin	Mr. Lind
Bodley	Pico
Brown	Randall
Campbell	Richardson
Covarrubias	Robinson
Hoff	Stearns
Kendrick	Wilkins—14.

In the negative—

Mr. Bennett	Mr. McCorkle
Bradford	Merritt
Carr	Moore
Carnes	Murphy
Cook	Osgood
Field	Saunders
Hall	Thorne
Kellogg	Wethered
Lisle	Yeiser
McCandless	Speaker—20.

Not agreed to.

5th amendment, adopted in Committee of the Whole, was then read, when Mr. Robinson moved to amend by inserting the following words, "the resident Physician, when there are two Physicians to the Hospital, shall be $4,000, and when there is but one visiting Physician it shall be $6,000."

Not agreed to.

Mr. Carr moved to amend the 5th amendment, adopted in Committee, by striking out "$6,000," and inserting "$5,000."

Agreed to.

Mr. Lisle moved to amend the 1st line, 9th section of said Bill, by striking out the words "within three days."

Agreed to.

Mr. Robinson moved to amend the 12th Section, by adding the words "or of the indigent sick who are objects of State charity, and who have been admitted to the Hospital by authority of the Trustees."

Agreed to.

Mr. Bodley moved to amend the title of said Bill, so that it will read "an Act to provide for the establishment of State Hospitals."

Agreed to.

Mr. Carr moved that the Bill be considered as Engrossed, and read a third time by title.

Agreed to.

The Bill was then read by title.

The question then was, "Shall the Bill pass?"

Decided in the affirmative.

Mr. Field, from Select Committee, to whom was referred with certain instructions, Bill to amend an Act entitled "an Act to regulate Elections, approved March 23, 1850," reported the Bill amended, as instructed.

The question then was, "Shall the Bill pass?"

Decided in the affirmative.

On motion of Mr. Murphy, the form of a bond of M. G. Vallejo, together with the Report from the Judiciary Committee on the same, was taken up and read.

The question recurred on adopting the majority Report.

On motion of Mr. Campbell, there was a call of the House. The absentees were—Messrs. Kendrick, Lisle, Pico, and Robinson.

Mr. Field moved that the House suspend temporarily further proceedings under the call.

Agreed to.

Mr. Field, agreeably to previous notice, introduced a "Bill to regulate Summary Proceedings for the Possession of Real Property," which was read a first and second times, the Rules being suspended for that purpose, and ordered to be printed.

Mr. Hall, Chairman of Committee on Claims, to whom was referred the account of Philip W. Keyser against William H. Richardson, Collector of Foreign Miners' Taxes, reported that after investigating the same, they ask respectfully to introduce the following Bill, and recommend its passage:

"Bill for the relief of W. H. Richardson," was then read first and second times, the Rules being suspended for that purpose.

Mr. Hall, Chairman of Committee on Claims, to whom was referred the petition of David Spence, for payment of services as Prefect of the District of Monterey, from the 31st of December, 1849, to the 9th of

April, 1850, reported the following Bill, and recommended its passage:

"A Bill for the relief of David Spence," was read a first time.

Objections being made to the Bill,

The question then was, "Shall the Bill be rejected?"

Mr. Baldwin demanded the previous question.

The question then was, "Shall the main question be now put?"

Agreed to.

The question then was on rejecting the Bill.

Mr. Moore demanded the ayes and nays.

Those who voted in the affirmative were—

Mr. Baldwin	Mr. Merritt
Bradford	Moore
Brown	Richardson
Hoff	Thorne
Lisle	—9.

In the negative were—

Mr. Bennett	Mr. McCorkle
Bodley	McDougal
Campbell	Osgood
Carr	Pico
Carnes	Randall
Cook	Robinson
Covarrubias	Saunders
Field	Stearns
Hall	Wethered
Kellogg	Wilkins
Kendrick	Yeiser
Lind	Speaker
McCandless	—25.

Not agreed to.

On motion of Mr. Field, the Rules were suspended, and the Bill read a second time.

The absentees made their appearance.

Mr. Baldwin moved that further proceedings under a call of the House be suspended.

Agreed to.

The question then recurred on adopting the majority Report of the Judiciary Committee.

Mr. Merritt called for the previous question.

The question then was, "Shall the main question be now put?"

Agreed to.

The question then recurred on adopting the majority Report of the Judiciary Committee.

Mr. Wilkins demanded the ayes and nays.

Those who voted in the affirmative were—

Mr. Baldwin	Mr. McDougal
Bennett	Merritt
Bradford	Moore
Carr	Murphy
Carnes	Osgood
Cook	Richardson
Field	Saunders
Hall	Thorne
Kellogg	Wethered
Lisle	Wilkins
Lind	Yeiser
McCandless	Speaker
McCorkle	—25.

In the negative—

Mr. Bodley	Mr. Pico
Brown	Randall
Campbell	Robinson
Hoff	Stearns
Kendrick	—9.

The Report was adopted.

Mr. Covarrubias was excused from voting.

HALF-PAST ONE O'CLOCK.

On motion of Mr. M'Candless, the House adjourned.

HOUSE OF ASSEMBLY.

WEDNESDAY, *February* 12, 1851.

House met.

The roll was called, and the following members were absent, to wit: Messrs. Baldwin, Covarrubias, and Saunders.

The Journal of yesterday was read and approved.

Mr. Carr, Chairman of the Committee on Commerce, to whom was referred a petition from the citizens of San Francisco, praying that Steamers coasting within the boundaries of this State be exempted from paying Pilot and Harbor-master's Fees, reported that they have had the same under consideration, and are of opinion that coasting vessels, as well as all others, ought to pay Harbor-master's Fees, for the reason that it is his duty to attend to all their wants while in port, as well as to select places of landing and places of anchorage for coasting as well as other vessels arriving in the Port and Harbor; and while they are of the opinion that the Fees of the Harbor-master ought to be be paid, they are free to admit that there is great justice in the prayer of the petitioners that Coasting Steamers should not be required to pay Pilot Fees, only in certain cases; and in accordanee with these views, they recommend that the Pilot Bill now before the House be so amended as to exempt steamers coasting in this State paying Pilot Dues, except in certain cases.

The report was adopted.

Mr. Bradford, from the Joint Committee on Enrolled Bills, reported that they have this day presented to the Governor for his signature, "an Act to amend an Act concerning Corporations," approved April 22, 1850; also, "an Act to repeal the 174th Section of 'an Act concerning Corporations.'"

Mr. Bradford offered the following:

Resolved, That the Senate be requested to transmit to the Assembly the Bill for "an Act to Prohibit Lotteries," together with the amendments of the Assembly to said Bill.

Adopted.

The following Message from the Senate, received yesterday, was read.

SENATE CHAMBER,
January 11, 1851.

MR. SPEAKER:

I am directed by the Senate to inform the Assembly that they have passed Assembly's Bill, entitled "an Act concerning Attorneys and Counsellors at Law;" also, Bills originating in the Senate, entitled "an Act to amend an Act entitled 'an Act concerning Licenses;'" "an Act to provide for the Organization of the County of Trinity;" and "an Act prescribing the amount of Compensation, and the mode of payment, to persons who have performed Military Services for the State of California, and expenses incurred therein," to which the concurrence of the Assembly is respectfully requested.

J. F. HOWE, Secretary of Senate.

Senate Bill No. 46, entitled "a Bill for an Act to amend an Act concerning Licenses," was read first and second times, the Rules being suspended for that purpose, and referred to Committee on Ways and Means.

Senate Bill No. 48, entitled "a Bill for an Act to provide for the organization of the County of Trinity," was read first and second times, the Rules being suspended for that purpose, and referred to the Judiciary Committee.

Senate Bill No. 49, entitled "an Act prescribing the amount of Compensation, and the mode of payment, to persons who have performed Military Services for the State of California, and expenses incurred therein," was read first and second times, the Rules being suspended for that purpose, and referred to the Committee on Military Affairs.

The following Message, received this morning, was read:

SENATE CHAMBER,
February 11, 1851.

MR. SPEAKER:

I am directed by the Senate to inform the Assembly that they have passed Bills, herewith transmitted for the concurrence of the Assembly, entitled "an Act to provide for the Payment of Fees to Sheriffs for services rendered in enforcing Foreign Miners' Tax Law;" and "an Act for the relief of William Reynolds, Treasurer of the County of Marin;" also, that the Senate has receded from its second amendment

(in which the Assembly had non-concurred) to the Bill entitled "an Act declaring certain Rivers and Creeks Navigable."

J. F. HOWE, Secretary of Senate.

Senate Bill No. 28, entitled "a Bill to provide for the Payment of Fees to Sheriffs for services rendered in enforcing the Foreign Miners' Tax Law," was read first and second times, the Rules being suspended for that purpose.

Mr. Bradford moved to refer the Bill to the Committee of Ways and Means.

Agreed to.

Mr. Field moved a reconsideration of the vote by which the House referred said Bill to Committee of Ways and Means.

Agreed to.

On motion of Mr. Field, the Bill was referred to the Judiciary Committee.

Senate Bill No. ——, entitled "an Act for the Relief of William Reynolds, Treasurer of the County of Marin," was read the first and second times, the Rules being suspended for that purpose, and referred to the Committee on Claims.

Mr. Yeiser presented a memorial from D. W. Perly, asking the Legislature to make an appropriation of Five Hundred and Twenty-five Dollars, for services rendered to the State, which was referred to Committee on Claims.

Mr. Hall, Chairman of the Select Committee, to whom was referred the Senate Bill, entitled "an Act granting certain Public Lands within the City of San Francisco, and for quieting Titles of Claimants thereto," reported the same back to the House without any instructions, and were discharged from its further consideration.

Mr. Field moved that said Bill be made the Special Order of the day for to-morrow.

Mr. Moore moved to indefinitely postpone said Bill.

Mr. McCandless moved to adjourn.

Those who voted in the affirmative were—

Mr. Lisle	Mr. Osgood
Lind	Randall
McCandless	Saunders—6.

In the negative—

Mr. Baldwin	Mr. Kendrick
Bennett	McCorkle
Bodley	McDougal
Bradford	Merritt
Brown	Moore
Campbell	Pico
Carr	Richardson
Carnes	Robinson
Cook	Stearns
Covarrubias	Thorne
Field	Wethered
Hall	Wilkins
Hoff	Yeiser
Kellogg	Speaker—28.

Mr. Moore withdrew the motion to indefinitely postpone Bill entitled "an Act granting certain Public Lands within the City of San Francisco and for quieting Titles of Claimants thereto."

Mr. McDougal offered the following:

Resolved, That the Attorney General, J. M. McDougal, be respectfully requested to submit to this House a written opinion on the subject of the various Titles of Lots or Lands belonging to or in any way connected with or under the control of this State, located at San Francisco or other parts, and that he be authorized to demand certified copies of records and all papers that he may conceive important for the action of this Legislature on this subject.

On motion of Mr. Merritt, Senate Bill entitled "an Act granting certain Public Lands within the City of San Francisco, and for quieting Titles thereto," together with Report of Select Committee, relative to said Bill, was laid on the table.

The question then recurred on adopting the Resolution offered by Mr. McDougal.

Mr. McDougal, on leave, withdrew said Resolution.

The following Message, received this morning from the Governor, was read:

EXECUTIVE DEPARTMENT,
SAN JOSÉ, *Feb.* 12, 1851.

TO THE HOUSE OF ASSEMBLY:

The 25th Section of the Legislative Department of the Constitution of our State reads as follows: "Section 25th. Every Law enacted by the Legislature shall embrace but one object, and that shall be expressed in the Title, and no Law shall be revised or amended by reference to its Title; but in such case, the Act revised, or Section amended, shall be re-enacted and published at length." The intent of the object of the above clause in the Constitution is certainly clear and explicit, and cannot admit of but one inference, and that is, that the Legislature is prohibited from amending or revising an existing Law without reciting at length the Section which is intended to be amended or altered; for if such were not the evident meaning of the Section, it would be useless and meaningless, as the powers of the Legislature carry with it the authority to alter or repeal the Acts of its own creation, and in that manner as to them may seem proper, and they can only be restricted but by an express prohibition, as the above clause clearly sets forth, and it is a wise provision in that instrument, as experience has shown in the Legislatures of many of the older of our sister States, that great injury and injustice has resulted by the practice of repealing certain parts of Laws by simply referring to the Sections to be affected by the repeal.

It is not to be supposed that each member is provided with the Law, that he is called upon to vote for its revision, and by requiring the enactment of any portion of a Law that is to be revised, every one is prepared to act with a fuller and more thorough understanding, and as the Act entitled "an Act to repeal the 174th section of an Act concerning Corporations," declares the repeal of that section without publishing it at length, and also the Act entitled "an Act to amend 'an Act concerning Corporations, approved April 22, 1850,'" sets forth an amendment of that Law without reciting the section amended, I conceive to be a direct violation of the requirements of that section of the Constitution above quoted, and entertaining these objections, I return them to your body, in which they originated, for your further consideration.

JOHN MCDOUGAL.

The question then recurred on reconsidering the vote, by which the

House passed "an Act to repeal 174th section of the Act entitled 'an Act concerning Corporations.'"

Reconsidered.

The question then recurred on reconsidering the vote by which the House passed "an Act to amend 'an act concerning Corporations,'" approved April 22, 1850.

The vote was reconsidered.

Mr. McCorkle moved to refer the Veto Message of the Governor, together with the Bills, to the Judiciary Committee.

Agreed to.

Mr. McCorkle moved to take from the table Senate Bill entitled "an Act granting certain Public Lands within the city of San Francisco, and for quieting titles of claimants thereto," and that the same be made the order of the day for to-morrow.

Mr. Baldwin moved to amend said motion by making the Bill the order of the day for the 25th inst.

Mr. Bradford moved to lay said motions on the table.

Not agreed to.

Mr. Bradford moved to adjourn.

Mr. Saunders demanded the yeas and nays.

Those who voted in the affirmative were—

Mr. Baldwin	Mr. Moore
Bodley	Murphy
Bradford	Osgood
Hall	Randall
Kellogg	Richardson
Lisle	Robinson
McDougal	Wilkins
Merritt	Yeiser
Kendrick	Speaker—18.

In the negative—

Mr. Bennett	Mr. Cook
Brown	Covarrubias
Campbell	Field
Carnes	Hoff
Carr	Lind

Mr. McCandless	Mr. Stearns	
McCorkle	Thorne	
Pico	Wethered	
Saunders		—17.

HALF PAST ONE O'CLOCK.

The House adjourned.

HOUSE OF ASSEMBLY.

THURSDAY, *Feb.* 13, 1851.

House met.

The roll was called, and the following members were absent, to wit: Messrs. Bradford, Brown, Carr, Carnes, Covarrubias, Field, Hall, Kellogg, Lisle, Murphy, Randall, Saunders, Stearns, and Yeiser.

The Journal of yesterday was read and approved.

Mr. Moore, Chairman of the Judiciary Committee, reported a "Bill for an Act to provide a Revenue for the California State Hospital," which was read first and second times, the Rules being suspended for that purpose, and ordered printed.

Mr. Bradford, from the Joint Committee on Enrolled Bills, reported that they have examined and find correctly enrolled, "an Act authorizing the Treasurer of State to negotiate a loan upon the faith and credit of the State, for the purpose of defraying the expenses which have been or may be incurred in suppressing Indian hostilities in this State, in the absence of adequate provision being made by the General Government."

Mr. McCandless offered the following:

Resolved, That no member of this House be allowed to speak more than half an hour upon any one subject.

On motion of Mr. Moore, said resolution was laid on the table.

The following Message, received this morning from the Senate, was read.

SENATE CHAMBER,
Feb. 13, 1851.

MR. SPEAKER:

I am directed by the Senate to inform the Assembly that they have

adopted a concurrent Resolution, herewith transmitted, authorizing the Quartermaster General to rent a room and employ an armorer.

J. F. HOWE, Secretary of the Senate.

Senate's concurrent Resolution, authorizing the Quartermaster General to rent a room and appoint an Armorer, was read.

Objection being made, the question then recurred on the rejection of said "Resolution."

Agreed to.

Mr. McCandless, from the Committee on Engrossed Bills, reported as correctly Engrossed, "an Act providing for the establishment of State Hospitals."

On motion of Mr. Moore, the House resolved itself into a Committee of the Whole, Mr. Bennett in the Chair, on "Bill No. 67," entitled "an Act to provide for the translation of the Laws." After some time spent therein, the committee rose, reported the Bill with amedments, and were discharged.

On motion of Mr. Campbell, the House concurred generally in amendments made in Committee of the Whole.

Mr. Robinson moved to amend the fourth section of said Bill, by inserting after the words "Joint Resolutions" whenever they occur, the words, "as herein ordered."

Agreed to.

The question then recurred on ordering the Bill Engrossed.

Agreed to.

Mr. Moore moved to take up Bill No. 73, entitled "a Bill for the relief of W. H. Richardson."

Not agreed to.

Mr. Carr moved that the House resolve itself into Committee of the Whole on "Bill granting Public Lands within the city of San Francisco, and for quieting the titles of claimants thereto."

On motion of Mr. Carr, a call of the House was ordered; the absentees were—Messrs. Covarrubias and Murphy.

Mr. Bodley moved that further proceedings under a call of the House be dispensed with.

Not agreed to.

Messrs. Covarrubias and Murphy made their appearance.

On motion of Mr. Richardson, further proceedings under the call of the House were dispensed with.

The question then recurred on the motion to consider in Committee of the Whole, Senate Bill, "granting Public Lands within the City of San Francisco, and quieting Titles of Claimants thereto."

Mr. Moore offered the following as an amendment to said motion:

Resolved, That the Act entitled "a Bill granting certain Lands within the City of San Francisco, and quieting Titles of Claimants thereto," be referred to a Select Committee, with power to send for persons and papers, and with instructions to report to the House the facts showing under what circumstances individuals have acquired possession, or obtained grants of this Land, and also to report as to the rights of the State in this property."

On adopting said Resolution, Mr. Moore demanded the ayes and nays.

Those who voted in the affirmative were—

Mr. Baldwin	Mr. Murphy
Bradford	Osgood
Brown	Randall
Hall	Richardson
Kendrick	Robinson
Lind	Saunders
McDougal	Wilkins
Merritt	Yeiser
Moore	Speaker—18.

Those who voted in the negative were—

Mr. Bennett	Mr. Kellogg
Bodley	Lisle
Carr	McCandless
Carnes	McCorkle
Cook	Pico
Covarrubias	Stearns
Field	Thorne
Hoff	Wethered—16.

Agreed to.

Mr. Hall, Chairman of the Joint Committee on Claims, to whom was

referred the petition of Charles Bears and Charles M. Elleard, asking compensation for conveying express, reported that they have investigated the facts in the case, and come to the conclusion that the petitioners are not the party to whom the State is indebted, and that their relief should more properly be sought in a Court of Law.

Your committee report the accompanying Bill, and recommend its passage, as they believe it provides for the relief of the party to whom the State is justly indebted.

"Bill for the Relief of James Hacket," was read first and second times, the Rules being suspended for that purpose.

Mr. Hall, Chairman of Joint Committee on Claims, to whom was referred Senate Bill, entitled "an Act for the Relief of William Reynolds, Treasurer of the County of Marin," reported the Bill back to the House without amendment, and recommended its passage.

Bill accompanying the Report was then read a third time.

The question then was, "Shall the Bill pass?"

Decided in the affirmative.

Mr. Hall, Chairman of the Joint Committee on Claims, to whom was referred the memorial of D. W. Purley, asking for compensation for services as Sub-Prefect, reported that a Bill is now in progress before the Senate that provides a remedy at law for all persons having demands against the State, "and as your memorialist can obtain full justice under the provisions of this Bill, your committee recommend that no special relief be granted him, and ask to be discharged from the further consideration of the subject."

The question then recurred on discharging the committee.

Agreed to.

Mr. Hall, Chairman of the Joint Committee on Claims, to whom were referred the papers concerning Claims of the County of Los Angeles and certain citizens for services rendered invalid soldiers, reported that these accounts have been considered, and the amounts added to Quartermaster's Report of the Gila Expedition, with recommendations that they be paid out of the fund appropriated for the defrayment of the expenses of that expedition.

On motion of Mr. Moore, the Report and documents were laid on the table.

The Speaker appointed Messrs. Moore, Carr, Yeiser, Bradford, and Campbell a Select Committee, to report according to instructions given

on Senate "Bill granting Public Lands within the City of San Francisco, and quieting Titles of Claimants thereto."

On motion, Messrs. Murphy and Robinson were added to said committee.

On motion of Mr. Moore, the House resolved itself into Committee of the Whole, Mr. Yeiser in the Chair, on "Bill for the relief of W. H. Richardson." After some time spent therein, the committee rose, reported the Bill without amendment, and were discharged.

On motion of Mr. Richardson, the Bill was considered as Engrossed, and read a third time.

The question then was, "Shall the Bill pass?"

Decided in the affirmative.

Mr. Carr moved that the House resolve itself into Committee of the Whole on "Bill regulating and prescribing the Duty of Pilots for the Bay and Harbor of San Francisco, and other purposes."

Agreed to.

Mr. Baldwin moved to adjourn.

Mr. Cook demanded the yeas and nays.

Those who voted in the affirmative were—

Mr. Baldwin	Mr. Pico
Covarrubias	Randall
Lind	Richardson
McDougal	Robinson
Moore	Saunders
Murphy	Wilkins
Osgood	Yeiser—14.

In the negative—

Mr. Bennett	Mr. Kendrick
Bodley	Lisle
Bradford	McCandless
Brown	McCorkle
Carr	Merritt
Carnes	Stearns
Cook	Thorne
Hall	Wethered
Hoff	Speaker—18.

Motion not agreed to.

The House then went into Committee of the Whole, Mr. Hall in the Chair, on "Bill regulating and prescribing the Duty of Pilots for the Port and Harbor of San Francisco, and for other purposes;" after some time spent therein, the Committee rose, reported the Bill with amendments, and asked leave to sit again.

QUARTER BEFORE 2 O'CLOCK.

On motion of Mr. Lisle, the House adjourned.

HOUSE OF ASSEMBLY.

FRIDAY, *Feb.* 14, 1851.

House met.

The Roll was called, and the following members were absent, to wit: Messrs. Bodley, Covarrubias, Hall, McCandless, McDougal, Osgood, Pico, Randall, Robinson, Saunders, and Thorne.

The Journal of yesterday was read and approved.

Mr. Moore, Chairman of the Judiciary Committee, to whom was referred Senate Bill entitled "a Bill to provide for the payment of Sheriffs' Fees, for services rendered in enforcing the Foreign Miners' Tax Law," reported the same back with a substitute, which was read.

The question then was on adopting the substitute.

Adopted.

The question then was on ordering the Bill to a third reading.

Agreed to.

On motion of Mr. Hall, the Bill was referred to a Select Committee, consisting of Messrs. Hall, McCorkle, and Thorne, with instructions to strike out in the 9th line of section 1st, the words "seventy-five," and insert the word "fifty."

Mr. Hall, Chairman of Select Committee, to whom was referred the "Bill to provide for the payment of Fees to Sheriffs, for services rendered in enforcing the Foreign Miners' Tax Law," reported the same back in accordance with instructions given.

The question then was on adopting the Report.

Adopted.

The question then was, "Shall the Bill pass?"

Decided in the affirmative.

Mr. Cook, from the Committee on Engrossed Bills, reported as correctly engrossed, Assembly Bill No. 67, entitled, "a Bill to provide for the Translation of the Laws into the Spanish Language."

The Bill was then read a third time.

The question then was, "Shall the Bill pass?"

Decided in the affirmative.

Mr. Bradford, from the Joint Committee on Enrolled Bills, reported that they have examined and find correctly enrolled, "an Act declaring certain Rivers and Creeks Navigable."

Mr. Hall offered the following:

Resolved, That the Committee to whom was referred the Senate Bill making an appropriation to defray the expenses incurred in the Indian Wars of the State be and are hereby required to report the same back to this House, and the same shall be the Special Order of the day for to-morrow.

Adopted.

On motion of Mr. Carr, the House resolved itself into Committee of the Whole, Mr. Hall in the Chair, on Bill entitled "an Act regulating and prescribing the Duties of Pilots for the Bay and Harbor of San Francisco, and for other purposes;" after some time spent therein, the Committee rose, reported the Bill with amendments, and were discharged.

On motion, the House concurred in the 1st, 2d, 3d, 4th, 5th, 6th, 7th, 8th, 9th, 10th, 11th, 12th, 13th, 14th, 15th, 16th, and 18th amendments, made in Committee of the Whole, and non-concurred in the 17th and 19th amendments.

Mr. Hall moved to amend the 51st section of the Bill by striking out the word "May," and inserting the word "August."

Not agreed to.

Mr. Carr moved to amend by striking out the word "May," and inserting "June."

Agreed to.

Mr. Bradford moved to amend the last section by striking out "15th April," and inserting the words "1st of June."

Agreed to.

On motion of Mr. Merritt, the Bill was considered engrossed.

The question then was, "Shall the Bill pass?"

Decided in the affirmative.

A Message was received from the Senate, informing the Assembly that they have passed Assembly Bill, entitled "an Act to Incorporate the City of Nevada;" also, that the President of the Senate has signed Bill entitled "an Act authorizing the Treasurer of State to negotiate a loan upon the faith and credit of the State, for the purpose of defraying the expenses which have been and may be incurred in suppressing Indian hostilities in this State, in the absence of adequate provision being made by the General Government."

On motion of Mr. Campbell, the House took up Bill No. 58, entitled "an Act for the relief of Joseph Evans," which was considered as engrossed, and read a third time.

The question then was, "Shall the Bill pass?"

Decided in the affirmative.

On motion of Mr. Moore, the House resolved itself into Committee of the Whole, Mr. McCorkle in the Chair, on "Bill concerning the Archives and Records of California while under the Government of Mexico." After some time spent therein, the committee rose, reported the Bill, and were discharged.

On motion of Mr. Baldwin, "Joint Resolutions relative to the Archives of this State," was taken up and read.

Mr. Murphy moved to substitute the Joint Resolutions for Bill "concerning the Archives and Records of California while under the Government of Mexico."

Agreed to.

The Joint Resolution was then read a third time.

The question then was, "Shall the resolution pass?"

Decided in the affirmative.

Mr. Bodley offered the following:

Resolved, That the Judiciary Committee be and they are hereby requested to report to this House the "Act adopting the Common Law," which was referred to them several weeks since.

Lost.

Mr. McCorkle offered the following:

Resolved (the Senate concurring), That in pursuance of the Joint

Resolution fixing Monday next as the day for an Election of United States Senator, each member of the Senate and Assembly shall, as his name is called by the Secretary or Clerk, rise and vote for one person for United States Senator, and that if upon such voting any person shall receive a majority of the whole number of votes cast, he shall be declared duly elected United States Senator from and after the 3d day of March, 1851.

Adopted.

On motion of Mr. Field, the House resolved itself into Committee of the Whole, Mr. Hall in the Chair, on "Bill to provide for the early publication and distribution of the Laws of California." After some time spent therein, the committee rose, reported the Bill, and had leave to sit again.

Mr. Campbell offered the following:

Resolved, That the Committee on Public Printing be and are hereby instructed to ascertain and report to this House the lowest price at which the several newspapers mentioned in Bill, entitled "an Act to provide for the early publication and distribution of the Laws of California," will do the printing.

Adopted.

Mr. Lisle moved that the Clerk be directed to request the Senate to return to the Assembly Senate's concurrent resolution, authorizing the Quartermaster General to rent a room and employ an Armorer.

Agreed to.

QUARTER AFTER ONE O'CLOCK.

On motion of Mr. Moore, the House adjourned.

HOUSE OF ASSEMBLY.

SATURDAY, *February 15th*, 1851.

House met.

The roll was called, and the following members were absent, to wit: Messrs. Baldwin, Bodley, Carnes, Covarrubias, Hall, Kendrick, McDougal, Merritt, Randall, and Saunders.

The Journal of yesterday was read and approved.

Mr. Kellogg presented a petition from Fred. Mason, jr., Danl. Green, and others, praying that a Law may be passed in favor of the Art-Union, " exempting it from any application of the Act for the suppression of Lotteries," which was referred to the Committee on the Judiciary.

Mr. Bennett presented a memorial from the Chamber of Commerce of the City of San Francisco, praying for certain relief in the Pilot, Quarantine, Steamboat Inspection, and other Laws, which was referred to Committee on Commerce.

Mr. Randall presented a petition of the Citizens of the City of Monterey, praying for amendments to the Charter of said city, which was referred to a Select Committee, consisting of Messrs Randall, Kellogg, and Carr.

Mr. Lind, from the Committee on Elections, to whom was referred the Resolution instructing them to inquire whether the seat now held by the Hon. J. S. Bradford should not be declared vacant, reported the following as a majority report: That they have had the same under consideration, and that the evidence presented to your committee consisted of the " Tally Papers " and " Poll Lists " of the City of San José, County of Santa Clara; and also the testimony of one of the members of this House, which, in the opinion of the committee, establish the facts, that the Hon J. S. Bradford did vote at an election held in this city on the first of April, 1850; and also at an election for city and county officers, held on the 8th of the same month, claiming his residence in this city.

Your committee are content to submit this simple statement of facts, leaving it to the House to take such action on the subject as they may deem proper, and ask to be discharged from its further consideration.

Signed,

JOHN Y. LIND,
J. J. KENDRICK,
A. G. MCCANDLESS,
A. RANDALL.

On motion of Mr. Baldwin, the report was laid on the table.

Mr. Baldwin, Chairman of the Committee on Military Affairs, to whom was referred Senate Bill No. 49, entitled " an Act prescribing the amount of Compensation and mode of Payment to persons who have performed Military Services for the State of California, and expenses

incurred therein," reported the same back to the House with a substitute, and recommended the adoption of the substitute.

The substitute was then read first and second time.

On motion of Mr. Moore, the substitute was laid on the table, and ordered to be printed.

Mr. Cook, from the Committee on Engrossed Bills, reported that they have examined, and find correctly engrossed, Bills severally entitled "an Act for the relief of Joseph Evans;" "an Act to provide for the payment of Fees of Sheriffs, for services rendered in enforcing the Foreign Miners' Tax Law;" and "Joint Resolution relative to the Archives of this State."

Mr. Bradford, from Committee on Enrolled Bills, reported that they have this day presented to his Excellency the Governor for his signature, "an Act declaring certain Rivers and Creeks Navigable;" also, "an Act authorizing the Treasurer of the State to negotiate a loan upon the faith and credit of the State, for the purpose of defraying the expenses which have been or may be incurred in suppressing Indian Hostilities in this State, in the absence of adequate provision being made by the General Government;" also, that they have examined, and find correctly enrolled, "an Act concerning Attorneys and Councillors at Law;" also "an Act for the relief of William Reynolds, Treasurer of the County of Marin."

Mr. Bradford, from the Select Committee, to whom was referred the Memorial of the State Printer, reported that the State Printer is now ready to furnish to the State, together with those already furnished, 800 copies of the Journals of the Legislature, amounting, under the terms of the Contract, to $14,396 44; also, 1,050 copies of the English Statutes, amounting to $11,585 41; also, for freights across the Isthmus of Panama, amounting to $3,153 10; also, for expenses of marginal notes, indexes, &c., amounting to $1,088, the account of all of which your committee have carefully examined, find correct, and would, therefore, recommend the adoption of the following Joint Resolution:

Resolved (the Senate concurring), That the Comptroller of State be required to audit the accounts of the State Printer, as follows: for 800 copies of the Journals of the Legislature, $14,396 44; also, 1,050 copies of English Statutes, $11,585 41; also, for freight and all other incidental expenses for said Journals and Laws, $4,241, and shall issue his Warrants upon the Treasury for such amounts.

Joint Resolutions, accompanying the report, requiring the Comptrol-

ler to audit the accounts of the State Printer for stated sums, was read first and second times.

On motion of Mr. Merritt, "Joint Resolution in relation to Mineral Lands," was taken up, and ordered engrossed.

On motion of Mr. Moore, the House resolved itself into Committee of the Whole, Mr. Bodley in the Chair, on Bill No. 70, entitled "an Act to provide for the Inspection of Steamboats." After some time spent therein, the committee rose, reported progress, and were discharged.

Mr. Robinson moved to amend the Bill, entitled "an Act to provide for the Inspection of Steamboats," by striking out all after the enacting clause, and inserting the following, as section 1st: The "Act entitled 'an Act to provide for the Inspection of Steamboats, approved April 10th, 1850, be and the same is hereby repealed.'"

Mr. Cook moved to lay the Bill and amendment on the table.

Not agreed to.

The question then recurred on the amendment, when Mr. Wilkins demanded the ayes and nays.

Those who voted in the affirmative were—

Mr. Bradford	Mr. McCorkle
Brown	McDougal
Campbell	Merritt
Carnes	Murphy
Cook	Osgood
Field	Randall
Hall	Robinson
Hoff	Stearns
Kellogg	Thorne
Lind	Yeiser
McCandless	Speaker—22.

Those who voted in the negative were—

Mr. Bennett	Mr. Richardson
Carr	Wethered
Lisle	Wilkins
Moore	—7.

Amendment agreed to.

Mr. Robinson moved to amend the title of the Bill, so as to read "an Act to repeal an Act, entitled 'an Act to provide for the Inspection of Steamboats, approved April 10th, 1850.'"

Agreed to.

The question then recurred on ordering the Bill engrossed.

Agreed to.

Mr. Lind asked and obtained leave of absence for Mr. Kendrick.

Mr. Moore moved a reconsideration of the vote by which the House laid on the table Senate Bill, entitled "an Act prescribing the amount of compensation and mode of payment to persons who have performed military services for the State of California, and expenses incurred therein."

Agreed to.

The question then recurred on laying the Bill on the table, when, on motion of Mr. Moore, the Bill was ordered to be printed.

On motion of Mr. Carr, the House resolved itself into Committee of the Whole, Mr. Wilkins in the Chair, on "Bill for the relief of the Mayor and City Council of the City of San José." After some time spent therein, the committee rose, reported the Bill with an amendment, and were discharged.

The question then was on concurring in the amendment made in Committee of the Whole.

Concurred in.

Mr. Moore moved to lay the Bill on the table for the present.

Mr. Campbell demanded the ayes and nays.

Those who voted in the affirmative were—

Mr. Bradford	Mr. Moore
Covarrubias	Osgood
McDougal	Robinson
Merritt	Yeiser—8.

Those who voted in the negative were—

Mr. Bennett	Mr. Cook
Bodley	Field
Brown	Hall
Campbell	Hoff
Carr	Kellogg

Mr. Lisle
Lind
McCandless
McCorkle
Murphy
Pico
Randall
Mr. Richardson
Saunders
Stearns
Thorne
Wethered
Wilkins
Speaker—24.

Not agreed to.

The question then recurred on engrossing said Bill, when Mr. Moore moved a call of the House, and demanded the ayes and nays.

Those who voted in the affirmative were—

Mr. Covarrubias
McDougal
Merritt
Mr. Moore
Pico
Yeiser—6.

Those who voted in the negative were—

Mr. Bennett
Bradford
Brown
Campbell
Carr
Carnes
Cook
Field
Hall
Hoff
Kellogg
Mr. Lisle
Lind
McCandless
McCorkle
Randall
Richardson
Robinson
Stearns
Thorne
Wethered
Speaker—22.

Not agreed to.

Mr. McCandless moved to adjourn.
Mr. Moore demanded the ayes and nays.

Those who voted in the affirmative were—

Mr. McCandless
McDougal
Mr. Merritt
Moore—4.

Those who voted in the negative were—

Mr. Bennett	Mr. Lisle
Bodley	McCorkle
Bradford	Pico
Brown	Randall
Campbell	Richardson
Carr	Robinson
Carnes	Stearns
Cook	Thorne
Covarrubias	Wethered
Hoff	Yeiser
Kellogg	Speaker—22.

Not agreed to.

Mr. Carnes moved a reconsideration of the vote by which the House refused to order a call of the House.

Mr. Moore demanded the ayes and nays.

Those who voted in the affirmative were—

Mr. Carnes	Mr. Moore
Covarrubias	Pico
McCandless	Stearns
McDougal	Yeiser
Merritt	—9.

Those who voted in the negative were—

Mr. Bennett	Mr. Lisle
Bodley	Lind
Bradford	McCorkle
Brown	Randall
Campbell	Richardson
Carr	Robinson
Cook	Thorne
Hall	Wethered
Hoff	Speaker
Kellogg	—19.

Not agreed to.

Mr. Moore moved that the House adjourn, and demanded the ayes and nays.

Those who voted in the affirmative were—

Mr. Covarrubias	Mr. Merritt
Lisle	Moore
Lind	Robinson
McCandless	Yeiser
McDougal	—9.

Those who voted in the negative were—

Mr. Bennett	Mr. Hoff
Bodley	Kellogg
Bradford	McCorkle
Brown	Pico
Campbell	Randall
Carr	Richardson
Carnes	Stearns
Cook	Thorne
Field	Wethered
Hall	Speaker—20.

Not agreed to.

QUARTER BEFORE ONE O'CLOCK.

On motion of Mr. Moore, the House adjourned.

HOUSE OF ASSEMBLY.

MONDAY, *Feb.* 17, 1851.

House met.

The Roll was called, and the following members were absent, to wit: Messrs. Baldwin, Brown, Covarrubias, Field, McCandless, Merritt, Murphy, Osgood, Pico, Randall, Saunders, and Yeiser.

The Journal of Saturday was read and approved.

Mr. Bradford presented a petition from citizens of Sacramento City

praying that Pilot regulations may be established for that Port, which was referred to Committee on Commerce.

Mr. Speaker Bigler presented a memorial from J. Ross Brown in relation to the Debates in the Convention that framed the Constitution of California, which was referred to Committee on Public Printing.

Mr. Robinson presented a petition from Negroes of Sacramento County praying that the three hundred and sixth section of the "Act to regulate practice in the Superior Court of San Francisco, and the District Courts of the State," be repealed, which was referred to the Judiciary Commitee.

Mr. Carr, Chairman of the Committee on Commerce, reported "a Bill to exempt Steam Vessels Coasting, from paying Pilot dues," which was read first and second times, the Rules being suspended for that purpose.

On motion of Mr. Bodley, the Bill was considered as engrossed, the Rules being suspended, and read a third time.

The question then was, "Shall the Bill pass?"

Decided in the affirmative.

Mr. Thorne gave notice that he would, on to-morrow, or some future day, introduce a "Bill amending the Act entitled 'an Act to incorporate the City of San Francisco.'"

Mr. Hall gave notice that he would, on Wednesday next, introduce a "Bill to enable Prefects, and other officers appointed under the Territorial Government, to collect claims against the State for certain services;" also "an Act amendatory of an Act entitled 'an Act authorizing the Treasurer of the State to negotiate a loan upon the credit of the State, for the purpose of defraying the expenses which have been or may be incurred in suppressing Indian hostilities now existing in this State, in the absence of adequate provisions being made by the General Government, passed Feb. 11th, 1851.'"

The following message, received on Saturday, was read:

SENATE CHAMBER,
February 15, 1851.

MR. SPEAKER:

I am directed by the Senate to inform the Assembly that they have passed Bills originating in the Senate, herewith transmitted for the concurrence of the Assembly, severally entitled "an Act for the relief

of John L. Smith and R. P. Wilson;" "an Act to change the name of Wm. Rufus Elliott;" "an Act to amend an Act entitled 'an Act to supersede certain Courts and regulate appeals therefrom to the Supreme Court;'" also, that they have passed Assembly Bill, entitled "an Act for the relief of Wm. H. Richardson;" also, that the President of the Senate has signed Bill entitled "an Act declaring certain Rivers and Creeks navigable."

I am further instructed to return to the Assembly, in compliance with the request of your honorable body, "an Act to prohibit Lotteries," and a "Joint Resolution authorizing the Quartermaster General to rent a room and employ an Armorer."

J. F. HOWE, Secretary of the Senate.

Senate "Bill for the Relief of John L. Smith and R. P. Wilson," was read first and second times, the Rules being suspended for that purpose.

Senate "Bill for an Act to change the name of William Rufus Elliott," was read first time.

Senate "Bill for an Act to amend an Act entitled 'an Act to supersede certain Courts, and regulate appeals therefrom to the Supreme Court,'" was read first and second times, the Rules being suspended for that purpose, and referred to the Judiciary Committee.

Senate's "Joint Resolution, authorizing the Quartermaster General to rent a room and employ an Armorer," returned from the Senate by request of the House, was taken up, when Mr. Lisle moved a reconsideration of the vote by which the House rejected the same.

Not agreed to.

Senate's Bill, entitled "an Act to prohibit Lotteries," returned from the Senate by request of the House, was taken up.

On motion of Mr. Moore, the report of the Conference Committee was read.

The question then recurred on concurring in the Report.

Not concurred in.

On motion of Mr. Field, Messrs. Field, Murphy, and Moore, were appointed a Committee of Conference, with enlarged powers, to confer with a similar committee on the part of the Senate, on the disagreeing votes of the two Houses on "Bill to prohibit Lotteries."

On motion of Mr. Campbell, "Bill for the Relief of the Mayor and

City Council of the City of San José," was taken up, and ordered engrossed.

Mr. Baldwin presented a memorial from Lewis C. Grunn, praying that the County Recorder's Fees of Tuolumne County should not be reduced, which was, on motion of Mr. Wilkins, laid on the table.

Mr. Bodley offered the following:

Resolved, if the Senate concur, That the Convention of the two Houses, which is to be convened at 12 o'clock, M., of this day, to proceed to the election of U. States Senator, meet in the Senate Chamber.

Mr. Merritt demanded the yeas and nays.

Those who voted in the affirmative were—

Mr. Bodley	Mr. Kendrick
Brown	Lisle
Campbell	McDougal
Carnes	Stearns
Hall	Wilkins—10.

In the negative—

Mr. Baldwin	Mr. Murphy
Bennett	Osgood
Carr	Pico
Cook	Randall
Field	Richardson
Hoff	Robinson
Kellogg	Saunders
Lind	Thorne
McCorkle	Yeiser
Merritt	Speaker
Moore	—21.

Not agreed to.

The following Message, received this morning from the Senate, was read:

SENATE CHAMBER,
Feb. 17, 1851.

MR. SPEAKER:

I am directed by the Senate to inform the Assembly that they have

adopted a Joint Resolution, herewith transmitted, in regard to the London Industrial Exhibition; also, that they have adopted the form of a Bond submitted by M. G. Vallejo, as adopted by the Assembly, and which is herewith returned; also, that they have adopted the Assembly's Concurrent Resolution, relative to voting for U. States Senator; also, that the President of the Senate has signed Bills, entitled "an Act for the Relief of William Reynolds, Treasurer of the County of Marin," and "an Act concerning Attorneys and Counsellors at Law."

J. F. HOWE, Sec'y of Senate.

Senate's Joint Resolution in regard to the London Industrial Exhibition, was read first and second times, the Rules being suspended for that purpose.

TEN MINUTES AFTER 11 O'CLOCK.

On motion of Mr. Moore, the House took a recess until 12, M.

TWELVE O'CLOCK, M.

House met.

On motion of Mr. Kendrick, a call of the House was ordered, and the following members were absent, to wit:

Messrs. Baldwin, Brown, Covarrubias, Hall, Lisle, McCandless, Merritt, Moore, Pico, Randall, Robinson, Saunders, and Wilkins.

On motion of Mr. Cook, further proceedings under the call of the House were suspended.

A Message from the Senate was received informing the Assembly that they have adopted a Resolution, herewith transmitted, in regard to the place of meeting in Convention for the Election of U. States Senator;

Also, a Concurrent Resolution, herewith transmitted, relative to the Election of U. States Senator; in each of which the concurrence of the Assembly is respectfully requested.

Senate's Resolution "in regard to the place of meeting in Convention for the Election of United States Senator," was read and adopted.

Senate's Concurrent Resolution, "relative to the Election of United States Senator," was read.

Mr. Moore moved a call of the House.

Agreed to.

A call of the House being ordered, the absentees were, Messrs. Lisle, McCandless, and Wilkins.

On motion of Mr. McCorkle, Mr. McCandless was excused on account of his illness.

The Sergeant-at-Arms was dispatched after absentees.

Mr. Lisle made his appearance, when, on motion, further proceedings under the Call of the House were dispensed with.

The question then recurred on adopting Senate's "Concurrent Resolution relative to the Election of United States Senator."

On motion of Mr. Murphy, a Call of the House was ordered, when Mr. Saunders was absent.

Mr. Carr moved that further proceedings under a Call of the House be dispensed with; and,

On this motion Mr. Hall demanded the ayes and nays.

Those who voted in the affirmative were—

Mr. Baldwin	Mr. Kellogg
Bennett	Lisle
Bradford	McDougal
Brown	Moore
Bodley	Osgood
Campbell	Robinson
Carr	Stearns
Carnes	Wethered
Cook	Wilkins—18.

In the negative were—

Mr. Covarrubias	Mr. Murphy
Field	Pico
Hoff	Randall
Kendrick	Richardson
Lind	Yeiser
McCorkle	Speaker—12.

Agreed to.

Mr. Thorne demanded the previous question.

The question then was, "Shall the previous question be now put?"

Agreed to.

The question then recurred on adopting Senate's "Concurrent Resolution relative to the Election of United States Senator."

Mr. Murphy moved to adjourn, and demanded the ayes and nays.

Those who voted in the affirmative were—

Mr. Covarrubias	Mr. Merritt
Field	Murphy
Hall	Pico
Hoff	Randall
Kendrick	Yeiser
Lind	Speaker
McCorkle	—13.

In the negative, were—

Mr. Baldwin	Mr. Lisle
Bennett	McDougal
Bodley	Moore
Brown	Osgood
Bradford	Richardson
Campbell	Robinson
Carr	Stearns
Carnes	Thorne
Cook	Wethered
Kellogg	Wilkins—20.

Not agreed to.

Mr. Moore called for the previous question.

Mr. McCorkle moved to adjourn.

Objections being made to the motion,

The Speaker decided that, inasmuch as the House had, on another occasion, decided that the motion to adjourn was always in order, therefore he would entertain the motion.

Mr. Moore appealed from the decision of the Chair.

The question then was, "Shall the decision of the Chair stand as the judgment of the House?"

Mr. Murphy demanded the ayes and nays.

Those who voted in the affirmative were—

Mr. Bradford	Mr. Kendrick
Cook	Lind
Covarrubias	Pico
Hall	Robinson
Hoff	—9.

In the negative were—

Mr. Baldwin	Mr. Moore
Bennett	Murphy
Bodley	Osgood
Brown	Randall
Campbell	Richardson
Carr	Stearns
Field	Thorne
Kellogg	Wethered
Lisle	Wilkins
McCorkle	Yeiser
McDougal	Speaker
Merritt	—23.

Not agreed to.

The question then recurred on the motion to adopt Senate's "Concurrent Resolution relative to the Election of United States Senator."

Mr. Carr demanded the ayes and nays.

Those who voted in the affirmative were—

Mr. Bradford	Mr. McCorkle
Carnes	Merritt
Covarrubias	Murphy
Field	Pico
Hall	Randall
Hoff	Robinson
Kellogg	Yeiser
Kendrick	Speaker
Lind	—17.

In the negative were—

Mr. Baldwin	Mr. McDougal
Bennett	Moore
Bodley	Osgood
Brown	Richardson
Campbell	Stearns
Carr	Thorne
Cook	Wethered
Lisle	Wilkins—16.

Agreed to.

Mr. Robinson moved to reconsider the vote just taken.

Not agreed to.

Mr. Wilkins moved to adjourn to meet in Convention.

Mr. Moore called for the previous question.

Mr. Robinson moved that both said motions be laid on the table.

The Speaker decided that as the previous question had been called, the motion to lay both motions on the table was out of order.

Mr. Murphy appealed from the decision of the Chair.

The question then was, "Shall the decision of the Chair stand as the Judgment of the House ?"

Mr. Richardson demanded the yeas and nays.

Those who voted in the affirmative were—

Mr. Baldwin	Mr. Lisle
Bennett	McDougal
Bodley	Moore
Bradford	Osgood
Brown	Randall
Carr	Stearns
Carnes	Thorne
Campbell	Wethered
Cook	Wilkins
Kellogg	—19.

Those who voted in the negative were—

Mr. Covarrubias	Mr. Hall
Field	Hoff

Mr. Kendrick	Mr. Pico
Lind	Richardson
McCorkle	Robinson
Merritt	Yeiser
Murphy	—13.

Agreed to.

Mr. Moore called for the previous question.

The question then was, "Shall the main question be now put?"

Agreed to.

The question then recurred on the motion to adjourn to meet in Convention.

Mr. Wilkins demanded the yeas and nays.

Those who voted in the affirmative were—

Mr. Baldwin	Mr. Lisle
Bennett	McDougal
Bodley	Moore
Campbell	Osgood
Carr	Thorne
Carnes	Wilkins—12.

Those who voted in the negative were—

Mr. Bradford	Mr. McCorkle
Brown	Merritt
Cook	Murphy
Covarrubias	Pico
Field	Richardson
Hall	Robinson
Hoff	Stearns
Kellogg	Wethered
Kendrick	Yeiser
Lind	Speaker—20.

Not agreed to.

Mr. Richardson moved to adjourn.

Mr. Wilkins demanded the yeas and nays.

Those who voted in the affirmative were—

Mr. Bradford	Mr. McCorkle
Brown	Merritt
Covarrubias	Murphy
Field	Pico
Hall	Richardson
Hoff	Robinson
Kellogg	Wilkins
Kendrick	Yeiser
Lind	Speaker—18.

Those who voted in the negative were—

Mr. Baldwin	Mr. Lisle
Bennett	McDougal
Bodley	Moore
Campbell	Osgood
Carr	Stearns
Carnes	Thorne
Cook	Wethered—14.

Agreed to.

TEN MINUTES PAST TWO O'CLOCK.

The House adjourned.

HOUSE OF ASSEMBLY.

TUESDAY, *February* 18, 1851.

House met.

The roll was called, and the following members were absent, to wit: Messrs. Brown, Covarrubias, Hall, Kellogg, Merritt, Pico, Robinson, Stearns, Saunders, and Yeiser; on leave, Mr. McCandless.

The Journal of yesterday was read and approved.

On motion of Mr. Garr, the Clerk was ordered to inform the Senate that the Assembly was now ready to proceed to the Election of United States Senator.

On motion of Mr. Moore, the House took a recess until 11 o'clock.

ELEVEN O'CLOCK.

House met.

Mr. Bradford, from the Joint Committee on Enrolled Bills, reported that they have this day presented to his Excellency the Governor for his approval, "an Act concerning Attorneys and Counsellors at Law;" also, "an Act for the relief of Wm. Reynolds, Treasurer of the County of Marin;"

Also, that they have examined and find correctly Enrolled, "an Act to Incorporate the city of Nevada;" also, "an Act for the relief of Wm. H. Richardson."

On motion of Mr. Moore, the House took a recess until half-past 11 o'clock.

HALF-PAST ELEVEN O'CLOCK.

House met.

On motion of Mr. Moore, a call of the House was ordered, when the following members were absent, to wit: Messrs. Carr, Field, Lind, and Randall.

On motion of Mr. Moore, the Sergeant-at-Arms was dispatched after the absentees.

On motion of Mr. Moore, further proceedings under the call of the House were suspended temporarily.

A Message from the Senate was received, informing the Assembly that they have adopted a Concurrent Resolution, herewith transmitted, providing for the Election of United States Senator this day at 12 M., and a Resolution inviting the Assembly to meet the Senate in the Senate Chamber for that purpose, at the hour designated.

Senate's Resolution was then read and adopted.

Messrs. Carr, Lind, and Field made their appearance, and were excused without paying the usual fee.

Mr. Lisle moved to suspend further proceedings under the call of the House.

Mr. Cook moved to lay said motion on the table.

Agreed to.

Mr. Randall made his appearance, and was excused without paying the usual fee.

Mr. Lisle moved to take from the table the motion to suspend further proceedings under the call of the House.

Not agreed to.

Mr. Moore moved to suspend further proceedings under the call of the House.

Agreed to.

The House then adjourned to meet in Convention in the Senate Chamber.

IN CONVENTION.

TWELVE O'CLOCK.

On motion of Mr. Robinson of the Senate, his Excellency Governor McDougal, ex-Governor Burnett, and Alvarado, were invited to take seats within the Bar of the Convention.

On motion of Mr. Van Buren, Colonel J. C. Hays was invited to take his seat within the Bar of this Convention.

Mr. Cook offered the following:

WHEREAS, the 21st section of the 4th article of the Constitution of the State of California reads as follows: "No person holding any lucrative office under the United States, or any other power, shall be eligible to any civil office of profit under this State: *Provided*, That officers in the militia to which there is attached no annual salary, or Local Officers and Postmasters, whose compensation does not exceed Five Hundred Dollars per annum, shall not be deemed lucrative."

Therefore, be it *Resolved*, As the deliberate sense of this Convention, that the election of any person to "any Civil Office of profit" in the State, who is now holding a lucrative office under the United States, would be in direct violation of the 21st section of the 4th article of the Constitution of the State of California.

Mr. Cook, of the Assembly, moved to lay the Resolution on the table.

Mr. Cooke, of the Senate, demanded the ayes and nays.

Those who voted in the affirmative were—Messrs. Douglass, Green,

Heydenfeldt, Lippincott, Tingley, and Woodworth, of the Senate; and Messrs. Baldwin, Bennett, Bodley, Bradford, Brown, Campbell, Carr, Cook, Hall, Kellogg, Lisle, McDougal, Merritt, Moore, Osgood, Robinson, Stearns, Thorne, Wethered, and Wilkins, of the Assembly—26.

In the negative—Messrs. Adams, Broderick, Cooke, Crosby, De la Guerra, Miller, Robinson, Van Buren, and Warner, of the Senate; and Messrs. Carnes, Covarrubias, Field, Hoff, Kendrick, Lind, McCorkle, Murphy, Pico, Richardson, Randall, Saunders, and Speaker, of the Assembly—23.

Agreed to.

Mr. Hall offered the following:

WHEREAS, it is due to the State of California, as far as she is represented in the General Assembly, that the choice of the people should be ascertained in the election of a Senator to the Congress of the United States, by the presence and vote of every representative elect: and WHEREAS, the Hon. A. G. McCandless, member from Shasta, is prevented from attending this Convention from illness, so serious that fatal consequences might follow from an effort to do so, thereby depriving a large and respectable portion of the State representation upon a subject so important:

Resolved, That a committee of two Senators and three Representatives be appointed, to receive in writing the vote of A. G. McCandless, and report the same to this Convention, and that the vote thus received be counted in the ballot taken for the election of a United States Senator.

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

Mr. Merritt demanded the ayes and nays.

Those who voted in the affirmative were—Messrs. Adams, Broderick, Cooke, Crosby, Douglass, De la Guerra, Green, Heydenfeldt, Lippincott, Robinson, Tingley, Miller, Van Buren, Warner, and Woodworth, of the Senate; and Baldwin, Bennett, Bodley, Bradford, Brown, Campbell, Carr, Carnes, Cook, Covarrubias, Field, Hoff, Kellogg, Kendrick, Lisle, Lind, McCorkle, McDougal, Osgood, Pico, Randall, Robinson, Thorne, Stearns, Wilkins, and Speaker, of the Assembly—41.

In the negative—Messrs. Hall, Merritt, Moore, Murphy, Richardson, Saunders, Wethered, Yeiser, of the Assembly—8.

Agreed to.

The two Houses then proceeded to the Election of one United States

Senator, in place of the Hon. John C. Frémont, whose term of office expires on the 3d of March next.

Hon. D. C. Broderick, President of the Senate, presiding as President of the Convention, assisted by Hon. John Bigler, Speaker of Assembly, Mr. Warner on the part of the Senate, and Mr. Baldwin on the part of the Assembly, were appointed Tellers.

Mr. Adams	nominated	Mr. John C. Frémont.
Kendrick	"	S. Heydenfeldt.
Baldwin	"	T. Butler King.
McCorkle	"	J. B. Weller.
Lippincott	"	J. W. Geary.
Wethered	"	J. A. Collier.

The names of Senators were called by their Secretary, and the names of the members of Assembly by their Clerk, each member voting *viva voce*, and for one Senator, when the tellers reported the following as the result of the first joint vote of the two Houses:

Whole number of votes given,	. . .	49
Necessary to a choice,	. . . . .	25
Of which Mr. Frémont received	. . .	8 votes.
King,	. . . . .	15
Heydenfeldt,	. . . . .	16
Geary,	. . . . .	4
Weller,	. . . . .	4
Collier,	. . . . .	2

Those who voted for Mr. Frémont were—Messrs. Adams, De la Guerra, of the Senate; and Carnes, Covarrubias, Kellogg, Osgood, Pico, and Robinson, of the Assembly—8.

Those who voted for Mr. King were—Messrs. Douglass, Tingley, Woodworth, of the Senate; and Baldwin, Bennett, Bodley, Brown, Campbell, Carr, Cooke, Lisle, Moore, Stearns, Thorne, and Wilkins, of the Assembly—15.

Those who voted for Mr. Heydenfeldt were—Messrs. Green, Heydenfeldt, Miller, Robinson, Van Buren, of the Senate; and Field, Hall, Kendrick, Lind, McDougal, Merritt, Murphy, Richardson, Saunders, Yeiser, and Speaker, of the Assembly—16.

Those who voted for Mr. Geary were—Messrs. Broderick, Cooke, and Lippincott, of the Senate; and Hoff, of the Assembly—4.

Those who voted for Mr. Weller were—Messrs. Crosby and Warner, of the Senate; and Bradford and McCorkle, of the Assembly—4.

Those who voted for Mr. Collier were—Messrs Randall and Wethered, of the Assembly—2.

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

Whole number of votes given,	. . .	49
Necessary to a choice,	. . . . .	25
Of which Mr. Frémont received	. . .	8 votes.
King,	. . . . .	16
Heydenfeldt,	. . . . .	16
Geary,	. . . . .	4
Weller,	. . . . .	3
Collier,	. . . . .	2

Those who voted for Mr. Frémont were—Messrs. Adams and De la Guerra, of the Senate; and Carnes, Covarrubias, Kellogg, Osgood, Pico, and Robinson, of the Assembly—8.

Those who voted for Mr. King were—Messrs. Douglass, Tingley, and Woodworth, of the Senate; and Baldwin, Bennett, Bodley, Bradford, Brown, Campbell, Carr, Cook, Lisle, Moore, Stearns, Thorne, and Wilkins, of the Assembly—16.

Those who voted for Mr. Heydenfeldt were—Messrs. Green, Heydenfeldt, Miller, Robinson, and Van Buren, of the Senate; and Field, Hall, Kendrick, Lind, McDougal, Merritt, Murphy, Richardson, Saunders, Yeiser, and Speaker, of the Assembly—16.

Those who voted for Mr. Geary were—Messrs. Broderick, Cooke, and Lippincott, of the Senate; and Hoff, of the Assembly—4.

Those who voted for Mr. Weller were—Messrs. Crosby and Warner, of the Senate; and McCorkle, of the Assembly—3.

Those who voted for Mr. Collier were—Messrs. Randall and Wethered, of the Assembly—2.

No person having received a majority of all the votes cast, the Con-

vention proceeded, in like manner, to a third vote, and the Tellers reported the result as follows;

Whole number of votes given,		49
Necessary to a choice,		25
Of which Mr. Frémont received	7	votes.
King,	17	
Heydenfeldt,	15	
Geary,	4	
Weller,	4	
Collier,	2	

Those who voted for Mr. Frémont were—Messrs. Adams and De la Guerra, of the Senate; and Carnes, Covarrubias, Kellogg, Pico, and Robinson, of the Assembly—7.

Those who voted for Mr. King were—Messrs. Douglass, Tingley, and Woodworth, of the Senate; and Baldwin, Bennett, Bodley, Bradford, Brown, Campbell, Carr, Cook, Lisle, McDougal, Moore, Stearns, Thorne, and Wilkins, of the Assembly—17.

Those who voted for Mr. Heydenfeldt were—Messrs. Green, Heydenfeldt, Miller, Robinson, and Van Buren, of the Senate; and Field, Hall, Kendrick, Lind, Merritt, Murphy, Richardson, Saunders, Yeiser, and Speaker, of the Assembly—15.

Those who voted for Mr. Geary were—Messrs. Broderick, Cooke, and Lippincott, of the Senate; and Hoff, of the Assembly—4.

Those who voted for Mr. Weller were—Messrs. Crosby and Warner, of the Senate; and McCorkle and Osgood, of the Assembly—4.

Those who voted for Mr. Collier were—Messrs. Randall and Wethered, of the Assembly—2.

No person having received a majority of all the votes given, the Convention proceeded, in like manner, to a fourth vote, and the Tellers reported the result as follows:

Whole number of votes cast,		49
Necessary to a choice,		25
Of which Mr. Frémont received	7	votes.
King,	17	
Heydenfeldt,	15	

Mr. Geary, ...	4
Weller, ...	4
Collier, ...	2

Those who voted for Mr. Frémont were—Messrs. Adams and De la Guerra, of the Senate; and Carnes, Covarrubias, Kellogg, Pico, and Robinson, of the Assembly—7.

Those who voted for Mr. King were—Messrs. Douglass, Tingley, and Woodworth, of the Senate; and Baldwin, Bennett, Bodley, Bradford, Brown, Campbell, Carr, Cook, Lisle, McDougal, Moore, Stearns, Thorne, and Wilkins, of the Assembly—17.

Those who voted for Mr. Heydenfeldt were—Messrs. Green, Heydenfeldt, Miller, Robinson, and Van Buren, of the Senate; and Field, Hall, Kendrick, Lind, Merritt, Murphy, Richardson, Saunders, Yeiser, and Speaker, of the Assembly—15.

Those who voted for Mr. Geary were—Messrs. Broderick, Cooke, and Lippincott, of the Senate; and Hoff, of the Assembly—4.

Those who voted for Mr. Weller were—Messrs. Crosby and Warner, of the Senate; and McCorkle and Osgood, of the Assembly—4.

Those who voted for Mr. Collier were—Messrs. Randall and Wethered, of the Assembly—2.

No person having received a majority of the votes given, the Convention proceeded, in like manner, to a fifth vote, and the Tellers reported the result as follows:

Whole number of votes given	49	
Necessary to a choice	25	
Of which Mr. Frémont received . . .	7	votes.
King	17	
Heydenfeldt	16	
Geary	4	
Weller	3	
Collier	2	

Those who voted for Mr. Frémont were—Messrs. Adams and De la Guerra, of the Senate; and Carnes, Covarrubias, Kellogg, Pico, and Robinson, of the Assembly—7.

Those who voted for Mr. King were—Messrs. Douglass, Tingley, and

Woodworth, of the Senate; and Baldwin, Bennett, Bodley, Bradford, Brown, Campbell, Carr, Cook, Lisle, McDougal, Moore, Stearns, Thorne, and Wilkins, of the Assembly—17.

Those who voted for Mr. Heydenfeldt were—Messrs. Green, Heydenfeldt, Miller, Robinson, and Van Buren, of the Senate; and Field, Hall, Kendrick, Lind, Merritt, Murphy, Osgood, Richardson, Saunders, Yeiser, and Speaker, of the Assembly—16.

Those who voted for Mr. Geary were—Messrs. Broderick, Cooke, and Lippincott, of the Senate; and Hoff, of the Assembly—4.

Those who voted for Mr. Weller were—Messrs. Crosby and Warner, of the Senate; and McCorkle, of the Assembly—3.

Those who voted for Mr. Collier were—Messrs. Randall and Wethered, of the Assembly—2.

No person having received a majority of the whole number of votes given, the Convention proceeded, in like manner, to a sixth vote, and the Tellers reported the result as follows:

Whole number of votes given	49
Necessary to a choice	25
Of which Mr. Frémont received	7 votes.
King	17
Heydenfeldt	16
Geary	4
Weller	3
Collier	2

Those who voted for Mr. Frémont were—Messrs. Adams and De la Guerra, of the Senate; and Carnes, Covarrubias, Kellogg, Pico, and Robinson, of the Assembly—7.

Those who voted for Mr. King were—Messrs. Douglass, Tingley, and Woodworth, of the Senate; and Baldwin, Bennett, Bodley, Bradford, Brown, Campbell, Carr, Cook, Lisle, McDougal, Moore, Stearns, Thorne, and Wilkins, of the Assembly—17.

Those who voted for Mr. Heydenfeldt were—Messrs. Green, Heydenfeldt, Miller, Robinson, and Van Buren, of the Senate; and Field, Hall, Kendrick, Lind, Merritt, Murphy, Osgood, Richardson, Saunders, Yeiser, and Speaker, of the Assembly—16.

Those who voted for Mr. Geary were—Messrs. Broderick, Cooke, and Lippincott, of the Senate; and Hoff, of the Assembly—4.

Those who voted for Mr. Weller were—Messrs. Crosby and Warner, of the Senate; and McCorkle, of the Assembly—3.

Those who voted for Mr. Collier were—Messrs. Randall and Wethered, of the Assembly—2.

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

Whole number of votes given,	. . .	49
Necessary to a choice,	. . . . .	25
Of which Mr. Frémont received	. . .	7 votes.
King,	. . . . .	17
Heydenfeldt,	. . . . .	16
Geary,	. . . . .	4
Weller,	. . . . .	3
Collier,	. . . . .	2

Those who voted for Mr. Frémont were—Messrs. Adams and De la Guerra, of the Senate; and Carnes, Covarrubias, Kellogg, Pico, and Robinson, of the Assembly—7.

Those who voted for Mr. King were—Messrs. Douglass, Tingley, and Woodworth, of the Senate; and Baldwin, Bennett, Bodley, Bradford, Brown, Campbell, Carr, Cook, Lisle, McDougal, Moore, Stearns, Thorne, and Wilkins, of the Assembly—17.

Those who voted for Mr. Heydenfeldt were—Messrs. Green, Heydenfeldt, Miller, Robinson, Van Buren, of the Senate; and Field, Hall, Kendrick, Lind, Merritt, Murphy, Osgood, Richardson, Saunders, Yeiser, and Speaker, of the Assembly—16.

Those who voted for Mr. Geary were—Messrs. Broderick, Cooke, and Lippincott, of the Senate; and Hoff, of the Assembly—4.

Those who voted for Mr. Weller were—Messrs. Crosby and Warner, of the Senate; and McCorkle, of the Assembly—3.

Those who voted for Mr. Collier were—Messrs. Randall and Wethered, of the Assembly—2.

Mr. Cooke, of the Senate, moved that the Convention take a recess until to-morrow at 11 o'clock.

Mr. Bodley demanded the ayes and nays.

Those who voted in the affirmative were—Messrs. Broderick, Cooke, De

la Guerra, Lippincott, Miller, and Van Buren, of the Senate; and Covarrubias, Field, Hoff, Kendrick, Lind, McCorkle, Murphy, Osgood, Pico, Randall, Wethered, Yeiser, and Speaker, of the Assembly—19.

In the negative—Messrs. Adams, Crosby, Douglass, Green, Heydenfeldt, Robinson, Tingley, Warner, and Woodworth, of the Senate; and Baldwin, Bennett, Bodley, Bradford, Brown, Campbell, Merritt, Moore, Richardson, Robinson, Saunders, Stearns, Thorne, and Wilkins, of the Assembly—30.

Not agreed to.

No person having received a majority of all the votes cast on the seventh vote, on motion of Mr. Carr, the Convention proceeded, in like manner, to the eighth vote, and the Tellers reported the result as follows:

Whole number of votes cast, ...	49
Necessary to a choice, ...	25
Of which Mr. Frémont received . . .	7 votes.
King, ...	17
Heydenfeldt, ...	16
Geary, ...	4
Weller, ...	3
Collier, ...	2

Those who voted for Mr. Frémont were—Messrs. Adams and De la Guerra, of the Senate; and Carnes, Covarrubias, Kellogg, Pico, and Robinson, of the Assembly—7.

Those who voted for Mr. King were—Messrs. Douglass, Tingley, and Woodworth, of the Senate; and Baldwin, Bennett, Bodley, Bradford, Brown, Campbell, Carr, Cook, Lisle, McDougal, Moore, Stearns, Thorne, and Wilkins, of the Assembly—17.

Those who voted for Mr. Heydenfeldt were—Messrs. Green, Heydenfeldt, Miller, Robinson, and Van Buren, of the Senate; and Field, Hall, Kendrick, Lind, Merritt, Murphy, Osgood, Richardson, Saunders, Yeiser, and Speaker, of the Assembly—16.

Those who voted for Mr. Geary were—Messrs. Broderick, Cooke, and Lippincott, of the Senate; and Hoff of the Assembly—4.

Those who voted for Mr. Weller were—Messrs. Crosby and Warner, of the Senate; and McCorkle of the Assembly—3.

Those who voted for Mr. Collier were—Messrs. Randall and Wethered, of the Assembly—2.

Mr. De la Guerra moved that the Convention take a recess until 10 o'clock to-morrow, and demanded the yeas and nays.

Those who voted in the affirmative were—Messrs. Broderick, Cooke, De la Guerra, Lippincott, Miller, Van Buren, and Warner, of the Senate; and Messrs. Carnes, Covarrubias, Field, Hoff, Kellogg, Kendrick, Lind, McCorkle, Moore, Osgood, Murphy, Pico, Randall, Robinson, Stearns, Yeiser, and Speaker, of the Assembly—24.

In the negative were—Messrs. Adams, Crosby, Douglass, Green, Heydenfeldt, Robinson, Tingley, and Woodworth, of the Senate; and Messrs. Baldwin, Bennett, Bodley, Bradford, Brown, Campbell, Carr, Cook, Hall, Lisle, McDougal, Merritt, Richardson, Saunders, Thorne, Wethered, and Wilkins, of the Assembly—25.

Not agreed to.

No person having received a majority of all the votes cast on the eighth vote, the Convention proceeded, in like manner, to the ninth vote, and the Tellers reported the result as follows:

Whole number of votes given	49
Necessary to a choice	25
Of which Mr. Frémont received	7 votes.
King	17
Heydenfeldt	16
Geary	4
Weller	3
Collier	2

Those who voted for Mr. Frémont were—Messrs. Adams and De la Guerra, of the Senate; and Carnes, Covarrubias, Kellogg, Pico, and Robinson, of the Assembly—7.

Those who voted for Mr. King were—Messrs. Douglass, Tingley, Woodworth, of the Senate; and Baldwin, Bennett, Bodley, Bradford, Brown, Campbell, Carr, Cook, Lisle, McDougal, Moore, Stearns, Thorne, and Wilkins, of the Assembly—17.

Those who voted for Mr. Heydenfeldt were—Messrs. Green, Heydenfeldt, Miller, Robinson, Van Buren, Field, Hall, Kendrick, Lind, Merritt,

Murphy, Osgood, Richardson, Saunders, Yeiser, and Speaker, of the Assembly—16.

Those who voted for Mr. Geary were—Messrs. Broderick, Cooke, and Lippincott, of the Senate; and Hoff, of the Assembly—4.

Those who voted for Mr. Weller were—Messrs. Crosby and Warner, of the Senate; and McCorkle, of the Assembly—3.

Those who voted for Mr. Collier were—Messrs. Randall and Wethered, of the Assembly—2.

On motion of Mr. Lind, the Convention took a recess until 10 o'clock to-morrow.

IN ASSEMBLY.

TWO O'CLOCK.

On motion of Mr. Baldwin, the House adjourned.

HOUSE OF ASSEMBLY.

WEDNESDAY, *February 19th*, 1851.

House met.

The roll was called, and the following members were absent, to wit: Messrs. Merritt, Saunders, and Yeiser; on leave, Mr. McCandless.

On motion of Mr. Murphy, the reading of the Journal of yesterday was dispensed with.

The hour of meeting in Convention having arrived, the Assembly proceeded in order to the Senate Chamber.

IN CONVENTION.

TEN O'CLOCK.

On motion of Mr. Cooke of the Senate, a Call of the Convention was ordered.

On motion of Mr. Douglass, further proceedings under the Call of the Convention were suspended.

On motion of Mr. Robinson of the Senate, a Call of the Convention was ordered.

The Secretary of the Senate, and the Clerk of the Assembly, proceeded to call the names of the respective bodies, and Messrs. McCandless and Saunders were absent.

Mr. McCandless was excused on account of illness.

Mr. Van Buren moved that the Sergeant-at-Arms of the Assembly be dispatched after Mr. Saunders.

Not agreed to.

Mr. Carr moved that further proceedings under the Call of the Convention be suspended.

Mr. Cook, of the Assembly, demanded the ayes and nays.

Those who voted in the affirmative were—Messrs. Crosby, Douglass, Tingley, and Woodworth, of the Senate; and Baldwin, Bennett, Bodley, Bradford, Brown, Campbell, Carr, Cook, Lisle, Kellogg, McDougal, Moore, Osgood, Pico, Randall, Robinson, Stearns, Thorne, Wethered, and Wilkins, of the Assembly—24.

In the negative were—Messrs. Adams, Broderick, Cooke, De la Guerra, Green, Heydenfeldt, Lippincott, Miller, Robinson, Van Buren, and Warner, of the Senate; and Carnes, Covarrubias, Field, Hall, Hoff, Kendrick, Lind, McCorkle, Merritt, Murphy, Richardson, Yeiser, and Speaker, of the Assembly—24.

Not agreed to.

Mr. McCorkle moved to dispatch the Sergeant-at-Arms after Mr. Saunders.

Mr. Robinson, of the Assembly, demanded the ayes and nays.

Those who voted in the affirmative were—Messrs. Adams, Broderick, Cooke, Crosby, Green, Heydenfeldt, Miller, Robinson, Van Buren, and Warner, of the Senate; and Covarrubias, Field, Hall, Hoff, Kendrick, Lind, McCorkle, Merritt, Murphy, Richardson, Yeiser, and Speaker, of the Assembly—22.

In the negative were—Messrs. Douglass, De la Guerra, Lippincott, and Woodworth, of the Senate; and Bodley, Bradford, Brown, Baldwin, Bennett, Campbell, Carr, Carnes, Cook, Kellogg, Lisle, McDougal, Moore, Osgood, Pico, Randall, Robinson, Stearns, Thorne, Wethered, and Wilkins, of the Assembly—26.

Not agreed to.

Mr. Carr moved that further proceedings under a Call of the Convention be dispensed with.

Mr. Van Buren demanded the ayes and nays.

Those who voted in the affirmative were—Messrs. Crosby, Douglass, De la Guerra, Green, Lippincott, Tingley, and Woodworth, of the Senate; and Baldwin, Bennett, Bodley, Bradford, Brown, Campbell, Carr, Cook, Carnes, Covarrubias, Kellogg, Lisle, McDougal, Moore, Osgood, Pico, Randall, Robinson, Stearns, Thorne, Wethered, and Wilkins, of the Assembly—29.

In the negative were—Messrs. Adams, Broderick, Cooke, Heydenfeldt, Miller, Robinson, Van Buren, and Warner, of the Senate; and Field, Hall, Hoff, Kendrick, Lind, McCorkle, Merritt, Murphy, Richardson, Yeiser, and Speaker, of the Assembly—19.

Agreed to.

On motion of Mr. Adams, the Convention proceeded, in like manner as on yesterday, to the tenth vote (no person having received a majority of all the votes cast on the 9th vote), and the Tellers reported the result as follows:

Whole number of votes cast	49	
Necessary to a choice	25	
Of which Mr. Frémont received . . .	7	votes.
King	17	
Heydenfeldt	16	
Geary	4	
Weller	3	
Collier	2	

Those who voted for Mr. Frémont were—Messrs. Adams and De la Guerra, of the Senate; and Carnes, Covarrubias, Kellogg, Pico, Robinson, of the Assembly—7.

Those who voted for Mr. King were—Messrs. Douglass, Tingley, Woodworth, of the Senate; and Baldwin, Bennett, Bodley, Bradford, Brown, Campbell, Carr, Cook, Lisle, McDougal, Moore, Stearns, Thorne, and Wilkins, of the Assembly—17.

Those who voted for Mr. Heydenfeldt were—Messrs. Green, Heydenfeldt, Miller, Robinson, Van Buren, of the Senate; and Field, Hall

Kendrick, Lind, Merritt, Murphy, Osgood, Richardson, Saunders, Yeiser, and Speaker, of the Assembly—16.

Those who voted for Mr. Geary were—Messrs. Broderick, Cooke, Lippincott, of the Senate; and Hoff, of the Assembly—4.

Those who voted for Mr. Weller were—Messrs. Crosby and Warner, of the Senate; and McCorkle, of the Assembly—3.

Those who voted for Mr. Collier were—Messrs. Randall and Wethered, of the Assembly—2.

No one having received a majority of all votes cast, the Convention proceeded, in like manner, to the eleventh vote, when the Tellers reported the result as follows:

Whole number of votes cast	49	
Necessary to a choice	25	
Of which Mr. Frémont received . . .	7	votes.
King	17	
Heydenfeldt	16	
Geary	4	
Weller	3	
Collier	2	

Those who voted for Mr. Frémont were—Messrs. Adams, and De la Guerra, of the Senate; and Carnes, Covarrubias, Kellogg, Pico, and Robinson, of the Assembly—7.

Those who voted for Mr. King were—Messrs. Douglass, Tingley, Woodworth, of the Senate; and Baldwin, Bennett, Bodley, Bradford, Brown, Campbell, Carr, Cook, Lisle, McDougal, Moore, Stearns, Thorne, and Wilkins, of the Assembly—17.

Those who voted for Mr. Heydenfeldt were—Messrs. Green, Heydenfeldt, Miller, Robinson, Van Buren, of the Senate; and Field, Hall, Kendrick, Lind, Merritt, Murphy, Osgood, Richardson, Saunders, Yeiser, and Speaker, of the Assembly—16.

Those who voted for Mr. Geary were—Messrs. Broderick, Cooke, Lippincott, of the Senate; and Hoff, of the Assembly—4.

Those who voted for Mr. Weller were—Messrs. Crosby and Warner, of the Senate; and McCorkle, of the Assembly—3.

Those who voted for Mr. Collier were—Messrs. Randall and Wethered, of the Assembly—2.

No person having received a majority of all the votes given, the Convention proceeded, in like manner, to the twelfth vote, when the Tellers reported the result as follows:

Whole number of votes cast	49	
Necessary to a choice	25	
Of which Mr. Frémont received	7	votes.
King	18	
Heydenfeldt	16	
Geary	4	
Weller	3	
Collier	1	

Those who voted for Mr. Frémont were—Messrs. Adams and De la Guerra of the Senate; and Carnes, Covarrubias, Kellogg, Pico, Robinson, of the Assembly—7.

Those who voted for Mr. King were—Messrs. Douglass, Tingley, and Woodworth, of the Senate; and Baldwin, Bennett, Bodley, Bradford, Brown, Carr, Cook, Lisle, McDougal, Moore, Stearns, Thorne, Wethered, and Wilkins, of the Assembly—18.

Those who voted for Mr. Heydenfeldt were—Messrs. Green, Heydenfeldt, Miller, Robinson, Van Buren, of the Senate; and Field, Hall, Kendrick, Lind, Merritt, Murphy, Osgood, Richardson, Saunders, Yeiser, and Speaker, of the Assembly—16.

Those who voted for Mr. Geary were—Messrs. Broderick, Cooke, and Lippincott, of the Senate; and Hoff, of the Assembly—4.

Those who voted for Mr. Weller were—Messrs. Crosby and Warner, of the Senate; and McCorkle, of the Assembly—3.

Mr. Randall voted for Mr. Collier—1.

No person having received a majority of all the votes given, the Convention proceeded, in like manner, to the thirteenth vote, and the Tellers reported the result as follows:

Whole number of votes cast	49	
Necessary to a choice	25	
Of which Mr. Frémont received	7	votes.
King	18	
Heydenfeldt	15	
Geary	4	
Weller	4	
Collier	1	

Those who voted for Mr. Frémont were—Messrs. Adams and De la Guerra, of the Senate; and Carnes, Covarrubias, Kellogg, Pico, and Robinson, of the Assembly—7.

Those who voted for Mr. King were—Messrs. Douglass, Tingley, and Woodworth, of the Senate; Baldwin, Bennett, Bodley, Bradford, Brown, Campbell, Carr, Cook, Lisle, McDougal, Moore, Stearns, Thorne, Wethered, and Wilkins, of the Assembly—18.

Those who voted for Mr. Heydenfeldt were—Messrs. Green, Heydenfeldt, Miller, Van Buren, of the Senate; and Field, Hall, Kendrick, Lind, Merritt, Murphy, Osgood, Richardson, Saunders, Yeiser, and Speaker, of the Assembly—15.

Those who voted for Mr. Geary were—Messrs. Broderick, Cooke, Lippincott, of the Senate; and Hoff, of the Assembly—4.

Those who voted for Mr. Weller were—Messrs. Crosby, Robinson, Warner, of the Senate; and McCorkle, of the Assembly—4.

Mr. Randall voted for Mr. Collier—1.

No person having received a majority of all the votes given, the Convention proceeded, in like manner, to the fourteenth vote, and the Tellers reported the result as follows:

Whole number of votes given		49
Necessary to a choice		25
Of which Mr. Frémont received . . .	7	votes.
King	18	
Heydenfeldt	15	
Geary	4	
Weller	4	
Collier	1	

Those who voted for Mr. Frémont were—Messrs. Adams, De la Guerra, of the Senate; and Messrs. Carnes, Covarrubias, Kellogg, Pico, Robinson, of the Assembly—7.

Those who voted for Mr. King were—Messrs. Douglass, Tingley, Woodworth, of the Senate; and Messrs. Baldwin, Bennett, Bodley, Bradford, Brown, Campbell, Carr, Cook, Lisle, McDougal, Moore, Stearns, Thorne, Wethered, Wilkins, of the Assembly—18.

Those who voted for Mr. Heydenfeldt were—Messrs. Green, Heydenfeldt, Miller, Van Buren, of the Senate; and Messrs. Field, Hall, Ken-

drick, Lind, Merritt, Murphy, Osgood, Richardson, Saunders, Yeiser, and Speaker, of the Assembly—15.

Those who voted for Mr. Geary were—Messrs. Broderick, Cooke, Lippincott, of the Senate; and Mr. Hoff, of the Assembly—4.

Those who voted for Mr. Weller were—Messrs. Crosby, Warner, Robinson, of the Senate; and Mr. McCorkle, of the Assembly—4.

Mr. Randall voted for Mr. Collier—1.

No person having received a majority of all the votes given, the Convention proceeded, in like manner, to the fifteenth vote, and the Tellers reported the result as follows:

Whole number of votes cast, ...	49	
Necessary to a choice, ...	25	
Of which Mr. Frémont received . . .	7	votes.
King	18	
Heydenfeldt	15	
Geary	4	
Weller	4	
Collier	1	

Those who voted for Mr. Frémont were—Messrs. Adams, De la Guerra, of the Senate; and Messrs. Carnes, Covarrubias, Kellogg, Pico, Robinson, of the Assembly—7.

Those who voted for Mr. King were—Messrs. Douglass, Tingley, and Woodworth, of the Senate; and Messrs. Baldwin, Bennett, Bodley, Bradford, Brown, Campbell, Carr, Cook, Lisle, McDougal, Moore, Stearns, Thorne, Wethered, Wilkins, of the Assembly—18.

Those who voted for Mr. Heydenfeldt were—Messrs. Green, Heydenfeldt, Miller, Van Buren, of the Senate; and Messrs. Field, Hall, Kendrick, Lind, Merritt, Murphy, Osgood, Richardson, Saunders, Yeiser, and Speaker, of the Assembly—15.

Those who voted for Mr. Geary were—Messrs. Broderick, Cooke, Lippincott, of the Senate; and Mr. Hoff, of the Assembly—4.

Those who voted for Mr. Weller were—Messrs. Crosby, Warner, Robinson, of the Senate; and Mr. McCorkle, of the Assembly—4.

Mr. Randall voted for Mr. Collier.

No person having received a majority of all the votes given, the Con-

vention proceeded, in like manner, to the sixteenth vote, when the Tellers reported the result as follows:

Whole number of votes cast	49	
Necessary to a choice	25	
Of which Mr. Frémont received	7	votes.
King	18	
Heydenfeldt	15	
Geary	4	
Weller	4	
Collier	1	

Those who voted for Mr. Frémont were—Messrs. Adams, De la Guerra, of the Senate; and Messrs. Carnes, Covarrubias, Kellogg, Pico, Robinson, of the Assembly—7.

Those who voted for Mr. King were—Messrs. Douglass, Tingley, Woodworth, of the Senate; and Messrs. Baldwin, Bennett, Bodley, Bradford, Brown, Campbell, Carr, Cook, Lisle, McDougal, Moore, Stearns, Thorne, Wethered, Wilkins, of the Assembly—18.

Those who voted for Mr. Heydenfeldt were—Messrs. Green, Heydenfeldt, Miller, and Van Buren, of the Senate; and Field, Hall, Kendrick, Lind, Merritt, Murphy, Osgood, Richardson, Saunders, Yeiser, and Speaker, of the Assembly—15.

Those who voted for Mr. Geary were—Messrs. Broderick, Cooke, and Lippincott, of the Senate; and Hoff, of the Assembly—4.

Those who voted for Mr. Weller were—Messrs. Crosby, Robinson, and Warner, of the Senate; and McCorkle, of the Assembly—4.

Mr. Randal voted for Mr. Collier—1.

No person having received a majority of all the votes given, the Convention proceeded, in like manner, to a seventeenth vote, when the Tellers reported the result as follows:

Whole number of votes cast	49	
Necessary to a choice	25	
Of which Mr. Frémont received . . .	7	votes.
King	18	
Heydenfeldt	15	
Geary	4	

Mr. Weller received	4 votes.
Collier	1

Those who voted for Mr. Frémont were—Messrs. Adams and De la Guerra, of the Senate; and Carnes, Covarrubias, Kellogg, Pico, and Robinson, of the Assembly—7.

Those who voted for Mr. King were—Messrs. Douglass, Tingley, and Woodworth, of the Senate; and Baldwin, Bennett, Bodley, Bradford, Brown, Campbell, Carr, Cook, Lisle, McDougal, Moore, Stearns, Thorne, Wethered, and Wilkins, of the Assembly—18.

Those who voted for Mr. Heydenfeldt were—Messrs. Green, Heydenfeldt, Miller, and Van Buren, of the Senate; and Field, Hall, Kendrick, Lind, Merritt, Murphy, Osgood, Richardson, Saunders, Yeiser, and Speaker, of the Assembly—15.

Those who voted for Mr. Geary were—Messrs. Broderick, Cooke, and Lippincott, of the Senate; and Hoff, of the Assembly—4.

Those who voted for Mr. Weller were—Messrs. Crosby, Robinson, and Warner, of the Senate; and McCorkle, of the Assembly—4.

Mr. Randall voted for Mr. Collier—1.

No person having received a majority of all the votes given, the Convention proceeded, in like manner, to the eighteenth vote, when the Tellers reported the result as follows:

Whole number of votes cast		49
Necessary to a choice		25
Of which Mr. Frémont received . . .	7	votes.
King	18	
Heydenfeldt	15	
Geary	4	
Weller	4	
Collier	1	

Those who voted for Mr. Frémont were—Messrs. Adams and De la Guerra, of the Senate; and Carnes, Covarrubias, Kellogg, Pico, and Robinson, of the Assembly—7.

Those who voted for Mr. King were—Messrs. Douglass, Tingley, and Woodworth, of the Senate; and Baldwin, Bennett, Bodley, Bradford,

Brown, Campbell, Carr, Cook, Lisle, McDougal, Moore, Stearns, Thorne, Wethered, and Wilkins, of the Assembly—18.

Those who voted for Mr. Heydenfeldt were—Messrs. Green, Heydenfeldt, Miller, and Van Buren, of the Senate; and Field, Hall, Kendrick, Lind, Merritt, Murphy, Osgood, Richardson, Saunders, Yeiser, and Speaker, of the Assembly—15.

Those who voted for Mr. Geary were—Messrs. Broderick, Cooke, and Lippincott, of the Senate; and Hoff, of the Assembly—4.

Those who voted for Mr. Weller were—Messrs. Crosby, Robinson, and Warner, of the Senate; and McCorkle, of the Assembly—4.

Mr. Randall voted for Mr. Collier—1.

No person having received a majority of all the votes cast, the Convention proceeded, in like manner, to the nineteenth ballot, when the Tellers reported the result as follows:

Whole number of votes cast	49
Necessary to a choice	25
Of which Mr. Frémont received	7 votes.
King	18
Heydenfeldt	15
Geary	4
Weller	4
Collier	1

Those who voted for Mr. Frémont were—Messrs. Adams and De la Guerra, of the Senate; and Carnes, Covarrubias, Kellogg, Pico, and Robinson, of the Assembly—7.

Those who voted for Mr. King were—Messrs. Douglass, Tingley, and Woodworth, of the Senate; and Baldwin, Bennett, Bodley, Bradford, Brown, Campbell, Carr, Cook, Lisle, McDougal, Moore, Stearns, Thorne, Wethered, and Wilkins, of the Assembly—18.

Those who voted for Mr. Heydenfeldt were—Messrs. Green, Heydenfeldt, Miller, and Van Buren, of the Senate; and Field, Hall, Kendrick, Lind, Merritt, Murphy, Richardson, Saunders, Yeiser, and Speaker, of the Assembly—15.

Those who voted for Mr. Geary were—Messrs. Broderick, Cooke, and Lippincott, of the Senate; and Hoff, of the Assembly—4.

Those who voted for Mr. Weller were—Messrs. Crosby, Robinson, and Warner, of the Senate; and McCorkle, of the Assembly—4.

Mr. Randall voted for Mr. Collier—1.

No person having received a majority of all the votes given, the Convention proceeded, in like manner, to the twentieth vote, when the Tellers reported the result as follows:

Whole number of votes cast	49
Necessary to a choice	25
Of which Mr. Frémont received	7 votes.
King	17
Heydenfeldt	15
Geary	4
Weller	4
Collier	2

Those who voted for Mr. Frémont were—Messrs. Adams and De la Guerra, of the Senate; and Carnes, Covarrubias, Kellogg, Pico, and Robinson, of the Assembly—7.

Those who voted for Mr. King were—Messrs. Douglass, Tingley, and Woodworth, of the Senate; and Baldwin, Bennett, Bodley, Bradford, Brown, Campbell, Carr, Cook, Lisle, McDougal, Moore, Stearns, Thorne, and Wilkins, of the Assembly—17.

Those who voted for Mr. Heydenfeldt were—Messrs. Green, Heydenfeldt, Miller, and Van Buren, of the Senate; and Field, Hall, Kendrick, Lind, Merritt, Murphy, Osgood, Richardson, Saunders, Yeiser, and Speaker, of the Assembly—15.

Those who voted for Mr. Geary were—Messrs. Broderick, Cooke, and Lippincott, of the Senate: and Hoff, of the Assembly—4.

Those who voted for Mr. Weller were—Messrs. Crosby, Robinson, and Warner, of the Senate; and McCorkle, of the Assembly—4.

Those who voted for Mr. Collier were—Messrs. Randall and Wethered, of the Assembly—2.

No person having received a majority of all the votes given, the Con-

vention proceeded, in like manner, to the twenty-first vote, when the Tellers reported the result as follows:

Whole number of votes cast	49
Necessary to a choice	25
Of which Mr. Frémont received	7 votes.
King	17
Heydenfeldt	16
Geary	4
Weller	4
Collier	1

Those who voted for Mr. Frémont were—Messrs. Adams and De la Guerra, of the Senate; and Carnes, Covarrubias, Kellogg, Pico, and Robinson, of the Assembly—7.

Those who voted for Mr. King were—Messrs. Douglass, Tingley, and Woodworth, of the Senate; and Baldwin, Bennett, Bodley, Bradford, Brown, Campbell, Carr, Cook, Lisle, McDougal, Moore, Stearns, Thorne, and Wilkins, of the Assembly—17.

Those who voted for Mr. Heydenfeldt were—Messrs. Green, Heydenfeldt, Miller, Robinson, and Van Buren, of the Senate; and Hall, Field, Kendrick, Lind, Merritt, Murphy, Osgood, Richardson, Saunders, Yeiser, and Speaker, of the Assembly—16.

Those who voted for Mr. Geary were—Messrs. Broderick, Cooke, and Lippincott, of the Senate; and Hoff, of the Assembly—4.

Those who voted for Mr. Weller were—Messrs Crosby and Warner, of the Senate; and McCorkle and Randall, of the Assembly—4.

Mr. Wethered voted for Mr. Collier—1.

No person having received a majority of all the votes given, the Convention proceeded, in like manner, to the twenty-second vote, and the Tellers reported the result as follows:

Whole number of votes cast	49
Necessary to a choice	25
Of which Mr. Frémont received	6 votes.
King	18
Heydenfeldt	16

Mr. Geary received	4	votes.
Weller	4	
Collier	1	

Those who voted for Mr. Frémont were—Messrs. Adams, De la Guerra, of the Senate; and Carnes, Covarrubias, Kellogg, and Pico, of the Assembly—6.

Those who voted for Mr. King were—Messrs. Douglass, Tingley, and Woodworth, of the Senate; and Baldwin, Bennett, Bodley, Bradford, Brown, Campbell, Carr, Cook, Lisle, McDougal, Moore, Robinson, Stearns, Thorne, and Wilkins, of the Assembly—18.

Those who voted for Mr. Heydenfeldt were—Messrs. Green, Heydenfeldt, Miller, Robinson, Van Buren, of the Senate; and Field, Hall Kendrick, Lind, Merritt, Murphy, Osgood, Richardson, Saunders, Yeiser, and Speaker, of the Assembly—16.

Those who voted for Mr. Geary were—Messrs. Broderick, Cooke, and Lippincott of the Senate; and Mr. Hoff, of the Assembly—4.

Those who voted for Mr. Weller were—Messrs. Crosby and Warner, of the Senate; and Messrs. McCorkle and Randall, of the Assembly—4.

Mr. Wethered voted for Mr. Collier.

No one having received a majority of all the votes cast, the Convention proceeded, in like manner, to the twenty-third vote, and the Tellers reported the result as follows:—

Whole number of votes cast, ...	49	
Necessary to a choice, ...	25	
Of which Mr. Frémont received . . .	6	votes.
King	18	
Heydenfeldt	16	
Geary	4	
Weller	4	
Collier	1	

Those who voted for Mr. Frémont were—Messrs. Adams and De la Guerra, of the Senate; and Carnes, Covarrubias, Kellogg, and Pico, of the Assembly—6.

Those who voted for Mr. King were—Messrs. Douglass, Tingley, and

Woodworth, of the Senate; and Messrs. Baldwin, Bennett, Bodley, Bradford, Brown, Campbell, Carr, Cook, Lisle, McDougal, Moore, Robinson, Stearns, Thorne, and Wilkins, of the Assembly—18.

Those who voted for Mr. Heydenfeldt were—Messrs. Green, Heydenfeldt, Miller, Robinson, and Van Buren, of the Senate; and Messrs. Field, Hall, Kendrick, Lind, Merritt, Murphy, Osgood, Richardson, Saunders, Yeiser, and Speaker, of the Assembly—16.

Those who voted for Mr. Geary were—Messrs. Broderick, Cooke, and Lippincott, of the Senate; and Mr. Hoff, of the Assembly—4.

Those who voted for Mr. Weller were—Messrs. Crosby and Warner, of the Senate; and Messrs. McCorkle and Randall, of the Assembly—4.

Mr. Wethered voted for Mr. Collier—1.

No one having received a majority of all the votes cast, the Convention proceeded, in like manner, to the twenty-fourth vote, and the Tellers reported the result as follows:

Whole number of votes cast, ...		49
Necessary to a choice, ...		25
Of which Mr. Frémont received . . .	6	votes.
King	18	
Heydenfeldt	16	
Geary	4	
Weller	4	
Collier	1	

Those who voted for Mr. Frémont were—Messrs. Adams and De la Guerra, of the Senate; and Messrs. Carnes, Covarrubias, Kellogg, and Pico, of the Assembly—6.

Those who voted for Mr. King were—Messrs. Douglass, Tingley, and Woodworth, of the Senate; and Messrs. Baldwin, Bennett, Bradford, Brown, Campbell, Carr, Cook, Lisle, McDougal, Moore, Robinson, Stearns, Thorne, and Wilkins, of the Assembly—18.

Those who voted for Mr. Heydenfeldt were—Messrs. Green, Heydenfeldt, Miller, Robinson, and Van Buren, of the Senate; and Messrs. Field, Hall, Kendrick, Lind, Merritt, Murphy, Osgood, Richardson, Saunders, Yeiser, and Speaker, of the Assembly—16.

Those who voted for Mr. Geary were—Messrs. Broderick, Cooke, and Lippincott, of the Senate; and Mr. Hoff, of the Assembly—4.

Those who voted for Mr. Weller were—Messrs. Crosby and Warner, of the Senate; and Messrs. McCorkle and Randall, of the Assembly—4.

Mr. Wethered voted for Mr. Collier.

Mr. Green moved that the Convention take a recess until 3 o'clock to-day, and demanded the yeas and nays.

Those who voted in the affirmative were—Messrs. Broderick, Green, Heydenfeldt, Miller, and Tingley, of the Senate; and Bradford, Brown, Covarrubias, Field, Hall, Hoff, Kendrick, Lind, Merritt, Murphy, Osgood, Randall, Richardson, Saunders, Wethered, Yeiser, and Speaker, of the Assembly—22.

Those who voted in the negative were—Messrs. Adams, Cooke, Crosby, Douglass, De la Guerra, Lippincott, Robinson, Van Buren, Warner, Woodworth, of the Senate; and Baldwin, Bennett, Bodley, Campbell, Carr, Carnes, Cook, Kellogg, Lisle, McCorkle, McDougal, Moore, Pico, Robinson, Stearns, Thorne, and Wilkins, of the Assembly —27.

Not agreed to.

No one having received a majority of all the votes cast, the Convention proceeded, in like manner, to the twenty-fifth vote, when the Tellers reported the result as follows:

Whole number of votes cast	49
Necessary to a choice	25
Of which Mr. Frémont received	5 votes.
King	19
Heydenfeldt	16
Geary	4
Weller	4
Collier	1

Those who voted for Mr. Frémont were—Messrs. Adams and De la Guerra, of the Senate; and Carnes, Covarrubias, and Pico, of the Assembly—5.

Those who voted for Mr. King were—Messrs. Douglass, Tingley, and Woodworth, of the Senate; and Baldwin, Bennett, Bodley, Bradford,

Brown, Campbell, Carr, Cook, Kellogg, Lisle, McDougal, Moore, Robinson, Stearns, Thorne, Wilkins, of the Assembly—19.

Those who voted for Mr. Heydenfeldt were—Messrs. Green, Heydenfeldt, Miller, Robinson, and Van Buren, of the Senate; and Field, Hall, Kendrick, Lind, Merritt, Murphy, Osgood, Richardson, Saunders, Yeiser, and Speaker, of the Assembly—16.

Those who voted for Mr. Geary were—Messrs. Broderick, Cooke, and Lippincott, of the Senate; and Hoff, of the Assembly—4.

Those who voted for Mr. Weller were—Messrs. Crosby and Warner, of the Senate; and McCorkle and Randall, of the Assembly—4.

Mr. Wethered voted for Mr. Collier.

Mr. Murphy moved that the Convention take a recess until 3 o'clock to-day.

Mr. Van Buren demanded the yeas and nays.

Those who voted in the affirmative were—Messrs. Adams, Broderick, Cooke, De la Guerra, Green, Heydenfeldt, Miller, Van Buren, Warner, of the Senate; and Bradford, Carnes, Covarrubias, Field, Hall, Hoff, Kendrick, Lind, Murphy, Osgood, Pico, Randall, Saunders, Wethered, Yeiser, and Speaker, of the Assembly—25.

In the negative were—Messrs. Crosby, Douglass, Lippincott, Robinson, Tingley, and Woodworth, of the Senate; and Baldwin, Bennett, Bodley, Brown, Campbell, Carr, Cook, Kellogg, Lisle, McCorkle, McDougal, Merritt, Moore, Richardson, Robinson, Stearns, Thorne, Wilkins, of the Assembly—24.

Agreed to.

IN ASSEMBLY.

TWELVE O'CLOCK.

On motion of Mr. Kellogg, the Assembly took a recess until ten minutes before 3 o'clock to-day.

TEN MINUTES BEFORE THREE O'CLOCK.

House met.

The Roll was called, and the following members were absent, to wit:

Messrs. Bennett, Carnes, Hall, Lisle, McCandless, McDougal, Merritt, Murphy, Osgood, Stearns, and Yeiser.

The Speaker announced that the hour had arrived for the two Houses to meet in Convention. The Assembly then proceeded in order to the Senate Chamber.

IN CONVENTION.

On motion of Mr. Van Buren, a call of the Convention was ordered, and Messrs. McCandless and Murphy were absent.

Mr. McCandless was excused on account of illness.

Mr. Murphy made his appearance, when further proceedings under the call of the House were dispensed with.

Mr. Cooke, of the Senate, moved to take from the table Resolution relative to electing any person to any Civil office of Profit in the State, who is now holding any lucrative office under the United States.

Mr. Moore demanded the previous question.

The question then was on taking from the table said Resolution.

Mr. Moore demanded the ayes and nays.

Those who voted in the affirmative were—Messrs. Broderick and Cooke, of the Senate; and Field, Hoff, Kendrick, Lind, McCorkle, Merritt, Murphy, Randall, Richardson, Saunders, and Speaker, of the Assembly—13.

Those who voted in the negative were—Messrs. Adams, Crosby, Douglass, De la Guerra, Green, Heydenfeldt, Lippincott, Robinson, Miller, Tingley, Van Buren, Warner, and Woodworth, of the Senate; and Baldwin, Bennett, Bodley, Bradford, Brown, Campbell, Carr, Carnes, Cook, Covarrubias, Hall, Kellogg, Lisle, McDougal, Moore, Osgood, Pico, Robinson, Stearns, Thorne, Wethered, Wilkins, and Yeiser, of the Assembly—36.

Not agreed to.

No one having received a majority of all the votes cast on the twenty-fifth vote, the Convention proceeded, in like manner, to the twenty-sixth vote, and the Tellers reported the result as follows:

Whole number of votes cast	49
Necessary to a choice	25
Of which Mr. Frêmont received	5 votes.
King	20
Heydenfeldt	14
Geary	3
Weller	6
Collier	1

Those who voted for Mr. Frémont were—Messrs. Adams and De la Guerra, of the Senate; and Carnes, Covarrubias, and Pico, of the Assembly—5.

Those who voted for Mr. King were—Messrs. Douglass, Tingley, and Woodworth, of the Senate; and Baldwin, Bennett, Bodley, Bradford, Brown, Campbell, Carr, Cook, Kellogg, Lisle, McDougal, Moore, Osgood, Robinson, Stearns, Thorne, and Wilkins, of the Assembly—20.

Those who voted for Mr. Heydenfeldt were—Messrs. Green, Heydenfeldt, Miller, Robinson, and Van Buren, of the Senate; and Hall, Kendrick, Lind, Merritt, Murphy, Richardson, Saunders, Yeiser, and Speaker, of the Assembly—14.

Those who voted for Mr. Geary were—Messrs. Broderick, Cooke, and Lippincott, of the Senate—3.

Those who voted for Mr. Weller were—Messrs. Crosby and Warner, of the Senate; and Field, Hoff, McCorkle, and Randall, of the Assembly—6.

Mr. Wethered voted for Mr. Collier.

No person having received a majority of all the votes cast, the Convention proceeded, in like manner, to the twenty-seventh vote, and the Tellers reported the result as follows:

Whole number of votes cast	49
Necessary to a choice	25
Of which Mr. Frémont received	9 votes.
King	20
Heydenfeldt	13
Geary	1
Weller	6

Those who voted for Mr. Frémont were—Messrs. Adams, Cooke, De

la Guerra, and Lippincott, of the Senate; and Carnes, Covarrubias, Pico, Robinson, and Stearns, of the Assembly—9.

Those who voted for Mr. King were—Messrs. Douglass, Robinson, Tingley, and Woodworth, of the Senate; and Baldwin, Bennett, Bodley, Bradford, Brown, Campbell, Carr, Cook, Kellogg, Lisle, McDougal, Moore, Osgood, Thorne, Wethered, and Wilkins, of the Assembly—20.

Those who voted for Mr. Heydenfeldt were—Messrs. Green, Heydenfeldt, Miller, and Van Buren, of the Senate; and Hall, Kendrick, Lind, Merritt, Murphy, Richardson, Saunders, Yeiser, and Speaker, of the Assembly—13.

Mr. Broderick voted for Mr. Geary.

Those who voted for Mr. Weller were—Messrs. Crosby and Warner, of the Senate; and Field, Hoff, McCorkle, Randall, of the Assembly—6.

No one having received a majority of all the votes cast, the Convention proceeded, in like manner, to the twenty-eighth vote, and the Tellers reported the result as follows:

Whole number of votes cast	49	
Necessary to a choice	25	
Of which Mr. Frémont received . . .	9	votes.
King	20	
Heydenfeldt	13	
Geary	1	
Weller	6	

Those who voted for Mr. Frémont were—Messrs. Adams, Cooke, De la Guerra, and Lippincott, of the Senate; and Carnes, Covarrubias, Pico, Robinson, Stearns, of the Assembly—9.

Those who voted for Mr. King were—Messrs. Douglass, Tingley, Robinson, Woodworth, of the Senate; and Baldwin, Bennett, Bodley, Bradford, Brown, Campbell, Carr, Cook, Kellogg, Lisle, McDougal, Moore, Osgood, Thorne, Wethered, and Wilkins—20.

Those who voted for Mr. Heydenfeldt were—Messrs. Green, Heydenfelt, Miller, and Van Buren, of the Senate; and Hall, Kendrick, Lind, Merritt, Murphy, Richardson, Saunders, Yeiser, and Speaker, of the Assembly—13.

Mr. Broderick voted for Mr. Geary.

Those who voted for Mr. Weller were—Messrs. Crosby and Warner, of the Senate; and Field, Hoff, McCorkle, and Randall, of the Assembly—6.

No one having received a majority of all the votes cast, the Convention proceeded, in like manner, to the twenty-ninth vote, and the Tellers reported the result as follows:

Whole number of votes cast	49	
Necessary to a choice	25	
Of which Mr. Frémont received . . .	9	votes.
King	20	
Heydenfeldt	13	
Geary	1	
Weller	6	

Those who voted for Mr. Frémont were—Messrs. Adams, Cooke, De la Guerra, Lippincott, of the Senate; and Carnes, Covarrubias, Pico, Robinson, and Stearns, of the Assembly—9.

Those who voted for Mr. King were—Messrs. Douglass, Robinson, Tingley, and Woodworth, of the Senate; and Baldwin, Bennett, Bodley, Bradford, Brown, Campbell, Carr, Cook, Kellogg, Lisle, McDougal, Moore, Osgood, Thorne, Wethered, and Wilkins, of the Assembly—20.

Those who voted for Mr. Heydenfeldt were—Messrs. Green, Heydenfeldt, Miller, and Van Buren, of the Senate; and Hall, Kendrick, Lind, Merritt, Murphy, Richardson, Saunders, Yeiser, and Speaker—13.

Mr. Broderick voted for Mr. Geary.

Those who voted for Mr. Weller were—Messrs. Crosby and Warner, of the Senate; and Field, Hoff, McCorkle, and Randall, of the Assembly—6.

No one having received a majority of all the votes cast, the Convention proceeded, in like manner, to the thirtieth vote, and the Tellers reported the result as follows:

Whole number of votes cast	49	
Necessary to a choice	25	
Of which Mr. Frémont received . . .	9	votes.
King	20	
Heydenfeldt	13	

Mr. Geary received	1 vote.
Weller	6

Those who voted for Mr. Frémont were—Messrs. Adams, Cooke, De la Guerra, and Lippincott, of the Senate; and Carnes, Covarrubias, Pico, Robinson, and Stearns, of the Assembly—9.

Those who voted for Mr. King were—Messrs. Douglass, Robinson, Tingley, Woodworth, of the Senate; and Messrs. Baldwin, Bennett, Bodley, Bradford, Brown, Campbell, Carr, Cook, Kellogg, Lisle, McDougal, Moore, Osgood, Thorne, Wethered, Wilkins, of the Assembly—20.

Those who voted for Mr. Heydenfeldt were—Messrs. Green, Heydenfeldt, Miller, Van Buren, of the Senate; and Messrs. Hall, Kendrick, Lind, Merritt, Murphy, Richardson, Saunders, Yeiser, and Speaker, of the Assembly—13.

Mr. Broderick voted for Mr. Geary—1.

Those who voted for Mr. Weller were—Messrs. Crosby and Warner, of the Senate; and Messrs. Field, Hoff, McCorkle, and Randall, of the Assembly—6.

No person having received a majority of all the votes cast, the Convention proceeded, in like manner, to the thirty-first vote, when the Tellers reported the result as follows:

Whole number of votes cast	49	
Necessary to a choice	25	
Of which Mr. Frémont received . . .	9	votes.
King	20	
Heydenfeldt	13	
Geary	1	
Weller	6	

Those who voted for Mr. Frémont were—Messrs. Adams, Cooke, De la Guerra, Lippincott, of the Senate; and Messrs. Carnes, Covarrubias, Pico, Robinson, Stearns, of the Assembly—9.

Those who voted for Mr. King were—Messrs. Douglass, Tingley, Robinson, Woodworth, of the Senate; and Messrs. Baldwin, Bennett, Bodley, Bradford, Brown, Campbell, Carr, Cook, Kellogg, Lisle,

McDougal, Moore, Osgood, Thorne, Wethered, Wilkins, of the Assembly—20.

Those who voted for Mr. Heydenfeldt were—Messrs. Green, Heydenfeldt, Miller, Van Buren, of the Senate; and Messrs. Hall, Kendrick, Lind, Merritt, Murphy, Richardson, Saunders, Yeiser, and Speaker, of the Assembly—13.

Mr. Broderick voted for Mr. Geary.

Those who voted for Mr. Weller were—Messrs. Crosby and Warner, of the Senate; and Messrs. Field, Hoff, McCorkle, Randall, of the Assembly—6.

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

Whole number of votes cast	49	
Necessary to a choice	25	
Of which Mr. Frémont received . . .	11	votes.
King	19	
Heydenfeldt	13	
Geary	1	
Weller	5	

Those who voted for Mr. Frémont were—Messrs. Adams, Cooke, De la Guerra, Lippincott, of the Senate; and Messrs. Carnes, Covarrubias, Kellogg, Pico, Randall, Robinson, Stearns, of the Assembly—11.

Those who voted for Mr. King were—Messrs. Douglass, Robinson, Tingley, Woodworth, of the Senate; and Messrs. Baldwin, Bennett, Bodley, Bradford, Brown, Campbell, Carr, Cook, Lisle, McDougal, Moore, Osgood, Thorne, Wethered, Wilkins, of the Assembly—19.

Those who voted for Mr. Heydenfeldt were—Messrs. Green, Heydenfeldt, Miller, Van Buren, of the Senate; and Messrs. Hall, Kendrick, Saunders, Yeiser, and Speaker, of the Assembly—13.

Mr. Broderick voted for Mr. Geary—1.

Those who voted for Mr. Weller were—Messrs. Crosby and Warner, of the Senate; and Messrs. Field, Hoff, McCorkle, of the Assembly—5.

No one having received a majority of all the votes cast, the Convention proceeded, in like manner, to the thirty-third vote, and the Tellers reported the result as follows:

Whole number of votes cast		49
Necessary to a choice		25
Of which Mr. Frémont received	11	votes.
King	19	
Heydenfeldt	13	
Geary	1	
Weller	5	

Those who voted for Mr. Frémont were—Messrs. Adams, Cooke, De la Guerra, and Lippincott, of the Senate; and Carnes, Covarrubias, Kellogg, Pico, Robinson, Randall, Stearns, of the Assembly—11.

Those who voted for Mr. King were—Messrs. Douglass, Tingley Robinson, and Woodworth, of the Senate; and Baldwin, Bennett, Bodley, Bradford, Brown, Campbell, Carr, Cook, Lisle, McDougal, Moore, Osgood, Thorne, Wethered, and Wilkins, of the Assembly—19.

Those who voted for Mr. Heydenfeldt were—Messrs. Green, Heydenfeldt, Miller, and Van Buren, of the Senate; and Hall, Kendrick, Lind, Merritt, Murphy, Richardson, Saunders, Yeiser, and Speaker, of the Assembly—13.

Mr. Broderick voted for Mr. Geary—1.

Those who voted for Mr. Weller were—Messrs. Crosby and Warner, of the Senate; and Field, Hoff, and McCorkle, of the Assembly—5.

No person having received a majority of all the votes given, the Convention proceeded, in like manner, to a thirty-fourth vote, when the Tellers reported the result as follows:

Whole number of votes cast		49
Necessary to a choice		25
Of which Mr. Frémont received	11	votes.
King	19	
Heydenfeldt	13	
Geary	1	
Weller	5	

Those who voted for Mr. Frémont were—Messrs. Adams, Cooke, De la Guerra, and Lippincott, of the Senate; and Carnes, Covarrubias, Kellogg, Pico, Randall, Robinson, and Stearns, of the Assembly—11.

Those who voted for Mr. King were—Messrs. Douglass, Robinson,

Tingley, and Woodworth, of the Senate; and Messrs. Baldwin, Bennett, Bodley, Bradford, Brown, Campbell, Carr, Cook, Lisle, McDougal, Moore, Osgood, Thorne, Wethered, and Wilkins, of the Assembly—19.

Those who voted for Mr. Heydenfeldt were—Messrs. Green, Heydenfeldt, Miller, and Van Buren, of the Senate; and Hall, Kendrick, Lind, Merritt, Murphy, Richardson, Saunders, Yeiser, and Speaker, of the Assembly—13.

Mr. Broderick voted for Mr. Geary—1.

Those who voted for Mr. Weller were—Messrs. Crosby and Warner, of the Senate; and Field, Hoff, and McCorkle, of the Assembly—5.

No one having received a majority of all the votes cast, the Convention proceeded, in like manner, to the thirty-fifth vote, and the Tellers reported the result as follows:

Whole number of votes cast	49
Necessary to a choice	25
Of which Mr. Frémont received . . .	11 votes.
King	19
Heydenfeldt	13
Geary	1
Weller	5

Those who voted for Mr. Frémont were—Messrs. Adams, Cook, De la Guerra, and Lippincott, of the Senate; and Carnes, Covarrubias, Kellogg, Pico, Randall, Robinson, and Stearns, of the Assembly—11.

Those who voted for Mr. King were—Messrs. Douglass, Robinson, Tingley, Woodworth, of the Senate; and Baldwin, Bennett, Bodley, Bradford, Brown, Campbell, Carr, Cook, Lisle, McDougal, Moore, Osgood, Thorne, Wethered, and Wilkins, of the Assembly—19.

Those who voted for Mr. Heydenfeldt were—Messrs. Green, Heydenfeldt, Miller, Van Buren, of the Senate; and Hall, Kendrick, Lind, Merritt, Murphy, Richardson, Saunders, Yeiser, and Speaker, of the Assembly—13.

Mr. Broderick voted for Mr. Geary—1.

Those who voted for Mr. Weller were—Messrs. Crosby and Warner, of the Senate; and Field, Hoff, McCorkle, of the Assembly—5.

Mr. Cooke moved that the Senate do now withdraw from the Convention.

Mr. Douglass demanded the ayes and nays.

Those who voted in the affirmative were—Messrs. Broderick, Cooke, Van Buren, and Warner—4.

In the negative—Messrs. Adams, Crosby, Douglass, De la Guerra, Green, Heydenfeldt, Miller, Robinson, Tingley, and Woodworth—11.

Not agreed to.

On motion of Mr. Van Buren, the Convention took a recess until eleven o'clock to-morrow.

IN ASSEMBLY.

FIVE O'CLOCK.

On motion of Mr. Bennett, the House adjourned until ten minutes before eleven o'clock to-morrow.

HOUSE OF ASSEMBLY.

THURSDAY, *February* 20, 1850.

House met.

The roll was called, and the following members were absent, to wit: Messrs. Lisle and Robinson; on leave, Mr. McCandless.

On motion of Mr. Wilkins, the reading of the Journal of yesterday was dispensed with.

The hour for meeting in Convention having arrived, the Assembly proceeded in order to the Senate Chamber.

IN CONVENTION.

ELEVEN O'CLOCK.

The roll was called, and Mr. Warner was absent; on leave, Mr. McCandless.

Mr. Warner made his appearance.

The Convention proceeded, in like manner as on yesterday, to the thirty-sixth vote (no person having received a majority of all the votes cast on the thirty-fifth vote), and the Tellers reported the result as follows:

Whole number of votes cast	. . . .	49
Necessary to a choice	. . . .	25
Of which Mr. Frémont received	. . .	11 votes.
King	. . . . .	19
Heydenfeldt	. . . .	13
Geary	. . . . .	1
Weller	. . . . .	5

Those who voted for Mr. Frémont were—Messrs. Adams, Cooke, De la Guerra, Lippincott, of the Senate; and Carnes, Covarrubias, Kellogg, Pico, Randall, Robinson, and Stearns, of the Assembly—11.

Those who voted for Mr. King were—Messrs. Douglas, Robinson, Tingley, Woodworth, of the Senate; and Baldwin, Bennett, Bodley, Bradford, Brown, Campbell, Carr, Cook, Lisle, McDougal, Moore, Osgood, Thorne, Wethered, Wilkins, of the Assembly—19.

Those who voted for Mr. Heydenfeldt were—Messrs. Green, Heydenfeldt, Miller, Van Buren, of the Senate; and Hall, Kendrick, Lind, Merritt, Murphy, Richardson, Saunders, Yeiser, and Speaker, of the Assembly—13.

Mr. Broderick voted for Mr. Geary—1.

Those who voted for Mr. Weller were—Messrs. Crosby and Warner, of the Senate; and Field, Hoff, McCorkle, of the Assembly—5.

No person having received a majority of all the votes cast, the Convention proceeded, in like manner, to the thirty-seventh vote, and the Tellers reported the result as follows:

Whole number of votes cast	. . . .	49
Necessary to a choice	. . . . .	25
Of which Mr. Frémont received	. . .	11 votes.
King	. . . . .	19
Heydenfeldt	. . . .	12
Geary	. . . . .	1
Weller	. . . . .	6

Those who voted for Mr. Frémont were—Messrs. Adams, Cooke, De la Guerra, and Lippincott, of the Senate; and Carnes, Covarrubias, Kellogg, Pico, Randall, Robinson, and Stearns, of the Assembly—11.

Those who voted for Mr. King were—Messrs. Douglass, Robinson, Tingley, and Woodworth, of the Senate; and Baldwin, Bennett, Bodley, Bradford, Brown, Campbell, Carr, Cook, Lisle, McDougal, Moore, Osgood, Thorne, Wethered, and Wilkins, of the Assembly—19.

Those who voted for Mr. Heydenfeldt were—Messrs. Green, Heydenfeldt, Miller, and Van Buren, of the Senate; and Hall, Kendrick, Lind, Merritt, Murphy, Saunders, Yeiser, and Speaker, of the Assembly—12.

Mr. Broderick voted for Mr. Geary—1.

Those who voted for Mr. Weller were—Messrs. Crosby and Warner, of the Senate; and Field, Hoff, McCorkle, and Richardson, of the Assembly—6.

No person having received a majority of all the votes cast, the Convention proceeded, in like manner, to the thirty-eighth vote, when the Tellers reported the result as follows:

Whole number of votes cast	49
Necessary to a choice	25
Of which Mr. Frémont received	12 votes.
King	19
Heydenfeldt	12
Geary	1
Weller	5

Those who voted for Mr. Frémont were—Messrs. Adams, Cooke, De la Guerra, and Lippincott, of the Senate; and Carnes, Covarrubias, Hoff, Kellogg, Pico, Randall, Robinson, and Stearns, of the Assembly —12.

Those who voted for Mr. King were—Messrs. Douglass, Robinson, Tingley, and Woodworth, of the Senate; and Baldwin, Bennett, Bodley, Bradford, Brown, Campbell, Carr, Cook, Lisle, McDougal, Moore, Osgood, Thorne, Wethered, and Wilkins, of the Assembly —19.

Those who voted for Mr. Heydenfeldt were—Messrs. Green, Heydenfeldt, Miller, and Van Buren, of the Senate; and Hall, Ken-

drick, Lind, Merritt, Murphy, Saunders, Yeiser, and Speaker, of the Assembly—12.

Mr. Broderick voted for Mr. Geary—1.

Those who voted for Mr. Weller were—Messrs. Crosby and Warner, of the Senate; and Field, McCorkle, and Richardson, of the Assembly—5.

No person having received a majority of all the votes cast, the Convention proceeded, in like manner, to the thirty-ninth vote, and the Tellers reported the result as follows:

Whole number of votes	49
Necessary to a choice	25
Of which Mr. Frémont received	12 votes.
King	19
Heydenfeldt	13
Geary	1
Weller	4

Those who voted for Mr. Frémont were—Messrs. Adams, Cooke, De la Guerra, and Lippincott, of the Senate; and Carnes, Covarrubias, Hoff, Kellogg, Pico, Randall, Robinson, and Stearns, of the Assembly—12.

Those who voted for Mr. King were—Messrs. Douglass, Robinson, Tingley, and Woodworth, of the Senate; and Baldwin, Bennett, Bodley, Bradford, Brown, Campbell, Carr, Cook, Lisle, McDougal, Moore, Osgood, Thorne, Wethered, and Wilkins, of the Assembly—19.

Those who voted for Mr. Heydenfeldt were—Messrs. Green, Heydenfeldt, Miller, and Van Buren, of the Senate; and Hall, Kendrick, Lind, Merritt, Murphy, Richardson, Saunders, Yeiser, and Speaker, of the Assembly—13.

Mr. Broderick voted for Mr. Geary.

Those who voted for Mr. Weller were—Messrs. Crosby and Warner, of the Senate; and Field and McCorkle, of the Assembly—4.

No person having received a majority of all the votes given, the Convention proceeded, in like manner, to the fortieth vote, and the Tellers reported the result as follows:

Whole number of votes cast	49
Necessary to a choice	25
Of which Mr. Frémont received	12 votes.

Mr. King received	19 votes.
Heydenfeldt	13
Geary	1
Weller	4

Those who voted for Mr. Frémont were—Messrs. Adams, Cooke, De la Guerra, and Lippincott, of the Senate; and Carnes, Covarrubias, Hoff, Kellogg, Pico, Randall, Robinson, and Stearns, of the Assembly—12.

Those who voted for Mr. King were—Messrs. Douglass, Robinson, Tingley, and Woodworth, of the Senate; and Baldwin, Bennett, Bodley, Bradford, Brown, Campbell, Carr, Cook, Lisle, McDougal, Moore, Osgood, Thorne, Wethered, and Wilkins, of the Assembly—19.

Those who voted for Mr. Heydenfeldt were—Messrs. Green, Heydenfeldt, Miller, and Van Buren, of the Senate; and Hall, Kendrick, Lind, Merritt, Murphy, Richardson, Stearns, Yeiser, and Speaker, of the Assembly—13.

Mr. Broderick voted for Mr. Geary.

Those who voted for Mr. Weller were—Messrs. Crosby and Warner, of the Senate; and Field and McCorkle, of the Assembly.—4.

No person having received a majority of all the votes cast, the Convention proceeded, in like manner, to the forty-first vote, and the Tellers reported the result as follows;

Whole number of votes cast	49
Necessary to a choice	25
Of which Mr. Frémont received . . .	10 votes.
King	20
Heydenfeldt	13
Geary	1
Weller	5

Those who voted for Mr. Frémont were—Messrs. Adams, Cooke, and De la Guerra, of the Senate; and Carnes, Covarrubias, Hoff, Kellogg, Pico, Randall, and Robinson, of the Assembly—10.

Those who voted for Mr. King were—Messrs. Douglass, Robinson, Tingley, and Woodworth, of the Senate; and Baldwin, Bennett, Bodley, Bradford, Brown, Campbell, Carr, Cook, Lisle, McDougal, Moore, Osgood, Stearns, Thorne, Wethered and Wilkins, of the Assembly—20.

Those who voted for Mr. Heydenfeldt were—Messrs. Green, Heyden-

feldt, Miller, and Van Buren, of the Senate; and Hall, Kendrick, Lind, Merritt, Murphy, Richardson, Saunders, Yeiser, and Speaker, of the Assembly—13.

Mr. Broderick voted for Mr. Geary.

Those who voted for Mr. Weller were—Messrs. Crosby, Warner, and Lippincott, of the Senate; and Field and McCorkle, of the Assembly—5.

No person having received a majority of all the votes cast, the Convention proceeded, in like manner, to the forty-second vote, and the tellers reported the result as follows:

Whole number of votes cast,	. . . .	49
Necessary to a choice,	. . . . .	25
Of which Mr. Frémont received	. . .	11 votes.
King	. . . . .	20
Heydenfeldt	. . . . .	13
Geary	. . . . .	1
Weller	. . . . .	4

Those who voted for Mr. Frémont were—Messrs. Adams, Cooke, De la Guerra, and Lippincott, of the Senate; and Messrs. Carnes, Covarrubias, Hoff, Kellogg, Pico, Randall, and Robinson, of the Assembly—11.

Those who voted for Mr. King were—Messrs. Douglass, Robinson, Tingley, Woodworth, of the Senate; and Messrs. Baldwin, Bennett, Bodley, Bradford, Brown, Campbell, Carr, Cook, Lisle, McDougal, Moore, Osgood, Stearns, Thorne, Wethered, and Wilkins, of the Assembly—20.

Those who voted for Mr. Heydenfeldt were—Messrs. Green, Heydenfeldt, Miller, and Van Buren of the Senate; and Messrs. Hall, Kendrick, Lind, Merritt, Murphy, Richardson, Saunders, Yeiser, and Speaker, of the Assembly—13.

Mr. Broderick voted for Mr. Geary.

Those who voted for Mr. Weller were—Messrs. Crosby and Warner, of the Senate; and Messrs. Field and McCorkle, of the Assembly—4.

No person having received a majority of all the votes cast, the Convention proceeded, in like manner, to the forty-third vote, and the Tellers reported the result as follows:

Whole number of votes cast,	. . . .	49
Necessary to a choice,	. . . . .	25

Of which Mr. Frémont received	. . .	12 votes.
King	. . . . .	19
Heydenfeldt	. . . .	13
Geary	. . . . .	1
Weller	. . . . .	4

Those who voted for Mr. Frémont were—Messrs. Adams, Cooke, De la Guerra, Randall, and Lippincott, of the Senate; and Messrs. Carnes, Covarrubias, Hoff, Kellogg, Pico, Robinson, and Stearns, of the Assembly—12.

Those who voted for Mr. King were—Messrs. Douglass, Robinson, Tingley, and Woodworth, of the Senate; and Messrs. Baldwin, Bennett, Bodley, Bradford, Brown, Campbell, Carr, Cook, Lisle, McDougal, Moore, Osgood, Thorne, Wethered, and Wilkins, of the Assembly—19.

Those who voted for Mr. Heydenfeldt were—Messrs. Green, Heydenfeldt, Miller, and Van Buren, of the Senate; and Messrs. Hall, Kendrick, Lind, Merritt, Murphy, Richardson, Saunders, Yeiser, and Speaker, of the Assembly—13.

Mr. Broderick voted for Mr. Geary.

Those who voted for Mr. Weller were—Messrs. Crosby and Warner, of the Senate; and Messrs. Field and McCorkle, of the Assembly—4.

No person having received a majority of all the votes cast, the Convention proceeded, in like manner, to the forty-fourth vote, and the Tellers reported the result as follows:

Whole number of votes cast,	. . .	49
Necessary to a choice,	. . . . .	25
Of which Mr. Frémont received	. . .	13 votes.
King,	. . . . .	18
Heydenfeldt,	. . . .	13
Geary,	. . . . .	1
Weller,	. . . . .	3
Collier,	. . . . .	1

Those who voted for Mr. Frémont were—Messrs. Adams, Cooke, De la Guerra, and Lippincott, of the Senate; and Messrs. Carnes, Covarrubias, Hoff, Kellogg, Merritt, Pico, Randall, Robinson, and Stearns, of the Assembly—13.

Those who voted for Mr. King were—Messrs. Douglass, Robinson,

Tingley, and Woodworth, of the Senate; and Messrs. Baldwin, Bennett, Bodley, Bradford, Brown, Campbell, Carr, Cook, Lisle, McDougal, Moore, Osgood, Thorne, and Wilkins, of the Assembly—18.

Those who voted for Mr. Heydenfeldt were—Messrs. Green, Heydenfeldt, Miller, Van Buren, of the Senate; and Field, Hall, Kendrick, Lind, Murphy, Richardson, Saunders, Yeiser, Speaker, of the Assembly—13.

Mr. Broderick voted for Mr. Geary.

Those who voted for Mr. Weller were—Messrs. Crosby and Warner, of the Senate; and McCorkle, of the Assembly—3.

Mr. Wethered voted for Mr. Collier.

No person having received a majority of all the votes cast, the Convention proceeded, in like manner, to the forty-fifth vote, and the Tellers reported the result as follows:

Whole number of votes cast	49
Necessary to a choice	25
Of which Mr. Frémont received	9 votes.
King	18
Heydenfeldt	15
Geary	1
Weller	3
Collier	2
Gift	1

Those who voted for Mr. Frémont were—Messrs. Adams, Cooke, De la Guerra, Lippincott, of the Senate; and Stearns, Covarrubias, Hoff, Pico, and Carnes, of the Assembly—9.

Those who voted for Mr. King were—Messrs. Douglass, Robinson, Tingley, and Woodworth, of the Senate; and Baldwin, Bennett, Bodley, Bradford, Brown, Campbell, Carr, Cook, Lisle, McDougal, Moore, Osgood, Thorne, and Wilkins, of the Assembly—18.

Those who voted for Mr. Heydenfeldt were—Messrs. Green, Heydenfeldt, Miller, and Van Buren, of the Senate: and Field, Hall, Kendrick, Lind, Merritt, Murphy, Richardson, Saunders, Yeiser, and Speaker, of the Assembly—15.

Mr. Broderick voted for Mr. Geary.

Those who voted for Mr. Weller were—Messrs. Crosby and Warner, of the Senate; and McCorkle, of the Assembly—3.

Those who voted for Mr. Collier were—Messrs. Randall and Wethered, of the Assembly—2.

Mr. Robinson, of the Assembly, voted for W. W. Gift.

No person having received a majority of all the votes cast, the Convention proceeded, in like manner, to the forty-sixth vote, and the Tellers reported the result as follows:

Whole number of votes cast	49
Necessary to a choice	25
Of which Mr. Frémont received	13 votes.
King	17
Heydenfeldt	13
Geary	1
Weller	2
Collier	1
P. B. Redding	1
Alfred Morgan	1

Those who voted for Mr. Frémont were—Messrs. Adams, Cooke, De la Guerra, Lippincott, and Warner, of the Senate; and Carnes, Covarrubias, Hoff, Kellogg, Pico, Randall, Robinson, Stearns, of the Assembly—13.

Those who voted for Mr. King were—Messrs. Douglass, Tingley, Woodworth, of the Senate; and Baldwin, Bennett, Bodley, Bradford, Brown, Campbell, Carr, Cook, Lisle, McDougal, Moore, Osgood, Thorne, Wilkins, of the Assembly—17.

Those who voted for Mr. Heydenfeldt were—Messrs. Green, Heydenfeldt, Miller, Van Buren, of the Senate; and Hall, Kendrick, Lind, Merritt, Murphy, Richardson, Saunders, Yeiser, Speaker, of the Assembly—13.

Mr. Broderick voted for Mr. Geary—1.

Those who voted for Mr. Weller were—Messrs. Crosby and McCorkle—2.

Mr. Wethered voted for Mr. Collier—1.

Mr. Robinson, of the Senate, voted for Mr. Redding—1.

Mr. Field voted for Mr. Morgan—1.

No person having received a majority of all the votes cast, the Con-

vention proceeded, in like manner, to the forty-seventh vote, and the Tellers reported the result as follows:

Whole number of votes cast, ...	49	
Necessary to a choice, ...	25	
Of which Mr. Frémont received . . .	12	votes.
King, ...	17	
Heydenfeldt, ...	13	
Geary	1	
Weller	1	
Redding	4	
Smith	1	

Those who voted for Mr. Frémont were—Messrs. Adams, Cooke, De la Guerra, Lippincott, Warner, of the Senate; and Carnes, Covarrubias, Hoff, Kellogg, Pico, Robinson, Stearns, of the Assembly—12.

Those who voted for Mr. King were—Messrs. Douglass, Tingley, and Woodworth, of the Senate; and Baldwin, Bennett, Bodley, Bradford, Brown, Campbell, Carr, Cook, Lisle, McDougal, Moore, Osgood, Thorne, and Wilkins, of the Assembly—17.

Those who voted for Mr. Heydenfeldt were—Messrs. Green, Heydenfeldt, Miller, Robinson, and Van Buren, of the Senate; and Hall, Kendrick, Lind, Merritt, Murphy, Richardson, Saunders, Yeiser, and Speaker, of the Assembly—13.

Mr. Bradford voted for Mr. Geary—1.

Mr. McCorkle voted for Mr. Weller—1.

Those who voted for Mr. Redding were—Messrs. Crosby and Warner, of the Senate; and Field and Randall, of the Assembly—4.

Mr. Wethered voted for Mr. Smith—1.

No person having received a majority of all the votes cast, the Convention proceeded, in like manner, to the forty-eighth vote, and the Tellers reported the result as follows:

Whole number of votes cast	49	
Necessary to a choice	25	
Of which Mr. Frémont received	12	votes.
King	17	
Heydenfeldt	13	

Mr. Geary received	1 vote.
Weller	2
Collier	1
Redding	2

Those who voted for Mr. Frémont were—Messrs. Adams, Cooke, De la Guerra, Lippincott, Warner, of the Senate; and Carnes, Covarrubias, Hoff, Kellogg, Pico, Robinson, and Stearns, of the Assembly—12.

Those who voted for Mr. King were—Messrs. Douglass, Tingley, Woodworth, of the Senate; and Baldwin, Bennett, Bodley, Bradford, Brown, Campbell, Carr, Cook, Lisle, McDougal, Moore, Osgood, Thorne, Wilkins, of the Assembly—17.

Those who voted for Mr. Heydenfeldt were—Messrs. Green, Heydenfeldt, Miller, and Van Buren, of the Senate; and Hall, Kendrick, Lind, Merritt, Murphy, Richardson, Saunders, Yeiser, and Speaker, of the Assembly—13.

Mr. Broderick voted for Mr. Geary—1.

Those who voted for Mr. Weller were—Messrs. McCorkle and Randall—2.

Mr. Wethered voted for Mr. Collier—1.

Messrs. Crosby and Robinson voted for Mr. Redding.

Mr. Heydenfeldt moved that the Convention do now take a recess until three o'clock this afternoon.

Mr. Campbell demanded the yeas and nays.

Those who voted in the affirmative were—Messrs. Broderick, Cooke, Crosby, Douglass, Green, Heydenfeldt, Lippincott, Miller, Robinson, Van Buren, of the Senate; and Messrs. Bradford, Campbell, Field, Hoff, Kellogg, Kendrick, Lind, McCorkle, Merritt, Murphy, Osgood, Randall, Richardson, Robinson, Saunders, Stearns, Wethered, Yeiser, and Speaker, of the Assembly—29.

Those who voted in the negative were—Messrs. Adams, De la Guerra, Tingley, Warner, Woodworth, of the Senate; and Messrs. Baldwin, Bennett, Bodley, Brown, Carr, Carnes, Cook, Covarrubias, Hall, Lisle, McDougal, Moore, Pico, Thorne, Wilkins, of the Assembly—20.

Agreed to.

IN ASSEMBLY.

HALF-PAST TWELVE O'CLOCK.

On motion of Mr. Bodley, the House took a recess until ten minutes before three o'clock to-day.

TEN MINUTES BEFORE THREE O'CLOCK.

House met; no quorum present.

On motion of Mr. Bradford, a call of the House was ordered, and Messrs. Kendrick, Lisle, Lind, Merritt, Murphy, Pico, Randall, Saunders, Wethered, and Yeiser, were absent; on leave, Mr. McCandless.

On motion of Mr. Bennett, further proceedings under a Call of the House were dispensed with.

The hour having arrived for the two Houses to meet in Convention, the Assembly proceeded in order to the Senate Chamber.

IN CONVENTION.

The roll was called, and the following members were absent, to wit: Messrs. Cooke, Crosby, Miller, Van Buren, Warner, and Woodworth, of the Senate; and Messrs. Kendrick, Lind, and Pico, of the Assembly; on leave, Mr. McCandless.

On motion of Mr. Carnes, the Sergeant-at-Arms was dispatched after the absentees.

Absentees made their appearance.

On motion of Mr. Van Buren, the Convention proceeded to the forty-ninth vote, no person having received a majority of all the votes cast on the forty-eighth vote, and the Tellers reported the result as follows:

Whole number of votes cast	49
Necessary to a choice	25
Of which Mr. Frémont received . . .	12 votes.
King	17

Mr. Heydenfeldt received . . .	13	votes.
Geary	1	
Weller	4	
Collier	1	
Redding	1	

Those who voted for Mr. Frémont were—Messrs. Adams, Cooke, De la Guerra, Lippincott, and Warner, of the Senate; and Messrs. Carnes, Covarrubias, Hoff, Kellogg, Pico, Robinson, Stearns, of the Assembly—12.

Those who voted for Mr. King were—Messrs. Douglass, Tingley, Woodworth, of the Senate; and Messrs. Baldwin, Bennett, Bodley, Bradford, Brown, Campbell, Carr, Cook, Lisle, McDougal, Moore, Osgood, Thorne, Wilkins, of the Assembly—17.

Those who voted for Mr. Heydenfeldt were—Messrs. Green, Heydenfeldt, Miller, Van Buren, of the Senate; and Messrs. Hall, Kendrick, Lind, Merritt, Murphy, Richardson, Saunders, Yeiser, and Speaker, of the Assembly—13.

Mr. Broderick voted for Mr. Geary.

Those who voted for Mr. Weller were—Messrs. Crosby, Field, McCorkle, and Randall—4.

Mr. Wethered voted for Mr. Collier.

Mr. Robinson, of the Senate, voted for Mr. Redding.

No one having received a majority of all the votes cast, the Convention proceeded, in like manner, to the fiftieth vote, and the Tellers reported the result as follows:

Whole number of votes cast	49	
Necessary to a choice	25	
Of which Mr. Frémont received . . .	13	votes.
King	17	
Heydenfeldt	12	
Geary	1	
Weller	3	
Collier	1	
Redding	1	
J. Neely Johnson . . .	1	

Those who voted for Mr. Frémont were—Messrs. Adams, Cooke, De la Guerra, Lippincott, and Warner, of the Senate; and Carnes, Covarrubias, Hoff, Kellogg, Pico, Randall, Robinson, and Stearns, of the Assembly—13.

Those who voted for Mr. King were—Messrs. Douglass, Tingley, and Woodworth, of the Senate; and Baldwin, Bennett, Bodley, Bradford, Brown, Campbell, Carr, Cook, Lisle, McDougal, Moore, Osgood, Thorne, and Wilkins, of the Assembly—17.

Those who voted for Mr. Heydenfeldt were—Messrs. Green, Heydenfeldt, Miller, Van Buren, of the Senate; and Hall, Kendrick, Lind, Murphy, Richardson, Saunders, Yeiser, and Speaker, of the Assembly—12.

Mr. Broderick voted for Mr. Geary.

Those who voted for Mr. Weller were—Messrs. Crosby, Field, and McCorkle—3.

Mr. Wethered voted for Mr. Collier.

Mr. Robinson voted for Mr. Redding.

Mr. Merritt voted for J. Neely Johnson.

No person having received a majority of all the votes cast, the Convention proceeded, in like manner, to the fifty-first vote, and the Tellers reported the result as follows:

Whole number of votes cast,	. . .	49
Necessary to a choice,	. . . . .	25
Of which Mr. Frémont received	. . .	15 votes.
King,	. . . . .	17
Heydenfeldt,	. . . . .	12
Geary,	. . . . .	1
Weller,	. . . . .	2
Collier,	. . . . .	1
Redding,	. . . . .	1

Those who voted for Mr. Frémont were—Messrs. Adams, Cooke, De la Guerra, Lippincott, and Warner, of the Senate; and Carnes, Covarrubias, Field, Hoff, Kellogg, Pico, Randall, Richardson, Robinson, and Stearns, of the Assembly—15.

Those who voted for Mr. King were—Messrs. Douglass, Tingley, and Woodworth, of the Senate; and Baldwin, Bennett, Bodley, Brad-

ford, Brown, Campbell, Carr, Cook, Lisle, McDougal, Moore, Osgood, Thorne, and Wilkins, of the Assembly—17.

Those who voted for Mr. Heydenfeldt were—Messrs. Green, Heydenfeldt, Miller, Van Buren, of the Senate; and Messrs. Hall, Kendrick, Lind, Merritt, Murphy, Saunders, Yeiser, and Speaker, of the Assembly —12.

Mr. Broderick voted for Mr. Geary.

Messrs. Crosby and McCorkle voted for Mr. Weller.

Mr. Wethered voted for Mr. Collier.

Mr. Robinson, of the Senate, voted for Mr. Redding.

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

Whole number of votes cast	. . . .	49
Necessary to a choice	. . . . .	25
Of which Mr. Frémont received	. . .	13 votes.
King	. . . . .	17
Heydenfeldt	. . . .	13
Geary	. . . . .	1
Weller	. . . . .	2
Collier	. . . . .	1
Reading	. . . . .	1
P. A. Morse	. . . .	1

Those who voted for Mr. Frémont were—Messrs. Adams, Cooke, De la Guerra, Lippincott, and Warner, of the Senate; and Carnes, Covarrubias, Hoff, Kellogg, Pico, Randall, Robinson, and Stearns, of the Assembly—13.

Those who voted for Mr. King were—Messrs. Douglass, Tingley, and Woodworth, of the Senate; and Baldwin, Bennett, Bodley, Bradford, Brown, Campbell, Carr, Cook, Lisle, McDougal, Moore, Osgood, Thorne, and Wilkins, of the Assembly—17.

Those who voted for Mr. Heydenfeldt were—Messrs. Green, Heydenfeldt, Miller, and Van Buren, of the Senate; and Hall, Kendrick, Lind, Merritt, Murphy, Richardson, Saunders, Yeiser, and Speaker, of the Assembly—13.

Mr. Broderick voted for Mr. Geary.

Messrs. Crosby and McCorkle voted for Mr. Weller.

Mr. Wethered voted for Mr. Collier.

Mr. Robinson, of the Senate, voted for Mr. Redding.

Mr. Field voted for Mr. Morse.

No person having received a majority of all the votes cast, the Convention proceeded, in like manner, to the fifty-third vote, and the Tellers reported the result as follows:

Whole number of votes given,	49
Necessary to a choice,	25
Of which Mr. Frémont received	15 votes.
King,	16
Heydenfeldt,	11
Geary,	2
Weller,	2
Collier,	1
Tingley,	1
Redding,	1

Those who voted for Mr. Frémont were—Messrs. Adams, Cooke, De la Guerra, Lippincott, Van Buren, and Warner, of the Senate; and Bennett, Carnes, Covarrubias, Hoff, Kellogg, Pico, Randall, Robinson, and Stearns, of the Assembly—15.

Those who voted for Mr. King were—Messrs. Douglass, Tingley, and Woodworth, of the Senate; and Baldwin, Bodley, Bradford, Brown, Campbell, Carr, Cook, Lisle, McDougal, Moore, Osgood, Thorne, and Wilkins, of the Assembly—16.

Those who voted for Mr. Heydenfeldt were—Messrs. Green and Heydenfeldt, of the Senate; and Hall, Kendrick, Lind, Merritt, Murphy, Richardson, Saunders, Yeiser, and Speaker, of the Assembly—11.

Messrs. Broderick and Field voted for Mr. Geary.

Messrs. Crosby and McCorkle voted for Mr. Weller.

Mr. Wethered voted for Mr. Collier.

Mr. Miller voted for Mr. Tingley.

Mr. Robinson, of the Senate, voted for Mr. Redding.

No person having received a majority of all the votes cast, the Convention proceeded, in like manner, to the fifty-fourth vote, and the Tellers reported the result as follows:

Whole number of votes cast	49
Necessary to a choice	25
Of which Mr. Frémont received	13 votes.
King	17
Heydenfeldt	15
Geary	1
Weller	2
Joshua Bean	1

Those who voted for Mr. Frémont were—Messrs. Adams, Cooke, De la Guerra, and Lippincott, of the Senate; and Carnes, Covarrubias, Hoff, Kellogg, Pico, Randall, Robinson, Stearns, and Wethered, of the Assembly—13.

Those who voted for Mr. King were—Messrs. Douglass, Tingley, and Woodworth, of the Senate; and Baldwin, Bennett, Bodley, Bradford, Brown, Campbell, Carr, Cook, Lisle, McDougal, Moore, Osgood, Thorne, and Wilkins, of the Assembly—17.

Those who voted for Mr. Heydenfeldt were—Messrs. Green, Heydenfeldt, Miller, Robinson, and Van Buren, of the Senate; and Field, Hall, Kendrick, Lind, Merritt, Murphy, Richardson, Saunders, Yeiser, and Speaker, of the Assembly—15.

Mr. Broderick voted for Mr. Geary.

Messrs. Crosby and McCorkle voted for Mr. Weller.

Mr. Warner voted for Mr. Bean.

No person having received a majority of all the votes cast, the Convention proceeded, in like manner, to the fifty-fifth vote, and the Tellers reported the result as follows:

Whole number of votes cast	49
Necessary to a choice	25
Of which Mr. Frémont received	10 votes.
King	16
Heydenfeldt	15
Geary	1
Weller	2
Cook	4
Warner	1

Those who voted for Mr. Frémont were—Messrs. Adams, Cooke, De la Guerra, and Lippincott, of the Senate; and Carnes, Covarrubias, Hoff, Kellogg, Pico, and Stearns, of the Assembly—10.

Those who voted for Mr. King were—Messrs. Douglass, Tingley, and Woodworth, of the Senate; and Baldwin, Bennett, Bodley, Brown, Campbell, Carr, Cook, Lisle, McDougal, Moore, Osgood, Thorne, and Wilkins, of the Assembly—16.

Those who voted for Mr. Heydenfeldt were—Messrs. Green, Heydenfeldt, Miller, Robinson, and Van Buren, of the Senate; and Messrs. Field, Hall, Kendrick, Lind, Merritt, Murphy, Richardson, Saunders, Yeiser, and Speaker, of the Assembly—15.

Mr. Broderick voted for Mr. Geary.

Messrs. Crosby and McCorkle voted for Mr. Weller.

Those who voted for Mr. Cook were—Messrs. Warner, Randall, Robinson, and Wethered—4.

Mr. Bradford voted for Mr. Warner.

No person having received a majority of all the votes cast, the Convention proceeded, in like manner, to the fifty-sixth vote, and the Tellers reported the result as follows:

Whole number of votes cast	. . . . .	49
Necessary to a choice	. . . . .	25
Of which Mr. Frémont received	. . .	11 votes.
King	. . . . .	17
Heydenfeldt	. . . .	15
Geary	. . . . .	1
Weller	. . . . .	2
Cook	. . . . .	3

Those who voted for Mr. Frémont were—Messrs. Adams, Cooke, De la Guerra, and Lippincott, of the Senate: and Messrs. Carnes, Covarrubias, Hoff. Kellogg, Pico, Robinson, and Stearns, of the Assembly—11.

Those who voted for Mr. King were—Messrs Douglass, Tingley, and Woodworth, of the Senate; and Baldwin, Bennett, Bodley, Bradford, Brown, Campbell, Carr, Cook, Lisle, McDougal, Moore, Osgood, Thorne, and Wilkins, of the Assembly—17.

Those who voted for Mr. Heydenfeldt were—Messrs. Green, Heydenfeldt, Robinson, Miller, Van Buren, of the Senate; and Field, Hall,

Kendrick, Lind, Merritt, Murphy, Richardson, Saunders, Yeiser, and Speaker, of the Assembly—15.

Mr. Broderick voted for Mr. Geary.

Messrs. Crosby and McCorkle voted for Mr. Weller.

Those who voted for Mr. Cook were—Messrs. Warner, Randall, and Wethered—3.

Mr. Green moved to take a recess until to-morrow 11 o'clock.

Mr. McCorkle moved to amend by adjourning *sine die.*

The question recurred on the amendment, when Mr. Douglass demanded the ayes and nays.

Those who voted in the affirmative were—Messrs. Cooke, Crosby, and Warner, of the Senate; and Field, Hoff, McCorkle, Randall, and Saunders, of the Assembly—8.

In the negative were—Messrs. Adams, Broderick, Douglass, De la Guerra, Green, Heydenfeldt, Lippincott, Miller, Robinson, Tingley, Van Buren, Woodworth, of the Senate; and Baldwin, Bennett, Bodley, Bradford, Brown, Campbell, Carr, Carnes, Cook, Covarrubias, Hall, Kellogg, Kendrick, Lisle, Lind, McDougal, Merritt, Moore, Murphy, Osgood, Pico, Richardson, Robinson, Stearns, Thorne, Wethered, Wilkins, Yeiser, and Speaker, of the Assembly—41.

Not agreed to.

The question then recurred on the motion to take a recess until eleven o'clock to-morrow.

Mr. Heydenfeldt demanded the ayes and nays.

Those who voted in the affirmative were—Messrs. Douglass, De la Guerra, Green, Heydenfeldt, Miller, and Lippincott, of the Senate; and Campbell, Carnes, Covarrubias, Field, Hall, Kellogg, Kendrick, Lind, Merritt, Moore, Murphy, Pico, Richardson, Saunders, Stearns, Yeiser, and Speaker, of the Assembly—23.

In the negative were—Messrs. Adams, Broderick, Cooke, Crosby, Robinson, Tingley, Van Buren, Warner, and Woodworth, of the Senate; and Baldwin, Bennett, Bodley, Bradford, Brown, Carr, Cook, Hoff, Lisle, McDougal, McCorkle, Osgood, Randall, Robinson, Thorne, Wethered, and Wilkins, of the Assembly—26.

Not agreed to.

Mr. Warner moved that the Senate do now retire.

Mr. Green offered the following as a substitute for said motion.

Resolved, That the Joint Rule for the government of this Convention

which says that "the Convention shall meet at all convenient hours in good faith," shall be construed to mean some hour not later than 12 o'clock, M., the succeeding day after each unsuccessful ballotting.

The President decided the substitute to be out of order.

Mr. Green appealed from the decision of the Chair.

The question then was, "Shall the decision of the Chair stand as the judgment of the Senate?"

The ayes and nays were demanded.

Those who voted in the affirmative were—

Mr. Adams	Mr. Miller
Cooke	Robinson
Crosby	Tingley
Douglass	Van Buren
De la Guerra	Warner
Heydenfeldt	Woodworth
Lippincott	—13.

In the negative were—

Mr. Green—1.

Decided in the affirmative.

The question then recurred on the motion, "that the Senate do now retire."

Not agreed to.

On motion of Mr. Lisle, the Convention took a recess until to-morrow morning, at eleven o'clock.

IN ASSEMBLY.

QUARTER BEFORE FIVE O'CLOCK.

On motion of Mr. Wethered, the House took a recess until to-morrow morning, ten minutes before eleven o'clock.

HOUSE OF ASSEMBLY.

FRIDAY, *February 21st*, 1851.

House met.

The roll was called, and the following members were absent, to wit: Messrs. Campbell, Lisle, Osgood, Thorne; on leave, Mr. McCandless.

On motion of Mr. Bodley, the reading of the Journals of yesterday was dispensed with.

The hour having arrived for the two Houses to meet in Convention, the Assembly proceeded in order to the Senate Chamber.

IN CONVENTION.

ELEVEN O'CLOCK.

The roll was called, and the following members were absent, to wit: Messrs. Warner and Woodworth, of the Senate; on leave, Mr. McCandless, of the Assembly.

Messrs. Warner and Woodworth made their appearance.

The Convention then proceeded, in like manner as on yesterday, to the fifty-seventh vote (no person having received a majority of all the votes cast on the fifty-sixth vote), and the Tellers reported the result as follows:

Whole number of votes cast	49
Necessary to a choice	25
Of which Mr. Frémont received . . .	12 votes.
King	17
Heydenfeldt	15
Geary	1
Weller	3
Collier	1

Those who voted for Mr. Frémont were—Messrs. Adams, Cooke, De la Guerra, and Lippincott, of the Senate; and Carnes, Covarrubias,

Hoff, Kellogg, Pico, Randall, Robinson, and Stearns, of the Assembly —12.

Those who voted for Mr. King were—Messrs. Douglass, Tingley, and Woodworth, of the Senate; and Baldwin, Bennett, Bodley, Bradford, Brown, Campbell, Carr, Cook, Lisle, McDougal, Moore, Osgood, Thorne, and Wilkins, of the Assembly—17.

Those who voted for Mr. Heydenfeldt were—Messrs. Green, Heydenfeldt, Miller, Robinson, Van Buren, of the Senate; and Messrs. Field, Hall, Kendrick, Lind, Merritt, Murphy, Richardson, Saunders, Yeiser, Speaker, of the Assembly—15.

Mr. Broderick voted for Mr. Geary—1.

Messrs. Crosby and Warner, of the Senate; and Mr. McCorkle of the Assembly, voted for Mr. Weller—3.

Mr. Wethered voted for Mr. Collier—1.

No person having received a majority of all the votes cast, the Convention proceeded, in like manner, to the fifty-eighth vote, and the Tellers reported the result as follows:

Whole number of votes cast	49
Necessary to a choice	25
Of which Mr. Frémont received	12 votes.
King	17
Heydenfeldt	15
Geary	1
Weller	3
Collier	1

Those who voted for Mr. Frêmont were—Messrs. Adams, Cooke, De la Guerra, Lippincott, of the Senate; and Messrs. Carnes, Covarrubias, Hoff, Kellogg, Pico, Randall, Robinson, Stearns, of the Assembly —12.

Those who voted for Mr. King were—Messrs. Douglass, Tingley, Woodworth, of the Senate; and Messrs. Baldwin, Bennett, Bodley, Bradford, Brown, Campbell, Carr, Cook, Lisle, McDougal, Moore, Osgood, Thorne, Wilkins, of the Assembly—17.

Those who voted for Mr. Heydenfeldt were—Messrs. Green, Heydenfeldt, Miller, Robinson, and Van Buren, of the Senate; and Messrs.

Field, Hall, Kendrick, Lind, Merritt, Murphy, Richardson, Saunders, Yeiser, and Speaker, of the Assembly—15.

Mr. Broderick voted for Mr. Geary—1.

Messrs. Crosby and Warner, of the Senate; and Mr. McCorkle, of the Assembly, voted for Mr. Weller—3.

Mr. Wethered voted for Mr. Collier—1.

No person having received a majority of all the votes cast, the Convention proceeded, in like manner, to the fifty-ninth vote, and the Tellers reported the result as follows:

Whole number of votes cast	49
Necessary to a choice	25
Of which Mr. Frémont received	12 votes.
King	17
Heydenfeldt	15
Geary	1
Weller	3
Collier	1

Those who voted for Mr. Frémont were—Messrs. Adams, Cooke, De la Guerra, Lippincott, of the Senate; and Messrs. Carnes, Covarrubias, Hoff, Kellogg, Pico, Randall, Robinson, Stearns, of the Assembly—12.

Those who voted for Mr. King were—Messrs. Douglass, Tingley, and Woodworth, of the Senate; and Baldwin, Bennett, Bodley, Bradford, Brown, Campbell, Carr, Cook, Lisle, McDougal, Moore, Osgood, Thorne, and Wilkins, of the Assembly—17.

Those who voted for Mr. Heydenfeldt were—Messrs. Green, Heydenfeldt, Miller, Robinson, and Van Buren, of the Senate; and Field, Hall, Kendrick, Lind, Merritt, Murphy, Richardson, Saunders, Yeiser, and Speaker, of the Assembly—15.

Mr. Broderick voted for Mr. Geary—1.

Those who voted for Mr. Weller were—Messrs. Crosby and Warner, of the Senate; and McCorkle, of the Assembly—3.

Mr. Wethered voted for Mr. Collier—1.

No person having received a majority of all the votes cast, the Convention then proceeded, in like manner, to the sixtieth vote, when the Tellers reported the result as follows:

Whole number of votes cast	49
Necessary to a choice	25
Of which Mr. Frémont received	13 votes.
King	17
Heydenfeldt	15
Geary	1
Weller	2
Green	1

Those who voted for Mr. Frémont were—Messrs. Adams, Cooke, De la Guerra, Lippincott, and Warner, of the Senate; and Carnes, Covarrubias, Hoff, Kellogg, Pico, Randall, Robinson, and Stearns, of the Assembly—13.

Those who voted for Mr. King were—Messrs. Douglass, Tingley, and Woodworth, of the Senate; and Baldwin, Bennett, Bodley, Bradford, Brown, Campbell, Carr, Cook, Lisle, McDougal, Moore, Osgood, Thorne, and Wilkins, of the Assembly—17.

Those who voted for Mr. Heydenfeldt were—Messrs. Green, Heydenfeldt, Miller, Robinson, and Van Buren, of the Senate; and Field, Hall, Kendrick, Lind, Merritt, Murphy, Richardson, Saunders, Yeiser, and Speaker, of the Assembly—15.

Mr. Broderick voted for Mr. Geary—1.

Those who voted for Mr. Weller were—Messrs. Crosby, of the Senate; and McCorkle, of the Assembly—2.

Mr. Wethered voted for Mr. Green—1.

No person having received a majority of all the votes cast, the Convention proceeded, in like manner, to the sixty-first vote, and the Tellers reported the result as follows:

Whole number of votes cast	49
Necessary to a choice	25
Of which Mr. Frémont received	10 votes.
King	17
Heydenfeldt	15
Geary	1
Weller	3
W. D. M. Howard	3

Those who voted for Mr. Frémont were—Messrs. Adams, Cooke, De

la Guerra, Lippincott, of the Senate; and Messrs. Carnes, Covarrubias, Kellogg, Pico, Robinson, and Stearns, of the Assembly—10.

Those who voted for Mr. King were—Messrs. Douglass, Tingley, and Woodworth, of the Senate; and Baldwin, Bennett, Bodley, Bradford, Brown, Campbell, Carr, Cook, Lisle, McDougal, Moore, Osgood, Th orne and Wilkins, of the Assembly—17.

Those who voted for Mr. Heydenfeldt were—Messrs. Green, Heydenfeldt, Miller, Robinson, Van Buren, of the Senate; and Field, Hall, Kendrick, Lind, Merritt, Murphy, Richardson, Saunders, Yeiser, and Speaker, of the Assembly—15.

Mr. Broderick voted for Mr. Geary—1.

Messrs. Crosby, of the Senate; and Hoff and McCorkle, of the Assembly, voted for Mr. Weller—3.

Messrs. Warner, of the Senate; and Randall and Wethered, of the Assembly, voted for Mr. Howard—3.

No person having received a majority of all the votes vast, the Convention proceeded, in like manner, to the sixty-second vote, and the Tellers reported the result as follows:

Whole number of votes given,	. . .	49
Necessary to a choice,	. . . . .	25
Of which Mr. Frémont received	. . .	11 votes.
King,	. . . . .	17
Heydenfeldt,	. . . .	14
Geary,	. . . . .	1
Weller,	. . . . .	4
Howard,	. . . .	2

Those who voted for Mr. Frémont were—Messrs. Adams, Cooke, De la Guerra, Lippincott, of the Senate; and Carnes, Covarrubias, Kellogg, Pico, Randall, Robinson, and Stearns, of the Assembly—11.

Those who voted for Mr. King were—Messrs. Douglass, Tingley, and Woodworth, of the Senate; and Baldwin, Bennett, Bodley, Bradford, Brown, Campbell, Carr, Cook, Lisle, McDougal, Moore, Osgood, Thorne, Wilkins, of the Assembly—17.

Those who voted for Mr. Heydenfeldt were—Messrs. Green, Heydenfeldt. Miller, Robinson, and Van Buren, of the Senate; and Field, Ken-

drick, Lind, Merritt, Murphy, Richardson, Saunders, Yeiser, and Speaker, of the Assembly—14.

Mr. Broderick voted for Mr. Geary—1.

Messrs. Crosby, of the Senate; and Hall, Hoff, McCorkle, of the Assembly, voted for Mr. Weller—4.

Messrs. Warner, of the Senate; and Wethered, of the Assembly. voted for Mr. Howard—2

No person having received a majority of all the votes cast, the Convention proceeded, in like manner, to the sixty-third vote, and the Tellers reported the result as follows:

Whole number of votes cast	49	
Necessary to a choice	25	
Of which Mr. Frémont received . . .	11	votes.
King	17	
Heydenfeldt	15	
Geary	1	
Weller	3	
Howard	2	

Those who voted for Mr. Frémont were—Messrs. Adams, Cooke, De la Guerra, and Lippincott, of the Senate; and Carnes, Covarrubias, Kellogg, Pico, Randall, Robinson, and Stearns, of the Assembly—11.

Those who voted for Mr. King were—Messrs. Douglass, Tingley, Woodworth, of the Senate; and Baldwin, Bennett, Bodley, Bradford. Brown, Campbell, Carr, Cook, Lisle, McDougal, Moore, Osgood, Thorne, and Wilkins, of the Assembly—17.

Those who voted for Mr. Heydenfeldt were—Messrs. Green, Heydenfeldt, Miller, Robinson, Van Buren, of the Senate; and Field, Merritt, Murphy, Richardson, Saunders, Yeiser, and Speaker, of the Assembly—15.

Mr. Broderick voted for Mr. Geary.

Messrs. Crosby, of the Senate; and Hoff and McCorkle, of the Assembly, voted for Mr. Weller.

Messrs. Warner, of the Senate; and Wethered, of the Assembly, voted for Mr. Howard—2.

No person having received a majority of all the votes cast, the Con-

vention proceeded, in like manner, to the sixty-fourth vote, and the Tellers reported the result as follows:

Whole number of votes cast	49
Necessary to a choice	25
Of which Mr. Frémont received . . .	11 votes.
King	17
Heydenfeldt	15
Geary	1
Weller	4
Howard	1

Those who voted for Mr. Frémont were—Messrs. Adams, Cooke, De la Guerra, and Lippincott, of the Senate; and Carnes, Covarrubias, Kellogg, Pico, Randall, Robinson, and Stearns, of the Assembly—11.

Those who voted for Mr. King were—Messrs. Douglass, Tingley, and Woodworth, of the Senate; and Baldwin, Bennett, Bodley, Bradford, Brown, Campbell, Carr, Cook, Lisle, McDougal, Moore, Osgood, Thorne, and Wilkins, of the Assembly—17.

Those who voted for Mr. Heydenfeldt were—Messrs. Green, Heydenfeldt, Miller, Robinson, Van Buren, of the Senate; and Field, Hall, Kendrick, Lind, Merritt, Murphy, Richardson, Saunders, Yeiser, and Speaker, of the Assembly—15.

Mr. Broderick voted for Mr. Geary—1.

Messrs. Crosby and Warner, of the Senate; and Hoff and McCorkle, of the Assembly, voted for Mr. Weller—4.

Mr. Wethered voted for Mr. Howard—1.

Mr. Robinson, of the Senate, moved to adjourn *sine die*.

Mr. Campbell demanded the ayes and nays.

Those who voted in the affirmative were—Messrs. Cooke, Miller, Robinson, and Warner, of the Senate; and Field, Hoff, Kendrick, McCorkle, Merritt, Randall, and Speaker, of the Assembly—11.

Those who voted in the negative were—Messrs. Adams, Broderick, Crosby, Douglass, De la Guerra, Green, Heydenfeldt, Lippincott, Tingley, Van Buren, Woodworth, of the Senate; and Baldwin, Bennett, Bodley, Bradford, Brown, Campbell, Carr, Carnes, Cook, Covarrubias, Hall, Kellogg, Lisle, Lind, McDougal, Moore, Murphy, Osgood, Pico

Richardson, Robinson, Saunders, Stearns, Thorne, Wethered, Wilkins, and Yeiser, of the Assembly—38.

Not agreed to.

Mr. Robinson, of the Assembly, moved that the Convention take a recess until 3 o'clock this afternoon.

Mr. Van Buren demanded the ayes and nays.

Those who voted in the affirmative were—Messrs. Adams, Crosby, Douglass, De la Guerra, Green, Heydenfeldt, Miller, of the Senate; and Messrs. Baldwin, Bodley, Campbell, Carr, Carnes, Cook, Covarrubias, Field, Hall, Kellogg, Kendrick, Lisle, McDougal, Moore, Osgood, Pico, Richardson, Robinson, Saunders, Stearns, Thorne, Wilkins, of the Assembly—29.

Those who voted in the negative were—Messrs. Broderick, Cooke, Lippincott, Robinson, Tingley, Van Buren, Warner, Woodworth, of the Senate; and Messrs. Bennett, Bradford, Brown, Hoff, Lind, McCorkle, Merritt, Murphy, Randall, Wethered, Yeiser, and Speaker, of the Assembly—20.

Agreed to.

IN ASSEMBLY.

TWELVE O'CLOCK.

On motion of Mr. Bodley, the House took a recess until 10 minutes before 3 o'clock this afternoon.

TEN MINUTES BEFORE THREE O'CLOCK.

House met.

The Roll was called, and the following members were absent, to wit: Messrs. Baldwin, Bennett, Campbell, Carr, Hoff, Lisle, Murphy, Pico; on leave, Mr. McCandless.

The hour having arrived for the two Houses to meet in Convention, the Assembly proceeded in order to the Senate Chamber.

IN CONVENTION.

The Roll was called, and Messrs. Hoff and Pico were absent; on leave, Mr. McCandless.

Mr. Campbell moved that the Convention proceed to vote.

Mr. Adams moved, as a substitute for said motion, that Convention adjourn to meet on Monday morning, 10 o'clock.

The question recurred on the substitute, when Mr. Campbell demanded the ayes and nays.

Those who voted in the affirmative were—Messrs. Adams, De la Guerra, Miller, Van Buren, Warner, of the Senate; and Messrs. Carnes, Covarrubias, Field, Hall, Kendrick, Lind; McCorkle, Pico, Richardson, Robinson, Stearns, Speaker, of the Assembly—17.

Those who voted in the negative were—Messrs. Broderick, Cooke, Crosby, Douglass, Green, Heydenfeldt, Lippincott, Robinson, Tingley, Woodworth, of the Senate; and Messrs. Baldwin, Bennett, Bodley, Bradford, Brown, Campbell, Carr, Cook, Hoff, Kellogg, Lisle, McDougal, Merritt, Moore, Murphy, Osgood, Randall, Saunders, Thorne, Wethered, Wilkins, Yeiser, of the Assembly—32.

Not agreed to.

On motion of Mr. Campbell, the Convention proceeded, in like manner, to the sixty-fifth vote (no person having received a majority of all the votes cast on the sixty-fourth vote), and the Tellers reported the result as follows:

Whole number of votes cast	49	
Necessary to a choice	25	
Of which Mr. Frémont received . . .	10	votes.
King	18	
Heydenfeldt	15	
Geary	1	
Weller	3	
Talbott H. Green . . .	2	

Those who voted for Mr. Frémont were—Messrs. Adams, Cooke, De la Guerra, and Warner, of the Senate; and Carnes, Covarrubias, Pico, Randall, Robinson, and Stearns, of the Assembly—10.

Those who voted for Mr. King were—Messrs. Douglass, Tingley, and Woodworth, of the Senate; and Baldwin, Bennett, Bodley, Bradford, Brown, Campbell, Carr, Cook, Kellogg, Lisle, McDougal, Moore, Osgood, Thorne, and Wilkins, of the Assembly—18.

Those who voted for Mr. Heydenfeldt were—Messrs. Green, Heydenfeldt, Miller, Robinson, and Van Buren, of the Senate; and Field, Hall, Kendrick, Lind, Merritt, Murphy, Richardson, Saunders, Yeiser, and Speaker, of the Assembly—15.

Mr. Broderick voted for Mr. Geary—1.

Messrs. Crosby, of the Senate; and Hoff and McCorkle, of the Assembly, voted for Mr. Weller—3.

Messrs. Lippincott, of the Senate; and Wethered, of the Assembly, voted for Mr. Green—2.

Mr. Broderick moved that the Senate do now retire.

Those who voted in the affirmative were—

Mr. Broderick	Mr. Van Buren
Cooke	Warner
Crosby	—5.

In the negative were—

Mr. Adams	Mr. Lippincott
Douglass	Miller
De la Guerra	Robinson
Green	Tingley
Heydenfeldt	—9.

Not agreed to.

On motion of Mr. Lisle, the Convention took a recess until Monday morning next, at 11 o'clock.

IN ASSEMBLY.

FIVE O'CLOCK.

On motion of Mr. Bodley, the Assembly adjourned until ten minutes before 11 o'clock, on Monday morning next.

HOUSE OF ASSEMBLY.

MONDAY, *February* 24, 1851.

House met.

The roll was called, and the following members were absent, to wit: Messrs. Campbell, Randall, and Saunders; on leave, Mr. McCandless.

On motion of Mr. Field, the reading of the Journal of Friday was dispensed with.

A message from the Governor was received, informing the Assembly that he did, on the 18th instant, sign bills, severally entitled "an Act to authorize the Treasurer of State to negotiate a loan upon the faith and credit of the State, for the purpose of defraying the expenses which have been and may be incurred in suppressing Indian Hostilities in the State;" and "an Act concerning Attorneys and Counsellors at Law."

The hour having arrived for the two Houses to meet in Convention, the Assembly proceeded in order to the Senate Chamber.

IN CONVENTION.

ELEVEN O'CLOCK.

The roll was called, and Mr. Robinson, of the Senate, was absent; on leave, Mr. McCandless.

Mr. Robinson was excused on account of illness.

Mr. McCorkle withdrew the name of Mr. Weller.

On motion of Mr. Bodley, the Convention proceeded, in like manner as on Friday, to the sixty-sixth vote (no person having received a majority of all the votes given on the sixty-fifth vote), and the Tellers reported the result as follows:

Whole number of votes cast	48	
Necessary to a choice	25	
Of which Mr. Frémont received	11	votes.
King	19	
Heydenfeldt	15	
Geary	1	
Tingley	2	

Those who voted for Mr. Frêmont were—Messrs. Adams, Cooke, De la Guerra, Lippincott, Warner, of the Senate; and Carnes, Covarrubias, Hoff, Pico, Robinson, Stearns, of the Assembly—11.

Those who voted for Mr. King were—Messrs. Douglass, Tingley, Woodworth, of the Senate; and Baldwin, Bennett, Bodley, Bradford, Brown, Campbell, Carr, Cook, Kellogg, Lisle, McDougal, Moore, Osgood, Thorne, Wethered, Wilkins, of the Assembly—19.

Those who voted for Mr. Heydenfeldt were—Messrs. Green, Heydenfeldt, Miller, Van Buren, of the Senate; and Field, Hall, Kendrick, Lind, McCorkle, Merritt, Murphy, Richardson, Saunders, Yeiser, Speaker, of the Assembly—15.

Mr. Broderick voted for Mr. Geary—1.

Mr. Crosby of the Senate; and Mr. Randall, of the Assembly, voted for Mr. Tingley—2.

No person having received a majority of all the votes cast, the Convention proceeded, in like manner, to the sixty-seventh vote, and the Tellers reported the result as follows:

Whole number of votes cast	48	
Necessary to a choice	25	
Of which Mr. Frémont received	12	votes.
King	19	
Heydenfeldt	15	
Geary	2	

Those who voted for Mr. Frémont were—Messrs. Adams, Cooke, De la Guerra, Lippincott, and Warner, of the Senate; and Carnes, Covarrubias, Hoff, Pico, Randall, Robinson, Stearns, of the Assembly—12.

Those who voted for Mr. King were—Messrs. Douglass, Tingley, Woodworth, of the Senate; and Baldwin, Bennett, Bodley, Bradford, Brown, Campbell, Carr, Cook, Kellogg, Lisle, McDougal, Moore, Osgood, Thorne, Wethered, Wilkins, of the Assembly—19.

Those who voted for Mr. Heydenfeldt were—Messrs. Green, Heydenfeldt, Miller, and Van Buren, of the Senate; and Field, Hall, Kendrick, Lind, McCorkle, Merritt, Murphy, Richardson, Saunders, Yeiser, and Speaker, of the Assembly—15.

Those who voted for Mr. Geary were—Messrs. Broderick and Crosby, of the Senate—2.

No person having received a majority of all the votes cast, the Convention proceeded, in like manner, to the sixty-eighth vote, and the Tellers reported the result as follows:

Whole number of votes cast		48
Necessary to a choice		25
Of which Mr. Frémont received	12	votes.
King	19	
Heydenfeldt	15	
Geary	2	

Those who voted for Mr. Frémont were—Messrs. Adams, Cooke, De la Guerra, Lippincott, and Warner, of the Senate; and Messrs. Carnes, Covarrubias, Hoff, Pico, Randall, Robinson, and Stearns, of the Assembly—12.

Those who voted for Mr. King were—Messrs. Douglass, Tingley, and Woodworth, of the Senate; and Messrs. Baldwin, Bennett, Bodley, Bradford, Brown, Campbell, Carr, Cook, Kellogg, Lisle, McDougal, Moore, Osgood, Thorne, Wethered, and Wilkins, of the Assembly—19.

Those who voted for Mr. Heydenfeldt were—Messrs. Green, Heydenfeldt, Miller, and Van Buren, of the Senate; and Messrs. Field, Hall, Kendrick, Lind, McCorkle, Merritt, Murphy, Richardson, Saunders, Yeiser, and Speaker, of the Assembly—15.

Messrs. Broderick and Crosby, of the Senate, voted for Mr. Geary—2.

No person having received a majority of all the votes cast, the Convention proceeded, in like manner, to the sixty-ninth vote, and the Tellers reported the result as follows;

Whole number of votes cast		48
Necessary to a choice		25
Of which Mr. Frémont received	12	votes.
King	19	
Heydenfeldt	15	
Geary	2	

Those who voted for Mr. Frémont were—Messrs. Adams, Cooke, De la Guerra, Lippincott, and Warner, of the Senate; and Messrs. Carnes, Covarrubias, Hoff, Pico, Randall, Robinson, and Stearns, of the Assembly—12.

Those who voted for Mr. King were—Messrs. Douglass, Tingley, and Woodworth, of the Senate; and Messrs. Baldwin, Bennett, Bodley, Bradford, Brown, Campbell, Carr, Cook, Kellogg, Lisle, McDougal, Moore, Osgood, Thorne, Wethered, and Wilkins, of the Assembly—19.

Those who voted for Mr. Heydenfeldt were—Messrs. Green, Heydenfeldt, Miller, and Van Buren, of the Senate; and Messrs. Field, Hall, Kendrick, Lind, McCorkle, Merritt, Murphy, Richardson, Saunders, Yeiser, and Speaker, of the Assembly—15.

Messrs. Broderick and Crosby, of the Senate, voted for Mr. Geary—2.

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

Whole number of votes cast	48
Necessary to a choice	25
Of which Mr. Frémont received . . .	13 votes.
King	18
Heydenfeldt	15
Geary	2

Those who voted for Mr. Frémont were—Messrs. Adams, Cooke, De la Guerra, Lippincott, and Warner, of the Senate; and Messrs. Bradford, Carnes, Covarrubias, Hoff, Pico, Randall, Robinson, and Stearns, of the Assembly—13.

Those who voted for Mr. King were—Messrs. Douglass, Tingley, and Woodworth, of the Senate; and Messrs. Baldwin, Bennett, Bodley, Brown, Campbell, Carr, Cook, Kellogg, Lisle, McDougal, Moore, Osgood, Thorne, Wethered, and Wilkins, of the Assembly—18.

Those who voted for Mr. Heydenfeldt were—Messrs. Green, Heydenfeldt, Miller, and Van Buren, of the Senate; and Field, Hall, Kendrick, Lind, McCorkle, Merritt, Murphy, Richardson, Saunders, Yeiser, and Speaker of the Assembly—15.

Those who voted for Mr. Geary were—Messrs. Broderick and Crosby, of the Senate—2

No person having received a majority of all the votes cast, the Convention proceeded, in like manner, to the seventy-first vote, and the Tellers reported the result as follows:

Whole number of votes cast	48	
Necessary to a choice	25	
Of which Mr. Frémont received . . .	13	votes.
King	18	
Heydenfeldt	15	
Geary	2	

Those who voted for Mr. Frémont were—Messrs. Adams, Cooke, De la Guerra, Lippincott, and Warner, of the Senate; and Bradford, Carnes, Covarrubias, Hoff, Pico, Randall, Robinson, and Stearns of the Assembly—13.

Those who voted for Mr. King were—Messrs. Douglass, Tingley, and Woodworth, of the Senate; and Baldwin, Bennett, Bodley, Brown, Campbell, Carr, Cook, Kellogg, Lisle, McDougal, Moore, Osgood, Thorne, Wethered, and Wilkins, of the Assembly—18.

Those who voted for Mr. Heydenfeldt were—Messrs. Green, Heydenfeldt. Miller, and Van Buren, of the Senate; and Field, Hall, Kendrick, Lind, McCorkle, Merritt, Murphy, Richardson, Saunders, Yeiser, and Speaker, of the Assembly—15.

Those who voted for Mr. Geary were—Messrs. Broderick and Crosby, of the Senate—2.

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

Whole number of votes cast	48	
Necessary to a choice	25	
Of which Mr. Frémont received . . .	12	votes.
King	19	
Heydenfeldt	15	
Geary	2	

Those who voted for Mr. Frémont were—Messrs. Adams, Cooke, De la Guerra, Lippincott, and Warner, of the Senate; and Messrs. Carnes, Covarrubias, Hoff, Pico, Randall, Robinson, and Stearns, of the Assembly—12.

Those who voted for Mr. King were—Messrs. Douglass, Tingley, and Woodworth, of the Senate; and Baldwin, Bennett, Bodley, Brad-

ford, Brown, Campbell, Carr, Cook, Kellogg, Lisle, McDougal, Moore, Osgood, Thorne, Wethered, and Wilkins, of the Assembly—19.

Those who voted for Mr. Heydenfeldt were—Messrs. Green, Heydenfeldt, Miller, and Van Buren, of the Senate; and Field, Hall, Kendrick, Lind, McCorkle, Merritt, Murphy, Richardson, Saunders, Yeiser, and Speaker, of the Assembly—15.

Those who voted for Mr. Geary were—Messrs. Broderick and Crosby, of the Senate—2.

No person having received a majority of all the votes cast, the Convention proceeded, in like manner, to the seventy-third vote, and the Tellers reported the result as follows:

Whole number of votes cast	48	
Necessary to a choice	25	
Of which Mr. Frémont received	12	votes.
King	19	
Heydenfeldt	14	
Geary	2	
S. A. Merritt	1	

Those who voted for Mr. Frémont were—Messrs. Adams, Cooke, De la Guerra, Lippincott, and Warner, of the Senate; and Messrs. Carnes, Covarrubias, Hoff, Pico, Randall, Robinson, and Stearns, of the Assembly—12.

Those who voted for Mr. King were—Messrs. Douglass, Tingley, and Woodworth, of the Senate; and Messrs. Baldwin, Bennett, Bodley, Bradford, Brown, Campbell, Carr, Cook, Kellogg, Lisle, McDougal, Moore, Osgood, Thorne, Wethered, and Wilkins, of the Assembly—19.

Those who voted for Mr. Heydenfeldt were—Messrs. Green, Heydenfeldt, Miller, and Van Buren, of the Senate; and Messrs. Field, Hall, Kendrick, Lind, McCorkle, Merritt, Murphy, Saunders, Yeiser, and Speaker, of the Assembly—14.

Those who voted for Mr. Geary were—Messrs. Broderick and Crosby, of the Senate—2.

Mr. Richardson voted for Mr. Merritt—1.

No person having received a majority of all the votes cast, the Convention proceeded, in like manner, to the seventy-fourth vote, and the Tellers reported the result as follows:

Whole number of votes cast,		48
Necessary to a choice,		25
Of which Mr. Frémont received	12	votes.
King	19	
Heydenfeldt	15	
Geary	2	

Those who voted for Mr. Frémont were—Messrs. Adams, Cooke, De la Guerra, Lippincott and Warner, of the Senate; and Messrs. Carnes, Covarrubias, Hoff, Pico, Randall, Robinson, and Stearns, of the Assembly —12.

Those who voted for Mr. King were—Messrs. Douglass, Tingley, and Woodworth, of the Senate; and Baldwin, Bennett, Bodley, Bradford, Brown, Campbell, Carr, Cook, Kellogg, Lisle, McDougal, Moore, Osgood, Thorne, Wethered, and Wilkins, of the Assembly—19.

Those who voted for Mr. Heydenfeldt were—Messrs. Green, Heydenfeldt, Miller, and Van Buren, of the Senate; and Field, Hall, Kendrick, Lind, McCorkle, Merritt, Murphy, Richardson, Saunders, Yeiser, and Speaker, of the Assembly—15.

Those who voted for Mr. Geary were—Messrs. Broderick and Crosby, of the Senate—2.

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

Whole number of votes cast,		48
Necessary to a choice,		25
Of which Mr. Frémont received	12	votes.
King	19	
Heydenfeldt	15	
Geary	2	

Those who voted for Mr. Frémont were—Messrs. Adams, Cooke, De la Guerra, Lippincott, and Warner, of the Senate; and Carnes, Covarrubias, Hoff, Pico, Randall, Robinson, and Stearns, of the Assembly —12.

Those who voted for Mr. King were—Messrs. Douglass, Tingley, and Woodworth, of the Senate; and Baldwin, Bennett, Bodley, Bradford,

Brown, Campbell, Carr, Cook, Kellogg, Lisle, McDougal, Moore, Osgood, Thorne, Wethered, and Wilkins, of the Assembly—19.

Those who voted for Mr. Heydenfeldt were—Messrs. Green, Heydenfeldt, Miller, and Van Buren, of the Senate; and Field, Hall, Kendrick, Lind, McCorkle, Merritt, Murphy, Richardson, Saunders, Yeiser, and Speaker, of the Assembly—15.

Those who voted for Mr. Geary were—Messrs. Broderick and Crosby, of the Senate—2.

No person having received a majority of all the votes cast, the Convention proceeded, in like manner, to the seventy-sixth vote, and the Tellers reported the result as follows:

Whole number of votes cast	48
Necessary to a choice	25
Of which Mr. Frémont received . . .	12 votes.
King	19
Heydenfeldt	15
Geary	2

Those who voted for Mr. Frémont were—Messrs. Adams, Cooke, De la Guerra, Lippincott, and Warner, of the Senate; and Carnes, Covarrubias, Hoff, Pico, Randall, Robinson, and Stearns, of the Assembly—12.

Those who voted for Mr. King were—Messrs. Douglass, Tingley, and Woodworth, of the Senate; and Baldwin, Bennett, Bodley, Bradford, Brown, Campbell, Carr, Cook, Kellogg, Lisle, McDougal, Moore, Osgood, Thorne, Wethered, and Wilkins, of the Assembly—19.

Those who voted for Mr. Heydenfeldt were—Messrs. Green, Heydenfeldt, Miller, and Van Buren, of the Senate; and Field, Hall, Kendrick, Lind, McCorkle, Merritt, Murphy, Richardson, Saunders, Yeiser, and Speaker, of the Assembly—15.

Those who voted for Mr. Geary were—Messrs. Broderick and Crosby, of the Senate—2.

No person having received a majority of all the votes cast, the Convention proceeded, in like manner, to the seventy-seventh vote, when the Tellers reported the result as follows:

Whole number of votes cast	48
Necessary to a choice	25
Of which Mr. Frémont received	12 votes.
King	19
Heydenfeldt	15
Geary	2

Those who voted for Mr. Frémont were—Messrs. Adams, Cooke, De la Guerra, Lippincott, and Warner, of the Senate; and Carnes, Covarrubias, Hoff, Pico, Randall, Robinson, and Stearns, of the Assembly—12.

Those who voted for Mr. King were—Messrs. Douglass, Tingley, and Woodworth, of the Senate; and Baldwin, Bennett, Bodley, Bradford, Brown, Campbell, Carr, Cook, Kellogg, Lisle, McDougal, Moore, Osgood, Thorne, Wethered, and Wilkins, of the Assembly—19.

Those who voted for Mr. Heydenfeldt were—Messrs. Green, Heydenfeldt, Miller, and Van Buren, of the Senate; and Field, Hall, Kendrick, Lind, McCorkle, Merritt, Murphy, Richardson, Saunders, Yeiser, and Speaker, of the Assembly—15.

Those who voted for Mr. Geary were—Messrs. Broderick and Crosby, of the Senate—2.

No person having received a majority of all the votes cast, the Convention proceeded, in like manner, to the seventy-eighth vote, and the Tellers reported the result as follows:

Whole number of votes cast	48
Necessary to a choice	25
Of which Mr. Frémont received	12 votes.
King	19
Heydenfeldt	15
Geary	2

Those who voted for Mr. Frémont were—Messrs. Adams, Cooke, De la Guerra, Lippincott, and Warner, of the Senate; and Messrs. Carnes, Covarrubias, Hoff, Pico, Randall, Robinson, and Stearns, of the Assembly—12.

Those who voted for Mr. King were—Messrs. Douglass, Tingley, and

Woodworth, of the Senate; and Messrs. Baldwin, Bennett, Bodley, Bradford, Brown, Campbell, Carr, Cook, Kellogg, Lisle, McDougal, Moore, Osgood, Thorne, Wethered, and Wilkins, of the Assembly—19.

Those who voted for Mr. Heydenfeldt were—Messrs. Green, Heydenfeldt, Miller, and Van Buren, of the Senate; and Messrs. Field, Hall, Kendrick, Lind, McCorkle, Merritt, Murphy, Richardson, Saunders, Yeiser, and Speaker, of the Assembly—15.

Those who voted for Mr. Geary were—Messrs. Broderick and Crosby, of the Senate—2.

No person having received a majority of all the votes cast, the Convention proceeded, in like manner, to the seventy-ninth vote, and the Tellers reported the result as follows:

Whole number of votes cast	48
Necessary to a choice	25
Of which Mr. Frémont received	11 votes.
King	17
Heydenfeldt	14
Geary	2
W. S. Sherwood	2
Robt. T. Saunders	2

Those who voted for Mr. Fremont were—Messrs. Adams, Cooke, De la Guerra, Lippincott, and Warner, of the Senate; and Messrs. Carnes, Covarrubias, Hoff, Pico, Robinson, and Stearns, of the Assembly—11.

Those who voted for Mr. King were—Messrs. Douglass, Tingley, and Woodworth, of the Senate; and Messrs. Baldwin, Bennett, Bodley, Brown, Campbell, Carr, Cook, Kellogg, Lisle, McDougal, Moore, Thorne, Wethered, and Wilkins, of the Assembly—17.

Those who voted for Mr. Heydenfeldt were—Messrs. Green, Heydenfeldt, Miller, and Van Buren, of the Senate; and Messrs. Field, Hall, Kendrick, Lind, McCorkle, Merritt, Murphy, Richardson, Yeiser, and Speaker, of the Assembly—14.

Those who voted for Mr. Geary were—Messrs. Broderick and Crosby, of the Senate—2.

Those who voted for Mr. Sherwood were—Messrs. Bradford and Saunders, of the Assembly—2.

Those who voted for Mr. Saunders were—Messrs. Osgood and Randall, of the Assembly—2.

No one having received a majority of all the votes cast, the Convention proceeded, in like manner, to the eightieth vote, and the Tellers reported the result as follows:

Whole number of votes cast, ...	48	
Necessary to a choice, ...	25	
Of which Mr. Frémont received . . .	12	votes.
King	19	
Heydenfeldt	15	
Geary	2	

Those who voted for Mr. Frémont were—Messrs. Adams, Cooke, De la Guerra, Lippincott, and Warner, of the Senate; and Messrs. Carnes, Covarrubias, Hoff, Pico, Randall, Robinson, and Stearns, of the Assembly—12.

Those who voted for Mr. King were—Messrs. Douglass, Tingley, and Woodworth, of the Senate; and Baldwin, Bennett, Bodley, Bradford, Brown, Campbell, Carr, Cook, Kellogg, Lisle, McDougal, Moore, Osgood, Thorne, Wethered, and Wilkins, of the Assembly—19.

Those who voted for Mr. Heydenfeldt were—Messrs. Green, Heydenfeldt, Miller, and Van Buren of the Senate; and Field, Hall, Kendrick, Lind, McCorkle, Merritt, Murphy, Richardson, Saunders, Yeiser, and Speaker, of the Assembly—15.

Those who voted for Mr. Geary were—Messrs. Broderick and Crosby, of the Senate.

No person having received a majority of all the votes cast, the Convention proceeded, in like manner, to the eighty-first vote, and the Tellers reported the result as follows:

Whole number of votes cast	48	
Necessary to a choice	25	
Of which Mr. Frémont received . . .	12	votes.
King	19	
Heydenfeldt	15	
Geary	2	

Those who voted for Mr. Frémont were—Messrs. Adams, Cooke, De la Guerra, Lippincott, and Warner, of the Senate; and Carnes, Covarrubias, Hoff, Pico, Randall, Robinson, and Stearns, of the Assembly—12.

Those who voted for Mr. King were—Messrs. Douglass, Tingley, and Woodworth, of the Senate; and Baldwin, Bennett, Bodley, Bradford, Brown, Campbell, Carr, Cook, Kellogg, Lisle, McDougal, Moore, Osgood, Thorne, Wethered, and Wilkins, of the Assembly—19.

Those who voted for Mr. Heydenfeldt were—Messrs. Green, Heydenfeldt, Miller, and Van Buren, of the Senate; and Field, Hall, Kendrick, Lind, McCorkle, Merritt, Murphy, Richardson, Saunders, Yeiser, and Speaker, of the Assembly—15.

Those who voted for Mr. Geary were—Messrs. Broderick and Crosby, of the Senate.—2.

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

Whole number of votes cast	48	
Necessary to a choice	25	
Of which Mr. Frémont received . . .	12	votes.
King	19	
Heydenfeldt	15	
Geary	2	

Those who voted for Mr. Frémont were—Messrs. Adams, Cooke, De la Guerra, Lippincott, and Warner, of the Senate; and Carnes, Covarrubias, Hoff, Pico, Randall, Robinson, and Stearns, of the Assembly—12.

Those who voted for Mr. King were—Messrs. Douglass, Tingley, and Woodworth, of the Senate; and Baldwin, Bennett, Bodley, Bradford, Brown, Campbell, Carr, Cook, Kellogg, Lisle, McDougal, Moore, Osgood, Thorne, Wethered, and Wilkins, of the Assembly—19.

Those who voted for Mr. Heydenfeldt were—Messrs. Green, Heydenfeldt, Miller, and Van Buren, of the Senate; and Field, Hall, Kendrick, Lind, McCorkle, Merritt, Murphy, Richardson, Saunders, Yeiser, and Speaker, of the Assembly—15.

Those who voted for Mr. Geary were—Messrs. Broderick and Crosby, of the Senate.—2.

No person having received a majority of all the votes cast, the Con-

vention proceeded, in like manner, to the eighty-third vote, and the Tellers reported the result as follows:

Whole number of votes cast		48
Necessary to a choice		25
Of which Mr. Frémont received	12	votes.
King	19	
Heydenfeldt	15	
Geary	2	

Those who voted for Mr. Frémont were—Messrs. Adams, Cooke, De la Guerra, Lippincott, and Warner, of the Senate; and Carnes, Covarrubias, Hoff, Pico, Randall, Robinson, and Stearns, of the Assembly —12.

Those who voted for Mr. King were—Messrs. Douglass, Tingley, and Woodworth, of the Senate; and Baldwin, Bennett, Bodley, Bradford, Brown, Campbell, Carr, Cook, Kellogg, Lisle, McDougal, Moore, Osgood, Thorne, Wethered, and Wilkins, of the Assembly—19.

Those who voted for Mr. Heydenfeldt were—Messrs. Green, Heydenfeldt, Miller, and Van Buren, of the Senate; and Field, Hall, Kendrick, Lind, McCorkle, Merritt, Murphy, Richardson, Saunders, Yeiser, and Speaker, of the Assembly—15.

Those who voted for Mr. Geary were—Messrs. Broderick and Crosby, of the Senate—2.

No person having received a majority of all the votes cast, the Convention proceeded to the eighty-fourth vote, and the Tellers reported the result as follows:

Whole number of votes cast		48
Necessary to a choice		25
Of which Mr. Frémont received	12	votes.
King	19	
Heydenfeldt	15	
Geary	2	

Those who voted for Mr. Frémont were—Messrs. Adams, Cooke, De la Guerra, Lippincott, and Warner, of the Senate; and Carnes, Covarrubias, Hoff, Pico, Randall, Robinson, and Stearns, of the Assembly —12.

Those who voted for Mr. King were—Messrs. Douglass, Tingley, and Woodworth, of the Senate; and Baldwin, Bennett, Bodley, Bradford, Brown, Campbell, Carr, Cook, Kellogg, Lisle, McDougal, Moore, Osgood, Thorne, Wethered, and Wilkins, of the Assembly—19.

Those who voted for Mr. Heydenfeldt were—Messrs. Green, Heydenfeldt, Miller, and Van Buren, of the Senate; and Hall, Field, Kendrick, Lind, McCorkle, Merritt, Murphy, Richardson, Saunders, Yeiser, and Speaker, of the Assembly—15.

Those who voted for Mr. Geary were—Messrs. Broderick and Crosby, of the Senate—2.

No person having received a majority of all the votes cast, the Convention proceeded, in like manner, to the eighty-fifth vote, and the Tellers reported the result as follows:

Whole number of votes cast	48	
Necessary to a choice	25	
Of which Mr. Frémont received . . .	12	votes.
King	19	
Heydenfeldt	15	
Geary	2	

Those who voted for Mr. Frémont were—Messrs. Adams, Cooke, De la Guerra, Lippincott, and Warner, of the Senate; and Carnes, Covarrubias, Hoff, Rico, Randall, Robinson, and Stearns, of the Assembly—12.

Those who voted for Mr. King were—Messrs. Douglass, Tingley, and Woodworth, of the Senate; and Messrs. Baldwin, Bennett, Bodley, Bradford, Brown, Campbell, Carr, Cook, Kellogg, Lisle, McDougal, Moore, Osgood, Thorne, Wethered, and Wilkins, of the Assembly—19.

Those who voted for Mr. Heydenfeldt were—Messrs. Green, Heydenfeldt, Miller, and Van Buren, of the Senate; and Messrs. Field, Hall, Kendrick, Lind, McCorkle, Merritt, Murphy, Richardson, Saunders, Yeiser, and Speaker, of the Assembly—15.

Those who voted for Mr. Geary were—Messrs. Broderick and Crosby, of the Senate—2.

No person having received a majority of all the votes cast, the Convention proceeded, in like manner, to the eighty-sixth vote, and the Tellers reported the result as follows:

Whole number of votes cast	48
Necessary to a choice	25
Of which Mr. Fremont received	12 votes.
King	19
Heydenfeldt	15
Geary	2

Those who voted for Mr. Frémont were—Messrs. Adams, Cooke, De la Guerra, Lippincott, and Warner, of the Senate; and Messrs. Carnes, Covarrubias, Hoff, Pico, Randall, Robinson, and Stearns, of the Assembly—12.

Those who voted for Mr. King were—Messrs. Douglass, Tingley, and Woodworth, of the Senate; and Messrs. Baldwin, Bennett, Bodley, Bradford, Brown, Campbell, Carr, Cook, Kellogg, Lisle, McDougal, Moore, Osgood, Thorne, Wethered, and Wilkins, of the Assembly—19.

Those who voted for Mr. Heydenfeldt were—Messrs. Green, Heydenfeldt, Miller, Van Buren, of the Senate; and Messrs. Field, Hall, Kendrick, Lind, McCorkle, Merritt, Murphy, Richardson, Saunders, Yeiser, and Speaker, of the Assembly—15.

Those who voted for Mr. Geary were—Messrs. Broderick and Crosby, of the Senate—2.

No person having received a majority of all the votes cast, the Convention proceeded, in like manner, to the eighty-seventh vote, and the Tellers reported the result as follows:

Whole number of votes cast	48
Necessary to a choice	25
Of which Mr. Frémont received	12 votes.
King	19
Heydenfeldt	15
Geary	2

Those who voted for Mr. Frémont were—Messrs. Adams, Cooke, De la Guerra, Lippincott, and Warner, of the Senate; and Messrs. Carnes, Covarrubias, Hoff, Pico, Randall, Robinson, and Stearns, of the Assembly—12.

Those who voted for Mr. King were—Messrs. Douglass, Tingley, and Woodworth, of the Senate; and Messrs. Baldwin, Bennett, Bodley,

Bradford, Brown, Campbell, Carr, Cook, Kellogg, Lisle, McDougal, Moore, Osgood, Thorne, Wethered, and Wilkins, of the Assembly—19.

Those who voted for Mr. Heydenfeldt were—Messrs. Green, Heydenfeldt, Miller, and Van Buren, of the Senate; and Messrs. Field, Hall, Kendrick, Lind, McCorkle, Merritt, Murphy, Richardson, Saunders, Yeiser, and Speaker, of the Assembly—15.

Those who voted for Mr. Geary were—Messrs. Broderick and Crosby, of the Senate—2.

No person having received a majority of all the votes cast, the Convention proceeded, in like manner, to the eighty-eighth vote, and the Tellers reported the result as follows:

Whole number of votes cast	48
Necessary to a choice	25
Of which Mr. Frémont received	12 votes.
King	19
Heydenfeldt	15
Geary	2

Those who voted for Mr. Frémont were—Messrs. Adams, Cooke, De la Guerra, Lippincott, and Warner, of the Senate; and Carnes, Covarrubias, Hoff, Pico, Randall, Robinson, and Stearns, of the Assembly—12.

Those who voted for Mr. King were—Messrs. Douglass, Tingley, Woodworth, of the Senate; and Baldwin, Bennett, Bodley, Bradford, Brown, Campbell, Carr, Cook, Kellogg, Lisle, McDougal, Moore, Osgood, Thorne, Wethered, and Wilkins, of the Assembly—19.

Those who voted for Mr. Heydenfeldt were—Messrs. Green, Heydenfeldt, Miller, and Van Buren, of the Senate; and Field, Hall, Kendrick, Lind, McCorkle, Merritt, Murphy, Richardson, Saunders, Yeiser, Speaker, of the Assembly—15.

Those who voted for Mr. Geary were—Messrs. Broderick and Crosby, of the Senate—2.

No person having received a majority of all the votes cast, the Convention proceeded, in like manner, to the eighty-ninth vote, and the Tellers reported the result as follows:

Whole number of votes cast	48
Necessary to a choice	25

Of which Mr. Frémont received	. . .	12 votes.
King	. . . .	17
Heydenfeldt	. . . .	15
Geary	. . . . .	2
McCorkle	. . . . .	1
Watson	. . . . .	1

Those who voted for Mr. Frémont were—Messrs. Adams, Cooke, De la Guerra, Lippincott, and Warner, of the Senate; and Carnes, Covarrubias, Hoff, Pico, Randall, Robinson, and Stearns, of the Assembly—12.

Those who voted for Mr. King were—Messrs. Douglass, Tingley, and Woodworth, of the Senate; and Baldwin, Bennett, Bodley, Bradford, Brown, Campbell, Carr, Cook, Kellogg, Lisle, McDougal, Moore, Thorne, and Wilkins, of the Assembly—17.

Those who voted for Mr. Heydenfeldt were—Messrs. Green, Heydenfeldt, Miller, Van Buren, of the Senate; and Field, Hall, Kendrick, Lind, McCorkle, Merritt, Murphy, Richardson, Saunders, Yeiser, and Speaker, of the Assembly—15.

Those who voted for Mr. Geary were—Messrs Broderick and Crosby, of the Senate—2.

Mr. Osgood voted for Mr. McCorkle—1.

Mr. Wethered voted for Mr. Watson—1.

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

Whole number of votes cast	. . . .	48
Necessary to a choice	. . . . .	25
Of which Mr. Frémont received	. . .	13 votes.
King	. . . . .	17
Heydenfeldt	. . . . .	13
Geary	. . . . .	2
Don Andreas Pico	. . .	3

Those who voted for Mr. Frémont were—Messrs. Adams, Cooke, De la Guerra, Lippincott, and Warner, of the Senate; and Messrs.

Carnes, Covarrubias, Hoff, Kellogg, Pico, Randall, Robinson, and Stearns, of the Assembly—13.

Those who voted for Mr. King were—Messrs. Douglass, Tingley, and Woodworth, of the Senate; and Messrs. Baldwin, Bennett, Bodley, Bradford, Brown, Campbell, Carr, Cook, Lisle, McDougal, Moore, Osgood, Thorne, and Wilkins, of the Assembly—17.

Those who voted for Mr. Heydenfeldt were—Messrs. Green, Heydenfeldt, Miller, and Van Buren, of the Senate; and Messrs. Field, Hall, Kendrick, Lind, McCorkle, Merritt, Murphy, Yeiser, and Speaker, of the Assembly—13.

Those who voted for Mr. Geary were—Messrs. Broderick and Crosby, of the Senate—2.

Those who voted for Mr. Pico were—Messrs. Richardson, Saunders, and Wethered—3.

No person having received a majority of all the votes cast, the Convention proceeded, in like manner, to the ninety-first vote, and the Tellers reported the result as follows:

Whole number of votes cast	47	
Necessary to a choice	24	
Of which Mr. Fremont received	11	votes.
King	16	
Heydenfeldt	12	
Geary	2	
P. De la Guerra	6	

Those who voted for Mr. Frémont were—Messrs. Adams, Cooke, De la Guerra, Lippincott, of the Senate; and Messrs. Carnes, Covarrubias, Hoff, Kellogg, Pico, Robinson, and Stearns, of the Assembly—11.

Those who voted for Mr. King were—Messrs. Douglass, Tingley, and Woodworth, of the Senate; and Messrs. Baldwin, Bennett, Bodley, Brown, Campbell, Carr, Cook, Lisle, McDougal, Moore, Osgood, Thorne, and Wilkins, of the Assembly—16.

Those who voted for Mr. Heydenfeldt were—Messrs. Green, Heydenfeldt, and Miller, of the Senate; and Messrs. Field, Kendrick, Lind, McCorkle, Merritt, Murphy, Richardson, Yeiser, and Speaker, of the Assembly—12.

Those who voted for Mr. Geary were—Messrs. Broderick and Crosby, of the Senate—2.

Those who voted for Mr. De la Guerra were—Messrs. Van Buren and Warner, of the Senate; and Messrs. Bradford, Randall, Saunders, and Wethered, of the Assembly—6.

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

Whole number of votes cast	45	
Necessary to a choice	23	
Of which Mr. Frémont received	12	votes.
King	18	
Heydenfeldt	13	
Geary	2	

Those who voted for Mr. Frémont were—Messrs. Adams, Cooke, De la Guerra, Lippincott, and Warner, of the Senate; and Carnes, Covarrubias, Hoff, Pico, Randall, Robinson, and Stearns, of the Assembly—12.

Those who voted for Mr. King were—Messrs. Douglass, Tingley, and Woodworth, of the Senate; and Bennett, Bodley, Bradford, Brown, Campbell, Carr, Cook, Kellogg, Lisle, McDougal, Moore, Osgood, Thorne, Wethered, and Wilkins, of the Assembly—18.

Those who voted for Mr. Heydenfeldt were—Messrs. Green, Heydenfeldt, Miller, Van Buren, of the Senate; and Field, Hall, Kendrick, McCorkle, Merritt, Richardson, Saunders, Yeiser, and Speaker, of the Assembly—13.

Those who voted for Mr. Geary were—Messrs. Broderick and Crosby, of the Senate—2.

Mr. Van Buren moved that there be a call of the Convention.

Not agreed to.

No person having received a majority of all the votes cast, the Convention proceeded, in like manner, to the ninety-third vote, and the Tellers reported the result as follows:

Whole number of votes cast	48
Necessary to a choice	25

Of which Mr. Frémont received	11	votes.
King	18	
Heydenfeldt	15	
Geary	4	

Those who voted for Mr. Frémont were—Messrs. Adams, Cooke, De la Guerra, and Warner, of the Senate; and Carnes, Covarrubias, Hoff, Pico, Randall, Robinson, and Stearns, of the Assembly—11.

Those who voted for Mr. King were—Messrs. Douglass, Tingley, and Woodworth, of the Senate; and Baldwin, Bennett, Bodley, Bradford, Brown, Campbell, Carr, Cook, Kellogg, Lisle, McDougal, Moore, Osgood, Thorne, and Wilkins, of the Assembly—18.

Those who voted for Mr. Heydenfeldt were—Messrs. Green, Heydenfeldt, Miller, and Van Buren, of the Senate; and Field, Hall, Kendrick, Lind, McCorkle, Merritt, Murphy, Richardson, Saunders, Yeiser, and Speaker, of the Assembly—15.

Those who voted for Mr. Geary were—Messrs. Broderick, Crosby, and Lippincott, of the Senate; and Wethered, of the Assembly—4.

No person having received a majority of all the votes cast, the Convention proceeded, in like manner, to the ninety-fourth vote, and the Tellers reported the result as follows:

Whole number of votes cast	46	
Necessary to a choice	24	
Of which Mr. Frémont received	12	votes.
King	18	
Heydenfeldt	14	
Geary	2	

Those who voted for Mr. Frémont were—Messrs. Adams, Cooke, De la Guerra, Lippincott, and Warner, of the Senate; and Messrs. Carnes, Covarrubias, Hoff, Pico, Randall, Robinson, and Stearns, of the Assembly—12.

Those who voted for Mr. King were—Messrs. Tingley and Woodworth, of the Senate; and Messrs. Baldwin, Bennett, Bodley, Bradford, Brown, Campbell, Carr, Cook, Kellogg, Lisle, McDougal, Moore, Osgood, Thorne, Wethered, and Wilkins, of the Assembly—18.

Those who voted for Mr. Heydenfeldt were—Messrs. Green, Heyden-

feldt, Miller, and Van Buren, of the Senate; and Messrs. Field, Hall, Kendrick, Lind, McCorkle, Merritt, Murphy, Richardson, Saunders, and Speaker, of the Assembly—14.

Those who voted for Mr. Geary were—Messrs. Broderick and Crosby, of the Senate—2.

No person having received a majority of all the votes cast, the Convention proceeded, in like manner, to the ninety-fifth vote, and the Tellers reported the result as follows:

Whole number of votes cast	48	
Necessary to a choice	25	
Of which Mr. Frémont received . . .	12	votes.
King	19	
Heydenfeldt	15	
Geary	2	

Those who voted for Mr. Frémont were—Messrs. Adams, Cooke, De la Guerra, Lippincott, and Warner, of the Senate; and Messrs. Carnes, Covarrubias, Hoff, Pico, Randall, Robinson, and Stearns, of the Assembly—12.

Those who voted for Mr. King were—Messrs. Douglass, Tingley, and Woodworth, of the Senate; and Messrs. Baldwin, Bennett, Bodley, Bradford, Brown, Campbell, Carr, Cook, Kellogg, Lisle, McDougal, Moore, Osgood, Thorne, Wethered, and Wilkins, of the Assembly—19.

Those who voted for Mr. Heydenfeldt were—Messrs. Green, Heydenfeldt, Miller, and Van Buren, of the Senate; and Messrs. Field, Hall, Kendrick, Lind, McCorkle, Merritt, Murphy, Richardson, Saunders, Yeiser, and Speaker, of the Assembly—15.

Those who voted for Mr. Geary were—Messrs. Broderick and Crosby, of the Senate.

No person having received a majority of all the votes cast, the Convention proceeded, in like manner, to the ninety-sixth vote, and the Tellers reported the result as follows:

Whole number of votes cast	48	
Necessary to a choice	25	
Of which Mr. Frémont received . . .	12	votes.
King	19	

Mr. Heydenfeldt received . . .	15 votes.
Geary	2

Those who voted for Mr. Frémont were—Messrs. Adams, Cooke, De la Guerra, Lippincott, and Warner, of the Senate; and Messrs. Carnes, Covarrubias, Hoff, Pico, Randall, Robinson, and Stearns, of the Assembly—12.

Those who voted for Mr. King were—Messrs. Douglass, Tingley, and Woodworth, of the Senate; and Baldwin, Bennett, Bodley, Bradford, Brown, Campbell, Carr, Cook, Kellogg. Lisle, McDougal, Moore, Osgood, Thorne, Wethered, and Wilkins, of the Assembly—19.

Those who voted for Mr. Heydenfeldt were—Messrs. Green, Heydenfeldt, Miller, and Van Buren, of the Senate; and Field, Hall, Kendrick, Lind, McCorkle, Merritt, Murphy, Richardson, Saunders, Yeiser, and Speaker, of the Assembly—15.

Those who voted for Mr. Geary were—Messrs. Broderick and Crosby, of the Senate—2.

No person having received a majority of all the votes cast, the Convention proceeded, in like manner, to the ninety-seventh vote, and the Tellers reported the result as follows:

Whole number of votes cast	48	
Necessary to a choice	25	
Of which Mr. Frémont received . . .	12	votes.
King	19	
Heydenfeldt	15	
Geary	2	

Those who voted for Mr. Frémont were—Messrs. Adams, Cooke, De la Guerra, Lippincott, and Warner, of the Senate; and Carnes, Covarrubias, Hoff, Pico, Randall, Robinson, and Stearns, of the Assembly—12.

Those who voted for Mr. King were—Messrs. Douglass, Tingley, and Woodworth, of the Senate; and Baldwin, Bennett, Bodley, Bradford, Brown, Campbell, Carr, Cook, Kellogg, Lisle, McDougal, Moore, Osgood, Thorne, Wethered, and Wilkins, of the Assembly—19.

Those who voted for Mr. Heydenfeldt were—Messrs. Green, Heydenfeldt, Miller, and Van Buren, of the Senate; and Field, Hall, Kendrick,

Lind, McCorkle, Merritt, Murphy, Richardson, Saunders, Yeiser, and Speaker, of the Assembly—15.

Those who voted for Mr. Geary were—Messrs. Broderick and Crosby, of the Senate—2.

No person having received a majority of all the votes cast, the Convention proceeded, in like manner, to the ninety-eighth vote, and the Tellers reported the result as follows:

Whole number of votes cast	48	
Necessary to a choice	25	
Of which Mr. Frémont received . . .	12	votes.
King	19	
Heydenfeldt	15	
Geary	2	

Those who voted for Mr. Frémont were—Messrs. Adams, Cooke, De la Guerra, Lippincott, and Warner, of the Senate; and Carnes, Covarrubias, Hoff, Pico, Randall, Robinson, and Stearns, of the Assembly—12.

Those who voted for Mr. King were—Messrs. Douglass, Tingley, and Woodworth, of the Senate; and Baldwin, Bennett, Bodley, Bradford, Brown, Campbell, Carr, Cook, Kellogg, Lisle, McDougal, Moore, Osgood, Thorne, Wethered and Wilkins, of the Assembly—19.

Those who voted for Mr. Heydenfeldt were—Messrs. Green, Heydenfeldt, Miller, and Van Buren, of the Senate; and Field, Hall, Kendrick, Lind, McCorkle, Merritt, Murphy, Richardson, Saunders, Yeiser, and Speaker, of the Assembly—15.

Those who voted for Mr. Geary were—Messrs. Broderick and Crosby, of the Senate—2.

No person having received a majority of all the votes cast, the Convention proceeded, in like manner, to the ninety-ninth vote, and the Tellers reported the result as follows:

Whole number of votes cast	48	
Necessary to a choice	25	
Of which Mr. Frémont received . . .	12	votes.
King	19	

Mr. Heydenfeldt received . . .	15 votes.
Geary	2

Those who voted for Mr. Frémont were—Messrs. Adams, Cooke, De la Guerra, Lippincott, and Warner, of the Senate; and Carnes, Covarrubias, Hoff, Pico, Randall, Robinson, and Stearns, of the Assembly—12.

Those who voted for Mr. King were—Messrs. Douglass, Tingley, and Woodworth, of the Senate; and Baldwin, Bennett, Bodley, Bradford, Brown, Campbell, Carr, Cook, Kellogg, Lisle, McDougal, Moore, Osgood, Thorne, Wethered, and Wilkins, of the Assembly—19.

Those who voted for Mr. Heydenfeldt were—Messrs. Green, Heydenfeldt, Miller, and Van Buren, of the Senate; and Field, Hall, Kendrick, Lind, McCorkle, Merritt, Murphy, Richardson, Saunders, Yeiser, and Speaker, of the Assembly—15.

Those who voted for Mr. Geary were—Messrs. Broderick and Crosby, of the Senate—2.

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

Whole number of votes cast	48
Necessary to a choice	25
Of which Mr. Frémont received . . .	13 votes.
King	18
Heydenfeldt	15
Geary	2

Those who voted for Mr. Frémont were—Messrs. Adams, Cooke, De la Guerra, Lippincott, and Warner, of the Senate; and Carnes, Covarrubias, Hoff, Kellogg, Pico, Randall, Robinson, and Stearns, of the Assembly—13.

Those who voted for Mr. King were—Messrs. Douglass, Tingley, and Woodworth, of the Senate; and Baldwin, Bennett, Bodley, Bradford, Brown, Campbell, Carr, Cook, Lisle, McDougal, Moore, Osgood, Thorne, Wethered, and Wilkins, of the Assembly—18.

Those who voted for Mr. Heydenfeldt were—Messrs. Green, Heydenfeldt, Miller, and Van Buren, of the Senate; and Field, Hall, Kendrick,

Lind, McCorkle, Merritt, Murphy, Richardson, Saunders, Yeiser, and Speaker, of the Assembly—15.

Those who voted for Mr. Geary were—Messrs. Broderick and Crosby, of the Senate—2.

Mr. Green moved that the Convention take a recess until to-morrow morning at 11 o'clock.

Mr. Warner demanded the yeas and nays.

Those who voted in the affirmative were—Messrs. Adams, Broderick, Crosby, De la Guerra, and Green, of the Senate; and Bradford, Campbell, Carnes, Covarrubias, Field, Pico, Randall, Saunders, Stearns, Yeiser, and Speaker, of the Assembly—16.

Those who voted in the negative were—Messrs. Cooke, Douglass, Heydenfeldt, Lippincott, Miller, Tingley, Van Buren, and Warner, of the Senate; and Baldwin, Bennett, Bodley, Brown, Carr, Cook, Hall, Hoff, Kellogg, Kendrick, Lisle, Lind, McCorkle, McDougal, Moore, Osgood, Richardson, Robinson, Thorne, Wethered, and Wilkins, of the Assembly—29.

Not agreed to.

Mr. Carr moved that the Convention take a recess until 7 o'clock this evening.

Mr. Van Buren demanded the ayes and nays.

Those who voted in the affirmative were—Messrs. Adams, Douglass, Green, and Heydenfeldt, of the Senate; and Baldwin, Bodley, Bradford, Campbell, Carr, Field, Hoff, McDougal, Merritt, Moore, Murphy, Osgood, Robinson, Saunders, Thorne, Wilkins, and Yeiser, of the Assembly—21.

Those who voted in the negative were—Messrs. Broderick, Cooke, Crosby, De la Guerra, Lippincott, Miller, Tingley, Van Buren, Warner, and Woodworth, of the Senate; and Bennett, Brown, Carnes, Cook, Covarrubias, Hall, Kellogg, Kendrick, Lisle, Lind, McCorkle, Pico, Richardson, Stearns, Wethered, and Speaker, of the Assembly—26.

Not agreed to.

Mr. Osgood moved that the Convention take a recess until half-past 7 o'clock this evening.

Mr. Bodley demanded the ayes and nays.

Those who voted in the affirmative were—Messrs. Douglass, Green, Heydenfeldt, Lippincott, and Woodworth, of the Senate; and Baldwin, Bennett, Bodley, Bradford, Campbell, Carr, Field, Hoff, McCorkle, Mc-

Dougal, Merritt, Moore, Murphy, Osgood, Richardson, Robinson, Saunders, Stearns, Thorne, Wilkins, and Yeiser, of the Assembly—27.

Those who voted in the negative were—Messrs. Broderick, Cooke, Crosby, De la Guerra, Miller, Tingley, Van Buren, and Warner, of the Senate; and Brown, Carnes, Cook, Covarrubias, Hall, Kellogg, Kendrick, Lisle, Lind, Pico, Wethered, and Speaker, of the Assembly—20.

Agreed to.

IN ASSEMBLY.

TWO O'CLOCK.

On motion of Mr. Osgood, the House adjourned until fifteen minutes after seven o'clock this evening.

IN ASSEMBLY.

FIFTEEN MINUTES AFTER SEVEN O'CLOCK.

The roll was called, and the following members absent, to wit: Messrs. Baldwin, Campbell, Carr, Field, Hall, Lisle, McCorkle, Murphy, Randall, and Stearns; on leave, Mr. McCandless.

The hour having arrived for the two Houses to meet in Convention, the Assembly proceeded in order to the Senate Chamber.

IN CONVENTION.

SEVEN O'CLOCK.

The roll was called, and Messrs. Crosby and Robinson were absent on leave.

Mr. Baldwin moved that the Convention now proceed to vote.

Agreed to.

No person having received a majority of all the votes cast on the one hundredth vote, the Convention proceeded, in like manner, to the one hundred and first vote, and the Tellers reported the result as follows:

Whole number of votes cast		48
Necessary to a choice		25
Of which Mr. Frémont received	13	votes.
King	18	
Heydenfeldt	16	
Geary	1	

Those who voted for Mr. Frémont were—Messrs. Adams, Cooke, De la Guerra, Lippincott, and Warner, of the Senate; and Messrs. Carnes, Covarrubias, Hoff, Kellogg, Pico, Randall, Robinson, and Stearns, of the Assembly—13.

Those who voted for Mr. King were—Messrs. Douglass, Tingley, and Woodworth, of the Senate; and Messrs. Baldwin, Bennett, Bodley, Bradford, Brown, Campbell, Carr, Cook, Lisle, McDougal, Moore, Osgood, Thorne, Wethered, and Wilkins, of the Assembly—18.

Those who voted for Mr. Heydenfeldt were—Messrs. Green, Heydenfeldt, Miller, and Van Buren, of the Senate; and Messrs. Field, Hall, Kendrick, Lind, McCandless, McCorkle, Merritt, Murphy, Richardson, Saunders, Yeiser, and Speaker, of the Assembly—16.

Mr. Broderick voted for Mr. Geary—1.

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

Whole number of votes cast		48
Necessary to a choice		25
Of which Mr. Frémont received	14	votes.
King	18	
Heydenfeldt	15	
Geary	1	

Those who voted for Mr. Frémont were—Messrs. Adams, Cooke, De la Guerra, Lippincott, and Warner, of the Senate; and Messrs. Carnes,

Covarrubias, Hoff, Kellogg, Pico, Randall, Richardson, Robinson, and Stearns, of the Assembly—14.

Those who voted for Mr. King were—Messrs. Douglass, Tingley, and Woodworth, of the Senate; and Messrs. Baldwin, Bennett, Bodley, Bradford, Brown, Campbell, Carr, Cook, Lisle, McDougal, Moore, Osgood, Thorne, Wethered, and Wilkins, of the Assembly—18.

Those who voted for Mr. Heydenfeldt were—Messrs. Green, Heydenfeldt, Miller, and Van Buren, of the Senate; and Messrs. Field, Hall, Kendrick, Lind, McCandless, McCorkle, Merritt, Murphy, Saunders, Yeiser, and Speaker, of the Assembly—15.

Mr. Broderick voted for Mr. Geary—1.

No person having received a majority of all the votes cast, the Convention proceeded, in like manner, to the one hundred and third vote, and the Tellers reported the result as follows:

Whole number of votes cast	48	
Necessary to a choice	25	
Of which Mr. Frémont received . . .	14	votes.
King	18	
Heydenfeldt	15	
Geary	1	

Those who voted for Mr. Frémont were—Messrs. Adams, Cooke, De la Guerra, Lippincott, and Warner, of the Senate; and Carnes, Covarrubias, Hoff, Kellogg, Pico, Randall, Richardson, Robinson, and Stearns, of the Assembly—14.

Those who voted for Mr. King were—Messrs. Douglass, Tingley, and Woodworth, of the Senate; and Baldwin, Bennett, Bodley, Bradford, Brown, Campbell, Carr, Cook, Lisle, McDougal, Moore, Osgood, Thorne, Wethered, and Wilkins, of the Assembly—18.

Those who voted for Mr Heydenfeldt were—Messrs. Green, Heydenfeldt, Miller and Van Buren, of the Senate; and Field, Hall, Kendrick, Lind, McCandless, McCorkle, Merritt, Murphy, Saunders, Yeiser, and Speaker, of the Assembly—15.

Mr. Boderick voted for Mr. Geary—1.

No person having received a majority of all the votes cast, the Convention proceeded, in like manner, to the one hundred and fourth vote, and the Tellers reported the result as follows:

Whole number of votes cast, ...	48
Necessary to a choice, ...	25
Of which Mr. Frémont received . . .	13 votes.
King	19
Heydenfeldt	15
Geary	1

Those who voted for Mr. Frémont were—Messrs. Adams, Cooke, De la Guerra, Lippincott, and Warner, of the Senate; and Carnes, Covarrubias, Hoff, Pico, Randall, Richardson, Robinson, and Stearns, of the Assembly—13.

Those who voted for Mr. King were—Messrs. Douglass, Tingley, and Woodworth, of the Senate; and Baldwin, Bennett, Bodley, Bradford, Brown, Campbell, Carr, Cook, Kellogg, Lisle, McDougal, Moore, Osgood, Thorne, Wethered, and Wilkins, of the Assembly—19.

Those who voted for Mr. Heydenfeldt were—Messrs. Green, Heydenfeldt, Miller, and Van Buren, of the Senate; and Field, Hall, Kendrick, Lind, McCandless, McCorkle, Merritt, Murphy, Saunders, Yeiser, and Speaker, of the Assembly—15.

Mr. Broderick voted for Mr. Geary—1.

No person having received a majority of all the votes cast, the Convention proceeded, in like manner, to the one hundred and fifth vote, and the Tellers reported the result as follows:

Whole number of votes cast, ...	48
Necessary to a choice, ...	25
Of which Mr. Frémont received . . .	13 votes.
King	19
Heydenfeldt	15
Geary	1

Those who voted for Mr. Frémont were—Messrs. Adams, Cooke, De la Guerra, Lippincott, and Warner, of the Senate; and Messrs. Carnes, Covarrubias, Hoff, Pico, Randall, Richardson, Robinson, and Stearns, of the Assembly—13.

Those who voted for Mr. King were—Messrs. Douglass, Tingley, and Woodworth, of the Senate; and Baldwin, Bennett, Bodley, Bradford, Brown, Campbell, Carr, Cook, Kellogg, Lisle, McDougal, Moore, Osgood, Thorne, Wethered, and Wilkins, of the Assembly—19.

Those who voted for Mr. Heydenfeldt were—Messrs. Green, Heydenfeldt, Miller, and Van Buren, of the Senate; and Field, Hall, Kendrick, Lind, McCandless, McCorkle, Merritt, Murphy, Saunders, Yeiser, and Speaker, of the Assembly—15.

Mr. Broderick voted for Mr. Geary—1.

No person having received a majority of all the votes cast, the Convention proceeded, in like manner, to the one hundred and sixth vote, and the Tellers reported the result as follows:

Whole number of votes cast	48	
Necessary to a choice	25	
Of which Mr. Frémont received	13	votes.
King	19	
Heydenfeldt	15	
Geary	1	

Those who voted for Mr. Frémont were—Messrs. Adams, Cooke, De la Guerra, Lippincott, and Warner, of the Senate; and Carnes, Covarrubias, Hoff, Pico, Randall, Richardson, Robinson, and Stearns, of the Assembly—13.

Those who voted for Mr. King were—Messrs. Douglass, Tingley, and Woodworth, of the Senate; and Baldwin, Bennett, Bodley, Bradford, Brown, Campbell, Carr, Cook, Kellogg, Lisle, McDougal, Moore, Osgood, Thorne, Wethered, and Wilkins, of the Assembly—19.

Those who voted for Mr. Heydenfeldt were—Messrs. Green, Heydenfeldt, Miller, and Van Buren, of the Senate; and Field, Hall, Kendrick, Lind, McCandless, McCorkle, Merritt, Murphy, Saunders, Yeiser, and Speaker, of the Assembly—15.

Mr. Broderick voted for Mr. Geary—1.

No person having received a majority of all the votes cast, the Convention proceeded, in like manner, to the one hundred and seventh vote, and the Tellers reported the result as follows:

Whole number of votes cast	48	
Necessary to a choice	25	
Of which Mr. Frémont received	13	votes.
King	19	
Heydenfeldt	15	
Geary	1	

Those who voted for Mr. Frémont were—Messrs. Adams, Cooke, De la Guerra, Lippincott, and Warner, of the Senate; and Carnes, Covarrubias, Hoff, Pico, Randall, Richardson, Robinson, and Stearns, of the Assembly—13.

Those who voted for Mr. King were—Messrs. Douglass, Tingley and Woodworth, of the Senate; and Baldwin, Bennett, Bodley, Bradford, Brown, Campbell, Carr, Cook, Kellogg, Lisle, McDougal, Moore, Osgood, Thorne, Wethered, and Wilkins, of the Assembly—19.

Those who voted for Mr. Heydenfeldt were—Messrs. Green, Heydenfeldt, Miller, and Van Buren, of the Senate; and Field, Hall, Kendrick, Lind, McCandless, McCorkle, Merritt, Murphy, Saunders, Yeiser, and Speaker, of the Assembly—15.

Mr. Broderick voted for Mr. Geary—1.

No person having received a majority of all the votes cast, the Convention proceeded, in like manner, to the one hundred and eighth vote, and the Tellers reported the result as follows:

Whole number of votes cast	48
Necessary to a choice	25
Of which Mr. Frémont received . . .	13 votes.
King	19
Heydenfeldt	15
Geary	1

Those who voted for Mr. Frémont were—Messrs. Adams, Cooke, De la Guerra, Lippincott, and Warner, of the Senate; and Carnes, Covarrubias, Hoff, Pico, Randall, Richardson, Robinson, and Stearns, of the Assembly—13.

Those who voted for Mr. King were—Messrs. Douglass, Tingley, and Woodworth, of the Senate; and Baldwin, Bennett, Bodley, Bradford, Brown, Campbell, Carr, Cook, Kellogg, Lisle, McDougal, Moore, Osgood, Thorne, Wethered, and Wilkins, of the Assembly—19.

Those who voted for Mr. Heydenfeldt were—Messrs. Green, Heydenfeldt, Miller, and Van Buren, of the Senate; and Field, Hall, Kendrick, Lind, McCandless, McCorkle, Merritt, Murphy, Saunders, Yeiser, and Speaker, of the Assembly—15.

Mr. Broderick voted for Mr. Geary—1.

No person having received a majority of all the votes cast, the Con-

vention proceeded, in like manner, to the one hundred and ninth vote, and the Tellers reported as follows:

Whole number of votes cast	48	
Necessary to a choice	25	
Of which Mr. Frémont received . . .	13	votes.
King	19	
Heydenfeldt	15	
Geary	1	

Those who voted for Mr. Frémont were—Messrs. Adams, Cooke, De la Guerra, Lippincott, and Warner, of the Senate; and Carnes, Covarrubias, Hoff, Pico, Randall, Richardson, Robinson, and Stearns, of the Assembly—13.

Those who voted for Mr. King were—Messrs. Douglass, Tingley, and Woodworth, of the Senate; and Messrs. Baldwin, Bennett, Bodley, Bradford, Brown, Campbell, Carr, Cook, Kellogg, Lisle, McDougal, Moore, Osgood, Thorne, Wethered, and Wilkins, of the Assembly—19.

Those who voted for Mr. Heydenfeldt were—Messrs. Green, Heydenfeldt, Miller, and Van Buren, of the Senate; and Messrs. Field, Hall, Kendrick, Lind, McCandless, McCorkle, Merritt, Murphy, Saunders, Yeiser, and Speaker, of the Assembly—15.

Mr. Broderick voted for Mr. Geary—1.

No person having received a majority of all the votes cast, the Convention proceeded, in like manner, to the one hundred and tenth vote, and the Tellers reported the result as follows:

Whole number of votes cast	48	
Necessary to a choice	25	
Of which Mr. Frémont received	13	votes.
King	19	
Heydenfeldt	15	
Geary	1	

Those who voted for Mr. Frémont were—Messrs. Adams, Cooke, De la Guerra, Lippincott, and Warner, of the Senate; and Carnes, Covarrubias, Hoff, Pico, Randall, Richardson, Robinson, and Stearns, of the Assembly—13.

Those who voted for Mr. King were—Messrs. Douglass, Tingley, and Woodworth, of the Senate; and Baldwin, Bennett, Bodley, Bradford, Brown, Campbell, Carr, Cook, Kellogg, Lisle, McDougal, Moore, Osgood, Thorne, Wethered, and Wilkins, of the Assembly—19.

Those who voted for Mr. Heydenfeldt were—Messrs. Green, Heydenfeldt, Miller, and Van Buren, of the Senate; and Field, Hall, Kendrick, Lind, McCandless, McCorkle, Merritt, Murphy, Saunders, Yeiser, Speaker, of the Assembly—15.

Mr. Broderick voted for Mr. Geary—1.

Mr. Wilkins moved that the Convention do now take a recess, until to-morrow morning at eleven o'clock.

Mr. Green demanded the ayes and nays.

Those who voted in the affirmative were—Messrs. Broderick, Douglass, De la Guerra, Green, Heydenfeldt, Tingley, Warner, Woodworth, of the Senate; and Baldwin, Bennett, Bradford, Brown, Campbell, Carr, Carnes, Cook, Covarrubias, Field, Hall, Hoff, Kellogg, Lind, McCandless, McCorkle, McDougal, Merritt, Moore, Murphy, Osgood, Pico, Randall, Richardson, Robinson, Saunders, Stearns, Thorne, Wilkins, Yeiser, and Speaker, of the Assembly—39.

In the negative were—Messrs. Adams, Cooke, Lippincott, Miller, Van Buren, of the Senate; and Bodley, Kendrick, Lisle, and Wethered, of the Assembly—9.

Agreed to.

IN ASSEMBLY.

HALF PAST EIGHT O'CLOCK.

On motion of Mr. Bodley, the Assembly adjourned until to-morrow morning ten minutes before eleven o'clock.

HOUSE OF ASSEMBLY.

TUESDAY, *February 25th*, 1851.

House met.

The roll was called, and the following members were absent, to-wit: Messrs. Bennett, Campbell, Carr, Kellogg, Lisle, McCorkle, Merritt, Murphy, Osgood, Randall, Robinson, Saunders, Thorne, and Yeiser.

On motion of Mr. Bradford, the reading of the Journals of yesterday was dispensed with.

A message was received from the Governor, notifying the Assembly that he did, on yesterday, sign "An Act for the relief of Wm. H. Richardson."

The following message from the Governor was also received:

"TO THE ASSEMBLY:

"I regret to find it a duty to return to your body, in which it originated, the Act, entitled, 'An Act to incorporate the City of Nevada,' the ninth section of which declares, that 'No person shall be entitled to vote at any city Election who is not a male citizen of the United States, and who has not been a resident of the State six months, and of the City three months, previous to the Election.' This section conflicts directly with the Constitution of the State in relation to the right of suffrage, which plainly sets forth, that, 'Every white male citizen of the United States, and every white male citizen of Mexico, who shall have elected to become a citizen of the United States, under the Treaty of Peace, exchanged and ratified at Queretaro, on the 30th day of May, 1848, of the age of 21 years, who shall have been a resident of the State six months next preceding the Election, and the County or District in which he claims his vote thirty days, shall be entitled to vote at all Elections which are now or may hereafter be authorized by law.' With this objection, I herewith return the Bill.

"JOHN MCDOUGAL.

"EXECUTIVE CHAMBER,

"SAN JOSÉ, *February 24th*, 1851."

Mr. Bradford moved to reconsider the vote by which the House passed Bill entitled "An Act to incorporate the City of Nevada."

Agreed to.

On motion of Mr. Wilkins, the veto message of the Governor, together with the Bill, entitled "An Act to incorporate the City of Nevada," were laid on the table.

The hour having arrived for the two Houses to meet in Convention, the Assembly proceeded in order to the Senate Chamber.

IN CONVENTION.

ELEVEN O'CLOCK.

The roll was called, and Messrs. Kellogg and McCandless were absent.

Mr. Heydenfeldt moved that the Convention proceed to vote.

Agreed to.

No person having received a majority of all the votes cast yesterday on the one hundred and tenth vote, the Convention proceeded, in like manner, to the one hundred and eleventh vote, and the Tellers reported the result as follows:

Whole number of votes cast	. . . .	48
Necessary to a choice	. . . .	25
Of which Mr. Frémont received	. . . .	12 votes.
King	. . . . .	16
Heydenfeldt	. . . . .	15
Geary	. . . . .	1
N. Bennett	. . . . .	1
Green	. . . . .	3

Those who voted for Mr. Frémont were—Messrs. Adams, Cooke, De la Guerra, Lippincott, and Warner, of the Senate; and Messrs. Carnes, Covarrubias, Hoff, McCorkle, Pico, Robinson, and Stearns, of the Assembly—12.

Those who voted for Mr. King were—Messrs. Douglass and Tingley, of the Senate; and Messrs. Baldwin, Bennett, Bodley, Bradford, Brown, Campbell, Carr, Cook, Lisle, McDougal, Moore, Osgood, Thorne, and Wilkins, of the Assembly—16.

Those who voted for Mr. Heydenfeldt were—Messrs. Green, Heydenfeldt, Miller, Robinson, and Van Buren, of the Senate; and Messrs.

Field, Hall, Kendrick, Lind, Merritt, Murphy, Richardson, Saunders, Yeiser, and Speaker, of the Assembly—15.

Mr. Broderick voted for Mr. Geary—1.

Mr. Crosby voted for Mr. Nathaniel Bennett—1.

Mr. Woodworth of the Senate; and Messrs. Randall and Wethered of the Assembly, voted for Mr. J. H. Green.

Mr. Broderick withdrew the name of Mr. Geary.

No person having received a majority of all the votes cast, the Convention proceeded, in like manner, to the one hundred and twelfth vote, and the Tellers reported the result as follows:

Whole number of votes cast	. . . .	49
Necessary to a choice	. . . . .	25
Of which Mr. Frémont received	. . .	13 votes.
King	. . . . .	17
Heydenfeldt	. . . .	16
Bennett	. . . . .	1
De la Guerra	. . . .	2

Those who voted for Mr. Frémont were—Messrs. Adams, Cooke, De la Guerra, Lippincott, and Warner, of the Senate; and Carnes, Covarrubias, Hoff, McCorkle, Pico, Randall, Robinson, and Stearns, of the Assembly—13.

Those who voted for Mr. King were—Messrs. Douglass, Tingley, and Woodworth, of the Senate; and Baldwin, Bennett, Bodley, Bradford, Brown, Campbell, Carr, Cook, Lisle, McDougal, Moore, Osgood, Thorne, and Wilkins, of the Assembly—17.

Those who voted for Mr. Heydenfeldt were—Messrs. Broderick, Green, Heydenfeldt, Miller, and Van Buren, of the Senate; and Messrs. Field, Hall, Kendrick, Lind, McCandless, Merritt, Murphy, Richardson, Saunders, Yeiser, and Speaker, of the Assembly—16.

Mr. Crosby voted for Mr. Bennett—1.

Messrs. Robinson of the Senate; and Wethered of the Assembly, voted for Mr. De la Guerra.—2.

No person having received a majority of all the votes cast, the Convention proceeded, in like manner, to the one hundred and thirteenth vote, and the Tellers reported the result as follows:

Whole number of votes cast	49	
Necessary to a choice	25	
Of which Mr. Frémont received	13	votes.
King	18	
Heydenfeldt	17	
Bennett	1	

Those who voted for Mr. Frémont were—Messrs. Adams, Cooke, De la Guerra, Lippincott, and Warner, of the Senate; and Carnes, Covarrubias, Hoff, McCorkle, Pico, Randall, Robinson, and Stearns, of the Assembly—13.

Those who voted for Mr. King were—Messrs. Douglass, Tingley, and Woodworth, of the Senate; and Baldwin, Bennett, Bodley, Bradford, Brown, Campbell, Carr, Cook, Lisle, McDougal, Moore, Osgood, Thorne, Wethered, and Wilkins, of the Assembly—18.

Those who voted for Mr. Heydenfeldt were—Messrs. Broderick, Green, Heydenfeldt, Miller, Robinson, and Van Buren, of the Senate; and Field, Hall, Kendrick, Lind, McCandless, Merritt, Murphy, Richardson, Saunders, Yeiser, and Speaker, of the Assembly—17.

Mr. Crosby voted for Mr. Bennett—1.

No person having received a majority of all the votes cast, the Convention proceeded, in like manner, to the one hundred and fourteenth vote, and the Tellers reported as follows:

Whole number of votes cast	49	
Necessary to a choice	25	
Of which Mr. Frémont received	13	votes.
King	18	
Heydenfeldt	17	
Bennett	1	

Those who voted for Mr. Frémont were—Messrs. Adams, Cooke, De la Guerra, Lippincott, and Warner, of the Senate; and Carnes, Covarrubias, Hoff, McCorkle, Pico, Randall, Robinson, and Stearns, of the Assembly—13.

Those who voted for Mr. King were—Messrs. Douglass, Tingley, and Woodworth, of the Senate; and Baldwin, Bennett, Bodley, Bradford,

Brown, Campbell, Carr, Cook, Lisle, McDougal, Moore, Osgood, Thorne, Wethered, and Wilkins, of the Assembly—18.

Those who voted for Mr. Heydenfeldt were—Messrs. Broderick, Green, Heydenfeldt, Miller, Robinson, and Van Buren, of the Senate; and Field, Hall, Kendrick, Lind, McCandless, Merritt, Murphy, Richardson, Saunders, Yeiser, and Speaker, of the Assembly—17.

Mr. Crosby voted for Mr. Bennett—1.

No person having received a majority of all the votes cast, the Convention proceeded, in like manner, to the one hundred and fifteenth vote, and the Tellers reported the result as follows:

Whole number of votes cast		49	
Necessary to a choice		25	
Of which Mr. Frémont received . . .		13	votes.
	King	18	
	Heydenfeldt	17	
	Bennett	1	

Those who voted for Mr. Frémont were—Messrs. Adams, Cooke, De la Guerra, Lippincott, and Warner, of the Senate; and Carnes, Covarrubias, Hoff, McCorkle, Pico, Randall, Robinson, and Stearns, of the Assembly—13.

Those who voted for Mr. King were—Messrs. Douglass, Tingley, and Woodworth, of the Senate; and Baldwin, Bennett, Bodley, Bradford, Brown, Campbell, Carr, Cook, Lisle, McDougal, Moore, Osgood, Thorne, Wethered, and Wilkins, of the Assembly—18.

Those who voted for Mr. Heydenfeldt were—Messrs. Broderick, Green, Heydenfeldt, Miller, Robinson, and Van Buren, of the Senate; and Messrs. Field, Hall, Kendrick, Lind, McCandless, Merritt, Murphy, Richardson, Saunders, Yeiser, and Speaker, of the Assembly—17.

Mr. Crosby voted for Mr. Bennett—1.

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

Whole number of votes cast, ...	49
Necessary to a choice, ...	25

Of which Mr. Frémont received	. . .	13 votes.
King	. . . . .	18
Heydenfeldt	. . . .	17
Bennett	. . . . .	1

Those who voted for Mr. Fremont were—Messrs. Adams, Cooke, De la Guerra, Lippincott, and Warner, of the Senate; and Messrs. Carnes, Covarrubias, Hoff, McCorkle, Pico, Randall, Robinson, and Stearns, of the Assembly—13.

Those who voted for Mr. King were—Messrs. Douglass, Tingley, and Woodworth, of the Senate; and Messrs. Baldwin, Bennett, Bodley, Bradford, Brown, Campbell, Carr, Cook, Lisle, McDougal, Moore, Osgood, Thorne, Wethered, and Wilkins, of the Assembly—18.

Those who voted for Mr. Heydenfeldt were—Messrs. Broderick, Green, Heydenfeldt, Miller, Robinson, and Van Buren, of the Senate; and Messrs. Field, Hall, Kendrick, Lind, McCandless, Merritt, Murphy, Richardson, Saunders, Yeiser, and Speaker, of the Assembly—17.

Mr. Crosby voted for Mr. Bennett—1.

No person having received a majority of all the votes cast, the Convention proceeded, in like manner, to the one hundred and seventeenth vote, and the Tellers reported the result as follows:

Whole number of votes cast	. . . .	49
Necessary to a choice	. . . . .	25
Of which Mr. Frémont received	. . .	13 votes.
King	. . . .	18
Heydenfeldt	. . . .	17
Bennett	. . . . .	1

Those who voted for Mr. Frémont were—Messrs. Adams, Cooke, De la Guerra, Lippincott, and Warner, of the Senate; and Messrs. Carnes, Covarrubias, Hoff, McCorkle, Pico, Randall, Robinson, and Stearns, of the Assembly—13.

Those who voted for Mr. King were—Messrs. Douglass, Tingley, and Woodworth, of the Senate; and Messrs. Baldwin, Bennett, Bodley, Bradford, Brown, Campbell, Carr, Cook, Lisle, McDougal, Moore, Osgood, Thorne, Wethered, and Wilkins, of the Assembly—18.

Those who voted for Mr. Heydenfeldt were—Messrs. Broderick, Green,

Heydenfeldt, Miller, Robinson, and Van Buren, of the Senate; and Field, Hall, Kendrick, Lind, McCandless, Merritt, Murphy, Richardson, Saunders, Yeiser, and Speaker, of the Assembly—17.

Mr. Crosby voted for Mr. Bennett—1.

Mr. Van Buren moved that the Convention do now adjourn, *sine die.*

Mr. McDougal demanded the ayes and nays.

Those who voted in the affirmative were—Messrs. Crosby, Green, Van Buren, Warner, of the Senate; and Covarrubias, Field, Kendrick, McCandless, Merritt, and Speaker, of the Assembly—10.

Those who voted in the negative were—Messrs. Adams, Broderick, Cooke, Douglass, De la Guerra, Heydenfeldt, Lippincott, Miller, Tingley, Woodworth, of the Senate; and Messrs. Baldwin, Bennett, Bodley, Bradford, Brown, Campbell, Carr, Carnes, Cook, Hall, Hoff, Lisle, Lind, McCorkle, McDougal, Moore, Murphy, Osgood, Pico, Randall, Richardson, Robinson, Saunders, Stearns, Thorne, Wethered, Wilkins, and Yeiser, of the Assembly—38.

Not agreed to.

No person having received a majority of all the votes cast, the Convention proceeded, in like manner, to the one hundred and eighteenth vote, and the Tellers reported the result as follows:

Whole number of votes cast	48	
Necessary to a choice	25	
Of which Mr. Frémont received . . .	13	votes.
King	16	
Heydenfeldt	16	
Bennett	1	
Hosford	2	

Those who voted for Mr. Frémont were—Messrs. Adams, Cooke, De la Guerra, Lippincott, and Warner, of the Senate; and Carnes, Covarrubias, Hoff, McCorkle, Pico, Randall, Robinson, and Stearns, of the Assembly—13.

Those who voted for Mr. King were—Messrs. Douglass and Tingley, of the Senate; Baldwin, Bennett, Bodley, Bradford, Brown, Campbell, Carr, Cook, Lisle, McDougal, Moore, Osgood, Thorne, and Wilkins, of the Assembly—16.

Those who voted for Mr. Heydenfeldt were—Messrs. Broderick, Green, Heydenfeldt, Miller, and Van Buren, of the Senate; and Field, Hall, Kendrick, Lind, McCandless, Merritt, Murphy, Richardson, Saunders, Yeiser, and Speaker, of the Assembly—16.

Mr. Crosby voted for Mr. Bennett—1.

Messrs. Woodworth of the Senate; and Wethered of the Assembly, voted for Mr. Hosford—2.

No person having received a majority of all the votes cast, the Convention proceeded, in like manner, to the one hundred and nineteenth vote, and the Tellers reported the result as follows:

Whole number of votes cast	48	
Necessary to a choice	25	
Of which Mr. Frémont received . . .	14	votes.
King	16	
Heydenfeldt	15	
Bennett	1	
Hosford	1	
Collier	1	

Those who voted for Mr. Frémont were—Messrs. Adams, Cooke, De la Guerra, Lippincott, and Warner, of the Senate; and Messrs. Carnes, Covarrubias, Field, Hoff, McCorkle, Pico, Randall, Robinson, and Stearns, of the Assembly—14.

Those who voted for Mr. King were—Messrs. Douglass and Tingley, of the Senate; and Messrs. Baldwin, Bennett, Bodley, Bradford, Brown, Campbell, Carr, Cook, Lisle, McDougal, Moore, Osgood, Thorne, and Wilkins, of the Assembly—16.

Those who voted for Mr. Heydenfeldt were—Messrs. Broderick, Green, Heydenfeldt, Miller, and Van Buren, of the Senate; and Messrs. Hall, Kendrick, Lind, McCandless, Merritt, Murphy, Richardson, Saunders, Yeiser, and Speaker, of the Assembly—15.

Mr. Crosby voted for Mr. Bennett—1.

Mr. Woodworth voted for Mr. Hosford—1.

Mr. Wethered voted for Mr. Collier—1.

Mr. Wethered withdrew the name of Mr. James Collier.

No person having received a majority of all the votes cast, the Convention proceeded, in like manner, to the one hundred and twentieth vote, and the Tellers reported the result as follows:

Whole number of votes cast	48
Necessary to a choice	25
Of which Mr. Frémont received . . .	13 votes.
King	18
Heydenfeldt	16
Bennett	1

Those who voted for Mr. Frémont were—Messrs. Adams, Cooke, De la Guerra, Lippincott, and Warner, of the Senate; and Messrs. Carnes, Covarrubias, Hoff, McCorkle, Pico, Randall, Robinson, and Stearns, of the Assembly—13.

Those who voted for Mr. King were—Messrs. Douglass, Tingley, and Woodworth, of the Senate; and Messrs. Baldwin, Bennett, Bodley, Bradford, Brown, Campbell, Carr, Cook, Lisle, McDougal, Moore, Osgood, Thorne, Wethered, and Wilkins, of the Assembly—18.

Those who voted for Mr. Heydenfeldt were—Messrs. Broderick, Green, Heydenfeldt, Miller, and Van Buren, of the Senate; and Messrs. Field, Hall, Kendrick, Lind, McCandless, Merritt, Murphy, Richardson, Saunders, Yeiser, and Speaker, of the Assembly—16.

Mr. Crosby voted for Mr. Bennett—1.

No person having received a majority of all the votes cast, the Convention proceeded, in like manner, to the one hundred and twenty-first vote, and the Tellers reported the result as follows:

Whole number of votes cast	48
Necessary to a choice	25
Of which Mr. Frémont received . . .	11 votes.
King	20
Heydenfeldt	16
Bennett	1

Those who voted for Mr. Frémont were—Messrs. Adams, Cooke, De la Guerra, Lippincott, and Warner, of the Senate; and Carnes, Covarrubias, Hoff, McCorkle, Pico, and Randall, of the Assembly—11.

Those who voted for Mr. King were—Messrs. Douglass, Tingley, and Woodworth, of the Senate; and Baldwin, Bennett, Bodley, Bradford, Brown, Campbell, Carr, Cook, Lisle, McDougal, Moore, Osgood,

Robinson, Stearns, Thorne, Wethered, and Wilkins, of the Assembly —20.

Those who voted for Mr. Heydenfeldt were—Messrs. Broderick, Green, Heydenfeldt, Miller, and Van Buren, of the Senate; and Field, Hall, Kendrick, Lind, McCandless, Merritt, Murphy, Richardson, Saunders, Yeiser, and Speaker, of the Assembly—16.

Mr. Crosby voted for Mr. Bennett—1.

No person having received a majority of all the votes cast, the Convention proceeded, in like manner, to the one hundred and twenty-second vote, and the Tellers reported the result as follows:

Whole number of votes cast	48	
Necessary to a choice	25	
Of which Mr. Frémont received . . .	11	votes.
King	20	
Heydenfeldt	16	
Bennett	1	

Those who voted for Mr. Frémont were—Messrs. Adams, Cooke, De la Guerra, Lippincott, and Warner, of the Senate; and Carnes, Covarrubias, Hoff, McCorkle, Pico, and Randall, of the Assembly—11.

Those who voted for Mr. King were—Messrs. Douglass, Tingley, and Woodworth, of the Senate; and Baldwin, Bennett, Bodley, Bradford, Brown, Campbell, Carr, Cook, Lisle, McDougal, Moore, Osgood, Robinson, Stearns, Thorne, Wethered, and Wilkins, of the Assembly—20.

Those who voted for Mr. Heydenfeldt were—Messrs. Broderick, Green, Heydenfeldt, Miller, and Van Buren, of the Senate; and Field, Hall, Kendrick, Lind, McCandless, Merritt, Murphy, Richardson, Saunders, Yeiser, and Speaker, of the Assembly—16.

Mr. Crosby voted for Mr. Bennett—1.

No person having received a majority of all the votes cast, the Convention proceeded, in like manner, to the one hundred and twenty-third vote, and the Tellers reported the result as follows:

Whole number of votes cast	48	
Necessary to a choice	25	
Of which Mr. Frémont received . . .	11	votes.
King	19	

Mr. Heydenfeldt received . . .	16 votes.
Bennett	1
G. W. Crane	1

Those who voted for Mr. Frémont were—Messrs. Adams, Cooke, De la Guerra, Lippincott, and Warner, of the Senate; and Carnes, Covarrubias, Hoff, McCorkle, Pico, and Randall, of the Assembly—11.

Those who voted for Mr. King were—Messrs. Douglass, Tingley, and Woodworth, of the Senate; and Baldwin, Bennett, Bodley, Bradford, Brown, Campbell, Carr, Cook, Lisle, McDougal, Moore, Robinson, Stearns, Thorne, Wethered, and Wilkins, of the Assembly—19.

Those who voted for Mr. Heydenfeldt were—Messrs. Broderick, Green, Heydenfeldt, Miller, and Van Buren, of the Senate; and Field, Hall, Kendrick, Lind, McCandless, Merritt, Murphy, Richardson, Saunders, Yeiser, and Speaker, of the Assembly—16.

Mr. Crosby voted for Mr. Bennett—1.

Mr. Osgood voted for Mr. Crane—1.

Mr. Hall moved that the Convention take a recess until three o'clock this afternoon,

Mr. Cook of the Assembly, demanded the ayes and nays.

Those who voted in the affirmative were—Messrs. Crosby, Douglass, De la Guerra, Green, Heydenfeldt, Miller, and Tingley, of the Senate; and Baldwin, Bradford, Brown, Carr, Carnes, Cook, Covarrubias, Field, Hall, Hoff, Kendrick, McCandless, McCorkle, McDougal, Merritt, Moore, Murphy, Osgood, Pico, Randall, Robinson, Saunders, Stearns, Thorne, Wethered, Wilkins, Yeiser, and Speaker, of the Assembly—35.

In the negative were—Messrs. Adams, Broderick, Cooke, Lippincott, Van Buren, Warner, and Woodworth, of the Senate; and Bennett, Bodley, Campbell, Lisle, Lind, and Richardson, of the Assembly—13.

Agreed to.

IN ASSEMBLY.

FIFTEEN MINUTES AFTER TWELVE O'CLOCK.

On motion of Mr. Baldwin, the House adjourned until ten minutes before three o'clock to-day.

HOUSE OF ASSEMBLY.

TEN MINUTES BEFORE THREE O'CLOCK.

House met.

The roll was called, and the following members were absent, to wit: Messrs. Brown, Campbell, Covarrubias, Field, Hall, Kellogg, Lisle, Merritt, Murphy, Pico, Saunders, and Stearns; on leave, Mr. McCandless.

Mr. McCorkle asked and obtained leave of absence for Mr. Kellogg.

The hour arrived for the House to meet in Convention; the Assembly proceeded in order to the Senate Chamber.

IN CONVENTION.

THREE O'CLOCK.

The roll was called, and Mr. Murphy was absent; on leave, Messrs. Robinson of the Senate; and Kellogg of the Assembly.

Mr. Baldwin moved that the Convention proceed to vote.

Agreed to.

No person having received a majority of all the votes cast this morning on the one hundred and twenty-third vote, the Convention proceeded, in like manner, to the one hundred and twenty-fourth vote, and the Tellers reported the result as follows:

Whole number of votes cast	48
Necessary to a choice	25

Of which Mr. Frémont received	. . .	13 votes.
King	. . . . .	18
Heydenfeldt	. . . .	16
Bennett	. . . . .	1

Those who voted for Mr. Frémont were—Messrs. Adams, Cooke, De la Guerra, Lippincott, and Warner, of the Senate; and Carnes, Covarrubias, Hoff, McCorkle, Pico, Randall, Robinson, and Stearns, of the Assembly—13.

Those who voted for Mr. King were—Messrs. Douglass, Tingley, and Woodworth, of the Senate; and Baldwin, Bennett, Bodley, Bradford, Brown, Campbell, Carr, Cook, Lisle, McDougal, Moore, Osgood, Thorne, Wethered, and Wilkins, of the Assembly—18.

Those who voted for Mr. Heydenfeldt were—Messrs. Broderick, Green, Heydenfeldt, Miller, and Van Buren, of the Senate; and Field, Hall, Kendrick, Lind, McCandless, Merritt, Murphy, Richardson, Saunders, Yeiser, and Speaker, of the Assembly—16.

Mr. Crosby voted for Mr. Bennett—1.

No person having received a majority of all the votes cast, the Convention proceeded, in like manner, to the one hundred and twenty-fifth vote, when the Tellers reported the result as follows:

Whole number of votes cast	. . . .	48
Necessary to a choice	. . . . .	25
Of which Mr. Frémont received	. . .	14 votes.
King	. . . . .	18
Heydenfeldt	. . . .	15
Bennett	. . . . .	1

Those who voted for Mr. Frémont were—Messrs. Adams, Cooke, De la Guerra, Lippincott, and Warner, of the Senate; and Carnes, Covarrubias, Field, Hoff, McCorkle, Pico, Randall, Robinson, and Stearns, of the Assembly—14.

Those who voted for Mr. King were—Messrs. Douglass, Tingley, and Woodworth, of the Senate; and Baldwin, Bennett, Bodley, Bradford, Brown, Campbell, Carr, Cook, Lisle, McDougal, Moore, Osgood, Thorne, Wethered, and Wilkins, of the Assembly—18.

Those who voted for Mr. Heydenfeldt were—Messrs. Broderick, Green,

Heydenfeldt, Miller, and Van Buren, of the Senate; and Hall, Kendrick, Lind, McCandless, Merritt, Murphy, Richardson, Saunders, Yeiser, and Speaker, of the Assembly—15.

Mr. Crosby voted for Mr. Bennett—1.

No person having received a majority of all the votes cast, the Convention proceeded, in like manner, to the one hundred and twenty-sixth vote, and the Tellers reported the result as follows:

Whole number of votes cast		48
Necessary to a choice		25
Of which Mr. Frémont received	14	votes.
King	18	
Heydenfeldt	15	
Bennett	1	

Those who voted for Mr. Frémont were—Messrs. Adams, Cooke, De la Guerra, Lippincott, and Warner, of the Senate; and Carnes, Covarrubias, Field, Hoff, McCorkle, Pico, Randall, Robinson, and Stearns, of the Assembly—14.

Those who voted for Mr. King were—Messrs. Douglass, Tingley, and Woodworth, of the Senate; and Baldwin, Bennett, Bodley, Bradford, Brown, Campbell, Carr, Cook, Lisle, McDougal, Moore, Osgood, Thorne, Wethered, and Wilkins, of the Assembly—18.

Those who voted for Mr. Heydenfeldt were—Messrs. Broderick, Green, Heydenfeldt, Miller, and Van Buren, of the Senate; and Hall, Kendrick, Lind, McCorkle, Merritt, Murphy, Robinson, Saunders, Yeiser, and Speaker, of the Assembly—15.

Mr. Crosby voted for Mr. Bennett—1.

No person having received a majority of all the votes cast, the Convention proceeded, in like manner, to the one hundred and twenty-seventh vote, and the Tellers reported the result as follows:

Whole number of votes cast		48
Necessary to a choice		25
Of which Mr. Frémont received	14	votes.
King	18	
Heydenfeldt	15	
Bennett	1	

Those who voted for Mr. Frémont were—Messrs. Adams, Cooke, De la

Guerra, Lippincott, and Warner, of the Senate; and Carnes, Covarrubias, Field, Hoff, McCorkle, Pico, Randall, Robinson, and Stearns, of the Assembly—14.

Those who voted for Mr. King were—Messrs. Douglass, Tingley, and Woodworth, of the Senate; and Baldwin, Bennett, Bodley, Bradford, Brown, Campbell, Carr, Cook, Lisle, McDougal, Moore, Osgood, Thorne, Wethered, and Wilkins, of the Assembly—18.

Those who voted for Mr. Heydenfeldt were—Messrs. Broderick, Green, Heydenfeldt, Miller, and Van Buren, of the Senate; and Hall, Kendrick, Lind, McCandless, Merritt, Murphy, Richardson, Saunders, Yeiser, and Speaker, of the Assembly—15.

Mr. Crosby voted for Mr. Bennett—1.

No person having received a majority of all the votes cast, the Convention proceeded, in like manner, to the one hundred and twenty-eighth vote, and the Tellers reported the result as follows:

Whole number of votes cast	48	
Necessary to a choice	25	
Of which Mr. Frémont received . . .	14	votes.
King	18	
Heydenfeldt	15	
Bennett	1	

Those who voted for Mr. Frémont were—Messrs. Adams, Cooke, De la Guerra, Lippincott, and Warner, of the Senate; and Carnes, Covarrubias, Field, Hoff, McCorkle, Pico, Randall, Robinson, and Stearns, of the Assembly—14.

Those who voted for Mr. King were—Messrs. Douglass, Tingley, and Woodworth, of the Senate; and Baldwin, Bennett, Bodley, Bradford, Brown, Campbell, Carr, Cook, Lisle, McDougal, Moore, Osgood, Thorne, Wethered, and Wilkins, of the Assembly—18.

Those who voted for Mr. Heydenfeldt were—Messrs. Broderick, Green, Heydenfeldt, Miller, and Van Buren, of the Senate; and Hall, Kendrick, Lind, McCandless, Merritt, Murphy, Richardson, Saunders, Yeiser, and Speaker, of the Assembly—15.

Mr. Crosby voted for Mr. Bennett—1.

No person having received a majority of all the votes cast, the Convention proceeded, in like manner, to the one hundred and twenty-ninth vote, and the Tellers reported the result as follows:

Whole number of votes cast	48
Necessary to a choice	25
Of which Mr. Frémont received . . .	13 votes.
King	16
Heydenfeldt	14
Bennett	1
John Wethered	2

Those who voted for Mr. Frémont were—Messrs. Adams, Cooke, De la Guerra, Lippincott, and Warner, of the Senate; and Carnes, Covarrubias, Field, Hoff, McCorkle, Pico, Randall, Richardson, Robinson, and Stearns, of the Assembly—15.

Those who voted for Mr. King were—Messrs. Douglass, Tingley, and Woodworth, of the Senate; and Baldwin, Bennett, Bodley, Bradford, Brown, Campbell, Carr, Cook, Kellogg, Lisle, McDougal, Moore, Osgood, Thorne, and Wilkins, of the Assembly—16.

Those who voted for Mr. Heydenfeldt were—Messrs. Broderick, Green, Heydenfeldt, Miller, and Van Buren, of the Senate; and Hall, Kendrick, Lind, McCandless, Merritt, Murphy, Saunders, Yeiser, and Speaker, of the Assembly—14.

Mr. Crosby voted for Mr. Bennett—1.

Messrs. Cook and Wethered, of the Assembly, voted for Mr. Wethered—2.

No person having received a majority of all the votes cast, the Convention proceeded, in like manner, to the one hundred and thirtieth vote, and the Tellers reported the result as follows:

Whole number of votes cast	48
Necessary to a choice	25
Of which Mr. Frémont received . . .	15 votes.
King	18
Heydenfeldt	14
Bennett	1

Those who voted for Mr. Frémont were—Messrs. Adams, Cooke, De la Guerra, Lippincott, and Warner, of the Senate; and Carnes, Covarrubias, Field, Hoff, McCorkle, Pico, Randall, Richardson, Robinson, and Stearns, of the Assembly—15.

Those who voted for Mr. King were—Messrs. Douglass, Tingley, and

Woodworth, of the Senate; and Baldwin, Bennett, Bodley, Bradford. Brown, Campbell, Carr, Cook, Lisle, McDougal, Moore, Osgood, Thorne, Wethered, and Wilkins, of the Assembly—18.

Those who voted for Mr. Heydenfeldt were—Messrs. Broderick, Green, Heydenfeldt, Miller, and Van Buren, of the Senate; and Hall, Kendrick, Lind, McCandless, Merritt, Murphy, Saunders, Yeiser, and Speaker, of the Assembly—14.

Mr. Crosby voted for Mr. Bennett—1.

No person having received a majority of all the votes cast, the Convention proceeded, in like manner, to the one hundred and thirty-first vote, and the Tellers reported the result as follows:

Whole number of votes cast	48	
Necessary to a choice	25	
Of which Mr. Frémont received . . .	13	votes.
King	18	
Heydenfeldt	16	
Bennett	1	

Those who voted for Mr. Frémont were—Messrs. Adams, Cooke, De la Guerra, Lippincott, and Warner of the Senate; and Carnes, Covarrubias, Hoff, McCorkle, Pico, Randall, Robinson, and Stearns, of the Assembly—13.

Those who voted for Mr. King were—Messrs. Douglass, Tingley, Woodworth, of the Senate; and Baldwin, Bennett, Bodley, Bradford, Brown, Campbell, Carr, Cook, Lisle, McDougal, Moore, Osgood, Thorne, Wethered, and Wilkins, of the Assembly—18.

Those who voted for Mr. Heydenfeldt were—Messrs. Broderick, Green, Heydenfeldt, Miller, and Van Buren, of the Senate; and Field, Hall, Kendrick, Lind, McCandless, Merritt, Murphy, Richardson, Saunders, Yeiser, and Speaker, of the Assembly—16.

Mr. Crosby of the Senate, voted for Mr. Bennett—1.

Mr. Field moved that the Convention do now adjourn *sine die.*

Mr. Moore demanded the ayes and nays.

Those who voted in the affirmative were—Messrs. Broderick, Crosby, Green, Van Buren, Warner, and Woodworth, of the Senate; and Bennett, Covarrubias, Field, Hall, Hoff, Kendrick, Lind, Merritt, Murphy, Wethered, Yeiser, and Speaker, of the Assembly—18.

Those who voted in the negative were—Messrs. Adams, Cooke, Douglass, De la Guerra, Heydenfeldt, Lippincott, Miller, and Tingley, of the Senate; and Baldwin, Bodley, Bradford, Brown, Campbell, Carr, Carnes, Cook, Lisle, McCandless, McCorkle, McDougal, Moore, Osgood, Pico, Randall, Richardson, Robinson, Saunders, Stearns, Thorne, and Wilkins, of the Assembly—30.

Not agreed to.

Mr. Green moved that the Convention adjourn until the first day of June next.

Mr. Van Buren demanded the ayes and nays.

Those who voted in the affirmative were—Messrs. Broderick, Green, Van Buren, and Warner, of the Senate; and Bennett, Hall, Hoff, Kendrick, Merritt, Murphy, Wethered, and Yeiser, of the Assembly—12.

Those who voted in the negative were—Messrs. Adams, Cooke, Crosby, Douglass, De la Guerra, Heydenfeldt, Lippincott, Miller, Tingley, and Woodworth, of the Senate; and Baldwin, Bodley, Bradford, Brown, Campbell, Carr, Carnes, Cook, Covarrubias, Field, Lisle, Lind, McCandles, McCorkle, McDougal, Moore, Osgood, Pico, Randall, Richardson, Robinson, Saunders, Stearns, Thorne, Wilkins, and Speaker, of the Assembly—36.

Not agreed to.

Mr. Lisle moved that the Convention take a recess until eleven o'clock to-morrow.

Mr. Campbell demanded the ayes and nays.

Those who voted in the affirmative were—Messrs. Adams, Broderick, Crosby, Douglass, De la Guerra, Green, Lippincott, Miller, and Woodworth, of the Senate; and Baldwin, Bodley, Bradford, Brown, Carr, Carnes, Cook, Covarrubias, Hall, Lisle, Lind, McCandless, McCorkle, McDougal, Moore, Murphy, Osgood, Pico, Randall, Robinson, Saunders, Stearns, Thorne, Wilkins, and Yeiser, of the Assembly—34.

Those who voted in the negative were—Messrs. Cooke, Heydenfeldt, Tingley, Van Buren, and Warner, of the Senate; and Baldwin, Campbell, Field, Hoff, Kendrick, Merritt, Richardson, Wethered, and Speaker, of the Assembly—14.

Agreed to.

IN ASSEMBLY.

HALF PAST FOUR O'CLOCK.

On motion of Mr. Wilkins, the House adjourned until ten minutes before eleven o'clock to-morrow.

HOUSE OF ASSEMBLY.

WEDNESDAY, *February 26th*, 1851.

House met.

The roll was called, and the following members were absent, to wit: Messrs. Campbell, Covarrubias, Lisle, McCorkle, and Saunders; on leave, Messrs. Kellogg and McCandless.

On motion of Mr. Lind, the reading of the Journal of yesterday was dispensed with.

The hour having arrived for the two Houses to meet in Convention, the Assembly proceeded in order to the Senate Chamber.

IN CONVENTION.

ELEVEN O'CLOCK.

The roll was called, and Mr. Kellogg was absent on leave.

Mr. Baldwin moved that the Convention do now proceed to vote.

Agreed to.

No person having received a majority of all the votes cast on yesterday on the one hundred and thirty-first vote, the Convention proceeded, in like manner, to the one hundred and thirty-second vote, and the Tellers reported the result as follows:

Whole number of votes cast	50
Necessary to a choice	26

Of which Mr. Frémont received	15	votes.
King	19	
Heydenfeldt	15	
Bennett	1	

Those who voted for Mr. Frémont were—Messrs. Adams, Cooke, De la Guerra, Foster, Lippincott, and Warner, of the Senate; and Messrs. Carnes, Covarrubias, Field, Hoff, McCorkle, Pico, Randall, Robinson, and Stearns, of the Assembly—15.

Those who voted for Mr. King were—Messrs. Douglass, Tingley, and Woodworth, of the Senate; and Baldwin, Bennett, Bodley, Bradford, Brown, Campbell, Carr, Cook, Lisle, McCandless, McDougal, Moore, Osgood, Thorne, Wethered, and Wilkins, of the Assembly—19.

Those who voted for Mr. Heydenfeldt were—Messrs. Broderick, Green, Heydenfeldt, Miller, Robinson, and Van Buren, of the Senate; and Messrs. Hall, Kendrick, Lind, Merritt, Murphy, Richardson, Saunders, Yeiser, and Speaker, of the Assembly—15.

Mr. Crosby voted for Mr. Bennett—1.

No person having received a majority of all the votes cast, the Convention proceeded, in like manner, to the one hundred and thirty-third vote, and the Tellers reported the result as follows:

Whole number of votes cast	50	
Necessary to a choice	26	
Of which Mr. Frémont received	15	votes.
King	19	
Heydenfeldt	15	
Bennett	1	

Those who voted for Mr. Frémont were—Messrs. Adams, Cooke, De la Guerra, Foster, Lippincott, and Warner, of the Senate; and Messrs. Carnes, Covarrubias, Field, Hoff, McCorkle, Pico, Randall, Robinson, and Stearns, of the Assembly—15.

Those who voted for Mr. King were—Messrs. Douglass, Tingley, and Woodworth, of the Senate; and Messrs. Baldwin, Bennett, Bodley, Bradford, Brown, Campbell, Carr, Cook, Lisle, McCandless, McDougal, Moore, Osgood, Thorne, Wethered, and Wilkins, of the Assembly—19.

Those who voted for Mr. Heydenfeldt were—Messrs. Broderick, Green, Heydenfeldt, Miller, Robinson, and Van Buren, of the Senate; and Messrs. Hall, Kendrick, Lind, Merritt, Murphy, Richardson, Saunders, Yeiser, and Speaker, of the Assembly—15.

Mr. Crosby voted for Mr. Bennett—1.

No person having received a majority of all the votes cast, the Convention proceeded, in like manner, to the one hundred and thirty-fourth vote, and the Tellers reported the result as follows:

Whole number of votes cast, ...	50	
Necessary to a choice, ...	26	
Of which Mr. Frémont received . . .	15	votes.
King	19	
Heydenfeldt	15	
Bennett	1	

Those who voted for Mr. Frémont were—Messrs. Adams, Cooke, De la Guerra, Foster, Lippincott, and Warner, of the Senate; and Messrs. Carnes, Covarrubias, Field, Hoff, McCorkle, Pico, Randall, Robinson, and Stearns, of the Assembly—15.

Those who voted for Mr. King were—Messrs. Douglass, Tingley, and Woodworth, of the Senate; and Messrs. Baldwin, Bennett, Bodley, Bradford, Brown, Campbell, Carr, Cook, Lisle, McCandless, McDougal, Moore, Osgood, Thorne, Wethered, and Wilkins, of the Assembly—19.

Those who voted for Mr. Heydenfeldt were—Messrs. Broderick, Green, Heydenfeldt, Miller, Robinson, and Van Buren, of the Senate; and Messrs. Hall, Kendrick, Lind, Merritt, Murphy, Richardson, Saunders, Yeiser, and Speaker, of the Assembly—15.

Mr. Crosby voted for Mr. Bennett—1.

No person having received a majority of all the votes cast, the Convention proceeded, in like manner, to the one hundred and thirty-fifth vote, and the Tellers reported the result as follows:

Whole number of votes cast	50	
Necessary to a choice	26	
Of which Mr. Frémont received . . .	15	votes.
King	19	
Heydenfeldt	15	
Bennett	1	

Those who voted for Mr. Frémont were—Messrs. Adams, Cooke, De la Guerra, Foster, Lippincott, and Warner, of the Senate; and Messrs. Carnes, Covarrubias, Field, Hoff, McCorkle, Pico, Randall, Robinson, and Stearns, of the Assembly—15.

Those who voted for Mr. King were—Messrs. Douglass, Tingley, and Woodworth, of the Senate; and Messrs. Baldwin, Bennett, Bodley Bradford, Brown, Campbell, Carr, Cook, Lisle, McCandless, McDougal, Moore, Osgood, Thorne, Wethered, and Wilkins, of the Assembly—19.

Those who voted for Mr. Heydenfeldt were—Messrs. Broderick, Green, Heydenfeldt, Miller, Robinson, and Van Buren, of the Senate; and Messrs. Hall, Kendrick, Lind, Merritt, Murphy, Richardson, Saunders, Yeiser, and Speaker, of the Assembly—15.

Mr. Crosby voted for Mr. Bennett—1.

Mr. Heydenfeldt moved that the Convention do now adjourn *sine die*, with the distinct understanding that the Convention do not meet again during this Session of the Legislature.

Mr. Campbell demanded the ayes and nays.

Those who voted in the affirmative were—Messrs. Broderick, Green, Heydenfeldt, Miller, Robinson, Van Buren, and Warner, of the Senate; and Messrs. Field, Hall, Hoff, Kendrick, Lind, McCandless, Merritt, Murphy, Yeiser, and Speaker, of the Assembly—17.

Those who voted in the negative were—Messrs. Adams, Cooke, Crosby, Douglass, De la Guerra, Foster, Lippincott, Tingley, and Woodworth, of the Senate; and Messrs. Baldwin, Bennett, Bodley, Bradford, Brown, Campbell, Carr, Carnes, Cook, Covarrubias, Lisle, McCorkle, McDougal, Moore, Osgood, Pico, Randall, Robinson, Saunders, Stearns, Thorne, Wethered, and Wilkins, of the Assembly—32.

Not agreed to.

No person having received a majority of all the votes cast on the one hundred and thirty-fifth vote, the Convention proceeded, in like manner, to the one hundred and thirty-sixth vote, and the Tellers reported the result as follows:

Whole number of votes cast	50	
Necessary to a choice	26	
Of which Mr. Frémont received . . .	15	votes.
King	19	

Mr. Heydenfeldt received . . .	15 votes.
Bennett	1

Those who voted for Mr. Frémont were—Messrs. Adams, Cooke, De la Guerra, Foster, Lippincott, and Warner, of the Senate; and Carnes, Covarrubias, Field, Hoff, McCorkle, Pico, Randall, Robinson, and Stearns, of the Assembly—15.

Those who voted for Mr. King were—Messrs. Douglass, Tingley, and Woodworth, of the Senate; and Baldwin, Bennett, Bodley, Bradford, Brown, Campbell, Carr, Cook, Lisle, McCandless, McDougal, Moore, Osgood, Thorne, Wethered, and Wilkins, of the Assembly—19.

Those who voted for Mr. Heydenfeldt were—Messrs. Broderick, Green, Heydenfeldt, Miller, Robinson, and Van Buren, of the Senate; and Hall, Kendrick, Lind, Merritt, Murphy, Richardson, Saunders, Yeiser, and Speaker, of the Assembly—15.

Mr. Crosby voted for Mr. Bennett—1.

No person having received a majority of all the votes cast, the Convention proceeded, in like manner, to the one hundred and thirty-seventh vote, and the Tellers reported the result as follows:

Whole number of votes cast, . . .	50	
Necessary to a choice, ...	26	
Of which Mr. Frémont received . . .	15	votes.
King, ...	19	
Heydenfeldt, ...	15	
Bennett, ...	1	

Those who voted for Mr. Frémont were—Messrs. Adams, Cooke, De la Guerra, Foster, Lippincott, and Warner, of the Senate; and Carnes, Covarrubias, Field, Hoff, McCorkle, Pico, Randall, Robinson, and Stearns, of the Assembly—15.

Those who voted for Mr. King were—Messrs. Douglass, Tingley, and Woodworth, of the Senate; and Baldwin, Bennett, Bodley, Bradford, Brown, Campbell, Carr, Cook, Lisle, McCandless, McDougal, Moore, Osgood, Thorne, Wethered, and Wilkins, of the Assembly—19.

Those who voted for Mr. Heydenfeldt were—Messrs. Broderick, Green, Heydenfeldt, Miller, Robinson, and Van Buren, of the Senate; and Hall,

Kendrick, Lind, Merritt, Murphy, Richardson, Saunders, Yeiser, and Speaker, of the Assembly—15.

Mr. Crosby voted for Mr. Bennett—1.

Mr. Merritt offered the following:

Whereas, this Convention has now been six days engaged in fruitless efforts to elect a United States Senator, and whereas there exists a pressing necessity for speedy legislative action on questions of vital importance to the whole people of the State,—

Therefore *Resolved*, That this Convention do now adjourn, to reassemble again in the Senate Chamber on the 3d Monday of March, 1851, at 12 o'clock, M.

Mr. Van Buren demanded the yeas and nays.

Those who voted in the affirmative were—Messrs. Adams, Green, Miller, Van Buren, and Warner, of the Senate; and Messrs. Field, Hall, Hoff, Kendrick, Lind, McCandless, Merritt, Murphy, Randall, Richardson, and Speaker, of the Assembly—16.

Those who voted in the negative were—Messrs. Broderick, Cooke, Crosby, Douglass, De la Guerra, Foster, Heydenfeldt, Lippincott, Robinson, Tingley, and Woodworth, of the Senate; and Messrs. Baldwin, Bennett, Bodley, Bradford, Brown, Campbell, Carr, Carnes, Cook, Covarrubias, Lisle, McCorkle, McDougal, Moore, Osgood, Pico, Robinson, Saunders, Stearns, Thorne, Wethered, Wilkins, and Yeiser, of the Assembly—34.

Not agreed to.

Mr. Green moved that the Convention take a recess until 3 o'clock this afternoon.

Mr. Van Buren demanded the ayes and nays.

Those who voted in the affirmative were—Messrs. Broderick, Crosby, Douglass, De la Guerra, Green, Heydenfeldt, Lippincott, Miller, Robinson, and Tingley, of the Senate; and Messrs. Baldwin, Bennett, Bodley, Bradford, Brown, Campbell, Carr, Carnes, Covarrubias, Kendrick, Lisle, Lind, McCorkle, Merritt, Moore, Osgood, Pico, Randall, Robinson, Stearns, Thorne, Wilkins, and Yeiser, of the Assembly—33.

Those who voted in the negative were—Messrs. Adams, Cooke, Foster, Van Buren, Warner, and Woodworth, of the Senate; and Messrs. Cook, Field, Hall, Hoff, McCandless, McDougal, Murphy, Richardson, Saunders, Wethered, and Speaker, of the Assembly—17.

Agreed to.

IN ASSEMBLY.

TWELVE O'CLOCK.

On motion of Mr. Bodley, the House adjourned until ten minutes before 3 o'clock to-day.

IN ASSEMBLY.

TEN MINUTES BEFORE THREE O'CLOCK.

The roll was called, and the following members were absent, to-wit: Messrs. Baldwin, Campbell, Hall, Kendrick, Lisle, Lind, McCorkle, Merritt, Murphy, Osgood, Randall, Wethered, and Wilkins; on leave, Messrs. Kellogg and McCandless.

Mr. Carr asked and obtained leave of absence for Mr. Wethered for a few days.

The Speaker appointed Mr. Osgood as one of the Committee on Accounts.

The hour having arrived for the two Houses to meet in Convention, the Assembly proceeded in order to the Senate Chamber.

IN CONVENTION.

THREE O'CLOCK.

The roll was called, and Messrs. Robinson of the Senate, and McCandless and Randall of the Assembly, were absent; on leave, Mr. Kellogg.

Mr. Lisle moved that the Convention proceed to vote.

Mr. Van Buren demanded the ayes and nays.

Those who voted in the affirmative were—Messrs. Broderick, Cooke, Crosby, Douglass, Foster, Green, Lippincott, Miller, Tingley, and Woodworth, of the Senate; and Messrs. Baldwin, Bennett, Bodley, Bradford,

Brown, Campbell, Carr, Carnes, Cook, Field, Hoff, Kendrick, Lisle, Lind, McCorkle, McDougal, Merritt, Moore, Murphy, Osgood, Randall, Richardson, Robinson, Saunders, Stearns, Thorne, Wilkins, Yeiser, and Speaker, of the Assembly—39.

Those who voted in the negative were—Messrs. Adams, De la Guerra, Heydenfeldt, Van Buren, and Warner, of the Senate; and Messrs. Covarrubias, Hall, and Pico, of the Assembly—8.

Agreed to.

No person having received a majority of all the votes cast this morning on the one hundred and thirty-seventh vote, the Convention proceeded, in like manner, to the one hundred and thirty-eighth vote, and the Tellers reported the result as follows:

Whole number of votes cast	47
Necessary to a choice	24
Of which Mr. Frêmont received	16 votes.
King	17
Heydenfeldt	13
Bennett	1

Those who voted for Mr. Frémont were—Messrs. Adams, Broderick, Cooke, De la Guerra, Foster, Lippincott, and Warner, of the Senate; and Carnes, Covarrubias, Field, Hoff, McCorkle, Pico, Randall, Robinson, and Stearns, of the Assembly—16.

Those who voted for Mr. King were—Messrs. Douglass, Tingley, and Woodworth, of the Senate; and Baldwin, Bennett, Bodley, Bradford, Brown, Campbell, Carr, Cook, Lisle, McDougal, Moore, Osgood, Thorne, and Wilkins, of the Assembly—17.

Those who voted for Mr. Heydenfeldt were—Messrs. Green, Heydenfeldt, Miller, and Van Buren, of the Senate; and Hall, Kendrick, Lind, Merritt, Murphy, Richardson, Saunders, Yeiser, Speaker, of the Assembly—13.

Mr. Crosby voted for Mr. Bennett—1.

No person having received a majority of all the votes cast, the Convention proceeded, in like manner, to the one hundred and thirty-ninth vote, and the Tellers reported the result as follows:

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

Of which Mr. Frémont received	. . .	16 votes.
King,	. . . . .	17
Heydenfeldt,	. . . .	13
Bennett	. . . .	1

Those who voted for Mr. Frémont were—Messrs. Adams, Broderick, Cooke, De la Guerra, Foster, Lippincott, and Warner, of the Senate; and Carnes, Covarrubias, Field, Hoff, McCorkle, Pico, Randall, Robinson, and Stearns, of the Assembly—16.

Those who voted for Mr. King were—Messrs. Douglass, Tingley, and Woodworth, of the Senate; and Baldwin, Bennett, Bodley, Bradford, Brown, Campbell, Carr, Cook, Lisle, McDougal, Moore, Osgood, Thorne, and Wilkins, of the Assembly—17.

Those who voted for Mr. Heydenfeldt were—Messrs. Green, Heydenfeldt, Miller, and Van Buren, of the Senate; and Messrs. Hall, Kendrick, Lind, Merritt, Murphy, Richardson, Saunders, Yeiser, and Speaker, of the Assembly—13.

No person having received a majority of all the votes cast, the Convention proceeded, in like manner, to the one hundred and fortieth vote, and the Tellers reported the result as follows:

Whole number of votes cast	. . . .	47
Necessary to a choice	. . . . .	24
Of which Mr. Frémont received	. . . .	16 votes.
King	. . . . .	17
Heydenfeldt	. . . . .	13
Bennett	. . . . .	1

Those who voted for Mr. Frémont were—Messrs. Adams, Broderick, Cooke, De la Guerra, Foster, Lippincott, and Warner, of the Senate; and Carnes, Covarrubias, Field, Hoff, McCorkle, Pico, Randall, Robinson, and Stearns, of the Assembly—16.

Those who voted for Mr. King were—Messrs. Douglass, Tingley, and Woodworth, of the Senate; and Baldwin, Bennett, Bodley, Bradford, Brown, Campbell, Carr, Cook, Lisle, McDougal, Moore, Osgood, Thorne, and Wilkins, of the Assembly—17.

Those who voted for Mr. Heydenfeldt were—Messrs. Green, Heyden-

feldt, Miller, and Van Buren, of the Senate; and Hall, Kendrick, Lind, Merritt, Murphy, Richardson, Saunders, Yeiser, and Speaker, of the Assembly—13.

Mr. Crosby voted for Mr. Bennett—1.

Mr. Van Buren moved that the Convention do now adjourn *sine die*, and demanded the ayes and nays.

Those who voted in the affirmative were—Messrs Broderick, Crosby, Green, Heydenfeldt, Miller, Van Buren, and Warner, of the Senate; and Brown, Cook, Field, Hall, Hoff, Kendrick, Lind, Merritt, Murphy, Richardson, Yeiser, and Speaker of the Assembly—19.

Those who voted in the negative were—Messrs. Adams, Cooke, Douglass, De la Guerra, Foster, Lippincott, Tingley, and Woodworth, of the Senate; and Baldwin, Bennett, Bodley, Bradford, Campbell, Carr, Carnes, Covarrubias, Lisle, McCorkle, McDougal, Moore, Osgood, Pico, Randall, Robinson, Saunders, Stearns, Thorne, and Wilkins, of the Assembly—28.

Not agreed to.

On motion of Mr. McCorkle, the Convention took a recess until to-morrow 11 o'clock.

IN ASSEMBLY.

HALF PAST THREE O'CLOCK.

On motion of Mr. Carnes, the House adjourned until 10 minutes before 11 o'clock to-morrow morning.

HOUSE OF ASSEMBLY.

THURSDAY, *February 27th*, 1851.

House met.

The roll was called, and the following members were absent, to wit: Messrs. Kendrick and Lisle; on leave, Messrs. Kellogg and Wethered.

On motion of Mr. Bradford, the reading of the Journal of yesterday was dispensed with.

The hour having arrived for the two Houses to meet in Convention, the Assembly proceeded in order to the Senate Chamber.

IN CONVENTION.

ELEVEN O'CLOCK.

The roll was called, and Messrs. Robinson of the Senate; and Wethered of the Assembly, were absent; on leave, Mr. Kellogg.

Mr. Douglass moved that the Convention do now proceed to vote.

Agreed to.

No person having received a majority of all the votes given yesterday, on the one hundred and fortieth vote, the Convention proceeded, in like manner, to the one hundred and forty-first vote, and the Tellers reported the result as follows:

Whole number of votes cast	48	
Necessary to a choice	25	
Of which Mr. Frémont received . . .	14	votes.
King	18	
Heydenfeldt	15	
Bennett	1	

Those who voted for Mr. Frémont were—Messrs. Adams, Broderick, Cooke, De la Guerra, Foster, Lippincott, and Warner, of the Senate; and Carnes, Covarrubias, Field, Hoff, Pico, Randall, and Stearns, of the Assembly—14.

Those who voted for Mr. King were—Messrs. Douglass, Tingley, and Woodworth, of the Senate; and Baldwin, Bennett, Bodley, Bradford, Brown, Campbell, Carr, Cook, Lisle, McDougal, Moore, Osgood, Robinson, Thorne, and Wilkins, of the Assembly—18.

Those who voted for Mr. Heydenfeldt were—Messrs. Green, Heydenfeldt, Miller, and Van Buren, of the Senate; and Hall, Kendrick,

Lind, McCandless, McCorkle, Merritt, Murphy, Richardson, Saunders, Yeiser, and Speaker, of the Assembly—15.

Mr. Crosby voted for Mr. Bennett—1.

Mr. Kendrick withdrew the name of Mr. Heydenfeldt.

Mr. Murphy nominated Mr. John B. Weller.

Mr. Broderick nominated Mr. John W. Geary.

Mr. Green moved that the Convention proceed to vote.

Agreed to.

No person having received a majority of all the votes cast on the one hundred and forty-first vote, the Convention proceeded, in like manner, to the one hundred and forty-second vote, and the Tellers reported the result as follows:

Whole number of votes cast	48	
Necessary to a choice	25	
Of which Mr. Frémont received . . .	9	votes.
King	20	
Geary	1	
Weller	18	

Those who voted for Mr. Frémont were—Messrs. Adams, De la Guerra, Foster, and Lippincott, of the Senate; and Messrs. Carnes, Covarrubias, Hoff, Pico, and Stearns, of the Assembly—9.

Those who voted for Mr. King were—Messrs. Douglass, Heydenfeldt, Tingley, and Woodworth, of the Senate; and Messrs. Baldwin, Bennett, Bodley, Bradford, Brown, Campbell, Carr, Cook, Lisle, McCandless, McDougal, Moore, Osgood, Robinson, Thorne, and Wilkins, of the Assembly—20.

Those who voted for Mr. Weller were—Messrs. Cooke, Crosby, Green, Miller, Van Buren, and Warner, of the Senate; and Messrs. Field, Hall, Kendrick, Lind, McCorkle, Merritt, Murphy, Randall, Richardson, Saunders, Yeiser, and Speaker, of the Assembly—18.

Mr. Broderick voted for Mr. Geary.

Mr. Moore moved that the Convention do now adjourn until the first day of January next, and demanded the ayes and nays.

Those who voted in the affirmative were—Messrs. Broderick, Cooke, Douglass, Green, Heydenfeldt, Tingley, Warner, and Woodworth, of the

Senate; and Messrs. Brown, Carr, Cook, Field, Hall, Lisle, McCandless, McDougal, Merritt, Moore, Murphy, Osgood, Richardson, Thorne, Wilkins, Yeiser, and Speaker, of the Assembly—25.

Those who voted in the negative were—Messrs. Adams, Crosby, De la Guerra, Foster, Lippincott, Miller, and Van Buren, of the Senate; and Messrs. Baldwin, Bennett, Bodley, Bradford, Campbell, Carnes, Covarrubias, Hoff, Kendrick, Lind, McCorkle, Pico, Randall, Robinson, Saunders, and Stearns, of the Assembly—23.

Agreed to.

IN ASSEMBLY.

HALF-PAST ELEVEN O'CLOCK.

On motion of Mr. Baldwin, the House adjourned until to-morrow 10 o'clock.

HOUSE OF ASSEMBLY.

FRIDAY, *February* 28th, 1851.

House met.

The roll was called, and the following members were absent, to wit: Messrs. Bennett, Bodley, Brown, Carnes, Covarrubias, Hall, Hoff, Lisle, Merritt, McCandless, Pico, Saunders, Stearns, Thorne, and Yeiser; on leave, Messrs. Kellogg and Wethered.

No quorum present.

On motion of Mr. Bradford, the Sergeant-at-Arms was dispatched after absentees.

Mr. Stearns made his appearance.

Quorum present.

On motion of Mr. Bradford, the reading of the Journal of yesterday was dispensed with.

On motion, Messrs. Hoff, Bennett, Merritt, Lisle, Brown, Bodley, and Hall had leave of absence for a few days.

A Message from the Senate was received, informing the Assembly

that the Governor notified the Senate on the 24th instant that he had, on the 18th instant, signed "an Act for the Relief of William Reynolds, Treasurer of the County of Marin;" also, that the President of the Senate had signed bills, entitled "an Act to Incorporate the City of Nevada;" and "an Act for the relief of William Richardson."

On motion of Mr. Bradford, "Joint Resolution requiring the Comptroller to Audit the Accounts of the State Printer for stated sums," was taken from the table, considered, engrossed, and read a third time.

The question then was, "Shall the Joint Resolution pass?"

Decided in the affirmative.

Mr. Cook, from the Committee on Engrossed Bills, reported as correctly engrossed, Bills severally entitled, "a Bill to exempt Steam Vessels coasting from paying Pilot Dues;" "an Act regulating and prescribing the duties of Pilots for the Bay and Harbor of San Francisco, and other purposes;" "an Act to repeal an Act entitled 'an Act to provide for the inspection of Steamboats, approved April 10, 1850;'" and "Joint Resolutions relative to the Mineral Lands."

"An Act to repeal an Act entitled 'an Act to provide for the Inspection of Steamboats, approved April 10, 1850,'" was read a third time.

The question then was, "Shall the Bill pass?"

Mr. Carr moved that the Bill be recommitted to a Select Committee, with instructions to substitute for said Bill the original Bill as introduced, entitled "a Bill to provide for the Inspection of Steamboats."

Mr. Moore demanded the ayes and nays.

Those who voted in the affirmative were—

Mr. Baldwin	Mr. Murphy
Campbell	Osgood
Carr	Saunders
Cook	Wilkins
McDougal	Yeiser
Moore	Speaker—12.

Those who voted in the negative were—

Mr. Bradford	Mr. Pico
Carnes	Randall
Field	Richardson
Kendrick	Stearns
Lind	Thorne
McCorkle	—11.

Agreed to.

"Joint Resolution in relation to the Mineral Lands," was then read a third time.

The question then was "Shall the Joint Resolution pass?"

Decided in the affirmative.

Mr. Cook offered the following:

Resolved (the Senate concurring), That this Legislature will adjourn *sine die* on Monday, March 31, 1851.

On motion of Mr. Bradford, the resolution was laid on the table.

Mr. Carr introduced a "Bill to provide a Revenue for the California State Hospital, and for other purposes," which was read first and second times, the Rules being suspended for that purpose, and ordered printed.

On motion of Mr. Field, the House resolved itself into Committee of the Whole, Mr. Bradford in the Chair, on "Bill concerning the Courts of Justice of this State and Judicial Officers." After some time spent therein, the committee rose, reported progress, and had leave to sit again.

On motion of Mr. Campbell, the Bill was made the Special Order of the day for Wednesday next.

Mr. Field moved that Bill No. 65, entitled "a Bill dividing the State into Counties, and establishing the Seats of Justice therein," be taken from the table, and made the order of the day for to-morrow.

Agreed to.

On motion of Mr. Thorne, the House resolved itself into Committee of the Whole, Mr. Bradford in the Chair, on Bill No. 69, entitled "a Bill to regulate summary proceedings for the possession of real property." After some time spent therein, the committee rose for want of a quorum.

Mr. Moore moved a call of the House.

Agreed to.

A call of the House being ordered, Messrs. Baldwin, Campbell, Lind, Murphy, Richardson, Robinson, and Wilkins, were absent without leave.

On motion of Mr. Bigler, further proceedings under the call of the House were suspended.

Mr. Bigler moved, as a mark of respect to the memory of the Hon.

John Cave, member of the Assembly at its last Session, who departed this life to-day, that the House do now adjourn.

Agreed to.

HALF PAST TWELVE O'CLOCK.

House adjourned.

HOUSE OF ASSEMBLY.

SATURDAY, *March* 1, 1851.

House met.

The Roll was called, and the following members were absent, to wit: Messrs. Cook, McCandless, Randall, Robinson, Saunders, Thorne, and Yeiser; on leave, Messrs. Hoff, Bennett, Merritt, Lisle, Brown, Hall, and Wethered.

The Journal of yesterday was read and approved.

The Speaker appointed Messrs Carr, Field, and Moore, a Select Committee, to whom was referred "an Act to repeal an Act entitled 'an Act for the Inspection of Steamboats, approved April 10, 1850,'" with instructions to substitute for said Bill the original Bill, as introduced, entitled "a Bill to provide for the Inspection of Steamboats."

On motion, Messrs. Cook, Thorne, Robinson, and McCandless had leave of absence.

Mr. Bodley, from the Committee on Engrossed Bills, reported as correctly engrossed, Assembly Bill No. 68, entitled a "Bill for the relief of the Mayor and City Council of the City of San José."

Mr. Bradford moved that said Bill be laid on the table.

Agreed to.

Mr. Bradford, from the Joint Committee on Enrolled Bills, reported that they did, on the twenty-sixth instant, present to the Governor for his signature, "an Act to incorporate the City of Nevada;" also "an Act for the relief of Wm. H. Richardson."

Mr. Carr offered the following:

Resolved, That a committee of three be appointed to proceed to San Francisco, for the purpose of inquiring into the financial condition of the State Marine Hospital at San Francisco, and that they shall be empowered

to send for persons, books, and papers, and should the Committee think it expedient to do so, they shall have the right to bring with them and lay before this House the books and papers of said State Marine Hospital; and that said committee shall further examine into the manner in which the officers of that institution have discharged their duties during the past and present year, and of learning the situation and number of the present inmates of said Hospital, and to report the same back to this House as early as practicable.

Adopted.

On motion of Mr. McCorkle, Messrs. Thorne, Randall, and Cook were appointed said committee.

Mr. Bradford, on leave, introduced "a Bill for an Act providing for holding a special term of the District Court in Solano County, and for other purposes," which was read first and second times by title, the Rules being suspended for that purpose.

On motion of Mr. Bradford, the Rules were suspended, and the Bill was considered as engrossed and read a third time.

The question then was, "Shall the Bill pass?"

Decided in the affirmative.

Mr. Bigler, on leave, introduced "a Bill for the relief of the Mayor and Council of Sacramento City," which was read first time.

Mr. Bigler moved that the Rules be suspended, and the Bill read a second time, and referred to Committee on Claims.

Mr. Moore demanded the ayes and nays.

Those who voted in the affirmative were—

Mr. Bodley	Mr. McDougal
Bradford	Murphy
Campbell	Pico
Carr	Osgood
Carnes	Richardson
Field	Saunders
Kellogg	Stearns
Kendrick	Wilkins
Lind	Yeiser
McCorkle	Speaker—20.

In the negative—

Mr. Baldwin Mr. Moore—2.

Agreed to.

The Bill was then read a second time, and referred to Committee on Claims.

Mr. Bigler gave notice that he would, on Tuesday next, introduce a "Bill amendatory of an Act entitled 'an Act to Incorporate Sacramento City, passed February 27, 1850.'"

Mr. Bodley, from the Committee on Engrossed Bills, reported as correctly engrossed, a "Bill for an Act providing for the holding a Special Term of the District Court in the County of Solano, and for other purposes."

The following Message, received from the Senate, was read:—

SENATE CHAMBER,
March 1st, 1851.

MR. SPEAKER:

I am directed by the Senate to inform the Assembly that they have passed Assembly Bill, entitled "an Act for the relief of Joseph Evans;" also that Messrs. Van Buren, Tingley, and Heydenfeldt have been appointed as the Committee of Conference on the part of the Senate, to act with Messrs. Field, Murphy, and Moore, on the part of the Assembly, in relation to the disagreeing votes of the two Houses on the Bill, entitled "an Act to prohibit Lotteries."

Also, that the Senate have passed a Bill, herewith transmitted, entitled "an Act to repeal 'an Act creating Officers of Health for the Port and Harbor of San Francisco, and defining their duties.'"

Senate Bill, entitled "an Act to repeal an Act creating Officers of Health for the Port and Harbor of San Francisco, and defining their duties," was read first time.

On motion of Mr. Field, "Bill dividing the State into Counties, and establishing the Seats of Justices therein," which was made the special order of the day, was laid on the table until Monday next.

On motion of Mr. McCorkle, the House resolved itself into Committee of the Whole, Mr. Campbell in the Chair, on Senate Bill No. 49, and Assembly Bill No. 78, entitled "an Act prescribing the compensation and mode of payment to persons who have performed military services for the State of California, and expenses incurred therein." After some time spent therein, the committee rose, reported that the committee had adopted the Senate Bill with amendments, and were discharged.

On motion of Mr. Kendrick, the amendments made in Committee of the Whole were concurred in generally.

Mr. Baldwin moved to strike out the proviso to the 1st section of said Bill, and insert the 2d section of Assembly Bill.

Agreed to.

Mr. Baldwin moved to strike out the 8th section of said Bill, and insert the 10th section of Assembly Bill.

Agreed to.

Mr. Baldwin moved that the 11th section of Assembly Bill be made the 14th section of the Senate's Bill.

Agreed to.

Mr. Baldwin moved that the 12th section of Assembly Bill be made the 15th section of Senate's Bill.

Agreed to.

Mr. Baldwin moved to strike out in the 1st section of said Bill the compensation allowed officers and privates, and insert the compensation allowed officers and privates, as reported in Assembly Bill, and demanded the ayes and nays.

Those who voted in the affirmative were—

Mr. Baldwin	Mr. Carnes
Bodley	McDougal
Bradford	Pico
Campbell	Stearns
Carr	—9.

In the negative—

Mr. Field	Mr. Murphy
Kellogg	Osgood
Kendrick	Saunders
Lind	Wilkins
McCorkle	Yeiser
Moore	Speaker—12.

Not agreed to.

Mr. McDougal moved to strike out, in the 12th section, the word "seven," and insert the word "five," and demanded the ayes and nays.

Those who voted in the affirmative were—

Mr. Baldwin	Mr. McDougal
Bodley	Murphy
Bradford	Pico
Carr	Stearns
Carnes	—9.

In the negative were—

Mr. Campbell	Mr. Moore
Field	Osgood
Kellogg	Saunders
Kendrick	Wilkins
Lind	Yeiser
McCorkle	Speaker—12.

Not agreed to.

Mr. McDougal moved to strike out the word "seven," and insert the word "six," and demanded the ayes and nays.

Those who voted in the affirmative were—

Mr. Baldwin	Mr. Lind
Bodley	McDougal
Bradford	Murphy
Carr	Pico
Carnes	Stearns—10.

In the negative were—

Mr. Campbell	Mr. Osgood
Field	Saunders
Kellogg	Wilkins
Kendrick	Yeiser
McCorkle	Speaker
Moore	—11.

Not agreed to.

The question then was on ordering the Bill to a third reading.

Agreed to.

The question then was, "Shall the Bill pass?"

Decided in the affirmative.

A Message from the Senate was received, informing the Assembly

that they have passed Bill entitled, "an Act providing for holding a Special Term of the District Court in Solano county, and for other purposes"

Mr. Bradford, from the Joint Committee on Enrolled Bills, reported as correctly enrolled, "an Act providing for holding a Special Term of the District Court in Solano county, and for other purposes."

Mr. Yeiser offered the following:

Resolved, That during the balance of this session this body shall meet daily at 11 o'clock, A.M.

On motion of Mr. Bodley, the resolution was laid on the table.

HALF PAST ONE O'CLOCK.

On motion of Mr. McCorkle, the House adjourned.

HOUSE OF ASSEMBLY.

MONDAY, *March* 3, 1851.

House met.

The roll was called, and the following members were absent, to wit: Messrs. Campbell, Carnes, Covarrubias, Pico, and Randall; on leave, Messrs. Hoff, Bennett, Merritt, Lisle, Brown, Hall, Wethered, Cook, Thorne, Robinson, and McCandless.

The Journal of yesterday was read and approved.

On motion, Messrs. Campbell and Saunders had leave of absence.

Mr. Baldwin presented a petition from Miles K. Crenshaw, praying that the State pay him for services rendered the State, which was read and referred to the Committee on Claims.

Mr. Bigler presented sundry affidavits in the case of Joseph J. Petrie, relative to supplying and assisting emigrants to this country, which was referred to a Select Committee.

Mr. Baldwin, Chairman of the Committee on Military Affairs, to whom was referred the communication from the Governor, enclosing papers from Adam Johnson, concerning Indian difficulties, reported the same back without action, and recommended that the same be referred to Committee on Indian Affairs.

On motion of Mr. Lind, the papers were referred to Committee on Indian Affairs.

Mr. Carr, Chairman of Select Committee to whom was referred "an Act to repeal an Act, entitled 'an Act to provide for the Inspection of Steamboats, approved April 10, 1850,'" with instructions to substitute the "Bill to provide for the Inspection of Steamboats," in lieu thereof, reported in accordance with said instructions, together with adding two additional Sections and other amendments.

The question then was on adopting the report.

Adopted.

The question then was, "Shall the Bill pass?"

Decided in the affirmative.

Mr. Bradford offered the following:

Resolved, That the Secretary of State be required to report to the Assembly, at his earliest convenience, whether he has complied with the law making it his duty to distribute the Statutes of this State, and of the United States, and the Journals of the last Legislature; also, the nature of the contract, if any has been made, and the amount of said contract; also, to report the number of copies of the Convention Journals on hand in his office, after deducting the number already by law ordered to be distributed.

Adopted.

A message from the Senate was received, informing the Assembly that they have passed a Joint Resolution, herewith transmitted, entitled "a Joint Resolution in relation to the Public Archives;"

Also, that they have passed a Bill herewith transmitted, entitled "an Act concerning the office of Public Administrator for the County of San Francisco, and making it elective."

"Joint Resolution in relation to the Public Archives," was read first time, and laid upon the table.

Senate Bill, entitled "an Act concerning the office of Public Administrator for the County of San Francisco, and making it elective," was read first and second times, the rules being suspended for that purpose, and referred to the Judicary Committee.

Mr. Field, agreeably to notice given, reported "a Bill concerning Sheriffs," which was read first and second times, the Rules being suspended for that purpose, and ordered printed.

On motion of Mr. Moore, the Bill entitled "an Act to Incorporate the City of Nevada;" also, the Governor's Veto Messsage, was taken up.

The question then was, "Shall the Bill pass, the Governor's objections to the contrary notwithstanding?"

Those who voted in the affirmative were—

Mr. Bodley	Mr. McCandless
Bradford	McCorkle
Carr	Moore
Field	Murphy
Kellogg	Osgood
Kendrick	Richardson
Lind	Speaker—14.

Those who voted in the negative were—

Mr. Baldwin	Mr. Pico
Carnes	Stearns
Covarrubias	Wilkins
McDougal	Yeiser—8.

Not agreed to.

Mr. Field gave notice that he would, at the expiration of five days, introduce a "Bill to Incorporate the City of Nevada."

On motion of Mr. Bradford, the Clerk was authorized to transmit to the Senate the memorial of the State Printer, praying that the State pay him the amount due on account of his contract.

On motion of Mr. Bodley, the House resolved itself into Committee of the Whole, Mr. Moore in the chair, on "Bill Dividing the State into Counties, and establishing the Seats of Justice therein." After some time spent therein, the Committee rose, reported the Bill with amendments, and were discharged.

On motion of Mr. Bodley, the Bill and amendments were referred to a Select Committee, consisting of Messrs. Baldwin, Wilkins, Moore, Murphy, Lind, Field, McCorkle, McCandless, Osgood, Covarrubias, and Stearns.

On motion of Mr. Moore, the House resolved itself into Committee of the Whole, Mr. Lind in the Chair, on "Bill to provide for the early

publication and distribution of the Laws of California." After some time spent therein, the committee rose, reported the Bill, and had leave to sit again.

Mr. Bradford, from the Committee on Enrolled Bills, reported that they have examined, and find correctly enrolled, "an Act for the relief of Joseph Evans."

Mr. Bradford moved that the House take up the Resolution for the appointment of a Joint Committee, to report such amendments to the Constitution as in the judgment of the Legislature should be submitted to the people, and demanded the ayes and nays.

Those who voted in the affirmative were—

Mr. Bradford	Mr. McCandless
Kellogg	Wilkins
Kendrick	—5.

In the negative—

Mr. Baldwin	Mr. Moore
Bodley	Murphy
Carr	Osgood
Covarrubias	Richardson
Field	Stearns
Lind	Yeiser
McCorkle	Speaker
McDougal	—15.

Not agreed to.

Mr. Moore moved that the House resolve itself into Committee of the Whole on "Bill to regulate summary proceedings for the possession of real property."

Not agreed to.

On motion of Mr. Carr, said Bill was made the Special Order of the day for Friday next.

Mr. Carr, from the Select Committee, to whom was referred the "Bill creating the office of Harbor Master for the Port and Harbor of San Francisco, and for other purposes," made a minority report, which was read and laid on the table.

Mr. Moore moved a call of the House.

Agreed to.

A call of the House being ordered, Messrs. Carnes and Pico were absent.

On motion of Mr. Stearns, Mr. Pico had leave of absence.

On motion of Mr. Stearns, the Sergeant-at-Arms was dispatched after Mr. Carnes.

On motion of Mr. Bodley, further proceedings under the call of the House was suspended.

Mr. Moore moved that the House resolve itself into Committee of the Whole, on Bill entitled "an Act creating the office of Harbor Master for the Port and Harbor of San Francisco, and for other purposes."

Not agreed to.

On motion of Mr. Field, said Bill was made the order of the day for Friday next.

Mr. Moore moved that the House resolve itself into Committee of the Whole on "Bill to establish the office of Harbor Master in this State."

Not agreed to.

QUARTER AFTER TWELVE O'CLOCK.

On motion of Mr. Richardson, the House adjourned.

HOUSE OF ASSEMBLY.

TUESDAY, *March 4th*, 1851.

House met.

The roll was called, and the following members were absent, to wit: Messrs. Carnes, Lind, and Yeiser; on leave, Messrs. Hoff, Bennett, Merritt, Lisle, Brown, Hall, Wethered, Cook, Thorne, Robinson, McCandless, Campbell, and Saunders.

No quorum present.

On motion of Mr. Bodley, the Sergeant-at-Arms was dispatched after absentees.

Quorum present.

The Journal of yesterday was read and approved.

Mr. Moore, Chairman of the Judiciary Committee, to whom was referred the Message of the Governor, with his objections to the "Bill to repeal the one hundred and seventy-fourth section of the Act entitled 'an Act concerning Corporations;'" and also, to the Bill entitled "an Act to amend 'an Act concerning Corporations,'" made the following

REPORT.

The Constitutional question presented by his Excellency the Governor in his veto Message, dated "Executive Department, San José, February 12th, 1851," which was referred to your Committee, presents subjects of the most serious character.

The main question depends upon the clause found in the twenty-fifth section of the Constitution, defining the powers and duties of the Legislature, and which reads as follows:

"Every law enacted by the Legislature shall embrace but one object, and that shall be expressed in the title; and no law shall be revised or amended by reference to its title; but in such case, shall be re-enacted and published at length."

The Acts passed by this Legislature, to which his Excellency the Governor makes an application of the above clause of the Constitution, are entitled:

1st. "An Act to amend 'an Act concerning Corporations, approved April 22d, 1850:'"

2d. "An Act to repeal the one hundred and seventy-fourth section of the Act entitled 'an Act concerning Corporations.'"

The first repeals an *entire section* of the law, and substitutes one *entirely new*, retaining no part of the section so struck out or repealed.

The second referred to by his Excellency, repeals and strikes from the Statute book the one hundred and sixty-fouth section of the "Act concerning Corporations," and proposes no substitute—no amendment. The language of the Constitution, so far as it is applicable to the above cases, is plain and explicit, and can admit of but one construction.

No law, says the Constitution, can be amended or revised by reference to its title; but in such cases the Act *revised*, or section *amended* "Shall be re-enacted and published at length."

In the two Acts vetoed by his Excellency, it is neither sought to revise an Act nor amend a section; therefore the clause of the Constitution above quoted does not apply. In the one Act, an entire section is stricken out; in the other, an entire new section substituted; therefore as no law is revised, and no section amended, it is not necessary to re-enact or republish either. Your committee might properly stop their investigation of the subject here, but as it is one of importance, they would call the attention of the House to a few other points in the case.

Your committee cannot interpret or construe the clause of the Constitution referred to by his Excellency by any forced construction, even so as to make it mean that an Act repealing any law of a previous Legislature must, in order to give it force and effect, contain also a re-publication and re-enactment of the Statute intended to be repealed. To re-enact a law in order to *repeal it*, appears to your committee an absurdity. The plain purpose of a publication of the laws is to give the people amenable to them an opportunity of informing themselves; and hence it appears to your committee no less absurd that a law should be *republished* which is null and void and of no force by the repealing clause.

The only application to Legislation that your Committee can give this clause of the Constitution, and the only one ever intended, in their humble estimation, that it should have, is when, in the first place, an entire law is amended in each of its several sections, parts thereof being retained, and parts stricken out, and new matter added; that in such cases, the parts of the law retained, together with such matter as may be added thereto, shall be re-enacted and published at length.

So also in the second case, when one single section of a law is sought to be amended, and part of the section stricken out and part retained, the part so retained shall be re-enacted with the amendment thereto, and published at length. In no case where an entire Act, or single section of an Act is *repealed*, can your Committee construe the Constitution to require that either the law or section repealed shall be re-enacted or republished.

As a general rule, in the construction of Laws, or of Constitutions, an interpretation that effects a "*reductio ad absurdum*" should be avoided.

And your Committee are therefore compelled to the conclusion that

the veto Message of His Excellency the Governor is not founded upon a proper, just, or legislative construction of the Constitution, and therefore recommend the passage of the Acts, by two thirds vote, and ask to be discharged from further consideration of the subject.

On motion of Mr. Moore, the Report was ordered printed.

Mr. Moore, Chairman of the Judiciary Committee, to whom was referred Senate Bill, entitled "an Act concerning the office of Public Administrator for the County of San Francisco, and making it elective," reported the same back and recommended its passage.

The bill was then read a third time.

The question then was, "Shall the bill pass?"

Mr. Baldwin demanded the ayes and nays.

Those who voted in the affirmative were—

Mr. Bodley	Mr. McCorkle
Bradford	McDougal
Carr	Moore
Covarrubias	Murphy
Field	Pico
Kellogg	Richardson
Kendrick	Saunders
Lind	Wilkins
McCandless	Speaker—18.

In the negative—

Mr. Baldwin—1.

The bill passed.

Mr. McCorkle, from the Committee to whom was referred the memorial of J. Ross Brown, praying this Legislature to buy of him an additional number of the Reports of Debates in Convention of State of California, reported the same back, and recommended that the same be laid on the table, and that the Committee be discharged.

The question was then on laying the memorial on the table, and discharging the Committee.

Agreed to.

A Message from the Senate was received informing the Assembly

that they have passed Bill entitled "an Act to amend an Act entitled 'an Act to provide for the Incorporation of Cities.'"

Senate Bill entitled "an Act to amend an Act entitled 'an Act to provide for the Incorporation of Cities,'" was read first and second times, the Rules being suspended for that purpose, and referred to the Judiciary Committee.

A Message was received from the Senate informing the Assembly that the President of the Senate has signed Bills entitled "an Act for the Relief of Joseph Evans;" "an Act providing for the holding of a Special Term of the District Court of Solano County, and for other purposes;" also, that the Senate have concurred in the amendments of the Assembly to Senate Bill, entitled "an Act prescribing the amount of compensation and mode of payment to persons who have performed military services for the State of California, and expenses incurred therein."

On motion of Mr. Field, "Bill providing for the incorporation of Mutual Insurance Companies," was taken up, and made the order of the day for Monday next.

On motion of Mr. Carr, the House resolved itself into Committee of the Whole, Mr. Bodley in the chair, on "Bill to authorize the keepers of Warehouses to sell Goods on storage after a certain period." After some time spent therein, the committee rose, reported progress, and were discharged.

On motion of Mr. Bradford, said Bill was laid on the table.

Assembly "Bill for the relief of David Spence," was taken up, when Mr. Moore moved to indefinitely postpone said Bill, and demanded the previous question.

The question then was, "Shall the main question be now put?"

Not agreed to.

The question then recurred on the indefinite postponement of the Bill.

Mr. Moore demanded the ayes and nays.

Those who voted in the affirmative were—

Mr. Baldwin	Mr. Murphy
Lind	Osgood
McCandless	Richardson
Moore	Yeiser—8.

In the negative were—

Mr. Bodley	Mr. McCorkle
Bradford	Robinson
Carr	Saunders
Carnes	Stearns
Field	Wilkins
Kellogg	Speaker
Kendrick	—13.

Not agreed to.

On motion of Mr. Richardson, said Bill was laid on the table.

On motion of Mr. Field, "Bill requiring Alcaldes to account for moneys, and other property of deceased persons received by them," was taken up, and ordered engrossed.

On motion of Mr. Wilkins, "Bill to repeal an Act entitled 'An Act to create the office of State Translator,'" was taken up.

On motion of Mr. Bradford, said Bill was considered as engrossed, and read a third time.

The question then was, "Shall the Bill pass?"

Decided in the affirmative.

On motion of Mr. Kellogg, "Bill for the relief of James Hackett" was taken up.

Mr. Baldwin moved that the Bill be indefinitely postponed.

Mr. Bodley demanded the ayes and nays.

Those who voted in the affirmative were—

Mr. Baldwin	Mr. McDougal
Bradford	Moore
Carr	Murphy
Field	Osgood
Kellogg	Richardson
Kendrick	Robinson
Lind	Wilkins
McCandless	Speaker
McCorkle	—17.

In the negative were—

Mr. Bodley	Mr. Saunders
Carnes	Stearns—4.

Agreed to.

On motion, "Bill to fix the compensation of State Printer for the year 1851;" and "Bill to create the office of State Printer, to define his duties, to fix his compensation, and regulate the distribution of published volumes," were taken up, and referred to a select committee, consisting of Messrs. Carr, Moore, Baldwin, Murphy, and Robinson.

"Joint Resolution in reference to the settlement of Land Titles," was taken up, considered as engrossed, and read a third time.

The question then was, "Shall the Joint Resolution pass?"

Mr. Baldwin demanded the ayes and nays.

Those who voted in the affirmative were—

Mr. Baldwin	Mr. McDougal
Bodley	Moore
Bradford	Murphy
Carr	Osgood
Field	Richardson
Kendrick	Robinson
Lind	Saunders
McCandless	Yeiser
McCorkle	Speaker—18.

In the negative were—

Mr. Carnes	Mr. Stearns
Kellogg	Wilkins—4.

Decided in the affirmative.

"Joint Resolution in relation to Public Lands," was taken up and read.

Mr. Robinson moved to amend the same by inserting the word "Quarter" between the words "the" and "Sections;" also, by striking out the figures "640," and inserting "160."

Agreed to.

On motion of Mr. Moore, the resolution was considered as engrossed, and read a third time.

The question then was, "Shall the Joint Resolution pass?"

Mr. Baldwin demanded the ayes and nays.

Those who voted in the affirmative were—

Mr. Baldwin	Mr. Moore
Bodley	Murphy
Bradford	Osgood
Carr	Richardson
Field	Robinson
Kellogg	Saunders
Kendrick	Stearns
Lind	Wilkins
McCandless	Yeiser
McCorkle,	Speaker
McDougal	—21.

In the negative— Mr. Carnes—1.

Agreed to.

On motion of Mr. McCorkle, "Bill to exempt the Homestead and other property from forced sale in certain cases," was taken up, and referred to the Judiciary Committee.

On motion of Mr. Carr, "Bill to establish the office of Harbor Masters in this State," was taken up, considered as engrossed, and read a third time.

The question then was, "Shall the Bill pass?"

Decided in the affirmative.

On motion of Mr. Field, "Bill to provide for the translation of the Laws," was taken up, and referred to the Select Committee, consisting of Messrs. Carr, Moore, Baldwin, Murphy, and Robinson.

On motion of Mr. Carr, Senate Bill entitled "an Act to amend 'an Act declaring certain rivers, creeks, and sloughs, herein named, navigable, approved March 20th, 1850;'" was taken up, when

On motion of Mr. Field, said Bill was indefinitely postponed.

On motion of Mr. Bodley, Senate "Bill for the relief of John L. Smith and R. P. Wilson," was taken up, when Mr. Moore moved that the Bill be indefinitely postponed.

Mr. Richardson demanded the ayes and nays.

Those who voted in the affirmative were—

Mr. Baldwin	Mr. Carr
Bradford	Carnes

Mr. Field	Mr. Moore
Kellogg	Murphy
Kendrick	Osgood
Lind	Robinson
McCandless	Yeiser
McCorkle	Speaker—16.

In the negative were—

Mr. Bodley	Mr. Saunders
McDougal	Stearns
Richardson	Wilkins—6.

Agreed to.

On motion of Mr. Moore, "Joint Resolution in regard to the London Industrial Exhibition," was taken up, and read a third time.

Mr. McCorkle moved to indefinitely postpone said resolution.

Not agreed to.

The question then was, "Shall the resolution pass?"

Decided in the affirmative.

On motion of Mr. Wilkins, Senate Bill for "an Act to change the name of William Rufus Elliott," was taken up, and read a third time.

On motion of Mr. Moore, the House resolved itself into Committee of the Whole, Mr. Osgood in the chair, on said Bill. After some time spent therein the committee rose, reported the Bill, and were discharged.

Mr. Lind moved that the Bill be laid on the table.

Not agreed to.

The Bill was then read a third time.

The question then was, "Shall the Bill pass?"

Mr. Bodley demanded the ayes and nays.

Those who voted in the affirmative were—

Mr. Baldwin	Mr. Kendrick
Bodley	McCandless
Bradford	McCorkle
Carr	McDougal
Carnes	Moore
Field	Murphy
Kellogg	Osgood

Richardson	Wilkins
Robinson	Yeiser
Saunders	Speaker
Stearns	—21.

In the negative were— Mr. Lind—1.

Decided in the affirmative.

On motion of Mr. Richardson, Senate Bill entitled, "an Act to repeal 'an Act creating officers of Health for the Port of San Francisco, and defining their duties,'" was taken up, and read second time.

Mr. Baldwin moved that the Bill be laid on the table.

Agreed to.

ONE O'CLOCK.

On motion of Mr. McCandless, the House adjourned.

HOUSE OF ASSEMBLY.

WEDNESDAY, *March 5th*, 1851.

House met.

The roll was called, and the following members were absent on leave to wit: Messrs. Hoff, Bennett, Merritt, Lisle, Brown, Hall, Wethered, Cook, Thorne, Robinson, McCandless, and Saunders.

The Journal of yesterday was read and approved.

Mr. Bodley, from the Committee on Engrossed Bills, reported as correctly engrossed, Bills entitled "an Act to provide for the inspection of Steamboats;" "an Act to repeal an Act, entitled 'an Act to create the office of State Translator;'" and "Joint Resolution in respect to the settlement of land titles."

Mr. Moore presented the Bond of M. G. Vallejo and others, with certain affidavits, stating the amount of money each person whose name is attached to said Bond is worth, which was read and ordered printed.

Mr. Robinson moved that the Bond and Affidavits be laid on the table, and made the order of the day for Saturday next.

Agreed to.

Mr. Baldwin, Chairman of the Select Committee, to whom was referred "Bill dividing the State into Counties, and establishing the Seats of Justice therein," reported the same back, with amendments.

On motion of Mr. Field, said amendments were concurred in generally.

On motion of Mr. Field, the House resolved itself into Committee of the Whole, Mr. Bradford in the Chair, on "Bill concerning the Courts of Justice of this State and Judicial Officers." After some time spent therein, the committee rose, reported the Bill, and had leave to sit again.

On motion of Mr. Field, so much of the Bill as refers to Judicial Districts was referred to a Select Committee, consisting of Messrs. Field, Baldwin, Yeiser, Campbell, and Covarrubias.

TWO O'CLOCK.

On motion of Mr. Baldwin, the House adjourned.

HOUSE OF ASSEMBLY.

THURSDAY, *March 6th*, 1851.

House met.

The roll was called, and the following members were absent, to wit: Messrs. Baldwin, Campbell, Carr, Covarrubias, Kendrick, McCandless, Richardson, Stearns, and Saunders; on leave, Messrs. Lisle, Hall, Wethered, Cook, Thorne, and Robinson.

The Journal of yesterday was read and approved.

Mr. Bodley, from the Committee on Engrossed Bills, reported as correctly engrossed, "Bill requiring Alcaldes to account for moneys and other property of deceased persons received by them;" also, "Bill to establish the office of Harbor Masters in this State;" also, "Joint Resolution in relation to public lands."

"Bill requiring Alcaldes to account for moneys and other property of deceased persons received by them," was then read a third time.

The question then was, "Shall the Bill pass?"

Mr. Wilkins demanded the ayes and nays.

Those who voted in the affirmative were—

Mr. Baldwin	Mr. McCorkle
Bennett	Merritt
Bradford	Moore
Brown	Murphy
Carr	Osgood
Covarrubias	Pico
Field	Richardson
Hoff	Saunders
Kellogg	Wilkins
Kendrick	Speaker
Lind	—21.

In the negative—

Mr. Bodley	Mr. McDougal
Campbell	Stearns
Carnes	—5.

Decided in the affirmative.

Mr. Bradford offered the following Resolution:

Resolved, That the Committee on the Judiciary be instructed to report a Bill, giving to Surveyors the benefit of a lien for their services on lands surveyed by them.

Lost.

Mr. Richardson moved a reconsideration of the vote by which said Resolution was lost.

Agreed to.

The question then was on adopting the Resolution.

Adopted.

Mr. Campbell offered the following:

Resolved, by the House, the Senate concurring, that a Joint Committee of the two Houses be appointed to investigate the ability and sufficiency of the Sureties on the Bond tendered by M. G. Vallejo to carry out his proposition for removing the Seat of Government, with full power to send for persons and papers, and report the result of such investigation to the two Houses at an early a day as practicable.

Mr. Baldwin moved that the Resolution be rejected.
Mr. Campbell demanded the ayes and nays.

Those who voted in the affirmative were—

Mr. Baldwin	Mr. Moore
Bradford	Murphy
Carnes	Osgood
Field	Richardson
Kellogg	Wilkins
McDougal	—11.

In the negative—

Mr. Bennett	Mr. Lind
Bodley	McCorkle
Brown	Merritt
Campbell	Pico
Carr	Saunders
Hoff	Stearns
Kendrick	Speaker—14.

Not agreed to.

Mr. Wilkins moved that the Resolution be laid on the table, and demanded the ayes and nays.

Those who voted in the affirmative were—

Mr. Carnes	Mr. Osgood
Field	Richardson
McDougal	Wilkins
Moore	Yeiser
Murphy	—9.

In the negative—

Mr. Bennett	Mr. Kendrick
Bodley	Lind
Bradford	McCorkle
Brown	Merritt
Campbell	Pico
Carr	Saunders
Hoff	Stearns
Kellogg	Speaker—16.

Not agreed to.

The question then recurred on the adoption of the Resolution.

Mr. Baldwin moved that the Resolution be indefinitely postponed, and demanded the ayes and nays.

Those who voted in the affirmative were—

Mr. Baldwin	Mr. Moore
Bradford	Murphy
Carnes	Osgood
Field	Richardson
Kellogg	Wilkins
McDougal	Yeiser
Merritt	—13.

In the negative—

Mr. Bennett	Mr. Kendrick
Bodley	Lind
Brown	McCorkle
Campbell	Pico
Carr	Saunders
Hoff	Stearns—12.

Agreed to.

Mr. Richardson gave notice that he would, at some future day, introduce "a Bill for the Relief of Messrs. Wilson, and others, of Mariposa County."

Mr. Field, from the Select Committee, to whom was referred so much of the Bill, entitled "an Act concerning the Courts of Justice of this State, and Judicial Officers," as refers to Judicial Districts, reported several amendments.

A Message was received from the Governor, informing the Assembly that he had signed "an Act for the Relief of Joseph Evans;" and "an Act providing for holding a Special Term of the District Court i Solano County, and for other purposes."

On motion of Mr. Bodley, the House resolved itself into Committee of the Whole, Mr. Bradford in the chair, on "Bill concerning the Courts of Justice of this State, and Judicial Officers;" after some time spent therein, the committee rose, reported the Bill, with amendments, and were discharged.

On motion of Mr. Field, the House concurred generally in the amendments made in Committee of the Whole.

On motion of Mr. Baldwin, "Bill dividing the State into Counties, and establishing the Seats of Justice therein," was taken up.

On motion of Mr. Field, said Bill was considered as engrossed, and read a third time.

The question then was, "Shall the Bill pass?"

Decided in the affirmative.

A Message was received from the Senate, informing the Assembly that they have passed a Bill, herewith transmitted, entitled "an Act to exempt the City of San Francisco from the operation of the Act prescribing the mode of assessing and collecting Public Revenues for county purposes;" also, that they have adopted Assembly's Concurrent Resolution, "making the Committee on Claims of each House a Joint Committee in certain cases;" also, that they have passed "an Act to amend 'an Act concerning Crimes and Punishments;'" and "an Act for the Relief of the Treasurer of the counties of San Luis Obispo, Santa Barbara, Los Angeles, and San Diego.'"

Senate Bill, entitled "an Act to exempt the City of San Francisco from the operation of the 'Act prescribing the mode of assessing and collecting Public Revenues for county purposes,'" was read first time.

Mr. Lind moved to adjourn.

Not agreed to.

On motion of Mr. Carr, the Rules were suspended, and said Bill was read second and third times.

The question then was, "Shall the Bill pass?"

Decided in the affirmative.

Senate Bill entitled "an Act for the relief of the County Treasurer of the Counties of San Luis Obispo, Santa Barbara, Los Angeles, and San Diego," was read first time, when,

On motion of Mr. Campbell, the Rules were suspended, and the Bill read second and third time.

The question then was, "Shall the Bill pass?"

Decided in the affirmative.

Mr. Bradford, from the Joint Committee on Enrolled Bills, reported that they have examined and find correctly enrolled, "an Act prescribing the amount of Compensation, and the mode of Payment to persons who have performed Military Services for the State of California, and

expenses incurred therein;" "an Act to change the name of William Rufus Elliott;" "an Act concerning the Office of Public Administrator for the County of San Francisco, and making it elective;" and "Joint Resolution requiring the Comptroller to audit the accounts of the State Printer for stated sums;" also, that they did this day present to the Governor for his approval, "an Act for the relief of Joseph Evans;" and "an Act providing for holding a Special Term of the District Court in Solano County, and for other purposes."

HALF-PAST TWO O'CLOCK.

On motion of Mr. Bradford, the House adjourned.

HOUSE OF ASSEMBLY.

FRIDAY, *March* 7, 1851.

House met.

The roll was called, and the following members were absent, to wit: Messrs. McCandless, McDougal, Murphy, Saunders, and Yeiser; on leave, Messrs. Cook Hall, Lisle, Randall, Robinson, Thorne, and Wethered.

The Journal of yesterday was read and approved.

Mr. Merritt offered the following:

Resolved, That during the time in which the House is met in Session that no person, except members, reporters, or other officers of the House, shall be admitted within the bar of the House."

Adopted.

Mr. Merritt, agreeably to notice given, introduced "a Bill concerning Free Persons of Color," which was read first time.

Mr. Kellogg moved that the Bill be laid on the table.

Mr. Wilkins demanded the yeas and nays.

Those who voted in the affirmative were—

Mr. Baldwin	Mr. Kellogg
Bennett	Osgood
Campbell	Pico
Carnes	Stearns
Hoff	—9.

Those who voted in the negative were—

Mr. Bodley	Mr. Merritt
Bradford	Moore
Brown	Richardson
Kendrick	Wilkins
Lind	Yeiser
McCorkle	Speaker—12.

Not agreed to.

On motion of Mr. Moore, the Rules were suspended, and the Bill read second time and ordered printed.

Mr. McCorkle, on leave given, introduced "a Bill to amend 'an Act authorizing the War Loan,'" which was read first time, when the Rules were suspended, and the Bill read second time.

On motion of Mr. McCorkle, the Rules were suspended, and the Bill considered as engrossed, and read a third time.

The question then was, "Shall the Bill pass?"

Mr. Hall moved that the Bill be recommitted to a Select Committee, with instructions to report a substitute for the same.

Mr. Wilkins moved that the motion to recommit be laid on the table.

Not agreed to.

The question then recurred on the motion to recommit the Bill with instructions.

Agreed to.

The Speaker appointed as said committee, Messrs. Hall, Baldwin, and McCorkle.

Senate Bill, entitled, "an Act to amend an Act, entitled, 'an Act concerning Crimes and Punishments,'" was read first and second times, the Rules being suspended for that purpose, and referred to the Judiciary Committee, with instructions to report on Monday next.

A Message was received from the Senate, informing the Assembly that they have passed a Bill, herewith transmitted, entitled "an Act to amend 'an Act concerning Corporations;'"

Also, that they have passed Assembly's "Joint Resolution, requiring the Comptroller to audit the accounts of the State Printer for stated sums;"

Also, that they have passed the substitute for the "Act to prohibit Lotteries," recommended by the Committee of Conference of the two Houses;

Also, that they have passed "an Act to provide for the settlement of the claims of L. A. Besançon;"

Also, that they have passed Assembly's Bill, entitled, "an Act to authorize the Governor of this State to remove and appoint Port Wardens;"

Also, that the Senate have rejected Assembly's Bill, entitled, "an Act allowing Warrants on the Treasury to draw interest;"

Also, that the President of the Senate has signed Bill, entitled, "an Act prescribing the amount of compensation and mode of payment to persons who have performed military services for the State of California, and expenses incurred therein."

Senate Bill, entitled, "an Act to amend 'an Act concerning Corporations,'" was read first and second times by title, the Rules being suspended for that purpose, and referred to Committee on Corporations.

Senate Bill, entitled, "an Act to prohibit Lotteries," was read first and second times, the Rules being suspended for that purpose.

Mr. Bradford moved to amend the Bill, by inserting in section three, after the word "State," the words, "whether to be drawn within or without this State."

Not agreed to.

The question then was on ordering the Bill to a third reading.

Agreed to.

The question then was, "Shall the Bill pass?"

Decided in the affirmative.

Senate Bill, entitled "an Act to provide for the settlement of the claims of L. A. Besançon," was read first and second times, the Rules being suspended for that purpose.

Mr. Hall moved that the Bill be referred to the Committee on Claims.

Mr. Baldwin moved to amend said motion, by adding that they be instructed to report to-morrow morning.

Mr. Wilkins demanded the ayes and nays.

Those who voted in the affirmative were—

Mr. Baldwin	Mr. Brown
Bennett	Campbell

Mr. Carr	Mr. Murphy
Hall	Osgood
Kendrick	Saunders
McCorkle	Stearns
Merritt	Yeiser
Moore	—15.

In the negative were—

Mr. Bodley	Mr. McCandless
Bradford	McDougal
Carnes	Richardson
Field	Wilkins
Kellogg	Speaker—10.

Agreed to.

"Bill concerning the Courts of Justice of this State, and Judicial Officers," was taken up.

Mr. Field moved to amend the one hundred and thirty-seventh section, by adding the following:

"Nothing in this section shall however affect any judgment already rendered, or any order already made, or any proceedings already taken, in any civil or criminal cases in any of the existing Courts of this State; nor shall it be construed so as to remove from office any of the Judges of the existing Courts of this State, except as otherwise provided in this Act; but the present Judges of the Supreme Court; the present three Judges of the Superior Court of the City of San Francisco, until the first day of September next; the present County Judges; the present Associate Justices of the Courts of Sessions; the present Justices of the Peace; and the present City Recorders, are hereby confirmed in their respective offices, until other Judges, Justices, and Recorders are elected in their respective places, as provided in this Act, and have entered upon their respective duties."

Agreed to.

Mr. Field moved to strike out the last section of said Bill, and insert the following:

"Section one hundred and thirty-eight. This Act shall take effect on the first day of May next, except section nineteen; and said section,

so far as it authorizes the appointment of Judges for the Tenth and Eleventh Judicial Districts, shall take effect immediately."

Agreed to.

Mr. Carr moved to amend section thirty-nine by striking out the first line, and inserting the following:

"Until the first day of the month subsequent to the General Election of the present year, this Court shall be composed of the present three Judges; and on and after the first day of the month subsequent to said General Election, this Court shall be composed of a single Judge."

Agreed to.

Mr. Brown moved to amend the seventy-first section, by adding the following:

"*Provided*, the Courts of Sessions of the Counties of Solano and Contra Costa shall have concurrent jurisdiction, so far as license, control, and management of ferries on the Straits of Carquinez."

On this amendment Mr. Brown demanded the ayes and nays.

Those who voted in the affirmative were—

Mr. Baldwin	Mr. Carr
Bennett	Hoff
Bodley	Kendrick
Brown	McCorkle
Campbell	Osgood—10.

In the negative were—

Mr. Bradford	Mr. Merritt
Carnes	Moore
Field	Murphy
Hall	Richardson
Kellogg	Stearns
Lind	Wilkins
McCandless	Yeiser
McDougal	Speaker—16.

Not agreed to.

Mr. McCorkle moved to amend Section 71, so that it will read as follows:

"When any River, Stream, Creek, or Slough separates two Counties, the Court of Sessions of either shall have jurisdiction of the same, so far as the control and management of Bridges and Ferries are concerned, licensed by said County; but all sums paid for licenses to construct any Bridges, or to run any Ferries over such River, Stream, Creek, or Slough shall be divided equally between the two Counties."

Not agreed to.

Mr. Campbell moved to strike out the entire Section 71.

Not agreed to.

Mr. Bennett moved to amend Section 88, by striking out the words "except in the County of San Francisco;" also strike out Section 89.

Mr. Merritt demanded the ayes and nays.

Those who voted in the affirmative were—

Mr. Bennett	Mr. Hoff
Bodley	Kendrick
Bradford	McCandless
Campbell	Merritt
Carr	Saunders
Carnes	Stearns
Hall	—13.

In the negative—

Mr. Baldwin	Mr. Murphy
Field	Richardson
Lind	Wilkins
McCorkle	Yeiser
McDougal	Speaker
Moore	—11.

Agreed to.

Mr. Bodley moved to amend Section 88—6th subdivision—14th line, by striking out the word "personal;" also, to amend the 90th Section, by striking out the 2d subdivision.

On this amendment, Mr. Bodley demanded the ayes and nays.

Those who voted in the affirmative were—

Mr. Bodley	Mr. Merritt
Campbell	Yeiser
Carr	—5.

In the negative—

Mr. Baldwin	Mr. McCandless
Bennett	McCorkle
Bradford	McDougal
Brown	Moore
Carnes	Murphy
Field	Osgood
Hall	Richardson
Hoff	Stearns
Kendrick	Wilkins
Lind	Speaker—20.

Not agreed to.

Mr. Baldwin moved to amend the 136th Section, by adding the following:

"*Provided*, That he shall first be impeached before the Legislature, convicted, and expelled from office."

On this amendment, Mr. Wilkins demanded the ayes and nays.

Those who voted in the affirmative were—

Mr. Baldwin	Mr. Richardson
Merritt	Saunders
Osgood	—5.

In the negative—

Mr. Bennett	Mr. Kellogg
Bodley	Kendrick
Bradford	Lind
Brown	McCorkle
Campbell	Moore
Carnes	Murphy
Covarrubias	Pico
Field	Stearns
Hall	Wilkins
Hoff	Speaker—20.

Not agreed to.

On motion of Mr. Wilkins, the Bill was considered as Engrossed, and read a third time by title.

The question then was, "Shall the Bill pass?"

Decided in the affirmative.

Mr. Hall, Chairman of the Select Committee to whom was referred "Bill to amend 'an Act authorizing the War Loan,'" with instructions to substite and report the following: "An Act supplemental to an Act entitled 'an Act prescribing the amount of compensation and mode of payment to persons who have performed military services for the State of California, and expenses incurred therein," reported in accordance with said instructions, and recommended its passage.

The question then recurred on adopting the report.

Adopted.

The question then was, "Shall the Bill pass?"

Decided in the affirmative.

Mr. Bradford, from the Joint Committee on Enrolled Bills, reported that they have examined and find correctly enrolled, "an Act to authorize the Governor of this State to remove and appoint Port Wardens."

Mr. Murphy, Chairman of the Committee on Ways and Means, to whom was referred Senate Bill, entitled "an Act to repeal 'an Act to prevent the coining of money by individuals,'" reported that they have had the same under consideration, that the power being delegated to Congress by the Constitution of the United States to coin money and to regulate the value thereof, those laws, necessary to prevent an infringement or exercise of this right, are subject to the action of Congress and not the State; therefore they recommend the passage of the Bill.

The question recurred on the passage of the Bill.

Mr. Bodley demanded the previous question.

The question then was, "Shall the main question be now put?"

Agreed to.

The question then was on ordering the Bill to a third reading.

Agreed to.

The question then was, "Shall the bill pass?"

Mr. Moore demanded the ayes and nays.

Those who voted in the affirmative were—

Mr. Bennett	Mr. Carr
Bodley	Carnes
Campbell	Field

Mr. Hall	Mr. Richardson
Hoff	Saunders
Kendrick	Stearns
Lind	Wilkins
McCorkle	Yeiser
Murphy	Speaker
Pico	—19.

In the negative—

Mr. Baldwin	Mr. Merritt
Brown	Moore
Kellogg	Osgood—6.

Decided in the affirmative.

Mr. Murphy, from the Committee of Ways and Means, reported "a Bill to Fund the Debt of the State," which was read first and second times, the Rules being suspended for that purpose, and ordered that 200 copies be printed, and that the same be made the order of the day for Tuesday next.

On motion of Mr. Campbell, "Bill to regulate proceedings in Civil Cases in the Courts of Justice of this State," was taken up, and made the order of the day for Thursday next.

Mr. Murphy, Chairman of the Committee of Ways and Means, to whom was referred "Bill, to be entitled 'an Act to tax Money, Gold, Silver, and Quicksilver," reported the same back to the House, and recommended its passage.

"Bill entitled 'an Act to tax Money, Gold, Silver, and Quicksilver,'" was, on motion of Mr. Lind, laid on the table, and ordered printed.

Mr. Bradford, from the Joint Committee on Enrolled Bills, reported that they have examined, and find correctly enrolled, "an Act to exempt the City of San Francisco from the operation of the Act prescribing the mode of assessing and collecting public Revenues for county purposes."

Mr. Kendrick offered the following:

Resolved, That the use of this Hall be granted for the purpose of a political meeting, proposed to be held therein this evening.

Adopted.

Mr. Hall presented claims of Henry Carpenter and Isaac Reid, which were referred to Committee on Claims.

Mr. Hall gave notice that he would, at some future day, introduce "a Bill to require Collectors to pay into the State Treasury money of the same denomination they may collect in their official capacity."

ONE O'CLOCK.

On motion of Mr. Wilkins, the House adjourned.

HOUSE OF ASSEMBLY.

SATURDAY, *March 8th*, 1851.

House met.

The roll was called, and the following members were absent, to wit: Messrs. Baldwin, Carr, Covarrubias, Hoff, McDougal, Murphy, Pico, Saunders, and Stearns; on leave, Messrs. Cook, Lisle, Randall, Robinson, Thorne, and Wethered.

The Journal of yesterday was read and approved.

On motion of Mr. Carnes, Mr. Pico had leave of absence.

Mr. Hall, Chairman of Committee on Claims, to whom was referred Senate Bill, entitled "an Act to provide for the settlement of the claims of L. A. Besançon," with instructions to report to-day, asked and obtained until Monday morning to report.

Mr. Bodley, from the Committee on Engrossed Bills, reported as correctly engrossed, "an Act supplemental to an Act, entitled 'an Act prescribing the amount of compensation and mode of payment to persons who have performed military services for the State of California, and expenses incurred therein.'"

Mr. Bradford, from the Joint Committee on Enrolled Bills, reported that they have this day presented to the Governor for his approval, "Joint Resolution, requiring the Comptroller to Audit the Accounts of the State Printer for stated sums;" also, "an Act to change the name of William Rufus Elliott;" also, "an Act concerning the office of Public Administrator for the County of San Francisco, and making it elective;"

also, "an Act to authorize the Governor of this State to remove and appoint Port Wardens;" also, "an Act to exempt the City of San Francisco from the operation of the 'Act prescribing the mode of assessing and collecting Public Revenues for county purposes.'"

Mr. Field, agreeably to previous notice, introduced "a Bill to Incorporate the City of Nevada," which was read first and second times, the Rules being suspended for that purpose.

On motion of Mr. Field, the Rules were suspended, the Bill considered as engrossed, and read a third time.

The question then was, "Shall the Bill pass?"

Decided in the affirmative.

On motion of Mr. Kellogg, the House resolved itself into Committee of the Whole, Mr. Carr in the chair, on the "Bond of M. G. Vallejo;" after some time spent therein, the committee rose, reported the Bond to the House, and were discharged.

Mr. Campbell moved that the Bond be laid on the table until Monday morning next, and demanded the ayes and nays.

Those who voted in the affirmative were—

Mr. Bennett	Mr. Kendrick
Bodley	McCorkle
Brown	Richardson
Campbell	Stearns
Hall	Speaker
Hoff	—11.

In the negative—

Mr. Baldwin	Mr. McDougal
Bradford	Merritt
Carr	Moore
Carnes	Murphy
Field	Osgood
Kellogg	Saunders
Lind	Wilkins
McCandless	Yeiser—16.

Not agreed to.

Mr. McCorkle offered the following proposition, to be attached to the Bond of M. G. Vallejo:

"Section 1st. That M. G. Vallejo be and is hereby required to furnish a mortgage or mortgages on real estate, to secure the payment of the Bond offered by him in compliance with the Acts of the Legislature providing for the removal of the Seat of Government."

Approved.

"Sec. 2d. The mortgage contemplated by the foregoing Section shall be on property to the value of five hundred thousand dollars, as shown by the assessment made by the County Assessor, and shall be upon property recorded in the name of the mortgager in the office of the County Recorder, and shall be proven, by the affidavit of the Recorder, to be wholly unencumbered by any lease or mortgage whatever."

"Sec. 3d. It is hereby made the duty of the Attorney General to examine into the validity of the title of the property so mortgaged, and report, in writing, to the Governor upon the same; and in the event that such report sets forth the title aforesaid to be legal, and the valuation thereof to be as above required and unencumbered, the Governor shall approve said Bond."

Objection being made to this proposition, the Speaker decided that inasmuch as the Security offered by M. G. Vallejo is now under consideration, therefore he would entertain the proposition.

Mr. Bradford appealed from the decision of the Chair.

The question then was, "Shall the decision of the Chair stand as the judgment of the House?"

Decided in the affirmative.

The question then recurred on adopting the proposition.

Mr. Bradford demanded the ayes and nays.

Those who voted in the affirmative were—

Mr. Bennett	Mr. Hall
Bodley	Hoff
Brown	Kendrick
Campbell	McCorkle
Carr	Stearns
Covarrubias	Speaker—12.

Those who voted in the negative were—

Mr. Baldwin	Mr. Merritt
Bradford	Moore
Carnes	Murphy
Field	Osgood
Kellogg	Richardson
Lind	Saunders
McCandless	Wilkins
McDougal	Yeiser—16.

Not agreed to.

Mr. Wilkins demanded the previous question.

The question then was, "Shall the main question be now put?"

Agreed to.

The question then recurred on the approval of the Bond.

Mr. Moore demanded the ayes and nays.

Those who voted in the affirmative were—

Mr. Baldwin	McDougal
Bennett	Merritt
Bradford	Moore
Carnes	Murphy
Field	Osgood
Kellogg	Saunders
Lind	Wilkins
McCandless	Yeiser—16.

Those who voted in the negative were—

Mr. Bodley	Mr. Kendrick
Brown	McCorkle
Campbell	Richardson
Hall	Stearns
Hoff	Speaker—10.

On motion, Mr. Covarrubias was excused from voting.

Bond approved.

Mr. Bradford moved a reconsideration of the vote by which the Bond was approved.

Mr. Merritt moved that the motion to reconsider be indefinitely postponed.

Agreed to.

Mr. Bradford, from the Joint Committee on Enrolled Bills, reported as correctly enrolled, an Act entitled "an Act for the relief of the Treasurers of the Counties of San Luis Obispo, Santa Barbara, Los Angeles, and San Diego;"

Also, "Joint Resolution in regard to the London Industrial Exhibition."

On motion of Mr. Campbell, "Bill to regulate summary proceedings for the Possession of Real Property," was taken up, and made the order of the day for Wednesday next.

Mr. Field gave notice that he would, on Monday, introduce "a Bill concerning Claims on Lands belonging to the United States."

On motion of Mr. Carr, the House resolved itself into Committee of the Whole, Mr. Kellogg in the Chair, on "Bill creating the office of Harbor Master for the Port and Harbor of San Francisco, and for other purposes." After some time spent therein, the Committee rose, reported the Bill with amendments, and were discharged.

On motion of Mr. Baldwin, the Bill and amendments were referred to a Select Committee, consisting of Messrs. Baldwin, Carr, Moore, McCorkle, and Murphy, with instructions to report on Monday next.

Mr. Hall, on leave given, introduced "a Bill supplemental to an Act, entitled 'an Act concerning the office of County Treasurer,'" passed March 27th, 1850, which was read first and second times, the Rules being suspended for that purpose, and ordered printed.

Mr. Saunders moved to adjourn.

Not agreed to.

TWO O'CLOCK.

On motion of Mr. Lind, the House adjourned.

HOUSE OF ASSEMBLY.

MONDAY, *March* 10, 1851.

House met.

The roll was called, and the following members were absent, to wit:

Messrs. Baldwin, Campbell, Covarrubias, Field, Hall, Hoff, McCandless, Merritt, Murphy, Saunders, and Stearns; on leave, Messrs. Cook, Lisle Pico, Randall, Robinson, Thorne, and Wethered.

No quorum present.

Messrs. Covarrubias, Stearns, and Pico appeared.

Quorum present.

Mr. Moore, Chairman of Select Committee, to whom was referred Senate Bill, entitled "an Act granting certain Public Lands within the City of San Francisco, and quieting Titles of Claimants thereto," reported as follows:

MR. SPEAKER:

The Select Committee to whom was referred Senate Bill No. 41, entitled "An Act granting certain public lands within the city of San Francisco, and for quieting titles of claimants thereto," ask leave to report as follows:

By the civil law, the sea and seashore were common to all; "*proprietas autem eorum potest intelligi, nullius esse.*"—Just. Inst. 2. t. 1.

According to the theory of the common law, the property in the sea, arms of the sea, and navigable streams, and of the ground covered by them and their shores, below ordinary high tide mark, was vested in the crown.—2. Bla. Comm. 104. Callis on Sewers, 39.

Under the more arbitrary reigns of the earlier history of England, this property of the king seems to have been regarded as complete and transferable, and grants of exclusive rights to navigable waters and their shores, and to fisheries, were made to individuals; but no such exclusive grants have been made since Magna Charta, or, at all events, since the Charter of Henry III.; and since that time, it has been the recognised doctrine in England, that the right of the king, and of those holding by his grant any portion of the sea or shore, is subject to the easements of navigation and common fishery.—Hale, de jure Maris. 2 Bla. Comm. 39. Blundell *v.* Caterall, 5 B. & Ald. R. 91.

Practically, then, the law of England since the reign of John, in so far as the rights which may be acquired by an individual are concerned, does not differ materially from the civil law, since the property of a grantee from the king, subject to the easements before mentioned, is not unlike the right of a fisherman or other person to his house on the

beach (Domat), a right which depends for its enjoyment upon its not conflicting with the public rights of fishery and navigation. "*In littore jure ædificare licerct nisi usus publicus impedirct.*"—Digest 1, 43, tit. 8. And by the Common Law, when the right to such lands passes by grant to a subject, it becomes a private franchise, but the *jus privatum* does not prejudice the *jus publicum.*—Hale, de jure Maris.

In effect, the sea, or land covered by it, and the shores, remain free to the public for those common purposes for which they are generally used.—Brac. Lib. 1, Cap. 12.

While the supervision of such property remained in the Crown, although in some respects in the nature of a proprietary right, since it could be disposed of subject to certain easements, yet this quality of property was merely incident; and arms of the sea, bays, navigable streams, and their shores, have ever been considered a part of the *jura regalia*, or prerogative rights.—Schultz Aq. Rights. Peters' U. S. R. 369. 1 Bla. Comm. 264. These prerogatives accompany political jurisdiction, as of course. The right to the waters and shores of the sea, &c., passed to the Colonial Governments in America, whether charter or proprietary governments, representing as they did a subordinate political jurisdiction; as in England the regalia are incident to the perfect though limited government of a count palatine.—4 Com. Dig. Franchise. But if there be a doubt as to this point, by the Declaration of Independence the several colonies assume this right as one of the attributes of sovereignty. Upon dividing their sovereignty with the General Government, the original States did not surrender the right to arms of the sea and their shores, or to navigable streams and their banks, within their respective limits.—Martin v. Wardle, 16 Peters, 373. The General Government is possessed of sovereignty but in respect to a limited number of subjects, and none may be added to those subjects by implication. So also new States, upon their admission into the Union, retain the same rights in relation to navigable streams, &c., as did the original thirteen, else they would surrender *more* by the contract than did the latter; would possess a political jurisdiction more narrowed than theirs; would not be admitted "on an equal footing."—Vide Pollard's Lessee v. Hagan, 3 How, U. S. R. 312.

It is the conclusion of the committee that the right to the control and management of the San Francisco beach and water lots is in the State of California.

But was not the United States Government empowered to grant these lots *previous to our admission into the Union?* And did that government exercise the right by ceding them to San Francisco?

It is admitted by the Senate Bill that the grant of Gen. Kearny to San Francisco is invalid unless made good by the State; for if the title was and is in San Francisco, and those holding under that city, the discussion of the Senate Bill is a waste of time, since its passage will in no wise strengthen a title already good; but if the right is neither in the city nor State, the passage of the bill would be an assumption on the part of the Legislature; and it is an insult to the intelligence of the people to imagine that they will recognise a title derived from a source which had no power to convey, because *confirmed* by an authority equally incompetent. But the committee propose to examine the question, independent of the acknowledgment contained in the bill before them.

In a state of war, as immovable property, when seized, does not become the property of the captor, but is held in possession until the purposes for which it was taken are answered, as by a treaty (Grotius, lib. 3, cap. 3. Vattel, lib. 3, cap. 13); so the complete ultimate sovereignty does not vest in the invader, but the people of the conquered province are held in subjection until the same purposes are accomplished. Whether, therefore, these lands be considered as the property of the sovereign, or the control of them be an attribute of sovereignty, the grant of Gen. Kearny (Decree, dated Monterey, March 10th, 1847) is absolutely void.

But may not the United States confirm this grant of General Kearny's?

Regarding the question simply as one of property, no subsequent confirmation can ratify this grant, because there was no right for such a confirmation to operate upon. But we have shown that the proprietary right to lands of this description is incident to the sovereignty, and may never be separated from it, except by transfer to a subject, when it becomes private franchise. Had the use of this property been granted by authority of the General Government, after a territorial government had been established by the United States, and received by California, such a grant would have been good. Then the sovereignty would have been vested, by contract, in the Government of the United States, representing not the people of the Union, but the people of this Terri-

tory. But your committee conceive it to be true that, since the treaty of Guadalupe Hidalgo, the sovereignty in California has resided in the people of California, nor was it parted with until our admission into the Union, and then only in a degree not affecting the matter under consideration.

They are of opinion, therefore, that the control and management of the beach and water lots, by the State, may never be interfered with by any act of the United States.

In conclusion, aside from a doubt in the minds of some of the committee as to the right of the State to grant this property in fee simple, the only question is one of policy as to the best disposition to be made of it. It is believed that the mode prescribed in the bill which they report as a substitute is better adapted than the plan of the Senate to accomplish the objects desired; that it renders, equally and exactly, more than justice to all others than the State, who are concerned; that it disposes of the property in a manner more conducive to the best interests of the people of San Francisco and of California.

The Senate Bill proposes to grant to San Francisco all the overflowed or tide lands opposite that place, "to enable the city to reclaim the lands between natural high water mark and ship's channel, and to improve the same for the benefit of commerce and navigation by the construction of piers, wharves, and docks, and otherwise to promote the public interests." All these purposes may be accomplished with greater economy and expedition by the State, or by private enterprise in secure possession under leases from the State. Your committee are inclined to believe that the proceeds arising from the disposition of this property could not with propriety be applied, either by the State or city, to any other object than the improvement of the harbor and for the benefit of navigation; accordingly in the proposed substitute they have provided that these proceeds shall constitute a separate fund, "to be drawn from and expended in such manner as may be prescribed by law." As, however, the advocates of the Senate Bill further urge that its passage will put money into the city treasury, and to a certain degree relieve the citizens from taxation, it may be replied that, admitting such a result might follow, the first duty of the assembled representatives of all parts of the State is a regard for the interests of California. "Charity begins at home;" the State needs money as much as the city. But the committee deem it not improper to question, whether the proceeds of

this property would be disposed of by the municipal authorities of San Francisco, as to redound to the benefit of the city, i. e. the *mass of the citizens.* If managed as property claimed by the town or city has been managed hitherto, the citizens would have little to hope for; and what guarantee have we that a different course would be pursued?

One word as to the equitable claims which individuals are said to have to beach and water lots, by virtue of deeds from officers of the pueblo or city. Your committee are of opinion that no color of title was acquired by purchasers from municipal authorities, even in cases where the terms and conditions of the Kearny Grant were strictly complied with, since such purchasers are legally presumed to have known that Gen. Kearny nor the municipality had a right to convey; yet a shade of difference is perceptible between such persons and those who obtained lots under different circumstances, and the bill which they propose discriminates accordingly. Your committee believe that although none of the individuals holding these lands of the State have, strictly speaking, any legal claim, yet owing to the peculiar circumstances under which they severally acquired possession, they should receive a favorable consideration at the hands of the Legislature. It is thought that the bill which the committee now report will meet all the equities of the case.

Your committee therefore, in consideration of the various reasons stated, respectfully report a substitute for the Senate Bill, and recommend its passage.

B. F. MOORE,
Chairman Select Committee.

On motion, the report was ordered printed.

Bill entitled "an Act to provide for the disposition of certain property of the State of California," reported as a substitute for Senate Bill, entitled "an Act granting certain public lands within the City of San Francisco, and quieting titles of claimants thereto," was read first and second times by title, and ordered printed.

A message from the Senate was received informing the Assembly that the President has signed Bills severally entitled "an Act concerning the office of Public Administrator for the County of San Francisco, and making it elective;" "an Act to change the name of Wm. Rufus Elliott;" "a Joint Resolution requiring the Comptroller to audit the

accounts of the State Printer for stated sums;" "an Act to authorize the Governor to remove and appoint Port Wardens;" "an Act to exempt the City of San Francisco from the operation of the Act prescribing the mode of assessing and collecting the public revenues for county purposes;"

Also, that the Senate have passed Assembly's Bill, entitled "an Act to provide for the translation of the Laws into the Spanish language, with amendments;"

Also, that they have passed Bills herewith transmitted, entitled "an Act supplementary to an Act entitled 'an Act prescribing the amount of compensation and the mode of payment to persons who have performed Military Services for the State of California, and expenses incurred therein;'" and "an Act for the relief of Samuel D. Blackburn;"

Also, that the Governor has notified the Senate that he has signed Bill entitled "an Act prescribing the amount of compensation and the mode of payment to persons who have performed Military Services for the State of California, and expenses incurred therein."

"Bill to provide for the translation of the Laws into the Spanish language," returned from the Senate with amendments, was taken up, and amendments concurred in.

Senate Bill, supplementary to "an Act prescribing the amount of compensation and the mode of payment to persons who have performed Military Services for the State of California, and expenses incurred therein," was read first and second times, the Rules being suspended for that purpose.

Senate Bill, entitled "an Act for the relief of Samuel D. Blackburn," was read first and second times, the Rules being suspended for that purpose.

"Bill providing for the Incorporation of Mutual Insurance Companies," which was made the order of the day for to-day, was taken up, and made the order of the day for Wednesday next.

Mr. Field, on leave, introduced "a Bill to protect Settlers on Lands belonging to the United States," which was read first and second times, and ordered printed.

Mr. Carr, on leave, introduced "a Bill to Incorporate the City of San Francisco;" also, Bill entitled "an Act to Fund the debt of the City of San Francisco," both of which were read first and second times, the Rules being suspended for that purpose, and ordered printed.

Mr. Murphy, Chairman of Committee of Ways and Means, to

whom was referred Senate Bill entitled "an Act to repeal 'an Act for the better regulation of the Mines,'" reported the same back to the House, and recommended its passage.

The Bill was then read a third time.

The question then was, "Shall the Bill pass?"

Decided in the affirmative.

On motion of Mr. Bodley, "Bill for the relief of the Mayor and City Council of the City of San José," was taken up, and read a third time.

The question then was, "Shall the Bill pass?"

Decided in the affirmative.

Mr. Moore, Chairman of the Judiciary Committee, to whom was referred Senate Bill for "an Act to amend an Act, entitled, 'an Act to supersede certain Courts, and regulate appeals therefrom to the Supreme Court,'" reported the same back, and recommended its passage.

The question then was on ordering the Bill to a third reading.

Mr. Moore demanded the ayes and nays.

Those who voted in the affirmative were—

Mr. Baldwin	Mr. McDougal
Bradford	Moore
Carr	Murphy
Field	Saunders
Hall	Yeiser
Hoff	—11.

In the negative—

Mr. Bennett	Mr. Lind
Bodley	McCandless
Brown	McCorkle
Campbell	Merritt
Carnes	Osgood
Covarrubias	Pico
Kellogg	Stearns
Kendrick	Wilkins
Lisle	Speaker—18.

Not agreed to.

Mr. Campbell moved the indefinite postponement of the Bill.

Mr. Moore demanded the ayes and nays.

Those who voted in the affirmative were—

Mr. Bennett	Mr. McCandless
Bodley	Merritt
Bradford	Osgood
Brown	Pico
Campbell	Richardson
Carnes	Saunders
Kellogg	Stearns
Kendrick	Wilkins
Lind	Speaker—18.

In the negative—

Mr. Baldwin	Mr. Lisle
Carr	McCorkle
Covarrubias	McDougal
Field	Moore
Hall	Murphy
Hoff	Yeiser—12.

Decided in the affirmative.

A Message from the Senate was received, informing the Assembly that they have passed Assembly's Bill, entitled "an Act to Incorporate the City of Nevada;"

Also, that they have passed "an Act to License Gaming;"

Also, that the Senate have approved the Bond of M. G. Vallejo and others;

Also, that the Governor has notified the Senate that he did, on the 7th inst., sign Bills, entitled "an Act to authorize the Governor of this State to remove and appoint Port Wardens," and "an Act to change the name of Wm. Rufus Elliott."

Senate's Bill, entitled "an Act to License Gaming," was read first and second times, the Rules being suspended for that purpose.

Mr. Kellogg moved to refer the Bill to a Select Committee.

Not agreed to.

On motion of Mr. Baldwin, the House resolved itself into Committee

of the Whole, Mr. Baldwin in the Chair, on "Bill to License Gaming." After some time spent therein, the committee rose, reported a substitute for the Bill, and were discharged.

On motion of Mr. Moore, the substitute, together with Senate's Bill, were referred to the Committee on Ways and Means.

Mr. Baldwin, Chairman of Select Committee, to whom was referred "Bill creating the office of Harbor Master for the Port and Harbor of San Francisco, and for other purposes," reported the Bill and amendments made in Committee of the Whole, together with an additional section, and recommended its passage.

The question recurred on adopting the report.

Agreed to.

On motion of Mr. Carr, the Bill was considered as engrossed, and read a third time.

The question then was, "Shall the Bill pass?"

Decided in the affirmative.

Mr. Hoff, Chairman of Committee on Corporations, to whom was referred Senate Bill, entitled "an Act to amend 'an Act concerning Corporations,'" reported that they have had the same under consideration, and return the Bill to the House without amendment, and recommend its passage.

On motion of Mr. Bradford, the report was laid on the table.

Mr. Murphy offered the following:

Resolved, By the Senate and Assembly of the State of California, that the Senate proceed to elect one of its members, and the Assembly two of its members, who, together with two persons named by M. G. Vallejo, shall constitute a commission to proceed forthwith to the new Seat of Government at the city of Vallejo, and there lay off and mark out the several tracts of land which he, the said M. G. Vallejo, proposed to donate to the State, in his memorial to the last Legislature, on the 3d day of April, 1850, and report their proceedings to this Legislature at as early a day as practicable.

Be it further *Resolved*, That the said three members so elected by the Senate and Assembly respectively, shall have no additional pay for said service.

Adopted.

Mr. Hall gave notice that he would, on to-morrow, introduce a "Bill

directing the discontinuance of criminal proceedings against Charles Robinson and others."

Mr. Hall, Chairman of Committee on Claims, to whom was referred the account of Henry Carpenter, for services rendered the Supreme Court, from August 1850, to March 1851, reported that said account was audited by the Clerk of the Court, and the services contracted for under the authority of the Act directing him to rent Court Rooms in the city of San Francisco; believing the account to be moderate and just, they recommend the adoption of the following resolution:

Resolved (the Senate concurring), That the Comptroller of State is authorized and he is hereby required to issue State Warrants for the sum of seven hundred dollars to Henry Carpenter, to be paid out of any money remaining in the General Fund not otherwise appropriated.

On motion of Mr. Bennett, the House resolved itself into Committee of the Whole, Mr. Bradford in the chair, on "Bill concerning Sheriffs;" after some time spent therein, the committee rose, reported the Bill with amendments, and had leave to sit again.

QUARTER BEFORE TWO O'CLOCK.

On motion of Mr. Bennett, the House adjourned.

HOUSE OF ASSEMBLY.

TUESDAY, *March* 11, 1851.

House met.

The roll was called, and the following members were absent, to wit: Messrs. Baldwin, Bennett, Carr, Covarrubias. Hall, Kendrick, Lisle, McCorkle, Merritt, Moore, and Murphy; on leave, Messrs. Pico, Randall, Robinson, and Thorne.

The Journal of yesterday was read and approved.

Mr. Bodley, from Committee on Engrossed Bills, reported as correctly engrossed, "a Bill concerning the Courts of Justice of this State, and Judicial Officers;" also, "Bill dividing the State into Counties, and establishing the Seats of Justice therein."

Mr. Bradford, from the Joint Committtee on Enrolled Bills, reported that they have this day presented to the Governor for his approval, "an Act for the relief of the County Treasurers of the counties of San Luis Obispo, Santa Barbara, Los Angeles, and San Diego;" also, "Joint Resolution in regard to the London Industrial Exhibition;"

Also, that they have examined and find correctly enrolled, "an Act to prohibit Lotteries;" "an Act to repeal 'an Act to prevent the coining of money by individuals.'"

Mr. Field, agreeably to previous notice, introduced a "Bill directing the discontinuance of criminal proceedings against Charles Robinson and others," which was read first and second times, the Rules being suspended for that purpose.

Mr. Field moved that the Rules be suspended, and the Bill be considered as engrossed, and read a third time.

Mr. Bigler moved that the Bill be laid on the table, and that it be made the order of the day for Thursday next.

Not agreed to.

The question then recurred on the motion to consider the Bill as engrossed, and that it be read a third time.

Mr. Field demanded the ayes and nays.

Those who voted in the affirmative were—

Mr. Bradford	Mr. Kendrick
Carr	Lind
Carnes	McCandless
Cook	McDougal
Field	Moore
Hoff	Osgood
Kellogg	Richardson—14.

In the negative—

Mr. Bennett	Mr. Murphy
Brown	Saunders
Campbell	Stearns
Covarrubias	Wethered
Hall	Wilkins
Lisle	Yeiser
McCorkle	Speaker
Merritt	—15.

Not agreed to.

Mr. Field moved that the Bill be made the order of the day for to-morrow.

Agreed to.

Mr. McDougal, agreeably to previous notice, introduced a "Bill concerning Toll Bridges," which was read first and second times, the Rules being suspended for that purpose, and ordered printed.

Mr. Field gave notice that he would, on to-morrow, introduce "a Bill regulating the Fees of Office."

Mr. Murphy, agreeably to previous notice, introduced a "Bill to authorize the issue and sale of Land Warrants in this State," which was read first and second times, the Rules being suspended for that purpose, and referred to the Committee on Ways and Means.

Mr. Murphy, Chairman of Committee of Ways and Means, to whom was referred Senate Bill, entitled "an Act to licence Gaming;" also, Assembly Bill, entitled "an Act to tax Gaming in this State," reported that they have had the same under consideration, and recommend the passage of the Senate's Bill, with amendments as attached to the same.

The Bill and amendments were then read.

Mr. Kendick moved to amend the Bill by adding the following as an additional section:

"Any person or persons, being licensed, who shall be detected in cheating, swindling, or taking undue advantage of the legitimate game or games, shall, upon conviction of the same, be fined a sum not less than one thousand dollars, nor more than ten thousand dollars, and imprisonment for not less than one month, nor more than six months; one half of said fine to be paid into the County Treasury, and the other half into the State Treasury."

Not agreed to.

Mr. Carr moved to amend the tenth section in the last line, by striking out the words "said City," and inserting the words, "the State Hospital in said county."

Agreed to.

Mr. Baldwin offered the following as an additional section:

"It shall be the duty of the Court of Sessions, upon application made, to issue license to persons keeping Billiard Tables and Ten Pin Alleys, assessing such amount therefor as by them may be deemed equitable and just, and not to exceed fifty dollars per month for each

Table or Alley. Persons violating the provisions of this section shall be subjected to the penalties specified in section first. Moneys collected under this section to be disposed of as specified in section ten.

Agreed to.

The Bill was then read a third time.

The question then was, "Shall the Bill pass?"

Decided in the affirmative.

Mr. Carr moved that the House resolve itself into Committee of the Whole on "Bill to provide for the disposition of certain property of the State of California," together with Report of Select Committee on Senate "Bill, granting certain Public Lands, within the limits of the City of San Francisco, &c., &c."

Not agreed to.

On motion of Mr. Bradford, Bill and Report were made the order of the day for to-morrow.

A Message from the Senate was received informing the Assembly that the President had signed "an Act for the relief of the County Treasurers of the Counties of San Luis Obispo, Santa Barbara, Los Angeles, and San Diego;" and "Joint Resolution in regard to the London Industrial Exhibition;"

Also, that they have passed Bill entitled "an Act to designate the Holidays to be observed in the acceptance and payment of Bills of Exchange and Promissory Notes;"

Also, that they have passed "Joint Resolution, authorizing the State Treasurer to draw upon the Tax Collector of Santa Barbara County, in favor of Hon. Pablo de la Guerra for such amount as he may pay the Postmaster of San José, on account of the postage expenses of the Legislature;"

Also, that they have adopted Assembly's "Concurrent Resolution relative to the election of Commissioners to mark and lay off the tracts of land proposed to be donated to the State by M. G. Vallejo," and have elected as such Commissioner on their part Hon. Thos. J. Green;

Also, that they have passed "Joint Resolution for the relief of Henry Carpenter;"

Also, that they have rejected Assembly "Bill entitled an Act supplemental to 'an Act prescribing the amount of compensation and the mode of payment to persons who have performed Military Services for

the State of California, and expenses incurred therein;" Senate's Bill, entitled "an Act to designate the Holidays to be observed in the acceptance and payment of Bills of Exchange and Promissory Notes," was read first and second times, the Rules being suspended for that purpose.

Senate's "Joint Resolution for the purpose of paying the Postage expenses of the Legislature," was read first and second times, the Rules being suspended for that purpose.

Mr. Merritt moved that the House proceed to the election of two Commissioners, as provided in "Resolution relative to the election of Commissioners," to mark and lay off the tracts of land proposed to be donated to the State by M. G. Vallejo.

Not agreed to.

Senate's "Joint Resolution for the relief of Henry Carpenter," was read first time.

Mr. Richardson moved that the Resolution be indefinitely postponed.

Mr. Wilkins demanded the ayes and nays.

Those who voted in the affirmative were—

Mr. Baldwin	Mr. McCorkle
Bradford	McDougal
Brown	Merritt
Carr	Moore
Cook	Murphy
Hoff	Osgood
Kendrick	Richardson
Lisle	Wethered
Lind	Wilkins
McCandless	Speaker—20.

In the negative—

Mr. Carnes	Mr. Kellogg
Hall	Stearns—4.

Mr. Kendrick offered the following:

Resolved, That the Select Committee to whom was referred the petitions of persons praying for compensation for provisions and services rendered emigrants of this State, report what proceedings, if any, they have had thereon.

Adopted.

On motion of Mr. Murphy, the House resolved itself into Committee of the Whole, Mr. Wilkins in the chair, on "Bill to Fund the debt of the State." After some time spent therein, the committee rose, reported the Bill with amendments, and were discharged.

On motion of Mr. Baldwin, the amendments were concurred in generally.

On motion of Mr. Carr, the Bill was considered as engrossed, and read a third time.

The question then was, "Shall the Bill pass?"

Decided in the affirmative.

Mr. Richardson moved that the House proceed to the election of two Commissioners, as provided in "Resolution relative to the election of Commissioners."

Agreed to.

Mr. Field nominated Messrs. Baldwin and Saunders.

Mr. Wilkins nominated Mr. McDougal.

The Speaker appointed as Tellers, Messrs. Field and Carnes.

The Clerk then proceeded to call the names of members, each member voting as his name was called, and the Tellers reported the result as follows:

Whole number of votes cast	27
Necessary to a choice	14
Of which Mr. Baldwin received	26 votes.
McDougal	1

Those who voted for Mr. Baldwin were—Messrs. Bennett, Bradford, Brown, Carr, Carnes, Cook, Covarrubias, Field, Hall, Hoff, Kellogg, Kendrick, Lisle, Lind, McCorkle, McDougal, Merritt, Moore, Murphy, Osgood, Richardson, Stearns, Wethered, Wilkins, Yeiser, and Speaker —26.

Mr. Baldwin voted for Mr. McDougal.

Mr. Baldwin having received a majority of all the votes given, was declared duly elected.

The House then proceeded to the second vote, when the Tellers reported the result as follows:

Whole number of votes cast	27
Necessary to a choice	14
Of which Mr. McDougal received . . .	12 votes.
Saunders	14
Moore	1

Those who voted for Mr. McDougal were—Messrs. Baldwin, Bennett, Bradford, Brown, Carr, Carnes, Cook, Hoff, Kellogg, Moore, Wethered, and Wilkins—12.

Those who voted for Mr. Saunders were—Messrs. Covarrubias, Field, Hall, Kendrick, Lisle, Lind, McCorkle, McDougal, Merritt, Murphy, Richardson, Stearns, Yeiser, and Speaker—14.

Mr. Osgood voted for Mr. Moore—1.

Mr. Saunders having received a majority of all the votes given, was declared duly elected.

ONE O'CLOCK.

On motion of Mr. McCorkle, the House adjourned.

HOUSE OF ASSEMBLY.

WEDNESDAY, *March* 12, 1851.

House met.

The roll was called, and the following members were absent, to wit: Messrs. Brown, Carr, Covarrubias, Moore, Saunders, and Wethered; on leave, Messrs. Randall, Robinson, and Thorne.

The Journal of yesterday was read and approved.

Mr. Murphy, Chairman of Committee of Ways and Means, to whom was referred "Bill to authorize the issue and sale of Land Warrants," reported the same back without amendments, and recommended its passage.

On motion of Mr. Field, the Bill was laid on the table, ordered printed, and made the order of the day for Saturday next.

Mr. Murphy, Chairman of Committee of Ways and Means, to whom was referred "Bill authorizing the Treasurer of State to negotiate a

Loan upon the faith and credit of the State," reported the same back as in their opinion inexpedient, unnecessary, and unconstitutional, and asked to be discharged from its further consideration.

Committee discharged.

Mr. Murphy, Chairman of Committee of Ways and Means, to whom was referred "Bills to suppress Gaming," reported that they have already reported a Bill which has received the action of this House upon that subject, and asked to be discharged from the further consideration of the Bills herewith presented.

Committee discharged.

Mr. Moore, Chairman of the Judiciary Committee, to whom was referred a communication of M. G. Vallejo, relative to the appointment of Commissioners to mark and lay off tracts of land proposed to be donated to the State by the said Vallejo, reported that the subject matter of the communication had already been acted upon, therefore they asked to be discharged from its further consideration.

Committee discharged.

Mr. Moore, Chairman of the Judiciary Committee, to whom was referred "an Act to amend an Act, entitled 'an Act adopting the Common Law;'" also, "an Act in relation to suits brought to recover certain Lands, or the possession thereof," reported them back, recommending that each be indefinitely postponed.

On motion of Mr. Campbell, "Bill to amend an Act entitled 'an Act adopting the Common Law,'" was laid on the table.

The question then recurred on the indefinite postponement of the "Bill in relation to suits brought to recover certain Lands, or the possession thereof."

Not agreed to.

On motion of Mr. Bradford, the Bill was laid on the table.

Mr. Moore, Chairman of the Judiciary Committee, to whom was referred Senate's "Bill concerning Uniform Volunteer Companies of the State of California," reported that since all the objects desired to be accomplished by it are attained by the chapter on "Juries," in the "Act to regulate proceedings in Courts of Justice," heretofore reported, they therefore recommend that the same be laid upon the table, and ask to be discharged from its further consideration.

Report adopted.

Mr. Moore, Chairman of the Judiciary Committee, to whom was

referred the petition of Abram T. Simpson and other residents of the County of Sacramento, praying a repeal of the three hundred and sixth section of the "Act to regulate proceedings in the Superior Court of San Francisco, and in the District Courts of this State," reported that in the opinion of your committee any material change in the section referred to is inexpedient, and ask to be discharged from the further consideration of the petition.

Committee discharged.

Mr. Moore, Chairman of the Judiciary Committee, to whom was referred "an Act to amend an Act entitled 'an Act to provide for the Incorporation of Cities,'" reported the same back without amendment and recommended its passage.

The Bill was then read a third time.

The question then was, "Shall the Bill pass?"

Decided in the affirmative.

Mr. Moore, Chairman of the Judiciary Committee, to whom was referred the petition of Frederick Mason, Jr., and David Green, asking that the Art Union, established by them, may not be subject to the operation of 'an Act to prohibit Lotteries," and the accompanying petition of sundry Citizens of San Francisco, that the prayer of said Mason and Green may be granted, reported:

That in a Republic, whose laws are opposed to the accumulation of those vast fortunes, which, in the hands of worthy possessors, have sometimes been expended in a cultivation of the Fine Arts, and securing to a people the enjoyment of those elevating sentiments which appertain to them, no method has been devised so well calculated, in the opinion of your committee, to afford a substantial patronage to the artist, and to place his works within the reach of the many, as the establishment of institutions like that which the petitioners pray may be permitted to continue.

Your committee, therefore, report a Bill to accomplish the object desired, and recommend its passage.

Bill, entitled "an Act supplementary to 'an Act to prohibit Lotteries,'" was read first time.

Mr. Moore moved that the Rules be suspended, and the Bill be read a second time.

Not agreed to.

Mr. Bradford, from the Joint Committee on Enrolled Bills, reported

that they have examined and find correctly enrolled, "an Act to provide for the Translation of the Laws into the Spanish Language."

Mr. Bodley, agreeably to previous notice, introduced "an Act concerning Lawful Fences, and animals trespassing on premises lawfully enclosed," which was read first and second times, the Rules being suspended for that purpose.

"Bill directing the discontinuance of Criminal Proceedings against Charles Robinson and others," was, on motion of Mr. Field, considered as engrossed, and read a third time.

The question then was, "Shall the Bill pass?"

Mr. Covarrubias demanded the ayes and nays.

Those who voted in the affirmative were—

Mr. Bodley	Mr. Kendrick
Carr	Lind
Carnes	McCandless
Cook	McDougal
Field	Osgood
Hoff	Richardson
Kellogg	—13.

In the negative—

Mr. Baldwin	Mr. Murphy
Bennett	Pico
Brown	Saunders
Campbell	Stearns
Covarrubias	Wethered
Hall	Wilkins
Lisle	Yeiser
McCorkle	Speaker
Merritt	—17.

Not agreed to.

Mr. Robinson, Chairman of Committee to whom was referred "Bill to provide for the Incorporation of Colleges and Universities," reported the same back with a substitute, and recommended the passage of the substitute.

The substitute was then read first and second times, the Rules being suspended for that purpose, and ordered to be printed.

Mr. Field gave notice that he would, on to-morrow, introduce "a Bill making Sacramento City responsible for the costs of prosecution, in Solano County, of Charles Robinson and others.

On motion of Mr. Carr, the House resolved itself into Committee of the Whole, Mr. Baldwin in the chair, on "Bill to provide for the disposition of certain property of the State of California," together with the report of the "Bill granting certain public lands within the limits of the City of San Francisco, and quieting titles of claimants thereto." After some time spent therein, the committee rose, reported amendments, and were discharged.

The question then recurred in concurring on amendments made in Committee of the Whole.

Mr. Moore demanded the ayes and nays.

Those who voted in the affirmative were—

Mr. Baldwin	Mr. Merritt
Bradford	Moore
Campbell	Murphy
Cook	Osgood
Hall	Richardson
Kellogg	Robinson
Kendrick	Saunders
Lind	Wilkins
McCandless	Yeiser
McDougal	Speaker—20.

In the negative—

Mr. Bennett	Mr. Hoff
Bodley	Lisle
Brown	McCorkle
Carr	Pico
Carnes	Randall
Covarrubias	Stearns
Field	Wethered—14.

Agreed to.

Mr. Moore moved that the House substitute the Bill as offered by him for the Bill as amended in committee.

Mr. Merritt demanded the ayes and nays.

Those who voted in the affirmative were—

Mr. Baldwin	Mr. Murphy
Bodley	Osgood
Bradford	Randall
Lind	Yeiser
Moore	—9.

In the negative—

Mr. Bennett	Mr. McCandless
Brown	McCorkle
Campbell	McDougal
Carr	Merritt
Carnes	Pico
Cook	Richardson
Covarrubias	Robinson
Field	Saunders
Hall	Stearns
Hoff	Wethered
Kellogg	Wilkins
Kendrick	Speaker
Lisle	—25.

Not agreed to.

Mr. Baldwin moved to adjourn.

Mr. Osgood demanded the ayes and nays.

Those who voted in the affirmative were—

Mr. Baldwin	Mr. Moore
Carnes	Murphy
Lind	Randall
McCorkle	—7.

In the negative—

Mr. Bennett	Mr. Bradford
Bodley	Brown

Mr. Campbell	Mr. Merritt
Carr	Osgood
Cook	Pico
Covarrubias	Richardson
Field	Robinson
Hoff	Saunders
Kellogg	Stearns
Kendrick	Wethered
Lisle	Wilkins
McCandless	Speaker
McDougal	—25.

Not agreed to.

Mr. Campbell moved that the Bill be considered as engrossed and read a third time.

Agreed to.

The question then was, "Shall the Bill pass?"

Mr. Moore demanded the ayes and nays.

Those who voted in the affirmative were—

Mr. Baldwin	Mr. McDougal
Bradford	Merritt
Campbell	Murphy
Cook	Osgood
Field	Richardson
Hall	Robinson
Kellogg	Saunders
Kendrick	Thorne
Lind	Wilkins
McCandless	Speaker—20.

In the negative—

Mr. Bennett	Mr. McCorkle
Bodley	Moore
Brown	Pico
Carr	Randall
Carnes	Stearns
Covarrubias	Wethered
Hoff	Yeiser
Lisle	—15.

Decided in the affirmative.

Mr. Campbell moved to reconsider the vote by which the House passed the Bill.

Mr. Merritt moved that the motion to reconsider be indefinitely postponed.

Agreed to.

FOUR O'CLOCK.

On motion of Mr. Osgood, the House adjourned.

HOUSE OF ASSEMBLY.

THURSDAY, *March 13th*, 1851.

House met.

The roll was called, and the following members were absent, to wit: Messrs. Baldwin, Carr, Covarrubias, Field, Kellogg, Lisle, McDougal, Merritt, Moore, Murphy, Pico, Randall, Robinson, Saunders, Stearns, Thorne, and Wilkins.

No quorum present.

Mr. Kellogg made his appearance.

Quorum present.

The Journal of yesterday was read and approved.

On motion, Messrs. Carr, Wilkins, and Robinson had leave of absence for a few days.

Mr. Kellogg presented a petition from the citizens of Santa Cruz County, praying for a License Law, which was read and referred to the Judiciary Committee.

Mr. Hall, Chairman of the Committee to whom was referred Senate's "Bill for the relief of L. A. Besançon, Collector of Tuolumne County, of the Foreign Miners' Tax," reported, that upon an examination of the report of the State Treasurer in relation to the Collectors of Foreign Miners' Tax, L. A. Besançon is therein mentioned among the delinquents who have failed to settle their accounts with that officer. The balance due the State from said Collector is $13,130, for the recovery of which legal measures have been instituted.

The Bill under consideration provides that the Attorney General shall

examine his accounts, and if upon strict legal evidence they are found to be correct, that the Comptroller shall audit the same.

Your Committee have no evidence before them to show that relief of any nature should be extended by the Legislature in the present instance, until said Collector shall have made a final settlement; and are of the opinion that it would be injurious to constitute the Attorney General a tribunal, with equity power to examine and adjust the same.

Your committee therefore recommend the postponement of the Bill until such time when L. A. Besançon shall present to the committee appointed to examine Claims against the State some evidence sufficient to justify legislation for his relief.

The question recurred on adopting the report.

Adopted.

Mr. Bodley, from the Committee on Engrossed Bills, reported as correctly engrossed, Bills entitled "an Act to Fund the Debt of the State;" "an Act creating the Office of Harbor Master for the Port and Harbor of San Francisco, and for other purposes;" "an Act to provide for the disposition of certain property of the State of California."

Mr. Kellogg, Chairman of Committee on Public Expenditures, to whom was referred a communication of the Comptroller, touching the claim of E. J. C. Kewen, Attorney General, for office rent in Sacramento City, reported adverse to said claim, and asked to be discharged from the further consideration of the subject.

Committee discharged.

Mr. Bradford, from the Committee on Enrolled Bills, reported as correctly enrolled, "an Act to repeal 'an Act for the better regulation of the Mines, and the government of Foreign Miners;'" "an Act to incorporate the city of Nevada;"

Also, that they did this day present to the Governor for his signature, "an Act to prohibit Lotteries;" "an Act to repeal 'an Act to prevent the coining of money by individuals;'" "an Act to provide for the Translation of the Laws into the Spanish language."

Mr. Bradford, on leave introduced "a Bill regulating and prescribing the duty of Pilots for the Collection Districts of Sonoma, Sacramento City, and Stockton," which was read first and second times, the Rules being suspended for that purpose, and the Bill ordered printed.

Mr. Richardson, on leave, introduced "a Bill authorizing the District Attorney of the Ninth Judicial District to enter a *nolle prosequi* in cer-

tain cases," which was read first and second times, the Rules being suspended for that purpose.

Mr. Bigler offered as a substitute for said Bill, "Joint Resolutions in relation to certain cases pending in the District Court of the County of Solano."

The question recurred on adopting the substitute.

Mr. Field demanded the ayes and nays.

Those who voted in the affirmative were—

Mr. Bennett	Mr. McDougal
Bradford	Merritt
Brown	Murphy
Campbell	Stearns
Hall	Thorne
Lisle	Wethered
McCorkle	Speaker—14.

In the negative—

Mr. Bodley	Mr. Kendrick
Carnes	McCandless
Cook	Osgood
Field	Pico
Hoff	Richardson
Kellogg	—11.

Agreed to.

Mr. Field moved to amend the preamble, by inserting after the word "witnesses," the words, "on the part of the parties indicted."

Agreed to.

On motion, the Joint Resolutions were considered as engrossed, and read a third time.

The question then was, "Shall the Joint Resolutions pass?"

Mr. Merritt demanded the ayes and nays.

Those who voted in the affirmative were—

Mr. Baldwin	Mr. Bradford
Bennett	Brown
Bodley	Campbell

Mr. Carnes	Mr. McDougal
Cook	Murphy
Field	Osgood
Hoff	Pico
Kellogg	Richardson
Kendrick	Stearns
McCandless	Thorne
McCorkle	Speaker—22.

In the negative—

Mr. Lisle	Mr. Wethered
Merritt	—3.

Decided in the affirmative.

A Message from the Senate was received, informing the Assembly that they have passed Bill, herewith transmitted, entitled "an Act supplementary to 'an Act concerning the office of County Treasurer;'"

Also, that the President of the Senate has signed Bills, entitled "an Act to prohibit Lotteries;" "an Act to repeal 'an Act to prevent the coining of money by individuals;'"

Also, that the Governor has notified the Senate that he did, on the 10th inst., sign "an Act for the relief of the County Treasurers of the counties of San Luis Obispo, Santa Barbara, Los Angeles, and San Diego;" "an Act concerning the office of Public Administrator for the County of San Francisco, and making it elective," and "a Joint Resolution in regard to the London Industrial Exhibition;"

Also, that the President has signed Bills entitled "an Act to provide for the translation of the Laws into the Spanish language."

Also, that they have concurred in the amendment of the Assembly to the 6th Section of Senate's Bill, entitled "an Act to License Gaming," and have non-concurred in all the others proposed by the Assembly.

Mr. Field presented a petition from citizens of San Francisco, relative to a geological survey of the State, which was read, and referred to a Select Committee, consisting of Messrs. Randall, Murphy, and Hall.

Senate Bill, entitled "an Act to License Gaming," returned from the Senate, concurring in Assembly's amendment to the 6th Section, and non-concurring in the other amendments, was taken up, when,

On motion of Mr. McCorkle, the House receded from the amendments non-concurred in by the Senate.

Mr. Campbell offered the following:

Resolved (by the Assembly, the Senate concurring), That the Legislature do adjourn *sine die* on the first day of April next.

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

Agreed to.

Senate Bill, entitled "an Act supplementary to 'an Act concerning the office of County Treasurer, passed March 27th, 1850,'" was read first and second times, the Rules being suspended for that purpose, and referred to Committee of Ways and Means.

Mr. Thorne, on leave, introduced "a Bill to extend the time for the Treasurer of the County of San Francisco to make his returns," which was read first and second times, the Rules being suspended for that purpose, and referred to a Select Committee, consisting of Messrs. Bradford, Thorne, and Richardson.

Assembly's "Joint Resolution for the relief of H. Carpenter" was taken up.

Mr. Moore moved that the resolution be indefinitely postponed, and demanded the ayes and nays.

Those who voted in the affirmative were—

Mr. Bradford	Mr. Moore
Brown	Murphy
Campbell	Osgood
Cook	Pico
Covarrubias	Randall
Kendrick	Richardson
Lisle	Stearns
Lind	—15.

In the negative—

Mr. Baldwin	Mr. Merritt
Carnes	Thorne
Field	Wethered
Hall	Yeiser
Hoff	Speaker
Kellogg	—11.

Agreed to.

Mr. Lisle, Chairman of the Select Committee, to whom was referred a "Joint Resolution instructing our Representatives in Congress to procure the passage of a law appropriating money to Captain William Waldo, for services rendered the Overland Emigrants," reported that they have had the same under consideration, and, in connexion with it, have examined the memorial of Charles W. Hall, for relief for services and money expended in the same charitable behalf.

Upon a subject so well understood, your committee deem it unnecessary to enter into discussion, and think it sufficient to advert to an analogous subject which has already enjoyed the liberal encouragement of the State. The Hospitals at San Francisco and Sacramento Cities, especially the latter, have received a liberal support from Harbor and other funds, to enable them to carry out an extended scheme of hospitality and charity to the distressed strangers who may land on our shores.

The enterprising emigrant, crossing the Plains, his means and energies exhausted, at the base of the Sierra Mountains, appealed with no less power to the charity and sympathy of his fellows; and if individuals, unaided by endowed institutions, and unassisted by Government patronage, have perilled life and expended fortune, to afford relief in those instances, they at least deserve the return of money actually spent, if not a recompense for labor bestowed, and the sacrifice of health and time. Your committee have therefore amended the resolution, so as to include relief to said Hall, and recommend its adoption as amended.

The question recurred on the adoption of the report.

Adopted.

On motion of Mr. Lisle, the Joint Resolution was considered as engrossed, and read a third time.

The question then was, "Shall the Joint Resolution pass?"

Decided in the affirmative.

Mr. Bradford, from the Joint Committee on Enrolled Bills, reported that they have this day presented to the Governor for his signature, "an Act to provide for the Translation of the Laws into the Spanish language."

On motion of Mr. Field, "Bill to regulate Proceedings in Civil Cases in the Courts of Justice of this State," which was made the order of the day for yesterday, was made the order of the day for Monday next.

On motion of Mr. Field, the House resolved itself into Committee of the Whole, Mr. Bradford in the chair, on "Bill concerning Sheriffs;" after some time spent therein, the Committee rose, reported progress, and had leave to sit again.

TEN MINUTES BEFORE TWO O'OCLOCK.

On motion of Mr. Merritt, the House adjourned.

HOUSE OF ASSEMBLY.

FRIDAY, *March 14th*, 1851.

House met.

The roll was called, and the following members were absent, to wit: Messrs. Covarrubias, Field, Lisle, McCandless, McDougal, Merritt, Murphy, Pico, and Randall; on leave, Messrs. Baldwin, Carr, Robinson, Saunders, and Wilkins.

The Journal of yesterday was read and approved.

On motion, Messrs. Murphy and Pico had leave of absence.

Mr. Bodley, from the Committee on Engrossed Bills, reported as correctly engrossed, Assembly "Joint Resolutions in relation to certain cases pending in the District Court of the County of Solano;" also, "Joint Resolutions relative to an appropriation by Congress for the relief of Captain Wm. Waldo and Charles M. Hall."

Mr. Bradford, from the Joint Committee on Enrolled Bills, reported that they have, this day, presented to the Governor for his approval, "an Act to Incorporate the City of Nevada;" "also, that they have examined, and find correctly enrolled, "an Act to license Gaming."

Mr. Bradford, from the Select Committee, to whom was referred "Bill to extend the time for the Treasurer of the County of San Francisco to make his Returns," reported a substitute for the Bill, making its operation general, thereby superseding the necessity of a special law being passed for each county in the State.

Substitute entitled "a Bill to extend the time for County Treasurers to make their Returns," was read.

Mr. Richardson moved to lay the Bill on the table.

Not agreed to.

Mr. Moore moved to make the Bill the special order of the day for to-morrow.

Not agreed to.

The question then recurred on adopting the substitute.

Adopted.

Mr. Campbell moved to amend the Bill by striking out, in the last line, the words, "And in the manner."

Agreed to.

The Bill was then considered as engrossed, and read a third time.

The question then was, "Shall the Bill pass?"

Decided in the affirmative.

Mr. Bodley offered the following:

Resolved, That the Committee on Accounts be required, forthwith, to report to this House, the account of Hoppe, Hawkins & Co, against the State for postage and stationery furnished the Legislature.

Adopted.

A message was received from the Senate, informing the House that the Governor yesterday returned to the Senate, with his veto, a Bill originating in the Senate, entitled "an Act to exempt the City of San Francisco from the operation of the 'Act prescribing the mode of Assessing and Collecting the public revenues for County purposes,'" and that the Senate have again passed the Bill by the constitutional majority, the objections of the Governor to the contrary notwithstanding;

Also, that the President of the Senate has signed Bill, entitled "an Act to Incorporate the City of Nevada."

On motion of Mr. Moore, the veto Message of the Governor, together with the Bill, was laid on the table until to-morrow.

On motion of Mr. Field, the House took up the Governor's veto Message on "an Act to amend an Act concerning Corporations, approved April 22, 1850;" also, "an Act to repeal the 174th section of the Act entitled 'an Act concerning Corporations,'" together with the Report of the Judiciary Committee relative to the veto Message.

The question then was, "Shall the Act entitled 'an Act to repeal the 174th section of the Act entitled an Act concerning Corporations,' pass, the objections of the Governor to the contrary notwithstanding?"

Those who voted in the affirmative were—

Mr. Bodley	Mr. McCorkle
Bradford	McDougal
Brown	Merritt
Cook	Moore
Field	Osgood
Hall	Richardson
Hoff	Thorne
Kendrick	Wethered
Lind	Yeiser
McCandless	Speaker—20.

In the negative—

Mr. Campbell	Mr. Lisle
Covarrubias	Stearns—4.

Decided in the affirmative.

The question then was, "Shall the Act entitled 'an Act to amend an Act concerning Corporations,' approved April 22, 1850, pass, the objections of the Governor to the contrary notwithstanding?"

Those who voted in the affirmative were—

Mr. Bennett	Mr. McCorkle
Bradford	McDougal
Brown	Merritt
Cook	Moore
Field	Osgood
Hall	Richardson
Hoff	Thorne
Kendrick	Wethered
Lind	Yeiser
McCandless	Speaker—20.

In the negative—

Mr. Bodley	Mr. Randall
Campbell	Stearns
Covarrubias	—5.

Decided in the affirmative.

Mr. Lisle, Chairman of Select Committee, to whom was referred the petition of J. J. Petrie, and the affidavits of J. L. McCourtney and others, reported, that they have examined the petition and affidavits, and recommend the passage of the accompanying Joint Resolution.

"Joint Resolution instructing our Senators and Representatives to procure the passage of a law appropriating funds for the Relief of J. J. Petrie," was read first and second times, the Rules being suspended for that purpose, considered engrossed, and read a third time.

The question then was, "Shall the Joint Resolution pass?"

Decided in the affirmative.

On motion of Mr. Bodley, Senate's "Joint Resolution for the purpose of paying the Postage expenses of the Legislature," was read a third time.

The question then was, "Shall the Joint Resolution pass?"

Decided in the affirmative.

On motion of Mr. Field, the House resolved itself into Committee of the Whole, Mr. Bradford in the Chair, on "Bill concerning Sheriffs;" after some time spent therein, the Committee rose, reported the Bill with amendments, and were discharged.

On motion of Mr. Campbell, the House concurred generally in the amendments made in Committee of the Whole.

On motion of Mr. Field, the Bill was considered as engrossed, and read a third time.

The question then was, "Shall the Bill pass?"

Decided in the affirmative.

A Message from the Senate was received, informing the Assembly that they have passed a Bill herewith transmitted, entitled "an Act to Incorporate the City of Sacramento."

Senate "Bill to Incorporate the City of Sacramento," was read first, second, and third times, the Rules being suspended for that purpose.

The question then was, "Shall the Bill pass?"

Decided in the affirmative.

On motion of Mr. Field, the House resolved itself into Committee of the Whole, Mr. Merritt in the Chair, on "Bill to regulate summary proceedings for the possession of Real Property." After some time spent therein, the committee rose, reported progress, and had leave to sit again.

TWO O'CLOCK.

On motion of Mr. Merritt, the House adjourned.

HOUSE OF ASSEMBLY.

SATURDAY, *March* 15, 1851.

House met.

The roll was called, and the following members were absent, to wit: Messrs. Bennett, Kellogg, Lisle, McDougal, Merritt, Randall; on leave, Messrs. Baldwin, Carr, Murphy, Robinson, Saunders, and Wilkins.

The Journal of yesterday was read and approved.

Mr. Cook, from the Committee on Engrossed Bills, reported as correctly engrossed, "Joint Resolutions instructing our Senators and Representatives to procure the passage of a law appropriating funds for the relief of J. J. Petrie."

Mr. Bradford, from the Joint Committee on Enrolled Bills, reported that they have this day presented to the Governor for his signature, "an Act to License Gaming;" also, "an Act to amend an Act, entitled 'an Act to provide for the Incorporation of Cities."

A Message was received from the Governor, informing the Assembly that he did, on yesterday, sign an Act, entitled "an Act to Incorporate the City of Nevada."

MR. BRADFORD in the Chair.

Mr. Bigler moved that the House reconsider the vote by which they passed the "Bill Incorporating the City of Sacramento."

Agreed to.

Mr. Bigler moved that the Bill be recommitted to a Select Committee, with instructions to strike out in the fourth section the words, "four months," and insert the words "thirty days;" also, to insert at the end of section 22, the words, "after counting the ballots, the poll lists and ballots shall be sealed up by the Judges, and deposited with the Secretary of the Council, to be preserved for at least thirty days; at the expiration of thirty days, in case no notice of contest is given, the ballots so

sealed up shall be destroyed, without opening the same; and no examination or comparison of the lists and ballots shall take place, except in cases of contested elections. At all elections under this charter the polls shall be opened at sunrise, and shall be kept open until sunset, at which time the Judges shall close the Polls. The counting of the ballots shall be in public."

Agreed to.

The Speaker *pro. tem.* appointed as said Committee Messrs. Bigler, Cook, and Hall.

Mr. Bigler, Chairman of Select Committee, to whom was referred "Bill to Incorporate the City of Sacramento," with instructions, reported the Bill in compliance with said instructions.

The question then was on adopting the Report.

Adopted.

The question then was, "Shall the Bill pass?"

Decided in the affirmative.

On motion of Mr. Moore, Senate "Bill entitled, 'an Act to repeal an Act creating Officers of Health for the Port of San Francisco, and defining their duties,'" was taken up and read a third time.

The question then was, "Shall the Bill pass?"

Decided in the affirmative.

Mr. Kendrick presented a petition from Nathaniel N. Menifee, "praying for remuneration for supplies furnished emigrants," which was referred to Committee on Claims.

SPEAKER BIGLER in the Chair.

"Bill to exempt the City of San Francisco from the operation of the Act prescribing the mode of assessing and collecting Public Revenues for county purposes," returned by the Governor with his objections to the Senate, and by the Senate transmitted to the House, was taken up.

On motion of Mr. Bradford, the House reconsidered the vote by which said Bill was passed.

The question then was, "Shall the Bill pass, the objections of the Governor to the contrary notwithstanding?"

Those who voted in the affirmative were—

Mr. Bennett	Mr. McCorkle
Brown	Merritt—4.

In the negative—

Mr. Bradford	Mr. Moore
Campbell	Osgood
Carnes	Pico
Cook	Randall
Covarrubias	Stearns
Field	Thorne
Kendrick	Wethered
Lind	Yeiser
McCandless	Speaker—18.

Not agreed to.

A Message from the Senate was received, informing the Assembly that the President *pro tempore* did, on yesterday, sign Bill entitled "an Act to repeal 'an Act for the better regulation of the Mines, and the government of foreign Miners;'" and "an Act to License Gaming."

On motion of Mr. Field, the House resolved itself into Committee of the Whole, Mr. Merritt in the Chair, on "Bill to regulate summary proceedings for the possession of Real Property." After some time spent therein, the committee rose, reported the Bill, and had leave to sit again.

The following Message was received from the Governor:

"EXECUTIVE DEPARTMENT,
"SAN JOSÉ, *March* 15, 1851.

"TO THE SENATE AND ASSEMBLY:

"Recent official information received at this department, from the officer commanding the battalion of Volunteers in Mariposa County, and from other reliable sources, justifies me in again calling your attention to the fact, that hostilities are raging upon the frontiers; that a portion of the State to which we owe a mutual allegiance is suffering the calamities of war; and that the troops which I have deemed it my duty to concentrate around and near Mariposa, for the purpose of affording effectual protection to the lives and property of our fellow citizens in that region from the depredations of the Indians, are in the greatest need of supplies adequate to the arduous service in which they are engaged. These are facts to which I again deem it my duty to invoke your earnest attention; without the co-operation of the Legis-

lative power the Executive arm is powerles—he has no other resource but to a separate department of the Government. I look therefore to the Senate and Assembly for a prompt and cheerful co-operation in the measures necessary to bring the troubles with the Indians to a speedy close.

"The supplies for which I ask must be granted, or that portion of the country occupied by the Indians must be evacuated by the miners. I am informed that a very large portion have already left, and have gone to those portions of the State most secure from the depredations of the Indians, and that many have been compelled to suspend their avocations.

"To prevent an unnecessary effusion of blood, and to secure a speedy return of peace, I have hitherto adopted a line of defensive policy: such a system of action is most consistent with humanity, and with the principles of government under which we live. This course cannot now be pursued: offensive measures are the only alternative left.

"The preservation of the public peace, and the protection of the lives and property of his fellow citizens, is one of the highest duties imposed upon the Executive. It is a duty from which he cannot shrink; and in the discharge of it, it is his privilege to avail himself of his constitutional powers to their fullest extent, to enable him to perform that duty. Offensive measures have become necessary, and will be employed.

"I ask that laws, making suitable provision for the emergency, may be speedily passed.

"JOHN MCDOUGAL."

On motion of Mr. McCorkle, the Governor's message was referred to Committee on Indian Affairs.

Mr. Richardson moved that the committee be instructed to report to-night at seven o'clock.

Mr. Moore demanded the ayes and nays.

Those who voted in the affirmative were—

Mr. Bodley	Mr. Field
Campbell	Hoff
Carnes	Kendrick
Cook	Lind
Covarrubias	McCorkle

Mr. Pico	Mr. Stearns
Richardson	Speaker—14.

In the negative—

Mr. Bennett	Mr. Osgood
Bradford	Randall
Brown	Thorne
McCandless	Wethered
Moore	Yeiser—10.

Agreed to.

On motion of Mr. Thorne, the petition of James Austin, praying for relief for loss of State Bonds by fire, was taken up, and referred to Committee on Claims.

Mr. Bradford offered the following:

Resolved, That the Governor be requested to report to this House, if consistent with the public interests, copies of any communications which may have been received by him in connexion with the subject of the Indian difficulties on the frontiers, as referred to in his message of this morning.

Adopted.

Mr. Covarrubias, on leave, introduced a "Joint Resoution in relation to establishing Forts on our borders," which was read first and second times, the Rules being suspended for that purpose.

On motion of Mr. Campbell, the Rules were suspended, and the Joint Resolution considered as engrossed, and read a third time.

The question then was, "Shall the Joint Resolution pass?"

Decided in the affirmative.

Mr. Randall offered the following:

Resolved, That the services of Richard Lambert, as Page to this House, shall cease to-day, and that the Sergeant-at-Arms of this body may employ, on the most reasonable terms, a person to act in that capacity the remainder of the session.

Mr. Moore moved that the Resolution be rejected.

Mr. Cook demanded the ayes and nays.

Those who voted in the affirmative were—

Mr. Campbell	Mr. Osgood
Carnes	Pico
Covarrubias	Stearns
Hall	Thorne
McCorkle	Wethered
McDougal	Yeiser
Merritt	Speaker
Moore	—15.

In the negative—

Mr. Bradford	Mr. Kendrick
Cook	McCandless
Field	Randall
Hoff	Richardson—8.

Agreed to.

On motion of Mr. Campbell, the House again resolved itself into Committee of the Whole, Mr. Merritt in the chair, on "Bill to regulate summary proceedings for the possession of real property." After some time spent therein, the committee rose, reported progress, and had leave to sit again.

HALF-PAST ONE O'CLOCK.

On motion of Mr. Richardson, the House adjourned until seven o'clock this evening.

SEVEN O'CLOCK.

House met.

The Roll was called, and the following members were absent, to wit: Messrs. Bodley, Bradford, Brown, Campbell, Cook, Hall, Kellogg, Kendrick, Lisle, Lind, McCandless, McCorkle, McDougal, Osgood, Randall, and Yeiser; on leave, Messrs. Baldwin, Carr, Murphy, Robinson, Saunders, and Wilkins.

No quorum present.

On motion of Mr. Carnes, the House took a recess until quarter before eight o'clock.

QUARTER BEFORE EIGHT O'CLOCK.

House met.

Quorum present.

On motion of Mr. Moore, the House reconsidered the vote by which the House refused to pass "an Act to exempt the City of San Francisco from the operation of the Act prescribing the mode of assessing and collecting Public Revenues for County purposes."

The question then was, "Shall the Bill pass, the Governor's objections to the contrary notwithstanding?"

Those who voted in the affirmative were—

Mr. Bennett	Mr. Lind
Bodley	McCandless
Bradford	McCorkle
Brown	Merritt
Cook	Moore
Hall	Richardson
Hoff	Wethered
Kendrick	Speaker—16.

In the negative—

Mr. Carnes	Mr. Randall
Covarrubias	Stearns
McDougal	Thorne
Osgood	Yeiser
Pico	—9.

Not agreed to.

A Message from the Senate was received, informing the Assembly that they have passed a Bill, herewith transmitted, "an Act authorizing the Governor to call out troops to defend our frontier, and providing for their pay and compensation."

The following Message and accompanying document was received from the Governor:

EXECUTIVE DEPARTMENT.

March 15th, 1851.

TO THE HOUSE OF ASSEMBLY:

"I have the honor to transmit herewith, in compliance with a Resolu-

tion of the Assembly, a copy of a communication received at this department from Maj. James D. Savage, commanding the battalion of troops in service of the State, now stationed near the camp of the Indian Commissioners in the County of Mariposa, and alluded to in the special communication which I had the honor to present this day for the consideration of the Legislature.

"I am also in receipt of several letters from gentlemen of unquestionable integrity, who fully corroborate the statement and views of Major Savage; but regarding these as of a private more than a public character, I do not deem myself authorized to make them public. I avail myself of the occasion to make a further remark.

"The General Government, under the political compact of the confederation of the States, is bound to protect them from invasion, insurrection, or rebellion, and Congress has always shown a liberal disposition in the payment of all the expenses incurred by any of the States in putting down Indian disturbances, and I have no doubt but that Congress will promptly assume all the expenses attendant upon the expeditions that have heretofore or may be hereafter called into the service of the State, in protecting her citizens residing in the vicinity of the Indians, and at a proper time I contemplate causing the entire expenses that the State has assumed upon herself to be presented for liquidation by the Federal Government.

For the purpose of bringing the General Government to direct responsibility in the pecuniary operation of this war, I despatched a special communication on the 1st inst. to the President of the United States, asking, under the peculiar circumstances in which we are situated, that the Executive of this State have authority to call out, from time to time, as exigencies may require, any number of our Militia as may be necessary to the adequate protection of the lives and property of our citizens from Indian incursions.

I entertain strong hopes that the request will be promptly responded to.

JOHN MCDOUGAL.

HEAD QUARTERS, NEAR MARIPOSA,
March 9th, 1851.

GOV. JOHN MCDOUGAL:

SIR: I have the honor herewith to report to you, by express, such

matters as my duties seem to require under existing circumstances. Since the departure of Col. J. Neely Johnson, I have, as near as practicable, had the battalion under my command disposed of agreeably to his orders. I have also kept up a regular correspondence with the United States Commissioners, from the time Col. Johnson left to this time, in all cases conforming my movements to their views and wishes. I am happy to be justified in the remark that I have found those gentlemen, in whom the United States Government have placed so much confidence, to be men worthy of the high trust awarded them, as well as men of cool and deliberate reflections. Those gentlemen are using every effort and means in their power to effect a peace with the wild and hostile tribes of Indians at the earliest period, and will no doubt succeed with a portion of several tribes, which are now coming in for that purpose. I am of the opinion that they have already become satisfied that there will remain in the mountains a large majority of the most hostile and dangerous Indians, who will keep up a predatory warfare with the citizens of this portion of the country, which will, if not soon arrested, prove effectually ruinous to this community.

There has been recently eight men killed and six wounded in this vicinity, at the different periods, and at different places, to wit: On the waters of the Mercede River, about the 15th of February ult., there were two men severely wounded, one of which has since died, and the other slowly recovering. On the 25th or 26th of February ult., McCassidy was cruelly murdered on the left bank of the San Joaquin, about two and a half miles below his place, and his body found by John J. Kirkendall, commanding Company A, in my battalion, on the 6th inst.; his tongue was cut out, and pinned to his left side with four arrows, which passed through into his heart, his right leg cut off and gone, with twenty-eight arrows in his person. March 1st inst., one man killed and four wounded, on the road leading from Stockton to San Joaquin, between Chouchillas and Mariposa; one of the wounded soon died; there were eight men in the party, leaving three unhurt, who succeeded in making good their escape from this party; the Indians got five mules, two horses, and one jack. March 2d, two men wounded on "Greaser Gulch," some eight miles west of Agua Fria. March 3d, four men killed near the Fine Gold Gulch; from this party was taken twelve oxen; they were pursued, and eleven of the oxen retaken.

By this it will be seen there has been killed in this section of

country, in a few days, eight men and six wounded, all of which lives might have been saved had it not been from the fact that my command was restrained from acting, lest we might thwart the mission of the Indian Commissioners, and incur the displeasure of the General Government.

All of this bloodshed has come within the knowledge of the Commissioners, whom I am satisfied have the same views of the present alarming condition of affairs in this section of the country that I have. I shall, no doubt, in a few days have the entire approbation of the Commissioners to proceed with my command to the vicinity of the remaining hostile tribes, with the view of chastising them well for their former cruelties.

The work will then commence which we are badly prepared to carry out. The Legislature having taken no definite action in relation to the pay of volunteers under my command, has caused in the minds of the men a want of confidence in the disposition of the Governor to act, which circumstances have a tendency to produce dissatisfaction among the men, and places me in an unpleasant situation, taking into consideration the importance attached to my immediate service. There is also some fears entertained lest our movements should be retarded for the want of provisions, ammunition, and means of transportation. I sincerely hope you will believe the emergency of the case such as will justify you in calling the immediate attention of the Legislature to this subject, otherwise the Southern mines will have to be abandoned, the results of which will be, in a pecuniary point of view, as well as in many other ways, severely felt.

I have the honor to be,
Very respectfully,
Your most obdt. serv't.,
By order of JAMES D. SAVAGE,
Major Com't. Battalion.

M. B. LEWIS, Agent.

Mr. Hall, from the Committee on Indian Affairs, to whom was referred the Message of the Governor in relation to Indian difficulties in Mariposa County, with instructions to report this evening, reported that they have not become possessed of the "reliable intelligence" which his Excellency alludes to, as the data of his communication.

That actual hostilities have existed in that region for several weeks, and that the efforts heretofore made to suppress them have been abortive, are facts fully within the knowledge of your body, and are sufficient to justify your committee in the opinion that the prompt and energetic measures adopted by the Executive are demanded by the exigencies of the case, and are such as we believe are only calculated to secure peace and tranquility in our Indian country.

Without attempting here to advance a system for the treatment of our Indian population, your committee are of the opinion that the State should take measures to secure treaties of amity with the different tribes independent of and without reference to the Commission appointed for that purpose by Congress.

Until this shall have been done, coercive and intimidating measures must be resorted to, much as humanity may deplore the necessity of an appeal to arms against an ignorant and barbarous foe.

The difficulties that so recently expelled the mining population from the richest mineral lands in El Dorado and Calaveras counties, and which were only suppressed after the effusion of the blood and life of many of our best citizens, teach a dearly earned lesson of the inveterate hostility of the Indians along our borders, while the murders and ravages that so rapidly follow each other throughout that region, fully assure us of their treachery and want of confidence. Believing, therefore, that active offensive hostilities are at present required, not more to suppress existing hostilities than to intimidate and prevent their immediate recurrence, your committee approve the conduct of the Executive, and recommend, on the part of the Legislature, a cheerful and hearty co-operation.

A Bill having been introduced into the Senate providing means to prosecute the war, your committee have originated no other plan, and ask to be discharged from the present consideration of the subject.

On motion of Mr. Merritt, the report was laid on the table for the present.

Senate Bill, entitled "an Act authorizing the Governor to call out Troops to defend our frontier, and providing for their pay and compensation," was read first and second times, the Rules being suspended for that purpose.

On motion of Mr. Moore, two hundred copies of the Governor's Message and accompanying documents were ordered printed.

On motion of Mr. Moore, the House resolved itself into Committee of

the Whole, Mr. Bradford in the chair, on Bill entitled "an Act authorizing the Governor to call out Troops to defend our frontiers, and providing for their pay and compensation." After some time spent therein, the committee rose, reported the Bill back, and recommended its passage.

Mr. Bodley moved to strike out the word "five" in the third line of section 1st, and insert the word "that," and demanded the ayes and nays.

Those who voted in the affirmative were—

Mr. Bodley	Mr. Osgood
Bradford	Randall
Brown	Thorne
Hoff	—7.

Those who voted in the negative were—

Mr. Bennett	Mr. McDougal
Carnes	Merritt
Cook	Moore
Covarrubias	Pico
Field	Richardson
Hall	Stearns
Kendrick	Wethered
Lind	Yeiser
McCandless	Speaker
McCorkle	—19.

Not agreed to.

On motion of Mr. Hall, the Rules were suspended, and the Bill read a third time.

The question then was, "Shall the Bill pass?"

Mr. Bodley demanded the ayes and nays.

Those who voted in the affirmative were—

Mr. Carnes	Kendrick
Covarrubias	Lind
Field	McCorkle
Hall	McDougal

Mr. Merritt	Mr. Stearns
Moore	Wethered
Richardson	Yeiser
Pico	Speaker—16.

In the negative were—

Mr. Bennett	Mr. Hoff
Bodley	McCandless
Bradford	Osgood
Brown	Randall
Cook	Thorne—10.

Decided in the affirmative.

Mr. Hall moved that the House adjourn.

Not agreed to.

Mr. McCorkle, on leave given, introduced a "Bill providing for a State Penitentiary," which was read first and second times, the Rules being suspended for that purpose, and ordered printed.

On motion of Mr. McCorkle, the Bill was referred to a Select Committee, consisting of Messrs. McCorkle, Bennett, Randall, Richardson, and Stearns.

On motion of Mr. Cook, the House resolved itself into Committee of the Whole, Mr. Randall in the Chair, on "Bill providing for the incorporation of Mutual Insurance Companies;" after some time spent therein, the committee rose, reported progress, and had leave to sit again.

Mr. Carnes moved to reconsider the vote by which "Bill entitled 'an Act authorizing the Governor to call out Troops to defend our frontier, and providing for their pay and compensation,'" was passed.

HALF PAST NINE O'CLOCK.

Mr. McCorkle moved to adjourn.

Mr. Cook demanded the ayes and nays.

Those who voted in the affirmative were—

Mr. Field	Mr. McDougal
Hall	Merritt
Hoff	Moore
Kendrick	Wethered
Lind	Yeiser
McCandless	Speaker
McCorkle	—13.

In the negative—

Mr. Bennett	Mr. Covarrubias
Bradford	Osgood
Brown	Randall
Carnes	Stearns
Cook	Thorne—10.

House adjourned.

HOUSE OF ASSEMBLY.

MONDAY, *March* 17, 1851.

House met.

The roll was called, and the following members were absent, to wit: Messrs. Hoff, Kellogg, Lisle, Lind, Randall, Thorne, and Yeiser; on leave, Messrs. Baldwin, Carr, Murphy, Saunders, and Wilkins.

The Journal of yesterday was read and approved.

Mr. Hoff presented a memorial from William Walker, praying for an impeachment of the Hon. Levi Parsons, District Judge of the Fourth Judicial District, which was referred to a Select Committee, consisting of Messrs. Hoff, McCorkle, Moore, Merritt, Lind, Yeiser, and Osgood, with power to send for persons and papers.

Mr. Field presented sundry petitions from citizens of Yuba County, praying that the Hon. Wm. R. Turner, Judge of the Eighth Judicial District, may be removed from office, which was referred to a Select Committee, consisting of Messrs. Moore, Randall, Kendrick, Campbell, and Hall, with power to send for persons and papers.

Mr. Bodley, from the Committee on Engrossed Bills, reported as correctly engrossed, "Joint Resolution in relation to establishing Forts upon our borders."

Mr. Bradford, from the Joint Committee on Enrolled Bills, reported as correctly enrolled, "an Act to repeal an Act creating Officers of Health for the Port of San Francisco, and defining their duties;" also, "Joint Resolution for the purpose of paying Postage expenses of the Legislature."

Mr. Robinson, from the Select Committee, to whom was referred "Bill to Incorporate County Libraries;" also, "Bill to Incorporate Schools, Academies, and Seminaries of Learning," reported the same back, recommending that they be laid on the table for the present.

Report adopted.

Mr. Cook offered the following:

Resolved, That the Committee on Public Expenditures be requested to report to this House, on Wednesday next, the amount paid for Printing done for this Legislature during the present session; also, report the number of Officers employed, and the amount paid each; also, the number of Clerks employed, and to what department they belong, and what amount is paid to each.

Adopted.

Mr. Cook offered the following:

WHEREAS, this Legislature has been in session for seventy days, at an enormous expense to the State; and WHEREAS this House has refused up to this time to entertain any resolution to adjourn *sine die;*

Therefore, *Resolved*, That from and after the 10th day of April next, the *per diem* pay of members shall cease.

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

Mr. Randall demanded the ayes and nays.

Those who voted in the affirmative were—

Mr. Carnes	Mr. McDougal
Field	Moore
Hall	Osgood
Kendrick	Pico
Lind	Wethered
McCorkle	Yeiser—12.

In the negative—

Mr. Bennett	Mr. McCandless
Bodley	Merritt
Bradford	Randall
Brown	Richardson
Campbell	Robinson
Cook	Stearns
Covarrubias	Thorne
Hoff	Speaker—16.

Not agreed to.

On motion of Mr. Field, the resolution was made the order of the day for the 10th of April next.

Mr. Randall offered the following:

Resolved, That the Governor be requested to inform the Assembly whether he has received any communications or petitions from citizens of Yuba County, respecting the neglect of William R. Turner, District Judge of the Eighth Judicial District, to hold the terms of the District Court, required by law to be held in that district; and if he has received any such communication or petitions, to lay the same before the Assembly.

Adopted.

Mr. Moore offered the following:

Resolved, That the Sergeant-at-Arms be directed to furnish, without delay, wood to the Judiciary and Finance Committee rooms.

Adopted.

Mr. Bodley gave notice that he would, on to-morrow, move to amend the Standing Rules.

Mr. Moore moved that the Committee on Public Expenditures be authorized to consider the merits of the claim of Monton and Ravein, and report on same when they report a Bill.

Agreed to.

Mr. Hall, from the Committee on Claims, to whom was referred the petition of James Austin, praying that he be remunerated for Bonds lost by fire, reported the same back, recommending that the petition be referred to Committee on Public Expenditures.

Report adopted.

Mr. Campbell introduced "a Bill concerning Forcible Entries and Unlawful Detainers," which was read first and second times, the Rules being suspended for that purpose, and ordered printed.

Mr. Osgood, on leave, introduced "a Bill in relation to the appointment of Pilots for the Bay and Harbor of Humboldt," which was read first and second times, the Rules being suspended for that purpose, and referred to Committee on Commerce.

Mr. Field presented a petition from the citizens of Marysville, praying that the "Act prescribing the mode of assessing and collecting Public Revenues, passed March 30th, 1850," be so amended as to exempt said city from Taxation on personal property for County purposes, which was referred to Committee on Ways and Means.

A Message from the Senate was received, informing the Assembly that they have passed Concurrent Resolution to adjourn *sine die* on the 10th day of April next.

Senate's Concurrent Resolution to adjourn on the 10th day of April next, was taken up.

Mr. Moore moved to lay the Resolution on the table, and that the same be made the order of the day for the 10th of April.

Mr. Cook demanded the ayes and nays.

Those who voted in the affirmative were—

Mr. Campbell	Mr. Osgood
Carnes	Pico
Field	Randall
Hall	Richardson
Hoff	Robinson
Kendrick	Stearns
Lind	Wethered
McDougal	Yeiser
Merritt	Speaker
Moore	—19.

In the negative—

Mr. Bodley	Mr. Cook
Bradford	Covarrubias
Brown	Thorne—6.

Agreed to.

A Message from the Governor was received informing the Assembly that he did, on the 15th instant, sign "an Act entitled 'an Act to provide for the Translation of the Laws into the Spanish Language;" also, that he did, on the 13th instant, sign a "Joint Resolution requiring the Comptroller to audit the accounts of the State Printer for stated sums."

Mr. Bradford, from the Joint Committee on Enrolled Bills, reported that they have this day presented to the Governor for his signature, "an Act to repeal an Act creating Officers of Health, for the Port of San Francisco, and defining their duties;" also, "Joint Resolution for the purpose of paying the postage expenses of the Legislature;" also, that they have examined and find correctly enrolled, "an Act authorizing the

Governor to call out Troops to defend our Frontier, and providing for their pay and compensation."

On motion of Mr. Bodley, the House resolved itself into Committee of the Whole, Mr. Merritt in the Chair, on "Bill to regulate summary proceedings for the Possession of Real Property;" after some time spent therein, the Committee rose, reported progress, and had leave to sit again.

Mr. Kendrick moved that Messrs. McCorkle and Thorne be added to the Special Committee to whom the petition respecting Judge Turner was referred.

Agreed to.

On motion of Mr. Richardson, the House, took a recess until three o'clock to-day.

THREE O'CLOCK.

House met. Quorum present.

A Message from the Senate was received, informing the Assembly that they have rejected Assembly's Bill, entitled "Joint Resolution in relation to certain cases pending in the District Court of the County of Solano;"

Also, that the Senate have concurred in the amendments of the Assembly to Senate Bill, entitled "an Act to Incorporate the City of Sacramento," and that the Governor has notified the Senate that he has signed Bills entitled "an Act to repeal 'an Act for the better regulation of the Mines, and the government of Foreign Miners;'" and "an Act to License Gaming;"

Also, that they have passed Bills herewith transmitted, entitled "an Act to amend 'an Act concerning the organization of the Militia, approved April 10, 1850,'" and "an Act for the relief of the former Town Council of Stockton;"

Also, that they have passed by the Constitutional majority, "an Act to amend 'an Act concerning Corporations,'" and "an Act to repeal the 174th Section of 'an Act concerning Corporations,'" returned by the Governor, with his objections, and transmitted to the Senate by the Assembly on the 15th inst.

Mr. Randall moved that there be a call of the House.

Agreed to.

The roll was called, and the following members were absent, to wit: Messrs. Campbell, Covarrubias, McDougal, Pico, and Stearns.

Mr. McCorkle moved that further proceedings under the call of the House be suspended.

Not agreed to.

Messrs. Campbell and Stearns made their appearance, and were excused, without paying the usual fee.

On motion of Mr. Hall, further proceedings under a call of the House were suspended.

Senate Bill, entitled "an Act to amend 'an Act concerning the organization of the Militia, approved 10, 1850,'" was read first, second, and third times, the Rules being suspended for that purpose.

Mr. Bodley moved that the Bill be indefinitely postponed.

Mr. Moore demanded the ayes and nays.

Those who voted in the affirmative were—

Mr. Bennett	Mr. McDougal
Bodley	Merritt
Bradford	Moore
Brown	Randall
Campbell	Robinson
Carnes	Thorne
Cook	Wethered
Covarrubias	Yeiser
Field	Speaker
McCandless	—19.

In the negative—

Mr. Hall	Mr. Osgood
Kendrick	Pico
Lind	Stearns
McCorkle	—7.

Agreed to.

Senate Bill, entitled "an Act for the relief of the former Town Council of Stockton," was read first and second times, the Rules being suspended for that purpose, and referred to Committee on Claims.

A Message from the Senate was received, informing the Assembly

that they have passed a substitute for the Joint Resolution of the Assembly, entitled a "Joint Resolution relative to an appropriation by Congress for the relief of Capt. Wm. Waldo and Charles N. Hall," and a "Joint Resolution instructing our Senators, and requesting our Representatives, to procure the passage of a law appropriating funds for the relief of J. J. Petrie;" also, that the President, *pro. tem.*, has signed "Joint Resolution providing for the payment of the Post Office expenses of the Legislature;" and "an Act to repeal 'an Act creating Officers of Health for the Port and Harbor of San Francisco, and defining their duties."

Senate's "Joint Resolution for the relief of Capt. William Waldo, Charles N. Hall, and J. J. Petrie," transmitted to the Assembly as a substitute for Assembly's resolutions, was read and adopted.

Mr. Cook, on leave, introduced a Bill, entitled "an Act to amend 'an Act defining the duties of State Printer, and fixing his compensation,'" which was read first, second, and third times, the Rules being suspended for that purpose, and laid on the table for the present.

Mr. Hall, on leave, introduced a "Joint Resolution in relation to the Public Lands," which was read first and second times, the Rules being suspended for that purpose, and ordered printed.

A Message from the Governor was received, transmitting, in compliance with a resolution of the Assembly passed to-day, petitions of the citizens of Yuba County, and a communication from George Adams Smith, District Attorney of the Ninth Judicial District, respecting the removal of Wm. R. Turner, District Judge of the Eighth Judicial District.

After the Clerk had commenced reading the petition and communication,

On motion, the same were referred to the Select Committee to whom was referred petitions introduced this morning on the same subject.

Mr. Randall moved to adjourn.

Not agreed to.

Mr. McDougal gave notice that he would, on to-morrow, move to amend the Rules, so that the House meet at 9 o'clock, adjourn at 1 o'clock, and convene at 3.

On motion of Mr. Merritt, the House resolved itself into Committee of the Whole, Mr. McDougal in the Chair, on "Bill providing for the incorporation of Mutual Insurance Companies;" after some time spent

therein, the Committee rose, reported the Bill with amendments, and were discharged.

On motion of Mr. Field, the House concurred generally in the amendments made in Committee of the Whole.

On motion of Mr. Field, the Bill was considered as engrossed, and read a third time.

The question then was, "Shall the Bill pass?"

Decided in the affirmative.

On motion of Mr. Field, the title was amended so as to read, "a Bill to provide for the incorporation of Mutual Insurance Companies."

On motion of Mr. Richardson, "Bill to provide for the incorporation of Universities and Colleges," was considered as engrossed, and read a third time.

The question then was, "Shall the Bill pass?"

Decided in the affirmative.

On motion of Mr. Cook, the House took up Bill entitled "an Act to amend 'an Act defining the duties of State Printer, and fixing his compensation.'"

On motion of Mr. Bodley, the Bill was considered as engrossed, and read a third time.

The question then was, "Shall the Bill pass?"

Decided in the affirmative.

FIVE O'CLOCK.

On motion of Mr. Moore, the House adjourned.

HOUSE OF ASSEMBLY.

TUESDAY, *March 18th*, 1851.

House met.

The roll was called, and the following members were absent, to wit: Messrs. Hoff, Kellogg, Lisle, and Randall; on leave, Messrs. Baldwin, Carr, Murphy, Saunders, and Wilkins.

The Journal of yesterday was read and approved.

Mr. Bodley, from the Committee on Engrossed Bills, reported as cor-

rectly engrossed, "an Act concerning Sheriffs;" also, "an Act to amend 'an Act defining the duties of State Printer, and fixing his compensation.'"

Mr. Bodley offered the following:

Resolved, That Doctor White, of Sacramento City, be allowed the use of this Hall on Thursday evening next, for the purpose of delivering a lecture on Education.

Mr. McCandless moved to lay the Resolution on the table.

Mr. Hall demanded the ayes and nays.

Those who voted in the affirmative were—

Mr. Carnes	Mr. Osgood
Cook	Pico
McCandless	Richardson
Merritt	Thorne
Moore	Wethered—10.

In the negative—

Mr. Bennett	Mr. Hoff
Bodley	Kendrick
Bradford	Lind
Brown	McCorkle
Campbell	McDougal
Covarrubias	Stearns
Field	Yeiser
Hall	Speaker—16.

Not agreed to.

Mr. Merritt moved that the Resolution be indefinitely postponed.

Agreed to.

Mr. Bodley offered the following:

Resolved, That hereafter this House shall meet at 9 o'clock, A.M.

Not agreed to.

Mr. Bradford offered the following:

WHEREAS, by the contract of the Pacific Mail Steamship Company, the mails from San Francisco for Panama are dispatched on Sundays, whenever the 1st and 15th of the month falls upon those days; and WHEREAS, such dispatching of the mails on the Sabbath is in violation of the respect with which all good citizens regard the Sabbath, and

also a custom peculiar to California alone, and a great inconvenience to the business community; therefore,

Resolved (the Senate concurring), that our Senators in Congress be instructed, and our Representatives be requested, to urge upon the Post-Master General the propriety of issuing an order, allowing the Pacific Mail Steamship Company to dispatch the mail on Saturday or Monday, whenever the regular days of sailing fall upon the Sabbath.

Resolved, That the Governor be requested to transmit an official copy of the above Resolution to our Senators and Representatives in Congress, and to the Post-Master General.

Mr. Bodley moved to lay the Resolutions on the table.

Mr. Bradford demanded the ayes and nays.

Those who voted in the affirmative were—

Mr. Bennett	Mr. Richardson
Bodley	Robinson
Carnes	Stearns
Covarrubias	Thorne
Hoff	Wethered
McCorkle	Yeiser
Merritt	Speaker
Moore	—15.

In the negative—

Mr. Bradford	Mr. Kendrick
Brown	Lind
Campbell	McCandless
Cook	McDougal
Field	Osgood
Hall	Pico—12.

Agreed to.

Mr. McCandless, on leave given, introduced "a Bill to provide for the collection of a Capitation Tax," which was read first and second times, the Rules being suspended for that purpose, and ordered printed.

Mr. Merritt, agreeably to previous notice, introduced "a Bill to regulate Fees of Office," which was read first and second times, the Rules being supended for that purpose, and ordered printed.

A Message was received from the Senate, informing the Assembly that the Senate have passed a "Joint Resolution" of the Assembly, in relation to establishing Forts on our borders."

Also, that the President, *pro. tem.*, has signed Bill, entitled "an Act authorizing the Governor to call out troops to defend our frontier, and providing for their pay and compensation."

On motion of Mr. Merritt, the House resolved itself into Committee of the Whole, Mr. Merritt in the Chair, on "Bill to regulate summary proceedings for the possession of Real Property." After some time spent therein, the Committee rose, reported the Bill with amendments, and were discharged.

On motion of Mr. Thorne, the House concurred generally in the amendments made in Committee of the Whole.

On motion of Mr. Field, the Bill was considered as engrossed, and read a third time by title.

Mr. Stearns moved that the Bill be indefinitely postponed.

Not agreed to.

The question then was, "Shall the Bill pass?"

Mr. Stearns demanded the ayes and nays.

Those who voted in the affirmative were—

Mr. Bodley	Mr. Moore
Bradford	Osgood
Field	Richardson
Hall	Robinson
Hoff	Thorne
Lind	Wethered
McCandless	Yeiser
McDougal	Speaker—16.

Those who voted in the negative were—

Mr. Brown	Mr. Covarrubias,
Campbell	Merritt
Carnes	Pico
Cook	Stearns—8.

Decided in the affirmative.

Mr. Campbell moved to amend the title, so that it will read "an Act to protect Jumpers on Land."

Mr. Field moved to lay the amendment on the table.
Mr. Campbell demanded the ayes and nays.

Those who voted in the affirmative were—

Mr. Bodley	Mr. Merritt
Bradford	Moore
Brown	Osgood
Field	Robinson
Hall	Thorne
Lind	Wethered
McCandless	Yeiser
McDougal	Speaker—16.

Those who voted in the negative were—

Mr. Brown	Mr. Covarrubias
Campbell	Pico
Carnes	Richardson
Cook	Stearns—8.

Agreed to.

HALF-PAST ONE O'CLOCK.

On motion of Mr. Osgood, the House adjourned.

HOUSE OF ASSEMBLY.

WEDNESDAY, *March* 19, 1851.

House met.

The roll was called, and the following members were absent to wit: Messrs. Covarrubias, Kellogg, Lisle, and Randall; on leave, Messrs. Baldwin, Murphy, Saunders, and Wilkins.

The Journal of yesterday was read and approved.

Mr. Bradford, from the Committee on Commerce, to whom was referred "an Act in relation to the appointment of Pilots for the Bay and Harbor of Humboldt," reported the Bill with amendments, and recommendd the adoption of the amendments.

Report adopted.

On motion of Mr. Osgood, the Bill was considered as engrossed, and read a third time.

The question then was, "Shall the Bill pass?"

Decided in the affirmative.

Mr. Bradford, from the Committee on Enrolled Bills, reported that they have examined and find correctly enrolled, "a Joint Resolution in relation to establishing Forts on our borders."

Mr. Bodley, from the Committee on Engrossed Bills, reported as correctly engrossed, "Bill to provide for the Incorporation of Colleges and Universities;" also, "Bill to provide for the Incorporation of Mutual Insurance Companies."

Mr. Bradford, from the Committee on Public Expenditures, who were instructed to report to this House the amount paid for printing done for this Legislature during the present Session; also, the number of officers employed, and the amount paid to each; also, the number of clerks employed, and to which department they belong, and what amount is paid to each, reported as follows:

The amount audited for printing done for this Legislature, according to information obtained from the Comptroller is $29,869 30½.

The following is a List of the Officers and Clerks of the Senate, with their Compensation.

	PER DAY.
James F. Howe, Secretary,	$28
William B. Olds, Assistant Secretary,	25
Elam Covington, Engrossing Clerk,	22
H. W. Carpentier, Enrolling "	22
Clark Burnham, Sergeant-at-Arms,	22
William B. Stockton, Doorkeeper,	22
O. Pollard, Page,	12
James Branham, do.,	12
Mr. Chapman, Porter,	12
Walter Wheeler, do.	12
Mr. Kendig, Clerk, Judiciary Committee,	20
Mr. Sampson, " Finance "	20
Mr. Smith, " Education, Claims, &c.,	20
	$249

The following is a List of the Officers and Clerks of the Assembly, with their Compensation.

	PER DAY.
George O. McMullin, Clerk,	$24
R. Gaillard, Assistant "	22
Mr. Taylor, Enrolling Clerk,	22
Mr. Hays, Engrossing "	22
Mr. Montgomery, Transcribing Clerk,	16
Mr. Wood, Recording Clerk,	16
Mr. Willison, Copying "	16
Mr. Rothrock, " "	16
Wm. W. Gift, Sergeant-at-Arms,	20
Mr. Austin, Doorkeeper,	18
R. Lambert, Page,	16
Ben. Porter,	10

COMMITTEE CLERKS.

Mr. McAlpin, Ways and Means,	16
Mr. McKinstry, Judiciary,	16
Mr. Williams, Claims,	16
Wm. R. Sherwood, Judiciary (Private),	16
	$282

All of which is respectfully submitted.

On motion of Mr. Cook, the report was laid on the table.

Mr. Kendrick offered the following:

Resolved, That the committee to whom was referred petitions respecting the official conduct of Judge Parsons, and of Judge Turner, are hereby instructed that it is their duty only to inquire whether the charges against these officers are of such a character as to justify, if true, an impeachment; whether there is evidence which, unexplained, would sustain the charge; and that it is not their duty to try the same.

Mr. Bodley demanded the previous question.

The question then was, "Shall the main question be now put?"

Agreed to.

The question then was on adopting the resolution.

Mr. Moore demanded the ayes and nays.

Those who voted in the affirmative were—

Mr. Bodley	Mr. McCorkle
Bradford	McDougal
Brown	Merritt
Campbell	Osgood
Carnes	Pico
Cook	Richardson
Covarrubias	Stearns
Hall	Wethered
Hoff	Yeiser
Kendrick	Speaker
Lind	—21.

In the negative were—

Mr. Bennett	Mr. Moore
Carr	Thorne
McCandless	—5.

Adopted.

Mr. Robinson offered the following:

Resolved, That the Select Committee, to whom was referred the petitions for impeachment, be instructed to inquire into matters of fact, as would be their duty to do as members of a Grand Jury in criminal cases, and report the same to this House on Wednesday next.

Adopted.

Mr. Robinson offered the following:

Resolved, That the Judiciary Committee be instructed to report to this House upon the Senate Bill in relation to the Homestead Exemption, as soon, as practicable.

Adopted.

Mr. Cook offered the following:

Resolved, That a Committte be appointed by this House, whose duty it shall be to inquire into the expediency of reducing the number of Clerks now in the employ of this body, and report on Friday next.

Adopted.

The Speaker appointed on said committee, Messrs. Cook, Bennett, Merritt, Richardson, and McCorkle.

Mr. Moore, on leave, introduced "a Bill for an Act in relation to certain property of the State of California, which was read first and second times, the Rules being suspended for that purpose.

Mr. Carr moved to amend the 1st section by filling up the blank with the word "fifteen."

Agreed to.

Mr. Carr moved to amend the 1st section by filling up the blank in the fourth line with the word "ten."

Agreed to.

Mr. Moore moved to strike out all after the word "day," in the fifth line of section four.

Agreed to.

Mr. Moore offered the following as section five:

"The Superintendent shall provide for attendance upon such of the sick in the Hospital as will be otherwise left destitute."

Agreed to.

On motion of Mr. Moore, the Bill was considered as engrossed, and read a third time.

The question then was, "Shall the Bill pass?"

Decided in the affirmative.

Mr. Moore offered the following:

Resolved (the Senate concurring), That the two Houses of the Legislature will meet in Convention on next, at 12, M., for the purpose of electing a Superintendent of Hospital property.

Mr. Cook moved that the resolution be laid on the table.

Agreed to.

Mr. Lind offered the following:

Resolved, That the committee appointed to investigate the condition of the State Hospital in San Francisco be instructed to report to this House to-morrow.

Not agreed to.

A message from the Senate was received informing the Assembly that the Senate have passed a Bill herewith transmitted, entitled "an Act to amend 'an Act prescribing the mode of Collecting and Assessing the Public Revenues;'"

Also, that the Governor has notified the Senate that he has signed

"an Act to repeal 'an Act creating Offiers of Health for the Port of San Francisco, and defining their duties;'" "an Act authorizing the Governor to call out Troops to defend our frontiers, and providing for their pay and compensation," and "a Joint Resolution for the purpose of paying the Postage expenses of the Legislature;"

Also, that the Senate have passed with amendments 1, 2, 3, 4, 5, 6, 7, 8, 9, and 10, as affixed to the margin of the Bill, entitled "an Act concerning County Recorders."

Senate Bill, entitled "an Act to amend an Act entitled 'an Act prescribing the mode of Assessing and Collecting Public Revenues,'" was read first, second, and third times, the Rules being suspended for that purpose.

The question then was, "Shall the Bill pass?"

Decided in the affirmative.

Assembly Bill, entitled "an Act concerning County Recorders," returned from the Senate with amendments, was taken up, when the House concurred in the 1st, 3d, 4th, 5th, 6th, 7th, 8th, 9th, and 10th amendments; also, in the 2d, with an amendment.

Mr. Bradford, from the Joint Committee on Enrolled Bills, reported as correctly enrolled, "Joint Resolution for the relief of Capt. William Waldo, Charles N. Hall, and J. J. Petrie.

Mr. Hall, on leave, introduced "a Bill to regulate suits at law among Miners," which was read first and second times, the Rules being suspended for that purpose, and ordered printed.

Mr. Carr moved that the Clerk be directed to request the Senate to return Assembly bill, entitled "an Act regulating and prescribing the duties of Pilots for the Bay and Harbor of San Francisco, and for other purposes."

Agreed to.

Mr. Carr gave notice that he would introduce, at the expiration of five days, "a Bill regulating and prescribing the duties of Pilots for the Bay and Harbor of San Francisco, and for other purposes."

On motion of Mr. Campbell, the House resolved itself into Committee of the Whole, Mr. Robinson in the Chair, on "Bill to regulate proceedings in Civil Cases in the Courts of Justice of this State." After some time spent therein, the committee rose for want of a quorum.

Mr. Wethered moved that there be a call of the House.

Agreed to.

The roll was called, and the following members were absent, to wit: Messrs. Bennett, Carr, Hall, Kellogg, Kendrick, Lind, McCandless, McCorkle, McDougal, Merritt, Pico, Randall, and Yeiser.

On motion of Mr. Wethered, the doors were ordered closed, and the Sergeant-at-Arms sent after absentees.

Messrs. Kendrick, Merritt, and Pico, made their appearance.

Mr. Carnes moved that they be excused without paying the usual fee.

Mr. Bradford moved to amend the motion by striking out the word "without" and inserting the word "by."

Not agreed to.

The question then recurred on the motion to excuse them, without paying the usual fee.

Agreed to.

On motion of Mr. Bradford, further proceedings under the call of the House were suspended.

On motion of Mr. Bodley, the House resolved itself into Committee of the Whole, Mr. Robinson in the Chair, on "Bill to regulate proceedings in Civil Cases in the Courts of Justice of this State." After some time spent therein, the Committee rose, reported the Bill with amendments, and had leave to sit again.

Mr. Bodley, from the Committee on Engrossed Bills, reported as correctly engrossed, "an Act in relation to certain property of the State of Callifornia."

On motion of Mr. Bodley, the House resolved itself into Committee of the Whole, Mr. Robinson in the chair, on "Bill to regulate proceedings in Civil Cases in the Courts of Justice of this State." After some time spent therein, the committee rose, reported the bill, and had leave to sit again.

Mr. Moore, on leave, introduced "a Bill to grant License to Hawk and Peddle to Nathaniel McMenifee," which was read first and second times, the Rules being suspended for that purpose, and referred to a Select Commitee, consisting of Messrs. Moore, Robinson, and Merritt.

Mr. Moore declined serving on the committtee to whom was referred the petitions from citizens of Yuba County, praying that the Hon.. Judge Turner should be removed from office, and the Speaker appointed Mr. McDougal to fill said vacancy.

HALF-PAST ONE O'CLOCK.

On motion of Mr. Moore, the House adjourned.

HOUSE OF ASSEMBLY.

THURSDAY, *March* 20th, 1851.

House met.

The roll was called, and the following members were absent, to wit: Messrs. Kellogg, Lisle, Moore, Osgood, and Randall; on leave, Messrs. Baldwin, Murphy, and Saunders.

The Journal of yesterday was read and approved.

On motion of Mr. McCandless, Mr. Moore had leave of absence.

Mr. Osgood presented a memorial from S. W. Brown, and fifty other citizens of Yolo County, "in relation to an accurate analysis of the soil of submerged lands, and an economical Geological Survey of the State," which was referred to a Select Committee, consisting of Messrs. Randall, Murphy, and Hall.

Mr. Bodley presented a petition from Edward Jones, praying that he may be allowed interest on a State Warrant, for certain reasons, which was read and referred to Committee on Claims.

Mr. Hall presented a petition from Citizens of El Dorado C praying the Legislature to enact some law relative to the rights of Miners in certain cases, which was referred to Committee on Corporations.

Mr. Bodley, from the Committee on Engrossed Bills, reported as correctly engrossed, "an Act in relation to the appointment of Pilots for the Bay and Harbor of Humboldt."

Mr. Brown, on leave given, introduced "a Bill providing for the disposition of certain property," wh ch was read first and second times, the Rules being suspended for that purpose, and ordered printed.

Mr. Carr, on leave given, introduced "a Bill to amend the Act entitled 'an Act prescribing the mode of Assessing and Collecting Public Revenue, approved March 30th, 1850,'" which was read first and second times by title, the Rules being suspended for that purpose, and ordered printed.

A message was received from the Senate, informing the Assembly that they have passed Assembly Bill, entitled "an Act to provide for the disposition of certain property of the State of California," with amendments, as contained in the papers herewith transmitted;

Also, that they have concurred in the amendments of the Assembly to Senate's amendment No. 2 of Assembly's Bill, entitled, "an Act concerning County Recorders;"

Also, that they have passed Assembly Bill, entitled "an Act concerning Divorces," with amendments, as affixed to the margin of the Bill, and numbered 1, 2, 3, 4, 5, 6, and 7;

Also, that they have passed Assembly Bill, entitled, "an Act to amend 'an Act defining the duties of State Printer, and fixing his compensation,'" with an amendment, as affixed to the margin of the Bill;

Also, that the President has signed "a Joint Resolution in relation to the establishing of Forts on our borders;"

Also, that they have passed a Bill, herewith transmitted, entitled, "an Act to change the name of the office of County Recorder to that of County Register."

Assembly Bill, entitled "an Act to provide for the disposition of certain property of the State of California," returned from the Senate with amendments, was taken up.

Mr. Robinson moved that the Bill and amendments be made the special order of the day for Monday next.

Mr. Carnes demanded the ayes and nays.

Those who voted in the affirmative were—

Mr. Bradford	Mr. McDougal
Campbell	Richardson
Cook	Robinson
Kendrick	Yeiser
Lind	—9.

In the negative—

Mr. Bennett	Mr. Carnes
Bodley	Covarrubias
Brown	Field
Carr	Hall,

Mr. Hoff	Mr. Stearns
McCandless	Thorne
McCorkle	Wethered
Merritt	Wilkins
Osgood	Speaker
Pico	—19.

Not agreed to.

Mr. Hall moved to make the Bill the order of the day for Saturday next.

Mr. Carnes demanded the ayes and nays.

Those who voted in the affirmative were—

Mr. Bradford	Mr. McDougal
Campbell	Richardson
Hall	Robinson
Kendrick	Yeiser
Lind	Speaker—10.

In the negative—

Mr. Bennett	Mr. McCandless
Bodley	Merritt
Brown	Osgood
Carr	Pico
Carnes	Stearns
Cook	Thorne
Covarrubias	Wethered
Field	Wilkins
Hoff	—17.

Not agreed to.

Mr. Bradford moved to lay the Bill on the table, and that the same be printed with amendments.

Mr. Bradford demanded the ayes and nays.

Those who voted in the affirmative were—

Mr. Bradford	Mr. Campbell
Brown	Cook

Mr. Kendrick	Mr. Robinson
Lind	Yeiser
McDougal	Speaker
Richardson	—11.

In the negative—

Mr. Bennett	Mr. McCorkle
Bodley	Merritt
Carr	Osgood
Carnes	Pico
Covarrubias	Stearns
Field	Thorne
Hall	Wethered
Hoff	Wilkins
McCandless	—17.

Not agreed to.

Mr. Richardson moved that the Senate's amendments to the Bill be printed, and that the same be made the order for Saturday.

Not agreed to.

Senate's first amendment to the Bill was then read.

Mr. Robinson moved to amend the amendment, by inserting after the word "Alcalde," wherever it occurs, the words, "or Justice of the Peace."

Not agreed to.

Mr. Campbell moved to amend the amendment, by striking out the words "sufficient evidence," and inserting the words, "Shall be *prima facie* evidence of title and possession.

Not agreed to.

The question then was on concurring in Senate's first amendment.

Concurred in.

Senate's second amendment was then read.

Mr. Robinson moved to amend the amendment, by striking out the word "memorandum," in the tenth line, and inserting the words, "Record copy of the material portion thereof."

Agreed to.

Mr. Campbell moved to amend, by striking out the word "sufficient,"

in the sixteenth line, and inserting the words, "Shall be *prima facie* evidence of title and possession."

Agreed to.

The question recurred on concurring in Senate's second amendment as amended.

Concurred in.

Mr. Robinson gave notice that he would, on to-morrow, move a reconsideration of the vote by which the House concurred in Senate's amendment to Bill entitled, "an Act to provide for the disposition of certain property of the State of California."

Assembly Bill, entitled "a Bill concerning Divorces," returned from the Senate with amendments, was taken up.

Senate's first and second amendments were read and concurred in.

Mr. Campbell moved to lay the Bill on the table, and make it the order of the day for the 10th of April, and demanded the ayes and nays.

Those who voted in the affirmative were—

Mr. Bradford	Mr. Lind
Campbell	Pico
Carnes	Stearns
Covarrubias	Wilkins—8.

In the negative—

Mr. Bennett	Mr. McCorkle
Bodley	McDougal
Brown	Merritt
Carr	Richardson
Cook	Robinson
Field	Thorne
Hall	Wethered
Hoff	Yeiser
Kendrick	Speaker
McCandless	—19.

Not agreed to.

Senate's third amendment was then read and concurred in.

Senate's fourth amendment was then read.

Mr. Campbell moved to amend the amendment, by striking out the word "three," and inserting the word "ten."

Not agreed to.

Mr. Campbell moved to amend by striking out the word "three," and inserting the word "one."

Not agreed to.

Mr. Campbell moved to amend by striking out the word "three," and inserting the words, "six months."

Not agreed to.

Senate's fourth amendment was then concurred in.

Senate's fifth and sixth amendments were then read and concurred in.

Senate's seventh amendment was then read.

Mr. Campbell moved to amend by inserting the words, "But no divorce shall be granted unless application be made therefor within one month after the cause of divorce shall occur."

Not agreed to.

Senate's seventh amendment was then concurred in.

Mr. Hall moved a reconsideration of the votes by which the House concurred in Senate's amendments.

Mr. Carr moved that the motion to reconsider be indefinitely postponed.

Agreed to.

Mr. Wethered moved a reconsideration of the vote by which the House concurred in Senate's amendments to "Bill to provide for the disposition of certain property of the State of California."

Mr. McCandless moved that the motion to reconsider be indefinitely postponed.

Agreed to.

Mr. Richardson moved that the House do now adjourn.

Not agreed to.

Assembly Bill, entitled "an Act to amend an Act defining the duties of State Printer, and fixing his compensation," returned from the Senate with an amendment, was taken up and amendment concurred in.

Senate Bill, entitled "an Act to change the name of the office of County Recorder to that of County Register," was read first time.

The Speaker laid before the House the following communication from the Secretary of State:

OFFICE OF SECRETARY OF STATE,
SAN JOSÉ, *March* 9, 1851.

HON. JOHN BILGER,

Speaker of the Assembly:

SIR: In compliance with a resolution of the Assembly, adopted on the 3d instant, but communicated to me on the 7th, I have the honor to report that arrangements have been recently made by which it is hoped a distribution of the Laws, Journals, and other documents of the State will now be speedily effected.

This matter has been delayed unavoidably, in conseqnence of the want of the necessary means and facilities requisite to carry it out.

The nature of the contract entered into will more fully appear by reference to the bond and letter of instructions (copies of which are herewith transmitted) of the Contractor employed to make the distribution. I can only say in relation to the amount agreed to be paid him, that it was the least of five or six propositions received, and was accepted accordingly.

The pamphlet edition of the Laws directed to be printed by the last Session of the Legislature, were distributed as promptly and thoroughly as circumstances would admit.

Finding it utterly impracticable to effect their distribution from this point, I prevailed upon the State Printer, General Winchester, to make the distribution from San Francisco. So far as I am advised, the duty voluntarily assumed by him was satisfactorily discharged.

I transmit, also, a statement showing the number of Journals, Debates of the Convention, and Statutes, in English, received, and to be received, distributed, and to be distributed, up to this time.

Those to be distributed, however, are now in the hands of the Agent, who is already engaged in supplying the officers of the several Counties of the State.

I have the honor to be,
Your obedient Servant,
W. VAN VOORHIES,
Secretary of State.

Statement of the Distribution of the Statutes published and received.

The entire English edition, ...	1,050
Distribution in the State, ...	154
" out of the State, ...	130
In the hands of the Agent for the Distribution, . .	766

Statement of the Distribution of the Journals.

Received of the Publisher, ...	130	
In San Francisco, as per statement of Publisher. .	670	800
Distribution out of the State, ...	75	
" in the State, ...	60	135
In San Francisco, for which the Agent for the Distribution has an order from the Publisher, . . .		675

Statement of the Debates in the Convention.

Received of the Publisher, ...	850	
To be received as per bill of lading, . . .	150	1,000
To be Distributed, ...	130	130
Already Distributed, ...	60	870
	70	

For which there is no law to distribute.

Mr. Bradford moved to lay the communication on the table.

Agreed to.

Mr. Cook gave notice that he would, on to-morrow, or some future day of this Session, introduce a "Bill to prevent the exposure of obscene pictures and paintings in public rooms or places;" also, the sale of publications of a similar character.

Mr. Field asked to be excused from serving on the Judiciary Committee.

Agreed to.

On motion of Mr. McCandless, Senate Bill "supplementary to an Act prescribing the amount of compensation and mode of payment to persons who have performed military services for the State of California,

and expenses incurred therein," was taken up, and referred to a Select Committee, consisting of Messrs. Hall, McCandless, and Bodley.

Mr. Hall moved that the House resolve itself into Committee of the Whole, on Bill entitled "an Act concerning Toll Bridges."

Not agreed to.

On motion of Mr. Field, the House resolved itself into Committee of the Whole, Mr. Robinson in the Chair, on "Bill to regulate proceedings in civil cases in the Courts of Justice of this State." After some time spent therein, the committee rose for want of a quorum.

Mr. McCandless moved to adjourn.

Not agreed to.

Mr. Carr moved to dispatch the Sergeant-at-Arms after absentees.

Not agreed to.

On motion of Mr. Bradford, the House adjourned until half past seven o'clock this evening.

HALF PAST SEVEN O'CLOCK.

House met. Quorum present.

Mr. Hall moved to adjourn.

Mr. Cook demanded the ayes and nays.

Those who voted in the affirmative were—

Mr. Bennett	Mr. McCandless
Bodley	McCorkle
Campbell	McDougal
Carr	Merritt
Hall	Moore
Kendrick	Thorne
Lind	Wethered—14.

In the negative—

Mr. Bradford	Mr. Stearns
Carnes	Wilkins
Cook	Yeiser
Field	Speaker—8.

Before the Speaker had announced that the House had adjourned,

Mr. Moore moved a reconsideration of the vote just taken, and demanded the ayes and nays.

Those who voted in the affirmative were—

Mr. Bradford	Mr. Moore
Carnes	Richardson
Cook	Wilkins
Field	Speaker—8.

In the negative—

Mr. Bennett	Mr. McCandless
Bodley	McCorkle
Campbell	McDougal
Carr	Merritt
Hall	Stearns
Hoff	Thorne
Kendrick	Wethered
Lind	Yeiser—16.

Not agreed to.

The House stood adjourned.

HOUSE OF ASSEMBLY.

FRIDAY, *March* 21, 1851.

House met.

The roll was called, and the following members were absent, to wit: Messrs. Kellogg, Lisle, Randall, and Robinson; on leave, Messrs. Baldwin, Murphy, and Saunders.

The Journal of yesterday was read and approved.

On motion, Messrs. Kellogg and Randall had leave of absence.

Mr. Bodley presented a petition from citizens of the State, praying that the Legislature pass Laws prohibiting gambling and other vices, which was read, and referred to Committee on the Judiciary.

Mr. Bodley, from Committee on Engrossed Bills, reported as correctly engrossed, "Bill to regulate summary proceedings for the possession of real property."

Mr. Bradford, from the Joint Committee on Enrolled Bills, reported as correctly enrolled, "an Act concerning Divorces," "an Act to amend 'an Act defining the duties of State Printer, and fixing his compensation;'" "an Act to Incorporate Sacramento City;" "an Act to amend an Act, entitled 'an Act prescrib ng the mode of assessing and collecting the Public Revenues.'"

Mr. Field, agreeably to notice given on yesterday by Mr. Robinson, moved a reconsideration of the vote by which the House concurred in Senate's amendments to Bill, entitled "an Act to provide for the disposition of certain Property of the State of California."

Mr. Carr moved that the motion to reconsider be indefinitely postponed.

Agreed to.

Mr. Bodley gave notice that he would, on to-morrow, move to amend the standing Rules of this House.

On motion of Mr. Richardson, Mr. Robinson had leave of absence.

On motion of Mr. Bodley, the House resolved itself into Committee of the Whole, Mr. Yeiser in the chair, on "Bill to regulate Proceedings in Civil Cases in Courts of Justice in this State;" after some time spent therein, the committee rose, reported progress, and had leave to sit again.

A Message was received from the Senate, informing the Assembly that they have passed a Bill, herewith transmitted, entitled "an Act authorizing the District Attorney of the Seventh Judicial District to enter a *nolle prosequi* in certain cases;"

Also, that the President has signed "a Joint Resolution for the relief of Captain Wm. Waldo, Charles N. Hall, and J. J. Petrie:"

Also, to return, in compliance with the request of the Assembly, Bill entitled "an Act regulating and prescribing the duties of Pilots for the Bay and Harbor of San Francisco, and for other purposes."

Senate Bill, entitled "an Act authorizing the District Attorney of the Seventh Judicial District to enter a *nolle prosequi* in certain cases," was taken up, and read first, second, and third times, the Rules being suspended for that purpose.

The question then was, "Shall the Bill pass?"

Mr. Merritt demanded the ayes and nays.

Those who voted in the affirmative were—

Mr. Bennett	Mr. Lind
Bodley	McCandless
Bradford	McCorkle
Campbell	McDougal
Carr	Moore
Carnes	Osgood
Cook	Pico
Covarrubias	Richardson
Field	Thorne
Hall	Wilkins
Hoff	Speaker
Kendrick	—23.

In the negative—

Mr. Brown	Mr. Wethered
Merritt	Yeiser
Stearns	—5.

Decided in the affirmative.

Mr. Field moved to reconsider the vote just taken.

Mr. Richardson moved that the motion to reconsider be indefinitely postponed.

Agreed to.

Mr. Covarrubias moved that a committee be appointed to designate what Laws as enacted by this Legislature shall first be published in the Spanish language.

Agreed to.

The Speaker appointed as said Committee, Messrs. Covarrubias, Pico, and McCorkle.

On motion of Mr. Hall, the House resolved itself into Committee of the Whole, Mr. Thorne in the chair, on Bill, entitled "an Act concerning Toll Bridges;" after some time spent therein, the committee rose, reported the Bill with amendments, and were discharged.

On motion of Mr. McDougal, the House concurred generally in amendments made in Committee of the Whole.

On motion, the Bill was considered as engrossed, and read a third time.

The question then was, "Shall the Bill pass?"

Decided in the affirmative.

On motion of Mr. Bradford, the Committee of the Whole was discharged from the further consideration of "Bill to regulate Proceedings in Civil Cases in the Courts of Justice of this State."

On motion of Mr. Field, the Bill was referred to a Select Committee, consisting of Messrs. Field, McCorkle, Campbell, Yeiser, Thorne, Hall, Carnes, and Merritt, with instructions to report on Tuesday next.

On motion of Mr. Campbell, "Bill to regulate the Fees of Office," was taken from the table, and made the order of the day for to-morrow.

On motion of Mr. Field, "Bill to protect Settlers on Lands belonging to the United States," was taken up, and made the second order of the day for to-morrow.

Mr. Carr, on leave given, introduced a "Bill to change the name of Elihu Ely, Jr., to Hubbard C. M. Ely," which was read first and second times, the Rules being suspended for that purpose.

On motion of Mr. Richardson, the House resolved itself into Committee of the Whole, Mr. Richardson in the Chair, on "Bill to change the name of Elihu Ely, Jr., to that of Hubbard C. M. Ely." After some time spent therein, the committee rose, and were discharged.

On motion of Mr. Carr, the Bill was considered as engrossed, and read a third time.

The question then was, "Shall the Bill pass?"

Mr. Cook demanded the ayes and nays.

Those who voted in the affirmative were—

Mr. Bennett	Mr. McCorkle
Bradford	Merritt
Brown	Moore
Campbell	Osgood
Carr	Pico
Carnes	Stearns
Covarrubias	Thorne
Field	Wethered
Hoff	Speaker
Kendrick	—19.

In the negative were—
Mr. Cook Mr. Lind—2.

Decided in the affirmative.

ONE O'CLOCK.

On motion of Mr. Carr, the House adjourned.

HOUSE OF ASSEMBLY.

SATURDAY, *March* 22, 1851.

House met.

The roll was called, and the following members were absent, to wit: Messrs. Campbell, Carnes, Lisle, McDougal, Merritt, Pico, and Stearns; on leave, Messrs. Baldwin, Kellogg, Murphy, Randall, Robinson, and Saunders.

The Journal of yesterday was read and approved.

Mr. Wilkins asked and obtained leave of absence for Mr. McDougal.

Mr. Hall, Chairman of the Committee on Claims, to whom was referred the petition of Edward Jones, praying that interest might be allowed him on a State Warrant for services as a Clerk of the last Legislature, reported that the present Treasurer corroborates the statement of the petition that he received compensation in "Warrants" that bear no interest, while the other officers were entitled to and did receive State Bonds. This discrimination was not designed, as such a distinction would have been invidous and unjust, as the reasons that then obtained with the Legislature attaching a rate of interest to State Bonds apply with the same force to the equitable claims of your petitioner. The committee recommend the adoption of the following resolution:

"Joint Resolution for the relief of Edward Jones," was read first and second times, the Rules being suspended for that purpose.

On motion of Mr. Bradford, the resolution was considered as engrossed, and read a third time.

The question then was, "Shall the Bill pass?"

Decided in the affirmative.

Mr. Carr, from Committee of Ways and Means, to whom was referred

Senate Bill for "an Act to amend an Act entitled 'an Act concerning Licenses,'" reported the Bill back with an amendment, and recommended its passage as amended.

On motion of Mr. Richardson, the Bill and amendment were laid on the table for the present.

Mr. Carr, from Committee of Ways and Means, to whom was referred "an Act the better to provide for collecting License for foreign Miners, and to reduce the price of Licenses," reported that it is inexpedient to pass the Bill, and asked to be discharged from its further consideration.

Committee discharged.

Mr. Carr, from Committee of Ways and Means, to whom was referred "a Bill to regulate the issue of State Warrants," reported that they are of opinion that it is inexpedient to pass the Bill, and ask to be discharged from its further consideration.

Committee discharged.

Mr. Carr, from Committee of Ways and Means, to whom was referred a petition from citizens of Marysville, praying that the "Act prescribing the mode of Assessing and Collecting Public Revenue," be so amended as to exempt said city from taxation on personal property for county purposes, reported that the Constitution requires that taxation should be uniform, and your committee are of the opinion that if the prayer of your petitioners be granted, that it will be in violation of the Constitution; they therefore ask to be discharged from the further consideration of the same.

Committee discharged.

Mr. Carr, from the Committee of Ways and Means, to whom was referred Senate Bill, entitled "an Act supplementary to an Act concerning the office of County Treasurers, passed March 27, 1850," reported the same with amendments, and recommended the passage of the Bill as amended.

On motion of Mr. Moore, the Bill and amendments were laid on the table for the present.

Mr. Moore, Chairman of the Judiciary Committee, who were instructed to report a "Bill giving the Surveyor the benefit of lien for his services," report the accompanying Bill, and recommend its passage. Your committee are of the opinion that exemption from the penalties of refusal to execute a survey as provided in the Bill is sufficient pro-

tection, and that it would be impolitic to give a further lien upon the Land.

"Bill for an Act supplementary to an Act, entitled 'an Act prescribing the duties and fixing the compensation of County Surveyors,'" was read first and second times, the Rules being suspended for that purpose.

Mr. Moore, Chairman of the Judiciary Committee, to whom was referred the petition of certain citizens, praying that the Legislature pass laws prohibiting gambling and other vices, reported that the policy proper to be pursued in regard to gambling has been much considered and discussed by the Assembly; and inasmuch as a Bill representing the views of the House has already passed this body, the committee ask leave to be discharged from the further consideration of the subject and of the petition.

Report adopted.

Mr. Moore, Chairman of the Judiciary Committee, to whom was referred Senate Bill, entitled "an Act to amend an Act, entitled 'an Act concerning Crimes and Punishments,'" reported the same back to the House without amendment, and recommended its passage.

On motion of Mr. Field, the Bill was laid on the table for the present.

Mr. Bodley, from the Committee on Engrossed Bills, reported as correctly engrossed, "an Act concerning Toll Bridges;" also, "an Act to change the name of Elihu Ely, Jr., to Hubbard C. M. Ely."

Mr. Merritt, Chairman of Select Committee, who were instructed by the House to inquire into the expediency of reducing the contingent expenses of this House, reported that in their opinion there is much useless and wasteful expenditures of the public funds in the employment of a large number of supernumerary Clerks, and also the renting of committee rooms at large prices, and in view of the fact of the important bills having been printed and acted upon by the committee, and believing that services of the Committee Clerks are no longer required, would most respectfully recommend the adoption of the following Resolution:

Resolved, That from and after to-day all Committee Clerks, with the exception of one for the Judiciary Committee, are hereby discharged, and that the rent of all committee rooms shall be discontinued, except the rent of the room for the Judiciary Committee.

The question then was on adopting the Resolution.

Mr. McCandless demanded the ayes and nays.

Those who voted in the affirmative were—

Mr. Bennett	Mr. McCorkle
Bodley	Merritt
Bradford	Moore
Brown	Stearns
Carr	Thorne
Cook	Wethered
Field	Wilkins
Hall	Yeiser
Kendrick	Speaker
Lind	—19.

In the negative—

Mr. Carnes	Mr. Osgood
Covarrubias	Pico
Hoff	Richardson
McCandless	—7.

Adopted.

Mr. McCandless, from the Committee to whom was referred Senate Bill, entitled "an Act supplementary to an Act prescribing the amount of compensation and mode of payment to persons who have performed military services for the State of California, and expenses incurred therein," reported that the Bill to which this is supplementary does in their opinion afford ample relief to all persons having just claims against the State for military services, and that the passage of the Bill under consideration would open the door for wild and extravagant expenditures of the public money, and would give wide latitude to the designing to impose fraudulent demands against the State. Your committee would therefore recommend the indefinite postponment of the Bill.

The question then recurred on the indefinite postponement of the Bill.

Agreed to.

Mr. Moore, from the Select Committee to whom was referred "an Act granting general License to Hawk and Peddle to Nathaniel M. C. Menifee," respectfully reported:

That the object of the Bill is to relieve the misfortunes of a citizen who is believed to be worthy of public consideration, and who, suffering from the effects of severe wounds received while serving his country in Mexico, is unable to enter the arena of business strife upon an equal footing with his many competitors. Your committee are informed, however, that the individual proposed to be benefited is physically incapacitated for carrying on the business of Hawking and Peddling, and accordingly recommend the indefinite postponement of the Bill—reporting a substitute more in consonance with the wishes and abilities of the recipient of the favor, they earnestly urge its passage.

The substitute was then read first time.

Mr. Bradford moved that the substitute be indefinitely postponed.

Mr. Moore demanded the ayes and nays.

Those who voted in the affirmative were—

Mr. Bennett	Mr. Kendrick
Bodley	Lind
Bradford	McCandless
Brown	McCorkle
Carnes	Merritt
Cook	Pico
Covarrubias	Richardson
Field	Stearns
Hoff	Wilkins—18.

In the negative—

Mr. Carr	Mr. Thorne
Hall	Wethered
Moore	Yeiser
Osgood	Speaker—8.

Agreed to.

Mr. Bodley, agreeably to notice given, moved to amend the 42d standing Rule of this House, by adding the words "a motion for reconsideration being put and lost shall not be renewed, nor shall any subject be a second time reconsidered without unanimous consent."

Agreed to.

Mr. Lind offered the following:

Resolved, That the Committee to whom was referred the subject of the early publication of the Laws of this State, be requested to report to this House.

Adopted.

Mr. Carr, from the Committee of Ways and Means, to whom was referred "Bill to fix the pay of Members of the Legislature," reported a substitute, and recommended its passage.

Substitute was read first time.

Mr. Moore moved that the substitute be indefinitely postponed, and demanded the ayes and nays.

Those who voted in the affirmative were—

Mr. McCandless	Mr. Yeiser
Moore	—3.

Those who voted in the negative were—

Mr. Bennett	Mr. Lindley
Bodley	McCorkle
Bradford	Merritt
Brown	Osgood
Carr	Pico
Carnes	Richardson
Cook	Stearns
Covarrubias	Thorne
Field	Wethered
Hoff	Wilkins
Kendrick	Speaker—22.

Not agreed to.

Mr. Osgood moved to lay the Bill on the table.

Agreed to.

Mr. Bradford, on leave, introduced a "Bill concerning the Salaries of Officers, and Pay of Members of the Legislature," which was read first and second times, the Rules being suspended for that purpose, and ordered printed.

A Message from the Senate was received, informing the Assembly that the President had signed Bills severally entitled, "an Act to amend an Act entitled 'an Act prescribing the mode of assessing and collecting

the Public Revenue;'" "an Act to Incorporate the City of Sacramento;" "an Act to amend 'an Act defining the duties of State Printer, and fixing his compensation;'" "an Act concerning Divorces;" also, that they have concurred in the amendments of the Assembly to the amendments of the Senate to Assembly Bill, entitled "an Act to provide for the disposition of certain Property of the State of California."

I am also directed to transmit to the Assembly, "an Act authorizing the District Attorney of Solano County to enter a *nolle prosequi* in certain cases," with a request that the Assembly will, in consequence of an informality in the previous transmission of the same from the Senate to the Assembly, reconsider, and again pass the Bill.

Senate Bill, entitled "an Act authorizing the District Attorney of Solano County to enter a *nolle prosequi* in certain cases," was taken up, when the House reconsidered the vote by which said Bill was passed.

The question then was, "Shall the Bill pass?"

Decided in the affirmative.

Mr. Thorne moved to reconsider the vote by which the Bill passed.

Mr. Carr moved that the motion to reconsider be indefinitely postponed.

Agreed to.

Mr. Carr moved that "Bill to provide for the Collection of Capitation Tax," be taken from the table.

Agreed to.

On motion of Mr. Carr, the Bill was referred to Committee of Ways and Means.

On motion of Mr. Merritt, the House resolved itself into Committee of the Whole, Mr. Richardson in the Chair, on "Bill to regulate the Fees of Office;" after some time spent therein, the Committee rose, reported the Bill, and were discharged.

On motion of Mr. Campbell, the Bill was recommitted to a Select Committee, with instructions to report on Wednesday next.

The Speaker appointed as said Committee, Messrs. Merritt, Campbell, Carnes, Carr, and Field.

HALF PAST ONE O'CLOCK.

On motion of Mr. Wethered, the House adjourned.

HOUSE OF ASSEMBLY.

MONDAY, *March* 24, 1851.

House met.

The Roll was called, and the following members were absent, to wit: Messrs. Covarrubias, Field, Lisle, McCorkle, Merritt, Osgood, Richardson, Thorne, and Wethered; on leave, Messrs. Baldwin, Kellogg, McDougal, Randall, Robinson, Saunders.

The Journal of Saturday was read and approved.

On motion of Mr. Bodley, Messrs. Osgood and Richardson had leave of absence.

Mr. Campbell presented a petition from certain citizens, praying that laws may be passed for the punishment of certain crimes, which was read, and referred to a Select Committee, consisting of Messrs. Campbell, Cook, and Wilkins.

Mr. Moore, Chairman of the Judiciary Committee, to whom was referred "a Bill to declare the meaning of the third part of Section 1st, of an Act concerning Licenses;" reported the Bill back without amendment, and recommended its passage.

On motion of Mr. Bodley, the Bill was considered as engrossed, and read a third time.

The question then was, "Shall the Bill pass?"

Decided in the affirmative.

Mr. Bodley, from the Committee on Engrossed Bills, reported as correctly engrossed, "a Joint Resolution for the relief of Edward Jones."

Mr. Bradford, from the Joint Committee on Enrolled Bills, reported that they have this day taken to the office of the Governor for his signature, "an Act to amend an Act entitled 'an Act prescribing the mode of assessing and collecting Public Revenue;'" also, "an Act to amend 'an Act concerning the office of State Printer;'" also, "an Act to incorporate Sacramento City;" also, "an Act concerning Divorces;" also, that they have examined, and find correctly enrolled, "an Act authorizing the District Attorney of the Seventh Judicial District to enter a *nolle prosequi* in certain cases;" also, "an Act concerning County Recorder."

Mr. Kendrick offered the following:

Resolved That from and after this day, if any member shall absent himself with or without leave, his per diem pay shall cease during such absence, unless he is commissioned to perform some duty by order of the Assembly, or his absence occasioned by sickness."

Mr. McCorkle demanded the ayes and nays.

Those who voted in the affirmative were—

Mr. Bennett	Mr. Lind
Bradford	McCorkle
Brown	Merritt
Cook	Moore
Field	Murphy
Hall	Wethered
Kendrick	Wilkins
Lisle	Speaker—16.

In the negative—

Mr. Bodley	Mr. McCandless
Campbell	Pico
Carr	Stearns
Carnes	Thorne
Covarrubias	Yeiser
Hoff	—11.

Agreed to.

Mr. Covarrubias offered the following:

Resolved, That the State Translator be requested to report as soon as possible to this House what laws of the last Legislature have been translated and published in the Spanish language.

Adopted.

Mr. Cook, agreeably to previous notice, introduced a "Bill against indecent exhibitions," which was read first and second times, the Rules being suspended for that purpose.

Mr. Wilkins moved that the Bill be considered as engrossed.

Mr. McCandless demanded the ayes and nays.

Those who voted in the affirmative were—

Mr. Bennett	Mr. Hoff
Bradford	Kendrick
Brown	Thorne
Carr	Wilkins
Cook	Yeiser
Field	—11.

In the negative—

Mr. Bodley	Mr. McCorkle
Campbell	Merritt
Carnes	Moore
Covarrubias	Murphy
Hall	Pico
Lisle	Stearns
Lind	Wethered
McCandless	Speaker—16.

Not agreed to.

Mr. Field, on leave given, introduced a "Bill to provide for the holding of a special term of the Supreme Court," which was read first and second times, the Rules being suspended for that purpose.

Mr. Field moved that the Rules be suspended, and that the Bill be read a third time.

Mr. Wilkins demanded the ayes and nays.

Those who voted in the affirmative were—

Mr. Bennett	Mr. Kendrick
Bodley	Lisle
Bradford	Lind
Brown	McCandless
Campbell	McCorkle
Carr	Merritt
Cook	Murphy
Covarrubias	Pico
Field	Stearns
Hall	Wethered
Hoff	Speaker—22.

In the negative—

Mr. Moore	Mr. Wilkins
Thorne	Yeiser—4.

Agreed to.

The Bill was then read a third time.

Mr. Wilkins moved that the Bill be recommitted to a Special Committee, who shall report on Monday next.

Mr. Lind moved to lay the motion to recommit on the table.

Mr. Wilkins demanded the ayes and nays.

Those who voted in the affirmative were—

Mr. Bennett	Mr. Lind
Bodley	McCandless
Bradford	McCorkle
Brown	Merritt
Campbell	Moore
Carr	Murphy
Cook	Stearns
Field	Thorne
Hall	Wethered
Hoff	Yeiser
Kendrick	Speaker
Lisle	—23.

In the negative—

Mr. Covarrubias	Mr. Wilkins
Pico	—3.

Agreed to.

The question then was, "Shall the Bill pass?"

Mr. Wilkins demanded the ayes and nays.

Those who voted in the affirmative were—

Mr. Bennett	Mr. Carr
Bodley	Cook
Bradford	Covarrubias
Brown	Field
Campbell	Hall

Mr. Hoff	Mr. Murphy
Kendrick	Pico
Lisle	Stearns
Lind	Thorne
McCandless	Wethered
McCorkle	Speaker
Merritt	—23.

In the negative—

Mr. Moore	Mr. Yeiser
Wilkins	—3.

Decided in the affirmative.

Mr. Field, on leave, introduced a "Bill to amend the second, third, and seventh Sections of the "Act entitled 'an Act concerning Notaries Public, passed March 27th, 1850,'" which was read first and second time, the Rules being suspended for that purpose.

On motion of Mr. Wilkins, the Rules were suspended, the Bill considered as engrossed, and read a third time.

The question then was, "Shall the Bill pass?"

Decided in the affirmative.

Mr. Thorne, on leave given, introduced a "Bill to provide for the Punishment of Embezzlement of the Public Moneys," which was read first and second times, the Rules being suspended for that purpose, and ordered printed.

Mr. Wilkins moved that the vote by which the Rules were suspended, the Bill read a second time, and ordered printed, be reconsidered.

Agreed to.

Mr. Wilkins moved that the Rules be suspended, and the Bill read a second time.

Agreed to.

On motion of Mr. Wilkins, the Rules were suspended, the Bill considered as engrossed, and read a third time.

The question then was, "Shall the Bill pass?"

Decided in the affirmative.

Mr. Hoff, on leave given, introduced a "Bill to provide for the Public Printing by contract," which was read first and second times, the Rules being suspended for that purpose, and ordered printed.

Mr. Bodley, on leave given, introduced a "Bill to amend the one hundred and thirty-second Section of the "Act entitled 'an Act to regulate the settlement of the estates of deceased persons, passed April 27th, 1850," which was read first and second times, the Rules being suspended for that purpose.

On motion of Mr. Wilkins, the Rules were suspended, the Bill considered as engrossed, and read a third time.

The question then was, "Shall the Bill pass?"

Decided in the affirmative.

Mr. McCandless gave notice that he would, on to-morrow or some future day, introduced a "Bill to repeal the Act entitled 'an Act concerning Divorces, passed March 21, 1851.'"

Mr. Carr offered the following:

Resolved, That from and after this date, the House shall hold morning and afternoon sessions, to commence at ten in the morning, adjourn at half past one, and meet at half past three o'clock.

Adopted.

Mr. Hall, on leave given, introduced "an Act to prevent the collection of certain debts," which was read first and second times, the Rules being suspended for that purpose.

On motion of Mr. Lind, the House resolved itself into Committee of the Whole, Mr. Lind in the chair, on "Bill to authorize the issue and sale of Land Warrants in this State." After some time spent therein, the committee rose, reported progress, and had leave to sit again.

Mr. Moore moved to adjourn.

Mr. Cook moved to take a recess until half past three o'clock.

QUARTER PAST ONE O'CLOCK.

The question recurred on the motion to adjourn.

Agreed to.

House stood adjourned.

HOUSE OF ASSEMBLY.

TUESDAY, *March* 25, 1851.

House met.

The roll was called, and the following members were absent, to wit: Messrs. Covarrubias, Pico, and Wethered; on leave, Messrs. Kellogg, McDougal, Osgood, Richardson, Robinson, and Saunders.

The Journal of yesterday was read and approved.

Mr. Campbell asked and obtained leave of absence for Mr. Pico.

Mr. Randall presented a petition from P. B. Cornwall, and a hundred and eighty other citizens of Sacramento City, praying for the passage of a law for the geological survey of the State, which was referred to a Select Committee, consisting of Messrs. Randall, Murphy, and Hall.

Mr. Hall, Chairman of Committee on Claims, to whom was referred the petition of Miles K. Crenshaw, praying that the State pay him for services, reported that they are of the opinion that the services for which compensation is asked were not required by the State, were voluntarily rendered, and are such as not to merit the serious consideration of the Legislature; they therefore recommend the rejection of the prayer of the petitioner, and ask to be discharged from its further consideration.

Report adopted.

Mr. Bodley, from the Committee on Engrossed Bills, reported as correctly engrossed, Bills severally entitled "an Act to amend the one hundred and thirty-second Section of the Act, entitled, 'an Act to regulate the settlement of the estates of deceased persons, passed April 27th, 1850;'" "an Act to amend the 2d, 3d, and 7th Sections of the Act entitled 'an Act concerning Notaries Public, passed March 27th, 1850;'" "an Act to declare the meaning of the third part of Section 1st of 'an Act concerning Licenses;'" "an Act to provide for the holding of a Special Term of the Supreme Court;" "an Act to provide for the punishment of embezzlement of the public moneys, and other purposes."

Mr. Bradford, from the Joint Committee on Enrolled Bills, reported as correctly enrolled, "an Act to provide for the disposition of certain Property of the State of California."

Mr. Carr offered the following:

Resolved, That the Secretary of State be requested to transmit to this House what has been done during the past year in relation to fixing the standard of weights and measures, the reports of what counties, in relation to this matter, have been sent to him, and any other information connected therewith in his possession.

Adopted.

Mr. Hall gave notice that he would, on to-morrow, introduce a "Bill amendatory of 'an Act to regulate the fees of office, passed April 29, 1850,'" so as to make the fees of the Probate Court contribute to pay the salary of the County Judge.

Mr. Hall moved that the 38th Standing Rule of this House be suspended, in order to permit him to introduce a Bill for the relief of N. McMenifee.

On this motion, Mr. Hall demanded the ayes and nays.

Those who voted in the affirmative were—

Mr. Bennett	Mr. McCorkle
Hall	Moore
Hoff	Wethered
Kendrick	Wilkins
Lisle	Yeiser
Lind	Speaker—12.

In the negative—

Mr. Baldwin	Mr. Field
Bodley	McCandless
Bradford	Merritt
Carr	Murphy
Carnes	Randall
Cook	Stearns
Covarrubias	Thorne—14.

Not agreed to.

Mr. Stearns, on leave, introduced a "Bill supplementary to an Act, entitled 'an Act to Incorporate the City of Los Angeles, passed April 4, 1850," which was read first and second times, the Rules being suspended for that purpose, and referred to Committee on Corporations.

Mr. Wilkins gave notice that he would, on to-morrow or some future

day, introduce a "Bill to secure occupants of lands their rights in this State, and for other purposes."

Mr. Carr, on leave given, introduced a "Bill to repeal an Act, entitled 'an Act to provide for the inspection of Steamboats,'" which was read first and second times, the Rules being suspended for that purpose.

On motion of Mr. Carr, the Bill was considered as engrossed, the Rules suspended, and the Bill read a third time.

The question then was, "Shall the Bill pass?"

Decided in the affirmative.

Mr. Carr moved that the vote by which the Bill was passed be reconsidered.

Mr. Lind moved that the motion to reconsider be indefinitely postponed.

Agreed to.

Mr. Brown, on leave given, introduced "a Bill for an Act supplementary to 'an Act concerning Marks and Brands, passed April 12, 1850,'" which was read first and second times, the Rules being suspended for that purpose.

Mr. Wethered moved a call of the House.

Agreed to.

The roll was called, and the following members were absent, to wit: Messrs. Baldwin, Bennett, Covarrubias, Hall, McCandless, and Wilkins.

On motion of Mr. Bodley, further proceedings under a call of the House were suspended.

On motion of Mr. Brown, "Bill for an Act supplementary to 'an Act concerning Marks and Brands, passed April 12, 1850,'" was referred to a Select Committee, consisting of Messrs. Brown, Lisle, Stearns, Carnes, and Bodley.

Mr. Carr, on leave given, introduced "an Act to authorize the Funding of the Floating Debt of the City of San Francisco, and to provide for the payment of the same," which was read first and second times, the Rules being suspended for that purpose, and referred to a Committee consisting of the members from San Francisco.

A Message from the Senate was received, informing the Assembly that the President had signed Bills entitled, "an Act concerning County Recorders;" "an Act authorizing the District Attorney of the Seventh Judicial District to enter a *nolle prosequi* in certain cases;"

Also, that they have passed Assembly Bills entitled, "an Act to change

the name of Elihu Ely, Jr., to that of Hubbard C. M. Ely ;" "an Act to extend the time for County Treasurers to make their returns," with an amendment as affixed to the margin of the Bill ;

Also, a Bill entitled "an Act concerning the office of Public Administrator, and making it elective ;" "an Act concerning Redemptions ;" "an Act prescribing the amount of compensation and mode of payment to persons performing military service for the State of California, and for paying the expenses of Indian Wars ;" which are herewith transmitted for the action of the Assembly.

Senate "Bill prescribing the amount of compensation and mode of payment to persons performing military services for the State of California, and for paying the expenses of Indian Wars," was read first time.

Mr. Kendrick moved that the Bill be rejected.

Not agreed to.

Mr. Carr moved that the Rules be suspended, that the Bill be read a second time, and referred to the Committee on Military Affairs, with instructions to report to-morrow.

Mr. Hall moved to amend said motion, by referring the bill to a Select Committee, with instructions to report on to-morrow ; also, to exempt El Dorado County from the provisions of the Bill.

The question recurred on the amendment.

Agreed to.

The Speaker appointed as said committee, Messrs. Hall, McCorkle, and Baldwin.

Bill entitled, "an Act to extend the time for County Treasurers to make their returns," returned from the Senate with an amendment, was taken up, when the House concurred in said amendment.

Senate Bill, entitled "an Act concerning the office of Public Administrator, and making it elective," was taken up, and read first and second times, the Rules being suspended for that purpose, and referred to Select Committee, consisting of Messrs. Bodley, Murphy, Field, Randall, and Wethered.

Senate Bill, entitled "an Act concerning Redemptions," was read first and second times, the Rules being suspended for that purpose, and referred to a Select Committee, consisting of Messrs. Wethered, Stearns, Lisle, Brown, and Kendrick.

Mr. Baldwin, from Committee on Military Affairs, to whom was referred Message from the Governor and accompanying documents,

"relative to the Colorado Expedition," reported the same back without action, and asked to be discharged from the further consideration of the subject.

Committee discharged.

Mr. Baldwin presented an account from Miles K. Crenshaw, for services of horses, in the Gila Expedition, which was referred to Committee on Claims.

Mr. Bodley, from Committee on Engrossed Bills, reported as correctly engrossed, "an Act to repeal 'an Act for the Inspection of Steamboats.'"

On motion of Mr. Bodley, the House resolved itself into Committee of the Whole, Mr. Bodley in the chair, on "Bill providing for the Disposition of certain Property;" after some time spent therein, the committee rose, reported progress, and were discharged.

On motion of Mr. Carr, the Bill was considered as engrossed, and read a third time.

The question then was, "Shall the Bill pass?"

Decided in the affirmative.

On motion of Mr. Murphy, "Bill to authorize the Issue of Land Warrants in this State," was taken up, and made the order of the day for Saturday next.

On motion of Mr. Lisle, the House resolved itself into Committee of the Whole, Mr. Bennett in the chair, on Senate "Bill for an Act to amend an Act entitled 'an Act concerning Crimes and Punishments;" after some time spent therein, the committee rose, and were discharged.

The Bill was then read a third time.

The question then was, "Shall the Bill pass?"

Decided in the affirmative.

On motion of Mr. Carnes, the House resolved itself into Committee of the Whole, Mr. Stearns in the chair, on "Bill concerning Lawful Fences, and Animals Trespassing on Premises Lawfully Enclosed;" after some time spent therein, the committee rose, reported a substitute for the same, and were discharged.

The question then was on ordering the substitute to be engrossed.

On motion of Mr. Bodley, the Bill was considered as engrossed, and read a third time.

The question then was, "Shall the Bill pass?"

Decided in the affirmative.

On motion of Mr. Carr, the House resolved itself into Committee of the Whole, Mr. Carnes in the chair, on "Bill to amend the Act entitled 'an Act prescribing the mode of Assessing and Collecting Public Revenue, approved March 30, 1850;'" after some time spent therein, the committee rose, and were discharged.

Mr. Murphy moved that the Bill be referred to the Judiciary Committee, with instructions to report on Saturday next.

Mr. Campbell moved to amend said motion, by referring to a Select Committee.

The question recurred on the amendment.

Not agreed to.

The question then was on referring the Bill to the Judiciary Committee, with said instructions.

Agreed to.

Mr. Baldwin, from Commissioners appointed to mark and lay off the tracts of land proposed to be donated to the State by M. G. Vallejo, reported as follows:

TO THE HONORABLE SENATE AND ASSEMBLY
OF THE STATE OF CALIFORNIA:

The undersigned, Commissioners appointed by your respective bodies to meet the two named by Gen. M. G. Vallejo, for the purpose of selecting the several plots of ground proposed to be donated by him to the State, as set forth in his memorial on the third day of April, 1850, having performed that duty, beg leave respectfully to report:

That, in pursuance of your resolution assigning said duty to them, they repaired to the city of Vallejo; and, after diligent examination for several days, they *unanimously* made selection of the several public grounds for State purposes.

The undersigned deemed it best to place the Capitol, Governor's House, together with the University, and several other institutions, on the elevated hill immediately upon the secure and commodious harbor of Napa Bay, and from which points the whole of Sonoma and Pablo Bays, from the Twin Sisters into the Straits of Carquinez, may be seen; and from Capitol Hill, of a clear day, may be seen the city and shipping of San Francisco; distance about twenty miles. From this point also may be seen, to the northward, the rich and beautiful valleys

of Suscol, Napa, and Sonoma; those of Petaluma and San Rafael, to the west, and immediately in front; while on the south are the picturesque shores of Contra Costa, and the valley of San Pablo, and the Peak of Mount Diablo; and in the rear is the range of Suscol mountains, from which flows an abundance of good water, which is discharged into Napa Bay. As a commanding position, with fine building materials, and one of the best harbors in the world, with a neighborhood of unsurpassed fertility, your Commissioners believe that a better location could not be made.

To the northward of Capitol Hill is one still more elevated, with all the commanding advantages of the former, and which your Commissioners have selected as the site for the State University. Your Commissioners would remark, that it has been a question whether a situation more secluded would not be best for the education of youth; but they believe that modern experience teaches the contrary, that observation goes hand in hand with the rudiments, and that a youth during his collegiate course would gain more information from the legislative debates than from the ablest professorship.

The site selected for the Governor's House is situated between Capitol and University Hills, on an elevation of rare beauty, and nearly opposite where it is believed that the United States Navy Yard and Sectional Dock will be built.

The site selected as the Lunatic Asylum is near the junction of Napa Bay and the Straits of Carquinez. It will have a front of about seven hundred feet upon the two bays of Napa and Pablo, and the Straits, and will extend back into a beautiful valley, with the advantages of level grounds and seclusion, so that this unfortunate class of mankind may have the advantages of the stir from the great highway, or rural quiet, as the medical faculty may prescribe.

The site selected for the Deaf and Dumb Asylum, though not immediately upon the Bay, is sufficiently elevated to give this unfortunate portion of our fellow beings a good view of the shipping and city.

The Asylum for the Blind is selected in the valley near the Capitol; and that for the Orphan Asylum is about one mile distant, upon a beautiful hill with a valley and running water through it.

The Male and Female Hospitals your Commissioners thought it best

to place on the northeast corner of the city, and the nearest point to the mineral springs of Suscol, which are believed to possess excellent medicinal qualities.

The four squares of two acres each for common schools have been located in different portions of the city, for the convenience of the citizens.

Your Commissioners, believing that the offices of the Treasurer, Comptroller, Secretary of State, Surveyor General, and Attorney General, with the Translator's office and the State Library, should be in the Capitol grounds, have, therefore, added the six acres proposed to be given for these buildings to the four acres for a Botanical Garden, so that a plot of ten acres has been selected near the Capitol, with a brook of running water through it.

The site for the Penitentiary has been selected on Napa Bay, and the nearest prominent hill to the Straits of Carquines. This situation was selected for the reasons, that excellent building materials are on the spot; that it is near deep water, and would afford easy means of receiving and transferring heavy materials; and last, though not least, that its formidable walls, immediately on the great highway to our inexhaustible gold mines, will stand as a warning to the shiploads of rascals congregating hither from the penal colonies of other nations.

Herewith your Commissioners take pleasure in presenting to the Legislature several specimens of freestone, of superior quality for building, and which abounds in great abundance in Vallejo; besides which, they have found extensive quarries of a hard stone, to be used for basements and prison walls. There are also within a few miles large quarries of limestone of good quality.

THOMAS J. GREEN,
Commissioner of Senate.
D. P. BALDWIN,
R. T. SAUNDERS,
Commissioners of Assembly.

On motion of Mr. Lind, the report was laid on the table, and ordered printed.

HALF PAST TWELVE O'CLOCK.

On motion of Mr. Wilkins, the House adjourned.

HALF PAST THREE O'CLOCK.

House met.

Quorum present.

Mr. Thorne, on leave given, introduced a "Bill to ratify and confirm an ordinance passed by the City of San Francisco, on the 18th day of November, 1850, authorizing the Building of a Plank Road to the Mission of Dolores," which was read first and second times, the Rules being suspended for that purpose.

On motion of Mr. Baldwin, the Rules were suspended, Bill was considered as engrossed, and read a third time.

The question then was, "Shall the Bill pass?"

Mr. Bradford demanded the ayes and nays.

Those who voted in the affirmative were—

Mr. Baldwin	Mr. McCandless
Bennett	Merritt
Brown	Moore
Campbell	Murphy
Carr	Stearns
Carnes	Thorne
Cook	Wethered
Field	Yeiser
Hall	Speaker
Lind	—19.

In the negative—

Mr. Bodley	Mr. Kendrick
Bradford	Lisle—4.

Decided in the affirmative.

Mr. Carnes moved a reconsideration of the vote by which the House passed Senate Bill, entitled "an Act to amend an Act, entitled 'an Act concerning Crimes and Punishments.'"

Mr. Merritt demanded the ayes and nays.

Those who voted in the affirmative were—

Mr. Bradford	Mr. Carr
Campbell	Field

Mr. Hall	Mr. Stearns
Hoff	Thorne
Randall	—9.

In the negative—

Mr. Baldwin	Mr. McCandless
Bennett	Merritt
Bodley	Moore
Bradford	Murphy
Carr	Richardson
Cook	Wethered
Kendrick	Yeiser
Lisle	Speaker
Lind	—17.

Not agreed to.

Mr. Lisle moved a reconsideration of the vote by which the House adopted a Resolution, depriving members of their per diem pay when absent.

Agreed to.

The question then recurred on adopting the Resolution, when, on motion of Mr. Richardson, the Resolution was indefinitely postponed.

QUARTER BEFORE FIVE O'CLOCK.

On motion of Mr. McCandless, the House adjourned.

HOUSE OF ASSEMBLY.

WEDNESDAY, *March 26th*, 1851.

House met.

The roll was called, and the following members were absent, to wit Messrs. Bennett, Murphy, and Richardson; on leave, Messrs. Kellogg McDougal, Pico, Osgood, Robinson, and Saunders.

The Journal of yesterday was read and approved.

Mr. Hoff, Chairman of Committee on Corporations, to whom was referred a memorial from Citizens of El Dorado County, in relation to

Mining, reported that a Bill to regulate Suits at Law among Miners is now before the Legislature, which fully meets the prayer of the petitioners, and your committee ask to be discharged from further consideration of the subject.

Report adopted.

Mr. Moore, Chairman of the Judiciary Committee, to whom was referred the petition of certain Citizens of Santa Cruz County, praying that an Act may be passed giving to each county the right to license or not license the sale of intoxicating liquors, reported that a general law is extant providing for the licensing of all businesses, and that independent of the question as to the constitutionality of such a law as is prayed for, your committee are of opinion that it is inexpedient at this time for the House to take any action in regard to the subject matter of this petition; they therefore report the same back, and ask to be discharged from its further consideration.

Report adopted.

Mr. Bodley, from the Committee on Engrossed Bills, reported as correctly engrossed, "an Act providing for the disposition of Certain Property."

Mr. Bradford, from the Joint Committee on Enrolled Bills, reported that they have examined and find correctly enrolled, "an Act to extend the time for County Treasurers to make their returns;" also, "an Act to change the name of Elihu Ely, Jr., to Hubbard C. M. Ely."

Mr. Merritt, Chairman of the Select Committee to whom was referred "a Bill to regulate Fees of Officers," reported that they were unable to agree, and ask to be discharged from the further consideration of the Bill.

Committee dicharged.

On motion of Mr. McCandless, the Bill was recommitted to a Select Committee, consisting of Messrs. McCandless, Stearns, Thorne, McCorkle, and Baldwin.

Mr. Hall, from the Select Committee to whom was referred the Senate Bill, entitled "an Act prescribing the amount of compensation and mode of payment to persons who had performed Military Services for the State of California, and for paying expenses of Indian Wars," with instructions to amend the same, reported the Bill amended, and recommended its passage.

The question recurred on the amendment proposed by the Committee.

Agreed to.

Mr. Bodley moved to amend the amendment, by inserting after the words "William Rogers," the words "and William Foster."

Agreed to.

The Bill was then read a third time.

The question then was, "Shall the Bill pass?"

Mr. Wilkins demanded the ayes and nays.

Those who voted in the affirmative were—

Mr. Bennett	Mr. Lisle
Bradford	Randall
Brown	Stearns
Carr	Thorne
Carnes	Wethered
Cook	—11.

Those who voted in the negative were—

Mr. Bodley	Mr. McCorkle
Campbell	Merritt
Covarrubias	Moore
Field	Murphy
Hall	Wilkins
Hoff	Yeiser
Kendrick	Speaker
Lisle	—15.

Not agreed to.

Mr. Wethered, from the Select Committee to whom was referred Senate Bill, entitled "an Act concerning the Office of Public Administrator, and making it elective," reported that they have amended the Bill according to instructions, and recommended its passage as amended.

The question recurred on concurring in the amendment made by committee.

Concurred in.

Mr. Campbell moved to amend the Second Section, by striking out the word "ten," and inserting the word "thirty."

Agreed to.

Mr. Lisle moved to strike out the word "District Judge," and insert the words "County Judge."

Not agreed to.

The Bill was then read a third time.

Mr. Thorne moved to amend the last Section, by adding the words, "except in the County of San Francisco, when the said election shall be held on the 4th Monday of April."

Agreed to.

The question then was, "Shall the Bill pass?"

Decided in the affirmative.

Mr. Bodley presented a petition from citizens of Santa Clara, praying that the Legislature pass Laws prohibiting certain crimes, which was referred to a Select Committee, consisting of Messrs. Campbell, Wilkins, and Cook.

Mr. Hoff, Chairman of the Committee to whom was referred the memorial of Wm. Walker, praying that the Hon. Levi Parsons, Judge of the Fourth Judicial District, may be impeached, submitted a report.

Mr. Baldwin moved that the report and papers, together with any statement which may have been made by Judge Parsons, be printed, and that the same be made the order of the day for Wednesday next.

Agreed to.

Mr. Campbell asked and obtained further time to make a report in the case of Judge Turner.

Mr. Moore offered the following:

Resolved, That in the event of Judge Turner requiring witnesses in the trial of impeachment against him, the Sergeant-at-Arms shall be and is hereby required to summon such witnesses.

Mr. Murphy offered the following as a substitute for said Resolution:

Resolved, That the committee appointed to examine the charges made against Judge Turner shall, at his request, dispatch the Sergeant-at-Arms for such witnesses as he may require to rebut said charges. And such witnesses shall be admitted and heard by the committee, and their evidence reported to this House; and the committee shall report all the evidence on the first Monday of April next.

Mr. Field offered the following as a substitute for both of said Resolutions:

Resolved, That the Assembly will hear the evidence of the charges

made by the citizens of Yuba County against Judge Wm. K. Turner on the first Monday of April next, and will continue the investigation of such charges from day to day until the whole matter is disposed of.

Mr. Lind demanded the previous question.

The question then was, "Shall the main question be now put?"

Agreed to.

The question then recurred on adopting the substitute as proposed by Mr. Field.

Not agreed to.

The question then recurred on adopting the substitute for the original Resolution.

Mr. Lisle moved a reconsideration of the vote by which the House agreed that the main question be now put.

Agreed to.

The question then was, "Shall the main question be now put?"

Not agreed to.

Mr. McCandless demanded the previous question.

The question then was, "Shall the main question be now put?"

Agreed to.

The question then recurred on adopting the substitute for the original Resolution.

Agreed to.

Mr. Bradford, from the Committee on Enrolled Bills, reported that they have this day presented to the Governor for his signature, "an Act to provide for the disposition of certain property belonging to the State."

Mr. Carr moved a reconsideration of the vote by which the House laid on the table and ordered printed the report of the committee relative to the impeachment of the Hon. Judge Parsons.

Agreed to.

On motion of Mr. Carr, the Report was recommitted to said committee.

Mr. Carr offered the following:

Resolved, That the committee appointed to examine the charges made against Judge Parsons be instructed to notify Judge Parsons of such charges, and request his attendance before said committee on Monday next, with such witnesses as he may think proper to bring with him;

and that said committee be instructed to take in writing all evidence proposed by Judge Parsons and his witnesses, and report the same back to this House on Wednesday next.

Adopted.

Mr. Carr moved that Messrs. Baldwin and Murphy be added to the committee to whom was referred the memorial of Wm. Walker praying that Judge Parsons be impeached.

Agreed to.

Mr. Moore moved that Messrs. Carr and Lisle be added to the committee to whom was referred the petition from Yuba County, praying that Judge Turner be impeached.

Agreed to.

A message from the Governor was received informing the Assembly that he has, this day, signed the following Bills, "an Act to amend 'an Act defining the duties of State Printer and fixing his compensation, approved March 9, 1850;'" and "an Act concerning Divorces;" also, "a Joint Resolution in relation to establishing Forts on our borders."

Mr. Wilkins moved to reconsider the vote by which Messrs. Baldwin and Murphy were added to the committee to whom was referred the memorial of Mr. Walker praying that Judge Parsons be impeached.

Not agreed to.

Mr. Murphy asked to be excused from serving on said Committee.

Agreed to.

Mr. Baldwin presented a petition from citizens of Tuolumne County, praying that the office of Recorder and County Clerk be not blended together, which was referred to the members from Tuolumne County.

Mr. Baldwin, on leave given, introduced "a Bill amendatory of an Act entitled 'an Act concerning County Recorders,'" which was read first and second times, the Rules being suspended for that purpose, and referred to a Select Committee consisting of the members from Tuolumne County.

TWENTY-FIVE MINUTES AFTER ONE O'CLOCK.

On motion of Mr. Merritt, the House adjourned.

HALF PAST THREE O'CLOCK.

House met.

No quorum present.

Mr. Bradford moved a call of the House.

Agreed to.

The roll was called, and the following members were absent, to wit: Messrs. Bodley, Brown, Campbell, Carnes, Covarrubias, Field, Hoff, Merritt, Randall, Stearns, Wilkins, and Yeiser.

On motion of Mr. Cook, the doors were closed, and the Sergeant-at-Arms sent after absentees.

Messrs. Brown, Bodley, Field, and Randall, made their appearance, and were excused without the payment of the usual fee.

On motion of Mr. Cook, further proceedings under the call of the House were suspended.

Mr. Wethered, Chairman of Select Committee, to whom was referred Senate "Bill concerning Redemptions," reported the same back with an amendment, and recommended its passage.

The question then recurred on the amendment.

Agreed to.

The Bill was then ordered to be read a third time.

Mr Moore moved that the Bill be referred to a Select Committee, with instructions to strike out the words "two and a half per cent. per month," and insert the words "five per cent. per month."

Not agreed to.

Mr. Lisle moved that the House reconsider the vote by which the House refused to refer the Bill to a Select Committee with instructions.

Not agreed to.

Mr. Lisle moved that the House reconsider the vote by which the House concurred in the amendment proposed by the Select Committee.

Not agreed to.

On motion of Mr. Bigler, the House reconsidered the vote by which the Bill was ordered to be read a third time.

On motion of Mr. Moore, the Bill was recommitted to a Select Committee, consisting of Messrs. Moore, Wethered, Hall, Bodley, and Lisle, with general instructions.

MR. BRADFORD in the Chair.

Mr. Bigler presented a petition from John G. Aldmondinger, Jr., praying that his name may be changed, which was read and laid on the table.

Mr. Bigler, on leave, introduced "a Bill to change the name of John

G. Aldmondinger, Jr., to John G. Almond," which was read first and second times, the Rules being suspended for that purpose.

On motion of Mr. Moore, the House resolved itself into Committee of the Whole, Mr. Cook in the Chair, on "Bill to change the name of John G. Aldmondinger, Jr., to John G. Almond." After some time spent therein the committee rose, and were discharged.

On motion of Mr. Bodley, the Rules were suspended, the Bill considered as engrossed, and read a third time.

The question then was, "Shall the Bill pass?"

Decided in the affirmative.

A Message from the Senate was received, informing the Assembly that they have passed Assembly Bills, entitled "an Act for the relief of the Mayor and City Council of the City of San José;" "an Act to provide for the holding of a Special Term of the Supreme Court;"

Also, that the President has signed "an Act to provide for the disposition of certain property of the State of California;"

Also, that they have adopted the Report of the Commissioners appointed by the Legislature to locate the several plots of ground proposed to be donated to the State by M. G. Vallejo, as set forth in his memorial of April 3, 1850.

On motion of Mr. Wilkins, the House took up the report of the Commissioners appointed by the Legislature to locate the Land proposed to be donated to the State by M. G. Vallejo.

Agreed to.

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

On motion of Mr. Field, the House resolved itself into Committee of the Whole, Mr. Lind in the Chair, on "Bill to protect settlers on land belonging to the United States;" after some time spent therein, the Committee rose for want of a quorum.

FIVE O'CLOCK.

On motion of Mr. Bodley, the House adjourned.

HOUSE OF ASSEMBLY.

THURSDAY, *March* 27, 1851.

House met.

The roll was called, and the following members were absent, to wit: Messrs. Bodley, Campbell, McCorkle, Murphy, Richardson; on leave, Messrs. Kellogg, McDougal, Osgood, Pico, Robinson, and Saunders.

The Journal of yesterday was read and approved.

Mr. Hall presented a petition from citizens of El Dorado County, asking for a Geological Survey of the State, which was referred to a Select Committee, consisting of Messrs. Randall, Murphy, and Hall.

Mr. Hoff, Chairman of Committee on Corporations, to whom was referred a Bill, entitled "an Act supplementary to an Act to Incorporate the City of Los Angeles," reported the same back without amendment, and recommended its passage.

On motion of Mr. Stearns, the Bill was considered as engrossed, and read a third time.

The question then was, "Shall the Bill pass?"

Decided in the affirmative.

Mr. Bradford, from the Joint Committee on Enrolled Bills, reported that they have examined and find correctly enrolled, "an Act for the relief of the Mayor and City Council of the City of San José."

Mr. Hall offered the following:

Resolved, That the Rule under which this House is requested to hold afternoon Sessions, is dissolved.

Adopted.

Mr. Bradford introduced a "Joint Resolution providing for the distribution of the Journals," which was read first and second times, the Rules being suspended for that purpose.

On motion of Mr. Wilkins, the Rules were suspended, and Joint Resolution read a third time.

The question then was, "Shall the Bill pass?"

Decided in the affirmative.

A Message was received from the Senate, informing the Assembly that they have passed a Bill, herewith transmitted, entitled "an Act to Reincorporate the City of San Francisco."

Senate Bill, entitled "an Act to Reincorporate the City of San Fran-

cisco," was read first and second times, the Rules being suspended for that purpose, and referred to a Select Committee, consisting of Members from San Francisco.

Mr. McCandless, from the Committee on Engrossed Bills, reported as correctly engrossed, "a Bill to satisfy and confirm an ordinance, passed by the City of San Francisco on the 18th day of November, 1850, authorizing the building of a Plank Road to the Mission of Dolores;" also, "an Act concerning Lawful Fences, and animals trespassing on premises Lawfully Enclosed, and Fence Inspectors;" also, "an Act to change the name of John G. Aldmondinger, Jr., to John G. Almond."

Mr. Baldwin, from the Select Committee, to whom was referred petition of citizens of Tuolumne County, relative to the office of County Recorder;" also, "a Bill amendatory of 'an Act concerning County Recorders,'" reported the same back, with a substitute, and recommended the adoption of the substitute.

Adopted.

On motion of Mr. Carnes, the Bill was considered as engrossed, and read a third time.

The question then was, "Shall the Bill pass?"

Decided in the affirmative.

On motion of Mr. Field, the House resolved itself into Committee of the Whole, Mr. Lind in the chair, on "Bill to protect Settlers on Lands belonging to the United States." After some time spent therein, the committee rose, reported the Bill with amendments, and were discharged.

Mr. Wilkins moved to recommit the Bill to a Select Committee.

Not agreed to.

On motion of Mr. Merritt, the House concurred in the second amendment, and non-concurred in the first amendment made in Committee of the Whole.

Mr. Bodley moved to amend the Bill by inserting the following as Section 7:

"Nothing in this Act shall be construed as affecting in any way lots of lands in cities which are now incorporated, or which have been regularly laid out previous to the passage of this Act: *Provided*, such towns not now incorporated shall not exceed in extent two square miles."

Agreed to.

On motion of Mr. Carr, the Rules were suspended, the Bill considered as engrossed, and read a third time.

The question then was, "Shall the Bill pass?"
Mr. Wilkins demanded the ayes and nays.

Those who voted in the affirmative were—

Mr. Bennett	Mr. Kendrick
Bodley	Lisle
Bradford	Lind
Brown	McCandless
Carr	Moore
Hall	Wethered
Hoff	Wilkins—14.

In the negative—

Mr. Baldwin	Mr. Murphy
Carnes	Randall
Cook	Stearns
Covarrubias	Thorne
Field	Yeiser
McCorkle	Speaker
Merritt	—13.

Decided in the affirmative.

Mr. Bradford moved a reconsideration of the vote by which the House passed said Bill.

Mr. Wilkins moved to indefinitely postpone said motion.

Not agreed to.

The question then recurred on the motion to reconsider.

Mr. Wilkins demanded the ayes and nays.

Those who voted in the affirmative were—

Mr. Baldwin	Mr. Lisle
Bradford	Lind
Carnes	McCorkle
Cook	Randall
Covarrubias	Stearns
Field	Thorne
Hall	Speaker
Hoff	—15.

In the negative—

Mr. Bennett	Mr. Moore
Bodley	Wethered
Brown	Wilkins
Carr	Yeiser
Kendrick	—9.

Agreed to.

On motion of Mr. Field, the vote was reconsidered by which the Bill was ordered to a third reading.

Mr. Wilkins moved to strike out all after the enacting clause.

Not agreed to.

On motion of Mr. Field, the Bill was referred to a Select Committee, consisting of Messrs. Field, Bradford, Bodley, Wilkins, and Murphy, with instructions to report to-morrow.

Mr. Bradford, from the Joint Committee on Enrolled Bills, reported that they have examined, and found correctly enrolled, "an Act to provide for the holding of a Special Term of the Supreme Court."

Mr. Lisle introduced a "Joint Resolution requiring the Secretary of State to have published in certain newspapers, "an Act amendatory of 'an Act concerning Crimes and Punishments,'" which was read first and second times, the Rules being suspended for that purpose.

On motion, the resolution was amended so as to include the "*Sonora Herald*," "*Los Angeles Star*," and "*Marysville Herald*."

Mr. Cook moved that the resolution be indefinitely postponed.

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

The question recurred on the motion to lay the resolution on the table. Agreed to.

A Message from the Senate was received, informing the Assembly that they have passed Bill herewith transmitted, entitled "an Act to exempt certain property of the United States from Taxation;"

Also, that they have passed Assembly Bill, entitled "an Act to repeal 'an Act to provide for the inspection of Steamboats;'"

Also, that the President has signed "an Act to change the name of Elihu Ely, Jr., to that of Hubbard C. M. Ely;" and "an Act to extend the time for County Treasurers to make their returns."

Senate Bill, entitled "an Act to exempt certain property of the United States from Taxation," was read first time.

Mr. Lind moved that the Bill be rejected. Agreed to.

Mr. Carr, from the Committee of Ways and Means, to whom was referred Bill, entitled "an Act to provide for the collection of a capitation Tax," reported that they are now preparing a general Revenue Bill, embracing the provisions contained in the Bills referred to, and beg to be discharged from the further consideration of the same.

Committee discharged.

Mr. Randall, on leave given, introduced "a Bill authorizing persons to change their names," which was read first and second times, the Rules being suspended for that purpose.

On motion of Mr. Carr, the House resolved itself into Committee of the Whole, Mr. Cook in the Chair, on "Bill to authorize keepers of warehouses to sell goods on storage after a certain period." After some time spent therein, the committee rose, reported a substitute for the same, and were discharged.

On motion of Mr. Campbell, the House concurred in the amendment made in Committee of the Whole.

On motion of Mr. Murphy, the Bill was laid on the table for the present.

On motion of Mr. Lind, the Bill was taken up, and referred to a Select Committee, consisting of Messrs. Lind, Carr, and Murphy.

On motion of Mr. Hoff, "Bill to provide for the Public Printing by Contract," was taken up, and referred to a Select Committee, consisting of Messrs. Carr, Moore, Baldwin, Murphy, and Robinson.

On motion of Mr. Lind, the House resolved itself into Committee of the Whole, Mr. Thorne in the Chair, on "Bill supplemental to an Act, entitled 'an Act concerning the office of County Treasurer,' passed March 27, 1850." After some time spent therein, the committee rose, reported the Bill with amendments, and were discharged.

On motion of Mr. Merritt, the House concurred generally in the amendments made in Committee of the Whole.

On motion of Mr. Wilkins, the Bill was considered as engrossed, and read a third time.

The question then was, "Shall the Bill pass?"

Decided in the affirmative.

Mr. Wilkins moved to adjourn.

Not agreed to.

On motion of Mr. Lind, the House resolved itself into Committee of

the Whole, Mr. McCandless in the Chair, on "Bill concerning free persons of color." After some time spent therein, the committee rose, reported the Bill, and were discharged.

Mr. Murphy moved that the Bill be referred to a Select Committee, with instructions to report as soon as practicable.

Mr. Campbell moved that the Bill be indefinitely postponed.

Mr. Merritt demanded the ayes and nays.

Those who voted in the affirmative were—

Mr. Campbell	Mr. Randall
Carnes	Stearns
Covarrubias	Thorne
Hoff	—8.

In the negative—

Mr. Baldwin	Mr. Lind
Bennett	McCandless
Bodley	McCorkle
Bradford	Merritt
Brown	Moore
Carr	Murphy
Cook	Wethered
Hall	Wilkins
Kendrick	Yeiser
Lisle	Speaker—20.

Not agreed to.

The question then recurred, on the motion to refer the Bill to a Select Committee, with instructions to report as soon as practicable.

Agreed to.

The Speaker appointed as said Committee, Messrs. Murphy, Merritt, Carr, Hall, and Bradford.

Mr. Bodley gave notice that he would, on to-morrow or some future day, introduce "a Bill to amend an Act entitled 'an Act to regulate Proceedings in Criminal Cases,' passed April 20, 1850."

Bill entitled "an Act against Indecent Exhibitions," was taken up, considered as engrossed, and read a third time.

The question then was, "Shall the Bill pass?"

Decided in the affirmative.

Bill entitled "an Act supplementary to an Act entitled 'an Act prescribing the duties and fixing the compensation of County Surveyors,'" was taken up, considered as engrossed, and read a third time.

The question then was, "Shall the Bill pass?"

Decided in the affirmative.

Mr. Campbell moved to adjourn.

Mr. McCandless demanded the ayes and nays.

Those who voted in the affirmative were—

Mr. Bodley	Mr. Hall
Bradford	Kendrick
Brown	McCorkle
Campbell	Merritt
Carr	Thorne
Covarrubias	Wilkins
Field	—13.

In the negative—

Mr. Baldwin	Mr. Moore
Bennett	Murphy
Carnes	Randall
Cook	Stearns
Hoff	Wethered
Lisle	Yeiser
Lind	Speaker
McCandless	—15.

Not agreed to.

Mr. Cook offered the following:

Resolved, That WHEREAS the dignity of this House has been made to suffer by the indiscreet conduct of its members, by improper remarks and other undignified conduct unbecoming a Legislative body; therefore *Resolved*, That hereafter this House will insist on the Rules adopted for the government of the same in the most positive manner; and, WHEREAS, the terms "*order*" and "*decorum*" are not observed, and WHEREAS, this House has no rule prohibiting smoking in the Hall

during business hours; and WHEREAS, this improper practice is indulged in to a disreputable extent, not only by members but by others having privileges within the Bar of this House:

Therefore, *Resolved*, That it shall be made the duty of the Speaker of this House to forbid any person from smoking during the sessions of the House; also, the Speaker shall give his order to the Sergeant-at-Arms and Doorkeeper not to suffer a member or other person to come within the Bar in the act of smoking, or suffer any one to smoke within the Hall during business hours.

Mr. Covarrubias moved that the resolution be indefinitely postponed.

Mr. Cook demanded the ayes and nays.

Those who voted in the affirmative were—

Mr. Baldwin	Mr. Lisle
Bodley	Merritt
Campbell	Moore
Carnes	Murphy
Covarrubias	Stearns
Hall	—11.

In the negative—

Mr. Bennett	Mr. McCandless
Bradford	McCorkle
Brown	Randall
Cook	Thorne
Field	Wethered
Hoff	Wilkins
Kendrick	Yeiser
Lind	Speaker—16.

Not agreed to.

Mr. Bradford offered the following as a substitute for said resolution:

Resolved, That smoking shall not be permitted within the Hall during the sessions of the Assembly.

Mr. Lind demanded the previous question.

Mr. Moore moved to adjourn.

Mr. Cook demanded the ayes and nays.

Those who voted in the affirmative were—

Mr. Bodley	Mr. Merritt
Brown	Moore
Covarrubias	Murphy
Campbell	Stearns
Carnes	Wilkins
Hall	Yeiser
McCorkle	Speaker—14.

In the negative—

Mr. Baldwin	Mr. Kendrick
Bennett	Lisle
Bradford	Lind
Cook	McCandless
Field	Randall
Hoff	Wethered—12.

ONE O'CLOCK.

House stood adjourned.

HOUSE OF ASSEMBLY.

FRIDAY, *March* 28, 1851.

House met.

The roll was called, and the following members were absent, to wit: Messrs. Field, Hall, McCandless, McCorkle, Merritt, Richardson, Wilkins, and Yeiser; on leave, Messrs. Kellogg, McDougal, Pico, Robinson, and Saunders.

The Journal of yesterday was read and approved.

Mr. Hall, Chairman of Committee on Claims, to whom was referred the petition of Nathaniel M. C. Menifee, praying relief for services and provisions furnished the destitute emigration to this country, reported that they have examined the same, in connexion with accompanying evidence of the correctness of his accounts, and submit the following

resolution, and ask to be discharged from the further consideration of the subject.

Committee discharged.

"Joint Resolution for the relief of Nathaniel M. C. Menifee," was read first and second times, the Rules being suspended for that purpose.

On motion of Mr. Hall, the Rules were suspended, the Joint Resolution considered as engrossed, and read a third time.

The question then was, "Shall the Joint Resolution pass?"

Decided in the affirmative.

Mr. Moore, Chairman of the Judiciary Committee, to whom was referred Senate Bill No. 21, "a Bill to exempt the Homestead and other property from forced sale in certain cases;" also, Assembly Bill No. 53, with the same title, reported,

That, in the opinion of your committee, the effect of such a Bill should not be to repeal all laws for the collection of debts from the individuals benefited by it: but to give a home to the families of the unfortunate, the reckless or improvident, and to protect them in the enjoyment of the necessary comforts of life. Yet it is believed that the enormous exemptions provided for in the Bills referred to your committee, would encourage the speculations of the profligate, while, operating unequally, either of these Bills would give to one debtor the bare means of existence, and to another all the luxuries of wealth. They therefore recommend the indefinite postponement of both these bills.

But aside from a disposition to render obedience to an express mandate of the Constitution, your committee recognise the importance of an exemption law for the benefit of wives and children, who certainly should not be punished either for the crimes or improvidence of husbands or fathers; and further, being actuated by a belief that the passage of an Act *properly guarded*, in relation to this matter, will add to the number of permanent settlements in this State, and increase a class of valuable citizens, they strongly urge upon the House the passage of the *substitute Bill*, herewith presented. With these recommendations, they ask leave to be discharged from the further consideration of the subject.

On motion of Mr. Campbell, the Report and Bill were laid on the table, and the substitute ordered printed.

Mr. Bodley, from the Committee on Engrossed Bills, reported as correctly engrossed, "an Act supplementary to an Act entitled 'an Act concerning County Recorders,' passed March, 1851;" also, "an Act

against Indecent Exhibitions;" also, "Joint Resolution providing for the distribution of the Convention Journals."

Mr. Bradford, from the Joint Committee on Enrolled Bills, reported that they yesterday presented to the Governor, for his approval, "an Act to provide for the holding of a Special Term of the Supreme Court;" also, "an Act for the relief of the Mayor and City Council of the City of San José;"

Also, that they have examined and find correctly enrolled, "an Act to provide for the inspection of Steamboats."

Mr. Bodley, from the Select Committee to whom was referred, "Bill to protect settlers on lands belonging to the United States," reported, that they have amended the same according to instructions, and recommend its passage, as amended, and ask to be discharged from the further consideration of the subject.

The question recurred on adopting the amendments proposed by the committee.

Adopted.

Mr. Bodley moved that the Bill be considered as engrossed, and read a third time.

Agreed to.

The question then was, "Shall the bill pass?"

Mr. Carnes demanded the ayes and nays.

Those who voted in the affirmative were—

Mr. Bennett	Mr. Lind
Bodley	McCorkle
Bradford	Merritt
Campbell	Moore
Carr	Thorne
Hall	Wethered
Hoff	Yeiser
Kendrick	Speaker
Lisle	—17.

In the negative were—

Mr. Carnes	Mr. Osgood
Cook	Randall
Covarrubias	Stearns
Field	—7.

Decided in the affirmative.

Mr. Moore, from the Select Committee to whom was referred Senate Bill entitled, "an Act concerning Redemptions," reported the Bill with amendments, and recommended its passage.

The question then recurred on adopting the amendments proposed by the committee.

Adopted.

The Bill was then read a third time.

The question then was, "Shall the Bill pass?"

Mr. Bodley demanded the ayes and nays.

Those who voted in the affirmative were—

Mr. Bennett	Mr. Kendrick
Bradford	Lisle
Brown	Lind
Carr	McCorkle
Cook	Moore
Covarrubias	Osgood
Field	Thorne
Hall	Wethered—16.

In the negative—

Mr. Bodley	Mr. Randall
Carnes	Stearns
Hoff	Yeiser
Merritt	Speaker
Murphy	—9.

Decided in the affirmative.

Mr. Wethered moved to reconsider the vote just taken.

Mr. Carr moved to indefinitely postpone said motion.

Mr. Bodley demanded the ayes and nays.

Those who voted in the affirmative were—

Mr. Bennett	Mr. Lisle
Bradford	McCandless
Brown	McCorkle
Carr	Moore
Cook	Thorne
Field	Wethered
Hall	—13.

In the negative—

Mr. Baldwin	Mr. Murphy
Bodley	Osgood
Carnes	Randall
Covarrubias	Stearns
Hoff	Yeiser
Merritt	Speaker
Lind	—13.

Not agreed to.

The question then recurred on the motion to reconsider.

Mr. Bradford moved to lay the motion to reconsider on the table.

Agreed to.

Mr. Bradford offered the following:

Resolved, That his Excellency the Governor be requested to furnish the Assembly, at his earliest convenience, with any information in his possession in relation to the Indian depredations in the neighborhood of Los Angeles; also, copies of all orders issued by him for their suppression.

Adopted.

Mr. Osgood, on leave given, introduced "a Bill concerning certain trespasses in the Mining Counties in this State," which was read first and second times, the Rules being suspended for that purpose, and two hundred copies ordered printed.

A Message from the Governor was received, informing the Assembly that he did, on the 26th instant, sign "an Act entitled 'an Act concerning County Recorders;'" and, "an Act to provide for the disposition of certain property of the State of California;" and on this day, Bills severally entitled, "an Act to provide for the holding of a Special Term of the Supreme Court;" "an Act to extend the time for County Treasurers to make their returns;" "an Act to change the name of Elihu Ely, Jr., to Hubbard C. M. Ely;" and, "an Act for the relief of the Mayor and City Council of the City of San José."

The Speaker laid before the House the following communication from the Secretary of State:

OFFICE OF SECRETARY OF STATE,
SAN JOSÉ, *March* 27, 1851.

HON. JOHN BIGLER,
Speaker of the Assembly:

SIR: In pursuance of a Resolution of the Assembly, adopted on the 25th instant, I have the honor to state that during the past year I have been able to effect nothing in relation to fixing the Standard of Weights. A gentleman in San Francisco, whose name is not now recollected, was verbally communicated with some time since on the subject, and promised at his earliest convenience to furnish me with a statement of the prices at which he would agree to furnish the Standards required to be procured by the State Sealer of Weights and Measures, under the 7th section of the Act to establish a Standard of Weights and Measures. Besides the difficulty obtaining in the procurement of the necessary original standards, another yet more serious arises in the wants of facilities for the distribution of the copies which are required to be deposited with the several County Sealers. Even had the originals been procured as contemplated, and copies obtained, I know of no means by which the object of the Act could have been effected; for without the distribution of the copies amongst the several Counties, it would have availed nothing to secure originals, and at no time could this distribution have been made without incurring an expense which I did not and do not feel myself authorized to incur under the circumstances. It is next to impossible to procure the requisite original Standard and copies here, and distribute them according to the provisions of the Act, unless there be some specific and at present considerable appropriation made for the purpose.

No Reports have been received from any of the Counties of the State, and but one or two communications from the Clerks of the Counties of Tuolumne and Calaveras, which, however, relates to Gold Scales and Weights not contemplated by the Act in question.

I have the honor to be,
Very respectfully,
Your ob't serv't,
W. VAN VOORHIES.

On motion of Mr. Carr, the communication was referred to the Committee on Commerce.

The Speaker laid before the House the following communication from the State Translator:

OFFICE OF STATE TRANSLATOR,
SAN JOSÉ, *March* 26, 1851.

HON. JOHN BIGLER,
Speaker of the Assembly:

SIR:—In compliance with a resolution of the Assembly, adopted on the 26th inst. (not yet officially communicated to me, but published in the San Francisco *Daily Herold*, of this day, I presume correctly), I have the honor to transmit the following list of the laws of the last Legislature that have been to this date translated and published in the Spanish Language:

Act concerning the office of Attorney General. Approved Feb. 2, 1850.

* Act concerning the official bonds of Officers. Approved Feb. 9, 1850.

* Act to organize the Supreme Court of California. Approved Feb. 14, 1850.

Act subdividing the State into Counties, and establishing the Seats of Justice therein. Approved Feb. 18, 1850.

Act defining the amount of revenue to be collected, to defray the expenses of the Government of the State, for the year 1850. Approved Feb. 25, 1850.

Act to supersede certain Courts, and regulate appeals therefrom to the Supreme Court. Approved Feb. 28, 1850.

* Act to provide for holding the first County Election. Approved March 2, 1850.

Act to regulate the interest of money. Approved March 13, 1850.

Act to organize the District Courts of the State of California. Approved March 16, 1850.

Act creating and regulating Public Ferries. Approved March 18, 1850.

Act empowering the Governor to appoint Commissioners of Deeds, and defining the duties of such officers. Approved March 20, 1850.

Act to regulate elections. Approved March 23, 1850.

Act concerning the office of County Attorney. Approved March 27, 1850.

Act concerning the office of District Attorney. Approved March 27, 1850.

Act concerning Notaries Public. Approved March 27, 1850.

Act concerning the office of Country Treasurer. Approved March 27, 1850.

Act concerning the office of County Assessor. Approved March 27, 1850.

* Act concerning Jails and Jailors. Approved March 27, 1850.

Act concerning lawful fences, and animals trespassing on premises lawfully enclosed. Approved March 30, 1850.

Act prescribing the mode of assessing and collecting Public Revenue. Approved March 30, 1850.

Act in relation to the money of accounts. Approved April 4, 1850.

Act establishing Recorders' offices, and defining the duties of the Recorder and Auditor. Approved April 4, 1850.

Act to regulate Senatorial and Assembly Districts. Approved April 4, 1850.

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. 18, 1850." Approved April 5, 1850.

Act prescribing the duties and fixing the compensation of County Surveyor. Approved April 9, 1850.

Act concerning Wills. Approved April 10, 1850.

Act to regulate proceedings in Courts of Justices of the Peace in civil cases. Approved April 10, 1850.

Act to prevent obstructions in navigable streams. Approved April 10, 1850.

Act prescribing the mode of maintaining and defending possessory actions on lands belonging to the United States. Approved April 11, 1850.

Act to regulate proceedings in the County Courts in cases of appeals from Courts of Justices of the Peace. Approved April, 11, 1850.

Act concerning offices. Approved April 11, 1850.

Act to organize the Courts of Sessions. Approved April 11, 1850.

Act concerning marks and brands. Approved April 12, 1850.

Act to organize the County Courts. Approved April 13, 1850.

Act concerning the transfer of certain records, conveyances, and papers. Approved April 13, 1850.

Act adopting the Common Law. Approved April 13, 1850.

Act to regulate descents and distributions. Approved April 13, 1850.

* Act for the better regulation of the Mines, and the government of Foreign Miners. Approved April 13, 1850.

Act concerning crimes and punishments. Approved April 16, 1850.

Act relating to bills of exchange and promissory notes. Approved April 16, 1850.

Act amendatory of "An Act prescribing the mode of assessing and collecting Public Revenue. Approved March 30, 1850." Approved April 17, 1850.

Act to amend "An Act organizing the District Courts of the State of California." Approved April 15, 1850.

Act to define the duties of County Clerk. Approved April 18, 1850.

Act to prescribe the duties of Sheriffs. Approved April 17, 1850.

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." Approved April 18, 1850.

Act to prescribe the duties of Constables. Approved April 19, 1850.

Act concerning Coroners. Approved April 19, 1850.

Act to prevent the coining of money by individuals. Approved April 20, 1850.

Act to amend an "Act to regulate proceedings in criminal cases." Approved April 20, 1850.

Act to regulate proceedings in criminal cases. Approved April 20, 1850.

Act relative to bonds, due bills, and other instruments in writing, and making them assignable. Approved April 20, 1850.

Act to abolish all Laws now in force in this State, except such as have been passed at the present Session of the Legislature. Approved April 22, 1850.

Act concerning licenses. Approved April 22, 1850.

Act to fix the compensation of County Judges, and Associate Justices of the Courts of Sessions. Approved April 22, 1850.

Act to regulate proceedings against debtors by attachment. Approved April 22, 1850.

Act regulating marriages. Approved April 22, 1850.

Act concerning forcible entries, and unlawful detainers. Approved April 22, 1850.

Act to regulate proceedings in civil cases in the District Courts, the Superior Courts of the City of San Francisco, and the Supreme Court. Approved April 22, 1850.

Very respectfully,

Your obedient servant,

JOSEPH H. SCULL, *State Translator.*

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* Translated by William Lawrie, the temporary Translator (five in number).

On motion of Mr. Campbell, the communication was ordered printed.

A message from the Senate was received, informing the Assembly that the President has signed "an Act for the relief of the Mayor and City Council of the City of San José," and "an Act to provide for the holding of a Special Term of the Supreme Court."

Mr. Bodley, agreeably to notice given, introduced "an Act amendatory to an Act entitled 'an Act to regulate proceedings in criminal cases, passed April 20, 1850,'" which was read first and second times, the Rules being suspended for that purpose, and referred to a Select Committee consisting of Messrs. Campbell, Field, Bodley, and Yeiser, with instructions to report on Tuesday next.

Mr. Brown, from the Joint Committee to whom was referred a "Bill for an Act supplementary to 'an Act concerning Marks and Brands,'" reported the Bill with amendments.

The question recurred on concurring in the amendments made by the committee.

Concurred in.

On motion of Mr. Bodley, the Bill was considered as engrossed, and read a third time.

The question then was, "Shall the Bill pass?"

Decided in the affirmative.

UNFINISHED BUSINESS.

"Resolution relative to the impropriety of smoking in the Hall during the sessions of the Assembly," together with the substitute for the same, were taken up.

Mr. Bodley moved that the whole subject be indefinitely postponed, and demanded the ayes and nays.

Those who voted in the affirmative were—

Mr. Baldwin	Mr. Lisle
Bodley	Merritt
Campbell	Moore
Carr	Murphy
Carnes	Stearns
Covarrubias	Yeiser
Hall	—13.

In the negative—

Mr. Bennett	Mr. Lind
Bradford	McCandless
Brown	McCorkle
Cook	Randall
Field	Thorne
Hoff	Wethered
Kendrick	Speaker—14.

Not agreed to.

Mr. Carnes moved to lay the Resolution and substitute on the table.

Mr. Bradford demanded the ayes and nays.

Those who voted in the affirmative were—

Mr. Baldwin	Mr. Merritt
Bodley	Moore
Campbell	Murphy
Carr	Osgood
Carnes	Stearns
Covarrubias	Thorne
Hall	Wethered
Lisle	Yeiser
McCorkle	—17.

In the negative—

Mr. Bennett	Mr. Kendrick
Bradford	Lind
Brown	McCandless
Cook	Randall
Field	Speaker
Hoff	—11.

Agreed to.

On motion of Mr. Hall, the House resolved itself into Committee of the Whole, Mr. Brown in the chair, on "Bill to regulate suits at law among Miners." After some time spent therein, the committee rose, reported the Bill with amendments, and were discharged.

On motion of Mr. Campbell, the House concurred generally in the amendments made in Committee of the Whole.

The question then recurred on ordering the Bill to be engrossed.

Agreed to.

On motion of Mr. Carr, "Bill entitled an Act to Fund the Debt of the City of San Franciso," was taken up and referred to a committee consisting of the members from San Francisco.

On motion of Mr. Carr, the House resolved itself into Committee of the Whole, Mr. Carr in the chair, on Senate Bill, entitled "an Act to amend 'an Act concerning Corporations.'" After some time spent therein, the committee rose, reported the Bill with amendments, and were discharged.

On motion of Mr. Carr, the amendments made in Committee of the Whole were concurred in.

The Bill was then read a third time.

The question then was, "Shall the Bill pass?"

Decided in the affirmative.

Mr. Merritt, Chairman of the Committee on Public Expenditures, to whom was referred the petition of James Austin, praying to be indemnified for the loss of certain State Bonds, alleged to have been destroyed by fire in the City of San Francisco, in May last, in accordance with the instructions of the House, reported a "Bill for the relief of the said James Austin," and recommended its passage.

Bill entitled "an Act for the relief of James Austin," was read first time.

Mr. Moore moved that the Bill be rejected.
Mr. Wethered demanded the ayes and nays.

Those who voted in the affirmative were—

Mr. Baldwin	Mr. Moore
Brown	Murphy
Carnes	Osgood
Covarrubias	Randall
Lisle	Stearns
Lind	Yeiser
McCandless	—13.

In the negative—

Mr. Bennett	Mr. Hoff
Bodley	Kendrick
Bradford	McCorkle
Campbell	Merritt
Carr	Thorne
Cook	Wethered
Hall	Speaker—14.

Not agreed to.
Mr. Moore moved to lay the Bill on the table for the present.
Agreed to.
On motion of Mr. Campbell, the Committee on Public Expenditures was instructed to report to-morrow on petitions now in their hands asking for relief.
Mr. Lind, Chairman of the Select Committee, to whom was referred "Bill entitled 'an Act to authorize Keepers of Warehouses to sell goods on storage after a certain period,'" reported the Bill with amendments, and asked to be discharged from the further consideration of the subject.
On motion of Mr. Carr, the amendments were concurred in.
On motion of Mr. Carr, the Bill was considered as engrossed, and read a third time.
The question then was, "Shall the Bill pass?"
Decided in the affirmative.
The following Message from the Governor was received:

TO THE SENATE AND HOUSE OF ASSEMBLY:

I have the honor to inform the Legislature that the office of State Printer is now vacant, made so by the resignation of J. Winchester, Esq, the former incumbent.

I also take pleasure in transmitting herewith the letter of General Winchester, in which he explains the causes that induced him to take the step that he considered he was compelled to do, in resigning the post of State Printer.

JOHN MCDOUGAL.

EXECUTIVE DEPARTMENT,
28*th March*, 1851.

Mr. Merritt offered the following:

Resolved, That the resignation of J. Winchester as State Printer be and the same is hereby referred, together with all Bills and Resolutions before the House on the subject of Public Printing, and the Publication of the Laws, to a Select Committee of five, with instructions to report immediately, "an Act abolishing the office of State Printer," and also what arrangements can be made for executing the Public Printing during the remainder of the session; and also to report a "Bill providing for the Public Printing, and the Publication of the Laws hereafter."

On motion of Mr. Cook, the resolution was laid on the table.

On motion of Mr. Field, the communication from the Governor and accompanying documents, were laid on the table for the present.

Mr. Carr, from the Select Committee, to whom was referred three Bills upon the subject of State Printing, reported a substitute for said Bills, and recommended its passage.

Bill entitled "an Act creating the office of State Printer," was then read first and second times, the Rules being suspended for that purpose, and ordered printed.

Mr. Moore offered the following:

Resolved (The Senate concurring), That the office of State Printer has become vacated, by the resignation of the late incumbent. J. B. Devoe is hereby appointed to act as Public Printer, in accordance with the laws relating to that subject, until the election of a State Printer.

Mr. Merritt offered the following, as a substitute for said resolution:

Resolved (If the Senate concur), That the Governor be requested to

make immediate arrangements for the Public Printing until the Legislature shall elect a State Printer, or make such other arrangements for the Public Printing as they may deem best.

TEN MINUTES BEFORE TWO O'CLOCK.

On motion of Mr. Lind, the House adjourned.

HOUSE OF ASSEMBLY.

SATURDAY, *March 29th*, 1851.

House met.

The roll was called, and the following members were absent, to wit: Messrs. Baldwin, Bennett McCandless, McCorkle, Merritt, Randall, Richardson, Wethered, and Wilkins; on leave, Messrs. Kellogg, Pico, and Robinson.

The Journal of yesterday was read and approved.

On motion, Messrs. Wilkins and Richardson had leave of absence.

Mr. Bodley, from the Committee on Engrossed Bills, reported as correctly engrossed, "an Act supplementary to an Act, entitled 'an Act concerning County Treasurers, passed March 27, 1850;'" also, "a Bill for an Act supplementary to an Act, entitled 'an Act prescribing the Duties and fixing the Compensation of County Surveyors;'" also, "an Act supplementary to an Act, entitled 'an Act to Incorporate the City of Los Angeles, passed April 4, 1850."

Mr. Bodley offered the following:

Resolved, That the Clerk be and he is hereby authorized to contract for the printing of such documents and other matter as may be ordered by this House, until other provisions are made by law: providing, however, the cost of the same shall not exceed the price now allowed by law.

Mr. Field offered the following, as a substitute for said resolution:

Resolved (the Senate concurring), That the printing of such documents and other matter as may be ordered by this Legislature, be given to the present journeymen of the late State Printer, until other provision is made for such printing by law: *Provided*, however, that the prices to be paid for the same shall not exceed the price allowed by law.

The question recurred on adopting the substitute.

Not agreed to.

The question then recurred on adopting the original resolution.

Mr. Hall offered the following as a substitute for said resolution.

Resolved, That a Select Committee be appointed to contract for the printing of this House, until such time when the State Printer shall have been elected.

Mr. Bodley moved that the resolution be laid on the table.

Agreed to.

The question then recurred on adopting the original resolution.

Mr. Hall moved that said resolution be laid on the table.

Not agreed to.

The question then recurred on adopting said resolution.

Adopted.

Mr. Campbell, Chairman of the Select Committee, to whom was referred "an Act amendatory of an Act, entitled 'an Act to regulate proceedings in criminal cases, passed April 20th, 1850,'" reported the Bill back without amendment, and recommended its passage.

On motion of Mr. Carr, the Bill was considered as engrossed, and read a third time.

The question then was, "Shall the Bill pass?"

Decided in the affirmative.

Mr. Bodley, from the Committee on Engrossed Bills, reported as correctly engrossed, "an Act to regulate suits at law among Miners."

On motion of Mr. Field, the Bill was read a third time.

Mr. Murphy moved that the Bill be laid on the table for the present.

Not agreed to.

On motion of Mr. Lind, the Bill was laid on the table, and made the order of the day for Monday next.

A Message was received from the Senate, informing the Assembly that they have concurred in the amendment of the Assembly to Senate Bill, entitled "an Act concerning Redemptions," with a further amendment thereto, as affixed to the Assembly's amendment.

Mr. Murphy moved to refer the amendment of the Senate to the Assembly's amendment to a Select Committee.

Mr. Bodley demanded the ayes and nays.

Those who voted in the affirmative were—

Mr. Bodley	Mr. McDougal
Campbell	Moore
Carnes	Murphy
Hall	Saunders
Lisle	Stearns
Lind	Yeiser
McCandless	Speaker—14.

In the negative were—

Mr. Bennett	Mr. Field
Bradford	Kendrick
Brown	Osgood
Carr	Randall
Cook	Thorne
Covarrubias	—11.

Agreed to.

The Speaker appointed as said committee, Messrs. Murphy, Carr, Cook, Lisle, and Bodley.

A Message from the Senate was received, informing the Assembly that they have passed Assembly Bill, entitled, "an Act concerning the Courts of Justice in this State, and Judicial Officers," with amendments, as marked 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, and 14, as are affixed to the margin of the Bill.

Also, that they have passed a substitute, herewith transmitted, and entitled "an Act to establish Pilots and Pilot regulations for the Port of San Francisco" for Assembly Bill, entitled "an Act to exempt steam vessels coasting from paying Pilot Dues."

Bill entitled "an Act concerning Courts of Justice in this State, and Judicial Officers," returned from the Senate with amendments, was taken up, and the House concurred in the first amendment.

The second amendment of Senate was read on adopting this amendment.

Mr. Moore demanded the ayes and nays.

Those who voted in the affirmative were—

Mr. Bennett	Mr. Lisle
Bodley	Lind
Campbell	McCandless
Carr	Merritt
Cook	Murphy
Field	Randall
Hall	Stearns
Hoff	Thorne
Kendrick	Speaker—18.

Those who voted in the negative were—

Mr. Bradford	Mr. Moore
Brown	Osgood
Carnes	Saunders
Covarrubias	Yeiser
McDougal	—9.

Adopted.

The House then concurred in Senate's 3d, 4th, 5th, 6th, and 7th amendments.

Senate's 8th amendment was then read, when the House concurred in the same, with an amendment.

Senate's 9th, 10th, 11th, 12th, 13th, and 14th amendments were then concurred in.

Senate Bill, entitled "an Act amendatory of an Act, entitled 'an Act to establish Pilots and Pilot Regulations for the Port of San Francisco, passed February 25, 1850," transmitted to the House as a substitute for Assembly Bill, entitled "an Act to exempt Steam Vessels coasting from paying Pilot Dues," was read first and second times, and referred to the Committee on Commerce.

Mr. Murphy, from the Select Committee to whom was referred Senate's amendment to Assembly's amendment made to Senate Bill, entitled "an Act concerning Redemptions," reported the same with amendments.

The question then recurred on concurring in the amendments made by the Select Committee.

Concurred in.

Mr. Brown moved to reconsider the vote by which the House concurred in the amendments.

Mr. Campbell moved that the motion to reconsider be indefinitely postponed.

Not agreed to.

The question then recurred on the motion to reconsider the vote by which the House concurred in the amendments.

Not agreed to.

The question then recurred on concurring in Senate's amendment as amended.

Mr. Bradford demanded the ayes and nays.

Those who voted in the affirmative were—

Mr. Baldwin	Mr. Moore
Bodley	Murphy
Campbell	Saunders
Hall	Stearns
Lind	Yeiser
Merritt	Speaker—12.

Those who voted in the negative were—

Mr. Bennett	Mr. Hoff
Bradford	Kendrick
Brown	McDougal
Carr	Osgood
Cook	Randall
Field	—11.

Concurred in.

Mr. Hall gave notice that he would, on Monday, introduce a "Bill authorizing the Governor to offer rewards for the apprehension of criminals."

Mr. Murphy gave notice that he would, at an early day, "introduce a "Bill to prevent the sacrifice of property at public sale."

Mr. Field gave notice that he would, at an early day, introduce a "Bill to authorize the Judge of the Supreme Court to grant a stay of proceedings on appeals in criminal cases."

Mr. Merritt gave notice that he would, at an early day, introduce a "Bill making Sheriffs Collectors of Taxes in certain Counties.

Mr. Thorne presented a petition from C. V. Stuart, and others, in relation to changing the corporate limits of the City of San Francisco, which was referred to a Select Committee, consisting of the members from San Francisco.

Mr. Randall, on leave, introduced a "Bill to prohibit officers from being interested in certain contracts," which was read first and second times, and ordered printed.

Mr. Carr, from the Select Committee, to whom was referred Senate Bill, entitled "an Act to reincorporate the City of San Francisco," reported the Bill with amendments, and recommended its passage as amended.

On motion of Mr. Thorne, the amendments proposed by the committee were concurred in generally.

The Bill was then read a third time.

The question then was, "Shall the Bill pass?"

Decided in the affirmative.

"Bill to authorize the issue and sale of Land Warrants in this State," was taken up, and made the order of the day for Monday next.

QUARTER BEFORE ONE O'CLOCK.

On motion of Mr. Bradford, the House adjourned.

HOUSE OF ASSEMBLY.

MONDAY, *March* 31*st*, 1851.

House met.

The roll was called, and the following members were absent, to wit: Messrs. Hoff, McCandless, McDougal, Thorne, and Yeiser; on leave, Messrs. Kellogg, Pico, Richardson, Robinson, and Wilkins.

The Journal of Saturday was read and approved.

On motion of Mr. Bennett, Mr. Hoff had leave of absence.

Mr. Lisle presented a memorial from Morris A. J. Cullen, praying that his name be changed to Cullen A. Johnson, which was, on motion of Mr. Merritt, laid on the table.

Mr. Bodley, from the Committee on Engrossed Bills, reported as correctly engrossed, "an Act to authorize keepers of warehouses to sell goods on storage after a certain period;" also, "an Act supplementary to an Act concerning Marks and Brands, passed April 12, 1850;" also, "Joint Resolution for the relief of Nathaniel M. C. Menifee;" also, a "Bill to protect Settlers on Lands belonging to the U. States;"

Mr. Carr, from the Select Committee, to whom was referred "Bill to be entitled an Act to fund the present debt of the City of San Fransisco;" also, "an Act authorizing the funding of the floating debt of the City of San Francisco, and to provide for the payment of the same, reported as follows:

MR. SPEAKER:

The Select Committee to whom was referred two Bills entitled "an Act to fund the debt of the City of San Francisco," beg leave to report:

That the City is confessedly laboring under the burden of an enormous floating debt, a million of dollars, more or less, without any means provided for its payment, and bearing an interest of three per cent. per month, or three hundred and sixty thousand dollars per annum. This debt must ultimately be paid. Its payment is only a question of time. It is impossible, as well as undesirable, to pay it at once. Impossible, because it would be done only by an extremity of taxation which would be absolutely ruinous; and undesirable, because political justice requires that these municipal burdens, whose origin the exigencies of the City have thrown upon a single year, should be distributed upon a series of years, so that those who share the benefits of City improvements, should also contribute to their expense.

These purposes can be accomplished only by funding the present floating debt. But how can it be funded? The expedient of borrowing money has been tried, and has failed. That mode is now out of the question. Nor can it be funded by a compulsory enactment, requiring the present creditors of the City to surrender their claims, now bearing an interest of three per cent. per month, and receive in exchange bonds of the City, bearing an interest of ten per cent. per annum, as has been proposed. The Legislature cannot pass any such law that will be

valid. It would be passing a law impairing a private contract, which is expressly forbidden by the Constitution of the United States.

But one resource remains, and this is perfectly adequate to the purpose. The debt can be made to fund itself at a moderate rate of interest, if proper inducements are held out to the City creditor. There is a world-wide difference between a floating and a funded debt. The holder of the former is left to the tender mercies of an insolvent Corporation; the holder of the latter, if the debt be properly funded, can rely with certainty upon the prompt payment of the interest, and the ultimate redemtion of the principal of the debt. Offer to the City creditor to convert his depreciated scrip, bearing the nominal interest of three per cent. per month, into a funded, well secured stock, bearing an interest of twelve per cent. a year, and he will hasten to embrace it, even at the apparent sacrifice of a large rate of interest. Yet this sacrifice would in reality be no more than a fair premium upon the additional security thus purchased.

But this security upon which the success of the whole scheme entirely depends, can be ensured only by the enactment of the most careful and stringent provisions for the funding of the City debt. They should be embodied into an act by themselves, separate and distinct from the law under which the debt is funded. The fund provided for the payment of the annual interest, and for the ultimate redemption of the principal, should be placed beyond the contingency of failure. The amount necessary to be raised should be added to the general assessment for the year, and reserved out of the first moneys collected on the whole assessment list. The City taxes should be collected in coin or gold dust, and neither Common Council nor City officers should have power to make any payments out of the Treasury, until the money necessary to be raised for the current year on account of the funded debt, had been actually paid into the hands of the Commissioners. Thus the City faith would be preserved, and if any failure occurred in the collection of any portion of the City assessments, the consequences would fall elsewhere than upon the funded debt.

At the same time that such inducements are held out to the City creditor, he should be placed under such terms as are necessary to carry out the proposed object. As one great purpose is to prevent the accumulation of interest, the creditor should be restricted to a short

period of time, within which to present his claims and receive their equivalent in funded stock; failing to comply with these conditions, he should be deprived of the benefit of the funded security: for it would be worse than useless to attempt to fund the floating debt, if a creditor could persist in holding any other statute. They do not properly belong to a City Charter, which always contains a provision that it may be altered or repealed at the pleasure of the Legislature; but they should be separately enacted in a form which will offer to the bond holder the security of a vested right under an unrepealable law. On such a security the City creditor could confidently repose, if he chose to continue that investment of his funds, or could throw his stock into the market, sure of a ready purchaser. For such a security the whole floating debt could readily be exchanged, and the City thus be saved, by a single operation, more than twenty thousand dollars a month in the shape of interest.

By the terms "careful and stringent provisions," something more is meant than has hitherto been suggested in any quarter. To entrust the management, the payment of the interest and the redemption of the funded debt, to the ordinary officials of the City, would be a delusion and a mockery; on the contrary, every one of these incidents should be placed absolutely beyond the reach of the caprice, the necessities, the mismanagement, or the possible corruption of City Councils and City officers. They should be vested in Commissioners, independent of the Common Council in every respect, and necessarily in a measure even antagonistic to them, who should be authorized to call in the powers of the Courts to compel a compliance with all the provisions of his claims for months, and then could exchange their amounts, with all the accumulations of interest for the funded stock.

Nothing less than the enactment of the substance of these provisions will offer an adequate inducement to the City creditor to consent to change the form of his claims. He will not accept securities enacted in a City Charter which may be altered every year; as certainly will he reject bonds issued by City officers, to be redeemed out of funds raised, held and managed by Common Council, and so the debt will go on, doubling in less than three years by the mere accumulation of interest, and increasing in a progression even greater than that of the population of the City.

Your Committee therefore recommend the accompanying Bill as a substitute for the two under consideration, and earnestly recommend its passage. All of which is respectfully submitted.

J. D. CARR, Chairman.

On motion of Mr. Carr, the report and substitute were ordered printed.

Mr. Campbell, on leave, introduced "a Bill to reincorporate the City of San José," which was read first and second times, the Rules being suspended for that purpose, and ordered printed.

Mr. Hall, agreeably to previous notice, introduced "an Act authorizing the Governor to offer rewards for the apprehension of Criminals," which was read first and second times, the Rules being suspended for that purpose.

The Speaker laid before the House the following communication from the Clerk:

HOUSE OF ASSEMBLY.

MONDAY, *March* 31, 1851.

Hon. JOHN BIGLER, Speaker, &c.

In compliance with a resolution adopted by the Assembly on the 29th inst., authorizing the Clerk to contract for the printing of such documents and other matter as may be ordered by this House, until otherwise provided by law, I have the honor to state that I have conferred with the respective printing establishments of this city; that J. B. Devoe proposing to execute the work at a less price than any other establishment, consequently, I have contracted with him to perform said work at five per cent. less than that now allowed by law.

Very respectfully,
Your ob't. serv't.,
GEO. O. McMULLIN,
Clerk H. of A.

A message from the Senate was received informing the Assembly that they have passed Assembly Bill, entitled "an Act to change the name of John G. Almondinger, Jr., to that of John G. Almond;"

Also, that the Governor has returned to the Senate with his objections thereto, Senate Bill, entitled "an Act authorizing the District Attorney of the Seventh Judicial District to enter a *nolle prosequi* in certain cases;" and that the question having been taken, "Shall the Bill pass?" the

objections of the Governor to the contrary notwithstanding, the Senate has refused to pass the same by the constitutional majority;

Also, that the President of the Senate has signed "an Act to provide for the Inspection of Steamboats."

Mr. Baldwin presented the following communication from the Hon. L. Parsons.

SAN JOSÉ, *March* 31, 1851.

TO THE HON. HOUSE OF ASSEMBLY
of the State of California:

The undersigned would respectfully represent that, on Friday last, he read a copy of a resolution passed by the Assembly on Wednesday, giving the undersigned an opportunity of being heard before the Special Committe appointed to investigate the charges preferred by Wm. Walker against the undersigned: that the undersigned did not arrive at the Capital until Saturday night, and did not learn what the testimony or charges were until yesterday; consequently, the undersigned could not send for witnesses until this morning; assuring your honorable body that the undersigned has no desire to delay the proceedings, but that on the other hand, he asks and courts an investigation of the charges referred to, the undersigned finds it necessary to ask for a short extension of time for procuring the attendance of witnesses before the committee.

All of which is respectfully submitted.

L. PARSONS.

On motion of Mr. Baldwin, Judge Parsons had until Friday next to procure witnesses in the case of Wm. Walker against said Parsons.

"Bill authorizing the issue and sale of Land Warrants in this State," which was made the order of the day for to-day, was taken up, and made the order of the day for to-morrow.

"Bill to regulate suits at law among Miners," was read.

The question then was, "Shall the Bill pass?"

Decided in the affirmative.

Mr. Field, agreeably to previous notice, introduced "a Bill to amend Section 501 of the Act entitled 'an Act to regulate proceedings in Criminal cases,'" passed April 20, 1850, which was read first and second times, the Rules being suspended for that purpose.

On motion of Mr. Field, the Bill was considered as engrossed, and read a third time.

Senate Bill, entitled "an Act to change the name of the office of County Recorder to that of County Register," was taken up, and read second time.

On motion of Mr. Bradford, the Bill was laid on the table.

Bill entitled "an Act supplementary to an Act to prohibit Lotteries," was taken up, and read second time, and referred to a Select Committee, consisting of Messrs. Lind, Moore, and Murphy.

Senate Bill, entitled "an Act to designate holidays to be held in the acceptance and payment of Bills of Exchange and Promissory Notes," was taken up.

Mr. Moore moved that the Bill be indefinitely postponed.

Not agreed to.

Mr. Moore moved that the Bill be laid on the table.

Not agreed to.

Mr. Bodley moved to amend, by striking out all from the word "day" in the fourth line to the word "shall" in the eighth line.

Agreed to.

The Bill was then read a third time.

The question then was, "Shall the Bill pass?"

Decided in the affirmative.

The following communication, and accompanying documents, were received from the Governor:

To JOHN BIGLER,

Speaker of the Assembly:

SIR: In compliance with a Resolution of the Assembly, I have the honor herewith to transmit copies of letters and petitions, in relation to disturbances by the Indians in the County of Los Angeles; also, a copy of an order issued, on the 1st inst., to Major-General J. H. Bean, commanding 4th division of the Militia of the State, which are numbered respectively from No. 1 to 5 inclusive.

I have the honor to be,

Very respectfully,

Your obedient Servant,

JOHN MCDOUGAL.

EXECUTIVE DEPARTMENT,

March 29th, 1851.

LOS ANGELES, *February 9th*, 1851.

SIR: I have the honor herewith to enclose to you a communication which has just been presented to me by a committee, appointed by the most respectable citizens of this county, calling my attention to a series of incursions that have been made upon their ranchos during the present season, by the different tribes of hostile Indians.

Under the Law of the State I feel myself powerless to effect any good, and take this opportunity of respectfully directing the attention of your Excellency to the want of military organization in our State.

The representations of the citizens of this county do not set forth the facts of the damages already suffered, nor the danger threatening them in too strong colors, and I trust that their appeal for aid will be promptly offered them.

My own impression is that a company of volunteer rangers, of not less than fifty men, should be immediately raised for the protection of the lives and property of the people of this section, and I cannot too earnestly recommend to your Excellency immediate action upon this subject.

As I am but temporarily detained here, will your Excellency do me the favor to address me at San Diego, with such instructions as may seem proper to you under the circumstances?

I have the honor to be,
With great regard,
Most respectfully yours,
J. H. BEAN,
Major-General of the 4th Division,
California Militia.

To His Excellency JOHN MCDOUGAL,
Governor and Commander-in-Chief.

EXECUTIVE DEPARTMENT,
SAN JOSÉ, CAL., *March* 31, 1851.

To Maj. Gen. JOSHUA BEAN:

SIR: It having been represented to me that hostile tribes of Indians are committing aggressions upon our citizens inhabiting the Southern portion of the State, and the authorities having been invoked to aid in repelling these aggressions, you are hereby ordered to call out,

for this purpose, fifty able-bodied militia of the County of Los Angeles, who will be mustered into service at the earliest day practicable, under officers of their own selection, and proceed at once under your general command to punish and repel the aggressing Indians. I presume the number of men ordered out will prove sufficient, and it is to be hoped no necessity will arise for an additional force. You will, however, keep me advised by every opportunity offering of the exact state of affairs with you, so that, should the extent of the hostilities have been misapprehended, other and efficient steps may be taken at once. The force now ordered out will be disbanded whenever it can be done consistently, and unless there is an actual emergency requiring others, no additional force will be allowed.

Observe the most rigid economy in conducting the matters under your charge, incur no expenses which are not absolutely necessary, and require your disbursing officer to keep an accurate account of all disbursments made and all expenses incurred, and report to me.

The character of troops required for the service, whether infantry or cavalry, is left to your sound discretion and judgment.

Blank forms will, in the course of time, be forwarded to you.

I have the honor to be, your obedient servant,

JOHN MCDOUGAL.

SAN LUIS REY, *March* 17, 1851.

To His Excellency, JOHN MCDOUGAL,
Gov. and Com. in Chief of the Cal. Militia:

SIR: I have the honor to Report from this place, transmitting the enclosed, which I hope will meet your approbation.

Very recent news from the County of Los Angeles urges me to proceed with all possible speed, as the aggressing Indians are devastating the whole country in that section of the State. I have, according to your orders, endeavored to show the people of the South that they would not be left defenceless, but that your Excellency has a care for all portions of the State.

Whenever an opportunity offers, I shall keep your Excellency advised of my progress and proceedings.

I have the honor to be, your Excellency's most ob't serv't,

J. H. BEAN,
Maj. Gen. 4th Div. Cal. Militia.

On motion of Mr. Lisle, the communication and accompanying documents were referred to the Committee on Indian Affairs.

On motion of Mr. Carr, Messrs. Cook and Stearns were added to said committee.

A Message was received from the Governor, informing the Assembly that he did, on the 29th inst., sign "an Act entitled an Act to repeal an Act entitled 'an Act to provide for the Inspection of Steamboats."

The following communication was received from the Governor:

EXECUTIVE DEPARTMENT,
SAN JOSÉ, *March* 31, 1851.

TO THE SENATE AND ASSEMBLY:

I have this day appointed J. B. Devoe, Esq., State Printer for the State of California, to fill the vacancy occasioned by the resignation of J. Winchester, Esq.

JOHN MCDOUGAL.

On motion of Mr. Moore, the communication was laid on the table.

Senate Bill, entitled "an Act for the relief of Samuel D. Blackburn," was taken up.

On motion of Mr. Moore, said Bill was indefinitely postponed.

"Bill for the relief of James Austin," was taken up.

Mr. Moore moved that the Bill be indefinitely postponed.

Mr. Lind demanded the ayes and nays.

Those who voted in the affirmative were—

Mr. Baldwin	Mr. Merritt
Bradford	Moore
Brown	Murphy
Campbell	Osgood
Lisle	Randall
Lind	Stearns
McDougal	Yeiser—14.

In the negative—

Mr. Bodley	Mr. Saunders
Cook	Thorne
Hall	Wethered
Kendrick	Speaker—8.

Agreed to.

Mr. Campbell offered the following:

Resolved, That the Treasurer be requested to inform this House if he has kept an account of the number of all Bonds of this State which have been redeemed by him.

Adopted.

On motion of Mr. Moore, the House resolved itself into Committee of the Whole, Mr. Merritt in the Chair, on Bills No. 139 and 53, entitled "Bills to exempt the Homestead and other Property from Forced Sale in certain cases;" after some time spent therein, the committee rose, reported progress, and had leave to sit again.

Mr. Lisle, on leave given, introduced a "Bill to change the name of Morris A. J. Cullen to Cullen A. Johnson," which was read first and second times, the Rules being suspended for that purpose.

Mr. Merritt moved that the House resolve into Committee of the Whole, on "Bill authorizing persons to change their names."

Mr. Lind moved to adjourn.

Not agreed to.

Mr. Moore moved to reconsider the vote just taken.

Agreed to.

The question then recurred on the motion to adjourn.

Not agreed to.

The question then recurred on the motion to consider in Committee of the Whole "Bill authorizing persons to change their names."

Not agreed to.

QUARTER AFTER ONE O'CLOCK.

On motion of Mr. Merritt, the House adjourned.

HOUSE OF ASSEMBLY.

TUESDAY, *April* 1, 1851.

House met.

The roll was called, and the following members were absent, to wit:

Messrs. Covarrubias, Lind, Murphy, Saunders; on leave, Messrs. Hoff, Kellogg, Pico, Richardson, Robinson, and Wilkins.

The Journal of yesterday was read and approved.

Mr. Merritt presented a petition from John L. Smith, praying that his name be reinstated in the muster roll of Company "A," of the Gila Expedition, which was referred to the Committee on Indian Affairs.

Mr. Baldwin, Chairman of the Committee on Elections, to whom was referred the Certificates of Election of the members of the Assembly, reported.

MR. SPEAKER:

The Committee on Elections, to whom was referred the certificates of Election of the Members of the Assembly, have had the same under consideration, and ask leave to report:

That at an Election held on the 7th of October, 1850, in pursuance of the Constitution of the State, the following gentlemen were elected Representatives of their respective Districts in the Legislature of California, until the installation of another Legislature on the first Monday in January, 1852, from the Counties of

San Diego,	John Cook
Los Angeles,	Andreas Pico Abel Stearns
Monterey,	A. Randall
Santa Cruz,	E. B. Kellogg
Santa Clara,	A. C. Campbell Thomas Bodley
San Francisco,	F. C. Bennett J. S. Wethered Jesse D. Carr W. C. Hoff I. N. Thorne
San Joaquin,	F. Yeiser W. C. McDougal
Calaveras,	D. W. Murphy John Y. Lind

Tuolumne,	B. F. Moore W. W. Wilkins D. P. Baldwin
Mariposa,	H. S. Richardson S. A. Merritt
Sacramento,	Charles Robinson, John Bigler D. J. Lisle
El Dorado,	G. D. Hall Jeptha J. Kendrick
Marin, Sonoma, Napa, Solano, Mendocino,	J. S. Bradford.
Yolo, Colûsi, Trinity,	Hiram P. Osgood.
Yuba,	Stephen J. Field
Butte,	R. T. Saunders
Shasta,	A. G. McCandless
Contra Costa,	Elam Brown
Sutter,	J. W. McCorkle
Santa Barbara,	Henry Carnes J. M. Covarrubias.

Your Committee would further report in the case of the Honorable J. S. Bradford, the Representative of the District composed of the Counties of Marin, Sonoma, Napa, Solano, and Mendocino, that notwithstanding it appears in evidence that he did exercise some of the privileges of citizenship in the County of Santa Clara, whilst the Representative of another District, yet it was done, as your Committee are of the opinion, under a misapprehension easily explained, and altogether excusable; intending, as he did at the time, to fix his future residence in said County, but was prevented from so doing by subsequent events; and your Committee are clearly of the opinion, that he exercised no such privileges as to take from him his residence, or to affect his rights as a Representative of the District of Sonoma.

The principle is a well established one, that ere an individual can exercise the Elective Franchise, or be invested with the powers of a Representative, he must be a Citizen of the District he represents; and whilst those powers subsist, an exercise of the rights of Citizenship in another District is an assumption unwarranted in law. Mr. Bradford was elected a member of the Assembly from the District of Sonoma the 13th day of November, 1849, and acted in that capacity until the 23d of April, 1850. The rights of Citizenship claimed as having been exercised by him in the County of Santa Clara was on the 1st day of April, 1850. The Legislature did not adjourn until some twenty days afterwards, during which time Mr. Bradford was in his seat and discharged the duties of Representative.

Further, after the adjournment, Mr. Bradford returned to the District of Sonoma, where he resided until selected by the people of the said District on the 7th day of October, 1850, to represent them in the Legislature of California.

Your Committee being of the opinion that there being not even a question of doubt in reference to Mr. Bradford's being entitled to his seat as a Representative, would respectfully submit the following resolution:

Resolved, That the Hon. J. S. Bradford is the duly elected and legally constituted Representative of the District composed by the Counties of Marin, Solano, Mendocino, Napa, and Sonoma.

D. P. Baldwin,
Chairman of Committee.

On motion of Mr. Yeiser, the Report was ordered printed.

Mr. Bodley, from the Committee on Engrossed Bills, reported as correctly engrossed, "an Act amendatory of an Act entitled 'an Act to regulate proceedings in Criminal Cases, passed April 20, 1850.'"

Mr. Bradford, from the Joint Committee on Enrolled Bills, reported that they have examined and find correctly enrolled, "an Act to change the name of John G. Almondinger, Jr., to John G. Almond."

Mr. Field, Chairman of the Select Committee to whom was referred the "Bill to regulate proceedings in Civil Cases in the Courts of Justice in this State," reported the same back with amendments, and recommended its passage.

On motion of Mr. Field, the amendments were concurred in generally.

On motion of Mr. Field, the Bill was considered as engrossed, and read a third time.

Mr. Moore moved a reconsideration of the vote by which the House ordered the Bill to be read a third time.

Not agreed to.

Mr. Moore moved that the Bill be recommitted to the Select Committee, with instructions to insert the following:

"In suits for debts and claims by one partnership against another partnership, it shall be no objection to the said suit that a member o the partnership plaintiff is also a member of the partnership defendant; and for the purpose of such suit, each firm shall be treated as an artificial body or *quasi* corporation, and judgment shall be rendered upon a debt due by such partnership plaintiff to such partnership defendant, in the same manner as if the suits were between corporations, or an ordinary action by one partnership against another."

Not agreed to.

The question then recurred, "Shall the Bill pass?"

Decided in the affirmative.

Mr. Thorne, on leave, introduced a "Joint Resolution instructing the Attorney-General to commence suits against the person or persons in possession of the estate of William A. Leidesdorff," which was read first and second times, the Rules being suspended for that purpose.

Mr. Merritt moved that the Rules be suspended, and the Bill be considered as engrossed, and read a third time.

Mr. Carnes moved that the Joint Resolution be laid on the table.

Not agreed to.

Mr. Campbell moved that the Joint Resolution be referred to the Judiciary Committee.

Not agreed to.

Mr. Baldwin moved that the Resolution be indefinitely postponed.

Not agreed to.

Mr. Baldwin moved to strike out all after the word "*Resolved.*"

Not agreed to.

Mr. Baldwin moved that the Joint Resolution be referred to the Judiciary Committee, with instructions to report to-morrow.

Mr. Thorne called for the previous question.

The question then was, "Shall the main question be now put?"

Agreed to.

The question recurred on the motion to refer the Joint Resolution to the Judiciary Committee, with instructions to report to-morrow.

Agreed to.

Mr. Bodley, from the Committee on Engrossed Bills, reported as correctly engrossed, a "Bill to regulate proceedings in Civil Cases in the Courts of Justice of this State."

Mr. Bradford, from the Joint Committee on Enrolled Bills, reported that they have examined and find correctly enrolled, "an Act to amend an Act entitled 'an Act concerning Crimes and Punishments.'"

The Speaker laid before the House the following communication from the State Treasurer:

OFFICE OF STATE TREASURER,
SAN JOSE, *April* 1, 1851.

To HON. JOHN BIGLER,
Speaker of the Assembly:

Sir—

Pursuant to a Resolution of the Assembly, of the 31st ult., I have the honor to state that a full register of the numbers of all State Bonds redeemed has been kept, as prescribed by the second section of an Act creating a temporary State Loan, approved February 1, 1850.

I am Sir,
Very respectfully, &c.,
RICHARD ROMAN,
State Treasurer.

"Bill to amend Section 501 of the Act entitled 'an Act to regulate proceedings in Criminal Cases, passed April 20, 1850,'" was taken up.

The question then was, "Shall the Bill pass?"

Decided in the affirmative.

"Bill to authorize the issue and sale of Land Warrants in this State," being the order of the day for to-day, was taken up and made the order of the day for to-morrow.

On motion of Mr. Carr, the House resolved itself into Committee of the Whole, Mr. Merritt in the Chair, on "Bill to exempt the homestead

and other property from forced sale, in certain cases." After some time spent therein, the committee rose, reported progress, and had leave to sit again.

Mr. Cook from the Committee on Engrossed Bills, reported as correctly engrossed, Bill entitled "an Act to amend Section 501 of the Act entitled 'an Act to regulate proceedings in criminal cases, passed April 20, 1850.'"

A Message from the Senate was received, informing the Assembly that they have passed Assembly Bill, entitled "an Act supplementary to an Act, entitled 'an Act to Incorporate the City of Los Angeles," and with an amendment, 'an Act in relation to the appointment of Pilots for the Bay and Harbor of Humboldt;" also, that they have non-concurred in the Assembly's amendment to Senate's amendment to Assembly's amendment to Senate Bill, entitled "an Act concerning Redemptions;"

Also, that they concurred in the amendments of the Assembly to Senate's Amendments to Assembly Bill, entitled "an Act concerning the Courts of Justice of this State, and Judicial Officers;"

Also, that they have concurred with amendments as affixed to the margin thereof in Assembly's 2d and 11th amendments to Senate Bill, entitled "an Act to reincorporate the City of San Francisco," and without amendment in the 1st, 3d, 4th, 6th, 7th, 8th, 9th, and 12th, and that they have non-concurred in the 5th, 10th, and 13th of those amendments; also, that they have passed Joint Resolution herewith transmitted, in relation to the Pious Fund of California."

Assembly Bill, entitled "an Act in relation to the appointment of Pilots for the Bay and Harbor of Humboldt," returned from the Senate with an amendment, was taken up, and said amendment concurred in.

Senate Bill, entitled "an Act concerning Redemptions," returned from the Senate non-concurring in Assembly's amendment to Senate's amendment to Assembly's amendment, was taken up.

Mr. Field moved that the House recede from their amendment.

Not agreed to.

Mr. Moore moved to adjourn.

Not agreed to.

Mr. Baldwin moved that there be a call of the House.

Not agreed to.

Mr. Field moved that the House recede from their amendment.

Mr Randall called for the previous question.

Mr. Moore moved to adjourn.

Objection being made, the Speaker decided that the call for the previous question was in order.

Mr. Moore appealed from the decision of the Chair.

The question then was, "Shall the decision of the Chair stand as the judgment of the House?"

Mr. Moore demanded the ayes and nays.

Those who voted in the affirmative were—

Mr. Bennett	Mr. Field
Bradford	Kendrick
Carr	Merritt
Carnes	Randall
Cook	Thorne
Covarrubias	Wethered—12.

In the negative—

Mr. Baldwin	Mr. Osgood
McCandless	Saunders
McDougal	Stearns
Moore	Yeiser—8.

The decision of the Chair was sustained.

The question then was, "Shall the main question be now put?"

On motion of Mr. Carr, the Bill was laid on the table.

On motion of Mr. Moore, the Message and remaining Bills were laid on the table.

Mr. Carnes gave notice that he would, on to-morrow, introduce a Bill, entitled "an Act concerning Marks and Brands," and Bill entitled "an Act concerning Judges of the Plains (*Jueces del Campo*), and defining their duties."

Mr. Carr, on leave given, introduced a "Bill to prevent the City of San Francisco from selling any property within its limits," which was read first and second times, the Rules being suspended for that purpose.

On motion of Mr. Baldwin, the Rules were suspended, the Bill considered as engrossed, and read a third time.

The question then was, "Shall the Bill pass?"

Decided in the affirmative.

QUARTER BEFORE TWO O'CLOCK.

On motion of Mr. Wethered, the House adjourned.

HOUSE OF ASSEMBLY.

WEDNESDAY, *April* 2, 1851.

House met.

The roll was called, and the following members were absent, to wit: Messrs. Campbell, Carr, Hall, Lisle, McDougal, and Stearns ; on leave, Messrs. Hoff, Kellogg, Pico, Richardson, Robinson, and Wilkins.

The Journal of yesterday was read and approved.

A Message from the Senate was received, informing the Assembly that the President has signed "an Act to change the name of John G. Almondinger, Jr., to John G. Almond;"and, "an Act to amend the 'Act concerning Crimes and Punishments;'"

Also, that the Senate have concurred in the amendment of the Assembly to Senate Bill, entitled "an Act to designate the holidays to be observed in the acceptance and payment of Bills of Exchange and Promissory Notes;"

Also, that they have passed Assembly "Joint Resolution for the distribution of the Convention Journals;"

Also, "an Act to amend the second, third, and seventh sections of the Act entitled 'an Act concerning Notaries Public;'"

And, "an Act to prevent the City of San Francisco from selling any Property within its limits."

Mr. Murphy, Chairman of the Committee of Ways and Means, introduced a Bill entit'ed "an Act prescribing the mode of Assessing and Collecting Public Revenue," which was read first and second times, the Rules being suspended for that purpose, and two hundred copies ordered printed.

Mr. Hall, from the Committee on Indian Affairs, to whom was referred the papers communicated to the Assembly, relative to Indian difficulties in the County of Los Angeles, presented the following report, and asked to be discharged from the further consideration of the subject:

The frequent aggressions from the Indians in the Southern region of the State, has become a grievance of such importance, that the people of that section have been compelled to call public conventions, in order to provide the means of defence of their lives and property. Their population spread over a vast territory, and their property consisting chiefly of herds of cattle, present an inviting spoil to their savage neighbors, while their remoteness from the Seat of Government deny them facilities enjoyed by other frontier portions of the State, to procure aid from the military force of the country.

To form a volunteer force and to resolve upon active hostilities against the Indians, become necessary under the circumstances. Accompanying this organization for self-defence, is a petition to the Major General of that division, to approve and co-operate with them.

The communication of this officer to the Executive in relation to this subject, reiterates assurances of the absolute necessity of severe defensive measures being taken on the part of the State.

Upon the strength of these representations, the Executive directed Major General Bean to organize a force of fifty men, with general instructions to suppress Indian depredations, to observe the strictest economy, and to report regularly to the Executive Department.

In the discharge of this duty, the Executive has not transcended his powers under the Constitution, has acted in perfect accordance with the liberal policy pursued by this Legislature in the defence of our citizens; and, has, in the opinion of your committee, resorted to means demanded by the emergent and defenceless condition of the people they are designed to relieve. The Constitution makes the Executive Commander-in-Chief of the Militia of the State, with discretionary power to call out the Militia for its defence.

In the present instance all has been done that is necessary on the part of the Executive. We deem the force authorized to be sufficient—and while we recommend an approval of the conduct of the Executive, offer the following Resolution:

"Joint Resolution directing the Governor to confer with the United States Commissioners," which was read first and second times, the Rules being suspended for that purpose.

Mr. Baldwin moved that the Joint Resolution be indefinitely postponed.

Mr. Hall demanded the ayes and nays.

Those who voted in the affirmative were—

Mr. Baldwin	Mr. Moore
Bennett	Saunders
McCandless	Thorne
McCorkle	Yeiser—8.

In the negative were—

Mr. Bodley	Mr. Kendrick
Bradford	Lisle
Brown	Lind
Carr	Merritt
Carnes	Murphy
Cook	Randall
Covarrubias	Stearns
Field	Wethered
Hall	Speaker—18.

Not agreed to.

Mr. Baldwin, Chairman of Committee on Military Affairs, to whom was referred Senate Bill, "concerning the organization of the Militia," reported the same back, recommending that the 1st, 2d, and 4th Sections be stricken out.

The question then recurred on the adoption of the Report.

Adopted.

The Bill was then read a third time.

The question then was, "Shall the Bill pass?"

Decided in the affirmative.

Mr. Bodley, from the Committee on Engrossed Bills, reported as correctly engrossed, Bill entitled "an Act to prevent the City of San Francisco from selling any Property within its limits."

Mr. Bradford, from the Committee on Enrolled Bills, reported that they have examined and find correctly enrolled, "an Act to prevent the City of San Francisco from selling, or in any otherwise disposing of Lots within its corporate limits;" "an Act to designate the Holidays to be observed in the acceptance and payment of Bills of Exchange and Promissory Notes."

Mr. Cook, Chairman of Select Committee to whom was referred the petition of numerous citizens of Santa Clara County, praying for the

passage of Laws for the suppression of sundry Vices therein named, having had said petition under consideration, beg leave to submit the following

REPORT:

MR. SPEAKER:

The Committee to whom was referred the petition of numerous citizens of Santa Clara County, praying for the enactment of laws for the suppression of sundry vices therein named, have had the said petition under consideration, and beg leave to submit the following report:—

The petition is respectful in its tone, and important in its character. It evidently emanates from intelligent and well meaning citizens, and deserves what we have aimed to give it, a respectful consideration. Enumerating, as the petitioners do, numerous evils for the suppression of which they ask legislative aid, instead of following them in detail, we deem it preferable to limit our report to the general principles involved in the petition. The petitioners ask for legislative enactments against certain vices. Does the thing asked for come within the legitimate scope of legislative action? Is it of sufficient importance to demand or justify legislative interference? Of this there can be no doubt. The existence of the evils complained of, operates injuriously to the interests of the State, in various ways. It brings among us a class of persons, indolent in their habits, vicious in their conduct, corrupting in their influence, reckless of law, triflers with property, and not unfrequently with life. The gambling hells and dens of prostitution the world over have, for months, been pouring in upon us from their polluted fountains, streams which threaten to flood our State with a deluge of evils. Stringent laws are needed to check the adepts of crime already here, and to deter others from coming among us. The past two years have been a season of jubilee to these disciples of vice, and a thousand places of resort have grouped within themselves the horrors and evils of Pandemonium. It is in vain we legislate for the good order of the State, if by overlooking the evils complained of by the petitioners, we tacitly hold out encouragement to men heedless of law and schooled in crime to come among us. Let corrupt men and women, who think of immigrating hither, know that public opinion as sound and laws as stringent will meet them here, as they have been wont to meet at home, and fewer of them will come. Safety to property and life demands the action prayed for. Crime is becoming fearfully rife in our State; life and property are insecure; men are smit-

ten down in the streets—foully murdered in the crowded assembly; dwelling houses are robbed; stores broken into; every species of property feloniously taken, until our best and most orderly citizens are roused to remonstrance, and forced to appeal to their law-makers to give them redress. If the question were asked, who are those who sport with the property and lives of others, the answer is obvious; they are those who indulge in the vices, for the suppression of which your petitioners ask legislative aid. Among the frequenters of the gaming house and brothel there may be a difference; some as yet taking only the initiatory steps, are neither wholly lost to honor or honesty, but the mass of the criminals hurried to the Station Houses, Jails, and Prisons of our Cities are frequenters of these places.

One great desideratum of our State is an increase in the number of families. A much larger immigration of this kind than we have yet had is needed. Permanent institutions with a transient population would be such an anomaly as the world has never yet seen; thorough research, patient toil, and great sacrifices are necessary to lay the foundations, and build up the institutions of a great and prosperous State; the mere adventurer will not bring these gifts to the altar of the State; here to-day, and to-morrow elsewhere, he lives for self, acts for self, legislates for self. It will not be, till we have men who will feel that their interests, and the interests of their children, are interwoven with those of the State, that we shall have the true elements of prosperity among us. Now, the prevalence of the vices complained of by your petitioners, the bold effrontery and brazen face with which they crowd themselves in social life and places of public notice, deters hundreds of parents from immigrating here with their families. Neither the fineness of our climate, nor the fertility of our soil, nor the vastness of our mineral wealth, can tempt them to plunge their children into such a state of evil example as meets them the first *hour* they spend upon our shore. The fact is undeniable that some of the best and most intelligent men that we have had among us have been deterred from bringing their families here by this cause.

These men have returned to confer upon other communities the benefits they would otherwise have bestowed upon ours. The cause which has sent these men out of the State, is preventing many others of like character from entering it. With these evils unchecked, we shall have one vast flood-tide of evil men flowing in upon us. With these evils

restrained, honest men with virtuous wives, and hopeful children, will crowd our fertile valleys, and fill our State with happy homes.

Your Committee cannot close their report without calling the attention of this honorable body to the fact, that it is grossly incongruous to pass laws for the punishment of theft, drunkenness, and murder, and at the same, or at any other time, license the chief procuring cause of these crimes, and by licensing throw the ægis of law around them. He who should sow the thistle and then set himself about its extirpation, or he who should set his house on fire, and then seek to preserve it, might toil hard, but he would not toil wisely; nor does that legislative body act wisely, which by licensing vice becomes its patron, and then sets itself to enact laws to punish the evil fruits of its own legislation. Here, as elsewhere, prevention is both better and easier than cure. It is easier to keep the wolf out of the flock than to expel it after it has once gained an entrance. As no plea can be urged in favor of the vices complained of, but one objection can be urged against the passage of such laws as the petitioners ask from this body, viz: the supposed inutility of legal enactments for the suppression of the things complained of.

In opposition to this apparent objection, the Committee would respectfully submit, in behalf of the petitioners' request, that there are numerous persons whose moral code is framed by statutory enactments of the State. With them what is legally right is never morally or socially wrong: professing to be law-abiding citizens, they will not knowingly violate a single Statute of the State. Make gambling and these other crimes illegal, and they at least will abstain from them; make these things illegal, and the youth of our State will no longer rush to their destructive pleasures with the plea "the State licenses them, therefore they cannot be very bad." The law should be a terror to evil doers, and a praise to them who do well. The State should have no share in the wages of iniquity. It should set itself sternly against all the evils which weaken the bonds of society, and threaten to do injury to the interests of the State.

The Committee do not dwell now upon the plea that it is useless to legislate in advance of public sentiment; the Divine Law is in advance of public sentiment; some of the most important of human laws are in advance of it. So long as wrong is prevalent, so long will rules of right be in advance of those who do the wrong. Nor will we dwell upon the

plea that any law passed upon these subjects would be violated. All laws are violated; laws against theft and murder are violated, still they stand upon the statute book; nor is it deemed necessary to answer the objection that, if such laws as the petitioners ask for were passed, they could not be enforced. Our people are AMERICAN CITIZENS; this is our only answer.

Your Committee therefore recommend that the prayer of your petitioners be granted, and the Committee be discharged from the further consideration of the subject.

JOHN COOK, *Chairman of Committe.*

On motion of Mr. McCandless, the report was ordered printed.

Mr. McCandless offered the following:

Resolved, That this House will dispense with the further services of Doorkeeper, and that the Sergeant-at-Arms be required to perform the services of Doorkeeper.

Mr. Bodley moved to lay the Resolution on the table.

Mr. Lisle demanded the ayes and nays.

Those who voted in the affirmative were—

Mr. Bodley	Mr. Merritt
Carr	Moore
Carnes	Saunders
Cook	Wethered
Covarrubias	Yeiser
Field	Speaker
McCorkle	—13.

In the negative—

Mr. Baldwin	Mr. Lind
Bennett	McCandless
Brown	Murphy
Hall	Randall
Kendrick	Stearns
Lisle	Thorne—12.

Agreed to.

Mr. Carnes, agreeably to previous notice, introduced a "Bill concerning Judges of the Plains (*Jueces del Campo*)," which was read first

and second times, the Rules being suspended for that purpose, and ordered printed.

Mr. Carnes, agreeably to previous notice, introduced a "Bill concerning Marks and Brands," which was read first and second times, the Rules being suspended for that purpose, and ordered printed.

The Speaker laid before the House a communication from the Postmaster of San José, relative to the postage account of the Assembly, which was referred to the Committee on Claims.

Mr. McCorkle presented the account of R. B. Buchanan, for services as Sheriff in the Criminal Court of Sacramento City, which was referred to the Committee on Claims.

On motion of Mr. Moore, the House took up "Bill concerning certain Trespasses in the Mining Counties of this State."

The Bill was then read a third time.

The question then was, "Shall the Bill pass?"

Decided in the affirmative.

Senate Bill, entitled "an Act to reincorporate the City of San Francisco," returned from the Senate, concurring, with amendments, in Assembly's 2d and 11th amendments, and without amendment in Assembly's 1st, 3d, 4th, 6th, 7th, 8th, 9th, and 12th amendment, and non-concurring in the 5th, 10th, and 13th of said amendments, was taken up, when the House refused to concur in Senate's amendments.

On motion of Mr. Bradford, the House insisted on their amendments.

Senate "Joint Resolution, in relation to the Pious Fund of California," was taken up, and read first time.

Mr. Bodley moved to lay the Resolution on the table.

Not agreed to.

Mr. McCorkle moved that the Rules be suspended, and the Joint Resolution read a second time.

Agreed to.

On motion of Mr. McCorkle, the Rules were suspended, and the Joint Resolution read a third time.

The question then was, "Shall the Joint Resolution pass?"

Decided in the affirmative.

Mr. Bodley, from the Committee on Claims, to whom was referred the account of J. D. Hoppe, Postmaster of the City of San José, for Postage of the House of Assembly to the 31st March inclusive, reported that they have been informed from a reliable source that the money

which was to have been paid by Hon. Pablo de la Guerra, in compliance with a Joint Resolution authorizing the Treasurer to draw on the Treasurer of Santa Barbara County for such amount as he might pay on account of postage, has been partly complied with, but that only $500 has been paid, and that gentleman refuses to pay more, which was sufficient to pay only the amount due by the Senate, and $147 04 towards the Assembly Bill, which leaves a balance due Postmaster of $673 22 in specie or its equivalent. Your committee would therefore recommend the passage of the following Joint Resolution:

"Joint Resolution for the relief of J. D. Hoppe, Postmaster," was read first and second times, the Rules being suspended for that purpose.

On motion of Mr. Merritt, the Joint Resolution was laid on the table.

Mr. Baldwin offered the following:

Resolved, That the Superintendent of Public Instruction be requested to lay before the Legislature a report upon the subject of Education, and to recommend for their consideration and adoption some general system of schools and tuition for the State.

Mr. Cook moved to lay the Resolution on the table.

Not agreed to.

Mr. Thorne moved to refer the resolution to the Committee on Education.

Mr. Cook demanded the ayes and nays.

Those who voted in the affirmative were—

Mr. Carnes	Mr. Thorne
Cook	Wethered
Randall	—5.

In the negative—

Mr. Baldwin	Mr. Lind
Bodley	McDougal
Bennett	Moore
Bradford	Merritt
Brown	Osgood
Carr	Stearns
Kendrick	Yeiser
Lisle	Speaker—16.

Not agreed to.

The question then recurred on the adoption of the resolution.

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

Not agreed to.

Mr. Merritt demanded the previous question.

The question then was, "Shall the main question be now put?"

Agreed to.

The question recurred on the adoption of the resolution.

Mr. Cook demanded the ayes and nays.

Those who voted in the affirmative were—

Mr. Baldwin	Mr. Merritt
Bennett	Moore
Carr	Osgood
Field	Saunders
Kendrick	Stearns
Lisle	Yeiser
Lind	Speaker
McDougal	—15.

In the negative—

Mr. Bodley	Mr. Cook
Bradford	Randall
Brown	Thorne
Carnes	Wethered—8.

Adopted.

Mr. Moore, from the Judiciary Committee, to whom was referred "Joint Resolution, instructing the Attorney General to commence suits against the person or persons in possession of the Leidesdorff Estate," reported the same back, with a substitute.

The substitute was then read.

Mr. Thorne moved that the substitute be rejected.

Mr. Baldwin demanded the ayes and nays.

Those who voted in the affirmative were—

Mr. Bennett	Mr. Brown
Bradford	Cook

Mr. Carnes	Mr. Saunders
Field	Stearns
Kendrick	Thorne
Osgood	Wethered
Randall	Speaker—14.

In the negative—

Mr. Baldwin	Mr. McDougal
Bodley	Moore
Covarrubias	Murphy
Lisle	Yeiser
McCorkle	—9.

Agreed to.

Mr. Saunders offered the following as a substitute for the original resolution:

Resolved (the Senate concurring), That the Attorney General inquire whether the estate of William A. Leidesdorff has escheated to the State of California, and if he be of the opinion said estate has so escheated, that he is hereby instructed to institute suit for the same.

Mr. Baldwin moved to refer the whole subject to a Select Committee, with instructions to report on Monday next.

Agreed to.

The Speaker appointed as said committee, Messrs. Baldwin, Thorne, Saunders, McCorkle, and Murphy.

A Message from the Senate was received, informing the Assembly that they have passed Bill, herewith transmitted, entitled "an Act defininingwhat in certain cases shall be sufficient evidence of possession in actions brought for the recovery of the possession of lands."

Senate Bill, entitled "an Act defining what in certain cases shall be sufficient evidence of possession in actions brought for the recovery of the possession of lands," was read first and second times, the Rules being suspended for that purpose, and referred to the Judiciary Committee.

Mr. Lisle moved a reconsideration of the vote by which the House passed Bill "concerning certain trespasses in the Mining Counties of this State."

QUARTER BEFORE TWO O'CLOCK.

On motion of Mr. Randall, the House adjourned.

HOUSE OF ASSEMBLY.

THURSDAY, *April* 3, 1851.

House met.

The roll was called, and the following members were absent, to wit: Messrs. Baldwin, Field, Hall; on leave, Hoff, Kellogg, Pico, Richardson, Robinson, and Wilkins.

The Journal of yesterday was read and approved.

Mr. Randall, from the Committee on Commerce, to whom was referred the communication of the Secretary of State, on the subject of Weights and Measures, reported that ample provision has been made by the Congress of the United States for supplying each State of the Union with Standards of Weights and Measures, copied from the original standards of the United States, to be furnished to each State upon application of the Executive thereof; also, that Standard Balances are furnished in the same manner by the United States.

In the Joint Resolution of June 14th, 1836, the Secretary of the Treasury is directed to cause a complete set of all the Weights and Measures, adopted as Standards, and now either made or in the progress of manufacture, for the use of the several Custom Houses, and for other purposes, to be delivered to the Governor of each State in the Union, or such person as he may appoint, for the use of the States respectively, to the end that a uniform Standard of Weights and Measures may be established throughout the United States." In order further to secure this uniformity, Congress directed, in 1838, the preparation and distribution to the States of Balances for adjusting Weights and capacity of Measures. From this it will be seen that no Legislation is needed, beyond what is required for the procuring and safe keeping of the Standards belonging to this State. The committee therefore recommend the passage of the following Bill:

"Bill to authorize the Governor to procure the Standard of Balances,

Weights, and Measures," was read first and second times, the Rules being suspended for that purpose, and with the report ordered printed.

Mr. McCorkle introduced a "Joint Resolution relative to the per diem pay and mileage of witnesses in the cases of Judges Parsons and Turner, which was read first time.

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

Agreed to.

Mr. McCandless moved that the resolution relative to dispensing with the services of Doorkeeper be taken from the table.

Agreed to.

Mr. McCandless asked and obtained leave to withdraw the resolution.

A Message was received from the Governor, informing the Assembly that he did, on yesterday, sign "an Act to change the name of John G. Almondinger, Jr., to John G. Almond."

A message from the Senate was received, informing the Assembly that they refuse to recede from their amendments to Assembly's amendments to Senate Bill, entitled "an Act to reincorporate the city of San Francisco," and request a Committee of Free Conference thereon, having appointed as such committee on their part, Messrs. Broderick, Heydenfeldt, and Robinson, to meet any corresponding committee which may be appointed on the part of the Assembly;

Also, that the President has signed Bill, entitled "an Act to designate the holidays to be observed in the acceptance and payment of Bills of Exchange and Promissory Notes."

On motion of Mr. Field, a Committee of Free Conference was appointed, consisting of Messrs. Field, Lisle, Bradford, Carr, and Saunders, to confer with Senate's Committee on the disagreeing votes of the two Houses on Senate Bill, "entitled "an Act to reincorporate the City of San Francisco."

Unfinished business of yesterday, which was the motion to reconsider the vote by which the House passed "Bill concerning certain trespasses in the Mining Counties of this State," being put, the vote was reconsidered.

On motion of Mr. Merritt, the vote by which the House ordered the Bill read a third time, was reconsidered.

On motion of Mr. Merritt, the Bill was referred to a Select Committee, consisting of Messrs. Merritt, Moore, Lisle, Lind, and Osgood.

On motion of Mr. Moore, the House resolved itself into Committee of the Whole, Mr. Merritt in the chair, on "Bill to exempt the Homestead and other property from forced sale in certain cases." After some time spent therein, the committee rose, reported the Bill with amendments, and were discharged.

On motion of Mr. Campbell, the House concurred generally in the amendments made in Committee of the Whole.

Mr. Bodley moved to amend the 1st section second line, by striking out the words "five thousand," and inserting the words "twenty five hundred."

Mr. Murphy moved to amend the amendment by inserting the words "one thousand."

HALF PAST ONE O'CLOCK.

On motion of Mr. Bodley, the House adjourned.

HOUSE OF ASSEMBLY.

FRIDAY, *April* 4, 1851.

House met.

The roll was called, and the following members were absent, to wit: Messrs. Baldwin, Saunders, Thorne; on leave, Messrs. Hoff, Kellogg, Pico, Richardson, Robinson, and Wilkins.

The Journal of yesterday was read and approved.

Mr. Wethered presented a petition from citizens of San Francisco, praying that the Legislature pass a law funding the floating debt of said city, which was read and referred to Committee on Commerce.

Mr. Hall, Chairman of Committee on Claims, to whom was referred the petition of R. B. Buchanan, for compensation for services as Sheriff in the Criminal Court of Sacramento City, and in the Alcalde's Court at Marysville, reported that while these services were rendered prior to the organization of the State Government, they were rendered by authority emanating from the highest power under the Provincial Government. In the opinion of your committee they are just and equitable demands against the State, originating, as they did, under the special order of the

highest civil authority in the land, and growing out of the necessity and peculiar emergency of elementary and almost chaotic society. Your committee entertain the opinion that the Legislature should give some such favorable expression that would enable the petitioner to present his demands when the State, relieved from her present financial embarrassment, could give that relief they merit. Since, however, claims of a similar and equally equitable character have been postponed, your committee can see no reason why a distinction should be made in the present instance, and recommend that it would be inexpedient to grant the prayer of the petitioner at this time.

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

Mr. Murphy, on leave, presented additional sections to the "Act prescribing the mode of Assessing and Collecting the Public Revenues," which was ordered to be printed with the Bill.

Mr. Moore, Chairman of the Judiciary Committee, having had under consideration "a Bill to amend the Act entitled 'an Act prescribing the mode of Assessing and Collecting the Public Revenue, approved March 30, 1850,'" asked leave to report that they perceive no impropriety, nothing in violation of the comity which should exist between the several States, in the fact that all property virtually within this State is taxed; nor can they regard it as unjust that foreign ship owners should aid in support of the laws which protect their property—should assist in paying for their Government—that people from whom their immense profits are drawn. The committee report the Bill back, and recommend its indefinite postponement.

Mr. Carr moved to lay the Bill on the table for the present.

Mr. Moore moved to indefinitely postpone said motion.

Mr. Carr asked and obtained leave to withdraw the Bill.

Mr. Bradford, from the Joint Committee on Enrolled Bills, reported that they have examined, and find correctly enrolled, "an Act concerning the Courts of Justice in this State and Judicial Officers;" "Joint Resolution providing for the distribution of the Convention Journals;" "an Act supplementary to an Act entitled 'an Act to Incorporate the City of Los Angeles, passed April 4th, 1850;'" "an Act in relation to the appointment of Pilots for the Bay and Harbor of Humboldt;" "an Act to amend the second, third, and seventh sections of an Act entitled 'an Act concerning Notaries Public, passed March 27th, 1850;'" "Joint Resolution in relation to the Pious Fund of California;" also, that they

have, this day, presented to the Governor for his approval, "Joint Resolution in relation to the Pious Fund of California," and "an Act concerning Courts of Justice of this State and Judicial Officers."

Mr. Randall, from the Select Committee to whom was referred the petition of the citizens of the City of Monterey, praying for amendments to the charter of said city, reported the following Bill, and recommended its passage:

"Bill to incorporate the City of Monterey," was read first and second times, the Rules being suspended for that purpose, and referred to the Committee on Corporations.

Mr. Randall, on leave, introduced a "Bill establishing Boards of County Supervisors," which was read first and second times, the Rules being suspended for that purpose, and ordered printed.

UNFINISHED BUSINESS OF YESTERDAY.

"Bill to exempt the homestead and other property from forced sale in certain cases."

Question pending to amend first section, second line, by striking out the words "five thousand," and inserting the words "twenty-five hundred;" and the amendment to the amendment, by inserting the words "one thousand."

The question recurred on the amendment to the amendment.

Not agreed to.

The question then recurred on the amendment to strike out "five thousand" and insert the words "twenty-five hundred."

Mr. Bodley demanded the ayes and nays.

Those who voted in the affirmative were—

Mr. Bodley	Mr. Murphy
Brown	Stearns
Cook	Saunders
Kendrick	Wethered
Lisle	Yeiser
Merritt	—11.

In the negative—

Mr. Bennett	Mr. Carnes
Carr	Covarrubias

Mr. Hall	Mr. Moore
Lind	Randall
McCandless	Thorne
McCorkle	Speaker
McDougal	—13.

Not agreed to.

Mr. Bodley moved to strike out in the first section, fourth line, of said Bill, the words "in this State."

Agreed to.

Mr. Thorne moved to amend the first section, by adding the words "or if contracted or incurred at any time, in any other place than in this State."

Agreed to.

Mr. Carr moved to amend section ten, by inserting after the word "children," in the last line, the words, "and in case of no surviving wife, or his own legitimate children, for the next heirs at law: *Provided*, that the exemption herein contemplated shall not extend to unmarried persons, except when they have charge of minor brothers or sisters, or both, or brothers' or sisters' minor children, or a mother or unmarried sisters living in the house with them;" also, by inserting after the words "wife and" (in the same section) the words "his own legitimate."

Agreed to.

Mr. Brown moved to amend the first section by striking out the words "five thousand," wherein it occurs, and inserting the words "three thousand."

Mr. Merritt demanded the ayes and nays.

Those who voted in the affirmative were—

Mr. Bodley	Mr. Murphy
Brown	Stearns
Kendrick	Wethered
Lisle	Yeiser
Merritt	—9.

In the negative—

Mr. Bennett	Mr. Lind
Bradford	McCandless
Campbell	McCorkle
Carr	McDougal
Carnes	Moore
Cook	Osgood
Covarrubias	Randall
Field	Thorne
Hall	Speaker—18.

Not agreed to.

Mr. Lisle moved to amend second section, fourth line, by inserting after the word "*Provided*," the words "that the wife be a resident of this State, and."

No quorum present.

Mr. Carr moved that the Sergeant-at-Arms be dispatched after absentees.

Agreed to.

Quorum present.

The question recurred on the motion to insert after the word "*Provided*," in the second section, fourth line, the words "that the wife be a resident of this State, and."

Agreed to.

Mr. Bodley moved to amend the tenth section by striking out the words "as herein contemplated," and inserting the words "as provided in this section."

Agreed to.

On motion of Mr. Carr, the Bill was considered as engrossed, and read a third time.

The question then was, "Shall the Bill pass?"

Mr. Wethered demanded the ayes and nays.

Those who voted in the affirmative were—

Mr. Bennett	Mr. Carr
Bodley	Carnes
Bradford	Covarrubias
Campbell	Field

Mr. Lind	Mr. Osgood
McCorkle	Saunders
McDougal	Thorne
Moore	Speaker—16.

In the negative—

Mr. Baldwin	Mr. Merritt
Brown	Murphy
Cook	Stearns
Kendrick	Wethered
McCandless	Yeiser—10.

Decided in the affirmative.

Mr. Merritt moved to amend the title of the Bill so that it would read, "a Bill to prevent the Collection of Debts."

Mr. Osgood moved to indefinitely postpone said motion.

Mr. Baldwin demanded the ayes and nays.

Those who voted in the affirmative were—

Mr. Bennett	Mr. McCorkle
Bradford.	McDougal
Campbell	Moore
Carr	Osgood
Carnes	Saunders
Covarrubias	Stearns
Field	Thorne
Lind	Speaker
McCandless	—17.

In the negative—

Mr. Baldwin	Mr. Merritt
Bodley	Murphy
Brown	Wethered
Cook	Yeiser
Kendrick	—9.

Agreed to.

A Message from the Senate was received, informing the Assembly

that they have passed Assembly's "Joint Resolution for the relief of Nathaniel M. C. Menifee;"

Also, that the President of the Senate has signed "an Act concerning Courts of Justice of this State, and Judicial Officers;"

Also, that the Senate have passed a Bill, herewith transmitted, entitled "an Act to create a State Hospital for the City of Sacramento City."

Senate Bill, entitled "an Act to create a State Hospital in the City of Sacramento City," was read first and second times, the Rules being suspended for that purpose.

Mr. Lisle moved to lay the Bill on the table for the present.

Not agreed to.

On motion of Mr. Moore, the House resolved itself into Committee of the Whole, Mr. Bradford in the Chair, on Bill entitled "an Act to create a State Hospital in the City of Sacramento;" after some time spent therein, the committee rose, reported progress, and were discharged.

On motion of Mr. Merritt, the Bill was referred to a Select Committee, consisting of Messrs. Merritt, Lind, Lisle, Kendrick, and Carr.

Mr. Field, from the Committee of Free Conference to whom was referred the disagreeing votes of the two Houses on the "Act to reincorporate the City of San Francisoo," reported amendments to the same, and recommended their adoption.

On motion of Mr. Carr, the report and amendments were laid on the table until to-morrow.

Mr. Covarrubias, on leave given, introduced "a Bill to regulate *Rodeos*," which was read first and second times, the Rules being suspended for that purpose, and ordered printed.

Mr. Randall, on leave, introduced a "Bill concerning Roads and Highways," which was read first and second times, the Rules being suspended for that purpose, and ordered printed.

A Message from the Senate was received, informing the Assembly that they have passed Assembly Bill, entitled "an Act to amend section 501 of the Act entitled 'an Act to regulate proceedings in Criminal Cases,'" passed April 20, 1850.

Mr. Bradford, from the Joint Committee on Enrolled Bills, reported as correctly enrolled, "an Act to amend section 501 of the Act entitled 'an Act to regulate proceedings in Criminal Cases,'" passed April 20, 1850.

TWO O'CLOCK.

On motion of Mr. Lind, the House adjourned.

HOUSE OF ASSEMBLY.

SATURDAY, *April 5*, 1851.

House met.

The roll was called, and the following members were absent, to wit: Messrs. Randall and Wilkins; on leave, Messrs. Hoff, Kellogg, Pico, Richardson, and Robinson.

The Journal of yesterday was read and approved.

Mr. Moore presented the account of Le Cock and Lewis against the State, for provisions furnished men to suppress a riot in Tuolumne County, which was referred to Committee on Claims.

Mr. Hall, from the Committee on Indian Affairs, to whom was referred the petition of John L. Smith, praying to have his name entered in the Muster Roll of Company A. of the Gila Expedition, reported that they have had the same under consideration, and as an act of justice to a man, who, as a soldier and citizen, has ever discharged his duty faithfully and honorably, offer the following Resolution, and recommend its adoption:

"Joint Resolution for the benefit of J. L. Smith," was read first and second times, the Rules being suspended for that purpose.

On motion of Mr. Lind, the Joint Resolution was considered as engrossed, and read a third time.

The question then was, "Shall the Bill pass?"

Mr. McCandless moved that the resolution be indefinitely postponed.

Not agreed to.

The question recurred, "Shall the Bill pass?"

Mr. McCandless demanded the ayes and nays.

Those who voted in the affirmative were—

Mr. Bennett	Mr. Brown
Bodley	Campbell
Bradford	Carr

Mr. Carnes	Mr. McDougal
Cook	Merritt
Covarrubias	Murphy
Field	Osgood
Hall	Saunders
Kendrick	Stearns
Lind	Speaker
McCorkle	—21.

In the negative—

Mr. Lisle	Mr. Thorne
McCandless	Wethered—4.

Decided in the affirmative.

Mr. Bradford, on leave, introduced "a Bill to authorize the Governor to appoint a Judge to hold the regular Term of the District Court in the County of Solano," which was read first and second times, the Rules being suspended for that purpose.

On motion of Mr. Bradford, the Rules were suspended, the Bill considered as engrossed, and read a third time.

The question then was, "Shall the Bill pass?"

Decided in the affirmative.

A Message from the Senate was received, informing the Assembly that they have passed a "Joint Resolution in reference to the payment of claims of those who have heretofore rendered Military Service for the State of California," which is herewith transmitted for the action of the Assembly;

Also, that the President of the Senate has signed Bills, severally entitled "an Act to amend the 2d, 3d, and 7th Sections of the Act entitled 'an Act concerning Notaries Public,'" passed March 20, 1850; "an Act in relation to the appointment of Pilots for the Bay and Harbor of Humboldt;" "an Act supplementary to an Act entitled 'an Act to Incorporate the City of Los Angeles,'" passed April 4, 1850; "a Joint Resolution providing for the distribution of the Convention Journals;" "a Joint Resolution in relation to the Pious Fund of California;" "an Act to amend Section 501 of the Act entitled 'an Act to regulate criminal proceedings in Criminal Cases,'" passed April 20, 1850; also, that the Senate have passed Assembly Bill, entitled "an

Act to ratify and confirm an ordinance passed by the City of San Francisco, on the 18th day of November, 1850, authorizing the building of a Plank Road to the Mission of Dolores;"

Also, that the Senate have passed a Joint Resolution in relation to the Convention Journals printed in Spanish.

Senate's Joint Resolution in reference to the payment of Claims of those who have heretofore performed Military Service for the State of California, was read first time.

On motion of Mr. Moore, the Joint Resolution was laid on the table.

Senate's Concurrent Resolution in relation to the distribution of the Convention Journals printed in Spanish, was read, and on motion of Mr. Carr, laid on the table until Monday.

On motion of Mr. Campbell, "Bill to Incorporate the City of San José," was taken up, and referred to the Members from San José.

Mr. Bradford moved to take from the table Bill entitled "an Act concerning Redemptions."

Agreed to.

Mr. Murphy moved to lay said Bill on the table.

Not agreed to.

The question then was on receding from the amendment made by the Assembly.

Not agreed to.

Mr. Carr moved that a Committee of Conference be appointed.

Mr. Carr demanded the ayes and nays.

Those who voted in the affirmative were—

Mr. Bennett	Mr. Kendrick
Bradford	Stearns
Brown	Osgood
Carnes	Thorne
Cook	Wethered
Covarrubias	Speaker
Field	—13.

In the negative—

Mr. Baldwin	Mr. Carr
Bodley	Hall
Campbell	Lisle

Mr. Lind	Mr. Moore
McCandless	Murphy
McCorkle	Richardson
McDougal	Saunders
Merritt	Yeiser—16.

Not agreed to.

Mr. Murphy moved a reconsideration of the vote just taken.

Mr. Baldwin moved to indefinitely postpone said motion.

Mr. Carnes demanded the ayes and nays.

Those who voted in the affirmative were—

Mr. Baldwin	Mr. McCorkle
Bodley	McDougal
Bradford	Merritt
Campbell	Moore
Hall	Murphy
Lisle	Richardson
Lind	Saunders
McCandless	Yeiser—16.

In the negative—

Mr. Bennett	Mr. Kendrick
Brown	Osgood
Carr	Stearns
Carnes	Thorne
Cook	Wethered
Covarrubias	Speaker
Field	—13.

Agreed to.

Mr. Campbell, Chairman of Select Committee, to whom was referred "Bill to Incorporate the City of San José," reported that they have made several amendments thereto, herewith attached, and recommend their adoption, and the passage of the Bill.

The question then recurred on adopting the amendments made by the Committee.

Mr. Murphy moved to amend the amendment to second section, by inserting after the words "unless" the words "at public auction and to the highest bidder;" also, by striking out the word "ten," and inserting the word "thirty."

Mr. Murphy demanded the ayes and nays.

Mr. Moore moved to lay the Bill and amendments on the table.

Not agreed to.

The question then recurred on adopting the amendment to the amendment.

Those who voted in the affirmative were—

Mr. Baldwin
Mr. Murphy—2.

In the negative—

Mr. Bennett	Mr. McCandless
Bodley	McCorkle
Brown	Merritt
Campbell	Moore
Carr	Osgood
Carnes	Stearns
Cook	Thorne
Covarrubias	Wethered
Hall	Speaker
Kendrick	—19.

Not agreed to.

The question then recurred on adopting the amendments made by the Select Committee.

Agreed to.

On motion of Mr. Carr, the House concurred generally in the amendments made by the committee.

On motion of Mr. Campbell, the Bill was considered as engrossed, and read a third time.

Mr. Murphy moved to lay the Bill on the table until Monday.

Not agreed to.

The question then was, "Shall the Bill pass?"

Decided in the affirmative.

Mr. Bradford, from the Joint Committee on Enrolled Bills, reported

that they have examined and find correctly enrolled, "an Act to ratify and confirm an ordinance passed by the City of San Francisco, on the 18th day of November, 1850, authorizing the Building of a Plank Road to the Mission of Dolores;" also, "Joint Resolution for the relie of Nathaniel M. C. Menifee."

Mr. Bodley, from the Committee on Engrossed Bills, reported as correctly engrossed, "an Act to authorize the Governor to appoint a Judge to hold the regular term of the District Court in the County of Solano."

On motion of Mr. Wethered, the report of the Committee of Conference on the disagreeing votes of the two Houses, on "Bill to reincorporate the City of San Francisco," was taken up.

By common consent of the House, the Committee of Conference had leave to attach an amendment to their report.

Mr. Bennett moved to recommit the report to the Committee of Conference.

Agreed to.

Mr. McCandless moved to adjourn.

Not agreed to.

Mr. Moore, on leave, introduced a "Bill concerning certain Trespasses in the Mining Counties of this State," which was read first and second times, the Rules being suspended for that purpose.

On motion of Mr. Moore, the Rules were suspended, the Bill considered as engrossed, and read a third time.

The question then was, "Shall the Bill pass?"

Mr. Lind demanded the ayes and nays.

Those who voted in the affirmative were—

Mr. Baldwin	Mr. Hall
Bennett	McCandless
Bodley	Merritt
Campbell	Moore
Carr	Murphy
Carnes	Osgood
Covarrubias	Thorne—14.

In the negative—

Mr. Bradford	Mr. Cook
Brown	Field

Mr. Kendrick	Mr. Saunders
Lind	Stearns
McCorkle	Wethered
Richardson	Speaker—12.

Decided in the affirmative.

Mr. Field, from the Committee of Conference to whom was recommitted the report of the Committee of Conference on the disagreeing votes of the two Houses on Senate Bill, entitled "an Act to reincorporate the City of San Francisco," reported the same back with amendments, and recommended the adoption of the report.

Report adopted.

Mr. Bodley, from the Committee on Engrossed Bills, reported as correctly engrossed, "an Act to Incorporate the City of San José."

On motion of Mr. McCorkle, the House took from the table "Joint Resolution, relative to the per diem pay and mileage of witnesses in the cases of Judge Parsons and Turner."

TWENTY MINUTES BEFORE TWO O'CLOCK.

On motion of Mr. Merritt, the House adjourned.

HOUSE OF ASSEMBLY.

MONDAY, *April* 7, 1851.

House met.

The roll was called, and the following members were absent, to wit: Messrs. Baldwin, Bennett, Campbell, Carr, Covarrubias, McCorkle, McDougal, Randall, Stearns, Thorne; on leave, Messrs. Hoff, Kellogg, Robinson, and Wilkins.

The Journal of Saturday was read and approved.

On motion, Messrs. Carr, McDougal, and Randall, had leave of absence.

Mr. Hall, from the Committee on Claims, to whom was referred the account of Le Cock & Lewis for $501, for provisions furnished men to

suppress a riot in Tuolumne County, and to enforce the collection o the Foreign Miners' Tax, reported that the Collector for that district has not, up to this date, settled his accounts with the State; that upwards o $13,000 remains in this condition, and subject to defray expenses consequent upon its collection; and that, in the opinion of your committee it would be improper to allow the account herewith returned, until a full settlement has been made with said Collector.

The question recurred on the adoption of the report.

Mr. Bradford, on leave, introduced a "Joint Resolution for the relief of Le Cock & Lewis," which was read first and second times, the Rules being suspended for that purpose.

Mr. Bodley, from the Committee on Engrossed Bills, reported as correctly engrossed, "Bill to exempt the Homestead and other property from forced sale, in certain cases."

Mr. Baldwin, from the Select Committee, to whom was referred th memorial of William Walker, praying that the Hon. Levi Parsons, Judge of the Fourth Judicial District, be impeached, submitted the following

REPORT:

MR. SPEAKER:

The Select Committee of the Assembly, to whom was referred the investigation of the charges preferred against the Hon. Levi Parsons, of the Fourth Judicial District of this State, and to inquire whether the said charges preferred against him are of such a character as to justify, if true, an impeachment; and also whether there is evidence which, unexplained, would sustain the charges, beg leave respectfully to repoi t:

That, in pursuance of the resolution of the Assembly, passed on the 26th of March last, they notified Judge Parsons that his attendance before your Committee was required, and with such witnesses as he might think proper to bring. That, in pursuance of such notice, Judge Parsons appeared before the Committee on the 1st instant, and from day to day until the 4th instant, producing several witnesses, whose testimony, in obedience to the resolution, is all taken down in writing, and, with the exhibits offered by him, is now reported to this House.

Your Committee also report, that during the examination of the witnesses on the part of Judge Parsons, the memorialist, William

Walker, has been present in person, and been permitted to cross examine the witnesses of the respondent as he thought fit. Your Committee also report herewith the charges and the evidence therein taken on the part and in behalf of Mr. Walker.

It appears to your Committee that two distinct propositions are submitted to them for their investigation and report:

First. "Whether the charges against Judge Parsons are of such a character as to justify, if true, an impeachment?" And,

Second. "Whether there is evidence, which, unexplained, would sustain the charges?"

Your Committee proceed to report upon these propositions in time; and to a clear understanding and full determination of the first one, it will be necessary to ascertain and examine by the Constitution and the Laws of this State, for what causes a Judge of the District Court of this State may be impeached. The 19th section of the 4th Article of the Constitution of California is in these words:

"The Governor, Lieutenant Governor, Secretary of State, Comptroller, Treasurer, Attorney General, Justices of the Supreme Court, and Judges of the District Court, shall be liable to impeachment for any misdemeanor in office."

And "The Act to Regulate Proceedings in Criminal Cases," passed April 20th, 1850, in part 3d, title 1st of Impeachments, section 1st, is declaratory simply of the above constitutional provisions; and the subsequent sections under that title only prescribe the mode or manner of proceeding in impeachment cases, and of the trial thereof.

In answer to the first proposition, we have only to state here the charges in the language of the prosecution, which are as follows, viz.:—

"For great tyranny and oppression, in that he has imprisoned said memorialist (Mr. Walker) without shadow of law or excuse of authority; that through wrath and malice he has sought to corrupt the administration of justice, and introduced precedents dangerous to the liberties of the State; that, finally, with falsehood and deceit he has attempted to explain and palliate the enormities he has desired to exercise and practice;" and, undoubtedly, in the opinion of your Committee, if the above charges be true, they would not only justify an impeachment, but would demand the condemnation of the respondent.

In answer to the second proposition embraced in the resolution of this House, viz.:

"Whether there is evidence, which, unexplained, would sustain the charges?"

Your Committee further report, that the conclusion to which your Committee have arrived upon this proposition is predicated upon the views they entertain, both of the law and facts of the case, which they beg leave respectfully to present:

The power of a Court of Record to punish for contempts of Court, by process of attachment, is inherent in every such Court; and, in the language of Chief Justice McKean of Pennsylvania, in a case where a newspaper publication was the ground of a proceeding for contempt "without such power no Court could possibly exist; nay, that no contempt could be committed against us (the Court), we (the Court) should be so truly contemptible." This power has been exercised by the Judges of England, and by the Federal and State Courts in this country. Such is the general rule, and such has been the application of it. The question then arises, whether in the State of California this rule has been altered; and if so, how far modified. If it has been, such modification must be found either in the Constitution of the State, or the Act of the Legislature organizing the District Courts.

First. As to the Constitution of the State, in it there is no regulation, or even mention of the power; but in the Act entitled "an Act to Organize the District Courts of the State of California," passed March 16, 1850, your Committee find this provision: section 13th, "The said Courts shall have the power to punish, in a summary manner, by fine and imprisonment, or either, for contempts offered to them while in session, or to any process, writ, rule, or order of said Court issued and made, or for disobeying any writ, process, or order thereof, or for obstructing or preventing the execution of the same; and the judgments, decrees, and determinations of said Courts in such cases shall be *final and conclusive.* No fine shall exceed the sum of five hundred dollars, nor such imprisonment exceed the term of fifteen days for any offence." The question then is, has the power thus expressly given in this Act been abused in this particular case by Judge Parsons?

The 8th and 9th sections of the 1st Article of the Constitution of this State have been invoked as limiting the power of a Court of Record in

this State, to punish for a contempt similar to that in the case of Mr. Walker. Like provisions are to be found in the amendments to the Constitution of the United States, and in the Constitution of the different States in the Confederacy; and it never has been questioned with success, that such provisions conflict with the exercise of the power under consideration, The Bill of Rights in the Constitution of Pennsylvania declares "that the freedom of the Press shall not be restrained, and that the printing presses shall be free to every person who undertakes to examine the proceedings of the Legislature, or any part of the Government;" and there is another provision, that the trial by juries shall be as heretofore.

In the opinion of your Committee, these constitutional provisions are as stringent as those in our own Constitution, yet Chief Justice McKean, in the case of Oswald, with express reference to the Bill of Rights and the Constitution of Pennsylvania, holds the following language:

"However the ingenuity may torture the expressions, there can be little doubt of the just sense of these sections; they give to every citizen a right of investigating the conduct of those who are entrusted with the public business, and they effectually preclude any attempt to fetter the press by the institution of a license."

"Can it be presumed that the slanderous words, which, when spoken to a few individuals, would expose the speaker to punishment, becomes sacred when delivered to the public through the more permanent and diffusive medium of the press; or will it be said that the constitutional right to examine the proceedings of government extends to warrant an anticipation of the judgments of the Court; and not only to authorize a candid commentary upon what has been done, but to permit every endeavor to bias and intimidate with respect to matters still in suspense? The futility of any attempt to establish a construction of this sort must be obvious to every intelligent mind. The true liberty of the press is amply secured by permitting every man to publish his opinion; but it is due to the peace and dignity of society to inquire into the motives of such publications, and to distinguish between those which are meant for use and reformation, and with an eye solely to the public good, and those which are intended merely to delude and defame. To the latter description it is impossible that any good government should afford protection and impunity. If, then, the liberty of the press is

regulated by any just principle, there can be little doubt that he who attempts to raise a prejudice against his antagonist in the minds of those that must ultimately determine the dispute between them—who, for that purpose, represents himself as a persecuted man, and asserts that his Judges are influenced by passion and prejudice—wilfully seeks to corrupt the source, and to dishonor the administration of justice."

The above sentiments were expressed by the Chief Justice in a case similar to the one under consideration by your Committee, and the Chief Justice closed his sentence in that case with the following language:

"Having yesterday considered the charge against you, we were unanimously of the opinion that it amounted to a contempt of the Court. Some doubts were suggested, whether even a contempt of the Court was punishable by attachment, but, not only my brethren and myself, but likewise all the Judges of England think that, without this power, no Court could possibly exist—nay, that no contempt could indeed be committed against us, we should be so truly contemptible. The law upon the subject is of immemorial antiquity: and there is not any period when it can be said to have ceased or discontinued. On this point, therefore, we entertain no doubt."

A memorial was presented subsequently by Mr. Oswald to the General Assembly of Pennsylvania, for the impeachment of the Judges of the Supreme Court of that State, for their judgment against him; and the House of Representatives, after a full investigation of the case, passed the following resolution:

"*Resolved*, That the charges exhibited by Mr. Eleazer Oswald against the Justices of the Supreme Court, and the testimony given in support of them, are not a sufficient ground for an impeachment."

Your Committee would observe, that this Judicial and Legislative exposition of the law was made in 1788 by men animated with the purest principles of civil liberty, in laying the foundations of which they themselves had co-operated.

In conclusion on this point, your Committee would observe, that a power, similar to that exercised in the case of Oswald, and in the case under consideration, has been exercised by other American Judges, both in the Federal and State Courts of our Union.

Your Committee are constrained to conclude that there is nothing in

the Constitution of the State of California, which inhibited Judge Parsons from the exercise of the power in question.

The remaining inquiry is, whether the 13th section of the Act organizing the District Courts of this State has that effect. The first clause of the 13th section is the only one which relates strictly to the point: "The said Courts shall have power to punish in a summary manner, by fine or imprisonment, or either, for contempts offered them while in session." It is to be observed that no definition is given in the clause of the statute, as to what shall be a contempt of Court, further than the limitation that is to be committed "while the Court is in session." No definition, therefore, having been given as to what constituted a contempt, it became the duty of the Judge to look to the principles of the common law as enunciated by his judicial brethren on the Federal and State benches for such definition. This was the only source to which he could look for the contempts enumerated; in the other clauses of the 13th section of the Act were such as may have been committed either during the session of the Court, or after its adjournment, or committed either in or out the presence of the Court; nor do the other clauses profess to enumerate all the cases constituting a contempt of Court. If those clauses are to be considered as enumerating all the causes of contempt, then would the Court be debarred from taking cognizance of the most enormous; such for instance as that numerous class which constitute a breach of the peace, and which, undoubtedly, are contempts, when committed in the presence of the Court; the statute being entirely silent as to any of those. Your committee, therefore, are of the opinion that for having thus adjudicated, Judge Parsons has not rendered himself liable to impeachment. If there be fault anywhere it is attributable to the obscurity of this section of the Act, rather than the interpretation put upon it by the Court.

Your committee also find a case of recent date, bearing somewhat upon the general power in question, having occurred within the last three or four months in the Fifth District Court in New Orleans. One François Pralon having had a case decided against him by Judge Buchanan, in that Court, sent an offensive letter to the Judge. He was brought into Court on a *capias* by the Sheriff; he did not write the letter he said, but signed it, knowing its contents; and the only apology he had, being that he sent the communication as from one

citizen to another. He was sentenced to pay a fine of fifty dollars, and to imprisonment for ten days for the contempt of Court.

In the discharge of their duty your committee deem it proper to refer to the distinction drawn by Judge Parsons in his answer to the questions propounded by the Grand Jury, which will be found in the testimony in the case, between the publication of the memorialist, considered as a libel, and a contempt of the Court. It appears by the testimony that Judge Parsons, after the attention of the Foreman had been called to the article in the *Herald* by the District Attorney, appeared before the Grand Jury to complain of the article as a libel upon his individual character; and that subsequently he treated the article as a contempt of Court. In his replies to the question of the Foreman of the Grand Jury, propounded in open Court in allusion to this portion of the transaction, Judge Parsons drew the distinction above alluded to, and stated that the publication by the memorialist, considered as a libel upon him, as an individual, was a matter for their exclusive consideration, but considered as a contempt of the Court, he as Judge had exclusive right to exercise jurisdiction over it, and reiterated in substance what he had previously stated in the argument of the motion to discharge the attachment; that in the exercise of jurisdiction over a contempt of Court, it would appear to be absurd or ridiculous for the Judge to go before the Grand Jury (inferior officers) in the consideration of such a question. To justify the distinction taken by Judge Parsons, he referred to the doctrine enunciated in the well known case in New York of Yates *vs.* Lansing, which is thus expressed by Mr. Senator Platt:

"A contempt is an offence against the Court, as an organ of Public Justice, and the Court can rightfully punish it on summary conviction, whether the same act be punishable as a crime or misdemeanor, on indictment or not. To challenge a Senator or a Judge may, under circumstances, be a contempt, but is certainly indictable. A conviction on indictment will not purge the contempt; nor will a conviction for a contempt be a bar to an indictment. The offence may be double, and so are the remedies and the punishment. For instance, assaults in the presence of the Court, rescues, extortion, libels upon the Court, or its suitors relating to suits pending; forging a writ, &c, are indictable offences, and certainly they are also contempts; contempts are never merged into statute offences, without express words for that purpose."

Such being the law of the case, your committee are of opinion that the fact that Judge Parsons called the attention of the Grand Jury to the publication in the *Herald* as a libel, did not disqualify him from treating it as a contempt of Court, and your committee think, that in discarding the idea of going before the Grand Jurors, treating them as officers inferior to the presiding Judge, while considering the publication of Mr. Walker as a contempt, furnishes no ground for impeachment against Judge Parsons.

The remaining question to be considered by your committee, is whether the publication in the *Herald*, which was the foundation in the proceeding on the part of the District Judge, was a contempt of Court. By exhibits attached to the testimony in the cause, furnished by the respondent, it will be perceived that from the third day of December, down to the fourth of March last, when the article in question was published, a series of articles appeared from time to time in the columns of the *Herald*, relating to the Courts and the Judiciary of the State: the tendency of these articles, your committee leave to the judgment of the House; and they are reported with the testimony as affording some light by which to ascertain the motives of the memorialist, in the publication of the article in his columns of the fourth of March, as well as those of the District Judge, in the steps taken by him in relation to that article.

Your committee come to the consideration of the article last referred to, at the opening of the Court. The Judge of the Fourth Judicial District gave a charge to the Grand Jury, a copy of which, sworn by three witnesses (one of them the foreman of that body) to be substantially that which is given, is reported herewith. On the day following (4th of March) there was published in the *Herald* an editorial entitled "The Press a Nuisance." It is to be observed that at the time this publication was made, the matters which the Grand Jury had in charge were in suspense, awaiting their deliberation and final action. Your committee select from the publication made at such time, the following clauses:

"Thus the District Court instructs the Grand Jury to aid in the escape of criminals; for how can the Grand Jury exercise its own peculiar duties, and also perform the functions of a petit jury? No wonder that after laying down the law favorably to the criminals, the District Judge should declare against the press. The old phrase of 'judicial

madness' is daily assuming a new and intense meaning in California. Our Courts seem determined on 'fooling' the people 'to the top of their bent;' and like the Hindoo in the phrenzy of superstition, they fling themselves under the wheels of the Juggernaut, public opinion, in order that they may be crushed beneath the sacred car. They cover crime with the folds of the ermine; they lift their impotent arms to scourge an unfettered press with the rods of justice, as they style it. They drop the tears of a bastard mercy upon the robbers and assassins who threaten our lives and our property. They turn with a scowl of wrath and an arm of vengeance upon the press which dares to complain of the tenderness with which offenders are treated. If we err not, Judge Parsons was present in many of the scenes which passed before the City Hall some ten days ago. He may have observed the deep discontent with which the people listened to him when he counselled them to leave the prisoners Stuart and Wildred to the regular Courts of the State. He may have heard the curses—not suppressed even by his presence—uttered against the Courts as now organised and constituted. If the Judge could hardly stand before the people when he appeared merely as counsel for other parties summarily arraigned before the people in mass assembled, how much weaker would he be if called on to plead his own cause before an outraged and indignant public! If we were the guardian angels of the District Judge, we would whisper in his ear 'Beware.' How can man be so blind or so weak, as some of our Judges appear to be? Do they think the patience of the people eternal, because judgment against an unfaithful servant is not executed speedily? Do they dream that the public will forever remain quiet, that the air will be forever mild, the breezes forever gentle, and that the hurricane will never rise to sweep them from the land, and bury them in the deep? Again we say to the judges, one and all, 'Beware.'

In the then state of the public mind, and while the Grand Jury had under deliberation the charge of the District Judge, containing matters affecting the criminal laws of the country, your committee cannot but believe that the publication in question was calculated to impair the confidence which should exist between the Judge and Grand Jury, and seriously affect the administration of those laws. Thus viewed, your committee regard it a contempt of Court, and in view of the consideration which they have brought to the notice of your honorable body, and

of the testimony which accompanies this report, your committee recommend for your adoption the following resolution:

Resolved, That the charges exhibited by Mr. William Walker against Judge Parsons of the District Court of the Fourth Judicial District of this State, and the testimony given in support of them, does not show sufficient grounds for impeachment.

Before concluding the duties which have devolved upon your committee, though it may not be deemed within the appropriate sphere of those duties, from the examination they have given the law in this case, they are induced to recommend the passage of a law more explicitly defining contempts of Court, and the power of Courts to punish them. All of which is respectfully submitted.

D. P. BALDWIN,
HIRAM P. OSGOOD,
SAMUEL A. MERRITT.

On motion of Mr. Campbell, five hundred copies of the Report and accompanying documents were ordered printed.

Mr. McCorkle asked and obtained leave until to-morrow to make a minority report.

Mr. Thorne, Chairman of the Select Committee appointed to examine the State Marine Hospital, submitted the following

REPORT:

MR. SPEAKER:

SIR: The committee to whom was entrusted the business of examining into the financial condition of the State Marine Hospital at San Francisco, the situation of its patients, and the manner in which the officers of the same have discharged their duties, &c., beg leave to report:

That they proceeded to San Francisco, and caused the books and accounts of the Hospital to be laid before them for examination, and sent for the persons whose evidence was considered important in the case; their affidavits are appended to this report, and also full accounts of the receipts and expenditures of the Hospital up to March 6, 1851, together with a complete list of all patients now in the Hospital, a copy of the account of moneys received and disbursed by the

Resident Physician, and a list of all the furniture and property belonging to the Hospital.

From these it will appear that $8,446 33 has been received from pay patients and otherwise by the Resident Physician, entirely contrary to law, and disbursed by him at pleasure, though his bills covering the same have been subsequently submitted to and approved by the Board of Health. In the 18th Section of the Act creating the State Marine Hospital, we find the following clause: "No money of, or belonging to, the said Marine Hospital shall be paid out except by said Health Commissioner, and the account for which the same is paid shall be first approved by a majority of the Board of Health."

The following is a copy of the kind of certified bills which the Resident Physician has been in the habit of rendering to the Board of Health for their approval:

"SAN FRANCISCO, *July* 6, 1851.

"STATE MARINE HOSPITAL,

"To G. & W. SNOOK, Dr.

"To tin case, ... $14 00

"Received payment,

"G. & W. SNOOK.

"I certify that the within bill is correct, and that the money was paid by me.

"LORENZO HUBBARD, Resident Physician."

The Board of Health has been in the habit of approving Dr. Hubbard's bills of this kind. There is, also, a running account of the latter of $268 78 from May to August, for sundries allowed and paid without a voucher. The accounts which he has kept are also in extreme disorder, and no satisfactory arrangement or balance has been derived from them: showing a neglect or carelessness entirely unpardonable in a public officer. The account he has rendered of the effects of deceased patients is unsatisfactory; and grave charges are made against him, conclusive in that respect, by persons cognizant of the facts at the time of their occurrence, as will be seen by the affidavits annexed.

He has employed, at times, improper persons as assistants, who have been charged with dishonesty and neglect of duty. A list of the per-

sons employed by him, at present in the Hospital, will be found in the schedule annexed, showing their rate of wages, and in what capacity employed; the services of some of these at high wages can be dispensed with, and the expenditure in future be materially reduced. The entire fees of the Health Officer have been for his own use; and his boat and crew were furnished by the Board of Health, and at an expense to the Health Office of nearly five thousand dollars. Board and rooms at the Hospital have also been furnished him in the same way, so that he has incurred no expense to himself, while his fees have amounted to twenty-five thousand dollars; thus has the commerce of the country been taxed to an extent equal to the salary of the President of the United States for the benefit of one man, and for an amount of service which is very trivial compared with its emoluments.

The patients in the Hospital seem generally to have been made comfortable; no complaints have appeared among them, except a want of medical attendance, arising from the neglect of the Resident Physician to discharge the appropriate duties of a physician, by visiting and prescribing for the sick of the Institution, as appears by the affidavits annexed.

It is believed that all sick applicants who were entitled to the benefits of the Hospital have been received and cared for, though at times the Hospital has been very much crowded. It is found, however, that at times when most crowded persons in health have been received by the Resident Physician, supplied with rooms and all the conveniences of the establishment, while the sick were placed in the halls and kitchen, and even in the cellar. This was the case while the wife of Mr. Thomas Hyer, the pugilist, the family of Mr. Lount, and others, were occupying rooms in the Hospital. At the same time, also, an additional house was rented by the Resident Physician, at the expense of the Hospital, for the reception of sick patients; nevertheless, the committee believe an important work has been done; many cases of suffering and distress have been relieved, and hundreds who might otherwise have been left to suffer and perish miserably, have here been restored to health. But for this Institution, the cause of humanity would have suffered severely, or private benevolence have been taxed beyond endurance, and the committee cannot too strongly recommend a favorable disposition of the Marine Hospital.

The duties of the Health Commissioner appear to have been per-

formed in a faithful and satisfactory manner, and his books and accounts properly adjusted, and the moneys received duly accounted for; the Health Officer and President of the Board of Health are believed to have properly discharged their duties.

The account of receipts and expenditures which follows, shows an income, from the 6th day of May, 1850, to March 6th, 1851, of $87,723 26, which has been properly the fund of the Hospital; to this should be added the amount of fees received by the Health Officer, which it is believed amount to at least $25,000, and we have the whole amount of tax on vessels for the purposes of health—$112,723 26.

The amount of expenditures for the same period is $87,718 57; the present indebtedness of the Hospital is not less than $15,000. This amount is due to persons now in the service of the establishment, for rent, to undertakers, furnishers, attorneys, and others, as is shown in the schedule; one hundred and seventy-three vessels have been prosecuted for failing to pay the Hospital fees. The attorneys demand for their services $5,801, all of which, however, has not yet been allowed by the Board of Health.

The premises which are occupied for the Hospital are rented at the prices shown in the schedule, with the exception of the brig which was purchased and fitted up to receive patients, of six thousand dollars or more. A woman was found in the Hospital, called a matron, hired at an expense of $200 per month by the Resident Physician, without the consent of the Health Commissioner, whose duty it was to do nothing, and who had the reputation of doing only her duty.

The management of the Hospital is now in the hands of Trustees, appointed by and under the supervision of the Court, and its affairs are conducted in a satisfactory manner.* And your committee are of opinion that, with some slight modifications, if they should be deemed necessary, it is under the best management that it is possible to give to it under its present organization. Unless a new organization should be prepared for it by the present Legislature, the committee would suggest the addition to the present Trustees of one other, either the President of the Board of Commerce, or the President of the Board of Aldermen of San Francisco, who should, like the Mayor of that city, act without compensation.

* Since this examination was made, however, the Act for the establishment of a Marine Hospital has been repealed.

In this case, with the diminished amount of expenditure for officers and clerks, and the more economical management of its finances, we feel confident that the Hospital, with its present resources, will be able to liquidate its indebtedness, while at the same time it supports itself and loses nothing of its efficiency.

The whole number of patients now in the Hospital is eighty-three, whose places of birth are as follows:

United States,	24
England,	13
Scotland,	4
Ireland,	8
France,	6
Germany,	3
Switzerland,	2
Russia,	1
Belgium,	1
Portugal,	3
Spain,	2
Norway,	2
Holland,	1
Sweden,	5
Finland,	1
New South Wales,	2
Chili,	3
India,	1
Canada,	1

Previous to March 3d, there had been admitted to the Hospital 1,455 patients, of whom 762 were Americans, and 693 foreigners.

I. N. THORNE,
A. RANDALL,
JOHN COOK,
} *Committee.*

DOCUMENTS ACCOMPANYING THE REPORT.

The following are the only effects, now on hand, of patients who have died in the State Marine Hospital:

3 old trunks containing sailors' old clothes,
1 old silver watch,
1 small lot of old clothes,
4 common Bibles,
1 pair old pistols,
Lot of old pocket books and papers.

Left at the Health Commissioner's Office.

2 gold watches,
2 silver watches,
1 gold chain.

Names of those in the employ of the State Marine Hospital, and their Salaries.

	PER MONTH.
Paul Hubbard, Assistant Physician,	$300
Mrs. Matilda Masters, Matron,	200
F. T. Maynard, Apothecary, Clerk, and purchaser of supplies for the Hospital,	200
George Coulter, Chief Nurse,	150
Stanhope Dickinson, Nurse,	75
John Thompson, do.	75
William Phipps, Cook,	100
William Walker, do.	50
Henry Johnson, Dish Washer,	50
John Lyons, Cleaner of Rooms,	75
Mrs. Jane Bradly, Laundress,	100
Charles Russell, Waiter,	50
William Monroe, Carpenter,	100
William Kirby, Steward at the Brig,	100
Doctor J. F. Lamar, Physician at the Brig,	175
Antoine, Cook at the Brig,	50

George Coulter, being sworn, doth say that he is the Steward or Superintendent of the Hospital; has been in the Hospital about five months—was at first a nurse, then a keeper of the Brig, then dresser, and now in his present situation. In September Dr. Hubbard occasionally went through the Hospital; since that time there has been less attention from him, so much so that the attendants and patients remarked

his remissness. I never knew him to prescribe for all the patients, except in one instance, for the last eight weeks; thinks he has visited the wards about once in two weeks. He knows of well persons having boarded at the Hospital nearly all the time since Mr. Williams was a boarder. Mr. and Mrs. Lount were boarders. The room occupied by Mr. and Mrs. Lount did at times accommodate from five to seven patients. There were patients sent to the Brig while these boarders were there; the Hospital was crowded while they occupied this room. Has known men to die there who had effects—viz: watches, money, clothes, &c. Clothes have been sold for the benefit of the Hospital; these things went into the hands of Dr. Hubbard. Has known several to die there who had watches. Wainright told me that he had his money deposited with Dr. Hubbard, but did not hear him say what amount he had; cannot recollect that he told him what amount he had, but thinks that he had about $2000. The watches of Capt. Patterson, and ring and chain, were taken possession of by Dr. Hubbard. Has known Dr. Hubbard to charge a servant a per centage upon his bill of wages; heard the servant say that he had paid Dr. Hubbard such per centage.

G. COULTER.

Went down town about the time a Mr. Rogers was dying, after a watch and chain belonging to him; brought it to the Hospital and gave them to Mr. Maynard. The watch was delivered to a person who said he was a cousin of Mr. Rogers's upon his paying the funeral expenses. Don't know what became of the chain—the chain was worth about $30. G. COULTER.

Mr. Coulter doth further say, that the last female patient admitted into the Hospital has been attended by Thompson, and at times by him. It has been necessary to wash nearly the whole body of the last named patient, which duty has at times been performed by himself. The female patients have been under the care of Mr. Thompson for the last two months, performing all the duties that female nurses usually do. There has been a Matron in the Hospital for the last two or three months—never saw her attending upon the females. Don't know what her duties are; appears to have none particularly except catering to the Hospital table. Heard a Mate of a vessel ask Dr. Hubbard to visit his vessel, who said he could not unless he was paid $10. G. COULTER.

F. T. Maynard being sworn doth say, that he is employed at the Hospital as Apothecary and Clerk, and has been there as such since the middle of August; has known three persons to board at the Hospital who has never been patients. No money has ever been entered upon the books, but was told by Dr. Hubbard to enter $61 to the credit of Mr. Williams, who was one of the boarders. These boarders had a room at the Hospital, and received the attention of the servants. Mr. Williams boarded there about three months. Mr. and Mrs. Lount boarded there about four months. The room occupied by Mr. and Mrs. Lount had previously held from six to eight patients, and at that time the Hospital was crowded more than it had ever been before, and many were consequently sent to the Brig. Capt. Patterson died at the Hospital—left in my hands a gold watch and chain and ring: the watch and chain was delivered to the Health Commissioners after about two months. Don't know what became of the ring; I last saw it in the possession of Dr. Hubbard. But little has been sold out of the shop. Wainright died in October. Dr. Hubbard did not deliver over any money as his effects till February. $154 was received from Antoine, a Frenchman, over and above his debt to the Hospital. Has never known Dr. Hubbard to visit the patients except once, when the Assistant was sick at the Hospital; has known him to visit the Brig three or four times —not more than a week daily; has known Dr. Hubbard to sell the Hospital a lot of tin ware to the amount of about $60.

FRANK T. MAYNARD.

The watch and chain left by Mr. Rogers was delivered by me to Dr. Hubbard.

FRANK. T. MAYNARD.

Thomas Carrigan being sworn doth say, has been employed in the Hospital as a Nurse for the last nine months. Dr. Hubbard has paid very little attention to the patients since I have been there. Saw him prescribe for the patients one day when the Assistant was sick; never knew him to prescribe for them at any other time—has frequently heard the patients complain for want of attendance from the Doctor. The diet has been such as to make them comfortable. Has received money from patients and has taken money from dead persons, which he delivered to Dr. P. Hubbard; once he received $50 from a man who died,

which he gave to Dr. P. Hubbard. Several times has taken from corpses from $5 to $20, which he gave to the Steward for Dr. Hubbard. Several persons have boarded there who were not sick. Mr. Smith, Rostlen, Clark, Tom Hyer and wife, Mr. Williams, Mr. Lount and wife, and Mrs. Kirby boarded for months; had rooms there; don't know whether they paid anything or not. Was told by Dr. Hubbard that it was necessary to sign a receipt in order to obtain his money; did sign the receipt by making his mark—cannot read. Dr. Hubbard has only paid me $320. The Hospital owed me $525 on the 19th day of August last. Dr. Hubbard has told me that he could not get my wages from the Board of Health. Dr. Hubbard said that the $320 which he paid me was out of his own pocket. He said that he would soon get rid of me when I asked him for money. Knows that a lot of tin ware was used in the Hospital.

his
THOMAS + CARRIGAN.
mark.

Signed in the presence of
JNO. M. C. ROBINSON.

S. Dickinson being sworn doth say, that he is a Nurse in the State Marine Hospital in this city. Knows Dr. Hubbard; has been in the Hospital nearly four months; has known Dr. Hubbard to prescribe for one patient; has known him to examine others; visits the patients very seldom; has not seen him visit any patient for the last three weeks. Dr. P. Hubbard visits all the patients once a day; never knew him to visit them at night—not when called. Has called him to see private patients outside of the Hospital at night, which he attended to. Has known Mr. and Mrs. Lount to board in the Hospital; they were not connected with the Hospital. Mrs. Kirby has boarded there; she performed no duty in the Hospital. Has known him to go in the daytime to see patients outside of the Hospital. Has attended to a female patient named Annie Stradie in his ward, and the only one in his ward. Thompson attends to the female patients now. There has been a Matron there during the sickness of the female patient attended to by Thompson: has never known the Matron to attend to any patients as a Nurse —sometimes visits them.

STANHOPE DICKINSON.

John Thompson being sworn, doth say, that he is employed in the capacity of watchman for the last six months; lately has been nurse. Dr. P. Hubbard prescribes for the sick; he is the only one in the Hospital who gives prescriptions for the last three months; has not known Dr. Hubbard to visit the patients for the purpose of giving prescriptions: Dr. P. Hubbard visits the patients once a day; have heard the patients complain for the want of medical attention; for the last two or three months I have not known Dr. H. to visit the Brig; it is common to put negroes with whites in the same room; saw the watch, ring, and chain, of Capt. Patterson delivered to Dr. Hubbard; saw the watch of Capt. Rogers delivered to Mr. Maynard; those men died; a man by the name of Thompson died in the Hospital who had three pounds of gold dust in town. After his death Dr. P. Hubbard and Williams, the Superintendent, went down town and got this dust; I heard Williams say so, and that it was gone up to Dr. Hubbard; Williams has now gone to the States; Mr. McKenzie died there, leaving $175, which I saw delivered to Dr. P. Hubbard; a patient had a valise in the Hospital, which was delivered to Mr. Williams; when the valise was sent for, the money was found wanting; the patient left, saying, that he was robbed, and that he would stay there no longer. There is a Matron in the Hospital, has never known her to perform any duties, except to look after the bedding; has been there two months; she receives $200 per month. There are now in the Hospital two Nurses, two Cooks, one Dish-washer, one attending to the rooms; has known several well persons boarding there not connected with the Hospital. Mr. Clark, Mr. Williams, Mr. Lount and Lady, and Mrs. Kirby, Mrs. Eno with two children, boarded there about two weeks; occupied rooms which had been fitted up for patients, which were capable of accommodating from eight to ten patients. The Hospital was so crowded while the boarders were there, that we had to put patients in the cellar, and in the passage-ways, and in the kitchen. —— Wainright who died there soon after he went there, some said he had $300 in Dr. Hubbard's hands; others said he had $2000. Clark and Williams are both lawyers; frequently went into the wards to talk with the sailors, to induce them to bring suits against their masters; has heard Williams ask three men belonging to the Royal Sovereign, to allow him to bring suits against the vessel, which he did; in one instance received $200 from a Captain, and paid the man $50.

John Thompson.

SAN FRANCISCO, *March* 22, 1851.

Charles G. Woodman being sworn, doth say, that Doctor Hubbard did not more than once, to my recollection, during the time I was Steward, inspect the wards, one of which times was when the leg of a man was to be amputated. I was present, and knew that the man was dead from the effects of an over dose of Chloroform previous to the operation.

The Doctor purchased several cases of coffins, several coffins in each case; the top coffin of each case was filled with tin ware. These he stowed away in a private closet. If any of these articles could possibly be made available for Hospital purposes, it was done and I believe charged for; these coffins were not all used, a part of them were sent away from the Hospital, where I do not know. That the man who superintends the covering in of the Hospital Brig under the direction of Doctor Hubbard, and afterward took charge of the sick on board said Brig was allowed to buy, at his own discretion, provisions which were worthless, and charge his own prices. The consequence was that he had to be resupplied from my stores, thereby swelling the expenditure in my department; believes that if the quantity of lumber used, and the labor ascertained employed to finish said Brig, it would be found that there was a surplus of both to be found sufficient to build a small house whereon to carry on a good washing business for said superintendent of the Hospital Brig; knows that the burial of the dead was taken away from Mr. Grey, the City Sexton, and given to the said superintendent of the Brig, who had in the meantime left the Brig and set up as undertaker in Dupont st. On these matters I leave persons to draw their own conclusions. That the Doctor has purchased damaged crockery, was so damaged and smashed that they were only fit to throw into the streets to help to repair the roads; that the Laundress for the Hospital, so called, did little else than wash the Doctor's dirty linen; that there were no Americans, if possible, retained as servants or nurses, except they chose to work for nothing until they could procure situations; those were always recovered patients. Sidney people were preferred, I suppose because they were more servile: that he did ask my opinion as to the character of a certain man named Williams; that he did afterwards employ him; that the event proved that I was correct in my advice to him; that the said Williams before his departure did embezzle, belonging to the State, as well as individuals; that

sundry things was sold to the Hospital purporting to belong to said Williams that did truly belong to the State. I have also been told that Doctor Hubbard did accompany him to the vessel in which he left San Francisco; glad to get rid of him, no doubt; that I did prove to Doctor Hubbard conclusively that he was a thief, meaning said Williams, touching the sum of one hundred and fifty dollars found among the effects of a deceased patient, and which was handed over finally to Doctor Hubbard, and that I resigned my situation as Steward of said Hospital, in consequence of the receipt of an anonymous letter reflecting on the character of my wife, who was a candidate for Matron of the Hospital. Shortly after the receipt of this letter the Cook applied to me for his discharge. I desired him to ask his discharge of me in writing that I might lay it before the Resident Physician, which he did. The perfect resemblance between this part and the anonymous letters, the Doctor himself at once perceived and remarked, as did several persons present, that the writer of the one was the writer of the other; and the Cook then acknowledged that the writer of his note addressed to me for his discharge was written for him by a young man whom the Doctor himself introduced into the Hospital as a waiter. On hearing this, the young man immediately left the Hospital, and got aboard a steamer to leave this city; the Doctor, however, got him from on board the steamer, and gave him employment on the Hospital Brig where my duty did not lead me. As I learned in a few days he was there, but could not see him when I went there, he being always denied. I then demanded there should be an investigation of this matter and my wife's character—both of which were refused and I resigned my situation, and this man was replaced from the Brig and employed in the Hospital, where he still remains. I have ample reasons for believing that the whole scheme was managed by Doctor Hubbard, as he found he could not make a fool of me.

CHAS. G. WOODMAN,
Late Steward of State Marine Hospital.

Signed in presence of
A. RANDALL,
San Francisco, Cal., March 22, 1851.

COUNTY OF SAN FRANCISCO, *ss.*

Before me a Justice of the Peace, in and for the County of San

Francisco, personally appeared John F. Kimmel, who being duly sworn, deposes and says, that about the first of December last he was called upon by Dr. Hubbard, of the Marine Hospital, who told him that John A. Patterson was sick with Cholera at the Hospital, and wished to see the deponent, and that if deponent wished to see him alive, he must hurry to him. That deponent went immediately to the Hospital, and found said Patterson in a dying condition, but in possession of his senses, and able to talk. He retained his senses until within a few moments of his death. During this last interview, said Patterson called deponent to him, and requested him to take charge of his effects after his death, and send the proceeds to his wife in New York; and he particularly requested that deponent would take charge of his gold watch and chain, and gold ring of California specimens, and send it to his eldest son in New York, to be kept by him as a memento of his father. The articles named were then, with the exception of the ring, all lying on the table in said Patterson's room. Deponent says, that he took possession of the said watch and chain, at the particular request of said Patterson, who said to him "take it, take it, if you don't take it now, I am afraid you will not get it." Immediately after, and when said Patterson was dead, Dr. Hubbard forbid deponent to carry away said watch and chain, and deponent in the grief and confusion of the hour, not carefully considering the obligations imposed on him by said Patterson's request, and not knowing the rights of said Dr. Hubbard, gave up said watch and chain to two persons named by Dr. Hubbard to receive them. These persons were attendants in service at the Hospital. The said watch and chain was delivered in presence of Benj. Ray.

And deponent further says, that he has frequently, since that date, demanded said watch and chain of said Hubbard, and said Hubbard has uniformly refused to deliver the same; and deponent verily believes that said articles have never been sent to the wife and children of said Patterson, but are kept and used by, and on the person of said Hubbard, and that said Hubbard has rendered no account thereof to any party interested.

JOHN F. KIMMEL.

Sworn and subscribed, this eighth day of March, 1851, before me.

—— BROWN, Justice of the Peace.

Receipts and expenditures for and on account of the "State Marine Hospital," from May 6th, 1850, to March 6, 1851.

RECEIPTS.

Commutation money, . . .	$67,005 50	
Pay Patients, ...	19,306 39	
Rent of Store and sales Medicines, .	1,411 37	
		$87,723 26

EXPENDITURES.

Rent of Hospital Buildings, . .	$11,022 11	
Attendants, ...	7,771 03	
Salaries, ...	15,540 05	
Expenses of Board of Health, . .	14,073 46	
Medicines, ...	8,743 73	
Groceries and Provisions, . . .	15,441 95	
Furniture and Building, . . .	10,820 14	
Fuel, ...	1,450 00	
Burial of Deceased Patients, . .	2,855 08	
		$87,718 57
Balance, March 6, 1851,		$4 69

$67,005 50, Commutation Money, is the sum received in lieu of the bonds required from all persons arriving by sea from ports without this State.

$19,306 39 has been received from boarders or patients in Hospital paying for their attendance, and from the Collector for seamen admitted on account of the U. S.

From the Collector, ...	$8,739 70
" " P. M. S. S. Co., ...	748 00
" " Pay patients, ...	8,931 09
" " Effects of deceased persons, . .	887 60
	$19,306 39

$1,411 37. When the Hospital was first opened, the room now used as an Apothecary was rented to B. H. Winding, at $200 per

month. He had it fitted up and stocked with medicines, and filling such prescriptions as were required in the Hospital. At the end of one and a half months, the stock and fixtures were bought by the Board of Health for the sum of $4,500, and an Apothecary employed at $200 per month, and placed in charge, filling all orders of the Hospital Physicians, and selling to such persons as were not entitled to medicines free of charge.

Received for rent of Store Room, ...	$300 00
" from sales of Medicines, ...	1,111 37
	$1,411 37
Total receipts from all sources, ...	$87,723 26

$11,022 11, has been paid for rent of Hospital Buildings. From May 6 to August 6, 1850, $1100 per month was paid for the Hospital on Stockton street; then two more rooms were added to it, and the rent raised to $1200 per month. In the month of September, $100 was paid by Dr. Hubbard for additional rooms for the use of patients.

$7,771 03, has been paid to nurses, cooks, and others employed in the Hospital as attendants.

$15,540 05, has been paid to officers, Resident Physician and Assistants, and per centage of the Health Commissioner.

$14,073 46 has been paid for expenses of Board of Health, viz:

Fire Proof Safe for office, ...	$ 450 00
Printing of blanks, copies of laws in relation to the Marine Hospital, advertising, ...	2,400 00
Salary of Clerk of Board of Health, . . .	2,250 00
Rent of office, at $100 per month, . . .	700 00
Cost of Health Officer's boat, ...	300 00
Repairs on boat, ...	169 25
Wages of crew, ...	4,021 48
Paid costs on suits against vessels, . . .	1,183 25
" Treasurer, effects of deceased patients, .	887 60
Incidental expenses, stationery, &c., . . .	1,711 88
	$14,073 46

$8,743 73, has been paid for medicines,

For prescriptions previous to purchase of store, .	$1,694 25
For stock and fixtures of store, ...	4,500 00
" Instruments, (surgical), ...	300 00
" Medicines since the purchase of store, . .	2,249 48
	$8,743 73

$15,441 97, has been paid for groceries and provisions. This includes cost of bread, meat, vegetables, &c.

$10,820 14. This sum is furniture cost of brig "Bee," her repairs, lumber, alterations and work at Marine Hospital.

Brig "Bee,"	$800 00
Cost of furniture, ...	6,073 97
" " work, and lumber, ...	3,946 17
	$10,820 14

$1,450 00 is the cost of fuel used at the Hospital.

$2,856 08, is the amount that has been paid for burial of deceased patients. From May to October, the cost of each burial was $35 00—since October, $23.

Total of expenditures, ...	$87,718 57

SALARIES AND WAGES.

Resident Physician, ...	$10,000	per annum.
First Assistant, ...	300 "	month.
Second do. do.	175 "	"
Apothecary, ...	200 "	"
Matron, ...	200 "	"
Steward, ...	150 "	"
Do. Second, ...	100 "	"
Cook, ...	100 "	"
Carpenter, ...	100 "	"
Other Employees, ...	50 to 100 "	"

The crew of the Health Officer's boat, from May 6 to August, were

paid, each, from $100 to $150—$175 per month. Since that time $400 per month is paid for services of crew.

Health Commissioner, six per cent. on receipts.

Clerk of Board of Health, $250 per month.

The number of persons for whom commutation money has been received, is about 25,000, and certificates have been issued to about 15,000.

The following Bills have been presented and allowed by the Board of Health:

Dr. L. Hubbard, Resident Physician,		$1,764 00
Dr. P. Hubbard, Assistant Resident Physician,		865 00
Dr. E. R. Chapin,		300 00
F. T. Maynard, Apothecary,		200 00
Thomas Carrigan,	Attendants in Hospital,	700 00
John Thompson,		200 00
S. Dickinson,		250 00
William Phipps,		100 00
J. Walker,		125 00
Henry Johnson,		125 00
G. Coulter,		575 00
William Kirby,		600 00
William Monroe,		300 00
Dr. S. R. Harris, rent of Hospital,		1,200 00
Gray & McDougal, rent of Hospital,		1,500 00
P. Hoag, Undertaker,		1,105 91
D. S. Lount, sundries,		190 00
Joseph Begin, Butcher,		294 00
J. Deeth, Baker,		735 00
M. Gray & Co., Undertaker, O. A.,		510 00
Yale & Nunes, Attorney's fees,		1,000 00
Crew of Health Officer's boat,		500 00
		$7,034 91
Not presented, say,		1,861 09
Total amount,		$15,000 00

The total number of vessels sued in the District and Superior Courts, is,	173
Number in which there are judgments lost and final default,	17
Number now on file, mostly without service of process,	79
Number settled by attorneys,	63
Number of cases discontinued by order of the Board of Health,	14
Total,	173
Number of suits before Justice,	11

Judgments, with their amounts, made final against the masters of vessels:

Brig "Broadaxe,"	$35,000 00
Steamer "Sea Gull,"	30,500 00
Bark "Chester,'	7,500 00
	$73,000 00

Commutation money received by attorneys of Board of Health, (Messrs. Weller, Jones & Kinder) from vessels on settlement,		$4,964 50
Costs received by them,		950 00
		$5,914 50
Costs paid by attorneys,	$1,289 00	
Commutation money paid to Health Commissioner,	2,110 00	
		$3,399 00

Leaving a balance in their hands of moneys collected of $2,515 50, which they claim for fees, as also an additional sum of $3,285 50—making in all $5,801 00 for attorney's fees; but this account has not been allowed by the Board of Health.

There is due to the Board of Health for board and attendance in

Hospital, principally from seamen on account of the United States,	$860 00
Cash on hand, March 24th,	600 00
Due from vessels (which accounts may be classed "good"),	1,000 00
	$2,460 00

Which sum will be required for the necessary expenses of the Hospital.

On motion of Mr. Bodley, the report was laid on the table.

Mr. Thorne presented accompanying documents with said report, and moved that the same be filed with the Secretary of State.

Agreed to.

Mr. Bodley offered the following:

Resolved, That the Committee on Accounts be and they are hereby authorized to certify as correct such amount as will be sufficient to pay the Post-Office account of this House, in specie or its equivalent.

Adopted.

Mr. McCandless offered the following:

Resolved, That no member of this House shall speak longer than twenty minutes, nor oftener than once upon the same question; and this Rule shall not be suspended except by unanimous consent.

Mr. Brown moved to amend the Resolution by striking out the word "once" and inserting the word "twice."

Agreed to.

Mr. McCandless moved to amend by inserting after the word "minutes," "at any one time."

Agreed to.

Mr. Campbell moved to amend by striking out the word "twenty" and inserting the word "thirty."

Not agreed to.

Mr. Campbell moved that the Resolution be indefinitely postponed.

Not agreed to.

Mr. Moore moved to amend by striking out the words "unanimous consent, and inserting the words "two-third vote."

Not agreed to.

The question recurred on the adoption of the Resolution.

Adopted.

Mr. Richardson moved to reconsider the vote by which the House adopted the Resolution.

On motion of Mr. Lind, said motion was indefinitely postponed.

Mr. McCandless, agreeably to previous notice, introduced a "Bill to repeal an Act entitled 'an Act concerning Divorces, approved March 26th, 1851,'" which was read first and second times, the Rules being suspended for that purpose.

Mr. Campbell moved that the Rules be suspended, the Bill considered as engrossed, and read a third time.

On this motion Mr. Field demanded the ayes and nays.

Those who voted in the affirmative were—

Mr. Bodley	Mr. Merritt
Campbell	Moore
Carnes	Murphy
Hall	Osgood
Kendrick	Pico
Lisle	Richardson
Lind	Saunders
McCandless	Stearns
McCorkle	—17.

In the negative—

Mr. Bennett	Mr. Thorne
Brown	Wethered
Cook	Yeiser
Field	Speaker—8.

Agreed to.

Mr. Bodley moved to indefinitely postpone said Bill.

On this motion, Mr. Carnes demanded the ayes and nays.

Those who voted in the affirmative were—

Mr. Bennett	Mr. Field
Bodley	Thorne
Brown	Wethered
Cook	Speaker—8.

In the negative—

Mr. Campbell	Mr. Moore
Carnes	Murphy
Hall	Osgood
Kendrick	Pico
Lisle	Richardson
Lind	Saunders
McCandless	Stearns
McCorkle	Yeiser
Merritt	—17.

Not agreed to.

Mr. Bodley moved to lay the Bill on the table for the present.

Agreed to.

A message from the Senate was received informing the Assembly that they have passed Assembly Bill, entitled "an Act dividing the State into Counties, and establishing the seats of justice therein," with amendments marked A. B. and C., affixed to and accompanying the Bill;

Also, that they have non-concurred in the amendments of the Assembly to Senate Bill, entitled "an Act to amend 'an Act concerning the organization of the Militia;'"

Also, that the President of the Senate has signed "an Act to ratify and confirm the ordinance passed by the City of San Francisco, on the 18th day of November, 1850, authorizing the building of a plank road to the Mission of Dolores;" and "Joint Resolution for the relief of Nathaniel M. C. Menifee;"

Also, that the Senate have adopted the Report of the Committee of Conference on the disagreeing vote of the two Houses, on the "Bill to reincorporate the City of San Francisco."

Bill entitled "an Act dividing the State into Counties, and establishing the Seats of Justice therein," returned from the Senate with amendments, was taken up, when the House concurred in Senate's first and second amendments.

On motion of Mr. McCorkle, the House reconsidered the vote by which Senate's second amendment was concurred in.

On motion of Mr. McCorkle, the House non-concurred in Senate's second and third amendments.

A message from the Governor was received informing the Assembly that he did, on the 5th inst., sign the following Bills, severally entitled "an Act in relation to the appointment of Pilots for the Bay and Harbor of Humboldt;" "an Act to amend the second, third, and seventh sections of the Act entitled 'an Act concerning Notaries Public;'" "an Act to ratify and confirm an Ordinance passed by the City of San Francisco, on the 18th day of November, 1850, authorizing the building of a plank road to the Mission of Dolores," and "Joint Resolution for the relief of Nathaniel M. C. Menifee."

Senate Bill, entitled "an Act to amend 'an Act concerning the organization of the Militia,'" returned from the Senate non-concurring in Assembly's amendments to said Bill, was taken up, when

On motion of Mr. Moore, the House insisted on their amendments.

On motion of Mr. McCorkle, a Committee of Conference was appointed, consisting of Messrs. McCorkle, Moore, Saunders, Kendrick, and Lind, on the disagreeing votes of the two Houses on said Bill.

On motion of Mr. McCorkle, a Committee of Conference was appointed, consisting of Messrs. McCorkle, Field, McCandless, Hall, and Baldwin, on the disagreeing votes of the two Houses, on Bill entitled "an Act dividing the State into Counties, and establishing the Seats of Justice therein."

Mr. Cook presented a petition from the citizens of San Diego, praying that the Legislature pass a law repealing the Act incorporating said city, which was read, and

On motion of Mr. Cook, referred to a Select Committee, consisting of Messrs. Cook, Stearns, and Carnes.

UNFINISHED BUSINESS OF SATURDAY.

"Joint Resolution relative to the per diem pay and mileage of witnesses in the cases of Judges Parsons and Turner," was read second time.

Mr. McCorkle moved to amend the same, by striking out the word "ten," and inserting the word "eight."

Not agreed to.

Mr. Bodley moved to strike out "ten," and insert "two."

Mr. Saunders moved to strike out "ten," and insert "seven."

The question recurred on the motion to strike out "ten," and insert "seven."

Not agreed to.

Mr. Bennett moved to strike out "ten," and insert "six."
Not agreed to.
Mr. McCorkle moved to strike out "ten," and insert "five."
Mr. Lisle moved to lay the resolution on the table.
Mr. McCorkle demanded the ayes and nays.

Those who voted in the affirmative were—

Mr. Lisle	Mr. Wethered
Merritt	—3.

In the negative were—

Mr. Baldwin	Mr. McCorkle
Bennett	Moore
Bodley	Murphy
Bradford	Osgood
Brown	Pico
Carnes	Richardson
Cook	Saunders
Field	Stearns
Hall	Thorne
Kendrick	Yeiser
Lind	Speaker
McCandless	—23.

Not agreed to.

The question recurred on the motion to strike out "ten," and insert "five."

Agreed to.

Mr. Bodley offered the following as a substitute for said resolution:

Resolved (the Senate concurring), That the Comptroller of State is hereby authorized and directed to issue Warrants for the payment of all witnesses summoned to appear before the Select Committees of the House of Assembly to testify in the cases of the impeachment of Judges Levi Parsons, of the 4th Judicial District, and William R. Turner, of the 8th Judicial District, at the rate of five dollars per day while in actual attendance on said Committees, and fifty cents per mile travelled by the usual routes, the accounts for mileage and per diem to be certified as correct by the chairman of the several committees: *Provided, however*, the time

consumed in travelling shall not be calculated in the per diem allowance.

Mr. McCandless moved to indefinitely postpone the substitute.

Not agreed to.

The question recurred on the adoption of the substitute.

Adopted.

Mr. Bodley moved to reconsider the vote by which the House adopted the substitute, and demanded the ayes and nays.

Those who voted in the affirmative were—

Mr. Baldwin	Mr. Lisle
Bodley	Merritt
Bradford	Pico
Brown	Richardson
Carnes	Stearns
Cook	Wethered—12.

In the negative—

Mr. Bennett	Mr. Murphy
Field	Osgood
Hall	Saunders
Kendrick	Thorne
Lind	Yeiser
McCandless	Speaker
McCorkle	—13.

Not agreed to.

Mr. Bodley moved to amend by striking out the word "five," and inserting the word "two."

Mr. McCorkle demanded the ayes and nays.

Those who voted in the affirmative were—

Mr. Baldwin	Mr. Lisle
Bodley	Merritt
Bradford	Pico
Brown	Richardson
Carnes	Stearns
Cook	Wethered—12.

In the negative—

Mr. Bennett	Mr. Moore
Field	Murphy
Hall	Osgood
Kendrick	Saunders
Lind	Thorne
McCorkle	Yeiser
McCandless	Speaker—14.

Not agreed to.

Mr. Lind moved that the Resolution be considered as engrossed, and read a third time.

Agreed to.

The question then was, "Shall the Joint Resolution pass?"

Mr. Bodley demanded the ayes and nays.

Those who voted in the affirmative were—

Mr. Baldwin	Mr. McCorkle
Bennett	Moore
Cook	Murphy
Field	Osgood
Hall	Saunders
Kendrick	Thorne
Lind	Yeiser
McCandless	Speaker—16.

In the negative—

Mr. Bodley	Mr. Merritt
Bradford	Pico
Brown	Richardson
Carnes	Stearns
Lisle	Wethered—10.

Decided in the affirmative.

Mr. McCorkle offered the following:

Resolved, That the compensation of Members of this House, from the present date until the adjournment of the present Legislature, shall be five dollars per diem, during actual attendance.

On motion of Mr. Bodley, the Resolution was indefinitely postponed.

Mr. Baldwin, on leave, introduced "a Bill affixing the residence of certain Officers of State," which was read first and second times, the Rules being suspended for that purpose, and ordered printed.

Senate's Joint Resolution in relation to the distribution of the Convention Journals printed in Spanish," was read second time, the Rules being suspended, and read a third time.

The question then was, "Shall the Resolution pass?"

Decided in the affirmative.

Mr. Richardson offered the following:

Resolved (the Senate concurring), That the Comptroller of State be authorized to issue his Warrants on the General Fund for the Fees of the Sergeant-at-Arms, for summoning witnesses in the case of Judges Parsons and Turner," which was read first and second times, the Rules being suspended for that purpose.

On motion of Mr. Richardson, the Rules were suspended, the Joint Resolution considered as engrossed, and read a third time.

The question then was, "Shall the Joint Resolution pass?"

Decided in the affirmative.

On motion of Mr. Murphy, the House resolved itself into Committee of the Whole, Mr. Saunders in the Chair, on "Bill to authorize the issue and sale of Land Warrants in this State;" after some time spent therein, the Committee rose, reported the Bill with amendments, and were discharged.

Mr. McCorkle moved to concur in the amendments made in Committee of the Whole.

Mr. Hall moved to reconsider the vote by which the House passed "Bill concerning certain trespasses in the Mining Counties of this State."

TWENTY MINUTES AFTER TWO O'CLOCK.

On motion of Mr. Baldwin, the House adjourned.

HOUSE OF ASSEMBLY.

TUESDAY, *April* 8, 1851.

House met.

The roll was called, and the following members were absent, to wit: Messrs. Baldwin, Bodley, Covarrubias, Merritt, Murphy, Saunders, Stearns, Wethered, and Yeiser; on leave, Messrs. Carr, Hoff, Kellogg, McDougal, Randall, Robinson, and Wilkins.

The Journal of yesterday was read and approved.

Mr. McCorkle, from the Committee on Public Printing, in accordance with the resolution passed by this House, reported that they had addressed a letter to the publisher of each newspaper in this State, inquiring at what rate they would publish the laws of this Legislature, and distribute the same to each County in the State, as provided by law, and herewith transmit the various proposals.

ALTA CALIFORNIA OFFICE,
SAN FRANCISCO, *April 8th*, 1851.

To HON. JOSEPH W. MCCORKLE,
Chairman of Committee on Public Printing:

SIR: Your favor of the 4th inst., mailed on the 8th, came duly to hand, forwarding your request that this office, in accordance with a resolution of the Assembly lately passed, would furnish estimates as to its terms for printing the State Laws, and also for distributing ten copies to each County Clerk of this State.

In reply, we would suggest that as no definite forms have been submitted to competition, an exact comparison of the different rates sent in can hardly be compassed, but the following estimate from this office is placed cheerfully at the service of the committee.

For one square of one hundred words, or thereabouts, making ten lines in the common advertising type now used in the Daily Alta, ($1 $\frac{5}{100}$) one dollar and a half, the first insertion, and half price each subsequent insertion. The ten copies to each County Clerk, under this arrangement, to be forwarded gratis. The above-named price to be in cash or its equivalent.

Some months since, in consequence of the superior circulation of the Alta, the Post Office printing was, as required by law, adjudged to this

office, and we now claim a circulation as great as any other three papers (combined) in California. In case our offer should be accepted, in addition to publishing the laws in our daily paper, we should also insert them in our weekly edition—thus giving them the benefit of a large country circulation free of any additional charge to the State.

In a few days one of the members of our firm, Mr. Connor, will be in San José, when he will be happy to interchange further views with you on this subject.

We are respectfully yours, &c.,
E. GILBERT & Co.

PLACER TIMES OFFICE,
SACRAMENTO CITY, *March 11th*, 1851.

HON. JOSEPH W. MCCORKLE,
Chairman Committee on Public Printing:

SIR: Your letter of the 4th inst. is just received. In reply to your inquiry as to the rate at which we would *publish* the Laws of California, "in the *Placer Times* and distribute ten copies to each County Clerk in the State," we have to say that we will perform the work at the charge of *two dollars per thousand ems.*

Respectfully yours
PICKERING & LAWRENCE.

DAILY PACIFIC NEWS OFFICE,
SAN FRANCISCO, *March 10th*, 1851.

HON. JOSEPH W. MCCORKLE,

SIR: In answer to your letter, received March 8th, in relation to the printing of the State Laws of California, and the distribution of ten copies to each County Clerk in the State,

We will publish them in the *Daily Pacific News* at the rate of three dollars for each square of twelve lines, and for each subsequent insertion one dollar and fifty cents.

Yours respectfully,
SKILLMAN, WILKINSON & Co.
Proprietors of Daily Pacific News.

PACIFIC NEWS OFFICE, *March* 11*th*, 1851.

JOSEPH W. MCCORKLE, ESQ.:

DEAR SIR: On persusing your letter a second time, received March 8th, in relation to the publishing of the State Laws of California, we have come to the conclusion to reduce our bid for the printing of the same to two dollars for a square of twelve lines, for the first insertion, and one dollar for each subsequent insertion, sending ten copies to each County Clerk in the State.

Yours respectfully,
SKILLMAN, WILKINSON & Co.,
Proprietors of Daily Pacific News.

CALIFORNIA COURIER OFFICE.
SAN FRANCISCO, *March* 10, 1851.

JOS. W. MCCORKLE, ESQ.:

DEAR SIR: Your letter of the 4th instant, inquiring at what rate we will publish the Laws of this State in our paper, &c., did not come to hand until this evening. In reply, we beg leave to state that we will publish the Laws at one dollar per square of twelve lines, which is one third of our regular terms (which are three dollars per square), and furnish ten copies to the Clerks of each county.

We remain,
Very respectfully,
Your obedient servants,
CRANE & RICE.

SAN FRANCISCO,
March 10, 1851.

HON. JOS. MCCORKLE, ESQ.,
Chairman, &c.:

In reply to the Resolution of the Assembly of this State, a copy of which is contained in your letter of inquiry to us, under date of March 4th, 1851, we will publish the Laws of this State in our paper at the rate of fifty cents per square of ten lines, for each insertion, and

transmit ten copies of every Law so published to each County Clerk in this State.

Respectfully yours,
SHEPARD, BENNETT & Co.,
Per F. WILLIAMS,
Of the *Evening Picayune*,
San Francisco.

MARYSVILLE HERALD OFFICE.
MARYSVILLE, 22*d March*, 1851.

HON. J. W. MCCORKLE,
Chairman of Committee on Public Printing:

DEAR SIR: In reply to your letter, in reference to publishing the Laws of the State in the *Marysville Herald*, we have to say that we would do so at a charge of one dollar per square for the first insertion, and fifty cents for each subsequent insertion. We will furnish ten copies of the paper to each County Clerk in the State at a charge of *three cents* per copy.

Very respectfully,
TAYLOR & MASSETT.

OFFICE OF CALIFORNIA STATE JOURNAL,
SAN JOSÉ, *March* 10, 1851.

Hon. J. W. MCCORKLE,

MY DEAR SIR: Your note of the 4th instant, requesting me to state to you at what rates I will publish the Laws of the State in the "*California State Journal*," and distribute ten copies to each County Clerk in this State, has been received.

In reply, I would state that I would be willing to advertise the Laws in my newspaper at the rate of $3 00 per square of ten lines for first insertion, and half price for every subsequent insertion. For each copy of the paper for the County Clerks, I should charge $16 00 per annum.

With the kindest consideration, believe me to be,
Yours very truly,
JAMES B. DEVOE,
Editor of State Journal.

STOCKTON, *March 24th*, 1851.

JOS. W. MCCORKLE, ESQ.,
Chairman of Committee on Printing ·

MY DEAR SIR: I received your note, dated March 4th, on last Saturday, and have only now an opportunity, by steamer, to send you a reply.

I will print the Laws in Brevier type, ten lines to each square, at $1 50 per square, and distribute ten copies to the Clerk of each County at 12½ cents per number. This you will perceive is below the usual rates charged for general advertising in this region.

But I should consider the being made the official organ of the State in this District an equivalent to the full rates.

I am much gratified to observe that you have such a necessary and proper dissemination of the State Laws under contemplation: it cannot fail being a highly popular move among the people. It has been a subject heretofore of much complaint, that we were to receive the perfected code only when a new Legislaeure were engaged in repealing it.

Yours respectfully,
JOHN S. ROBB,
Editor Stockton Journal.

The question then was on adopting the report.

Adopted.

On motion of Mr. Lind, "Bill to provide for the early publication and distribution of the Laws of California," was taken up, when,

On motion of Mr. Moore, the Bill and report was referred to a Select Committee, consisting of Messrs. Moore, McCorkle, Bennett, Campbell, and Bradford.

Mr. McCandless, from the Committee on Engrossed Bills, reported as correctly engrossed, "an Act concerning certain Trespasses in the Mining Counties of this State;" "Joint Resolution for the benefit of J. L. Smith;" "Joint Resolution for the relief of the Sergeant-at-Arms of the Assembly;" and "Joint Resolution relative to the per diem pay and mileage of witnesses in the cases of Judges Parsons and Turner."

Mr. Bradford, from the Joint Committee on Enrolled Bills, reported that they have examined "an Act to reincorporate the City of San

Francisco," and find the same correctly enrolled, except in the fifth section of Article second, where they have found it necessary to change "the fourth Monday of April next," to "the fourth Monday of April, one thousand eight hundred and fifty-one," so that the section shall read "the first General Election for Officers under this Charter, shall be held on the fourth Monday of April, one thousand eight hundred and fifty-one," &c.

Report adopted.

Mr. Merritt, from the Select Committee to whom was referred Senate Bill entitled "an Act to create a State Hospital in the City of Sacramento," reported the same back with the following amendments: Amend second section by striking out, after the words "they shall" in the fifteenth line, the following, "a body politic and corporate," and inserting the words "be known" before the words "by the name and style;" and, in section nine, strike out "$5,000" and insert "$4,500;" and the committee would earnestly recommend the passage of the Bill as amended.

On motion of Mr. Lind, the Report was laid on the table for the present.

Mr. Bradford, on leave, introduced a "Bill to incorporate the City of Benicia," which was read first and second times, the Rules being suspended for that purpose, and referred to the Committee on Corporations.

Mr. Bradford introduced a "Bill for the relief of Solano County," which was read first and second times, the Rules being suspended for that purpose, and referred to the Committee on the Judiciary.

Mr. Brown, agreeably to previous notice, introduced a "Bill concerning estray animals," which was read first and second times, the Rules being suspended for that purpose; and,

On motion of Mr. Campbell, was referred to a Select Committee consisting of Messrs. Brown, Stearns, Kendrick, Carnes, and Pico.

On motion of Mr. Bradford, "Bill regulating and prescribing the duty of Pilots for the Collection Districts of Sonoma, Sacramento City, and Stockton," was taken up, and referred to the Committee on Commerce.

A message from the Senate was received, informing the Assembly that the Governor has notified the Senate that he did, on the 5th inst., sign a "Joint Resolution in relation to the Pious Fund of California;"

Also, that the Senate have appointed Messrs. Van Buren, Crosby,

and Green, a Committee of Conference on the disagreeing votes of the two Houses on the "Act concerning Redemptions;" and Messrs. Crosby, Robinson, and Warner, a Committee of Conference on the disagreeing votes of the two Houses on the "Act dividing the State into Counties, and establishing the Seats of Justice therein," to meet any corresponding committees on the part of the Assembly;

Also, that the Senate have rejected Assembly Bill, entitled "an Act to declare the meaning of the first sentence of the third part of the first section of an Act entitled 'an Act concerning Licenses;'"

Also, that the President of the Senate has signed "an Act to reincorporate the City of San Francisco;"

Also, that the Senate has passed Assembly Bill, entitled "an Act to provide for the punishment of embezzlement of the Public Moneys, and for other purposes."

UNFINISHED BUSINESS OF YESTERDAY.

The motion to reconsider the vote by which the House passed Bill entitled "an Act concerning certain trespasses in the Mining Counties of this State," the vote being taken, was decided in the affirmative.

On motion of Mr. Hall, the House reconsidered the vote by which said Bill was considered as engrossed and read a third time.

On motion of Mr. Hall, said Bill was referred to a Select Committee.

Mr. Yeiser, from the Select Committee to whom was referred the memorial of William Walker, praying that the Hon. Levi Parsons be impeached, submitted the following

MINORITY REPORT.

MR. SPEAKER:

The minority of the Select Committee, to whom was referred, for the purpose of receiving rebutting testimony, in relation to the charges preferred by Wm. Walker against Levi Parsons, Judge of the Fourth Judicial District, the Report of the Hon. W. C. Hoff, and testimony in chief, ask leave to report:

Your Committee have heard all the testimony offered on the part of the accused, consisting of the opinions of *experts*, or men learned in the science of law in relation to contempts, and various articles produced for the purpose of showing up the general course and character of a

newspaper published in the city of San Francisco, called the "*San Francisco Herald*," and find no good reasons for changing the opinions set forth in the report submitted to this House by the Honorable W. C. Hoff, which was ordered to be printed by the House; and afterwards, on application, referred back for the purpose of taking rebutting testimony.

Your Committee are compelled to take the record of the Court of the Hon. Levi Parsons, as the best evidence offered in this case, as to the proceedings of that Court in the case of the attachment of Wm. Walker for contempt. By the record the fact is established beyond controversy, that Wm. Walker, the memorialist, was ruled to show cause why an attachment for contempt should not be issued against him for the publication of a certain article in the *Herald*. The following is the certified record of the Court:

"Ordered by the Court, That a rule be entered against John Nugent and William Walker, Editors and Publishers of the *San Francisco Daily Herald*, to show cause, if any they can, before said District Court of the Fourth Judicial District of the State of California, at the Court Room of said Court, in the City of San Francisco, at ten o'clock, A.M., on the seventh day of March, why they should not be attached for a contempt of said Court by the publication of a certain article in said paper, of date the 4th day of March, 1851, entitled, 'The Press a Nuisance,' to wit:

"The District Judge of San Francisco yesterday gave a charge to the Grand Jury, and among other queer things, advised them to examine the City Press. According to the report of the Judge, the papers of the town constitute a nuisance, and should be prosecuted as such by the county authorities.

"It is not surprising that the District Judge should consider the press in this light after the strange position he has taken in regard to the evidence necessary to justify the Grand Jury in finding a true bill. The District Court, 'learned in the law,' as the Constitution liberally provides, has charged the Grand Jury, that a bill should not be found unless they deem the evidence sufficient to make a Petit Jury convict. Thus the District Court instructs the Grand Jury to aid in the escape of criminals; for how can the Grand Jury exercise its own peculiar duties, and also perform the duties of a Petit Jury? No wonder that, after laying down the law favorably to criminals, the District Judge should

declare against the press. The old phrase of 'judicial madness' is daily assuming a new and intense meaning in California. Our Courts seem determined on 'fooling' the people 'to the top of their bent;' and, like the Hindoo in the phrensy of superstition, they fling themselves under the wheels of the Juggernaut, public opinion, in order that they may be crushed beneath the sacred car. They cover crime with the folds of the ermine; they lift their impotent arms to scourge an unfettered press with the rods of justice, as they style it. They drop the tears of a bastard mercy upon the robbers and assassins who threaten our lives and our property. They turn with a scowl of wrath and an arm of vengeance upon the press, which dares to complain of the tenderness with which offenders are treated. If we err not, Judge Parsons was present in many of the scenes which passed before the City Hall some ten days ago. He may have observed the deep discontent with which the people listened to him when he counselled them to leave the prisoners, Stuart and Wildred, to the regular Courts of the State. He may have heard the curses—not suppressed even by his presence—uttered against the Courts as now organized and constituted. If the Judge could hardly stand before the people, when he appeared merely as counsel for other parties summarily arraigned before the people in mass assembled, how much weaker would he be if called on to plead his own cause before an outraged and indignant public! If we were the guardian angels of the District Judge, we would whisper in his ear, 'Beware.'

"How can men be so blind or so weak as some of our Judges appear to be? Do they think the patience of the people eternal, because judgment against an unfaithful servant is not executed speedily? Do they dream that the public will forever remain quiet—that the air will be forever mild, the breezes forever gentle, and that the hurricane will never rise to sweep them from the land and bury them in the deep? Again we say to the Judges, one and all, 'Beware.'"

And afterwards, on the 7th day of March, 1851, the said rule against John Nugent and William Walker, the said Walker appeared, and, by Counsel, moved the Court for twenty-four hours' time to answer herein, which was granted, &c., &c.

Therefore, by the record of the Court of the Fourth Judicial District, it appears that the Hon. Levi Parsons, Judge of said District Court, ruled the memorialist, William Walker, to show cause why he should

not be punished for contempt of said Court for the publication of the article entitled "The Press a Nuisance," as set forth in the rule; and it further appears from the records of said Court, that the said Levi Parsons did sentence the said memorialist, William Walker, for the publication of the article aforesaid, to pay a fine of five hundred dollars, "and that he stand imprisoned until the same be paid." The members of the Committee who dissent from the report made by the Chairman cannot arrive at the conclusion that it is a part of their duty to examine into, as matters at all pertinent to the issue before this House, the general character of Mr. Walker as a journalist, or the newspaper published by him in San Francisco, any more than it would be proper and just to review the past judicial course of Judge Parsons, or to inquire whether Levi Parsons would be justified in fining and imprisoning the memorialist, William Walker, for the publication of an article in the *Herald*, alleged to be a contempt of the Supreme Court of this State, and to be found marked as exhibit No. 2, and made part of the defence in this case. The minority of the Committee will, therefore, confine themselves to what they suppose to be the facts of the case and the law. The statute of this State passed March 16th, 1850, entitled "an Act to Organize the District Courts of the State of California," in 13th section, defines what shall constitute a contempt, and the punishment, as follows:

"The said Courts shall have power to punish, in a summary manner, by fine and imprisonment, or either, for contempt offered to them while in session, or to any process, writ, rule, or order of said Court, issued or made, or for disobeying any writ, process, or order thereof, or for obstructing or preventing the execution of the same; and the judgments, decrees, and determinations of said Courts in such cases shall be final and conclusive. No fine shall exceed the sum of five hundred dollars, nor such imprisonment exceed the term of fifteen days for any one offence."

The Constitution of the State, in section 9 of Article 1, guarantees to every citizen the liberty of speech and of the press in the following most emphatic and decided language:

"Every citizen, may freely speak, write, and publish his sentiments on all subjects, being responsible for the abuse of that right: and no law *shall* be passed to restrain or abridge the liberty of speech or of the Press."

The charge against Judge Parsons is, that he usurped a power unknown to the law, and forbid by the Constitution, when he imprisoned

the memorialist, Wm. Walker, for the publication of an article in the *San Francisco Daily Herald.* It is alleged that the publication was a contempt of Court, and that as such it was competent for the Judge to arrest and summarily punish the offending party. We are of opinion that the article was not a contempt, and that even if it was, Judge Parsons went beyond the law in the punishment he inflicted on Mr. Walker, for the alleged offence. It is said that at common law a Judge may punish as a contempt any publication concerning a cause pending before the Court, or reflecting on the conduct and character of the Court. The article published in the *Herald*, as set out in the rule ordered by Judge Parsons, does not come within the first class of contempts; for it related to a matter which the Court had already passed on and decided. Therefore the article can only come under the class of contempts, or acts alleged to be contempts at common law, which consist in an impeachment of the character and conduct of a Judge on the Bench. If the common law is as stated, we are of the opinion that it can be the law of England only, and not the law of this State. Such power to punish for the publication of strictures on the character of a Judge, cannot consistently be the law of this State, as long as our Constitution remains and our Judges are elective and amenable to the people for the proper discharge of their official duties. To insist or assert that the conduct of our Judges shall not be commented on, without committing a contempt of Court, and rendering the citizen who chooses to exercise this constitutional right liable to fine and imprisonment, is to deny their accountability to the people, and to make them responsible for any powers they may choose to assume or usurp and exercise in the most arbitrary and tyrannical manner.

If there were no other reasons for denying the existence of the power which is claimed by Judge Parsons, the general opposition it manifests to the spirit and intention of all our political institutions, would be sufficient to show it is not consistent with the common law of the State of California. But we are not left to such general reasoning. The Constitution, as shown, already expressly prohibits the Legislature from passing any law restricting the liberty of the Press. How then can a Judge, the creature of the Legislature, exercise a power denied by the Constitution to the Legislative power of the State?

If there is any thing in the common law of England which restricts the liberty of the Press, and makes certain newspaper publications con-

tempt of Court, this part of the common law of England could not become the law of this State by mere Legislative enactments.

We find also, that before the Legislature adopted generally the common law of England, as the law of this State, it had provided for the punishment of contempts by the act before recited, and by that statute the power to punish contempts is expressly granted to the District Court, and it is also defined what acts constitute contempts.

The case of Mr. Walker did not come within any clause of this Act, and we therefore hold that no contempt was committed by the publication in the *Herald* newspaper. But if Mr. Walker had been guilty of a contempt, the Judge of the District Court had no right to punish him beyond a fine of five hundred dollars, and imprisonment for fifteen days. Judge Parsons however, fined Mr. Walker five hundred dollars, and imprisoned him until the fine was paid—that is indefinitely. The Judge therefore, not only usurped power, when he punished the author of a newspaper article, as for a contempt of Court; but he still further exceeded the authority conferred by law, when he imprisoned the alleged offender for an indefinite length of time.

For such gross violation of law, and extreme assumption of power, we think Judge Parsons should be impeached by the Assembly. It is necessary for us to resist strongly and at once, the introduction of precedents so arbitrary in their nature, and so unwarranted by the habits and laws of a free people. It becomes us to declare loudly and immediately, that when we come to California, we did not bring with us the chains which the governments of other nations have forged for the words and thoughts of an enslaved people.

It behoves us to assert that when we adopted the common law of England as a rule of decision for our courts, and of action for our people, we adopted only such portions as are consistent with the largest liberty of speech, action, and of the Press. That when a Judge, responsible to the people for his acts, seeks to muzzle the Press, the reflector of public opinion, and is inclined to arbitrary precedents, seeking to uphold an alleged power, resorts to the common law of England as the source of his authority, he derogates from the people who have placed him in office, and deserves to be removed from a post he has shown himself unworthy to fill.

We therefore recommend, that a committee be appointed to prefer

articles of impeachment against Levi Parsons, of the Fourth Judicial District, and that they be sent to the Senate for trial.

JOS. W. MCCORKLE,
F. YEISER.

April 7, 1851.

On motion of Mr. Yeiser, 500 copies of the report were ordered printed.

On motion of Mr. Lisle, the House resolved itself into Committee of the Whole, Mr. Saunders in the Chair, on Bill to create a State Hospital in the City of Sacramento;" after some time spent therein, the Committee rose, reported the Bill with amendments, and were discharged.

Mr. BALDWIN in the Chair.

Mr. Lind moved that the Bill be referred to a Select Committee, with instructions to report to-morrow.

Mr. Bigler demanded the ayes and nays.

Those who voted in the affirmative were—

Mr. Bennett	Mr. Murphy
Bodley	Osgood
Bradford	Pico
Brown	Richardson
Covarrubias	Stearns
Lind	Wethered
McCandless	Yeiser
Moore	—15.

In the negative—

Mr. Baldwin	Mr. Kendrick
Campbell	Lisle
Carnes	McCorkle
Cook	Merritt
Field	Thorne
Hall	Speaker—12.

Agreed to.

The Speaker appointed as said Committee, Messrs. Lind, Lisle, Murphy, McCorkle, and Hall.

Mr. Field, on leave, introduced a "Bill to fix the compensation of County Judges, and associate Judges of the Court of Sessions," which was read first and second times, the Rules being suspended for that purpose, and laid on the table.

Mr. Field, on leave, introduced a "Bill concerning District Attorneys," which was read first and second times, the Rules being suspended for that purpose, and ordered printed.

On motion of Mr. Wethered, two hundred copies of the Report of the Select Committee appointed to examine the State Marine Hospital, were ordered printed.

On motion of Mr. Murphy, Bill to authorize the issue and sale of Land Warrants in this State was taken up.

On motion of Mr. Murphy, the House concurred generally in the amendments made in Committee of the Whole.

Mr. Bodley moved to amend the 3d Section by adding the words "provided, however, that nothing in this Section shall be so construed as to allow any but citizens of the United States to make such purchase or entry."

Agreed to.

Mr. Bodley moved to amend the 8th Section by striking out the first line, and second line to the word "direct," and inserting the words, "the Surveyor General as Agent of the State shall," and strike out all after the word "State" in the 7th line.

Agreed to.

Mr. Bigler moved to amend the 2d Section by adding the words, "provided that in no case shall more than two Warrants be issued to the same person."

Agreed to.

Mr. Bigler moved to amend the 6th Section by adding the words, "or for the support of Public Schools throughout the State, as may be hereafter directed by Law."

Agreed to.

Mr. Bradford moved to amend Section 7th, second line, by inserting after the word "indebtedness," the words, "that may be due."

Agreed to.

Mr. Campbell moved a call of the House.

Not agreed to.

On motion of Mr. Saunders, the Bill and amendments were laid on the table.

HALF PAST ONE O'CLOCK.

On motion of Mr. Lind, the House adjourned.

HOUSE OF ASSEMBLY.

WEDNESDAY, *April* 9, 1851.

House met.

The roll was called, and the following members were absent, to wit: Messrs. Baldwin, Hall, McCandless, Murphy, Osgood, Stearns, and Yeiser; on leave, Messrs. Carr, Hoff, Kellogg, McDougal, Randall, Robinson.

The Journal of yesterday was read and approved.

The Speaker appointed Messrs. Hall, Moore, and Osgood a committee to whom was referred "Bill concerning certain Trespasses in the Mining Counties of this State."

Mr. Bennett, from the Committee on Accounts, having had under consideration an account of J. D. Hoppe, Esq., Postmaster of this city, upon which there is due $673 $\frac{22}{100}$, reported:

That, according to a resolution adopted by this House on the 7th instant, your committee are directed to pay this account in specie, or its equivalent. Your committee have endeavored to negotiate for the payment of said Post-Office account, in accordance with the resolution adopted, but have been unable to obtain the specie for the payment of said bill, at a less rate of discount than 60 per cent. per dollar upon State Warrants. Your committee not feeling warranted in the disposal of Warrants for the payment of this bill, at the above rate of discount, ask leave to refer the bill to the House for its consideration.

Mr. Bodley moved that the Committee on Accounts be authorized to settle the account of J. D. Hoppe, after the reception of the news by the next steamer.

Agreed to.

Mr. Bradford, from the Joint Committee on Enrolled Bills, reported that they have examined and find correctly enrolled, "an Act to provide for the punishment of Embezzlement of Public Moneys, and other purposes;"

"Joint Resolution in relation to the distribution of the Convention Journals printed in Spanish."

Mr. Lind, from the Select Committee, to whom was referred Senate Bill No. 88, entitled "an Act to create a State Hospital in the City of Sacramento," having had the same under consideration, reported:

That they would present several amendments for the consideration of the House, and with them would recommend the passage of the Bill. Should the amendment to strike out the twenty-third and twenty-fourth sections, which relate to the mode of creating revenue be concurred in, they would most earnestly recommend that the Revenue Bill, recently introduced by the Committee of Ways and Means, be early acted upon, and the amplest provision made for the support of the institution. With these suggestions, your committee ask to be discharged from the further consideration of the subject.

On motion of Mr. Lisle, the report and Bill were laid on the table for the present.

Mr. Brown, from the Select Committee, to whom was referred "Bill concerning Estray Animals," reported the same back with an amendment, and recommended its passage.

The question recurred on adopting the amendment.

Agreed to.

On motion of Mr. Carnes, the Bill was laid on the table and ordered printed.

Mr. McCandless, from the Select Committee to whom was referred "Bill to regulate the Fees of Office," reported:

That the committee have found it impossible to agree upon a rate of fees for services rendered, that would operate equally and just in all the counties in the State, and have therefore discriminated in the rates of fees to be allowed in the agricultural and mining districts, and recommend the passage of this Bill as amended.

On motion of Mr. Wethered, the Bill and amendments were ordered printed.

Mr. Cook, from the Select Committee, to whom was referred the petition of citizens of San Diego, praying for a "repeal of their city

Charter, passed at the last Session of the Legislature;" in accordance with the prayer of the petitioners, reported the accompanying Bill, and recommend its passage:

"Bill to repeal 'an Act to Incorporate the City of San Diego,'" was read first and second times, the Rules being suspended for that purpose.

On motion of Mr. Carnes, the Rules were suspended, the Bill considered as engrossed, and read a third time.

The question then was, "Shall the Bill pass?"

Decided in the affirmative.

Mr. Campbell offered the following:

Resolved, That the Select Committee, to whom was referred the petition of certain citizens, to have refunded to them Bonds lost by fire in San Francisco, be required to report *instanter*.

Adopted.

Mr. Moore, on leave, introduced "a Bill to prohibit officers from being interested in certain Contracts," which was read first and second times, the Rules being suspended for that purpose.

UNFINISHED BUSINESS OF YESTERDAY.

"Bill to authorize the issue and sale of Land Warrants in this State," was considered as engrossed, and read a third time.

Mr. Bodley moved to indefinitely postpone said Bill.

Mr. Murphy demanded the ayes and nays.

Those who voted in the affirmative were—

Mr. Bodley	Mr. Field
Brown	Moore
Campbell	Osgood
Carnes	Pico
Covarrubias	Stearns—10.

In the negative—

Mr. Baldwin	Mr. Kendrick
Bennett	Lisle
Bradford	Lind
Cook	McCandless
Hall	McCorkle

Mr. Merritt	Mr. Wethered
Murphy	Wilkins
Richardson	Yeiser
Saunders	Speaker
Thorne	—19.

Not agreed to.

The question then was, "Shall the Bill pass?"

Mr. Wilkins demanded the ayes and nays.

Those who voted in the affirmative were—

Mr. Bennett	Mr. Merritt
Bradford	Murphy
Hall	Richardson
Kendrick	Saunders
Lisle	Thorne
Lind	Wilkins
McCandless	Yeiser
McCorkle	Speaker—16.

In the negative—

Mr. Bodley	Mr. Field
Baldwin	Moore
Brown	Osgood
Campbell	Pico
Carnes	Stearns
Cook	Wethered
Covarrubias	—13.

Decided in the affirmative.

On motion of Mr. Wethered, a Committee of Conference was appointed, consisting of Messrs. Wethered, Murphy, Brown, Field, and Wilkins, on the disagreeing votes of the two Houses, on "Bill concerning Redemptions."

Mr. Baldwin, from the Select Committee, to whom was referred "Joint Resolution relative to the Leidesdorff Estate," reported the following Bill:

"Bill for 'an Act concerning Escheats,'" was read first and second times, the Rules being suspended for that purpose, and ordered printed.

On motion of Mr. Lisle, the House resolved itself into Committee of the Whole, Mr. Saunders in the Chair, on "Bill entitled 'an Act to create a State Hospital in the City of Sacramento.'" After some time spent therein, the committee rose, reported the Bill, with amendments, and were discharged.

Mr. Moore moved to adjourn until seven o'clock to-night.

Mr. Campbell moved to amend said motion by striking out the words "seven o'clock," and inserting "until to-morrow."

Agreed to.

TWO O'CLOCK.

House adjourned.

HOUSE OF ASSEMBLY.

THURSDAY, *April* 10, 1851.

House met.

The roll was called, and the following members were absent, to wit: Messrs. Baldwin, Brown, Campbell, Covarrubias, and Murphy; on leave, Messrs. Hoff, Kellogg, McDougal, Randall, and Robinson.

The Journal of yesterday was read and approved.

Mr. Merritt, from the Committee on Public Expenditures, to whom was referred the petition of Messrs. Mouton, Raveau, and others, praying to be indemnified for the loss of certain State Bonds, alleged to have been destroyed by fire, in accordance with instructions of the House, reported the accompanying Bill, and recommended its indefinite postponement.

"Bill for the relief of Messrs. Mouton and others," was read first time.

Mr. Bodley moved to lay the Bill on the table.

Not agreed to.

The question recurred on the indefinite postponement of the Bill.

Mr Saunders moved to refer the Bill to the Judiciary Committee.

Mr. Baldwin demanded the ayes and nays.

Those who voted in the affirmative were—

Mr. Bodley	Mr. Lind
Carnes	Pico
Cook	Saunders
Covarrubias	Stearns
Hall	Thorne
Kendrick	—11.

In the negative—

Mr. Baldwin	Mr. Merritt
Bennett	Moore
Bradford	Murphy
Brown	Osgood
Field	Richardson
Lisle	Wethered
McCandless	Wilkins
McCorkle	Speaker—16.

Not agreed to.

Mr. Baldwin demanded the previous question.

The question then was, "Shall the main question be now put?"

Agreed to.

The question then was on the indefinite postponement of the Bill.

Mr. Moore demanded the ayes and nays.

Those who voted in the affirmative were—

Mr. Baldwin	Mr. Merritt
Bradford	Moore
Brown	Murphy
Field	Osgood
Lisle	Richardson
McCandless	Wethered—12.

In the negative—

Mr. Bennett	Mr. Hall
Bodley	Kendrick
Carnes	Lind
Cook	McCorkle
Covarrubias	Pico

Mr. Saunders	Mr. Wilkins
Stearns	Speaker
Thorne	—15.

Not agreed to.

On motion of Mr. Saunders, the Bill was laid on the table.

The Speaker laid before the House the following:

REPORT

OF THE SUPERINTENDENT OF PUBLIC INSTRUCTION OF THE STATE OF CALIFORINA.

OFFICE OF SUPERINTENDENT OF PUBLIC INSTRUCTION,
SAN JOSÉ, *April* 10, 1851.

TO THE HON. JOHN BIGLER,

Speaker of the House of Assembly:

SIR: Pursuant to a resolution of the Assembly, presented and passed April 2d,* I have the honor herewith to submit to you the Report of the Superintendent of Public Instruction.

I had hoped that before this period you would have enacted some general School Law, applicable to the wants and condition of the people of our new State, together with some legislation pointing out my duties and providing for the accumulation of the means requisite to establish schools upon a durable basis; but since a pressure of other important business, during the session, has prevented your doing so, and you have been pleased to think I might aid you in accomplishing this desirable end, I have the honor of submitting for your consideration the following report:

It is not to be doubted that you are all duly impressed with the importance of the subject under consideration, and the necessity, and perhaps difficulty, of establishing, at first, a system of schools, and devising the means of sustaining them wholly, or in part, in consequnce of the present financial embarrassment of the State, as well as that of a considerable number of her citizens.

Notwithstanding these apparent difficulties, and a want of statistical

* *Resolved*, That the Superintendent of Public Instruction be requested to lay before the Legislature a Report upon the subject of Education, and to recommend for their consideration and adoption, some general system of schools and tuition for the State.

information, showing the number of children and young persons between the ages of four and eighteen that would be likely to receive the benefits of Common Schools, as well as their advancement in the rudiments of education, yet these difficulties and want of information may or will not be wholly removed by a longer postponement of some suitable legislation to attain both these desirable objects.

The framers of our State Constitution, in *Article IX.*, have made it incumbent upon the Legislature to encourage, by all possible means, and provide for a system of Common Schools; and these provisions are uniformly incorporated in the Constitutions of most of our sister States; and it has generally been the pride as well as ambition of their legislators, as I doubt not it will be yours, to devise, protect, and encourage a system of all others most necessary to the well being and prosperity of all the new as well as the older sister States, or those forms of government of other countries, republican in their character.

It has been said, with much truthfulness, that "Common Schools are the people's Colleges;" and though it may not be practicable and necessary at the present time to attempt the establishment or endowment of Academies or a State University, yet, to me, the obvious necessity, in our own State has arisen for establishing the "people's Colleges;" and the feasibility exists of furnishing, in part, the means to support them. In the absence of accurate information, but from personal observation, I doubt not there are within the borders of our State from five to eight thousand persons, and the number increasing, between the ages of four eighteen, that would be entitled to the benefit of any ordinary system of Common Schools.

Of this number, about one fourth are the children of Spanish, or Spanish descendants living in this State—one half from the Western and frontier States and Territories, and one fourth from the other States and of different nations, who have immigrated here for the purpose of making California their future homes.

From a want of any organized system of school instruction while California remained a Mexican province, it is not surprising that, in very many cases, the children of the older Californians have little or no education beyond that of repeating, and a few reading the ceremonies and religious books of the Catholic Church. It is true that there are some few exceptions to the position taken; but scarcely in sufficient numbers to form any considerable amount. This class of our popula-

tion has heretofore been deprived of the advantages of schools; and now, since the parents of such children have been brought in contact with the Anglo-Saxon race, the want of education becomes more apparent to them, and they are alive to the interests of this important subject.

By correspondence with quite a number of Clergymen at the Missions, and conversation with *rancheros*, I am warranted in concluding that they will, with alacrity, aid in supporting and carrying out any liberal system of Public Instruction. As to whether it would be advisable to inculcate any sectarian tenets in the schools, by books or lectures, the Legislature, in its wisdom, will determine; but my own limited observation in California, and after some practical experience in school-teaching in the Atlantic States, warrant me in concluding that a theological should form no part of a Common School education. This department of learning, in my opinion, is much more appropriately confined to the heads of families and pastors of the same.

Neither have the children of the immigrants from the Western States and Territories enjoyed, to any considerable extent, the benfits of a Common School education; and I believe, upon the whole, subsequent statistics will justify me in concluding that there are more children within the borders of our State deficient in the rudiments of a school education, than are to be found in either of the Northern or middle States where Common Schools have had the fostering care of the people's representatives. If the foregoing premises be granted, the conclusion will be that there is an obvious present necessity in our State for the introduction of some enlightened system of Common School Instruction.

The next question naturally arises, how these schools are to be sustained, in the absence of any collected school fund.

The existing provisions of law for raising a revenue for this purpose are found in SEC. 2d, *Article IX.* of the Constitution:

"*Article IX.* The Legislature shall encourage, by all suitable means, the promotion of intellectual, scientific, moral, and agricultural improvement. The proceeds of all land that may be granted by the United States to this State for the support of schools, which may be sold or disposed of; and the five hundred thousand acres of land granted to the new States under an Act of Congress, distributing the proceeds of the public lands among the several states of the Union, approved A.D.

1841; and all estates of deceased persons who may have died without leaving a will or heir; and also such per cent. as may be granted by Congress on the sale of lands in this State, shall be and remain a perpetual fund; the interest of which, together with all the rents of the unsold lands, and such other means as the Legislature may provide, shall be inviolably appropriated to the support of Common Schools throughout the State."

Doubtless before the next session of the Legislature, some of the lands donated by Congress for educational purposes will be surveyed by the General Government and subject to sale and entry, as well as a portion of the 500,000 acres granted to the new States.

Another source of revenue, depending upon a special Legislative enactment, would be that arising from a grant to the Common School fund of a portion of the swamp and overflowed public lands, which a recent Act of Congress has donated to the State of California. The largest school funds existing in our sister States have arisen from the proceeds of the sale of public lands, and when derived from this source, is perhaps the least burdensome way of creating a school fund. It will be perceived that another source of revenue is provided in the section and article of the Constitution above quoted, viz:

"That all estates of deceased persons who may have died without leaving a will or heir, &c., shall be inviolably appropriated to the support of Common Schools throughout the State."

That some moneys of this description now remain in the hands of Public Administrators, is within my own knowledge; and it is highly probable that considerable amounts are in these public officer's hands throughout the State. For the lawful disbursements of these moneys or the receiver of the same, no Legislative enactments within my knowledge exist. I have been informed, by a gentlemen eminent for his legal attainments, that the celebrated Leidesdorff's estate doubtless belongs to this class of escheats; and the proceeds of it should go into the school fund. As soon as some funds shall have been realized, another source of revenue, to those of you who are familiar with the school system which obtains in Pennsylvania, will suggest itself.

The provision is, that when the State furnishes a certain amount of school money, the district shall furnish at least an equal amount; and thus the benefits of Common Schools are widely extended with one half of the expense to the school fund. Whether or not it would be advisable

to substitute a poll or property tax to either of the modes suggested for raising a revenue, or devise some other modes, it is the province of the Legislative to determine. It might be well to require the inhabitants of those districts, when the necessity has arisen for the establishment of schools, to defray the expenses of constructing their school houses and furnish repairs needful for the same; and this requirement, I apprehend, would be cheerfully borne, and not be regarded as a burden to the citizens. The existing necessity of establishing a system of Public Instruction in California, and the suggesting of the mode of raising means to carry the same into effect, having been canvassed, we come next to the requirements of the last part of the Resolution, which requests me to recommend for the Assembly's consideration and adoption, some general system of schools and tuition for the State. Bearing in mind that this subject engaged the attentive thought and pens, for several years, of such men as Jefferson, Cousin, De Witt Clinton, Samuel Young, Horace Mann, and numerous others distinguished alike for their scholarship and sound practical views, one naturally shrinks from treading the ground so ably explored by such illustrious men; but since it has been your pleasure to request this of me, and since a system of Schools in California like our Laws, will necessarily differ in several respect from those of France, Prussia, or those of the sister States, the other side of the mountains, hesitatingly I offer the following suggestions:

The details of a Common School Law adapted to California, and one that shall define my duties, will necessarily depend upon the adoption of one or more suggestions heretofore made.

Senate Bill No. 22,* introduced by the Hon. Mr. HEYDENFELDT, appropriately specifies the branches to be taught, and the classification of schools that should be the recipients of aid from the Common School

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* *Primary Schools.*—Alphabet, spelling and reading.

Intermediate Schools.—Spelling, reading, the elementary rules of arithmetic, first principles of geography, and writing

Grammar Schools —Reading, spelling, writing, arithmetic, geography, history, declamation, natural philosophy, chemistry, astronomy, composition, the Constitution of the United States, and that of California.

High Schools shall add to the above, book-keeping, surveying, drawing, music, Greek and Latin, equal to what is required for admission into college, Spanish, political economy, and physiology.

Fund; but it must necessarily happen, from the sparseness of our population and the dissimilar advancement of pupils, that the country Teacher will be called upon, and should be qualified, to instruct more or less pupils in the four different classes. With the exception of two or three Towns, probably, at present no more than two grade of schools will be needed. To class fourth mentioned in the bill, I would suggest the propriety of adding to the studies there enumerated, Geology, Mineralogy and Composition, and substitute Spanish and French for Greek and Latin. However desirable a knowledge of these ancient languages may be to an extended course of Education and those destined for either of the learned professions, I apprehend they would be less practical and useful to the growing youths of our State, than the living languages above mentioned.

As to the mode of appointing Superintending Town or District Committees, I would suggest that they consist of three persons; and that whenever a district or precinct has not less than twelve pupils, between the ages of four years and eighteen, nor more than thirty in any one grade of school, that upon petition of the inhabitants to this effect, to the County Judge of each County, he shall issue an order to the legal voters of said precinct, to ballot at some definite time for the first election of said Committees; and that after the first election so held, every town or precinct throughout the State, upon the day that they elect other town officers, shall elect their School Committees. Those Committees interested in the establishment and well-being of schools, would scarcely expect remuneration for such services as should by law be incumbent upon them; since their children would most likely be recipients of the bounty of the School Fund.

Another important topic is the selection of a uniform series of school books for the various grades of schools throughout the State.

It might be made the duty of the Superintendent, or some other designated person, to correspond with booksellers and publishers here and in the sister States, and ascertain the minimum prices at which they could be furnished, of such books as should be deemed the best adapted to our school system. By this means, cheapness and uniformity will be attained—which are in themselves no trifling consideration. I might, perhaps, here add, that I am in correspondence with some of the principal booksellers in other States, and will probably soon receive a copy of each school book published by them, from which can be

selected such as are deemed most useful and appropriate to our wants. And I will also here add, that steps have been taken to procure from the Superintendents of Public Instruction in other States their Reports upon Education; which, with the school books above mentioned, will form a library of reference of no ordinary value to those of us who are anxious to know the views of enlightened men upon the reforms and establishment of school systems eleswhere. It is by these means, and the practical workings of such a school law as the Legislature may enact, that we shall arrive at a system of schools not inferior to those of other States. It will naturally be made a part of my duties to collect, at an early day, approximately accurate school statistics throughout the State, and for this purpose appropriate blanks should be furnished. The increased mail facilities which will go into operation the ensuing month, will enable me to perform this labor expeditiously and with comparatively trifling expense. I may perhaps be excused in this place, from alluding to the fact doubtless known to some of you, that I have been absent from San José a considerable part of the present session of the Legislature. My apology for this absence and seeming want of attention to the objects for which I was elected, exist in the circumstances that no provision of our laws required me to make a report; that the early part of the session was nearly consumed in selecting the site for the Capital, and voting for a United States Senator: and that during this time, a border war with the Indians, who had murdered several of my friends, existed in Mariposa County; in the conduct of which war I have endeavored to be useful; and from my position there, it was impossible for me to leave without detriment to the public service. By the provisions of a recent Act of the Legislature, fixing the compensation of the rank and file of the Battalion in this expedition, whatever pay for military services I may be entitled to, upon the settlement of my accounts, I propose contributing to the School Fund, as soon as a receiver of such moneys is legally appointed. I trust that these statements will afford a satisfactory appology for any apparent dereliction of duty.

In preparing any legislation relative to my office, your attention will naturally be directed to the fact that some contingent expenses for postage, freight on books donated, fuel, lights, and stationery, office furniture, rent and clerk's hire, have already been incurred, and will be

till the public buildings at Vallejo are completed; for which there is no existing provisions made for their liquidation.

In conclusion, such duties as the Legislature may think proper to impose upon me relative to my office, it will be my pleasure, as well as obligation to my constituents, to endeavor to perform satisfactorily; and my highest ambition is, and best energies shall be devoted to assist in establishing a system of popular education in our State, that we, and the friends of such systems throughout the Union, may point to with pride and satisfaction.

I have the honor to be respectfully, yours,

JOHN G. MARVIN,
Superintendent of Public Instruction.

Mr. Lind moved that the Report be laid on the table, and that 500 copies be ordered printed.

Mr. Wilkins moved to amend by striking out "500" and inserting "1000."

Not agreed to.

The question then recurred on the motion to print 500 copies.

Agreed to.

Mr. Saunders, on leave, introduced a "Bill to be entitled 'an Act respecting persons escaping from the service of their masters,'" which was read first and second times, the Rules being suspended for that purpose, and ordered printed.

Mr. Carr, from the Select Committee to whom was referred a "Bill to provide for the Translation of the Laws," having had the same under consideration, reported that a similar Bill has already received the action of the House, and they beg to return the Bill back to the House, and ask to be discharged from the further consideration of the same.

The question then was on discharging the committee.

Committee discharged.

Mr. Carr, from the Committee to whom was referred a petition from citizens of San Francisco, praying the passage of a law funding the debt of said city, reported the same back, and recommended the passage of a Bill now before this House, entitled "an Act to authorize the Funding of the floating Debt of the City of San Francisco, and to provide for the payment of the same.

On motion of Mr. Carr, the Report was laid on the table.

Mr. Wethered offered the following:

Resolved, That the Clerk be instructed to request the Senate to transmit to this House a memorial from the citizens of San Francisco, praying the passage of a Bill now before this House, entitled "an Act to authorize the Funding of the floating Debt of the City of San Francisco, and to provide for the payment of the same."

Adopted.

Mr. McCorkle, on leave, introduced a "Bill to prohibit Banking," which was read first and second times, the Rules being suspended for that purpose, and ordered printed.

A message from the Senate was received, informing the Assembly that they have passed Assembly Bill, entitled "an Act to regulate Elections, passed March 23d, 1850," with amendments, as contained in the paper marked "A." accompanying the Bill, herewith returned;

Also, that they have passed a Bill, herewith transmitted for the action of the Assembly, entitled "an Act concerning the salaries of Officers and pay of Members of the Legislature;"

Also, that they have appointed a Committee of Conference, consisting of Messrs. Van Buren, Robinson, and Cooke, on the disagreeing votes of the two Houses on the Bill, entitled "an Act to amend 'an Act concerning the organization of the Militia.'"

"Bill to amend an Act entitled 'an Act to regulate Elections, passed March 23d, 1850,'" returned from the Senate with amendments, was taken up, read, and,

On motion of Mr. Moore, Bill and amendments were laid on the table.

Senate Bill, entitled "an Act concerning the salaries of Officers and pay of Members of the Legislature," was read first time.

Mr. Moore moved to lay the Bill on the table.

Not agreed to.

Mr. Wilkins moved to reject the Bill.

Mr. Moore demanded the ayes and nays.

Those who voted in the affirmative were—

Mr. McCandless	Mr. Osgood
Murphy	Wilkins—4.

In the negative—

Mr. Bennett	Mr. Lisle
Bodley	Lind
Bradford	Merritt
Brown	Moore
Campbell	Richardson
Carr	Saunders
Carnes	Stearns
Cook	Thorne
Covarrubias	Wethered
Field	Yeiser
Hall	Speaker
Kendrick	—23.

Not agreed to.

On motion of Mr. Hall, the Bill was read second time, and referred to Committee of Ways and Means.

Mr. Wilkins moved that the Committee be instructed to report instanter.

Not agreed to.

On motion of Mr. Carr, Bill entitled "an Act to fix the pay of Members of the General Assembly;" also "an Act concerning the saaries of Officers and pay of Members of the Legislature," were taker up and referred to the Committee of Ways and Means.

A message from the Senate was received informing the Assembly that they have passed Assembly Bill, supplemental to "an Act concerning the office of County Treasurer," and Assembly's "Joint Resolution for the relief of the Sergeant-at-Arms of the Assembly, and for the benefit of J. L. Smith."

Also, that the President of the Senate has signed "an Act to provide for the punishment of Embezzlement of Public Moneys, and other purposes," and a "Joint Resolution in relation to the distribution of the Convention Journals printed in Spanish."

UNFINISHED BUSINESS OF YESTERDAY.

"Bill to create a State Hospital in the City of Sacramento."

MR. BALDWIN in the Chair.

The question recurred on concurring in the amendments made in Committee of the Whole.

Mr. Lisle moved to amend the 1st amendment by striking out the word "ten," and inserting the words "twenty-five."

Agreed to.

The second and third amendments made in Committee of the Whole were concurred in.

The question then recurred on concurring in the fourth amendment made in Committee of the Whole, which was to "strike out section 23d and 24th."

Mr. Richardson demanded the previous question.

The question then was, "Shall the main question be now put?"

Agreed to.

The question then was on concurring in the fourth amendment.

Mr. Wilkins demanded the ayes and nays.

Those who voted in the affirmative were—

Mr. Brown	Mr. Murphy
Covarrubias	Osgood
Lind	Yeiser
Moore	—7.

In the negative were—

Mr. Baldwin	Mr. McCandless
Bennett	McCorkle
Bodley	Merritt
Bradford	Pico
Campbell	Richardson
Carr	Saunders
Carnes	Stearns
Cook	Thorne
Field	Wethered
Hall	Wilkins
Kendrick	Speaker
Lisle	—23.

Non-concurred in.

Mr. Richardson moved to amend section 8th, first line, by striking out the word "trustees," and inserting the word "Legislature."

Mr. Wilkins demanded the ayes and nays.

Those who voted in the affirmative were—

Mr. Bennett	Mr. Osgood
Bodley	Pico
Campbell	Richardson
Cook	Saunders
Covarrubias	Thorne
Field	Wethered
McCandless	Yeiser
McCorkle	Speaker—16.

In the negative were—

Mr. Baldwin	Mr. Kendrick
Brown	Lind
Carr	Merritt
Carnes	Moore
Hall	Murphy—10.

Agreed to.

Mr. Lisle was excused from voting.

Mr. Wilkins moved a reconsideration of the vote just taken.

On motion of Mr. Richardson, said motion was indefinitely postponed.

Mr. Bodley moved to amend section 8th, in the sixth line, by striking out the words "and shall reside at the Hospital."

Agreed to.

Mr. Moore moved to strike out the 24th section, and demanded the ayes and nays.

Those who voted in the affirmative were—

Mr. Brown	Mr. Murphy
Covarrubias	Wilkins
Lind	Yeiser
Moore	—7.

In the negative were—

Mr. Baldwin	Mr. Lisle
Bennett	McCandless
Bodley	McCorkle
Bradford	Merritt
Campbell	Richardson
Carr	Saunders
Carnes	Stearns
Cook	Thorne
Field	Wethered
Hall	Speaker
Kendrick	—21.

Not agreed to.

Mr. Merritt moved to amend 7th section, second line, by inserting after the words "provided" the words "which shall be called the Hospital Fund;" also, 7th section, sixth line, by striking out the word "general," and after the word "quarterly" insert the words "of the Sacramento State Hospital;" also, 8th section, seventh line, by striking out the word "general," and after the word "quarterly" insert the words "of the Sacramento State Hospital."

Mr. McCandless demanded the previous question.

The question then was, "Shall the main question be now put?"

Agreed to.

The question recurred on motion to amend the 7th and 8th sections.

Agreed to.

Mr. Hall offered the following as a substitute for the 9th section:

"§ 9. There shall also be elected, in like manner, two visiting Physicians, who shall be regular Graduates in Medicine, and who shall have practised their profession at least five years from the date of their diplomas; they shall visit said Hospital at least twice a day, and oftener if necessary, unless prevented by sickness or other such lawful hinderance; they shall have charge of the wards, shall prescribe for the sick therein, perform all necessary surgical operations, and shall keep a record of all prescriptions. They shall hold office for the term of two years, and shall receive each a salary of five thousand dollars per annum, payable quarterly out of the General Fund."

Not agreed to.

Mr. Bradford moved to amend the 9th Section, 5th line, by striking out the word "general," and after the word "quarterly," insert the words, "of the Sacramento State Hospital."

Adopted.

Mr. Moore moved to amend the 24th Section, 1st line, by inserting the words, "during the first year after the passage of this Act," between the words "instalments" and "out."

Agreed to.

Mr. Moore moved to amend the 2d Section, by striking out the words "City of Sacramento," and inserting the word "State."

Not agreed to.

Mr. Moore moved to amend the 13th Section by striking out the words "five thousand," and inserting the words "twenty thousand."

Not agreed to.

Mr. Moore moved to amend the 14th Section by striking out the word "trustees," in the third line, and inserting the word "Governor;" also strike out the remaining portion of the Section.

On this amendment Mr. Moore demanded the ayes and nays.

Mr. Saunders demanded the previous question.

The question then was, "Shall the main question be now put?"

Agreed to.

The question recurred on the motion to amend the 14th Section.

Those who voted in the affirmative were—

Mr. Bodley	Mr. Richardson
Covarrubias	Saunders
Moore	Wilkins
Osgood	—7.

In the negative—

Mr. Baldwin	Mr. Kendrick
Bennett	Lisle
Bradford	Lind
Campbell	McCorkle
Carr	Stearns
Carnes	Thorne
Field	Wethered
Hall	Speaker—16.

Not agreed to.

Mr. Saunders moved to dispense with the further reading of the Bill, and that the Bill be ordered to a third reading, and demanded the previous question.

The question then was, "Shall the main question be now put?"

Agreed to.

The question then was on ordering the Bill to a third reading.

Agreed to.

The question then was, "Shall the Bill pass?"

Mr. Lisle demanded the ayes and nays.

Those who voted in the affirmative were—

Mr. Baldwin	Mr. Lind
Bennett	McCorkle
Bodley	Moore
Bradford	Osgood
Campbell	Pico
Carr	Richardson
Carnes	Saunders
Covarrubias	Stearns
Field	Thorne
Hall	Wethered
Kendrick	Wilkins
Lisle	Speaker—24.

In the negative—none.

Mr. Carr moved to reconsider the vote by which the House passed the Bill.

On motion of Mr. Campbell, said motion was indefinitely postponed.

A Message from the Senate was received, requesting the Assembly to appoint a Committee of Free Conference on "Bill to exempt the homestead and other property from forced sale, in certain cases," the Senate having appointed as said committee, on their part, Messrs. Van Buren, De la Guerra, Warner, Crosby, and Heydenfeldt;

Also, that they have passed "an Act to exempt certain property of the United States from Taxation;" "an Act to amend an Act to incorporate the City of San José;" and a "Joint Resolution in relation to the translation of the Laws."

On motion of Mr. Richardson, the Message was laid on the table.

On motion of Mr. Wethered, Senate's Concurrent Resolution to adjourn on the 10th day of April next, was taken up.

Mr. Wilkins moved to amend the Resolution by striking out the word "tenth," and inserting the word "twentieth," and strike out the word "next."

Mr. Saunders moved to amend the amendment by striking out the word "twentieth," and inserting the words "Thursday, the first day of May next."

Mr. Campbell demanded the previous question.

The question then was, "Shall the main question be now put?"

Agreed to.

The question then was on the motion to insert the words "Thursday, the first day of May."

Mr. Wilkins demanded the ayes and nays.

Those who voted in the affirmative were—

Mr. Baldwin	Mr. Pico
Campbell	Richardson
Carr	Saunders
Covarrubias	Thorne
Field	Wethered
Lind	Speaker
Osgood	—13.

In the negative—

Mr. Bennett	Mr. Carnes
Bodley	Stearns
Bradford	Wilkins—6.

Agreed to.

The question then was on adopting the resolution as amended.

Adopted.

QUARTER BEFORE THREE O'CLOCK.

On motion of Mr. Field, the House adjourned.

HOUSE OF ASSEMBLY.

FRIDAY, *April* 11, 1851.

House met.

The roll was called, and the following members were absent, to wit: Messrs. Brown, Lisle, and Saunders; on leave, Messrs. Hoff, Kellogg, McDougal, Randall, and Robinson.

The Journal of yesterday was read and approved.

The Speaker laid before the House a memorial from certain county officers of Sacramento, calling the attention of the Legislature to a memorial presented from the Court of Sessions of said county, which was referred to the members from said county.

Mr. Bradford, from the Committee on Commerce, to whom was referred Assembly Bill No. 99, "regulating and prescribing the duty of Pilots for the Collection Districts of Sonoma, Sacramento City, and Stockton," reported that they have made sundry amendments to the same, and have incorporated them into a substitute, which they herewith report, and recommend its passage.

The question then was on adopting the substitute.

Adopted.

On motion of Mr. Carr, the Rules were suspended, the Bill considered as engrossed, and read a third time.

The question then was, "Shall the Bill pass?"

Decided in the affirmative.

Mr. Carr, from the committee to whom was referred Senate Bill No. 93, "an Act amendatory of an Act, entitled 'an Act to establish Pilots and Pilot regulations for the Port of San Francisco, passed April 25, 1850,'" reported the following Bill as a substitute for Senate Bill, and recommended its passage:

"Bill to exempt vessels coasting within the limits of this State, from paying Pilot Dues," was read.

On motion of Mr. Moore, the Bill was laid on the table until to-morrow.

Mr. Cook, from the Committee on Engrossed Bills, reported as correctly engrossed, "an Act to authorize the sale of Land Warrants in this State;" also, "an Act to repeal 'an Act to Incorporate the City of San Diego.'"

Mr. Bradford, from the Joint Committee on Enrolled Bills, reported that they have examined, and find correctly enrolled, the following Bills: "An Act supplementary to 'an Act concerning the office of County Treasurer, passed March 27, 1850;'" also, "Joint Resolution for the benefit of John L. Smith;" also, "Joint Resolution for the relief of the Sergeant-at-Arms of the Assembly.

Mr. Murphy offered the following:

Resolved, That it be referred to a Select Committee to inquire whether in any matter connected with the Legislature of this State, and particularly with the disposition of certain water lot property in the City of San Francisco, any member of this House has been influenced in his action or vote by a promise of reward, and that said committee have full power to send for persons and papers.

Adopted.

The Speaker appointed as said committee, Messrs. Murphy, Yeiser, Saunders, Field, and Baldwin.

Mr. Thorne, Chairman of Committee on Corporations, to whom was referred "Bill to Incorporate the City of Benicia," reported the same back without amendment, and recommended its passage.

On motion of Mr. Moore, Bill and Report was laid on the table.

On motion of Mr. Moore, the House took up "Bill entitled 'an Act to repeal an Act entitled an Act concerning Divorces, approved March 25, 1851.'"

Mr. Field moved to recommit the Bill to a Select Committee, with instructions to insert the words, "But this repeal shall not affect any actions or proceedings already commenced under said Act."

Mr. Saunders demanded the previous question.

The question then was, "Shall the main question be now put?"

Agreed to.

The question then recurred on the motion to recommit the Bill with said instructions.

Mr. Cook demanded the ayes and nays.

Those who voted in the affirmative were—

Mr. Carr	Mr. Thorne
Cook	Wethered
Field	Wilkins
Hall	—7.

In the negative—

Mr. Baldwin	Mr. McCorkle
Bennett	Merritt
Bodley	Moore
Bradford	Murphy
Brown	Osgood
Campbell	Pico
Carnes	Richardson
Kendrick	Saunders
Lisle	Stearns
Lind	Yeiser
McCandless	Speaker—22.

Not agreed to.
The question then was, "Shall the Bill pass?"
Mr. Wethered demanded the previous question.
The question then was, "Shall the main question be now put?"
Agreed to.
The question then was on the passage of the Bill.
Mr. McCandless demanded the ayes and nays.

Those who voted in the affirmative were—

Mr. Baldwin	Mr. Murphy
Bradford	Moore
Campbell	Osgood
Carnes	Pico
Lisle	Richardson
Lind	Saunders
McCandless	Stearns
McCorkle	Yeiser
Merritt	Speaker—18.

In the negative—

Mr. Bennett	Mr. Hall
Bodley	Kendrick
Brown	Thorne
Carr	Wethered
Cook	Wilkins
Field	—11.

Decided in the affirmative.

Mr. Thorne offered the following:

"WHEREAS corruption and bribery has been charged against honorable members of this House upon the passage of an Act entitled "an Act for the permanent location of the Seat of Government;" therefore be it resolved, that a Select Committee be appointed, with power to send for persons and papers, to investigate these charges, to take testimony in relation thereto, and to report the same to this House as soon as practicable."

Adopted.

Mr. Baldwin moved to amend by referring the subject matter of the Resolution to the Committee to whom was referred the subject and truth of the charge of bribery, in the disposition of certain water lot property, in the City of San Francisco.

Not agreed to.

The Speaker appointed as said Committee, Messrs. Thorne, Richardson, Kendrick, Cook, and Lisle.

Mr. Lisle asked to be excused from serving on said committee.

Not agreed to.

On motion of Mr. Bodley, Message of the Senate received yesterday was taken up and read.

On motion of Mr. Bradford, a Committee of Free Conference was appointed, consisting of Messrs. Bradford, Carr, Hall, Saunders, Moore, McCorkle, and Wethered, on the "Bills to exempt the homestead and other property from forced sale in certain cases."

Senate Bill, entitled "an Act to exempt certain Property of the United States from Taxation," was read.

On motion of Mr. Bodley, said bill was rejected.

Senate Bill, entitled "an Act to amend 'an Act to Incorporate the City of San José, approved March 27, 1850,'" was read first and second times, the Rules being suspended for that purpose.

Mr. Bodley moved to amend the Bill by adding the following:

Section 3. The twenty-third section of the Act to Incorporate the City of San José, passed March 27th, 1850, which reads as follows: "The Corporation created by this Act shall succeed to all the legal rights and claims of the Pueblo of San José, and shall be subject to all liabilities incurred and obligations created by the Ayuntamiento of said Pueblo: *Provided*, that said Corporation shall not exercise municipal

authority over any of said Pueblo Lands not embraced in the boundaries, as declared in the first section of this Act, except to rent, lease, or sell," is hereby so amended, so as to read as follows: "The Corporation created by this Act shall succeed to all the legal rights and claims of the Pueblo of San José, and shall be subject to all the liabilities incurred and obligations created by the Ayuntamiento of said Pueblo; *Provided*, that said Corporation shall not exercise municipal authority over any of said Pueblo Lands, not embraced in the boundaries, as declared in the first section of this Act, except to rent, lease, or sell: *Provided* further, that nothing contained in this Act shall allow the present city authorities whose term of office expires on the 1st day of May next, to lease, rent, sell, or otherwise dispose of any of said Pueblo Lands not embraced in the boundaries, as set forth in the first section of this Act."

Agreed to.

On motion of Mr. Campbell, the Rules were suspended, and the Bill was read a third time.

The question then was, "Shall the Bill pass?"

Decided in the affirmative.

Senate's "Concurrent Resolution in relation to the Translation of the Laws," was read and adopted.

Mr. Richardson offered the following:

Resolved, That from and after this date, this House meet in Session every evening at half-past seven o'clock, P.M.

Adopted.

On motion of Mr. Murphy, the House resolved itself into Committee of the Whole, Mr. Lisle in the Chair, on Bill entitled "an Act prescribing the mode of Assessing and Collecting Public Revenue;" after some time spent therein, the committee rose, reported progress, and had leave to sit again.

TWENTY MINUTES OF TWO O'CLOCK.

On motion of Mr. Kendrick, the House adjoureed.

HOUSE OF ASSEMBLY.

SATURDAY, *April* 12, 1851.

House met.

The Roll was called, and the following members were absent, to wit: Messrs. Baldwin, McCandless, Pico, Stearns, Thorne, and Yeiser; on leave, Messrs. Hoff, Kellogg, McDougal, Randall, and Robinson.

The Journal of yesterday was read and approved.

The Speaker laid before the House the following communication from Lorenzo Hubbard:

TO THE HON. ASSEMBLY OF THE STATE OF CALIFORNIA:

Your petitioner would respectfully represent that the Report made to your honorably body by the committee appointed to investigate the affairs of the State Marine Hospital, contains statements which are entirely incorrect, and which reflects very unjustly on the conduct of your petitioner in his management of said institution, as no opportunity was offered him before the committee to refute those statements; and feeling assured that your honorable body will be willing to see that ample justice is done all parties, your petitioner feels confidence in asking to be allowed to make an answer to those charges which are so unjust, and which unrefuted, are calculated to injure him so seriously. In order to accomplish this end, your petitioner prays that you will appoint Commissioners with power to send for persons and papers, and all books belonging to or kept by the State Board of Health, which may be necessary, and to administer oaths, before whom your petitioner may appear, with witnesses, books, and papers, and make answer to the charges and statements contained in the Report of the said committee; and also that your honorable body will delay the printing of said Report until said answer and said Commissioners' Report has been made to your honorable body; and when the said answer and Commissioners' Report has been so made, they may be printed together with the Report of the said Committee; and also that a copy of said Committee's Report be furnished said petitioner; and your petitioner will ever pray.

LORENZO HUBBARD.

On motion of Mr. Cook, said communication was laid on the table for the present.

Mr. Moore, from the Judiciary Committee, to whom was referred

Senate Bill, entitled "an Act defining what in certain cases shall be sufficient Evidence of Possession in actions brought for the recovery of the Possession of Lands," reported the same back without amendment, and recommended its passage.

On motion of Mr. Moore, said bill was laid on the table, ordered printed, and made the order of the day for Thursday next.

Mr. Bodley, from the Committee on Engrossed Bills, reported as correctly engrossed, "Bill to repeal an Act entitled 'an Act concerning Divorces,'" approved March 26th, 1851.

Mr. Bradford, from the Joint Committee of Free Conference, to whom was referred Senate Bill No. 21, entitled "a Bill to exempt the Homestead and other property from Forced Sale in Certain Cases;" also, Assembly Bill No. 136, upon the same subject, which passed the Assembly as a substitute for the Senate Bill, reported the same back, and recommended the passage of the Assembly Bill with the following amendment: Add at the end of the 5th Section, "*Provided*, that no bid shall be received for a less sum than five thousand dollars." Your committee would earnestly urge the passage of said Bill, as being the best which under existing circumstances can be presented with any prospect of success. The policy of exempting the Homestead from forced sale, is recognised and approved by the ablest statesmen of the present day, and has been adopted in the Legislature of many of the States of the Union. Of so much importance was it deemed by the framers of the Constitution, that they made it imperative upon the Legislature to enact some provision upon the subject; and your committee believe that early Legislation in the premises providing for a liberal exemption, will produce the most beneficial results, and will build up in our State a sound and prosperous community.

The question then recurred on adopting the Report.

Adopted.

Mr. Richardson offered the following:

Resolved, That each member of this House be requested to pay to the Sergeant-at-Arms his *pro rata* of the amount required to summon and pay witnesses, while in attendance upon the Select Committee who were instructed to inquire into certain grave charges made against the honor and integrity of this House.

Mr. Hall offered the following as a substitute to said Resolution:

Resolved, That the Special Committees appointed to investigate the

conduct of members in relation to the Bill conveying certain water-lot lands to the City of San Francisco, and locating the permanent Seat of Government, and in the election of a United States Senator, be and they are hereby dissolved; and the Sergeant-at-Arms is directed to return, without execution, all writs and processes issued by order of said committees.

The question recurred on adopting the substitute.

Mr. Wethered demanded the ayes and nays.

Those who voted in the affirmative were—

Mr. Bodley	Mr. Covarrubias
Brown	Hall
Campbell	Kendrick
Carr	Stearns
Cook	Wilkins—10.

In the negative—

Mr. Baldwin	Mr. Merritt
Bennett	Moore
Bradford	Murphy
Carnes	Osgood
Field	Pico
Lisle	Richardson
Lind	Wethered
McCorkle	Speaker—16.

Substitute not adopted.

On motion of Mr. Bradford, the House reconsidered the vote just taken.

The question then recurred on adopting the substitute.

Mr. Wethered demanded the ayes and nays.

Those who voted in the affirmative were—

Mr. Bodley	Mr. Cook
Bradford	Covarrubias
Brown	Hall
Carr	Kendrick
Carnes	McCandless

Mr. Merritt	Mr. Richardson
Osgood	Stearns
Pico	Wilkins—16.

In the negative—

Mr. Bennett	Mr. Moore
Field	Murphy
Lisle	Wethered
Lind	Yeiser
McCorkle	Speaker—10.

Substitute adopted.

Mr. Baldwin was excused from voting.

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 concerning the office of Public Administrator, and making it elective;"

Also, that they have passed Assembly Bill, entitled "an Act to provide for the disposition of certain property."

A message from the Senate was received, informing the Assembly that they have passed a Bill, herewith transmitted, entitled "an Act for the relief of William Smith;"

Also, that the Governor has informed the Senate that he did, on the 10th instant, sign a "Joint Resolution in relation to the distribution of the Convention Journals printed in Spanish;"

Also, that they have concurred in the Assembly's amendment to Senate Bill, entitled "an Act to amend an Act entitled 'an Act to incorporate the City of San José,'" with an amendment to the Assembly's amendment, as affixed to the margin thereof;

Also, that the Senate have concurred in the Assembly's amendment to the Concurrent Resolution of the Senate in relation to the final adjournment of the present Legislature, thus fixing Thursday, the first of May, as the day for such adjournment;

Also, that the President of the Senate has signed Bill, entitled "an Act supplementary to an Act entitled 'an Act concerning the office of County Treasurer,'" a "Joint Resolution for the relief of the Sergeant-at-Arms of the Assembly," and a "Joint Resolution for the benefit of John T. Smith;"

Also, that they transmit to the Assembly, in compliance with the request of your honorable body, the memorial of citizens of San Francisco, in reference to the floating debt of that city;

Also, that the Senate have passed a Bill, herewith transmitted, entitled "an Act concerning Offices."

"Bill for the relief of William Smith," was read first and second times, the Rules being suspended for that purpose, and referred to a Select Committee, consisting of Messrs. Baldwin, Carr, and Murphy.

Senate Bill, entitled "an Act to amend an Act entitled 'an Act to incorporate the City of San José, approved March 27th, 1850,'" returned from the Senate with an amendment to Assembly's amendment, was read, when,

On motion of Mr. Murphy, the Bill was laid on the table.

Senate Bill, entitled "an Act concerning Offices," was read first and second times, the Rules being suspended for that purpose.

A Message from the Governor was received, informing the Assembly that he did, on yesterday, sign Bills severally entitled "an Act to provide for the punishment of embezzlement of the public moneys, and other purposes;" "an Act concerning the Courts of Justice of this State, and Judicial Officers;" "Joint Resolution providing for the distribution o the Convention Journals."

The following Message from the Governor was received:

Executive Department,
San José, *April* 11, 1851.

To the House of Assembly:

The Act entitled "an Act to amend Section 501 of the Act entitled 'an Act to regulate proceedings in criminal cases,'" passed April 20, 1850, I herewith return to the House of Assembly, in which body it originated, for their further consideration. The Act contemplates giving the power of suspending the execution of a judgment of death to the Supreme Court, and at the same time destroys the power intended to be given, a contradiction produced doubtless by some clerical error.

I have the honor to be,
Very respectfully, &c.,
John McDougal.

The question then recurred on the reconsideration of the vote by which the House passed the Bill.

Agreed to.

On motion of Mr. Baldwin, the Bill was laid on the table.

Mr. Baldwin offered the following:

Resolved, That a committee be appointed, and instructed to inquire whether any charge of corruption or bribery has been made against any member of this House, which demands investigation.

Mr. Cook moved that the resolution be indefinitely postponed.

Mr. Wethered demanded the ayes and nays.

Those who voted in the affirmative were—

Mr. Bradford	Mr. Cook
Brown	Kendrick
Carr	Stearns
Carnes	—7.

In the negative—

Mr. Baldwin	Mr. Osgood
Bennett	Pico
Bodley	Richardson
Hall	Thorne
Lisle	Wethered
McCandless	Wilkins
Merritt	Yeiser
Moore	Speaker
Murphy	—17.

Not agreed to.

The question recurred on the adoption of the resolution.

Adopted.

The Speaker appointed as said committee, Messrs. Baldwin, Murphy, Yeiser, Field, and Saunders.

On motion of Mr. Moore, the House resolved itself into Committee of the Whole, Mr. Lisle in the Chair, on "Bill prescribing the mode of Assessing and Collecting Public Revenue." After some time spent

therein, the committee rose, reported the Bill with amendments, and were discharged.

On motion of Mr. Carr, the House concurred in all the amendments made in Committee of the Whole, with exception of amendment to Section 47, 3d line, which inserts after the word "Bonds," the words "or Comptroller's Warrants."

The question then recurred on concurring in amendment to Section 47, 3d line, inserting after the word "Bonds," the words "or Comptroller's Warrants."

Mr. Wilkins demanded the ayes and nays.

Those who voted in the affirmative were—

Mr. Bodley	Mr. Moore
Bradford	Osgood
Brown	Richardson
Carnes	Saunders
Cook	Stearns
Field	Thorne
Kendrick	Wilkins
McCandless	Speaker
Merritt	—17.

In the negative—

Mr. Carr	Mr. Yeiser
Murphy	—3.

Concurred in.

Mr. Bodley moved to amend Section 33, 1st line, by striking out the word "Sheriff," and inserting the word "Treasurer," and demanded the ayes and nays.

Those who voted in the affirmative were—

Mr. Bodley	Mr. Pico
Brown	Stearns
Carnes	Thorne
McCandless	—7.

In the negative—

Mr. Bradford	Mr. Osgood
Carr	Richardson
Cook	Saunders
Field	Wethered
Kendrick	Wilkins
Merritt	Yeiser
Moore	Speaker
Murphy	—15.

Not agreed to.

Mr. Bradford moved to amend Section 53d, 8th line, by striking out all after the word "year."

Adopted.

Mr. Bodley moved to amend Section 33d, 1st line, by inserting after the word "tax," the words "except in the Counties of Santa Clara, Santa Barbara, San Luis Obispo, Los Angeles, Monterey, and Santa Cruz, and the County Treasurer in these Counties."

On this amendment. Mr. Bodley demanded the ayes and nays.

Those who voted in the affirmative were—

Mr. Baldwin	Me. Kendrick
Bodley	Moore
Brown	Pico
Carr	Richardson
Carnes	Stearns
Cook	Thorne
Field	Wilkins—14.

In the negative—

Mr. Bradford	Mr. Wethered
Lind	Yeiser
Murphy	Speaker
Saunders	—7.

Agreed to.

On motion of Mr Murphy, the Bill was considered as engrossed and read a third time.

The question then was, "Shall the bill pass?"

Decided in the affirmative.

Mr. Field, from the Committe of Conference to whom was referred Bill entitled, "an Act dividing the State into Counties, and establishing the Seats of Justice therein," reported that they have agreed to recommend that the Senate recede from its amendments, except as to the Seat of Justice of Sutter County, which shall be at Vernon, as provided in the bill as originally introduced; also that they have agreed to recommend the description contained in the accompanying amendments to sections 19, 20, 21, and 22, such amendments being clerical corrections that do not affect the intended boundaries of the Counties therein named; also, to amend section 28 and 29, as herewith submitted, and ask the concurrence of the Assembly.

On motion of Mr. Moore, the Bill and Report were laid on the table.

Mr. Moore, on leave, introduced a "Bill to amend an Act entitled 'an Act concerning the Courts of Justice of this State, and Judicial Officers,'" which was read the first time.

Mr Wethered moved to adjourn.

Not agreed to.

On motion of Mr. Lind, a call of the House was ordered, and the following members were absent, to wit: Messrs. Bodley, Bradford, Campbell, Covarrubias, Hall, Lisle, McCorkle, Merritt, Murphy, Richardson, Thorne, and Wilkins.

On motion of Mr. Lind, further proceedings under the call of the House were suspended.

HALF PAST ONE O'CLOCK.

On motion of Mr. Lind, the House adjourned.

HALF PAST SEVEN O'CLOCK.

House met. Quorum present.

Mr. Lind moved that there be a call of the House.

Not agreed to.

A Message from the Governor was received, informing the Assembly that he did, on yesterday, sign "an Act supplementary to an Act entitled 'an Act concerning the Office of County Treasurer,'" passed 27th March, 1850; also, two Joint Resolutions, *without title*, one directing the Adju-

tant General to enter the name of John T. Smith in the Muster Roll of Company A., commanded by Captain W. B. Reynolds, of the Gila Expedition; the other authorizing the Comptroller of State to issue his Warrants on the General Fund, for the fees of the Sergeant-at-Arms in summoning witnesses in the cases of Judges Parsons and Turner.

Mr. Bradford, from the Joint Committee on Enrolled Bills, reported that they have examined and found correctly enrolled, "an Act concerning the office of Public Admistrator, and making it elective;"

Also, that they have presented to the Governor for his approval, "an Act supplementary to 'an Act concerning the office of County Treasurer;'" "Joint Resolution for the relief of the Sergeant-at-Arms of the Assembly," and "Joint Resolution for the benefit of John T. Smith."

On motion of Mr. Moore, the House took up "Bill to amend an Act entitled 'an Act concerning the Courts of Justice of this State, and Judicial Officers.'"

On motion of Mr. Moore, the Bill was read a second time.

Mr. Hall moved to fill up the blank so that it will read "at the next general election."

Mr. Carr moved, as a substitute for said amendment, the following: Strike out all after the word "by" to the word "next," and insert the words, "the Legislature in Joint Convention, on the 20th day of April, 1851."

The question recurred on adopting the substitute.

Adopted.

Mr. Moore moved that the Rules be suspended, the Bill be considered as engrossed, and read a third time.

Mr. McCorkle demanded the ayes and nays.

Those who voted in the affirmative were—

Mr. Baldwin	Mr. McCandless
Bennett	Merritt
Bradford	Moore
Brown	Murphy
Carr	Osgood
Carnes	Stearns
Cook	Thorne
Field	Wethered
Kendrick	Yeiser
Lisle	Speaker—21.

In the negative—

Mr. Hall	Mr. Richardson
McCorkle	Wilkins—4.

Agreed to.

The question then was, "Shall the Bill pass?"

Decided in the affirmative.

On motion of Mr. Carr, the House resolved itself into Committee of the Whole, Mr. Wilkins in the Chair, on Bill entitled "an Act to authorize the Funding of the Floating Debt of the City of San Francisco, and to provide for the payment of the same;" after some time spent therein, the Committee rose, reported the Bill with amendments, and were discharged.

On motion of Mr. Merritt, the House concurred generally in the amendments made in Committee of the Whole.

Mr. Wethered moved to amend the 1st section, by striking out the words "Theodore Shillabur," and inserting the words "P. A. Morse."

Mr. Moore moved to lay the Bill and amendments on the table.

Not agreed to.

The question recurred on the motion to strike out the words "Theodore Shillabur," and insert the words "P. A. Morse."

Agreed to.

Mr. Baldwin moved to lay the Bill on the table.

Not agreed to.

On motion of Mr. Richardson, the Rules were suspended, the Bill considered as engrossed, and read a third time.

The question the was, "Shall the Bill pass?"

Decided in the affirmative.

On motion of Mr. Hall, Senate's Joint Resolution in reference to the payment of claims of those who have heretofore rendered military service for the State of California, was taken up and read a second time.

Mr. Bradford moved to amend, by inserting after the word "California," the words "and whose claims are filed in the office of the Adjutant General."

Agreed to.

On motion of Mr. Hall, the Rules were suspended, and the Joint Resolution read a third time.

The question then was, "Shall the Bill pass?"

Mr. Moore demanded the ayes and nays.

Those who voted in the affirmative were—

Mr. Baldwin	Mr. Merritt
Bennett	Murphy
Bradford	Richardson
Brown	Saunders
Hall	Stearns
Kendrick	Thorne
Lind	Wilkins
McCorkle	Speaker—16.

In the negative—

Mr. Covarrubias	Mr. Moore
Field	Osgood
Lisle	Yeiser—6.

Decided in the affirmative.

Mr. McCandless was excused from voting.

Mr. Lisle offered the following:

Resolved (the Senate concurring), That the two Houses meet in Joint Convention on Wednesday, the 16th instant, in this Hall, for the purpose of electing Physicians to the State Hospital of Sacramento City.

Adopted.

Mr. Saunders, on leave, introduced a "Bill to provide for the revision and amendment of the Statutes of this State."

Mr. Baldwin moved that the Rules be suspended—that the Bill be read first and second times, and referred to the Judiciary Committtee.

Mr. Saunders moved to amend, by ordering the Bill printed.

Not agreed to.

The question recurred on the motion to read the bill first and secoud times, and refer to the Judiciary Committee.

Agreed to.

Mr. Field moved to take up the Report of the Committee of Conference on Bill entitled "an Act dividing the State into Counties, and establishing the Seats of Justice therein."

Mr. Saunders moved to adjourn.

Not agreed to.

Mr. McCandless moved a call of the House

Not agreed to.

HALF-PAST NINE O'CLOCK.

On motion of Mr. Saunders, the House adjourned.

HOUSE OF ASSEMBLY.

MONDAY, *April* 14, 1851.

House met.

The roll was called, and the following members were absent, to wit: Messrs. Campbell, Hall, McCandless, McCorkle, Saunders, and Thorne; on leave, Messrs. Hoff, Kellogg, Randall, and Robinson.

The Journal of Saturday was read and approved.

On motion of Mr. Hall, the committee to whom was referred the memorial and petition of citizens of Yuba County, praying that Judge Turner be impeached, was excused from attendance in order to allow them time to prepare and make their report.

Mr. Bodley, from the Committee on Engrossed Bills, reported as correctly engrossed, Bill entitled "an Act regulating and prescribing the duties of Pilots for the Ports of Benicia, Sacramento, and Stockton, and for other purposes."

Mr. Bradford, from the Joint Committee on Enrolled Bills, reported that they have examined and find correctly enrolled, "Joint Resolution in relation to the Translation of the Laws."

Mr. Bradford offered the following:

WHEREAS, The development of the mineral, geological, and agricultural resources of the State is of vast importance to its best interests, and should be provided for at the earliest possible moment, and as the condition of its finances will not justify at this time such an an appropriation as would procure a thorough scientific investigation, and report on those subjects, therefore,

Resolved (the Senate concurring), That Dr. G. W. Southwick, of

Napa County, be authorized and requested to report to the Legislature, at its next Session, all the information which will be in his power to communicate on the mineral, geological, and agricultural resources of the State, and such other information as will, in his opinion, be proper and important to be communicated: *Provided*, the same be done without any compensation whatever.

On motion of Mr. Cook, said resolution was referred to a Select Committee, consisting of Messrs. Randall, Murphy, and Hall.

Mr. Lisle presented a petition from citizens of Sacramento City, praying the Legislature to pass a Vagrant Law, which was referred to the Judiciary Committee.

On motion of Mr. Yeiser, the "Memorial of D. W. Perley, asking the Legislature to make an appropriation of five hundred and twenty dollars for services rendered the State," was taken up, and referred to Committee on Claims.

On motion of Mr. Bradford, "Bill to Incorporate the City of Benicia," was taken up, considered as engrossed, and read a third time.

The question then was, "Shall the Bill pass?"

Decided in the affirmative.

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 create a State Hospital in the City of Sacramento;"

Also, that they have concurred in the report of the Committee of Conference on Bill, entitled "an Act to exempt the Homestead and other Property from forced sale in certain cases;"

Also, that the Senate have passed a Bill, herewith transmitted, entitled "an Act to regulate the coining of money by individuals;"

Also, that they have adopted the Report of the Committee of Conference, on the Bill entitled "an Act to amend 'an Act concerning the organization of the Militia;'"

Also, that they have passed Assembly's "Joint Resolution relative to the per diem pay and mileage of witnesses, in the cases of Judges Parsons and Turner."

Senate Bill, entitled "an Act to regulate the coining of money by individuals," was taken up, read first and second times, the Rules being suspended for that purpose.

On motion of Mr. Bodley, the Rules were suspended, and the Bill was read a third time.

The question then was, "Shall the Bill pass?"

Decided in the affirmative.

"Report of the Committee of Conference, dividing the State into Counties, and establishing the Seats of Justice therein," was taken up and adopted.

Bill entitled "an Act to amend 'an Act to regulate Elections, passed March 23, 1851,'" returned from the Senate, with amendments, was taken up, when,

On motion of Mr. Moore, a Committee of Free Conference was appointed, consisting of Messrs. Moore, Merritt, Hall, Bodley, and Richardson.

Bill entitled "an Act to amend Section 501 of the Act entitled 'an Act to regulate proceedings in criminal cases, passed April 20, 1850,'" returned from the Governor with his objections, was taken up, and referred to the Committee on Enrolled Bills, with instructions to present to the Governor the Bill as it was passed by the Legislature.

Mr. Bradford moved that there be a call of the House.

Not agreed to.

Mr. Moore moved that the Sergeant-at-Arms be dispatched after the absentees.

Agreed to.

ELEVEN O'CLOCK.

On motion of Mr. Bradford, the House adjourned.

HALF PAST SEVEN O'CLOCK.

House met. Quorum present.

On motion of Mr. Bodley, the House proceeded to the consideration of the unfinished business.

Bill entitled "an Act to License Hawkers and Pedlars in this State," was taken up, and amendments proposed by the committee concurred in.

On motion of Mr. Merritt, the Bill was considered as engrossed, and read a third time.

The question then was, "Shall the Bill pass?"

Decided in the affirmative.

Bill, entitled "an Act to provide for the suppression of Indian Hostilities in this State," was,

On motion of Mr. Merritt, indefinitely postponed.

Senate Bill, entitled "an Act to change the name of the office of County Recorder to that of County Register," was taken up, and,

On motion of Mr. Bodley, indefinitely postponed.

"Resolution requiring the Attorney General to furnish the House with his opinion of the meaning of the 25th Section of the Constitution," was taken up, and,

On motion of Mr. Bodley, indefinitely postponed.

Senate Bill, entitled "an Act to repeal 'an Act requiring Alcaldes and Judges of First Instance to account for moneys received and expended by them,'" was taken up, and,

On motion of Mr. Field, indefinitely postponed.

Senate Bill, entitled "an Act to amend an Act entitled 'an Act concerning Licenses," was taken up.

Mr. Bodley moved to amend the Bill by striking out the words "each travelling Merchant, Hawker, and Pedlar."

Agreed to.

The question then recurred on the amendment proposed by the committee, which was to strike out the whole of the proviso.

Agreed to.

The Bill was then read a third time.

The question then was, "Shall the Bill pass?"

Decided in the affirmative.

Mr. Baldwin, from the Select Committee, to whom was referred Senate "Bill for the relief of William Smith," having had the same under consideration, reported—

That from the examination the committee have given the subject, they are of the opinion that the claim of the said Wm. Smith is just, and that the State is indebted to him for services rendered to the amount specified in the Senate Bill for his relief.

The services in question were rendered to the State at the instance of Ex-Governor Burnett, some time during the past year, information having reached him that an annoying legal process had been commenced against certain individuals appointed under a law of the State authorizing the collection of a tax imposed on foreign miners, and that the said collectors were interrupted in the collection of the tax, and were likely to

be prohibited from a further exercise of their official duties; and that the Attorney General, either from a neglect or a misapprehension of his duties, had refused to appear in defence of the said collectors. The Governor, in view of the foregoing considerations, engaged for the State the services of the said Wm. Smith, who expended much time and labor in the investigation and defence of said law, and prosecuted the same to a successful issue for the State. Your committee would further remark, that whilst the said causes were pending, he was several times required to leave home, at a heavy expense, and to the neglect of his law practice and other business. Your committee, in view of all the facts above given, are of the opinion that twenty-five hundred dollars would be but a moderate compensation for the services rendered the State by the said Wm. Smith. They therefore recommend the passage of the Bill, and ask to be discharged from the further consideration of the same.

Senate Bill, entitled "an Act for the relief of William Smith," was read third time.

The question then was, "Shall the Bill pass?"

Mr. Cook demanded the ayes and nays.

Those who voted in the affirmative were—

Mr. Baldwin	Mr. Moore
Bennett	Osgood
Carr	Saunders
Carnes	Stearns
Hall	Wethered
Lind	Wilkins
McCorkle	Yeiser
Merritt	Speaker—16.

In the negative—

Mr. Bodley	Mr. Field
Bradford	Lisle
Brown	McCandless
Cook	Pico
Covarrubias	Richardson—10.

Decided in the affirmative.

Bill entitled "an Act to amend an Act entitled 'an Act adopting the Common Law,'" was taken up, and,

On motion of Mr. Field, laid on the table.

Senate Bill, entitled "an Act to amend 'an Act concerning Offices,'" was taken up, and,

On motion of Mr. Field, indefinitely postponed.

Senate's "Joint Resolution in relation to the Public Archives," was taken up, and,

On motion of Mr. Baldwin, laid on the table.

Mr. Bradford, from the Joint Committee on Enrolled Bills, reported that they have examined and find correctly enrolled, "an Act to create a State Hospital in the City of Sacramento," and have caused the word "annually" to be stricken out of the first line of section eight, after the word "elect."

The question recurred on concurring in the report of the committee.

Concurred in.

Senate Bill, entitled "an Act to Limit the Terms of Leases," was taken up, and amendment, as proposed by the Select Committee, concurred in.

The Bill was then read a third time.

The question then was, "Shall the Bill pass?"

Mr. Bodley demanded the ayes and nays.

Those who voted in the affirmative were—

Mr. Baldwin	Mr. Merritt
Bennett	Moore
Bradford	Murphy
Carnes	Osgood
Cook	Pico
Field	Richardson
Kendrick	Saunders
Lisle	Stearns
Lind	Yeiser
McCorkle	Speaker—20.

In the negative were—

Mr. Bodley	Mr. Covarrubias
Brown	Wethered
Carr	Wilkins—6.

Decided in the affirmative.

Senate Bill, entitled "an Act to repeal 'an Act creating Officers of Health for the Port of San Francisco,'" was taken up, and,

On motion of Mr. Carr, indefinitely postponed.

Senate Bill, entitled "an Act supplementary to 'an Act concerning the office of County Treasurer,'" passed March 27, 1850, was taken up, together with the report of the Select Committee, and,

On motion of Mr. Merritt, indefinitely postponed.

Bill, entitled "an Act to amend 'an Act declaring certain Rivers, Creeks, and Sloughs, herein named, Navigable,'" approved March 20, 1850, was taken up, and,

On motion of Mr. Field, indefinitely postponed.

On motion of Mr. Merritt, the House resolved itself into Committee of the Whole, Mr. Richardson in the Chair, on Bill, entitled "an Act concerning Judges of the Plains (*Jueces del Campo*), and defining their duties;" after some time spent therein, the committee rose, reported the Bill, and were discharged.

The Bill was then read a third time.

The question then was, "Shall the Bill pass?"

Decided in the affirmative.

Mr. Moore, Chairman of the Judiciary Committee, to whom was referred "Bill for the relief of Solano County," reported the same back, with a substitute, and recommended the passage of the substitute.

"Bill concerning the Costs of Criminal Actions removed before Trial," reported as a substitute for "Bill for the relief of Solano County," was,

On motion of Mr. Richardson, laid on the table for the present.

On motion of Mr. Carr, the House resolved itself into Committee of the Whole, Mr. Bodley in the Chair, on "Bill to provide a Revenue for the California State Hospital, and for other purposes;" after some time spent therein, the committee rose, reported amendments, and had leave to sit again.

QUARTER PAST NINE O'CLOCK.

On motion of Mr. Merritt, the House adjourned.

HOUSE OF ASSEMBLY.

TUESDAY, *April* 15, 1851.

House met.

The roll was called, and the following members were absent, to wit: Messrs. Carr, Covarrubias, Murphy, and Thorne; on leave, Messrs. Hoff, Kellogg, Randall, and Robinson.

The Journal of yesterday was read and approved.

On motion, Messrs. Carr, Murphy, and Thorne, had leave of absence.

The following communication and accompanying document, was received from the Secretary of State.

OFFICE OF SECRETARY OF STATE,
SAN JOSÉ, *April* 15, 1851.

To the Hon. JOHN BIGLER,
Speaker of the Assembly:

SIR: I have the honor to transmit herewith a copy of a communicatian received yesterday, from J. Neely Johnson, Esq., United States Census Agent for California. The communication explains itself.

Very respectfully,
Your obd't. serv't.,
W. VAN VOORHIES,
Secretary of State.

U. S. CENSUS AGENT'S OFFICE,
SACRAMENTO CITY, CALIFORNIA, *April* 10*th*, 1851.

SIR: I have been necessarily delayed in complying with the Resolution adopted by the General Assembly of this State, requesting me to furnish an abstract of the Census Returns, in consequence of the many causes which have transpired to retard this work; and at the present time I am able to render but a partial and incomplete return of the same, as the full returns have not been received. A letter of recent date from the deputy, to whom was assigned the district embracing the

two first-named counties, informs me that he has completed his labors there, but furnished no information as to the number of inhabitants. I have made repeated efforts, thus far ineffectual, to have the census taken in the County of Tuolumne; I have as yet received no information from the deputy last appointed there. In some instances you will observe that the returns are given in *round numbers*. In such cases those figures are predicated upon the information furnished by the respective deputies, which will be found a near approximation to the "Returns."

The Counties of Trinity, Shasta, and Colusi are given as comprehending one district. The gentleman who performed this duty in those counties received his commission in the month of September last, he being then a resident of Trinity. He entered upon this duty without the means of determining the proper subdivisions of the district, and so erroneous in fact was the general impression then prevailing amongst the population residing there, regarding the northern boundary of the State, that a large population on the Klamath river was not enumerated, being supposed to be comprehended in the Territory of Oregon.

The result of this enumeration when completed will, with all reasonable probability, fall short of the entire population of the State from thirty-three to fifty per cent. Such a result must naturally occur to the mind of every person conversant with the circumstances surrounding those engaged in the mines—probably the most numerous of our population—residing, as many of them do, in unknown and unfrequented localities, whilst others are constantly changing their places of abode, thus absolutely precluding the possibility of their being found at all by the "Census Man."

I am inclined to believe, from information of the most reliable character, that this disparity is greater in the extremely northern mining Counties, to say, Trinity, Shasta, Colusi, and Butte, than elsewhere. In reference to the first three named, that has been already partially explained. In all these counties the census was taken in the months of September and October last, at a period when the miners had already or were leaving in large numbers for the more southern mining counties. In the last two or three months, there has been tending thitherwards a large emigration, and at this time I am well advised that the population of Butte County is as numerous as any other county of the State.

With the foregoing explanations, I hope the Returns, herewith submitted in the Exhibit A., will render satisfactory the duty imposed upon me.

Very respectfully,
Your obedient Servant,
J. NEELY JOHNSON,
Census Agent, Cal.

To HON. W. VAN VOORHIES,
Sec. of State.

[EXHIBIT A.]

Trinity, Shasta, and Colusi Counties,	1,152
Butte County,	4,786
Yuba County,	19,032
Sutter County,	3,030
El Dorado County,	20,785
Sacramento County,	11,000
Yolo County,	1,003
Napa County,	414
Sonoma County,	561
Mendocina County,	56
Marin County,	323
Solano County,	580
Calaveras County,	16,884
San Joaquin County,	4,000
Mariposa County,	4,400
San Francisco County,	21,000
Contra Costa County,	722
Santa Clara County,	3,502
Monterey County,	1,872
Santa Cruz County,	674
San Luis Obispo County,	336
Santa Barbara County,	1,185

Mr. Saunders moved that the communication and document be laid on the table, and ordered printed.

Mr. Wilkins called for a division of the question.

The question then recurred on laying the Bill on the table.

Agreed to.

The question then was on ordering the same printed.

Not agreed to.

Mr. Bodley, from the Committee on Engrossed Bills, reported as correctly engrossed, Bill entitled "an Act to amend an Act concerning the Courts of Justice of this State and Judicial Officers."

Mr. Bradford, from the Joint Committee on Enrolled Bills, reported that they have examined, and find correctly enrolled, "an Act providing for the disposition of certain Property;" an act to amend Section 501 of the Act entitled "an Act to regulate proceedings in Criminal Cases, passed April 20, 1850." Also, that they presented on the seventh inst. to the Governor, for his approval, "an Act to reincorporate the city of San Francisco."

A message from the Senate was received informing the Assembly that they have non-concurred in the amendments of the Assembly, to Senate Bill entitled "an Act to amend an Act concerning Corporations," and request a Committee of free conference thereon, having appointed as such Committee, on their part, Messrs. Crosby, Robinson, and Cooke. Also, that the President of the Senate has signed "an Act concerning the Office of Public Administrator, and making it elective;" "an Act to create a State Hospital in the City of Sacramento;" and a "Joint Resolution in relation to the Translation of the Laws." Also, that the Senate have concurred in Assembly's amendment to the Joint Resolution of the Senate, in reference to the "payment of claims of those who have heretofore rendered Military service for the State of California."

On motion of Mr. Field, a Committee of Free Conference was appointed, consisting of Messrs. Field, Wilkins, McCorkle, Carnes, and Cook, on Bill entitled "An Act to amend an Act concerning Corporations."

Mr. McDougal, from the Select Committee appointed to examine the charges made against William R. Turner, Judge of the 8th Judicial District, and to whom was referred certain petitions from citizens of Yuba County, praying the removal of said Turner in pursuance of resolutions of instructions, reported the accompanying papers as the testimony taken in the case, and asked to be discharged from the further consideration of the subject.

Mr. Wilkins moved to lay the report and testimony on the table, and the same be made the order of the day for to-morrow.

On motion of Mr. Merritt, the report and testimony was made the order of the day for Thursday next.

Mr. Lisle offered the following:

Resolved, That in the matter of William R. Turner, now pending before this House, that the said Turner be admitted in person, or by Attorney, to appear in his defence upon the floor of this Hall.

Adopted.

"Bill for the relief of Messrs. Mouton and others" was taken up and read second time.

Mr. Moore moved to indefinitely postpone said Bill.

Mr. Merritt demanded the ayes and nays.

Those who voted in the affirmative were—

Mr. Baldwin	Mr. Moore
McDougal	Yeiser
Merritt	—5.

In the negative—

Mr. Bennett	Mr. McDougal
Bodley	Richardson
Cook	Stearns
Field	Wethered
Hall	Wilkins
Kendrick	Speaker
Lisle	—13.

No quorum present.

On motion of Mr. Moore, a call of the House was ordered, and the following members were absent without leave, Messrs. Bradford, Campbell, Covarrubias, McCandless, Pico.

On motion of Mr. Bodley, further proceedings under the call of the House were suspended.

Mr. Moore moved to lay the Bill on the table for the present.

Not agreed to.

The question then was on ordering the Bill to be engrossed.

Agreed to.

Mr. Richardson, agreeably to previous notice, introduced a "Bill for the relief of J. L. Smith and R. P. Wilson," which was read a first time, and on motion of Mr. Baldwin, laid on the table.

Mr. Bodley, from the committee on Engrossed Bills, reported as correctly engrossed, "Bill to incorporate the City of Benicia."

"Joint Resolution requiring the Comptroller to issue Warrants in stated sums," was taken up and indefinitely postponed.

Mr. Hall, from the Select Committee, to whom was referred Concurrent Resolution in relation to the Mineral, Geological, and Agricultural Resources of the State, reported that the committtee have in preparation a report on that subject, which is withheld for the present on account of the absence of the Chairman, and herewith return said resolution, and ask to be discharged from its further consideration.

Committee discharged.

Senate's Concurrent Resolution, appointing a committee to act with Committee of the House in examining the books of Treasurer and Comptroller, was taken up and indefinitely postponed.

Concurrent Resolution relative to adjournment *sine die* and pay of Members, was taken up and indefinitely postponed.

Bill entitled "an Act in relation to Suits brought to Recover certain Lands, or the Possession thereof," was taken up and indefinitely postponed.

"Bill for the Relief of David Spencer" was taken up and indefinitely postponed.

Bill entitled "an Act to secure Miners their Rights," was taken up and indefinitely postponed.

Senate Bill, entitled "an Act to amend an Act entitled, 'an Act to Incorporate the City of San José,' approved March 27, 1850," returned from the Senate with an amendment to Assembly's amendment, was taken up.

The question recurred on concurring in Senate's amendment.

On motion of Mr. Moore, said bill was laid on the table.

Bill entitled "an Act to Incorporate County Libraries," was taken up and indefinitely postponed.

On motion of Mr. Moore, the House resolved itself into Committee of the Whole, Mr. Bodley in the Chair, on "Bill to Provide a Revenue for the California State Hospital, and for other purposes." After some time spent therein, the committee rose, reported the bill with amendments, and were discharged.

On motion of Mr. Moore, the House concurred generally in the amendments made in Committee of the Whole.

Mr. Bodley moved to amend the fourth section of the bill, by adding the words, "provided that such amount does not exceed $30,000."

Agreed to.

On motion of Mr. Bodley, the bill was considered as engrossed and read a third time.

The question then was, "Shall the bill pass?"

Decided in the affirmative.

On motion of Mr. Stearns, the papers relative to the claim of Los Angeles County against the State, were taken up and referred to the Committee on Claims.

On motion of Mr. Bodley, the House resolved itself into Committee of the Whole, Mr. Cook in the Chair, on "Bill concerning Roads and Highways." After some time spent therein, the committee rose, reported the bill, and were discharged.

On motion of Mr. Bradford, said bill, together with bill entitled "an Act Establishing Boards of County Supervisors," was referred to the Committee on Agriculture.

Mr. Kendrick, on leave, introduced "A Bill to amend an Act entitled 'an Act Creating and Regulating Public Ferries, passed March 18, 1850,'" which was read first and second times, the rules being suspended for that purpose, and ordered printed.

Mr. McDougal, on leave, introduced a "Bill Organizing a State Hospital at Stockton," which was read first and second times, the rules being suspended for that purpose, and ordered printed.

On motion of Mr. Bradford, "Bill concerning the Costs of Criminal Actions removed before Trial," was taken up, and, on motion of Mr. Bradford, considered as engrossed, and read a third time.

On motion of Mr. Lisle, the bill was laid on the table until to-morrow.

Mr. McDougal asked and obtained leave to withdraw "Bill Organizing a State Hospital at Stockton."

On motion of Mr. Carr, the House resolved itself into Committee of the Whole, Mr. Yeiser in the Chair, on "Bill concerning Marks and Brands." After some time spent therein, the Committee rose, reported the bill with amendments, and were discharged.

On motion of Mr. Wilkins, the amendments made in Committee of the Whole were concurred in generally.

HALF-PAST ONE O'CLOCK.

On motion of Mr. McCandless, the House adjourned.

HALF PAST SEVEN O'CLOCK.

House met.

Quorum present.

On motion of Mr. Lisle, the House took up "Bill to change the name of Morris A. J. Cullen, to Cullen A. Johnson."

Mr. Wilkins moved to indefinitely postpone said Bill.

Not agreed to.

On motion of Mr. Lisle, the Bill was considered as engrossed, and read a third time.

The question then was, "Shall the Bill pass?"

Decided in the affirmative.

On motion of Mr. Carr, the House took up "Bill to exempt vessels coasting within the limits of this State from paying Pilot Dues."

Mr. Carr moved to amend the Bill, by adding the following as section three:

The provisions of this Act shall in no manner be so construed as to affect the "Act entitled 'an Act in relation to the appointment of Pilots for the Bay and Harbor of Humboldt.'"

Agreed to.

The question recurred on adopting the Bill as a substitute for Senate "Bill entitled 'an Act amendatory of an Act entitled an Act to establish Pilots, and Pilot Regulations, for the Port of San Francisco, passed February 25, 1850.'"

Mr. Saunders demanded the ayes and nays.

Those who voted in the affirmative were—

Mr. Baldwin	Mr. Lisle
Bennett	McCandless
Bodley	McDougal
Bradford	Moore
Brown	Pico
Carr	Osgood
Carnes	Stearns
Cook	Wethered
Hall	Speaker
Kendrick	—19.

In the negative—

Mr. McCorkle	Mr. Saunders
Merritt	Wilkins—4.

Adopted.

Mr. Bodley moved to consider the Bill as engrossed, and that the Bill be read a third time.

Mr. Wilkins demanded the ayes and nays.

Those who voted in the affirmative were—

Mr. Baldwin	Mr. Kellogg
Bennett	Kendrick
Bodley	McCandless
Bradford	McDougal
Brown	Moore
Campbell	Osgood
Carr	Pico
Carnes	Stearns
Cook	Wethered
Hall	Speaker—20.

In the negative—

Mr. Lind	Mr. Saunders
McCorkle	Wilkins
Merritt	—5.

Agreed to.

The question then was, "Shall the Bill pass?"

Decided in the affirmative.

Mr. Bradford, from the Joint Committee on Enrolled Bills, reported that they have examined, and find correctly enrolled, "an Act to exempt the Homestead and other Property from forced sale in certain cases;" also, a "Joint Resolution, relative to the per diem pay and mileage of witnesses in the cases of Judges Parsons and Turner."

"Bill entitled 'an Act to Incorporate the City of San Francisco,'" was taken up, and on motion of Mr. Carr, was indefinitely postponed.

On motion of Mr. Campbell, Senate Bill, entitled "an Act defining what in certain cases shall be sufficient evidence of possession in actions brought for the recovery of the possession of lands," was taken up.

Mr. Baldwin moved to refer the Bill to a Select Committee.
Not agreed to.
Mr. Wilkins moved that the Bill be indefinitely postponed.
Mr. Bodley demanded the ayes and nays.

Those who voted in the affirmative were—

Mr. Bodley	Mr. Richardson
Hall	Saunders
Kendrick	Wilkins
Lind	Yeiser
Merritt	Speaker
Moore	—11.

In the negative—

Mr. Baldwin	Mr. Kellogg
Bennett	McCandless
Bradford	McCorkle
Brown	McDougal
Campbell	Osgood
Carr	Pico
Carnes	Stearns
Cook	Wethered
Covarrubias	—17.

Not agreed to.
Mr. Campbell moved to consider the Bill as engrossed.
Mr. Wilkins moved that the Bill be laid on the table.
Mr. Campbell demanded the ayes and nays.

Those who voted in the affirmative were—

Mr. Baldwin	Mr. Lind
Bodley	Merritt
Brown	Richardson
Hall	Wilkins
Kendrick	Yeiser
Lisle	Speaker—12.

In the negative—

Mr. Bennett	Mr. McCorkle
Bradford	McDougal
Campbell	Moore
Carr	Osgood
Carnes	Pico
Cook	Saunders
Covarrubias	Stearns
Kellogg	Wethered
McCandless	—17.

Not agreed to.

On motion of Mr. Wilkins, the Bill was referred to a Select Committee, consisting of Messrs. Wilkins, McCorkle, Campbell, Lisle, and Bennett.

On motion of Mr. Campbell, the committee were instructed to report on Thursday next.

On motion of Mr. Campbell, "Bill to amend an Act entitled an Act adopting the Common Law," was taken up, considered as engrossed, and read a third time.

The question then was. "Shall the Bill pass."

Mr. Moore demanded the ayes and nays.

Those who voted in the affirmative were—

Mr. Baldwin	Mr. Field
Bennett	Kendrick
Bodley	Lisle
Campbell	McCandless
Carr	Pico
Carnes	Wethered
Cook	Speaker
Covarrubias	—15.

In the negative—

Mr. Bradford	Mr. Merritt
Kellogg	Richardson
Lind	Saunders
McCorkle	Stearns
McDougal	Wilkins
Moore	Yeiser—12.

Decided in the affirmative.

Bills, severally entitled "an Act concerning forcible Entries and unlawful Detainers," were taken up and indefinitely postponed.

On motion of Mr. Baldwin, the report of the Committee on Elections, on certificates of Members of the Assembly," was taken up.

The question recurred on adopting the report.

Adopted.

The question then recurred on adopting the resolution attached to the report.

Adopted.

"Joint Resolution directing the Governor to confer with the United States Indian Commissioners," was taken up and indefinitely postponed.

Bill entitled "an Act affixing the residence of certain Officers of State," was taken up.

Mr. Field moved that the House resolve itself into Committee of the Whole on said Bill.

Not agreed to.

Mr. Cook moved to adjourn.

Not agreed to.

Mr. Bodley moved to amend the Bill by striking out the words "Attorney-General, Surveyor-General, Superintendent of Public Instruction, and Judges of the Supreme Court."

Not agreed to.

Mr. Field moved to amend the Bill by striking out, in Section 1, all after the word "Vallejo."

Not agreed to.

On motion of Mr. Baldwin, the Bill was considered as engrossed, and read a third time.

The question then was, "Shall the Bill pass?"

Mr. Bodley demanded the ayes and nays.

Those who voted in the affirmative were—

Mr. Baldwin	Mr. McDougal
Bradford	Osgood
Carnes	Pico
Cook	Richardson
Covarrubias	Saunders
Kellogg	Stearns
McCandless	Speaker
Moore	—15.

In the negative—

Mr. Bennett	Mr. McCorkle
Bodley	Merritt
Field	Wethered
Kendrick	—7.

Decided in the affirmative.

TEN O'CLOCK.

On motion of Mr. Wethered, the House adjourned.

HOUSE OF ASSEMBLY,

WEDNESDAY, *April* 16, 1851.

House met.

The roll was called, and the following members were absent, to wit: Messrs. Carnes, Cook, Covarrubias, McCandless, Osgood, and Saunders; on leave, Messrs Hoff, Murphy, Randall, Robinson, and Thorne.

The Journal of yesterday was read and approved.

Mr. Bradford presented a petition from citizens of Sonoma in relation to "an Act what in certain cases shall be sufficient evidence in Actions brought for the Recovery of the Possession of Lands," which was referred to a Select Committee, consisting of Messrs. Wilkins, McCorkle, Campbell, Lisle, and Bennett.

Mr. Bradford, from the Committee on Commerce, to whom was referred the petition of the Benicia, Sacramento, and San Joaquin Pilots, reported that the desires of the petitioners have been realized in the passage of the Act regulating and prescribing the duty of Pilots for the Ports of Benicia, Sacramento, and Stockton. They therefore report the petition back, and ask to be discharged from its further consideration.

Committee discharged.

Mr. Carr, from the committee to whom was referred petition from citizens of Sacramento City, praying that Pilot Regulations may be passed for that port, reported, that as the House has already passed a

Bill on this subject, that the further consideration of this petition be indefinitely postponed.

The question then was on indefinitely postponing the petition.

Agreed to.

Mr. Carr, from the committee to whom was referred the petition of C. V. Stewart and others in relation to changing the corporate limits of the City of San Francisco, reported the same back to the House, and recommended that further consideration of the same be indefinitely postponed.

The question then was on indefinitely postponing the petition.

Agreed to.

Mr. Bodley, from the Committee on Engrossed Bills, reported as correctly engrossed, "Bill to Exempt Vessels Coasting within the Limits of this State from paying Pilot Dues."

Mr. Brown, from the committee to whom were referred Assembly Bills, severally numbered 151 and 153, reported that it is the opinion of the committee that ample provision is made by the establishing of Courts of Sessions in the "Act concerning Courts of Justice and Judicial Officers" for all the objects desired to be obtained by the bill first referred to; and they cannot but regard the "establishing Boards of County Supervisors" as an unnecessary multiplication of officers, calculated to increase the county expenses, without conferring any advantages upon the citizens. They are also of the opinion that the "Act concerning Roads and Highways," passed April 11th, 1850, furnishes a simple and economical mode of laying out and constructing roads, and is better adapted to the present condition of the country than that which it is proposed to substitute for it.

The committee therefore recommend, that the bills, severally entitled, "A Bill establishing Boards of County Supervisors," and "A Bill concerning Roads and Highways," be indefinitely postponed.

The question then was on the indefinite postponement of said bills.

Agreed to.

Mr. Carr offered the following:

Resolved, That the Committee on Accounts be authorized to audit the account for the Clerk of the Committee of Ways and Means for eight days' services rendered since the resolution of this House dismissing the clerks to committees, as per certificate of Chairman of the Committee of Ways and Means.

Adopted.

Mr. Carr, on leave, introduced a "Bill authorizing distress for rent," which was read first time.

Mr. Carr moved that the Bill be laid on the table.

Not agreed to.

On motion of Mr. Merritt, the Bill was rejected.

Mr. Hall, Chairman of the Committee on Claims, to whom was referred papers concerning the claims of Los Angeles County, and certain citizens of said county, for services rendered in behalf of soldiers sick and disabled in the Gila Expedition, pursuant to instructions, reported the accompanying Joint Resolution and recommended its passage, and asked to be discharged from the further consideration of the subject.

"Joint Resolution for the benefit of citizens of Los Angeles County," was read first and second times, the rules being suspended for that purpose.

Mr. Hall moved that the Rules be suspended, and the Joint Resolution be considered as engrossed and read a third time.

Not agreed to.

Mr. Merritt moved that the Joint Resolution be laid on the table for the present.

Not agreed to.

Mr. Baldwin moved that the resolution be indefinitely postponed.

Not agreed to.

A Message from the Senate was received informing the Assembly that the Governor has notified the Senate that he has signed "an Act concerning the office of Public Administrator, and making it elective;" "an Act to create a State Hospital in the City of Sacramento;" an Act to reincorporate the City of San Francisco;" and a "Joint Resolution relative to the Translation of the Laws;"

Also, that the Senate have concurred in the second, and non-concurred in the first of the Assembly's amendments to Senate Bill, entitled "an Act concerning Licenses;" also, that they have adopted the Concurrent Resolution of the Assembly, fixing Wednesday, 16th inst., for an election by the joint vote of both Houses, of Physicians to the State Hospital at Sacramento City, with an amendment, inserting "12, M.," after "16th instant;"

Also, that the Senate have concurred in the Assembly's amendment to Senate Bill, entitled "an Act to limit the terms of Leases;"

Also, that the Senate request the return of Senate Bill entitled "an Act concerning Offices," an error having occurred in the engrossment of the same;

Also, that the Senate have appointed Messrs. Robinson, De la Guerra, and Warner, a Committee of Conference on the "Act to amend an Act to regulate Elections."

Senate Bill, entitled "an Act to amend an Act entitled 'an Act concerning Licenses,'" returned from the Senate, non-concurring in Assembly's first amendment, and concurring in Assembly's second amendment, was taken up, and on motion of Mr. Carr, a Committee of Conference was appointed, consisting of Messrs. Carr, Hall, Lisle, Yeiser, and Carnes.

Assembly's "Concurrent Resolution relative to the election of Physicians to the State Hospital at Sacramento City," returned from the Senate with an amendment, was taken up, and amendment concurred in.

"Joint Resolution for the relief of Le Cock and Lewis," was taken up.

Mr. Moore moved that the same be indefinitely postponed.

Not agreed to.

On motion of Mr. Baldwin, the Joint Resolution was considered as engrossed, and read a third time.

The question then was, "Shall the Joint Resolution pass?"

Decided in the affirmative.

The Senate having requested the Assembly to return Senate Bill, entitled "an Act concerning Offices," the Clerk was directed to transmit said Bill, in compliance with said request.

On motion of Mr. Bradford, "Bill concerning the Costs of Criminal Actions removed before trial," was taken up.

The question then was, "Shall the Bill pass?"

Decided in the affirmative.

Bill entitled "an Act authorizing the Governor to offer rewards for the apprehension of criminals," was taken up.

Mr. Carr moved to fill the blank, in 1st Section, with $1,000.

Mr Campbell moved to fill the blank with $2,500.

Not agreed to.

Mr. Wethered moved to strike out the word "hundred," and fill the blank with "2,000."

Mr. McDougal demanded the ayes and nays.

Those who voted in the affirmative were—

Mr. Campbell	Mr. McDougal
Hall	Richardson
Kellogg	Wethered
McCorkle	Wilkins—8.

In the negative—

Mr. Baldwin	Mr. Kendrick
Bodley	Lisle
Bradford	Lind
Brown	Moore
Carr	McCandless
Carnes	Pico
Cook	Saunders
Covarrubias	Stearns
Field	Speaker—18.

Not agreed to.

Mr. Richardson moved to fill the blank with "$1,500."

Not agreed to.

The question recurred on the motion to fill the blank with "$1,000."

Agreed to.

On motion of Mr. Carr, the Bill was considered as engrossed, and read a third time.

The question then was, "Shall the Bill pass?"

Decided in the affirmative.

Mr. Bodley, from the Committee on Engrossed Bills, reported as correctly engrossed, "an Act to authorize the Funding of the Floating Debt of the City of San Francisco, and to provide for the payment of the same."

On motion of Mr. Wethered, "Bill to prohibit Officers from being interested in certain Contracts," was taken up.

Mr. Field moved to amend Section 4th, 3d line, by striking out the words "and be liable to indictment before the District Court."

Agreed to.

Mr. Brown moved to amend 1st Section by striking out the words "or surety."

Agreed to.

Mr. Campbell moved to amend the 4th Section by adding the words "provided, however, that nothing in this Act shall be construed so as to prohibit or make the parties liable for any contract entered into by them for the purpose of printing."

Agreed to.

On motion of Mr. Carr, the Bill was considered as engrossed, and read a third time.

The question then was, "Shall the Bill pass?"

Decided in the affirmative.

On motion of Mr. Carr, "Bill to authorize the Governor to procure the Standard of Balances, Weights, and Measures," was taken up.

Mr. Bodley moved to amend the 1st Section, by inserting after the words "authorized to," the words "demand and."

Agreed to.

Mr. Carr moved to amend Section 3d, by adding the words "for the defrayment of expenses incurred in the transportation to this State of the Standards of Weights, Measures, and Balances, and for the construction and transportation of copies for the respective Counties, the sum of ten thousand dollars is hereby appropriated out of the General Fund, to be drawn by the order of the Governor, on the Warrant of the Comptroller of State."

Agreed to.

Mr. Bradford moved to amend the Bill by striking out Sections 2d and 4th.

Agreed to.

Mr. Carr moved to amend the title, so that it will read "an Act supplemental to an Act, entitled 'an Act to establish a Standard of Weights and Measures, passed March 30th, 1850.'"

Agreed to.

On motion of Mr. Carr, the Bill was considered as engrossed, and read a third time.

The question then was, "Shall the Bill pass?"

Decided in the affirmative.

Bill entitled "an Act concerning forcible entries and unlawful detainers," was taken up and indefinitely postponed.

"Bill to prohibit officers from being interested in certain contracts," was taken up and indefinitely postponed.

On motion of Mr. Lind, the House took a recess until five minutes before 12 o'clock.

FIVE MINUTES BEFORE TWELVE O'CLOCK.

House met.

On motion of Mr. Wethered, the Sergeant-at-Arms was dispatched after absentees.

Mr. Richardson offered the following:

Resolved, That the Clerk inform the Senate that the Assembly is now ready to receive them in Joint Convention to elect Physicians for the Sacramento State Hospital.

Adopted.

IN CONVENTION.

In pursuance of a Concurrent Resolution, the two House met in Convention, for the purpose of electing one Visiting and one Resident Physician, for the Sacramento State Hospital.

Mr. Van Buren, of the Senate, and Mr. Kendrick, of the Assembly, were appointed Tellers.

The President announced that the Convention would now proceed to elect a Visiting Physician.

Mr. Robinson, of the Senate, nominated Dr. Wake Bryarley.

The names of Senators were called by the Secretary of the Senate, those of the Assembly by the Clerk, and the Tellers reported the result as follows:

Whole number of votes given . . .	41
Necessary to a choice	21
Of which Dr. Wake Bryarley received . .	41 votes.

Those who voted for Dr. Wake Briarly were—Messrs. Broderick, Cooke, Crosby, Douglass, De la Guerra, Green, Lippincott, Miller,

Robinson, Van Buren, and Warner, of the Senate; and Baldwin, Bennett, Bodley, Bradford, Brown, Campbell, Carr, Carnes, Cook, Covarrubias, Field, Hall, Hoff, Kellogg, Kendrick, Lisle, Lind, McCandless, McCorkle, McDougal, Merritt, Moore, Osgood, Richardson, Saunders, Stearns, Wethered, Wilkins, Yeiser, and Speaker, of the Assembly—41.

Dr. Wake Bryarley having received the entire vote given, was declared duly elected Visiting Physician of the Sacramento State Hospital for two years.

The Convention then proceeded, in like manner, to elect a Resident Physician.

Mr. Baldwin nominated Dr. George W. Williams.
Lisle " Gregory Phelan.

The names of Senators and Members of Assembly being called, the Tellers reported the result as follows:

Whole number of votes given	42
Necessary to a choice	22
Of which Dr. Williams received . . .	26 votes.
Phelan	16

Those who voted for Dr. George W. Williams were—Messrs. Adams, Douglass, Green, and Miller, of the Senate; and Baldwin, Bodley, Brown, Carr, Cook, Covarrubias, Hall, Kellogg, Lind, McCandless, McCorkle, McDougal, Merritt, Moore, Osgood, Pico, Richardson, Saunders, Stearns, Wethered, Wilkins, and Yeiser, of the Assembly—26.

Those who voted for Dr. Phelan were—Messrs. Broderick, Cooke, Crosby, De la Guerra, Lippincott, Robinson, Van Buren, and Warner, of the Senate; and Messrs. Bradford, Campbell, Carnes, Field, Hoff, Lisle, Kendrick, and Speaker, of the Assembly—16.

Dr. George W. Williams having received a majority of all the votes given, was declared duly elected Resident Physician of the Sacramento State Hospital for two years.

The business for which the two Houses had assembled being completed, the President declared the Convention dissolved.

IN ASSEMBLY.

QUARTER PAST TWELVE O'CLOCK.

On motion of Mr. Bradford, the House adjourned.

HALF-PAST SEVEN O'CLOCK.

House met.

No quorum present.

Mr. Osgood moved to adjourn.

Not agreed to.

Mr. Wilkins moved a call of the House.

Not agreed to.

Mr. Richardsom moved to adjourn.

Not agreed to.

Mr. Wethered moved a call of the House.

Not agreed to.

Quorum present.

Mr. McCandless, frem the Committee on Engrossed Bills, reported as correctly engrossed, Bills severally entitled, "an Act to change the name of Morris A. J. Cullen to Cullen A. Johnson;" a "Bill to provide a revenue for the California State Hospital at San Francisco;" a "Bill for the relief of Moreton and others."

"Bill for the relief of Messrs. Moreton and others," was read a third time.

The question then was, "Shall the Bill pass?"

Mr. Moore demanded the ayes and nays.

Those who voted in the affirmative were—

Mr. Bennett	Mr. Pico
Bradford	Richardson
Campbell	Saunders
Carr	Stearns
Covarrubias	Thorne
Field	Wilkins
Hoff	Speaker
Kellogg	—15.

In the negative—

Mr. Baldwin	Mr. Moore
McCandless	Osgood
McCorkle	Wethered
Merritt	Yeiser—8.

Decided in the affirmative.

Mr. Bradford, from the Committee on Enrolled Bills, reported that they have examined and find correctly enrolled, "an Act for the relief of William Smith;" also, "an Act to regulate the coining of Money by individuals;" also, "an Act to limit the terms of Leases;"

Also, that they this day presented to the Governor, for his approval, "an Act providing for the distribution of certain property;"

"An Act to amend section 501 of the Act entitled 'an Act to regulate proceedings in Criminal Cases, passed April 20th, 1850;'"

"Joint Resolution relative to the per diem pay and mileage of witnesses, in the cases of Judges Turner and Parsons;"

"An Act to exempt the Homestead and other property from forced sale in certain cases."

"Joint Resolution in relation to the Public Lands," was taken up, considered as engrossed, and read a third time.

The question then was, "Shall the Joint Resolution pass?"

Decided in the affirmative.

Mr. Merritt, from the Committee of Ways and Means, to whom was referred Senate Bill No. 75, "an Act concerning the salaries of Officers and pay of Members of the Legislature," and also Assembly's Bills Nos. 116 and 117, upon the same subject, having had the same under consideration, reported a substitute for the Bills, and recommended its passage.

Bill entitled "an Act concerning the salaries of Officers and pay of Members of the Legislature," being substitute for Senate Bill No. 75, and Assembly's Bills Nos. 116 and 117, was read first time, and,

On motion of Mr. Moore, laid on the table.

Mr. Moore, from the Select Committee to whom was referred "Bill to provide for the early publication and distribution of the Laws of the State of California," reported a substitute for the Bill, and recommended its passage.

On motion of Mr. Bradford, the House resolved itself into Committee

of the Whole, Mr. Merritt in the chair, on said substitute. After some time spent therein, the committee rose, reported the substitute with amendments, and were discharged.

On motion of Mr. Campbell, the House concurred generally in the amendments made in Committee of the Whole.

Mr. Bradford moved to amend the Bill by adding the following as a new section:

"The Secretary of State is hereby required to furnish manuscript copies of the Laws to the *Picayune* newspaper, published at San Franciso, the publisher of which paper shall send copies of all papers containing the Laws to each of the papers in the State, from which to make copies, under the contract with the State."

Agreed to.

Mr. Campbell moved to amend the Bill by adding the words, "and also the Secretary of State shall furnish the *Los Angeles Star* with manuscript copies of the Laws in the Spanish language, as soon as translated."

Agreed to.

Mr. Merritt moved to lay the Bill on the table.

Not agreed to.

Mr. Campbell moved to fill up the blank in the first section with the word "three."

Agreed to.

The question then was on adopting the substitute.

Adopted.

Mr. Richardson moved to lay the Bill on the table.

Not agreed to.

On motion of Mr. Moore, the Bill was considered as engrossed, and read a third time.

The question then was, "Shall the Bill pass?"

Mr. Lind demanded the ayes and nays.

Those who voted in the affirmative were—

Mr. Bennett	Mr. Covarrubias
Bradford	Kellogg
Campbell	Merritt
Carr	Moore
Carnes	Pico

Mr. Stearns
Thorne
Wethered
Mr. Wilkins
Yeiser
Speaker—16.

In the negative—

Mr. Baldwin
Brown
Field
Hoff
Mr. Lind
McCorkle
Richardson
Saunders—8.

Decided in the affirmative.

The following Message was received from the Governor:

EXECUTIVE DEPARTMENT,
SAN JOSÉ, *April 16th*, 1851.

TO THE SENATE AND ASSEMBLY:

I had intended, at an early period of the present Session of the Legislature, to recommend the passage of laws saving and reserving to the purposes for which they were established, the institutions known as "Public Missions," and "Mission Claims," in this State.

Of these institutions there are twenty-one in California. They were established by benevolent individuals for educational purposes. Experience has proved that they are beneficial in their operations. The first Mission was established in California in the earlier part of the eighteenth century, under the auspices of the priesthood known as the Franciscans, and their career furnishes an additional illustration of a fact already established by the missionaries of America and Europe, that conquests can be made with the cross when they cannot be made with the sword. These Missionaries carried with them to a people then benighted offerings of peace; and in the name of that power of whom they were the ministers, they planted this symbol of our sacred religion upon a soil which the armies of Spain, the then mother country, could not subjugate. They were welcomed. The contributions of the Central Government in aid of the Missions, and the provisions then made for their permanent establishment, were acts which were cordially approved by the people. Encroachments have been made upon the property of the Missions, and the lands belonging to them have been, in some instances, taken forcible possession of, and occupied in utter disregard of the

claims which these people have, or should have, upon our care and protection. The Mission property consists generally of a building or buildings, occupied by the Missionaries and Indians, and the land adjacent.

I deem it only necessary now to call your attention to the fact that the Mission lands were granted for educational purposes, and that they have been applied to those purposes for more than a century. Time, and the beneficial influences produced by these institutions have made them venerable and sacred in the eyes of the native population. To them the sale of these reservations by the Government, or the appropriation of them to objects other than those to which they were originally applied, would appear an act of injustice and oppression. Such an act would be contemplated by them with grief, because it would deprive them of a means of instruction which they have learned to value, and which if properly encouraged and regulated by the Legislature, would doubtless be in a great degree conducive to their welfare. Many considerations could be urged to show the expediency of laws for the protection and perpetuation of these Missions among us. These considerations will, doubtless, suggest themselves to your minds, and I believe you will unite with me in the opinion that the passage of such laws would be attended with benefit. A public recognition of the sanctity of places devoted to spiritual worship and private instruction, is a concession which we owe to the alien people in our midst—perhaps more than any other. It is due to them, and due to ourselves.

I would, therefore, respectfully recommend that laws be passed giving full protection to the Catholic clergy and the Indians connected with the Missions, in the possession of the buildings and suitable grounds attached thereto, until the proper agents shall settle the question of title.

JOHN MCDOUGAL.

On motion of Mr. Moore, the message from the Governor was laid on the table.

"Bill to fix the Compensation of County Judges and Associate Justices of the Court of Sessions," was taken up.

Mr. Bradford moved that the House resolve itself into Committee of the Whole on said Bill.

Not agreed to.

Mr. Brown moved to amend the 3d section, third line, by striking out the word "ten," and inserting the word "six."

Agreed to.

On motion of Mr. Wilkins, the Bill was considered as engrossed, and read a third time.

The question then was, "Shall the Bill pass?"

Decided in the affirmative.

HALF PAST NINE O'CLOCK.

On motion of Mr. Richardson, the House adjourned.

HOUSE OF ASSEMBLY.

THURSDAY, *April* 17, 1851.

House met.

The roll was called, and the following members were absent, to wit: Messrs. Bradford, McCandless, McCorkle, McDougal, Merritt, Osgood, Pico; on leave, Messrs. Murphy, Randall, and Robinson.

The Journal of yesterday was read and approved.

Mr. Bennett, from the Committee on Education, introduced "a Bill concerning Common Schools and Public Instruction," which was read first and second times, the Rules being suspended for that purpose, and ordered printed.

Mr. Bennett, from the Committee on Education, introduced "a Bill supplemental to an Act entitled 'an Act to regulate the settlement of of the Estates of deceased persons, approved April 22d, 1850,'" which was read first and second times, the Rules being suspended for that purpose, and ordered printed.

Mr. Bennett, from the Committee on Education, introduced "a Bill donating certain lands to the Common School Fund," which was read first and second times, the Rules being suspended for that purpose, and ordered printed.

Mr. Bradford, from the Joint Committee on Enrolled Bills, reported that they have examined, and find correctly enrolled, "Joint Resolution

in reference to the payment of Claims of those who have heretofore rendered Military service for the State of California."

Mr. Bradford asked and obtained leave to withdraw "Petition of the Benicia Sacramento and San Joaquin Pilots."

Mr. Wilkins, from the Select Committee, to whom was referred "an Act defining what, in certain cases, shall be sufficient evidence of possession in actions brought for the recovery of the possession of Lands," asked and obtained further time to report.

Mr. Hall, from the Select Committeee, to whom was referred a Bill entitled "a Bill concerning Trespasses in the Mining Counties of this State," for the following reasons respectfully recommended its rejection.

The Bill undertakes to provide, in a special manner, for trespass in the mining region, when the general law upon that subject, which operates with equal effect over the whole State, secures the same end with equal equity and greater certainty. The summary process given under our Statute, concerning forcible entry and detainer, gives the fullest protection and provides the most ample security for the possession of property, whether for the encouragement of agriculture or the protection of the miner.

Your committee are of the opinion that it is the policy of the State to Legislate with direct reference to the mineral districts as rarely as possible, and then only when necessity requires it. In the present limited extent to which agriculture and manufactures are cultivated, our State is mainly dependent for revenue upon commerce and the mines; that these may be the most productive, they should be left free and untrammelled with useless legislation. Especially should the mines be left open and free to the enterprise and labor of every citizen, and the interposition of *law* applied only when this equality and freedom is disturbed.

The "Bill to regulate suits of law among Miners" declares their possessory rights, and makes the custom and usage of a place a rule of evidence and a standard of possession for that place. Experience evinces the reason of this law, while it shows beyond controversy that the exigencies of every society regulate themselves, and result in the general adoption of such usuages as the emergency requires, and such as tend most to promote the public good. Difficulties seldom occur in the older mining districts, and becomes less frequent as a common custom prevails over the country. To declare that this custom, when established, shall be the law of the *place*, is as much as the Legislature should

assume to do; and having sanctioned this, the people have a certain standard of law, and the greatest confidence may be had that the future mining operations will be conducted with peace and harmony.

Your committee believe that if the Bill under consideration were to become a law, it would encourage landed *monopoly*, and hence multiply controversies of the very kind it is designed to prevent. Individuals would be induced to secure large possessions, and the interests of a few cherished at the expense of the many. Speculators could well afford to build enclosures and erect buildings, to secure exclusive right to the mineral in the soil, and our richest mineral districts would be retarded in their successful operation, and be converted into scenes of endless difficulty and strife.

Mr. Baldwin moved to lay the Bill and Report on the table for the present.

Not agreed to.

Mr. Baldwin moved to amend the 1st section by adding the words: "*Provided*, that the enclosure herein secured shall not be used by the occupant for mining purposes, nor shall the enclosure exceed in length double the breadth thereof."

Agreed to.

Mr. Merritt moved to amend the 1st section by striking out the words "fifty varas square," and inserting "thirty varas square."

Agreed to.

The question then was on rejecting the Bill.

Mr. Bradford demanded the ayes and nays.

Those who voted in the affirmative were—

Mr. Bodley	Mr. Kendrick
Bradford	Lisle
Cook	Lind
Field	Saunders
Hall	Stearns
Hoff	Wethered
Kellogg	Speaker—14.

In the negative were—

Mr. Baldwin	Mr. Carr
Bennett	Merritt

Mr. Moore	Mr. Richardson
Osgood	Wilkins
Pico	Yeiser—10.

Agreed to.

Mr. Covarrubias was excused from voting.

A Message from the Senate was received, informing the Assembly that the President has signed Bills severally entitled, "an Act providing for the disposition of certain property;" "an Act to exempt the Homestead and other property from forced sale in certain cases;" "an Act to amend section 501 of the Act entitled 'an Act to regulate proceedings in Criminal Cases,'" and a "Joint Resolution relative to the per diem pay and mileage of witnesses in the cases of Judges Parsons and Turner;"

Also, that they have passed Bill, herewith transmitted, entitled "an Act concerning Offices."

Senate Bill, entitled ', an Act concerning Offices," was read first and second times, the Rules being suspended for that purpose.

SPECIAL ORDER OF THE DAY.

The Report of the Select Committee and testimony in the matter of impeachment of Wm. R. Turner, Judge of the Eighth Judicial District, was taken up.

On motion of Mr. Baldwin, a call of the House was ordered, and the following members were absent, to wit: Messrs. Brown, Carnes, McCandless, McCorkle, McDougal, and Osgood.

On motion of Mr. Kendrick, the Sergeant-at Arms was dispatched after absentees.

On motion, Messrs. McCandless and McCorkle were excused on account of indisposition.

On motion of Mr. Hall, the call of the House was suspended temporarily.

Mr. Hall offered the following:

Resolved, That the committee appointed to investigate charges of corruption against the members of this House, are authorized to send for papers and persons.

Adopted.

On motion of Mr. Saunders, Mr. Merritt was appointed in place of

Mr. Murphy, on committee to investigate charges of corruption against members of this House.

Mr. Osgood made his appearance, was admitted, and excused.

Mr. Brown made his appearance, was admitted, and excused.

On motion of Mr. Lisle, the call of the House was suspended temporarily.

Mr. Lisle offered the following:

Resolved (the Senate concurring), That J. R. Hardenburg, Samuel Young, J. Neely Johnson, E. J. Willis, A. C. Munson, Vincent E. Geiger, D. B. Milne, and John A. Read, are hereby appointed Trustees for the State Hospital at Sacramento City.

Adopted.

Mr. Moore moved that the call of the House be suspended.

Not agreed to.

Mr. Carnes made his appearance, was admitted, and excused.

On motion of Mr. Wethered, further proceedings under the call of the House was suspended.

On motion of Mr. Baldwin, the House resolved itself into Committee of the Whole, Mr. Baldwin in the Chair, on report and testimony in the matter of impeachment of William R. Turner, Judge of the 8th Judicial District. After some time spent therein, the committee rose, reported progress, and had leave to sit again.

TWO O'CLOCK.

On motion of Mr. Merritt, the House adjourned.

HALF PAST SEVEN O'CLOCK.

House met.

No quorum present.

A call of the House being ordered, Messrs. Bradford, Brown, Campbell, Cook, Covarrubias, Hall, Hoff, Kendrick, Lind, Pico, Richardson, Saunders, Thorne, and Yeiser, were absent.

On motion, further proceedings under the call of the House were suspended.

Mr. Bodley, from the Committee on Engrossed Bills, reported as correctly engrossed, "a Bill to prohibit officers from being interested in certain contracts."

On motion of Mr. Baldwin, the House resolved itself into Committee

of the Whole, Mr. Baldwin in the Chair, on report and testimony in the matter of impeachment of William R. Turner, Judge of the 8th Judicial District. After some time spent therein, the committee rose, reported progress, and had leave to sit again.

TEN O'CLOCK.

On motion of Mr. Carnes, the House adjourned.

HOUSE OF ASSEMBLY.

FRIDAY, *April* 18, 1851.

House met.

The roll was called, and the following members were absent, to wit: Messrs. Brown, Covarrubias, Hoff, Saunders, and Yeiser; on leave, Messrs. Murphy, Randall, Robinson.

The Journal of yesterday was read and approved.

Mr. Lind presented a petition from citizens of Calaveras County, praying that the Legislature will order a new Election for the County Seat of said County, which was referred to a Select Committee consisting of Messrs. Lind, Yeiser, and Richardson.

Mr. Bodley, from the Committee on Engrossed Bills, reported as correctly engrossed, "an Act to license Hawkers and Pedlars in this State;" "an Act affixing the residence of certain Officers of State;" "Joint Resolution for the relief of Le Cock and Lewis;" and "an Act prescribing the mode of assessing and collecting Public Revenue."

Mr. Bradford, from the Joint Committee on Enrolled Bills, reported that they have this day presented to the Governor for his approval, "an Act to limit the terms of Leases;" "an Act for the relief of William Smith;" "an Act to regulate the coining of money by individuals;" "Joint Resolution in reference to the payment of claims of those who have heretofore rendered Military Service for the State of California."

Mr. Brown offered the following:

Resolved, That the Committee on Public Expenditures are hereby required to report to this House as soon as practicable, the amount of expenses incurred up to the present time, for furnishing Committee

Rooms, and specify the items in the different accounts that have been allowed.

Adopted.

Mr. Baldwin, on leave, introduced a "Bill creating the office of Superintendent of Public Buildings and Property, and defining the duties of that office," which was read first and second times, the Rules being suspended for that purpose, and ordered printed.

Mr. Kellogg, on leave, introduced a "Bill to provide for the construction of a Road from San José to Santa Cruz," which was read first and second times, the Rules being suspended for that purpose.

On motion of Mr. Kellogg, the Rules were suspended, the Bill considered as engrossed, and read a third time.

The question then was, "Shall the Bill pass?"

Decided in the affirmative.

Mr. Hall gave notice that he would, on to-morrow, introduce a "Bill to regulate sale of Property by Sheriffs."

On motion of Mr. Bodley, the House resolved itself into Committee of the Whole, Mr. Baldwin in the Chair, on the matter of impeachment of William R. Turner, Judge of the 8th Judicial District; after some time spent therein, the Committee rose, reported progress, and had leave to sit again.

ONE O'CLOCK.

On motion of Mr. Saunders, the House adjourned.

HALF PAST SEVEN O'CLOCK.

House met.

Quorum present.

A Message from the Senate was received, which was, on motion of Mr. Merritt, laid on the table for the present.

Mr. Bodley, from the Committee on Engrossed Bills, reported as correctly engrossed, "Bill to provide for the construction of a Road from San Jose to Santa Cruz."

On motion of Mr. Saunders, the House resolved itself into Committee of the Whole, Mr. Baldwin in the Chair, in the matter of impeachment of Hon. William R. Turner, Judge of the 8th Judicial District;" after some time spent therein, the Committee rose, reported progress, and had leave to sit again.

TEN O'CLOCK.

On motion of Mr. Saunders, the House adjourned.

HOUSE OF ASSEMBLY.

SATURDAY, *April* 19, 1851.

House met.

The roll was called, and the following members were absent, to wit: Messrs. Hoff, McCandless, Osgood, and Thorne; on leave, Messrs. Murphy and Robinson.

The Journal of yesterday was read and approved.

Mr. Cook presented an account against the State in favor of J. P. and R. D. Israel, for provisions furnished the Gila Expedition, which was referred to the Committee on Claims.

Mr. Bodley, from the Committee on Engrossed Bills, reported as correctly engrossed, Bills severally entitled, "a Bill to amend an Act entitled 'an Act adopting the Common Law;'" "an Act concerning Judges of the Plains, and defining their duties;" "an Act authorizing the Governor to offer Rewards for the Apprehension of Criminals;" "an Act to authorize the Governor to procure the Standards of Balances, Weights, and Measures."

Mr. Bradford, from the Joint Committee on Enrolled Bills, reported that they have examined and find correctly enrolled, "an Act regulating and prescribing the duty of Pilots for the Ports of Benicia, Sacramento, and Stockton, and for other purposes."

Mr. Hall gave notice that he would, at the expiration of five days, introduce a "Joint Resolution for the relief of Henry Johnson."

Mr. Hall, from the Committee on Claims, to whom was referred Senate Bill, entitled "an Act for the relief of the former Town Council of Stockton," reported the Bill back, with an amendment, and without any further recommendation, asked to be discharged from its further consideration.

On motion of Mr. Moore, the Bill and report were laid on the table.

Mr. Carnes offered the following:

Resolved, That from and after this date, this House meet at three o'clock in the afternoon, instead of half-past seven o'clock in the evening.

On motion of Mr. Baldwin, the resolution was laid on the table.

Mr. Merritt offered the following:

Resolved, That the Chairman of the Committee on Claims be requested to report a Bill for the relief of the State Treasury.

On motion of Mr. Hall, the Resolution was laid on the table.

Mr. Bradford offered the following:

Resolved (the Senate concurring), That the Secretary of State be authorized to distribute one copy of the Convention Journal to each of the newspaper establishments within this State.

Adopted.

Mr. McDougal, agreeably to previous notice, introduced a Bill, entitled "an Act to create a State Hospital in the City of Stockton," which was read first and second times, the Rules being suspended for that purpose, and laid on the table.

Mr. Lisle, on leave, introduced Bill, entitled "an Act respecting Vagrants," which was read first and second times, the Rules being suspended for that purpose, and ordered printed.

Mr. Lisle, on leave, introduced a Bill, entitled "an Act to authorize the Court of Sessions of Sacramento County to Fund the Debt of said County," which was read first and second times, the Rules being suspended for that purpose, and laid on the table.

On motion of Mr. Carr, the Clerk was directed to transmit to the Senate the petitions of citizens of San Francisco, praying the Legislature to pass a law funding the debt of said city.

A Message from the Senate was received, informing the Assembly that the President has appointed Messrs. Van Buren, Cooke, and Heydenfeldt, a Committee of Conference on the part of the Senate, on the Bill entitled "an Act concerning Licenses;"

Also, that they have passed Assembly Bill, entitled "an Act to change the name of Morris A. J. Cullen to Cullen A. Johnson;"

Also, that they have passed Assembly Bill, entitled "an Act supplementary to 'an Act concerning County Recorders,'" passed March, 1851, with an amendment, as affixed to the margin of the Bill;

Also, that they have passed a Joint Resolution, herewith transmitted, entitled "a Joint Resolution for the payment of certain claims arising out of the Gila Expedition;"

Also, that they have passed "an Act regulating and prescribing the duty of Pilots for the Ports of Benicia, Sacramento, and Stockton, and for other purposes."

Bill entitled "an Act supplementary to the Act entitled 'an Act concerning County Recorders, passed March, 1851,'" returned from the Senate with an amendment, was taken up, and amendment concurred in.

Senate's "Joint Resolution for the payment of certain claims arising out of the Gila Expedition," was read first time, and referred to Committee on Claims.

A Message from the Senate was received, informing the Assembly that they have passed Assembly Bills, entitled "an Act for the relief of Messrs. Moreton and others;" "an Act to exempt vessels coasting within the limits of this State from paying pilot dues;" and a Concurrent Resolution appointing Trustees for the State Hospital of Sacramento City;" also, that they have passed with amendments, as contained in the paper marked A., herewith transmitted, Assembly Bill, entitled "an Act to regulate proceedings in Civil Cases in the Courts of Justice of this State."

Bill entitled "an Act to regulate proceedings in Civil Cases in the Courts of Justice in this State," returned from the Senate with amendments, was taken up, when, on motion of Mr. Carr, a Committee of Free Conference was appointed, consisting of Messrs. Carr, Field, Campbell, McCorkle, and Yeiser, on said Bill.

Mr. Campbell asked and obtained leave of absence for this morning.

On motion of Mr. Campbell, the House resolved itself into Committee of the Whole, Mr. Baldwin in the Chair, on the matter of impeachment of the Hon. William R. Turner, Judge of the 8th Judicial District. After some time spent therein, the committee rose, reported progress, and had leave to sit again.

Mr. Hall moved to adjourn until Monday morning.

Not agreed to.

TWO O'CLOCK.

On motion of Mr. Baldwin, the House adjourned.

HALF PAST SEVEN O'CLOCK.

House met.

Quorum present.

Mr. Bradford, from the Joint Committee on Enrolled Bills, reported that they have examined and find correctly enrolled, "an Act to exempt vessels coasting within the limits of this State from paying Pilot Dues;" also, "an Act for the relief of Messrs. Moreton, Raveau, and others;" also, "an Act to change the name of Morris A. J. Cullen to Cullen A. Johnson."

Also, that they this day presented to the Governor for his approval, "an Act regulating and prescribing the duty of Pilots for the Ports of Benicia, Sacramento, and Stockton, and for other purposes."

Mr. Thorne, from the Committee on Corporations, to whom was referred "Bill to incorporate the City of Monterey," reported that they have examined the Bill with some care, and have made some amendments to the same, and as amended would recommend its passage.

On motion of Mr. Merritt, the Bill, with report and amendments, were laid on the table.

On motion of Mr. Lisle, the House resolved itself into Committee of the Whole, Mr. Baldwin in the Chair, on the matter of impeachment of the Hon. William R. Turner, Judge of the 8th Judicial District. After some time spent therein, the committee rose, reported the case to the House, and were discharged.

Mr. Thorne moved that the charges and testimony in the matter of impeachment of the Hon. William R. Turner, Judge of the 8th Judicial District, be indefinitely postponed.

On motion of Mr. Wethered, there was a call of the House, and the following members were absent: Messrs. Bodley, Hoff, McDougal, and Saunders.

Mr. Wilkins moved that the doors be closed, and that the Sergeant-at-Arms be dispatched after absentees.

Agreed to.

On motion, Messrs. Hoff and Pico were excused.

On motion of Mr. Baldwin, further proceedings under the call of the House were suspended.

The question then recurred on the motion to indefinitely postpone the charges and testimony, in the matter of impeachment of Hon. William R. Turner, Judge of the 8th Judicial District.

On this question Mr. Carnes demanded the ayes and nays.

Those who voted in the affirmative were—

Mr. Baldwin	Mr. McCorkle
Bennett	Merritt
Bradford	Moore
Brown	Osgood
Campbell	Thorne
Carr	Wilkins
Lisle	Yeiser
McCandless	—15.

In the negative—

Mr. Carnes	Mr. Lind
Cook	Randall
Covarrubias	Richardson
Hall	Stearns
Kellogg	Wethered
Kendrick	Speaker—12.

Decided in the affirmative.

Mr. Baldwin moved that the vote just taken be reconsidered.

Mr. Carr moved that said motion be indefinitely postponed.

On this motion Mr. Carnes demanded the ayes and nays.

Those who voted in the affirmative were—

Mr. Baldwin	Mr. McCorkle
Bennett	Merritt
Bradford	Moore
Brown	Osgood
Campbell	Richardson
Carr	Thorne
Lisle	Wilkins
McCandless	Yeiser—16.

In the negative—

Mr. Carnes	Mr. Lind
Cook	Randall
Covarrubias	Stearns
Hall	Wethered
Kellogg	Speaker
Kendrick	—11

Agreed to.

Mr. Field moved that the reports and testimony in the matter of impeachment of Hon. Levi Parsons, Judge of the Fourth Judicial District, be indefinitely postponed.

On this motion, Mr. Carnes demanded the ayes and nays.

Those who voted in the affirmative were—

Mr. Baldwin	Mr. Lisle
Bradford	Lind
Brown	McCandless
Carr	Osgood
Carnes	Randall
Cook	Stearns
Field	Thorne
Kellogg	—15.

In the negative—

Mr. Bennett	Mr. Moore
Campbell	Richardson
Covarrubias	Wethered
Hall	Wilkins
Kendrick	Yeiser
McCorkle	Speaker
Merritt	—13.

Decided in the affirmative.

On motion of Mr. Osgood, Mr. Campbell had leave of absence.

Mr. Wethered moved to adjourn.

Not agreed to.

Mr. Field moved a reconsideration of the vote by which the House indefinitely postponed the reports and testimony in the matter of impeachment of Hon. Levi Parsons.

Mr. Baldwin moved to indefinitely postpone the motion to reconsider.

Mr. Wethered moved to adjourn.

On the motion to adjourn, Mr. Randall demanded the ayes and nays.

Those who voted in the affirmative were—

Mr. Bennett	Mr. Lind
Bradford	McCorkle
Brown	Merritt
Cook	Richardson
Covarrubias	Wethered
Hall	Wilkins
Kendrick	Yeiser
Lisle	Speaker—16.

In the negative—

Mr. Baldwin	Mr. McCandless
Carr	Osgood
Carnes	Randall
Field	Stearns
Kellogg	Thorne—10.

HALF PAST TEN O'CLOCK.

Agreed to.

HOUSE OF ASSEMBLY.

MONDAY, *April* 21*st*, 1851.

House met.

The roll was called, and the following members were absent, to wit: Messrs. Field, Hoff, Pico, Randall, and Stearns.

On leave, Messrs. Campbell, Murphy, and Robinson.

The Journal of Saturday was read and approved.

Mr. Carnes asked and obtained leave of absence for Mr. Stearns.

Mr. Bigler presented a petition from citizens of Sacramento and Yolo Counties, complaining of the present ferry at Sacramento City, and praying that Van Arman and Hutchinson be empowered to establish a ferry at said city, which was referred to the Committee on Commerce.

Mr. Randall presented a memorial from A. J. Yates and others relative to the Public Archives, which was referred to a Select Committee, consisting of Messrs. Randall, Field, Hall, McDougal, and McCandless.

Mr. Hall, from the Committee on Claims, to whom was referred Senate Joint Resolution for the payment of certain claims arising out of the Gila expedition, together with the claim of J. P. and R. D. Israel for services in the same expedition, reported that they have examined the accounts of the claimants, and that they are accompanied with the vouchers of Quarter-Master-General Morehead, and are of the same character that have been allowed, and put on file in the Adjutant-General's office. Upon an examination of the files it has been ascertained that their claims have not been entered, and your committee recommend the following amendment, and that the Resolution be passed as amended. Add the following words to the resolution: "And that the claims of J. P. and R. D. Israel, and Hugh Foster, be entered on file in the Adjutant-General's Office, and the Paymaster of the Gila Expedition authorized to pay the same out of the money appropriated from the War Loan Fund for that expedition."

The question recurred on the amendment.

Adopted.

The Joint Resolution was then read a third time.

The question then was, "Shall the Joint Resolution pass."

Decided in the affirmative.

Mr. Kellogg, from the Committee on Public Expenditures, agreeably to a resolution of this House, instructing the Committee on Public expenditures to report to this House an itemized account of the expense incurred in fitting up the different committee rooms, which accounts have been audited and paid, reported as follows:

COMMITTEE ON JUDICIARY, DR.

To Room Rent from January 9th to April 9th, three months at $200 per month, ...	$600 00
To furnishing six Chairs at $5 each, ...	30 00
" " one Table and Cover, ...	20 00
" " six loads of Wood at $16	96 00
	$746 00

COMMITTEE ON WAYS AND MEANS, DR.

To Rent from January 10th to March 10th inclusive, . .	$240 00
" Wood, ...	96 00
" Matting for Carpet, ...	40 00
	$276 00

COMMITTEE ON CLAIMS, DR.

To half month's rent in February, ...	$60 00
" Wood, ...	36 00
	$96 00

On motion of Mr. Kellogg, the account of the Committee on Commerce for Room Rent, &c., was allowed.

Mr. Bodley, from the Committee on Engrossed Bills, reported as correctly engrossed, "Joint Resolution in relation to the Public Lands," also "a Bill concerning the Costs of Criminal Actions removed before trial."

Mr. Bradford, from the Joint Committee on Enrolled Bills, reported that they have examined and find correctly enrolled, "an Act supplementary to the Act entitled an Act concerning County Recorders, passed March, 1851."

Mr. Wilkins, from the Select Committee to whom was referred Senate Bill No. 42, entitled "an Act defining what in certain cases shall be sufficient evidence of possession in actions brought for recovery of the possession of Lands," reported the same back to the House without amendment, and ask to be discharged from further consideration of the same.

The question recurred on discharging the committee.

Committee discharged.

On motion of Mr. McCorkle, the Bill was laid on the table.

Mr. McCorkle, on leave, introduced a "Joint Resolution for the relief of the Sergeant-at-Arms of the Assembly," which was read first and second times, the Rules being suspended for that purpose.

On motion of Mr. McCorkle, the Rules were suspended, the Joint Resolution considered as engrossed, and read a third time.

The question then was, "Shall the Joint Resolution pass?"

Decided in the affirmative.

Mr. Lisle offered the following :

Resolved, That in the matter of impeachment against the Hon. Levi Parsons, that the said Parsons, and the memorialist, Wm. Walker, be invited upon this floor in person, or by Attorney, for the purpose of investigating and arguing the matter aforesaid now pending.

On motion of Mr. Saunders, said resolution was laid on the table.

Mr. Cook, from the Committee on Engrossed Bills, reported as correctly engrossed, "an Act, to provide for the early publication of the Laws."

Mr. Hall, agreeably to previous notice, introduced a "Bill amendatory of 'an Act to regulate Fees, passed April 22d, 1850,'" which was read first time, and on motion of Mr. Merritt, laid on the table for the present.

Mr. Lisle, on leave, introduced a "Bill amendatory of an Act, entitled 'an Act to create a State Hospital in the City of Sacramento,'" which was read first and second times, the Rules being suspended for that purpose, and laid on the table.

Mr. Osgood, agreeably to previous notice, introduced a "Bill relative to the taking and planting of Oysters," which was read first and second times, the Rules being suspended for that purpose, and referred to the Committee on Commerce.

Mr. Baldwin gave notice that he would, on to-morrow or some future day, introduce a "Bill to Incorporate the City of Sonora."

Mr. Hall, agreeably to previous notice, introduced a "Bill to regulate Sheriff's Sales," which was read first and second times, the Rules being suspended for that purpose.

UNFINISHED BUSINESS OF SATURDAY.

The motion to indefinitely postpone the motion to reconsider the vote by which the House indefinitely postponed the testimony, &c., in the matter of impeachment of the Hon. Levi Parsons, Judge of the 4th Judicial District.

Mr. Baldwin withdrew the motion to indefinitely postpone the motion to reconsider.

The question then recurred on the motion to reconsider the vote by which the House indefinitely postponed the testimony, &c, in the matter of impeachment of the Hon. Levi Parsons, Judge of the 4th Judicial District.

Agreed to.

The question then recurred on the motion to indefinitely postpone the testimony, &c., in the matter of impeachment of the Hon. Levi Parsons.

On motion of Mr. Carr, the "Resolution inviting Judge Parsons and Mr. Walker upon the floor of this House," was taken up and adopted.

Mr. Field withdrew the motion to indefinitely postpone the testimony, &c., in the matter of impeachment of the Hon. Levi Parsons.

Mr. Baldwin offered the following:

Resolved, That the charges exhibited by Wm. Walker against Judge Parsons, of the District Court of the 4th Judicial District of this State, and the testimony given in support of the same, shows no ground for the impeachment of Judge Parsons.

On motion of Mr. Bradford, the House resolved itself into Committee of the Whole, Mr. McDougal in the Chair, on the matter of impeachment of Hon. Levi Parsons, Judge of the 4th Judicial District. After some time spent therein, the committee rose, reported progress, and had leave to sit again.

HALF PAST ONE O'CLOCK.

On motion of Mr. Merritt, the House adjourned.

HALF PAST SEVEN O'CLOCK.

House met. Quorum present.

On motion of Mr. Bodley, the House resolved itself into Committee of the Whole, Mr. McDougal in the Chair, on the matter of impeachment of Hon Levi Parsons, Judge of the 4th Judicial District. After some time spent therein, the committee rose, reported progress, and had leave to sit again.

Mr. Bodley, from the Committee on Engrossed Bills, reported as correctly engrossed, "Joint Resolution for the relief of the Sergeant-at-Arms of the Assembly.

TEN MINUTES AFTER TEN O'CLOCK.

On motion of Mr. Bodley, the House adjourned.

HOUSE OF ASSEMBLY.

TUESDAY, *April* 22, 1851.

House met.

The roll was called, and the following members were absent, to wit: Messrs. Bennett, Carr, Field, Hoff, McCorkle, Pico, and Saunders; on leave, Campbell, Murphy, Robinson, and Stearns.

The Journal of yesterday was read and approved.

The Speaker laid before the House an affidavit of Amos Waring, relative the Ferry at Sacramento City, which was referred to the Committee on Commerce.

Mr. Bodley, from the Committee on Engrossed Bills, reported as correctly engrossed, "Bill to fix the Compensation of County Judges and Associate Justices of the Court of Sessions."

Mr. Bodley, from Committee on Claims, to whom was referred the Memorial of D.W. Perley, asking the Legislature to make an appropriation of five hundred and twenty dollars for services rendered to the State reported the same back with a Bill.

"Bill for the Relief of D. W. Perley," was read first and second times, the Rules being suspended for that purpose.

On motion of Mr. Carr, the House resolved itself into Committee of the Whole, Mr. McDougal in the chair, on the matter of impeachment of Hon. Levi Parsons, Judge of the Fourth Judicial District. After some time spent therein, the Committee rose, reported progress, and had leave to sit again.

TEN MINUTES BEFORE TWO O'CLOCK.

On motion of Mr. Merritt, the House adjourned.

HALF PAST SEVEN O'CLOCK.

House met.

Quorum present.

Mr. Baldwin, agreeably to previous notice, introduced "a Bill to Incorporate the City of Sonora," which was read first and second times, the Rules being suspended for that purpose, and referred to the members from Tuolumne County.

Mr. Field gave notice that he would, on to-morrow, introduce a "Bill

to provide for a County Election in the Counties of Nevada, Placer, and Klamath."

On motion of Mr. McCandless, the House resolved itself into Committee of the Whole, Mr. McDougal in the chair, on the matter of impeachment of the Hon. Levi Parsons, Judge of the Fourth Judicial District. After some time spent therein, the committee rose, reported the case, and were discharged.

Mr. Baldwin asked and obtained permission to withdraw the resolution submitted on yesterday, relative to the matter of impeachment of Hon. Levi Parsons.

Mr. Baldwin offered the following:

Resolved, That the testimony read to the Assembly, in the matter of the charges made by William Walker against Hon. Levi Parsons, Judge of the Fourth Judicial District, does not sustain the said charges, or warrant an impeachment in any respect.

Mr. Lind demanded the previous question.

The question then was, "Shall the main question be now put?"

Agreed to.

The question then recurred on the adoption of the resolution.

Mr. Merritt demanded the ayes and nays.

Those who voted in the affirmative were—

Mr. Baldwin	Mr. Lind
Bennett	McDougal
Bodley	Merritt
Brown	Moore
Carr	Osgood
Carnes	Richardson
Cook	Thorne
Field	Wilkins
Lisle	—17.

In the negative were—

Mr. Bradford	Mr. McCorkle
Covarrubias	Randall
Hall	Saunders
Kellogg	Wethered
Kendrick	Yeiser
McCandless	Speaker—12.

Decided in the affirmative.

Mr. Carr moved a reconsideration of the vote just taken.

Mr. Baldwin moved that said motion be indefinitely postponed.

Mr. Covarrubias demanded the ayes and nays.

Those who voted in the affirmative were—

Mr. Baldwin	Mr. Lisle
Bennett	Lind
Bodley	McDougal
Bradford	Merritt
Brown	Moore
Carr	Osgood
Carnes	Richardson
Cook	Thorne
Field	Wilkins—18.

In the negative—

Mr. Covarrubias	Mr. Randall
Hall	Saunders
Kellogg	Wethered
Kendrick	Yeiser
McCandless	Speaker
McCorkle	—11.

Agreed to.

A Message from the Senate was received, informing the Assembly that the President has signed "an Act regulating and prescribing the duty of Pilots for the Ports of Benicia, Sacramento, and Stockton, and for other purposes:"

Also, that the Senate have passed "an Act to amend 'an Act entitled an Act to Incorporate the City of San Diego,'" being a substitute for Assembly Bill, entitled "an Act to repeal 'an Act to Incorporate the City of San Diego:'"

Also, that they have passed Assembly Bill, entitled "an Act to regulate the Interest on Money," with amendments striking out all after the enacting clause, and inserting the contents of the paper herewith transmitted, marked A;

Also, that they have passed, with amendments marked B, Assembly Bill, entitled "an Act to prohibit officers from being interested in certain Contracts;"

Also, that they have passed with amendments, as contained in the paper marked X, herewith transmitted, Assembly Bill, entitled "an Act creating the office of Harbor Master for the Port of San Francisco, and for other purposes;"

Also, with amendments, as contained in the paper marked E, Assembly Bill, entitled "an Act concerning Sheriffs;"

Also, that they have appointed Messrs. Van Buren, Crosby, and Cooke, a Committee of Free Conference on their part, on Bill entitled "an Act to regulate proceedings in Civil Cases in the Courts of Justice in this State."

Senate Bill, entitled "an Act to amend an Act entitled 'an Act to Incorporate the City of San Diego,'" being a substitute for Assembly Bill, entitled "an Act to repeal an Act to incorporate the City of San Diego," was taken up, and laid on the table for the present.

Assembly Bill, entitled "an Act to regulate the Interest on Money," returned from the Senate with an amendment, was taken up, and referred to the Committee of Ways and Means.

Mr. Bradford, from the Joint Committee on Enrolled Bills, reported that they, this day, presented to the Governor for his approval, "an Act supplementary to an Act entitled 'an Act concerning County Recorders, passed March, 1851.'"

"An Act to change the name of Morris A. J. Cullen to Cullen A. Johnson;" "an Act for the relief of Messrs. Moreton, Raveau, and others;" "an Act to exempt vessels Coasting within the limits of this State from paying Pilot Dues;"

Also, that they have examined, and find correctly enrolled, "an Act to Incorporate the City of Benicia."

Assembly Bill, entitled "an Act to prohibit Officers from being interested in Certain Contracts," returned from the Senate with amendments, was laid on the table for the present.

Mr. McCandless moved to adjourn.

Not agreed to.

A message from the Senate was received, informing the Assembly that they have passed Assembly Bill, entitled "an Act to amend 'an Act concerning the Courts of Justice of this State and Judicial officers,'"

with amendments, as contained in the paper accompanying the Message, and marked A;

Also, without amendment, Assembly Bill, entitled "an Act to Incorporate the City of Benicia;"

Also, "an Act herewith transmitted, entitled 'an Act to prevent the destruction of property in the Mines of this State;'"

Also, "an Act herewith transmitted, entitled 'an Act concerning Juries;'"

Also, that the President of the Senate has signed "an Act to change the name of Morris A. J. Cullen to Cullen A. Johnson;" "an Act for the relief of Messrs. Moreton, Raveau, and others;" "an Act to exempt vessels Coasting within the limits of this State from paying Pilot Dues;" "an Act supplementary to an Act entitled 'an Act concerning County Recorders,'" passed March, 1851;

Also, that the Senate have passed Assembly Bill, entitled "an Act to provide for the Construction of a Road from San José to Santa Cruz," with an amendment as marked "I," and affixed to the margin of the Bill;

Also, that they have concurred in the report of the Committee of Conference on the Bill entitled "an Act dividing the State into Counties, and establishing the Seats of Justice therein;"

Also, that they have passed, with amendments, striking out "State Hospital" wherever the words occur in the Bill, and also in the title thereof, and inserting thereafter, "State Marine Hospital;" Assembly "Bill to provide a Revenue for the California State Hospital at San Francisco;"

Also, that they have passed, with amendments, as affixed to the margin of the Bill, and marked Nos. 1 and 2, Assembly Bill entitled "an Act concerning Judges of the Plains (*Jueces del Campo*), and defining their duties;"

Also, that the Senate have concurred in the Assembly's amendment to Senate's "Joint Resolution for the payment of certain Claims arising out of the Gila Expedition;"

Also, that the Governor has notified the Senate that he did, on yesterday, sign "an Act to regulate the Coining of Money by individuals;" "an Act to limit the term of Leases," and a "Joint Resolution in reference to the payment of Claims of those who have heretofore performed Military service for the State of California."

Mr. McCorkle moved to adjourn.

Not agreed to.

Assembly Bill, entitled "an Act to amend an Act entitled 'an Act concerning the Courts of Justice of this State and Judicial officers,'" returned from the Senate with amendments, was taken up, and amendments concurred in.

Assembly Bill, entitled "an Act creating the office of Harbor Master for the Port and Harbor of San Francisco, and for other purposes," returned from the Senate with amendments, was taken up, and referred to the Committee on Commerce.

Assembly Bill, entitled "an Act concerning Sheriffs," returned from the Senate with amendments, was laid on the table.

Senate Bill, entitled "an Act to prevent the destruction of property in the Mines of this State," was laid on the table.

NINE O'CLOCK.

On motion of Mr. McCorkle, the House adjourned.

HOUSE OF ASSEMBLY.

WEDNESDAY, *April 23d*, 1851.

House met.

The roll was called, and the following members were absent, to wit: Messrs. Carnes, Covarrubias, Hoff, Kellogg, Pico, Saunders, and Thorne; on leave, Messrs. Campbell, Murphy, Robinson, and Stearns.

The Journal of yesterday was read and approved.

Mr. Hall, from the Committee on Claims, to whom was referred the Assembly Bill, entitled a "Bill for the relief of the Mayor and Council of Sacramento City," with accompanying documents, reported that they have examined the same, and are satisfied of the justness of the Bill, and the claims of the citizens of Sacramento upon the State for services and money expended in support of the numerous charities required by the destitute emigration to this State.

But your committee, in consideration of the exhausted state of the Treasury, think it inexpedient to give the relief proposed in the Bill at

this time, and recommend the indefinite postponement of the subject, and ask to be discharged from its further consideration.

On motion of Mr. Bigler, the Bill and Report were laid on the table.

Mr. Bigler introduced a "Joint Resolution for the relief of Sacramento City," which was read first and second times, the Rules being suspended for that purpose.

On motion of Mr. Bigler, the Rules were suspended, the Joint Resolution considered as engrossed, and read a third time.

The question then was, "Shall the Joint Resolution pass?"

Decided in the affirmative.

Mr. Carr, from the Committee on Commerce, to whom was referred Bill entitled "an Act relative to the taking and planting of Oysters," reported the same back with amendments, and recommended its passage as amended.

The question then recurred on adopting the amendments.

Adopted.

The Bill was then considered as engrossed, and read a third time.

The question then was, "Shall the Bill pass?"

Decided in the affirmative.

Mr. Bradford, from the Committee on Enrolled Bills, reported that they have examined and find correctly enrolled, "an Act to amend 'an Act concerning the Courts of Justice of this State and Judicial Officers.'"

Mr. Brown offered the following:

Resolved (if the Senate concur), That the two Houses will meet in Convention, in the Assembly Hall, on to-morrow, the 24th instant, at one o'clock, for the purpose of electing an Adjutant General to hold office during the unexpired term ending on the first day of January, A.D. 1854.

Adopted.

Mr. Carr, from the Committee of Free Conference on "Bill to regulate proceedings in Civil Cases in the Courts of Justice in this State," reported the Bill with amendments.

Report adopted.

Mr. Bradford offered the following:

Resolved, That the Committee on Enrolled Bills be authorized to employ such additional Clerks as in their opinion will become necessary

in the performance of the duties fast accumulating in the hands of the Enrolling Clerk.

Adopted.

Mr. McCandless, on leave, introduced a "Bill for an Act in relation to Flour and Meal," which was read first and second times, the Rules being suspended for that purpose.

Mr. Moore moved that the Bill be printed.

Not agreed to. .

Mr. Lisle moved to refer the Bill to a Select Committee.

Not agreed to.

On motion of Mr. Saunders, the Bill was ordered printed.

On motion of Mr. Bodley, the vote was reconsidered by which the House adopted the Concurrent Resolution fixing to-morrow to go into election for Adjutant-General.

The question then recurred on adopting the Resolution.

Adopted.

"Bill concerning Judges of the Plains, and defining their duties," returned from the Senate with amendments, was taken up, and amendments concurred in.

Mr. Thorne, on leave, introduced a "Bill in relation to the City of San Francisco," which was read first and second times, the Rules being suspended for that purpose, and referred to a Select Committee, consisting of Messrs. Wethered, Lisle, Thorne, Richardson, and Wilkins.

Mr. Hall offered the following:

Resolved, That after Monday next, no new Bills shall be introduced into this House, where notice has not been already given.

Adopted.

Mr. Randall, from the committee to whom was referred the memorial of Andrew J. Yates and others, in relation to the Spanish Archives now in custody of the County Clerk and County Recorder of the County of Monterey, submitted the following

REPORT:

MR. SPEAKER:

The committee to whom was referred the memorial of Andrew J. Yates and others, in relation to the Spanish Archives now in custody of the County Clerk and County Recorder of the County of Monterey, beg leave to report, that they have ascertained, from attentive information, that a large and volumnious amount of Spanish Archives, many of

which are of a most important character, involving the titles to lands and other property, and exceeding in quantity those now in possession of officers of the United States Government at Benicia, are at present in charge of the above named officers in Monterey. That said Archives consist of Records of the Custom House at Monterey, during the Mexican and Departamental Government of California, documents pertaining to the Military Commandary, Missions, Pueblos, private land titles in various parts of the State, denouncements of mines, proceedings had, and judgments rendered in Courts of Justice, and grants of lots in the Town of Monterey. Some of these documents constitute a part of the Records of the Recorder's office in said County, but many of them belong properly to the Government of the United States, or to the Government of this State; and it is important to a large portion of the holders of the lands of this State, under Mexican titles, that such portion of them as belong to the State should be placed in some accessible office, for reference, and under such regulations as may enable the parties interested to obtain authenticated evidence of their rights.

Your committee are informed that these Archives have been carelessly removed from place to place—that they are in a state of great confusion —that many of them have been lost or destroyed, and that it is impracticable to refer to them in their present confused condition for any information or practical purpose; that they not only have no indexes or order, but that all of them have been so mingled together, that a search among them for any particular purpose is a work of months—that it would require the undivided attention of a person well acquainted with the Spanish language for a period of two or three months to examine and classify them, and prepare suitable indexes for reference, to render them available and useful; and that the accomplishment of such a work would greatly contribute to the speedy adjustment of the titles to lands in this state, and your committee therefore recommend the adoption of the following bill.

"Bill concerning the Archives remaining in Monterey County," was read first and second times, the Rules being suspended for that purpose, and with the Report, ordered printed.

On motion of Mr. Lisle, the House resolved itself into Committee of the Whole, Mr. Lind in the Chair, on "Bill to authorize the Court of Sessions of Sacramento County to Fund the Debt of said County."

After sometime spent therein, the committee rose, reported the Bill, and were discharged.

On motion of Mr. Lisle, the Bill was considered as engrossed, and read a third time.

By common consent the Bill was amended, by striking out the words "three per cent.," whenever they occur, and inserting the words "two per cent."

The question was, "Shall the Bill pass?"

Decided in the affirmative.

A Message from the Governor was received, informing the Assembly that he did, on yesterday, sign the following Bills, severally entitled, "an Act to exempt vessels Coasting within the Limits of this State from paying Pilot Dues;" "an Act providing for the Disposition of Certain Property;" "an Act to amend section 501 of the Act entitled 'an Act to regulate proceedings in Criminal Cases," passed April 20, 1851, and "an Act to exempt the Homestead and other property from Forced Sale in Certain Cases," also "a Joint Resolution relative to the per diem pay and mileage of witnesses in the cases of Judges Parsons and Turner."

On motion of Mr. Moore, the House resolved itself into Committee of the Whole, Mr. Bodley in the Chair, on "Bill to create a State Hospital in the City of Stockton;" after some time spent therein, the Committee rose, reported progress, and were discharged.

On motion of Mr. McDougal, the Bill was referred to a Select Committee, consisting of Messrs. McDougal, Lind, Moore, Lisle, Merritt, and Baldwin, with instructions to report to-morrow.

On motion of Mr. Kendrick, the House resolved itself into Committee of the Whole, Mr. McCandless in Chair, on "Bill to amend an Act entitled 'an Act creating and regulating Public Ferries, passed March 18, 1850;'" after some time spent therein, the Committee rose, reported progress and were discharged.

The amendment made in Committee of the Whole was concurred in.

On motion of Mr. Lisle, the Bill was considered as engrossed, and read a third time.

The question then was, "Shall the Bill pass?"

Decided in the affirmative.

Mr. Baldwin, from the Committee to whom was referred "Bill to Incorporate the city of Sonora," reported the same back without amendment, and recommended its passage.

On motion of Mr. Baldwin, the Bill was considered as engrossed, and read a third time.

The question then was, "Shall the Bill pass?"

Decided in the affirmative.

Mr. Carr, on leave, introduced a Bill amendatory of "an Act to reincorporate the City of San Francisco, approved April 15, 1851," which was read first and second times, the Rules being suspended for that purpose.

On motion of Mr. Wethered, the Rules were suspended, the Bill considered as engrossed, and read a third time.

The question then was, "Shall the Bill pass?"

Decided in the affirmative.

On motion of Mr. Baldwin, the House resolved itself into Committee of the Whole, Mr. Wilkins in the Chair, on "Bill creating the office of Superintendent of Public Buildings and Property, and defining the duties of that office;" after some time spent therein, the Committee rose reported progress, and were discharged.

Amendment made in Committee of the Whole was then concurred in.

On motion of Mr. Carr, the first blank in the 4th Section was filled with the word "three;" also, the second blank with the word "eight."

On motion of Mr. Kellogg, the Bill was considered as engrossed, and read a third time.

The question then was, "Shall the Bill pass?"

Mr. Bodley demanded the ayes and nays.

Those who voted in the affirmative were—

Mr. Baldwin	Mr. Lind
Bennett	McCorkle
Brown	McDougal
Carr	Merritt
Carnes	Moore
Cook	Richardson
Covarrubias	Saunders
Hall	Wethered
Kellogg	Wilkins
Kendrick	Yeiser
Lisle	Speaker—22.

In the negative—

Mr. Bodley Mr. Randall—2.

Decided in the affirmative.

Mr. Bodley, from the Committee on Engrossed Bills, reported as correctly engrossed "Bill amendatory of 'an Act to reincorporate the City of San Francisco, approved April 15, 1851.'"

Mr. Carr, from the Committee of Conference on Senate Bill, entitled, "an Act to amend 'an Act concerning Licenses,'" reported that they have agreed to Assembly's amendments.

Report adopted.

Mr. Carr, from the Committee to whom was referred Assembly Bill No. 20, entitled "an Act creating the office of Harbor Master for the Port and Harbor of San Francisco, and for other purposes," with Senate's amendments, having had the same under consideration, recommend the following amendments to the Senate amendments:

Section 4th of Senate amendments, in fourth line after the words "contending parties," insert, "and his decision shall be final;" in the 6th line strike out the word "arbitration," and insert "umpire;" also, that the House non-concur in the amendments made by the Senate in the following Sections, viz: Sections 2, 5, 8, 10, 11, 15, 17, and 19; also, Section 12, except the last amendment to said Section (to strike out $1,000, and insert $800); also, reject the new Section adopted by the Senate, to come in after Section 20.

The Committee recommend the adoption of all other amendments made by the Senate.

The question recurred on adopting the Report.

Adopted.

On motion of Mr. Lisle, Bill entitled "an Act amendatory of an Act entitled 'an Act to create a State Hospital in the City of Sacramento,'" was taken up.

Mr. Hall moved to amend the Bill by inserting as the 3d Section—

Section 3d. The 9th Section of the Act, entitled "an Act to create a State Hospital in the City of Sacremento," which reads as follows: "There shall also be elected, in the same manner, a Visiting Physician, who shall be a regular graduate in medicine, and who shall have practized his profession for at least five years from the date of his diploma; he shall visit said Hospital at least once every day, unless prevented by

sickness or other such lawful hinderance; he shall have charge of the wards, and shall prescribe for the sick therein, and shall keep records of all prescriptions, and shall have a salary not exceeding five thousand dollars per annum, to be paid quarterly, out of the Sacramento State Hospital Fund," shall be amended by adding thereto, "and there shall also be elected, in like manner, that is by the Legislature, every two years, another Visiting Physician, whose qualifications, duties, term of office (two years), and compensation, shall be the same, in all respects, as are prescribed or provided in reference to the Visiting Physician, provided for in the first part of this Section, but he shall render no service, and shall receive no salary until the Trustees shall decide that his services are necessary to the wants of the Institution, and until they shall have notified him to that effect.

Mr. Wethered moved to lay the amendment on the table.

Not agreed to.

The question then recurred on adopting the amendment.

Not agreed to.

On motion of Mr. Bodley, the Bill was considered as engrossed, and read a third time.

The question then was, "Shall the Bill pass?"

Decided in the affirmative.

Mr. McCandless moved to adjourn.

Not agreed to.

Senate Bill entitled "an Act to amend an Act, entitled 'an Act to Incorporate the City of San Diego,'" being a substitute for Assembly "Bill to repeal an Act to Incorporate the City of San Diego," was taken up.

On motion of Mr. Cook, the House refused to concur in Senate's substitute.

"Bill to provide for the Construction of a Road from San José to Santa Cruz," returned from the Senate with an amendment, was taken up, and amendment concurred in.

HALF PAST ONE O'CLOCK.

On motion of Mr. Wethered, the House adjourned.

HALF PAST SEVEN O'CLOCK.

House met.

No quorum present.

On motion of Mr. Cook, a call of the House was ordered, and the following members were absent, to wit: Messrs. Baldwin, Bodley, Brown, Carnes, Covarrubias, Hall, Hoff, Kendrick, Lind, McCandless, Osgood, Pico, and Saunders.

On motion of Mr. Wethered, the Sergeant-at-Arms was dispatched after absentees.

Mr. Carnes made his appearance, when,

On motion of Mr. Merritt, further proceedings under the call of the House was suspended.

Mr. Merritt, on leave, introduced a "Bill relative to the District Court of the Fourth Judicial District," which was read first and second times, the Rules being suspended for that purpose.

On motion of Mr. Carr, the Rules were suspended, the Bill considered as engrossed, and read a third time.

The question then was, "Shall the Bill pass?"

Decided in the affirmative.

The Speaker laid before the House the following communication from Lorenzo Hubbard:

To the Honorable the Assembly
of the State of California:

The Committee appointed by your Honorable Body to investigate the affairs of the State Marine Hospital, have in their report reflected most unjustly on me, as the Resident Physician of that Institution; and to correct the false impression which that report must inevitably produce on the public mind, I beg leave to make an answer to the same, and ask that the answer may be printed together with said report.

The committee commence their report by saying, "that from the books of the Institution it appears that $8,446 33 has been received by the Resident Physician entirely contrary to law, and disbursed by him at pleasure, though the bills covering the same have been subsequently submitted to and approved by the Board of Health."

It would appear from the above, that the money referred to had at *least* been improperly collected and disbursed by me. If the committee had taken the trouble to have informed themselves as to the reason why this money was collected by me, and under whose direction it was collected and disbursed, there would have been no necessity of referring to

the subject in a way that may reflect censure on any one. The money was collected, as stated in the report, from pay patients and others, by me. The reason for this was, that my office was at the Hospital, where the patients always applied for admission, and the Health Commissioners' Office was at the foot of Jackson street, some distance from the Institution. It was received under the direction of the Board of Health, and all money thus received and disbursed was reported to them weekly by me. When money had been paid out, receipted bills were furnished covering it, which, after being approved by the Board, were ordered to be put to my account on the Health Commissioners' books, and the money received at the Hospital charged to me. It was always understood that I was ready to pay over any money collected by me without reference to what had been disbursed, although generally the balances were largely in my favor. The necessity of an immediate payment of some bills could not be avoided. The law provides that no bill shall be paid until first approved by the Board of Health. If this course had been strictly adhered to, the Institution could not have been kept in existence. The Board met but once a week, and not always as often as that; consequently no bill could be paid when contracted for. At the opening of the Institution, it is well known that it had no money, and what was still worse, it had no credit; consequently bills could not remain until the Board acted on them, but some one who had credit must become responsible, or pay the money. I chose to pay from my own funds, notwithstanding the treasury was empty, and there was no certainty when the Board would be able to return it. *I repeat that money was never received at the Hospital fast enough to pay the demands necessarily created there; consequently the Institution was most of the time in debt to me for money advanced.*

The committee also say, "that the accounts which he (the Resident Physician) has kept are also in extreme disorder, and no satisfactory arrangement or balances have been derived from them," &c. It will be seen from the accompanying documents, that the books of the Hospital (except my cash book) were kept by persons employed by the Board of Health, and no one could be responsible for the manner in which they were kept, except the Health Commissioner, whose duty it was by law to keep the books of the Institution. Very little of the money collected came into my hands at all; it was paid directly to the Health Commissioner, as was the case with moneys received from the Col-

lector; also Mr. Lount's bill (which was over $400), Samuel J. Clark, Mr. Satterlee, and others. Had the committee compared the weekly reports made by me with my cash book, they would have had no difficulty in adjusting "*balances*," so far as my accounts were concerned. I will add, in this connexion, that the committee did not deem proper to seek any explanation from me, and had no interview with me on the subject.

The committee also say, that "the account he (the Resident Physician) has rendered of the effects of deceased persons, are also unsatisfactory, and grave charges are made against him conclusive in that respect," &c. How conclusive, and by whom made, or how sustained, and how grave, will appear from letters and affidavits herewith submitted. Effects of persons dying at the Hospital, which were not claimed by friends, were sold from time to time by direction of the Board of Health, and the avails added to the funds of the Institution. All moneys deposited with me by patients in the Hospital were returned to them when they left; and when patients died leaving money in my hands, the fact was reported to the Board of Health, as the books of the Institution will show. When money was received I gave my personal receipt for it, and entered it on a book kept for that purpose; and when money was found on patients who had died, and which came into my hands, it was entered on the cash book, and reported to the Board at the end of the week. I shall speak more particularly on this subject when reviewing the affidavits accompanying the committee's report.

The committee also say, "that he (the Resident Physician) has employed, at times, improper person as his assistants, who have been charged with dishonesty and neglect of duty." I am not aware that I have ever had with me but one assistant who has been charged with dishonesty, and he was employed by the Board of Health, and was recommended to them by members of the last Legislature. He was not suspected of dishonesty until he had succeeded in getting his baggage on board a ship in the harbor, and made his escape by secreting himself and getting on board the vessel below the Presidio, out of the County of San Francisco, as she left the bay. A person who had been engaged as Hospital Steward made his escape at the same time, and under similar circumstances. Both of these persons were employed against my desire, and on the suggestion of other members of the Board. A Mr. Wilhams, who took the place of the Hospital Steward, and a Mr. Woodman, who

had been employed as Cook for a time, left soon after, and the accompanying affidavits will show under what circumstances. Affidavits of these facts were furnished the committee, but for some reason they have not deemed it proper to use them.

The committee state further, "that the patients in the Hospital seem generally to have been comfortable; no complaints have appeared amongst them, except a want of medical attendance, arising from the neglect of the Resident Physician to discharge the appropriate duties of a Physician, by visiting and prescribing for the sick of the institution," &c.

It will appear by the accompanying letters and affidavits, that my duties in the State Marine Hospital were not only "*appropriately*," but fully discharged, and that the institution, for its usefulness, owed every thing to my management and exertions—other members of the Commission visiting the Hospital but seldom, if ever, although the law makes it the imperative duty of the "*Health Commissioner to assist the Resident Physician in the performance of his duties.*"

Again, the committee say: "It is found that at times when most crowded, persons in health have been received by the Resident Physician, supplied with rooms, and all the conveniences of the establishment, while the sick were placed in the halls and kitchen, and even in the cellar. This was the case while the wife of Mr. Thomas Hyer, the pugilist, the family of Mr. Lount, and others, were occupying rooms in the Hospital, at the same time also a house rented by the Resident Physician for the reception of the sick."

The accompanying affidavits will show the incorrectness of this statement. I will remark, however, that persons in health were never admitted into the Hospital and furnished with rooms which could reasonably be used for hospital purposes. The rooms occupied by Mr. Hyer and wife, and by Mr. Lount and wife, were so situated that they could not be used for ordinary hospital purposes. They were small, and would have contained comfortably no more than two persons each. These rooms rented for fifty dollars each per month, and the separate house referred to above cost but $100 per month, and was sufficiently large to accommodate twelve persons. But it should be remembered that if their was a fault in thus using the rooms, I was not alone responsible, inasmuch as the rooms in the Hospital and the house were rented by and with the advice of other members of the Board.

The committee further say that "a woman was found in the Hospital

called a Matron, hired at an expense of $200 per month, employed by the Resident Physician without the consent of the Health Commissioner, whose duty it was to do nothing, and who had the reputation of doing only her duty."

The committee seem to have forgotten that the Health Commissioner was but *one* member of the Board of Health, and to have performed their duty solely for the purpose of healing the feelings of the Health Commissioner, lacerated by the employment of Mrs. Masters, the person referred to, while he was absent, or by some other cause. In justice to Mrs. Masters, I must say that she *deserves and receives the respect* of all who know her, the opinion of the committee expressed so ungallantly to the contrary notwithstanding. The lady in question was employed in the double capacity of Matron and Stewardess of the Hospital, with the *consent* and by the *advice* of a majority of the Board of Health. The Health Commissioner, however, naturally enough, could know nothing of the matter, as he was, as it is believed, in the mines at the time.

Thus much for the Report—Do the affidavits sustain it?

Mr. Coulter swears, that "he has known persons to die 'in the Hospital leaving money, watches, clothing,'" &c. The books of the Institution also show this fact, and account for their disposition. He also swears that Mr. Wainwright told him he had money deposited with Doct. Hubbard. Mr. Wainwright, who came to California with me, was sick a long time before entering the Hospital, and *before entering* deposited with me funds; the Public Administrator demanded an account of his effects soon after his death, charging me to hold in my hands all money or property I might have in my possession belonging to Mr. Wainwright, subject to his order, as his note to me which is hereto appended will show. Mr. W. was a pay patient, and of course the Public Aministrator had a right to administer on his effects. In this mattter the Board of Health have no interest. I am ready at all times to account to the proper parties.

Coulter also sweats, that he has assisted in washing a female patient, &c. It may be well to remark here, that this was the first female ever admitted into the Hospital, and so utterly helpless as to require ablutions by the nurses, such as is spoken of by Mr. Coulter, and it had never been deemed expedient on account of means to keep a female nurse expressly to attend the few females who might be sent to the Hospital. The Institution being what its name purports, a Marine Hospital, it was

supposed in organizing it, that as females were never connected with the marine of the country, that it was unnecessary to provide for such contingency.

Mr. Maynard in his affidavit says: "that he has known three persons to board at the Hospital who were not patients. no money has ever been entered on the books. but was told by Doct. Hubbard to enter $61 to the credit of Mr. Williams, who was one of the boarders." Had the Committee examined the books of the Health Commissioner, they could easily have satisfied themselves that the sixty-one dollars had been properly accounted for, and also that Mr. Lount, another boarder, previous to the examination of the Committee, settled his account at the Board of Health, which amounted to over *four hundred* dollars.

Mr. Maynard also says, "he had in his hands a gold watch, and chain, and ring, belonging to Mr. Patterson—the watch and chain he left at the Health Office; dont know what became of the ring." When the Hospital laws were repealed and Trustees appointed to take charge of the Hospital property, everything to which a value could be attached was picked up and put into their hands, and among a lot of trinkets, pocket-books, jack-knives, and papers, is a ring, the same, I presume, referred to by Mr. Maynard.

He further says, "that $154 was left by Antonio, a Frenchman, more than his indebtedness to the Institution." In the books of the Institution before the Committee, there appears an account of cash deposited with me by persons entering the Hospital, Antonio's together with a number of other unsettled accounts, for the whole of which my receipts were held by the persons who deposited the money. These moneys were always returned as has been mentioned before, on the return of the receipt, and it was well known that I was prepared to hand the money over to any parties legally authorized to receive it. No final settlement with the Board of Health having been at that time effected, and even now the accounts of the Institution are not fully adjusted, a large amount remaining due to me.

Maynard "has also known Doct. Hubbard to sell to the Hospital tin ware to the amount of about $60." No tin ware was ever sold the Hospital except it was needed, and then at a less sum than it could have been bought at the shops. The Hospital Steward or Cook made inquiries, and made out the bills.

He also says, "the watch and chain left by Mr. Rogers was delivered

to Doct. Hubbard." The accompanying receipt for Mr. Rogers' watch and chain, will show that it was delivered to friends who claimed them according to law. This fact was also sworn to by Mr. Coulter, so it is clear the committee knew that a proper disposition had been made of them, still for some unaccountable reason they chose to record Mr. Maynard's evidence in such a way in regard to it, as to make it appear that the watch had not been accounted for by me.

Thomas Carrigan, another witness, "once received fifty dollars from a man, &c., he has taken from corpses from $5 to $20, which he gave to the Steward for Doct. Hubbard"—no evidence that it *ever came* to my hands. The books of the Institution show, what money and how much was delivered to me, and the date of its receipt, and who it was received from.

He says further, "that Doct. Hubbard has paid him only $325, the Hospital owed him $525." If the committee had carefully performed their duty, they would have discovered from the books that the Board of Health had passed a resolution directing the Health Commissioner to pay to Mr. Carrigan the difference between $325 and $525, and that it had not been paid.

Mr. Thompson, another witness, "saw the watch, ring, and chain delivered to Dr. H.; saw the watch of Mr. Rogers delivered to Mr. Maynard," This part of Mr. T's. testimony has already been disposed of. He also says, "a man by the name of Thompson died in the Hospital, who had 3 lbs. of gold dust in town; after his death Doct. P. Hubbard and Williams, the Superintendent, went down town and got this dust —he heard Williams say so, and that it was delivered to Doct. P. Hubbard"

The accompanying affidavits show that Mr. *Maynard* and Williams obtained the dust spoken of by Mr. Thompson. That Mr. Maynard had it weighed—that he delivered to me dust to the amount of six hundred dollars, which was entered on the books of the Institution. The committee could also have ascertained from the books that this money was afterwards deposited in the State Treasurer's office, by the Board of Health as they were by law required to do.

He also says "that Mr. McKenzie died there, leaving $157, which he saw deliverered to Dr. P. Hubbard." It will appear, from the accompanying affidavits, that Mr. McKenzie's money was delivered to Mr. *Maynard* in my absence. Mr. McKenzie was a pay-patient, and the books

kept by Mr. Maynard ought to show what disposition he made of it. The committee might have observed without a very critical examination of the books of the Board of Health that this money was accounted for.

The patient mentioned by Mr. Thompson, who said his valise had been robbed, remained in the Hospital but one or two days. I never saw his valise until it was reported he had been robbed. On inquiry I found that when he entered the Hospital he said he had no money with him, but when he was ready to leave, and his valise brought him, he said he had been robbed. I at once sent for an officer, and had Mr. Williams (who had charge of the valise) and others searched. This matter is fully explained in one of the affidavits attached.

Mr. John Kemmel's testimony relates to Mr. Patterson's watch and chain, and nothing else; this matter has been sufficiently explained, and had been to the committee, as I am prepared to prove, before they received his testimony.

Charles G. Woodman, in his affidavit, speaks of a man who *he* says died from the effects of chloroform administered before the amputation of a leg. The Committee were furnished with affidavits relating to this case, which fully explain all the circumstances attending it. They saw fit to withhold them, and they have them now in their hands.

The coffins referred to by Mr. Woodman were not purchased by the Board of Health, and they never had anything to do with them. A communication from Mr. Gray on this subject, which is herewith transmitted, will be satisfactory on this point.

Mr. Woodman also says, that the superintendent of the Brig was allowed to purchase provisions, &c.; neither Mr. Hoag (the person referred to) nor Mr. Woodman, were allowed to purchase provisions without first receiving orders to do so. How far his statement is correct in this respect will appear from Mr. Hoag's affidavit, which is hereto appended, which will also explain how many *wash-houses* were built from lumber purchased for the Brig.

As I have before stated, the Hospital and the Board of Health were, in its early history, without money or credit, and as an expedient to get means for the payment of bills necessarily incurred, and which had to be paid before we could receive money in the due course of business, the Board deemed it expedient to rent certain rooms in the Hospital buildings to transient persons. Unless such a course had been adopted, we should have been unable to get on. I transmit herewith a copy of a

communication made by me to the Governor on the 15th Sept. last on this subject.

It will readily be observed that the *Report made by the Committee, and the conclusion to which they arrived, are not warranted by or sustained by the affidavits.*

In conclusion I beg leave to say, that had the Committee deemed it proper to call upon me in the course of their examination, much that they have stated in their report might have been omitted, and they would have saved themselves much trouble, and I would have been saved the necessity of defending myself against charges so unjustly made, and so illy sustained.

LORENZO HUBBARD,
Resident Physician of the State Marine Hospital.

SAN FRANCISCO, *April* 21, 1850.

CITY AND COUNTY OF SAN FRANCISCO, *ss.*

William Monroe, being duly sworn, deposes and says, that he was employed at the State Marine Hospital, in the capacity of carpenter, from the first of July, 1850, until discharged by the Trustees on the first day of April, 1851. That patients were never put in the kitchen or cellar; that a comfortable room was done off in the basement which was always kept warm from the stove in the kitchen, and in which patients were cared for as well as in other wards in the Institution. That Mr. Woodman, the former Cook, was discharged, as it was said at the time, and as he believes, for purloining money from the baggage of patients who were confined in the Hospital. Said Woodman kept the keys of the store-room until detected as above and discharged. That Dr. Hubbard was very particular in regard to the character of the attendants and servants about the establishment, and he was in the habit of inspecting personally every department almost daily, and always discharged servants and attendants immediately on detecting them in dishonesty. That it was always remarked that Dr. Hubbard was exceedingly particular in enforcing the punctual observance of the rules and regulations of the Institution, and he was always at his post, and devoted his whole time to its interest. That deponent was called upon to testify before the Committee appointed by the Legislature to examine the affairs of the State Marine Hospital three several times. That they appeared dissat-

isfied and disappointed because he could not say anything prejudicial to Dr. Hubbard, as they appeared to desire evidence against him and nothing in his favor, and consequently did not take his affidavit. That Dr. Hubbard superintended the repairs on the Brig Bee, as well as all other repairs of the Hospital; he also prescribed regularly for patients at the Brig, until an assistant was employed there, after which he visited the Brig three or four times a week. Has never heard it said that Dr. Hubbard took a per centage from servants.

William Munro.

Sworn and subscribed before me, this 19th day of April, 1851.

William G. Wood,
Notary Public San Francisco Co.

County of San Francisco, *ss.*

Paul Hubbard, of the City of San Francisco, being sworn, says:—That he is a Physician, and has been employed as an Assistant at the Marine Hospital, from November, 1849, until the time when the Superior Court of the City of San Francisco appointed John W. Geary and John F. Thorp Trustees, to take charge of same. That it was his duty and he did once in each day visit every patient confined in said Hospital, and prescribe for them, and when patients were very ill, several times each day. And deponent further says that he has read the report of Messrs. Thorne, Randall, and Cook, a committee appointed by the Assembly to inquire into the management of the Hospital, and also read the affidavits of certain persons appended thereto. That the statements made in relation to the occupation of rooms in the Hospital by boarders, to the exclusion of patients, is untrue; the rooms occupied by such boarders being rooms in which patients have never been kept, except in one instance, and then only when there was no necessity of placing patients in such room; in this instance the room was occupied by Mr. Lount and his wife, who paid over four hundred dollars to the Board of Health for his accommodation at the Hospital. And deponent further saith, that in relation to the three pounds of gold dust stated in the affidavit of John Thompson, as having been received by deponent and a Mr. Williams, the facts are as follows: After the death of a patient named Thompson, Mr. Maynard, whose affidavit is also appended to said report, accompanied by Mr. Williams, obtained from a boarding

house in the city said dust, and brought same to the Hospital, and it was weighed by said Maynard by direction of Dr. Lorenzo Hubbard and was said to amount to $600—deponent says he had nothing to do with the transaction. The patient McKenzie died while the Resident Physician was absent, and left about $150 as is said, but according to deponent's recollection, about $100, which was delivered by deponent to Mr. Maynard; whether Maynard ever accounted for same, deponent does not know. In relation to the money supposed to be missing from the valise, spoken of in Thompson's affidavit, it was the practice to inquire of patients when they arrive at the Hospital, whether they have money with them; if they have, they are required to hand same over to the Assistant Physician if he be present, and if not to the Hospital Steward, for the purpose of having it placed in a place of safety; in this instance the patient denied having any, and on his leaving the Hospital declared he had been robbed. That the Resident Physician thereupon procured an officer, and caused everybody about the establishment to be examined and no money was found, and it was then the impression of deponent that said patient had not lost any money. And deponent further saith, that a room was fitted up in the basement of the building for the accommodation of patients, which was as comfortable as any in the Hospital, and he supposes that that is what is referred to in one of the affidavits as putting patients in the cellar and the kitchen. And deponent further saith, that Matilda Masters has been employed in said Hospital as Matron and Stewardess, having charge of all the bedding and linen, and in making up and keeping accounts of supplies, and that she is still employed by the Trustees. And deponent further saith, that in all cases of importance arising in the Hospital, he consulted with the Resident Physician on the same. And that said Resident Physician had and exercised a general supervision over the entire establishment, including the Hospital Brig.

PAUL HUBBARD, M. D.

Subscribed and sworn to, this 19th of April, 1851, before me,

WILLIAM G. WOOD, Notary Public,
San Francisco County.

And deponent Paul Hubbard, further saith, that the watch and chain of Mr. Patterson, spoken of in the affidavits of Maynard and Coulter,

were handed to the Board of Health; and the watch and chain of Mr. Rogers, also spoken of in said affidavits, were given to the friends of said Rogers after his death.

PAUL HUBBARD, M. D.

Sworn and subscribed before me, this 19th April, 1851.

WILLIAM G. WOOD, Notary Public,
San Francisco County.

CITY AND COUNTY OF SAN FRANCISCO, *ss.*

Peter Hoag, of said city, being duly sworn, says;—That he was employed by the Board of Health to put the covering on the Brig Bee, known as the Hospital Brig, and that he had charge of the same after said Brig was so covered, and of the patients therein, until about the first of October last. That while he was so engaged, and before any patients were put into said Brig, he purchased provisions, amounting to about fiteen or twenty dollars, and afterwards he received supplies from the Hospital; and that deponent never purchased any supplies for said Brig, or the patients therein, other than as above stated; and that the statement on this subject contained in the affidavit of Charles G. Woodman, appended to the report of the Committee of the Legislature, is untrue. And deponent further saith, that none of the lumber bought for the purpose of altering said Brig was used for the purpose of building a wash-house, or any other house, by deponent or by any other person to his knowledge. And deponent further saith, that he was informed by one Williams, who was connected with the Hospital as Steward, and by others, at the time said Woodman was discharged from his service at the Hospital, that he was discharged for stealing money from the patients.

PETER HOAG.

Subscribed and sworn to before me, this 19th day of April, 1851.

WILLIAM G. WOOD, Notary Public,
San Francisco County.

SAN FRANCISCO, *April* 21*st*, 1851.

DOCTOR LORENZO HUBBARD:

DEAR SIR: It affords me pleasure to reply to your letter of the 17th instant, in relation to the management of State Marine Hospital, and the medical treatment of the sick placed under your care.

From the organization of the Hospital to its close, I have been in the habit frequently of visiting that Institution, as well as placing patients there from time to time.

My opinion of the advantages to them of your Hospital was such, that I never hesitated to recommend it, in preference to any other in the city, from the fact that I have confidence in the medieal attendance, nursing, diet, quality of medicines, and all other appliances that makes a medical institution of value to the sick.

Having been Health Commissioner of the State of New York for six years, and appointed by the Common Council of the City of New York one of the Medical Board of the Bellevue Hospital at that place, therefore my opportunities of judging of the merits of such institutions has not been limited, and I consequently should not have recommended my friends and patients to the Marine Hospital, without first having satisfied myself that every care and attention would be paid them by yourself and those under you.

With respect,

S. R. HARRIS, M. D.

CITY HOSPITAL,
SAN FRANCISCO, *April* 19*th*, 1851.

DEAR DOCTOR:

In reply to your note of yesterday, I am happy to state that during the three months of my connexion with the State Marine Hospital, being from the 8th September to the 8th December ult., inclusive, I saw no ground whatever for the many injurious statements which have recently appeared against you.

"What your duties as Resident Physician were," is not for me to say. The duties you performed were mainly these: During the early part of the morning whilst I was engaged in visiting the various wards —unless, as was often the case, you accompanied me—you employed yourself in the office examining and admitting patients, and prescribing or others, who were entitled to come to the Hospital for such purpose.

Having completed my morning round, it was your custom to talk over with me the nature of my treatment, and if there were critical cases, to return at once to the wards with me, to advise me relative to their management. Such cases, and others, it was your custom to visit from time to time throughout the day, with or without myself. As soon as I could relieve you from your duties in the office, it was your custom to visit outside patients, who were entitled to the benefits of the Hospital. Until the employment of Dr. Lamar, you took upon yourself the entire charge of the Brig, and afterwards, I believe, consulted with him. You superintended the alteration of the Brig into an Hospital, and also such other alterations and repairs as were from time to time necessary about the main building. During this period, with the exception of a few days, there was neither Steward nor Matron connected with the establishment, and the supplies for the Hospital and Brig were chiefly, I believe, purchased by yourself.

These duties, not omitting the no inconsiderable one of entertaining visitors to the Hospital, and answering the questions of anxious friends, allowed you little leisure, save occasionally for an hour or two in the morning.

Very truly,
Your ob't. serv't.,
EDW. R. CHAPIN,
Late Ass't. Physician to S. Marine Hospital.

To LORENZO HUBBARD, M.D.

SAN FRANCISCO, *April 19th*, 1851.

DR. LORENZO HUBBARD:

DEAR SIR: In answer to your note of the 18th inst., desiring me to state my opinion in regard to the management of the State Marine Hospital, you supposing me as an occasional visitor there, to be also an observer, I hasten to reply; and I do so most cheerfully, as I cannot but testify to your ability in conducting that Institution. I have noticed particularly, in the Hospital in your charge, those qualities (so desirable and so indispensable) which distinguish all those institutions, when they are properly conducted: I mean order, cleanliness, and quiet. As to your ability, or that of your assistant, to treat the patients committed to your charge scientifically and with skill, I can say, that to doubt it

is so preposterous, that it seems to me hardly necessary to make any allusion to it on this occasion.

I have the honor to remain,

Your obedient servant,

F. P. WIERZBICSKI, M.D.

SAN FRANCISCO, *April 17th*, 1851.

DEAR SIR: Your note of this morning is now before me. In relation to the coffins alluded to in that note, I answer: First, that the transaction was a regular business and honorable transaction. Second, That I believe I received the whole invoice. Third, I believed this, first from my knowledge of the shipment in New York, and secondly, from an inspection of the invoice here when in the hands of the consignee here.

The same lot of coffins were offered to me, and I made the consignee an offer for them. They could not have been in your hands more than three or four days at farthest before I purchased them of you, at a small advance upon the offer I made the consignee, and upon the condition that they might remain in the Hospital yard a short time, as I had no place to store them. They were then in boxes, and not at all exposed to the view of any one.

I do not remember that you told me that you had offered them to the Board of Health, but I do remember that you said that you wanted to get them out of your hands; that you did not want anything to do with them, but they were in a measure forced upon you, because of certain circumstances. Your desire to get them out of your hands immediately, I understood to arise from fear of remarks by those who were unacquainted with the circumstances.

Respectfully Yours,

NATHANIEL GRAY,

Sacramento, near Dupont.

To L. HUBBARD, M.D.

SAN FRANCISCO, *December 21st*, 1850.

DOCTOR HUBBARD.

DEAR SIR: You will please hold subject to my order, all moneys and effects that you have in your possession, belonging to Jno. B. Wain-

wright, deceased, as well as all other property and effects that you may receive belonging to deceased persons. In failing to do this, I shall hold you personally responsible for the same.

Respectfully Yours,
JOS. HENRIQUEZ,
Pub. Adm'r. City San Francisco.

Received of Lorenzo Hubbard, one Gold Watch and Chain, belonging to John Rogers, who died in the Marine Hospital, San Francisco, about the 10th day of Nov., 1850, which watch I agree to return to his friend at St. George, one of the Western Islands.

Nov. 23, 1850.

his
JOSEPH + ROGERS.
mark.

Witness,
PAUL HUBBARD.

STATE MARINE HOSPITAL.
September 15, 1850.

To His Excellency PETER H. BURNETT,
Governor of California:

SIR: In reply to your favor of the 6th instant, I will say that I am happy to have an opportunity furnished me to lay before the public, through you, the truth, in regard to the charges your have been pleased to refer to. And I now, as I have repeatedly done before, invite the closest scrutiny into my past and present public acts, holding myself always in readiness to make any reasonable explanation, when interrogations come from a responsible source.

Charge 1st. "That you rented out to individuals a portion of the rooms of the Hospital."

When the Institution was first established, the Board of Health deemed it prudent to provide more rooms than might be needed for patients on the first day of its opening, and it required no prophet's eye to foresee that not many weeks would expire before they would have on their hands numbers, perhaps hundreds of invalids. The rooms having been rented, it was also easy to foresee that a few weeks

at least must elapse before all the rooms could be occupied by patients, and that they must stand empty unless put to use by renting. As at this time the Institution was poor and in debt, it was believed to be economy to rent all the rooms which were not needed for the immediate use of the patients: this was done, and the proceeds used to supply the wants of the commutation poor, who were received at the Hospital before sufficient funds had accumulated from legitimate sources to provide for them.

Charge 2d. "That persons, not patients were permitted to board and lodge at the Hospital, some of whom did not pay anything to the Institution."

All the persons, not patients, who lodged at the Hospital boarded there also, and paid to the Institution sixteen dollars per week for their meals. Transient persons have occasionally taken meals at the Hospital. but the Steward was directed by me to keep an account of them and charge the parties who invited the guests: in some instances this was done, and in others neglected. It has been charged that a Capt. Lawrence was permitted to remain at the Hospital, free of expense. Capt. Lawrence has always since his introduction here been an invalid, and has paid commutation money: consequently is entitled to our care.

Charge 3d. "That you collected and disbursed large sums of money on account of the Hospital, without authority of law."

Moneys received for the rent of rooms, and board, and from the pay patients, up to the 1st of August, passed through my hands, except the money received from these sources, the first two weeks. This was received by the Health Commissioner, but it was found inconvenient for him to keep the accounts, besides there was danger of much money being lost from patients in the wards. It was deemed advisable by the Board to have the money collected by me, which was done in the name of the Health Commissioner (the Board furnishing a Clerk at the Hospital to keep accounts), and a correct account of the money received and disbursed rendered to the Board of Health at their stated meetings. I have always held myself responsible for, and ready to pay over to the Commissioner, all moneys received by me, without any reference to moneys disbursed, although in the aggregate the balance has been considerably in my favor. The necessity of the immediate payment of some bills could not be avoided. (The law says that no bill shall be paid until first approved by the Board.) As the Board meets but once

a week, no bill could be paid when contracted for. At the opening of the Institution, I have already said, and it is well known, that it had no money, and what made the case still worse, it had no credit, consequently bills could not remain until the Board acted on them, but some one who had credit must become responsible or pay the money. I chose to pay the money, being fully assured my acts would be justified by the Board. It was a case of necessity, and the Institution could not otherwise have been kept in operation.

Charge 4th. "That you refused to receive patients who had paid Hospital money, and especially certain persons from the steamer Columbus."

That I have refused, and do almost every day refuse, to receive some persons who present themselves to me for public charities is true. But that I am justified in using discretion to the best of my ability, in the admission of persons into the Hospital, I conceive to be equally true. I would be most happy to be released from this part of the responsibility of my situation. It is easy to see that without discretion and much care in this respect, persons coming into the Hospital under the Health Commissioner's certificate, would accumulate on our hands, far beyond the ability of our limited means to provide for. In regard to the passengers of the steamer Columbus, the facts are simply these, and the copy of the enclosed note of Mr. Cockran to the Editor of the *Pacific News*, will show how much truth there is in the charges.

On the 6th or 7th of August, in the afternoon, Mr. Cockran accompanied four sick persons from the steamer Columbus to the Hospital. No rooms being vacant, they were taken immediately to a house in the vicinity, where they were comfortably provided for: at the same time propositions were made to accommodate two other persons, who, Mr. Cockran informed me, were on the way to the Hospital. Some time during the afternoon these persons arrived, and were taken to their quarters by the Steward, who was the only person connected with the Hospital who saw them. On arriving there they refused to stop, on the ground (as the parties themselves have since told me) that they only wished to remain a day or two, and they did not wish to be confined in a room with other sick persons. They returned to the Hospital, and not finding me, left for lodgings elsewhere; but instead of going to the City Hospital, as reported in the papers, at the expense of the Steam Company, they went to a public house and remained over night, and

took a boat for the mines the next day. Six persons were all sent from the Columbus the first day who were reported to have been registered, and they were provided for as stated above.

Charge 5th. "That medical supplies for the Marine Hospital are purchased at one price and charged to the Hospital at a higher price, by one of the employees at the Institution, and by your consent and knowledge."

What a charge of this kind could arise from, I have no conception, only from the fact that at one time I purchased from Doctor Franklin, for the use of the Hospital, one ounce of morphine, for which I paid him eight dollars. I was informed at the time that morphine was selling at the shops for fourteen dollars per ounce. Since this charge has been preferred, I have made inquiry and ascertained that Doctor Franklin purchased the morphine of a friend for six dollars per ounce. This is the only medicine or medical supplies I have any knowledge of purchasing of any of the employees about the Hospital. Some time in June or July, I purchased of a Mr. Bowin, for the use of the Hospital, a small lot of quinine, for which I paid him eighteen dollars. Mr. Bowin was a patient at the time. All other medicine or medical supplies has been furnished by the Board of Health.

Charge 6th. "That less wages are paid to the employees at the Hospital than those charged in the accounts of the Institution, the difference being kept by the physicians at the Hospital, or some of them."

This charge is so utterly groundless that it needs no further notice than to say, that I have made all the contracts with the employees at the Hospital, and they have received, and do now receive, precisely what is charged and appears on the books of the Institution.

In concluding, allow me again to express the hope that your Excellency will see fit to appoint a Commissioner, with unlimited powers, to examine into the affairs of the Hospital, and the other Health Departments connected therewith.

With much respect,
I am your most obedient servant,
LORENZO HUBBARD,
Resident Physician.

On motion of Mr. Moore, said communication was laid on the table.

Assembly "Bill concerning Sheriffs," returned from the Senate with

amendments, was taken up and referred to Committee of Ways and Means.

"Bill to Incorporate the City of Monterey," with amendments of Committee on Corporations, was taken up, and amendments concurred in.

The Bill was then considered as engrossed, and read a third time.

The question then was, "Shall the Bill pass?"

Decided in the affirmative.

Mr. McDougal offered the following.

Resolved (the Senate concurring), That the Committee on Expenditures are hereby authorized to audit and allow the accounts of the Commissioners appointed, on the part of the Legislature, to select the location of the public grounds of Vallejo, for their expenses in proceeding to and returning from Vallejo, for that purpose.

On motion of Mr. Moore, said resolution was laid on the table.

On motion of Mr. Moore, the House resolved itself into Committee of the Whole, Mr. Richardson in the Chair, on "Bill concerning Common Schools and Public Instruction." After some time spent therein, the Committee rose, reported the Bill, and were discharged.

Mr. McCandless, from the Committee on Engrossed Bills, reported as correctly engrossed, a "Bill relative to the District Court of the Fourth Judicial District."

On motion of Mr. Wethered, "Bill concerning Common Schools and Public Instruction," was referred to the Committee on Education.

Senate "Bill concerning Officers," was taken up, when

Mr. Carr moved to amend Section 13, by striking out "1851," and inserting "1852;" also, by striking out all after the word "election," in the 13th line.

Agreed to.

The bill was then read a third time.

The question then was, "Shall the Bill pass?"

Decided in the affirmative.

On motion of Mr. Brown, "Bill concerning Estray Animals," was taken up.

Mr. Brown moved to amend the Bill by adding the following as Section 6:

"The owners of an estray animal, which is legally taken up under the provisions of this Act, shall not be permitted to take, lead, or drive the

same from the farm or possession of the person legally possessed of such animal, until proven, and all charges paid, according to the provisions of this Act; and any person knowingly and wilfully violating the provisions of this Section, shall be subject to all the penalties that he would be subject to under the statute law, provided he had no claim to said animals;"

Also, the following as Section 7:

"If any one should remove any stray animal from any ranch, contrary to the provisions of this Act, who shall not be the owner of the same, he shall be deemed guilty of grand larceny."

Agreed to.

Mr. Carnes moved that the Bill be referred to a Select Committee.

Not agreed to.

On motion of Mr. Saunders, the Bill was considered as engrossed, and read a third time.

The question then was, "Shall the Bill pass."

Decided in the affirmative.

A Message from the Senate was received, informing the Assembly that they have passed a Bill, herewith transmitted, entitled "an Act providing for securing State Prison Convicts, and for the payment of the expenses thereof."

Senate "Bill providing for securing State Prison Convicts, and for the payment of the expenses thereof," was read first and second times, the Rules being suspended for that purpose.

Mr. Randall moved to lay the Bill on the table.

Not agreed to.

On motion of Mr. McCorkle, the Rules were suspended, and the Bill read a third time.

The question then was, "Shall the Bill pass?"

Mr. Randall demanded the ayes and nays.

Those who voted in the affirmative were—

Mr. Bennett	Mr. Covarrubias
Bradford	Field
Brown	Hall
Carnes	Kellogg
Cook	Lind

Mr. Kendrick	Mr. Richardson
McCandless	Saunders
McCorkle	Wethered
McDougal	Wilkins
Merritt	Yeiser
Osgood	Speaker—22.

In the negative—

Mr. Moore	Mr. Randall—2.

Decided in the affirmative.

Mr. McCandless, from the Committe on Engrossed Bills, reported as correctly engrossed, "an Act creating the office of Superintendent of Public Buildings and Property, and defining the duties of that office."

Mr. Bradford, from the Joint Committee on Enrolled Bills, reported as correctly enrolled, "Joint Resolution for the payment of certain claims arising out of the Gila Expedition."

Mr. Merritt offered the following :

Resolved, That the Standing and Special Committee on Public Printing be and are hereby requested to report to this House to-morrow.

Adopted.

Mr. Saunders gave notice that he would introduce a Bill concerning the taking of the census of this State.

HALF PAST NINE O'CLOCK.

On motion of Mr. Merritt, the House adjourned.

HOUSE OF ASSEMBLY.

Thursday, *April 24th*, 1851.

House met.

The roll was called, and the following members were absent, to wit : Messrs. Hoff, McDougal, Pico, Randall, Saunders, and Yeiser; on leave, Messrs. Murphy, Robinson, and Stearns.

The Journal of yesterday was read and approved.

Mr. Carr, from the committee to whom was referred "an Act to

regulate the Interest on Money," with Senate's substitute, having had the same under consideration, reported the same back, and recommended the appointment of a Committee of Free Conference on the same.

The question then was on adopting the Report.

Adopted.

The Speaker appointed as said committee, Messrs. Carr, Campbell, Bradford, Randall, and Carnes.

Mr. Carr, from the committee to whom was referred "an Act concerning Sheriffs," with Senate's amendments, having had the same under consideration, recommended the adoption of the Senate's amendments.

The question then was on adopting the Report.

Adopted.

Mr. Carr, from the committee to whom was referred a petition from citizens of Sacramento and Yolo Counties, complaining of the present Ferry at Sacramento City, and praying that Messrs. Van Arman & Hutchinson be empowered to establish a Ferry at said city, having had the same under consideration, reported same back, and recommend, as it is altogether a local matter, that it be referred to the delegation from Sacramento and Yolo Counties, and that the committee be discharged from further consideration of the same.

The question then was on adopting the Report.

Adopted.

Mr. Bodley, from the Committee on Engrossed Bills, reported as correctly engrossed, Bills severally entitled, "a Bill to authorize the Court of Sessions of Sacramento County to Fund the Debt of said County;" "an Act to amend an Act, entitled 'an Act creating and regulating Public Ferries, passed March 18th, 1850;'" "Joint Resolution for the relief of Sacramento City."

Mr. Bradford, from the Joint Committee on Enrolled Bills, reported that they have examined and found correctly enrolled, "an Act dividing the State into Counties, and establishing the Seats of Justice therein."

Mr. Moore, from the Committee of Free Conference, to whom was referred Assembly Bill, entitled "an Act to amend an Act, entitled 'an Act to regulate Elections,'" reported the same back, with the recommendation to strike out "August" in the 1st section, and insert "September," and to strike out section 108.

The question then was on adopting the Report.

Adopted.

Mr. Carr, agreeably to previous notice, introduced "a Bill supplementary to an Act entitled 'an Act to establish Pilots and Pilot Regulations for the Port of San Francisco, passed February 25th, 1851,'" which was read first and second times, the Rules being suspended for that purpose, ordered printed, and made the order of the day for Saturday.

Mr. Wilkins offered the following:

Resolved, That the Clerks appointed by the Speaker and Clerk of this body be allowed the same per diem compensation as the Engrossing and Enrolling Clerks of this House.

Mr. Richardson moved to amend the Resolution by adding "and that the Doorkeeper of this House be allowed the per diem, as reported by the committee who were required to report the number of officers of this House and their per diem."

Mr. Merritt moved that the Resolution be indefinitely postponed.

Not agreed to.

On motion of Mr. Richardson, the Resolution was laid on the table for the present.

Mr. Field, from the Committee of Conference of the Senate and Assembly, to whom was referred Senate Bill No. 57, have agreed to report the same back with the following amendments, and recommend their adoption.

Amend the title of the Bill, so that it will read "an Act to provide for the incorporation of Railroad Companies," strike out the whole of section 1st, and add a new section as section 33.

The question then was on adopting the Report.

Adopted.

Mr. Field, agreeably to previous notice, introduced a "Bill to provide for the organization of the Counties of Nevada, Placer, Trinity, and Klamath," which was read first and second times, the Rules being suspended for that purpose.

On motion of Mr. Field, the Rules were suspended, and the Bill considered as engrossed, and read a third time.

The question then was, "Shall the Bill pass?"

Decided in the affirmative.

Mr. Field gave notice that he would, at some future day, introduce a "Bill to amend the Act concerning Courts of Justice of this State and

Judicial Officers;" also, "Bill to authorize a Special Term of the District Court, to be held in the Counties of Yuba and Solano."

On motion of Mr. McCandless, Senate "Bill for the relief of the former Town Council of Stockton," was taken up, and amendment, as recommended by the Committee on Claims, was adopted.

On motion of Mr. McCandless, the Bill was laid on the table.

Mr. McCandless offered the following:

Resolved, That the Committee on Engrossment be empowered to employ additional Clerks to assist the Engrossing Clerk.

On motion of Mr. Merritt, the Resolution was laid on the table for the present.

Mr. McDougal, from the Select Committee to whom was referred "an Act creating a State Hospital in the City of Stockton," reported it back with several amendments, and recommended its passage.

The question recurred on adopting amendments.

Adopted.

The Bill was then read a third time.

Mr. Lisle moved to amend Section 5th by striking out the word "ten," and inserting the word "twenty."

Agreed to.

Mr. Lisle moved to amend Section 6th, by striking out the words "three thousand," and inserting the words "two thousand."

Agreed to.

Mr. Lisle moved to amend Section 7th, by striking out the words "by ballot."

Agreed to.

On motion of Mr. Lisle, Section 22d was amended by striking out the words "twenty thousand," and inserting the words "fifteen thousand."

Mr. Moore moved to refer the Bill to a Select Committee, with instructions to amend Sections 7th and 8th, by striking out "five thousand," and inserting "three thousand."

Agreed to.

The Speaker appointed as said Committee, Messrs. Moore, Yeiser, and McDougal.

Mr. Moore, from the Select Committee to whom was referred said Bill, reported in accordance with said instructions.

Report adopted.

Mr. Richardson moved to refer the Bill to a Select Committee, with instructions to strike out "3,000," and insert "5,000" in Sections 7th and 8th.

Not agreed to.

The question then was, "Shall the Bill pass?"

Mr. Randall demanded the ayes and nays.

Those who voted in the affirmative were—

Mr. Bennett	Mr. McCorkle
Bodley	McDougal
Carr	Merritt
Carnes	Moore
Cook	Richardson
Covarrubias	Saunders
Field	Thorne
Hall	Wethered
Kendrick	Yeiser
Lisle	Speaker—20.

Those who voted in the negative were—

Mr. Bradford	Mr. Randall
Brown	—3.

Decided in the affirmative.

A Message from the Senate was received, informing the Assembly that they have adopted Assembly's Concurrent Resolution, relative to the Election of an Adjutant General, with a substitute, striking out all after the word *Resolved*, and inserting the contents of the paper marked "B;" also, with amendments marked 1 and 2, and affixed to the margin of the Bill; Assembly Bill, entitled "an Act creating the office of Superintendent of Public Buildings and Property, and defining the duties of that office."

Assembly's Concurrent Resolution relative to the election of an Adjutant General, returned from the Senate with an amendment, was taken up, and Senate's amendment concurred in.

Assembly "Bill, creating the office of Superintendent of Public Buildings and Property, and defining the duties of that office," returned from the Senate with amendments, was taken up, and Senate's amendments concurred in.

A Message from the Senate was received, informing the Assembly that they have passed a substitute, herewith transmitted, for Assembly "Joint Resolution for the relief of the Sergeant-at-Arms of the Assembly;"

Also, that they have adopted the Report of the Committee of Conference on the Bill entitled "an Act to regulate proceedings in civil cases in the Courts of Justice of this State;"

Also, that the Governor has notified the Senate that he has signed a Bill for the relief of William Smith;"

Also, that the President has signed "an Act to Incorporate the City of Benicia;" "an Act to amend an Act concerning the Courts of Justice of this State, and Judicial Officers;" and a "Joint Resolution for the payment of certain Claims arising out of the Gila Expedition;"

Also, that they have passed, with amendments, as contained in the paper marked "A," Assembly Bill, entitled "an Act to authorize the Funding of the Floating Debt of the City of San Francisco, and to provide for the payment of the same;"

Also, without amendment, Assembly Bill, entitled "an Act to license Hawkers and Pedlars in this State;"

Also, that they have adopted the Report of the Conference Committee on the Bill entitled "an Act to amend an Act concerning Licenses;"

Also, Assembly "Joint Resolution for the relief of Le Cock and Lewis;"

Also, that they refuse to recede from their amendments to Assembly Bill, entitled "an Act to repeal an Act to Incorporate the City of San Diego," and have appointed a Committee of Conference thereon, consisting of Messrs. Warner, Lippincott, and Adams;

Also, that they have passed Assembly Bill, entitled "an Act to provide for the Incorporation of Mutual Insurance Companies;"

Also, that they have passed Assembly Bill, entitled "an Act relative to the District Court of the Fourth Judicial District;"

Also, that they have passed a "Joint Resolution for the payment of witnesses in the case of A. W. Adams."

Assembly "Bill to authorize the funding of the Floating Debt of the City of San Francisco, and to provide for the payment of the same," returned from the Senate with amendments, was referred to the members from San Francisco.

On motion of Mr. Cook, a Committee of Conference was appointed,

consisting of Messrs. Cook, Merritt, Randall, McCandless, and Kendrick, on "Bill to repeal an Act to incorporate the City of San Diego."

Senate "Joint Resolution authorizing the Comptroller to issue his Warrants to the Sergeant-at-Arms of the Senate and Assembly, being a substitute for Assembly Joint Resolution for the relief of the Sergeant-at-Arms of the Assembly," was taken up and substitute adopted.

Senate's "Joint Resolution for the payment of Witnesses in the case of A. W. Adams," was read first and second times, the Rules being suspended for that purpose.

Mr. Lisle moved to strike out the word "five" and insert the word "two."

Mr. Moore moved to lay the Resolution on the table.

Not agreed to.

Mr. Bodley demanded the previous question.

The question then was, "Shall the main question be now put?"

Agreed to.

The question then recurred on the motion to strike out "five" and insert "two."

Not agreed to.

The Resolution was then read a third time.

The question then was, "Shall the Joint Resolution pass?"

Mr. Bodley demanded the ayes and nays.

Those who voted in the affirmative were—

Mr. Bennett	Mr. McCandless
Brown	McCorkle
Carr	McDougal
Carnes	Moore
Field	Osgood
Hall	Saunders
Kellogg	Wethered
Kendrick	Speaker
Lind	—17.

In the negative—

Mr. Bodley	Mr. Merritt
Bradford	Randall
Cook	Thorne
Lisle	—7.

Decided in the affirmative.

Mr. Wethered, from the Select Committee to whom was referred a Bill, being "an Act in relation to the City of San Francisco," report the same back, and recommend its indefinite postponement. A law already passed by this Legislature, makes a certain boundary the permanent limit of the water front of said city, and your committee are of the opinion, to authorize an extension of wharves beyond such limit would be in direct contravention of the present law, and an improper obstruction of navigation; and, as to the confirming of sales made by Justices of the Peace in San Francisco to certain property in said city, your committee would submit, that the Legislature have taken action heretofore in the premises, and it would be highly indelicate, under the circumstances, to legislate in relation to beach and water-lot property.

On motion of Mr. Field, the report was laid on the table.

Mr. Thorne, from the minority of the Select Committee, to whom was referred Bill 195:

REPORT.

That we are not sufficiently informed about the present water front of San Francisco, to say that it would be advisable at this time to extend it. Such extension might seriously obstruct the navigation of the Harbor and Bay of San Francisco, and so far as this part of the Bill goes, we do not differ in opinion with the majority of the Committee. But with regard to the second section of said Bill, we hold that its passage would only be a simple act of justice; it is just, for this reason, that its passage would work a great benefit to the City of San Francisco, by relinquishing to her the State's right, title, and interest, to the beach and water-lot property, which has already been leased for 99 years. This relinquishment would greatly enhance the value of this property to the city, at but a small sacrifice to the State; it is just because, in our opinion, grants made by Justices of the Peace, were as much authorized by the Mexican Law as those made by Alcaldes, or Ayuntamientos, and as this Legislature has confirmed those grants made by Alcaldes and Ayuntamientos, consistency demands of us a confirmation of those grants asked for in this Bill.

On motion of Mr. Field, the Minority Report was laid on the table.

Mr. Lisle moved to take up the Majority Report.

Not agreed to.

Mr. Bradford, from the Joint Committee on Enrolled Bills, reported that they did, this day, present to the Governor for his approval, "an Act to Incorporate the City of Benicia;" "an Act to amend an Act entitled 'an Act concerning Courts of Justice of this State and Judicial officers;'" "Joint Resolution for the payment of certain Claims arising out of the Gila Expedition."

Mr. Carr gave notice that he would, on some future day, introduce "a Bill supplemental to an Act entitled 'an Act to provide for appointment of Guardians, and prescribing their duties;'" also, several "Amendments to the Constitution."

Mr. Field, on leave, introduced "a Bill for the Disposition of certain Property," which was read first time, and laid on the table.

On motion of Mr. Carr, "Bill concerning Fees of Office," was made the order of the day for to-morrow.

ONE O'CLOCK.

On motion of Mr. Bradford, the House adjourned.

HALF PAST SEVEN O'CLOCK.

House met.

No quorum present.

On motion of Mr. McCorkle, a call of the House was ordered, and the following members were absent, to wit: Messrs. Baldwin, Brown, Campbell, Covarrubias, Hall, Hoff, McDougal, Pico, Merritt, Richardson, and Thorne.

Quorum present.

On motion of Mr. McCandless, further proceedings under the call of the House were suspended.

Mr. Bodley, from the Committee on Engrossed Bills, reported as correctly engrossed, "an Act amendatory of an Act entitled 'an Act to create the State Hospital in the City of Sacramento.'"

Mr. Bradford, from the Committee on Enrolled Bills, reported that they have examined, and find correctly enrolled, "an Act to amend an Act entitled 'an Act concerning Licenses;'" "Joint Resolution for the relief of Le Cock and Lewis;" also "an Act relative to the District Court of the Fourth Judicial District;" "an Act to License Hawkers and Pedlars in this State;" also, "an Act concerning Judges of the Plains."

On motion of Mr. McCandless, the House resolved itself into Committee of the Whole, Mr. Brown in the Chair, on "Bill in relation to Flour and Meal." After some time spent therein, the Committee rose, reported progress, and were discharged.

On motion of Mr. McCandless, the Bill was referred to a Select Committee, consisting of Messrs. McCandless, McCorkle, and Brown.

Mr. Baldwin moved that Messrs. Carr and Lisle be added to the Committee, and demanded the ayes and nays.

Those who voted in the affirmative were—

Mr. Baldwin	Mr. McCorkle
Bennett	Merritt
Bodley	Moore
Brown	Thorne
Carnes	Yeiser
Covarrubias	Speaker
Lind	—13.

In the negative were—

Mr. Bradford	Mr. McCandless
Carr	McDougal
Cook	Osgood
Kendrick	Richardson
Kellogg	Wethered
Lisle	Wilkins—12.

Agreed to.

Mr. Lisle asked to be excused.

Not agreed to.

Mr. Moore, from the Judiciary Committee, to whom was referred Assembly Bill for "an Act to provide for the organization of the County of Trinity," asked leave to state that a Bill organizing that county passed this House some time since, and has became a law; they therefore report the Bill back to the House, and ask to be discharged from the further consideration of the subject.

Report adopted.

On motion of Mr. Field, Senate "Bill concerning Juries," was read first and second times, the Rules being suspended for that purpose.

On motion of Mr. Field, the Bill was read a third time.

On motion of Mr. Field, the vote was reconsidered by which the Bill was ordered read a third time.

On motion of Mr. Merritt, the House resolved itself into Committee of the Whole, Mr. Kellogg in the chair, on said Bill. After some time spent therein, the committee rose, reported the Bill with amendments, and were discharged.

On motion of Mr. Field, the amendments made in Committee of the Whole, were concurred in:

On motion of Mr. Merritt, the Bill was read a third time.

The question then was, "Shall the Bill pass?"

Decided in the affirmative.

Mr. Randall, from the Select Committee, to whom was referred several petitions from the citizens of the State, relative to a Geological Survey of the State, submitted the following

REPORT.

HOUSE OF ASSEMBLY,

April 24, 1851.

MR. SPEAKER:

The committee to whom was referred the petitions for a Geological Survey of the State, having maturely considered the subject submitted to their charge, beg leave to report that they are deeply impressed with the importance and necessity of the measures sought for, and recommend a Scientific Survey of the State.

The object of Geology is the investigation of the structure of the earth; of the mineral and organic substances of which it is composed, and of their relations to one another; of the changes which have occurred in its physical condition during the revolution of time, and the influence they have exercised in bringing about the present order of things, together with the laws which have governed the world during its different epochs, while it furnishes the best guide for discovering the various mineral ingredients which occur in the earth.

Connected so intimately with the great interests of mankind, it has not failed to attract the most earnest attention in every portion of the civilized world; and it has been justly remarked that a correct scale of the intelligence and prosperity of nations could be formed by discerning the relative degrees in which they have cultivated this science.

The importance and value attached to Geology in Europe, are fully supported by the measures which the governments of England, France, and Russia have instituted, to secure minute and accurate geological surveys.

It is gratifying, therefore, to perceive that the American people have not been found behind the age, as our own Government has employed Geologists, and caused geological surveys of some of her territories to be made, and valuable minutes and complete reports have been the result. Twenty-two or more of the States in the Union have also engaged in the work; in ten or more of them the work is already finished. Many of our western sister States have ordered surveys, of which valuable reports have been made.

But researches and investigations elsewhere will not avail us in illustrating our resources, even provided they were to be discovered in similar formations, much less when rocks differ so widely in their character and mineral contents.

Nor should these interests be any longer left to individuals in their private capacity, and at their own expense. True they may accomplish much, and be entitled to high praise as promoters of the public welfare. But the results of their exertions will be lost, in a measure, to the world at large, from a want of publicity to their discoveries, and a lack of exact knowledge in this department of science. And in particular much would be expended in speculations in a business, the principles of which are but little known, and but improperly established among the mass of citizens. Though the expression of their views may not be necessary here, yet a brief allusion to some of the more prominent objects of a Geological Survey may place more clearly before our minds the importance of this undertaking.

The objects of Geological Surveys are to arrive at a correct knowledge, in detail, of the earth's structure—its hidden contents—their condition, and their relation to the uses of man. Some of the most obvious benefits to be derived from them, are to gain a knowledge of the existence or absence of useful and valuable ores and minerals, as well as a great variety of other materials found either in the soil, under the soil, or in the bowels of the earth, which may be important in an economical point of view. For instance, coal, ores of iron, zinc, lead, tin, copper, antimony, arsenic, bismuth, cobalt, nickel, silver, gold, quicksilver, and other metals useful in the arts; limestone suitable for marble, lithographic uses, ornametnal purposes, or for burning into lime; roofing-

slates; clays for pottery, porcelain, earthen-ware, stone-ware, or for making common bricks, fire-bricks; sands for glass; rock salt or brines, copperas, alum, soda, salt-petre, epsom or glauber salts, sulphur, which exist here in large quantities; mineral springs, and hot or thermal springs, for medicinal purposes, watering places and valuable chemical ingredients, which are found in them; rich chrome ores, held so valuable in other countries, which are found so abundant here; hydraulic cement; durable materials for construction, whether they are free-stone, lime-stone, granite, porphyry, or serpentine; gypsum; fluxes for the reduction of metallic ores; marls or other mineral manures proper for the improvement of the soil.

The discovery of these, however, is but a small part of the information to be gained by geological researches; for many valuable minerals or materials may be almost worthless, either from being accessible only at great cost, or from injurious admixture of other substances, or from lying in beds or veins too inconsiderable to warrant the expense of working them, or because they run into the earth in such a manner that the excavation would become too expensive to keep the mine in working condition. It would be the duty of the Geologist to investigate, in an especial manner, all these points, as well as others which may have an important bearing on the commercial value of such discoveries. Suppose, for example, the Geologist had discovered a bed of coal; he would ascertain its thickness, what inclination or dip it has—that is, whether it pitches into the hill or towards the valley, by which alone the practicability of draining the mine can be determined, and what underlays and overlays it, for on the hardness and stability of the roof depends the necessity of propping, which involves great expense. He would ascertain the quality of the coal, which in many instances may require an accurate chemical analysis, since foreign minerals disseminated through coal may render it almost worthless. He would make observations with the proper instruments, at various points, to determine at what depth any given seam of coal may be found, either in the body of a hill or beneath the general level of the country, after disappearing from the surface. Observations would determine the range, extent, and bearing of the seams of coal, which would determine the precise area and extent of the coal field. The extent or practibility of working each bed or vein of iron, copper, gold, silver, quicksilver, or other metalic ore, would be determined in the same manner as the coal; and the nature

of the vein-stone, wall-rock, and appearance of earth surrounding the ore, the admixture or dissemination of rock through the ore, the practicability of draining or freeing the works from water, besides a thousand minor investigations which will determine its profitableness or value.

In a geological survey of our State, the mineral regions, and particularly the valuable ores of gold, silver, quicksilver, iron, copper, and lead, would be minutely examined: their geological position precisely determined; the indications as to their presence would receive a full investigation, in order that a system of rules might be formed by which the miner could judge of the presence or absence of any given mineral, the extent of the mineral region, and where it would be probably of use to make examinations for ores of silver, quicksilver, gold, iron, copper, coal, &c. A geological survey would be of a particular benefit to the miner, as the Geologist, in that part of the report relating to metallurgy, would give the art of reducing the metals from their ores, and working them into different forms, also their quality and value—whether they would smelt easily, and the per centage they would yield in the furnace, and the most economical mode of smelting them, as well as how it is situated with regard to coal, timber, water power, building materials, &c.

IRON.—It is to this metal we owe our superiority over uncivilized man. Its magnetic properties guided the mariner across the ocean, and enabled European civilization to extend itself to this country. It exists in large quantities in our State, and is asserted by those who have examined it, to be unsurpassed in extent and richness by the iron mountains of Missouri.

GOLD.—Of the extent of this metal it is scarcely necessary to speak, where all are so well informed of its universal diffusion and unequalled richness. It may be confidently asserted it cannot be exhausted for ages. That, however, the surface washings may deteriorate and eventually fail to pay the single-handed laborer, its fountains are in the rocks and bowels of the earth; and when capital and united power are employed in its development, the annual produce of the mines will go on largely increasing. To show where capital can be safely and profitably employed, and to how great an extent foreign capitalists may make immensely profitable investments in these mines, needs a careful and reliable survey of the Geologist, and an authentic report. We need but glance at the immense product of this metal in our State, to show that no effort should be neglected to make known all its richness.

Satisfactory estimates show the amount of gold produced from our mines for the last three quarters of the year ending Dec. 31, 1850, to have been not less than seventy millions of dollars, and for the first quarter of the present year to have been at the rate of nearly one hundred millions of dollars per annum. If we regard the amount of gold gathered previous to these dates, and after its discovery on the American Fork, we shall find that over one hundred millions of dollars in gold have been taken from the mines since their discovery in 1848. And when the immense veins of gold-bearing quartz and talcose slate come to be wrought, as they inevitably must be, over an extent of country a thousand miles long, the annual product may exceed even all our present estimates.

SILVER.—Mines of this precious metal ore are known to exist in this State, some of which have been worked to a limited extent, and native silver found in mass; and it may confidently be asserted that a critical geological survey will reveal large deposits of this metal.

QUICKSILVER.—The importance of the quicksilver mines of this State can hardly be estimated too highly. Already their influence has been felt on the commerce of the world, and is capable of an indefinite increase. The extent and richness of the region producing this metal may be as great as that bearing the gold, and its influence in maintaining a just equilibrium between the values of gold and silver, is of peculiar importance to California. The production of silver in countries yielding that metal is dependent upon a proper supply of quicksilver. And silver mines in Mexico and South America have been discontinued from the want of it, or from its too high price. It is safe to assert that all the world may be supplied with it from our State, if we will but make known and develope all its richness and extent.

SULPHUR—Exists in large quantities, not difficult of access, and can be readily employed in manufacturing purposes, or become an article of export, and at no distant day will be of immense importance to this part of the world.

MARBLE.—We shall hardly be credited in asserting that one of the finest marble regions to be found in any country, and the most extensive, exists in California. Yet this is the case. We have within our borders a superlatively rich and vast field of this building, statuary, and ornamental stone, not surpassed in fineness, in beauty of clouding, or richness of colors, by the celebrated marbles of Italy. A geological

examination and report would bring out these facts, and enable the State to profit by the richness of her mineral resources.

A chemical analysis of the limestones, and how they would act in the fire; their power of slacking, strength of the mortar, whether suitable for cement for the construction of cisterns, dams, water-proof cellars, &c., or for agricultural purposes, and all other practical operations for which they are required, and the precise quantity of the lime necessary, will be carefully exhibited. It is often the case that an inferior article is used when a better could have been as easily obtained.

The Geologist would also make an analysis of the various waters. The settlers of the country feel great interest in being assured of the salubrity of the water of their wells and springs. It would be his duty also to inquire how sections of country apparently without water, might, by artificial means, be supplied with an abundance of an article so indispensable to man and beast.

By a survey, the resources of the State would be illustrated, and by spreading information abroad respecting their nature, immigration would be induced, and our citizens kept at home through the profitable investments which would be pointed out for their capital. The value of individual property, the aggregrate of which forms the sum of the State wealth, would be greatly increased; new resources would be discovered, and the extent and the value of those now but little known would be ascertained and reported; mines and minerals would be brought to light and wrought, and fabrics that are now imported at high cost would be easily produced at a cheap rate at home—which would have the double effect of retaining capital and promoting domestic industry. The immediate results of which would be the increase of the common wealth of the State, and the alleviations of the public burdens, by taxation or otherwise. The saving of time, labor, and expense, in vain researches after gold, silver, quicksilver, and other metals, and for coal and salt, in districts where such substances never occur, would annually amount to more than the cost of a geological survey; besides, it would check deceptions in mineral substances, as the whole community would possess the same sources of information, so that one man could not practice to any extent upon the ignorance and credulity of others.

The cabinet of minerals which would be collected for the State, would become one of the most interesting objects to citizens and strangers visit-

ing the Capital, and present at once the means of judging respecting the relative value of any important mineral in this State.

Of all the arts none are more likely to be improved by geological examination than that of agriculture, since the composition of soils indicates their fertility or capability of improvements and the causes of barrenness. The science of geology demonstrates the origin and distribution of the mineral matters constituting the basis of all soils, to which they chiefly owe their peculiarities. The amendments required would be determined by the Geologist, who would make known whether the required materials occur in the vicinity where they are wanted; for it would be of no use to the farmer to inform him that the substance required occurred a hundred miles off. Every enlightened farmer appreciates, now, the value of the knowledge to be obtained by a correct analysis of his soil, both with regard to its peculiar fitness for the production of certain crops, and the manures proper to be applied in cases where some one or more of its constituents have been measurably or wholly exhausted. It will no longer suffice, however, to make an approximate analysis of the earthy and organic matters and salts.

An analysis, to be useful, or in other words, to enable the agriculturist to form a correct opinion of the crop suitable for any of his different soils, and to suggest the proper organic or inorganic manures for his land, must be carried to the utmost nicety so as to determine, even to the fraction of a grain, the quantity of acids, alkalies, and metallic oxides which enter into its composition. This is not to be accomplished in an hour or a day, by the rough estimates formerly resorted to; it requires weeks of the most rigid manipulation, and the application of the most approved processes in chemistry. Such investigations ought to be among the leading features of a geological survey.

A thorough inquiry into all the before-mentioned topics, and the actual state of the country with its available resources, are only to be developed by such researches; idle and fraudulent speculations, originating from self-delusions and impostures would be thoroughly checked, and erroneous opinions concerning minerals would be corrected, and vast amounts of time and money would be saved to the people every year. A handful of iron ore would no longer be liable to be taken for an inexhaustible and valuable mine; but those ores which are generally valuable would be fully explored and described, and the exact quantity that might be depended upon made known; the situation, extent, and value of every

available quarry be described, and the quality of the rock tested. The character, extent, and value of submerged lands and those liable to overflow, would he examined; their soils analyzed; the ease or difficulties of redeeming them be made known, and their advantages for cultivation be laid before the agriculturist. Such an analysis of soil is essential in many parts of this State, to obviate the erroneous notions entertained respecting its agricultural capacities in many parts; for the general features of the country are at certain seasons barren and repulsive, though possessing soils abundantly rich and productive. The misrepresented desert of the Colorado is, with some few exceptions, an immense alluvial plain, where the Indians never fail to raise abundant crops of vegetables, irrigation only being necessary. The favorable nature of our climate for the production of wines, raisins, olives, figs, and various other fruits, would be set out in its proper light, and capital and energy turned in this direction. And this leads us naturally to the consideration of the vegetable productions of our State, comprehended under the general name of Botany.

By a collection and publication of the facts gathered by the members of the geological survey, the value of the indigenous productions themselves, independent of their being an index to the climate and soil of the country, is a subject well worthy of attention. The *forest trees* for their value in timber and lumber, as well as other productions often derived from them, such as barks for tanning, turpentine, oils, balsams, &c.; the shrubs and plants for their value as coloring materials, and medicines, as well as for food of man and animals. Indeed we may indulge the very confident hope, that many additional medicinal agents remain to be discovered in the vegetation of our State, that may be added to the remedies for human ills.

The native vegetable productions of any country are directly applicable to the great wants of man, viz: food, shelter, and clothing. To meet each of these, vegetation furnishes the chief supply. In California, the main reliance for native articles of food is upon a variety of wild fruits, including principally acorns, pine nuts, and a great number of grass seeds—all these are made to take the place of flour, in the simple culinary arrangements of the Indians. It would be interesting and useful to know these collectively, that an estimate may be made of their real economic value; that culture may select or favor the productions of such as may be valuable in their peculiar adaptation to climate and country,

or as we shall hereafter see more particularly, as affording an index to capacity for allied but more useful productions.

Some of the native fruits deserve to rank in the scale of luxuries. The different *pine nuts*, the *fruit-bearing cacti*, *whortleberry*, *cherries*, and others, deserve consideration in this light. Others may be usefully employed for conversion into animal products; of these the acorns and grasses deserve particular attention, and to determine this, their true value requires extended observations of their natural habits, relations to climate and soil, regularity of yield, with other similar inquiries suggested in their native localities.

Such inquiries are particularly desirable in this country, by reason of the general fact that the diversified conditions of soil, situation, and climate which obtain here, tend to confine the productiveness of any given article within narrow limits; thus, the mountains furnish one kind exclusively, the plains and valleys another. The facts connected with this distribution should be known and appreciated, both to prevent disappointment, and enable selections to be judiciously made, with a view to obtain the greatest results with the least possible labor.

Thus it would be interesting and useful to know how many different oaks, producing acorns, exist in this country; their peculiar habits; whether the fruit of each is a constant yearly supply, or alternates. If the latter, do they follow any regular rule, yielding biennially, or at long intervals? Is their mode of growth and season of yield favorable for the supply of stock, without involving the labor of harvesting? These considerations are of direct importance, and derive interest from the fact that this production is in California remarkably various. In one of the southern counties alone there are no less than six different species of tree oaks, and three or four shrubs.

Similar inquiries should be made in reference to the pine-nut tribe; a class of productions almost peculiar to California, and presenting so singular and unique a variety, that it has long been a favorite field for collection and illustration among European cultivators.

But still more important than these, as connected with the great staple productions of large portions of our State, is the native pasturage, including grasses, and other herbs, fit for cattle grazing. These present a greater diversity of habit than might be at first supposed; and a knowledge of the separate fitness of each, for certain conditions of soil,

climate, and situation, may be made directly applicable to extending their productiveness over a wider range, and a longer period of growth, limited as it always must be by the constant occurrence of a rigidly dry season. What proportion of these plants are annual, and what possess a longer power of vitality? What are the plants of this class susceptible of the earliest growth, under the influence of the autumnal rains? and what can be furthest prolonged into the dry season? What are the situations most favorable for securing these opposite but equally favorable results? These, with other suggestions of a like character, can be satisfactorily answered only by a comprehensive study of this class in their native soil.

Another branch of information, connected with the direct use of native vegetation, regards the *forest growth*, and the capacity of the different sections of country to produce the varieties of timber suited to the various wants of civilized life. Hence arise a class of inquiries regarding the distribution and quantity of these products; how far their peculiar habits are favorable or otherwise to meet the demands of commercial intercourse; their relative durability, in regard to the different uses for which they may be required, and their fitness for being worked up into these various uses; also the relative rapidity, or slowness of growth; and how far their productiveness may be increased in quantity, or extended in limits, by the aid of man.

To all these inquiries, the answer must be sought in systematic observations, and complete collections derived from their native source.

That this subject of forest growth is particularly deserving attention in California, is evident from the great variety and novelty of these products, especially in the important class of oaks and firs; thus in addition to the oaks above enumerated, the varieties of pine found in the limits of this State, probably equal, or exceed, that of all the other States put together. Some trees, as the California live oak, and sycamore, are spread over a wide scope of country; others are singularly limited in distribution. Some are remarkable for durability, others of inferior value. Several of the fir tribe present the most magnificent specimens of forest growth in the world, and their timber, varying in character in the different species, is applicable to equally various uses.

A complete view of all these, accompanied with illustrative collections, would tell at once upon the productive resources of this State, and would be not only interesting, but exceedingly useful.

I. Miscellaneous Uses.—Besides these uses, which may be termed *essential*, others of a more miscellaneous character should be enumerated, whose utility may be extended, or brought to light, by a complete system of botanical observations. Some of these may be briefly alluded to.

The native *shrubs* of California are particularly rich, in the number and variety of their singular forms. Many of these would make an interesting addition to the usual class of ornamental shrubbery. The greater proportion of them are evergreens, and thus offer additional attractions to the florist. Besides these, many of the annual and perennial flowering plants are abundantly worthy of note. Several of these have for some time held an esteemed place in European gardens, whence they are gradually being distributed over different portions of the world; some finding their way, under rude foreign names, to the gardens of the Atlantic States. It would seem to be a dictate of proper national pride, that these floral representatives of the great Pacific States should not be less honored in her own, or kindred soil, than at her antipodes.

A subject still more deserving of careful attention and study, s the medicinal qualities of native plants. Surely, among so many novelties, Nature has not withheld her share of remedies for meeting human ills. It may be that California has yet some concealed boon in her floral lap, which may furnish the physician with more effective weapons in the combat with disease. These it is the dictate of humanity to bring speedily to light.

Other articles, too varied to be alluded to in a general sketch, still deserve the attention of an enlightened Government. Such are some of the minor articles derived from the vegetable world, that furnish useful materials for many of the domestic arts, and serve to multiply the channels of human industry. Among these are to be noted the different materials fit for use in the construction of baskets, mats, and household furniture, with others that may serve to play a part in the economic and culinary operations of domestic life.

In fine, to know what use vegetation can be put to, a *general knowledge* of all its individuals, involving the habits and ordinary laws of vegetation, which they collectively present, with the various phases each particular section presents, is the first step to useful application: and to promote this general knowledge, and induce a taste for such inquiries,

well-digested observations, and accessible collections, are of prime importance.

II. INDIRECT USE.—The indirect uses to which a knowledge of the spontaneous vegetation of a country can be applied, have regard to its bearing on the important branch of agriculture, and turn mainly on this one point—*the native vegetation is the proper index of agricultural capacity.* It seems reasonable, in the first place, that the knowledge of what a country *does* produce spontaneously, should throw important light on what it *may be made* to produce, under the stimulating influence of cultivation. Plants are thus a living chemistry, to present, on the varied surface of the land, an elaborate analysis of the soil they cover. By it the farmer intuitively judges of the fertility or barrenness of unploughed fields; and were these relations more carefully studied, results in the form of simple rules might be deduced, by which the labors of the pioneer husbandman would be less liable to disappointment and more certainly crowned with early success.

Illustrations, in point of the subject we are examining, viz. the relation between the native vegetation and agricultural capacity, are particularly striking throughout various portions of this State. A few of these may be briefly alluded to. It is a consideration of much importance, to know what conditions of soil are suitable for the production of the cereal grains. These, it is well known, by judicious selection, may be made to produce abundantly in situations unsusceptible of irrigation. This production seems properly to belong to those hilly sections, covering a large scope of country, which present, at the different seasons of early spring and midsummer, such a contrast of rich verdancy and arid barrenness. Now, there is a wide-spread native plant, occupying precisely these situations which, by the comparative rankness of its growth, and productiveness of seed, furnishes just the indications we require, to know beforehand what particular sections are most susceptible of enlarged production. I refer to the well-known *wild oats*, which, while furnishing the indications required by the farmer with great certainty, may also be used to form a more general estimate of the productive capacity of large sections of country.

Another common plant, holding somewhat similar relations as an index to fertility, confined in its range more to valleys and plains, as the former is to the hills, is the common mustard; this, which is a naturalized plant, and dates its introduction within the memory of living

inhabitants, has now, from some peculiar congeniality of soil, so spread itself, that few situations deserving the attention of cultivators are without its presence; and viewed either in its rank spring growth or the rustling forest of its dry autumn stalks, it constitutes no unimportant feature in the landscape scenery. Thus, while at the same time it threatens to be a troublesome companion to the farmer, it may still be of use in directing him in the selection of the more immediately productive sections of land.

Beside these, a great variety of *bottom weeds* may be found to indicate susceptibility or unfitness for the variety of useful productions that properly pertain to this character of soil.

The opposite view of native plants, as an index of *barrenness*, might be equally enlarged upon, and present still more varied features of illustration. In general, the growth of *Cacti*, *Artemisias*, *Erigoniums*, the *Adenostoma fasciculata*, and many others, may be alluded to as indications of unsuitableness for any species of cultivation; it would be useful to know the true value of each of these separate indications, further suggestive as it may be of a simple remedy.

In the light of indirect use it is that weeds claim attention; we should know their peculiar habits, to know how to combat them successfully as obstacles in the way of useful cultivation; we must know their separate modes of propagation, in order to limit most effectually their extension. Many of these, as the class having winged seeds, require concerted means for their extermination, which a general knowledge of their peculiar habits would favor. Many troublesome weeds are introduced from other lands, being mixed with the seed sown; and a knowledge of these, in their present isolated situations, by suggesting a change of seed, may be made an immense saving to the labors of the future husbandman.

Other useful suggestions may be drawn from information to be collected of previous modes and articles of cultivation pertaining to the old Mission establishments. The long experience of these enterprising institutions, so intimately connected with California history, may be usefully employed and modified to meet present circumstances. This is a subject which every passing year is rendering more obscure, and therefore less applicable; and, unless speedily rescued, the same system of dear-bought experience must be gone through with again to reach results which neglect is permitting to pass from our hands. This matter

is one of particular interest in reference to the cultivation of exotic fruit trees. What kinds have been found most suitable to the varied conditions of soil and situation, and by what methods of culture were they made most productive?

These subjects may still be studied with some, though a rapidly diminishing degree of utility, in the now deserted Mission gardens, which lie scattered over the various portions of this country, the wrecks of its former magnificence.

If to all these practical considerations, which are and must be merely suggestive of the real fund of useful information they body forth, we add the advantages which may result to the general cause of science, and the obligations which now rest on every intelligent community to add its page in the completion of this rich volume, have we not a forcible array of reasons for recommending the subject of Botany, with other allied branches of Natural Science, to the attention and patronage of a free and intelligent government?

Your committee might have enlarged on these important subjects, and extended their remarks to the subject of Zoology also, but, considering that sufficient has been said to show the magnitude of the interests involved in these inquiries, they have unanimously resolved to report the accompanying bill, and recommend its passage.

A. RANDALL,
Chairman.

On motion of Mr. Merritt, five hundred copies of the Report were ordered printed.

Bill, accompanying the Report, entitled a "Bill to create the office of State Geologist, and defining his duties," was read first and second times, and laid on the table.

Mr. Cook, from the Committee on Engrossed Bills, reported as correctly engrossed, "Bill to Incorporate the City of Sonora."

Mr. Bradford, on leave, introduced a "Bill prescribing the duties to the Secretary of State," which was read first and second times, the Rules being suspended for that purpose.

On motion of Mr. Field, the House resolved itself into Committee of the Whole, Mr. Moore in the Chair, on "Bill concerning District Attorneys;" after some time spent therein, the Committee rose, reported the Bill with amendments, and were discharged.

On motion of Mr. Field, the amendments made in Committee of the Whole were concurred in.

The Bill was then considered as engrossed, and read a third time.

The question then was, "Shall the Bill pass?"

Decided in the affirmative.

Mr. Bradford moved that the Committee on Engrossed Bills be empowered to employ additional Engrossing Clerks.

Agreed to.

TEN MINUTES BEFORE TEN O'CLOCK.

On motion of Mr. Kendrick, the House adjourned.

HOUSE OF ASSEMBLY,

Friday, *April* 25, 1851.

House met.

The roll was called, and the following members were absent, to wit: Messrs. Bennett, Carr, Hoff, Kellogg, Lisle, Saunders, and Wethered; on leave, Messrs. Murphy, Robinson, and Stearns.

The Journal of yesterday was read and approved.

Mr. Field asked and obtained leave of absence for the balance of the Session for Mr. Richardson.

Mr. Wilkins asked and obtained leave of absence for Mr. Kellogg.

Mr. McCandless, from the Committee on Engrossed Bills, reported as correctly engrossed, "an Act relative to the taking and planting of Oysters;" also, a "Bill concerning estray Animals."

Mr. Bradford, from the Joint Committee on Enrolled Bills, reported as correctly enrolled, a "Joint Resolution authorizing the Comptroller of State to issue his Warrants to the Sergeant-at-Arms of the Senate and Assembly;" also, "Joint Resolution for the payment of witnesses in the case of A. W. Adams."

"An Act to provide for the construction of a Wagon Road from San José to Santa Cruz;" also, "an Act creating the office of Superintendent of Public Buildings and Property, and defining the duties of that office;" "an Act providing for securing State Prison Convicts."

Mr. Covarrubias presented a memorial from José Benavides Basques and Maria Josefa Basques, praying that their names be changed.

Mr. Covarrubias, on leave, introduced a "Bill to change the name of José Benavides Basques and Maria Josefa Basques, to José Benavides Vioget, and Maria Josefa Vioget," which was read first and second times, the Rules being suspended for that purpose.

On motion of Mr. Bradford, the Rules were suspended, the Bill considered as engrossed, and read a third time.

The question then was, "Shall the Bill pass?"

Decided in the affirmative.

Mr. Carr, from the Select Committee to whom was referred "an Act authorizing the funding of the Floating Debt of the City of San Francisco, and to provide for the payment of the same," with Senate's amendments, having had the same under consideration, recommended the appointment of a Committee of Conference between the two Houses.

Adopted.

The Speaker appointed as said Committee, Messrs. Carr, Bennett, Merritt, Campbell, and Thorne.

On motion of Mr. Richardson, Resolution relative to the per diem pay of Clerks, &c., was taken up.

Mr. Richardson asked and obtained leave to withdraw said Resolution.

Mr. Richardson offered the following:

Resolved, That the Clerks appointed by the Speaker and Clerk of this House be allowed the same per diem compensation as the Enrolling and Engrossing Clerks of this House; and that the Doorkeeper be allowed the per diem compensation as reported by the Committee who were required to report the number of officers of this House, and their *per diem*.

Mr. Lisle moved to indefinitely postpone said resolution.

Not agreed to.

Mr. Bodley moved to amend the resolution, by adding "and that all Clerks employed by this House, and also the Clerks employed by the committees, as authorized by this House, to receive the same pay as the Enrolling and Engrossing Clerks, and also, the Page of this House to receive the same pay."

Agreed to.

Mr. Cook moved to indefinitely postpone the resolution and amendments.

Mr. Merritt demanded the ayes and nays.

Those who voted in the affirmative were—

Mr. Bennett	Mr. Lisle
Bodley	Lind
Bradford	McCorkle
Brown	Merritt
Campbell	Randall
Carr	Thorne
Cook	Wilkins
Kendrick	Yeiser—16.

In the negative were—

Mr. Carnes	Mr. Richardson
Covarrubias	Pico
Field	Saunders
Hall	Wethered
McCandless	Speaker
Osgood	—11.

Agreed to.

Mr. Bodley, from the Committee on Engrossed Bills, reported as correctly engrossed, "an Act concerning District Attorneys."

A Message from the Senate was received, informing the Assembly that they have adopted the report of the Committee of Conference on the "Act to regulate Elections;" also, that they have adopted the report of the Committee of Conference on the Bill, entitled "an Act to amend 'an Act concerning Corporations;'" also, that the Senate have appointed Messrs. Crosby, Robinson, and Van Buren a Committee of Conference on the Bill, entitled "an Act to regulate the Interest on Money;"

Also, that the President of the Senate has signed Bills, severally entitled "an Act Dividing the State into Counties, and establishing the Seats of Justice therein;" "an Act concerning Judges of the Plains, and defining their duties;" "an Act to License Hawkers and Pedlars in this State;" "an Act to amend 'an Act concerning Licenses;'" "an Act relative to the District Court of the Fourth Judicial District;" and a "Joint Resolution for the Relief of Le Cock and Lewis:"

Also, that they have passed Assembly Bill, entitled "an Act amendatory of 'an Act to create a State Hospital in the City of Sacramento;'" also, that they have non-concurred in the amendments of the Assembly to Senate Bill, entitled "an Act concerning offices;" also, that they have passed a Bill herewith transmitted, entitled "an Act concerning Common Schools and Public Instruction."

On motion of Mr. Thorne, the Senate "Bill concerning Common Schools and Public Instruction," was read first and second times, the Rules being suspended for that purpose, and referred to the Committee on Education, with instructions to report to-day.

Senate "Bill concerning Offices," returned from the Senate, non-concurring in Assembly's amendment, was taken up, and the House receded from their amendment.

On motion of Mr. Merritt, the House resolved itself into a Committee of the Whole, Mr. Saunders in the chair, on "Bill to regulate the Fees in Office." After some time spent therein, the Committee rose, reported progress, and had leave to sit again.

In pursuance of a Concurrent Resolution adopted by both Houses, fixing to-day at 12, M., to proceed to the election of an Adjutant-General, to fill the unexpired term of said office, the House proceeded to said election.

The Speaker appointed Messrs. Merritt and Campbell, Tellers.

On motion of Mr. Moore, a call of the House was ordered, and the following members were absent, to wit: Messrs. Hoff, Osgood, and Randall.

On motion of Mr. Baldwin, further proceedings under the call of the House were dispensed with.

Mr. Carr then nominated Mr. E. W. McKinstry.

The Clerk then proceeded to call the names of the members, and the Tellers of the Assembly, after conferring with the Tellers of the Senate, reported the result as follows:

Whole number of votes given, . . .	40
Necessary to a choice, ...	21
Of which Mr. McKinstry received	37 votes.
W. W. Gift, ...	3

Those who voted for Mr. McKinstry were—Messrs. Baldwin, Bennett,

Bodley, Bradford, Brown, Campbell, Carr, Carnes, Cook, Covarrubias, Field, Hall, Kendrick, Lisle, Lind, McCorkle, McDougal, Merritt, Moore, Pico, Randall, Richardson, Thorne, Wilkins, Yeiser, Speaker—26.

Those who voted for Mr. Gift were—Messrs. McCandless, Saunders, and Wethered—3.

Mr. McKinstry having received a majority of all the votes given, was declared duly elected Adjutant-General.

A message from the Governor was received, informing the Assembly that he did, on yesterday, sign "an Act to Incorporate the City of Benicia," and "Joint Resolution for the Relief of Le Cock and Lewis."

The following message was also received from the Governor:

To the House of Assembly:

"The Act entitled 'an Act to amend an Act concerning the Courts of Justice of this State, and Judicial Officers,'" provides for the holding of a special election on the third Monday in May next, for a District Judge in each of the Tenth and Eleventh Judicial Districts.

The Act to which this is amendatory, makes the same provisions excepting as to time, and I cannot conceive the policy or necessity of subjecting the citizens of these districts to the great expense attendant upon an election, when the same results will be had at the general one, which will be in a few weeks after the day fixed by the Act herewith returned, and as the term of the present incumbents will not expire until that time.

I regard it as a sacred duty we owe to the people of the State, and to its welfare and prosperity, to exert every means in our power to lighten the heavy burden of taxation which is now imposed upon them, and the still greater burden with which they are threatened.

Entertaining these views, and with the objections before stated, I herewith return the Bill to the House of Assembly, in which body it originated.

John McDougal.

Executive Department,
April 24, 1851.

Mr. Moore moved to lay the veto message and accompanying Bill on the table.

Not agreed to.

The question then was on reconsidering the vote by which the House passed the Bill.

Agreed to.

The question then was, "Shall the Bill pass, the objections of the Governor to the contrary notwithstanding?"

Those who voted in the affirmative were—

Mr. Baldwin	Mr. Lisle
Bennett	Moore
Bodley	Thorne
Campbell	Wethered
Carr	Yeiser—10.

In the negative—

Mr. Bradford	Mr. McCandless
Brown	McCorkle
Carnes	McDougal
Cook	Pico
Covarrubias	Randall
Field	Richardson
Hall	Saunders
Kendrick	Wilkins
Lind	Speaker—18.

Decided in the negative.

On motion of Mr. Baldwin, "Bill concerning Escheats" was made the order of the day for to-morrow.

On motion of Mr. Saunders, "Bill respecting persons escaping from their master" was made the order for to-night.

Mr. Hall moved to reconsider the vote by which the House refused to pass Bill returned from the Governor, entitled "an Act to amend an Act, entitled 'an Act concerning the Courts of Justice of this State, and Judicial officers.'"

On motion of Mr. McCorkle, said motion was indefinitely postponed.

On motion of Mr. Lisle, the House resolved itself into Committee of the Whole, Mr. Saunders in the Chair, on "Bill concerning Fees in Office." After some time spent therein, the committee rose, reported the Bill, and asked to be discharged.

The question then was on discharging the Committee.

TWO O'CLOCK.

On motion of Mr. Saunders, the House adjourned.

HALF PAST SEVEN O'CLOCK.

House met.

Quorum present.

Mr. Bradford, from the Joint Committee on Enrolled Bills, reported that they, this day, presented to the Governor for his approval, "an Act to amend an Act concerning Licenses;" "an Act concerning Judges of the Plains, and defining their duties;" "an Act to License Hawkers and Pedlars in this State;" "an Act relative to the District Court of the Fourth Judicial District;" "Joint Resolution for the relief of Le Cock & Lewis;" "an Act dividing the State into Counties, and establishing the Seats of Justice therein;" "an Act to provide for the keeping of State Convicts;" "Joint Resolution to fix the Payment of Witnesses in the case of A. W. Adams;" "Joint Resolution authorizing the Comptroller to issue his Warrants to the Sergeant-at-Arms of the Senate and Assembly;" "an Act creating the Office of Superintendent of Public Buildings and property, and defining the duties of that office;" "an Act to provide for the construction of a Road from San José to Santa Cruz;" also, that they have examined, and find correctly enrolled, "an Act amendatory of an Act, entitled 'an Act to create a State Hospital in the City of Sacramento;'" "an Act to amend an Act, entitled 'an Act to Regulate Elections, passed March 23, 1850;'" also, "an Act to provide for the Incorporation of Mutual Insurance Companies."

A Message from the Governor was received, informing the Assembly that he has, this day, signed the following Bills: "an Act supplementary to the Act, entitled 'an Act concerning County Recorders;'" "an Act for the relief of Messrs. Moreton, Raveau, and others;" "an Act to change the name of Morris A. J. Cullen to Cullen A. Johnson;" "an Act concerning Judges of the Plains (*Jueces del Campo*), and defining their duties;" "an Act to provide for the Construction of a Wagon Road from San José to Santa Cruz;" "an Act to License Hawkers and Pedlars in this State;" "an Act relative to the District Court of the Fourth Judicial District;" and "an Act Dividing the State into Counties, and establishing the Seats of Justice therein."

The question pending, when the House adjourned this morning, was on discharging the Committee on "Bill Regulating Fees in Office." The question being put, was agreed to.

Amendment to Section 40, concurred in, with an amendment, by striking out the word "San Francisco."

Last amendment to said Bill was concurred in, with an amendment, by inserting the words, "Mariposa, San Joaquin, Calaveras."

On motion of Mr. Lisle, the remaining amendments made in Committee of the Whole, were concurred in.

On motion of Mr. Moore, the Bill was considered as engrossed, and read a third time.

The question then was, "Shall the bill pass?"

Decided in the affirmative.

Mr. Baldwin offered the following:

Resolved (the Senate concurring), That each branch of the Legislature shall, within their respective halls, proceed to the election of a Superintendent of Public Buildings and Grounds, at half-past 8 o'clock, P.M., of this day.

Adopted.

Mr. Thorne, from the Committee on Education, to whom was referred Assembly Bill No. 180, and Senate Bill No. 22, "an Act concerning Common Schools and Public Instruction," reported, that believing as we do that in the infancy of our State nothing can be more important than to make suitable provision for the education of the people—that the future prosperity and glory of the Golden State depend upon it, and more remotely, but not less certainly, the perpetuity of the Union, and the permanency of free institutions, are connected with it; and that destined as we are to be first in commerce, first in wealth, and first in influence, upon the shores of the Pacific, we should also be first in knowledge and in virtue—and thrown as we are on the advanced guard of civilization, in her triumphant march westward, we ought to fill our highly honorable position in such a manner as to shed a glory on our name and race.

The preparation of a people for such a destiny as that which lies before us, is not to be made amidst the busy pursuits of middle life. The measures by which we are to secure the highest welfare to the commonwealth, and her greatest efficiency for good, are to be determined upon not in the popular Assembly, nor in the Halls of Legislation, but

by the fireside and in the schools, where on the heart of youth is written the history and the destiny of age, where on the expanding germs of social and political power is stamped the impress of character for good or for evil, which the State must wear for ever. The destiny of California depends upon the education of her children. In that which so vitally concerns us we ought to act with equal energy and consideration—we ought to adopt at once the system which seems to us best, and if it should prove not mature, time and experience will assist us to amend it. In order, therefore, that we may have some system for the coming year, we would recommend the Senate Bill as a substitute for the one introduced into this House from our committee.

On motion of Mr. Hall, the Report and Bill were laid on the table.

"Bill respecting persons escaping from service of their masters," was taken up.

Mr. Cook moved to amend the Bill by substituting the following for sections 1, 2, and 3, "Neither slavery nor involuntary servitude, unless for the punishment of crimes, shall ever be tolerated in this State."

Not agreed to.

Mr. Bradford moved to strike out in the second line of section 2, the words "her admission into the Union," and insert "the adoption of the present Constitution by the people."

Mr. Baldwin moved to lay the amendment on the table,

Mr. Osgood demanded the ayes and nays.

Those who voted in the affirmative were—

Mr. Baldwin	Mr. McCandless
Bennett	McDougal
Carr	Moore
Carnes	Saunders
Hall	Wethered
Kendrick	Wilkins
Lisle	Yeiser
Lind	Speaker—16.

In the negative—

Mr. Bodley	Mr. Cook
Bradford	Covarrubias
Brown	Field

Mr. Hoff Mr. Osgood
Merritt Thorne—10.

Agreed to.

On motion of Mr. Bodley, the Bill was laid on the table for the present.

A Message from the Senate was received, informing the Assembly that they have adopted Assembly's Resolution, fixing to-night to go into election of a Superintendent of Public Buildings and Property.

In pursuance of a Concurrent Resolution adopted by the two Houses, fixing to-night at half past eight o'clock, to proceed to election of a Superintendent of Public Buildings and Property, and defining the duties of that office, the House proceeded to said election.

Messrs. Thorne and McDougal were appointed Tellers.

Mr. Baldwin then nominated Mr. James Graham.

The Clerk then proceeded to call the names of the members, and the Tellers of the Assembly, after conferring with the Tellers of the Senate, reported the result as follows:

Whole number of votes given, ...	35
Necessary to a choice, ...	18
Of which Mr. Graham received, ...	33 votes.
Vandewater	2

Those who voted for Mr. James Graham were—Messrs. Baldwin, Bennett, Bodley, Bradford, Brown, Carr, Carnes, Cook, Covarrubias, Field, Hall, Hoff, Kendrick, Lisle, Lind, McCandless, McDougal, Merritt, Moore, Osgood, Saunders, Thorne, Wethered, Wilkins, Yeiser, and Speaker—26.

Mr. James Graham having received a majority of all the votes given, was declared duly elected Superintendent of Public Buildings and Property.

On motion of Mr. Saunders, "Bill respecting persons escaping from the service of their Masters," was taken up.

Mr. Carr moved to amend section 2d, second line, by inserting after the word "union" the words "or who may have been actually at that time on their way to this State."

Mr. Bradford demanded the ayes and nays.

Those who voted in the affirmative were—

Mr. Baldwin	Mr. Moore
Carr	Richardson
Kendrick	Saunders
Lisle	Wethered
McCandless	Wilkins
McDougal	Yeiser—12.

In the negative—

Mr. Bennett	Mr. Hall
Bodley	Hoff
Bradford	Merritt
Brown	Osgood
Cook	Thorne
Covarrubias	Speaker
Field	—13.

Not agreed to.

On motion of Mr. Hall, a call of the House was ordered, and the following members were absent, to wit: Messrs. Campbell, Carnes, McCorkle, and Pico.

On motion of Mr. Field, the call of the House was suspended temporarily.

A Message from the Senate was received, informing the Assembly that they have passed Assembly Bill, entitled "an Act to provide for the organization of the Counties of Nevada, Placer, Trinity, and Klamath," with amendments, as affixed to the margin of the Bill;

Also, Assembly "Joint Resolution for the relief of Sacramento city;"

Also, a "Bill entitled 'an Act to regulate Proceedings in Criminal Cases;'"

Also, "an Act to confirm a Contract entered into on the 28th March, 1851, between the Commissioners of the Sinking Fund of the City of San Francisco, and Henry A. Breed and William E. Dennis, for the construction of Market street Wharf, and California street Wharf;"

Also, with amendments, marked A, accompanying the Bill, Assembly Bill, entitled "an Act providing for the establishment of State Hospitals;"

Also, Assembly Bill, entitled "an Act to Incorporate the City of Sonora," with an amendment, affixed to the margin of the Bill.

"Bill to provide for the organization of the Counties of Nevada, Placer, Trinity, and Klamath," returned from the Senate, with amendments, was taken up, and Senate's amendments agreed to.

Senate "Bill to regulate Proceedings in Criminal Cases," was read first and second times, the Rules being suspended for that purpose.

On motion of Mr. Wethered, the Rules were supended, and the Bill was read a third time.

The question then was, "Shall the Bill pass?"

Decided in the affirmative.

Senate "Bill to confirm a Contract entered into on the 28th March, 1851, between the Commissioners of the Sinking Fund of the City of San Francisco, and Henry A. Breed and William E. Dennis, for the construction of Market street Wharf and California street Wharf," was read first and second times, the Rules being suspended for that purpose, and referred to the members from San Francisco.

"Bill providing for the establishment of State Hospitals," returned from the Senate, with amendments, was referred to a Select Committee, consisting of Messrs. Carr, Bodley, Wethered, Wilkins, and Moore.

On motion of Mr. Bodley, further proceedings under the call of the House were suspended.

Mr. Hall moved to amend "Bill respecting persons escaping from Service of their Masters," by adding the following as a new section:

"Every owner of a slave who shall have reclaimed him under the provisions of this Act, shall be required upon the delivery to him of such slave, to file a Bond in the office of the County Clerk, conditioned in the sum of one thousand dollars, with two securities, to be approved by the County Judge, or officer before whom complaint is made for the removal of said slave from the State, within sixteen days after his reclamation."

Adopted.

Mr. Bodley moved to amend first section, first line, by striking out "persons" and inserting "slaves;" also, in first line, second section, by striking out "persons" and inserting "slaves."

Agreed to.

On motion of Mr. Wilkins, the Bill was considered as engrossed, and read a third time.

The question then was, "Shall the Bill pass."

Mr. Baldwin demanded the ayes and nays.

Those who voted in the affirmative were—

Mr. Baldwin	Mr. McCorkle
Bennett	McDougal
Bradford	Merritt
Carr	Richardson
Hall	Saunders
Kendrick	Wethered
Lisle	Wilkins
Lind	Yeiser
McCandless	Speaker—18.

In the negative—

Mr. Bodley	Mr. Field
Brown	Hoff
Cook	Osgood
Covarrubias	Thorne—8.

Decided in the affirmative.

On motion of Mr. Merritt, the Bill was amended so as to read "Bill respecting Slaves escaping from the Service of their Masters."

Mr. Bodley moved to amend the title by adding the words "and for other purposes."

Not agreed to.

On motion of Mr. McCandless, leave of absence was granted to Mr. Randall.

Mr. Bradford offered the following:

Resolved (the Senate concurring), That a Joint Committee of the two Houses, consisting of six from the Assembly and three from the Senate, be appointed to report a Bill for the Apportionment of the State into Senatorial and Assembly Districts.

Adopted.

On motion of Mr. Yeiser, Senate "Bill for the Relief of the former Town Council of Stockton," was taken up.

On motion of Mr. Bodley, the preample to the bill was stricken out.
Mr. Merritt moved to lay the bill on the table for the present.
Not agreed to.
On motion of Mr. Bodley, the bill was read a third time.
The question then was, "Shall the Bill pass?"
Mr. McCorkle demanded the ayes and nays.

Those who voted in the affirmative were—

Mr. Baldwin	Mr. McDougal
Bennett	Merritt
Carnes	Richardson
Field	Thorne
Hoff	Wilkins
Lisle	Yeiser
Lind	Speaker
McCandless	—15.

In the negative—

Mr. Bradford	Mr. McCorkle
Brown	Osgood
Carr	Saunders
Cook	Wethered
Kendrick	—9.

Decided in the affirmative.
The following Message was received from the Governor:

TO THE SENATE AND HOUSE OF ASSEMBLY:

I regret to be compelled, from facts which have been brought to my notice this evening, to announce the departure from this State, on the 20th instant, under circumstances of a criminal nature, of Joseph C. Moorehead, Quarter Master General of California. From statements which are supported by the affidavits of several persons, General Moorehead, who had in charge four hundred muskets and ninety thousand cartridges, sold, through the house of Baker, Otis & Co., of San Francisco, a large portion of said arms, without any law or authority for that purpose, and appropriating the proceeds to his own use. This

violation of the high trust reposed in him by the people of California calls for some immediate notice on the part of the Legislature.

I therefore respectfully ask that provision be made by law for his apprehension, either by a suitable reward, or by sending some person empowered with authority for his arrest.

JOHN MCDOUGAL.

EXECUTIVE DEPARTMENT,
April 25th, 1851.

On motion of Mr. Saunders, the Governor's Message was referred to a Select Committee, consisting of Messrs. Saunders, Thorne, and McCorkle, with instructions to report to-morrow.

Mr. Bigler moved to take up "Bill for the relief of Sacramento City."

Not agreed to.

On motion of Mr. Bodley, the vote just taken was reconsidered.

The question then was on taking the bill from the table.

Agreed to.

Mr. Bigler moved to refer the bill to the Committee on Claims.

Mr. Baldwin moved to adjourn.

Not agreed to.

The question then was on referring the bill to the Committee on Claims.

Agreed to.

A Message from the Governor was received, informing the Assembly that he did, this day, sign "an Act creating the Office of Superintendent of Public Buildings and Property, and defining the Duties of that Office."

HALF PAST TEN O'CLOCK.

On motion of Mr. Saunders, the House adjourned.

HOUSE OF ASSEMBLY.

SATURDAY, *April 26th*, 1851.

House met.

The roll was called, and the following members were absent, to wit:

Messrs. Bradford, Campbell, Cook, Covarrubias, Kendrick, Lind, McCandless, Merritt, and Osgood; on leave, Messrs. Kellogg, Murphy Randall, Robinson, Richardson, and Stearns.

The Journal of yesterday was read and approved.

Mr. Hall, from the Committee on Claims, to whom was referred "A Bill for the Relief of Sacramento City," with instructions, reported the accompanying Bill as a substitute, and asked to be discharged from the further consideration of the subject.

"Bill for the relief of the Mayor and Council of Sacramento City," being substituted for No. 82, was read first time, and laid on the table.

Mr. Moore, from the Judiciary Committee, to whom was referred a petition from the citizens of Sacramento City, praying for the passage of a Vagrant Act, asked leave to state that the subject had already been acted upon. They therefore report the petition back to the House, and ask to be discharged from the further consideration of the subject.

Question on adopting the Report.

Adopted.

Mr. Bodley, from the Committee on Engrossed Bills, reported as correctly engrossed, "an Act to create a State Hospital in the city of Stockton;" also "a bill to incorparate the City of Monterey."

Mr. Bradford from the Joint Committee on Enrolled Bills, reported that they have presented to the Governor for his signature, "an Act to amend an Act entitled 'an Act to regulate Elections," passed March 23d, 1850; also, "an Act to provide for the Incorporation of Mutual Insurance Companies."

Mr. Lind, from the Select Committee, to whom was referred the petitions of citizens of Calaveras County, praying that an election be ordered for the location of the County Seat, reported that in their opinion, the prayer of the petitioners should be granted. They recommend the passage of the accompanying Bill, and ask to be discharged from the further consideration of the subject.

"Bill for an Act ordering a special election in Calaveras County," was read first and second times, the Rules being suspended for that purpose.

On motion of Mr. Lind, the Rules were suspended, the Bill considered as engrossed, and read a third time.

The question then was, "Shall the Bill pass?"

Decided in the affirmative.

Mr. Lind, from the Select Committee, to whom was referred "a Bill for an Act supplementary to an Act to prohibit Lotteries," reported that they cannot perceive any such public benefit likely to accrue from the passage of the Bill as will compensate for the evil of a violation of the principle of the Act prohibiting Lotteries, passed at the present session. The committee would therefore recommend the indefinite postponement of the Bill, and ask to be discharged from its further consideration.

The question then was, on the indefinite postponement of the Bill.

Mr. Cook demanded the yeas and nays.

Those who voted in the affirmative were—

Mr. Bodley	Mr. Lind
Bradford	McCorkle
Brown	McDougal
Carnes	Merritt
Cook	Pico
Kendrick	Richardson
Lisle	Wilkins—14.

In the negative—

Mr. Baldwin	Mr. Moore
Bennett	Saunders
Carr	Thorne
Field	Wethered
Hall	Yeiser
Hoff	Speaker—12.

Agreed to.

Mr. Carr, from the Select Committee, to whom was referred Assembly Bill No. 42, "an Act providing for the establishment of a State Marine Hospital at San Francisco," with Senate's amendments, reported as follows: Adopt all of the Senate's amendments except the following:

"Last amendment made to section third."

"Amendments to section four."

"Amendments to section six."

"All the amendments to section nine," except the proviso at the end

of said section, this adopt; also, to amend section fifteen by inserting in the second line, after "1850;" also, "an Act amendatory of an Act providing for the creation of a Marine Hospital for the State of California," approved February, 1851.

The question recurred on adopting the Report?

Adopted.

Mr. Saunders, from the Select Committee, to whom was referred the Governor's Message, and accompanying documents in relation to Joseph C. Moorehead, Quarter Master General of California, reported the same back with a Joint Resolution.

"Joint Resolution authorizing the Governor to offer a reward for the Quarter Master General," was read first and second times, the Rules being suspended for that purpose.

Mr. Bodley moved to amend the resolution by striking out "1000" and inserting "500."

On motion of Mr. McDougal, the whole subject was referred to a Select Committee, consisting of Messrs. McDougal, Saunders, Hall, Baldwin, and Kendrick, with instructions to report on Monday morning.

A Message from the Governor was received, informing the Assembly that he did this day appoint Wm. H. Richardson, Quarter Master General of California, to supply the vacancy occasioned by the removal from the State of Joseph C. Moorehead, and that he dispatched orders for him to proceed and collect together the little property left, and books and papers belonging to that department.

On motion of Mr. Saunders, the Message was referred to a Select Committee, consisting of Messrs. McDougal, Saunders, Hall, Baldwin, and Kendrick.

The Speaker laid before the House an amendment from the Senate to "Bill to Incorporate the City of Sonora," which was concurred in.

Mr. Bodley, from the Committee on Engrossed Bills, reported as correctly engrossed, "a Bill amending the Act concerning Courts of Justice in this State, and Judicial Officers."

Mr. Moore offered the following:

Resolved, (the Senate concurring), That the Hon. Henry A. Tefft, Judge of the Second Judicial District, have leave of absence from the State, for the space of four months, from and after the 1st day of June next.

Adopted.

Mr. McCorkle, on leave, introduced a "Joint Resolution for the erection of part of the State Prison at Vallejo;" which was read first and second times, the Rules being suspended for that purpose.

On motion of Mr. McCorkle, the Rules were suspended, the Joint Resolution considered as engrossed, and read a third time.

The question then was, "Shall the Joint Resolution pass?"

Decided in the affirmative.

Mr. Hall, on leave, introduced "Joint Resolution authorizing the Paymaster of the Gila Expedition to pay the claims of Crenshaw and Blackburn," which was read first and second times, the Rules being suspended for that purpose.

On motion of Mr. Wilkins, the Rules were suspended, the Joint Resolution considered as engrossed, and read a third time.

The question then was, "Shall the Joint Resolution pass?"

Decided in the affirmative.

A Message from the Senate was received, informing the Assembly that they have passed, with amendments marked "A," Assembly Bill, entitled "an Act to Fund the Debt of the State;" also, that the President has signed "an Act creating the office of Superintendent of Public Buildings and Property, and defining the duties of that office;" "an Act to provide for the construction of a Wagon Road from San José to Santa Cruz;" "an Act providing for the securing of State Prison Convicts;" "a Joint Resolution for the payment of witnesses in the case of A. W. Adams;" a "Joint Resolution authorizing the Comptroller to issue his Warrants to the Sergeant-at-Arms of the Senate and Assembly;" "an Act to amend an Act entitled 'an Act to regulate Elections;'" "an Act to provide for the Incorporation of Mutual Insurance Companies;" also, that the Governor has notified the Senate that he has signed "an Act providing for securing State Prison Convicts;" a "Joint Resolution authorizing the Comptroller to issue his Warrants to the Sergeant-at-Arms of the Senate and Assembly;" a "Joint Resolution for the payment of witnesses in the case of A. W. Adams;" and a "Joint Resolution for the payment of certain claims arising out of the Gila Expedition."

"Bill Funding the Debt of the State," returned from the Senate with amendments, was referred to Committee of Ways and Means, with instructions to report to-night.

Mr. McDougal, on leave, introduced "an Act to regulate Revenue

arising from Public Ferries, and for collecting the same," which was read first and second times, the Rules being suspended for that purpose.

Mr. McDougal moved that the Bill be considered as engrossed, and read a third time.

Not agreed to.

Mr. Osgood, from the Select Committee to whom was referred the petition of citizens of Sacramento County, praying the Legislature to grant Messrs. Van Arman & Hutchinson a license for a Ferry over the Sacramento river, at Sacramento City, have had the same under consideration, and beg leave to report the same back. Your committee are of the opinion that the Courts of Sessions of the several counties in this State have entire control and full authority in the premises, and if, in their opinion, it be necessary that such Ferry be licensed, the said Court has now as full authority in the premises as could be conferred on them. The prayer of the petitioners cannot be granted for the reason that this Legislature has no power to grant Ferry Licenses.

Mr. Bigler, on leave, introduced a "Bill authorizing the establishment of an additional Ferry on the Sacramento river, at Sacramento City, by the Court of Sessions of Sacramento County," which was read first and second times, the Rules being suspended for that purpose.

On motion of Mr. McCandless, the Bill was laid on the table for the present.

Mr. Bodley, from the Committee on Engrossed Bills, reported as correctly engrossed, "Joint Resolution authorizing the Paymaster of the Gila Expedition to pay the claims of Crenshaw and Blackburn;" "an Act ordering a Special Election in the County of Calaveras."

Mr. Field, on leave, introduced a "Bill amending the Act entitled 'an Act concerning the Courts of Justice in this State, and Judicial Officers;'" which was read first and second times, the Rules being suspended for that purpose.

On motion of Mr. Field, the Rules were suspended, the Bill considered as engrossed, and read a third time.

The question then was, "Shall the Bill pass?"

Decided in the affirmative.

Mr. Bodley, from the Committee on Engrossed Bills, reported as correctly engrossed, "an Act amending the Act entitled 'an Act concerning the Courts of Justice of this State, and Judicial Officers.'"

Mr. Merritt moved to reconsider the vote by which the House passed "Bill for the relief of the former Town Council of Stockton."

On motion of Mr. Bradford, said motion was laid on the table for the present.

On motion of Mr. Bennett, Senate and Assembly "Bills concerning Common Schools and Public Instruction," was made the order of the day for to-night.

On motion of Mr. Field, "Bill creating the Office of State Printer," and "Bill to provide for the Public Printing by Contract," was made the special order for to-night.

On motion of Mr. Merritt, the House resolved itself into Committee of the Whole, Mr. Hall in the Chair, on "Bill concerning Escheats." After some time spent therein, the committee rose, reported amendments to the Bill, and were discharged.

On motion of Mr. Baldwin, the amendments made in Committee of the Whole, were concurred in.

On motion of Mr. Baldwin, the Rules were suspended, the Bill considered as engrossed, and read a third time.

The question then was, "Shall the Bill pass?"

Decided in the affirmative.

Mr. Bradford, from the Committee on Enrolled Bills, reported that they have examined, and find correctly enrolled, "an Act to provide for the Incorporation of Railroad Companies;" "also, "an Act to provide for the organization of the Counties of Nevada, Placer, Trinity, and Klamath."

Mr. Carr, from the committee to whom was referred Assembly Bill, entitled "an Act to Fund the Debt of the State," with Senate's amendments, recommended the concurrence of the House to the Senate's amendments.

The question then was on adopting the Report.

Adopted.

On motion of Mr. Thorne, "Bill in relation to the City of San Francisco," was taken up.

Mr. Lisle moved that the Bill be indefinitely postponed, and demanded the ayes and nays.

Those who voted in the affirmative were—

Mr. Baldwin	Mr. Kendrick
Bodley	Lisle
Brown	McCorkle
Covarrubias	Wethered
Hall	Yeiser
Hoff	Speaker—12.

In the negative were—

Mr. Bennett	Mr. McDougal
Bradford	Merritt
Carr	Osgood
Carnes	Saunders
Cook	Thorne
Field	Wilkins
McCandless	—13.

Not agreed to.

On motion of Mr. Moore, the Bill was laid on the table for the present.

On motion of Mr. Bradford, the House resolved into Committee of the Whole, Mr. McCorkle in the chair, on "Bill concerning Rodeos." After some time spent therein, the committee rose, reported the Bill with amendments, and were discharged.

QUARTER BEFORE TWO O'CLOCK.

On motion of Mr. Baldwin, the House adjourned.

HALF PAST SEVEN O'CLOCK.

House met.

No quorum present.

On motion of Mr. Bodley, a call of the House was ordered, and the following members were absent, to wit: Messrs. Brown, Campbell, Carr, Carnes, Covarrubias, Field, Hall, McCandless, Moore, Osgood, Pico, and Saunders.

On motion of Mr. Bodley, the Sergeant-at-Arms was dispatched after absentees.

Quorum present.

On motion of Mr. Bodley, further proceedings under the call of the House were suspended.

Mr. Lind, on leave, introduced "a Bill for the relief of J. K. Shafer, District Attorney for the Fifth Judicial District," which was read first and second times, the Rules being suspended for that purpose, and referred to the Committee on Claims.

Mr. Bodley, on leave, introduced "a Bill amendatory of the 9th, 12th, and 14th sections of an Act entitled, 'an Act to Incorporate the City of San Jose,'" which was read first and second times, the Rules being suspended for that purpose.

On motion of Mr. Kendrick, the Rules were suspended, the Bill considered as engrossed, and read a third time.

The question then was, "Shall the Bill pass?"

Decided in the affirmative.

"Bill concerning Rodeos," was taken up, and amendments made in Committee of the Whole concurred in.

On motion of Mr. Kendrick, the Bill was considered as engrossed, and read a third time.

The question then was, "Shall the Bill pass?"

Decided in the affirmative.

A Message from the Senate was received, informing the Assembly that the Governor has returned to the Senate with his objections, "an Act to amend 'an Act concerning Licenses,'" passed April 22d, 1850, and that the Senate have reconsidered, and again passed the same by the Constitutional majority, the objections of the Governor notwithstanding;

Also, that they have passed with amendments, as contained in the paper marked "A," Assembly Bill, entitled "an Act to amend 'an Act creating and regulating Public Ferries,'" passed March 18, 1850;

Also, that they have passed an Act herewith transmitted, entitled "an Act to create a Board of Supervisors for the County of San Francisco, and define their duties;"

Also, that they have passed, with an amendment affixed to the margin, Assembly Bill, entitled "an Act concerning District Attorneys;" also, that they have passed "an Act concerning the Fees of Public Administrators," herewith transmitted;

Also, that the President of the Senate has signed "an Act amendatory of an Act entitled an Act to create a State Hospital in the City of Sacramento;"

Also, that they have adopted the Concurrent Resolution of the Assembly for the appointment of a Joint Committee to report a Bill for the Apportionment of the State into Senatorial and Assembly Districts, and have appointed as such committee, on the part of the Senate, Messrs. Warner, Foster, Green, and Heydenfeldt.

"Bill entitled an Act to amend an Act entitled 'an Act concerning Licenses,'" returned by the Governor with his objections to the Senate, and from that body transmitted to the Assembly, was taken up.

The question then was on reconsidering the vote by which the House passed the Bill.

Agreed to.

The question then was, "Shall the Bill pass, the objections of the Governor to the contrary notwithstanding?"

Those who voted in the affirmative were—

Mr. Baldwin	Mr. Lind
Bennett	McCorkle
Bradford	Merritt
Carr	Richardson
Cook	Thorne
Field	Wethered
Hoff	Yeiser
Lisle	Speaker—16.

In the negative—

Mr. Bodley	Mr. McDougal
Kendrick	Wilkins
McCandless	—5.

Decided in the affirmative.

"Bill to amend an Act creating and regulating Public Ferries," passed March, 1850, returned from the Senate with amendments, was taken up and amendments concurred in.

Senate Bill, entitled "an Act to create a Board of Supervisors for the County of San Francisco, and define their duties," was read first and second times, the Rules being suspended for that purpose.

On motion of Mr. Bennett, the Rules were suspended, and the Bill read a third time.

The question then was, "Shall the Bill pass?"

Decided in the affirmative.

The Speaker appointed Messrs. McCorkle, Merritt, Baldwin, Hall, Hoff, Lisle, Bodley, and McDougal a Committee, on the part of the House, to report a Bill for the Apportionment of the State into Senatorial and Assembly Districts.

"Bill concerning District Attorneys," returned from the Senate with amendments, was taken up and amendments concurred in.

Senate Bill concerning the "Fees of Public Administrator," was read first and second times, the Rules being suspended for that purpose.

On motion of Mr. Wilkins, the Rules were suspended and the Bill read a third time.

The question then was, "Shall the Bill pass?"

Decided in the affirmative.

A Message was received from the Governor, informing the Assembly that he has this day signed "an Act to provide for the Incorporation of Mutual Insurance Companies," and "an Act to amend an Act entitled 'an Act to regulate Elections.'"

Mr. Thorne, from the delegation from San Francisco, to whom was referred Senate Bill to ratify and confirm a contract between the Sinking Fund Commissioners of San Francisco and H. A. Breed and William E. Dennis, reported the same back to the House without amendment, and recommended its passage.

On motion of Mr. Wethered, the Bill was read a third time.

The question then was, "Shall the Bill pass."

Mr. Merritt demanded the ayes and nays.

Those who voted in the affirmative were—

Mr. Bennett	Mr. Lisle
Carr	McCandless
Carnes	McCorkle
Cook	McDougal
Covarrubias	Saunders
Hall	Thorne
Hoff	Wethered
Kendrick	Speaker—16.

In the negative—

Mr. Bodley	Mr. Richardson
Bradford	Wilkins
Lind	Yeiser
Merritt	—7.

Decided in the affirmative.

Mr. Carr gave notice that he would, at some future day, introduce a "Bill amendatory of an Act prescribing the mode of Receiving, Keeping, and Paying out the Public Funds."

On motion of Mr. Hall, the House resolved itself into Committee of the Whole, Mr. Cook in the Chair, on Senate "Bill concerning Common Schools and Public Instruction." After some time spent therein, the committee rose, reported the Bill, with amendments, and were discharged.

On motion of Mr. Wilkins, the amendments made in Committee of the Whole were concurred in generally.

On motion of Mr. Thorne, the Bill was read a third time.

The question then was, "Shall the Bill pass?"

Decided in the affirmative.

Mr. Bradford, on leave, introduced a "Bill to provide for holding a Term of the District Court in the Counties of Yuba and Solano," which was read first and second times, the Rules being suspended for that purpose.

On motion of Mr. Kendrick, the Rules were suspended, the Bill considered as engrossed, and read a third time.

The question then was, "Shall the Bill pass?"

Decided in the affirmative.

Mr. Lisle, on leave, introduced a "Bill concerning certain Records kept in the Counties of Trinity and Klamath," which was read first and second times, the Rules being suspended for that purpose.

On motion of Mr. Bodley, the Rules were suspended, the Bill considered as engrossed, and read a third time.

The question ther was, "Shall the Bill pass?"

Decided in the affirmative.

On motion of Mr. Carr, "Bill to provide a Revenue for the State Marine Hospital at San Francisco," returned from the Senate with an amendment, was taken up, and amendment concurred in.

On motion of Mr. Bigler, "Bill authorizing the establishment of an additional Ferry on the Sacramento River, at Sacramento City, by the Court of Sessions of Sacramento County," was taken up, when Mr. Bigler offered as a substitute for the same, "Joint Resolution, authorizing the Court of Sessions of Sacramento City to establish an additional Ferry opposite the City of Sacramento."

The question then was on adopting the substitute.

Adopted.

The Joint Resolution was then considered as engrossed, and read a third time.

The question then was, "Shall the Bill pass?"

Decided in the affirmative.

Mr. McCandless, from the Select Committee, to whom was referred the Bill entitled, "an Act in relation to Flour and Meal," reported the Bill and amendments, and recommended its passage.

Mr. Lisle moved to indefinitely postpone said Bill.

Not agreed to.

On motion of Mr. Lisle, the Bill was laid on the table for the present.

A Message from the Senate was received, informing the Assembly that they have passed, with an amendment, marked "A," Assembly Bill, entitled "an Act amending the Act, entitled 'an Act concerning the Courts of Justice of this State and Judicial Officers;'" "Bill amending the Act, entitled 'an Act concerning the Courts of Justice of this State and Judicial Officers,'" returned from the Senate with an amendment, was taken up, and amendment concurred in.

Mr. Field, on leave, introduced a "Bill amending the 'Act to Incorporate the City of Marysville,'" which was read first and second times, the Rules being suspended for that purpose.

On motion of Mr. Field, the Rules were suspended, the Bill considered as engrossed, and read a third time.

The question then was, "Shall the Bill pass?"

Decided in the affirmative.

Mr. Field, on leave, introduced a Bill to amend the third Section of the Act, entitled "an Act to License Gaming," passed March 14th, 1851, which was read first and second times, the Rules being suspended for that purpose.

On motion of Mr. Field, the Rules were suspended, the Bill considered as engrossed, and read a third time.

The question then was, "Shall the Bill pass?"

Decided in the affirmative.

"Bill concerning Common Schools and Public Instruction," was,

On motion of Mr. Bradford, indefinitely postponed.

"Bill to Incorporate Schools, Academies, and Seminaries of Learning," was,

On motion of Mr. Bennett, indefinitely postponed.

"Bill supplemental to an Act, entitled "an Act to Regulate the Settlement of Estates of Deceased Persons," approved April 22, 1850, was,

On motion of Mr Bennett, indefinitely postponed.

A Message from the Senate was received, informing the Assembly that they have passed Assembly Bill, entitled "an Act concerning Oysters;" "an Act amendatory of the 9th, 12th, and 14th Sections of an Act, entitled 'an Act to Incorporate the City of San José;'" and "Concurrent Resolution granting leave of absence to Hon. Henry A. Tefft, Judge of the Second Judicial District."

"Bill creating the Office of State Printer," was,

On motion of Mr Bradford, made the order of the day for Monday.

Mr. Cook moved to adjourn.

Not agreed to.

Mr. Carr on leave, introduced a "Bill supplemental to an Act, entitled 'an Act to provide for the appointment, and prescribe the duties of Guardians, approved April 19, 1850,'" which was read first and second times, the Rules being suspended for that purpose.

Mr. Carr, from the Joint Committee of Conference on the disagreeing votes of the two Houses on Assembly Bill, entitled "an Act to regulate the Interest of Money," reported that they have agreed to recommend the adoption of the Senate's substitute for said Bill, with the following amendment:

Amend Section 5 by striking out line 13, and inserting in lieu thereof the following: "*Provided*, however, that in case a defence of usury be set up and sustained by the makers of," and add at the close of the Section, "then the said endorsee or holder shall be entitled to sue and recover back from the party taking such usurious interest, all loss that he may have sustained thereby."

The question recurred on adopting the Report.

Adopted.

"Bill authorizing persons to change their names," was then taken up

Mr. Bodley moved to indefinitely postpone said Bill.

Not agreed to.

On motion of Mr. Bodley, the Bill was considered as engrossed, and read a third time.

The question then was, "Shall the Bill pass?"

Decided in the affirmative.

Mr. Bodley, from the Committee on Engrossed Bills, reported as correctly engrossed, a "Bill to provide for holding a Term of the District Court in the Counties of Yuba and Solano;" also, "Bill amending the Act to Incorporate the City of Marysville;" also, "Bill to amend the 3d Section of the Act, entitled 'an Act to License Gaming, passed March 14th, 1851;'" also, "Bill for an Act concerning Escheats;" "an Act to change the name of José Benavides Basques, and Maria Josefa Basques;" "an Act amendatory of the 9th, 12th, and 14th Sections of 'an Act to Incorporate the City of San José;'" "an Act respecting Slaves escaping from the service of their Masters;" and "Joint Resolution for the erection of part of the State Prison at Vallejo."

TEN O'CLOCK.

On motion of Mr. Bradford, the House adjourned.

HOUSE OF ASSEMBLY.

MONDAY, *April 28th*, 1851.

House met.

The roll was called, and the following members were absent, to wit: Messrs. Campbell, Hoff, Lisle, McCandless, McCorkle, Merritt, Moore, Osgood, Wethered, and Yeiser; on leave, Messrs. Kellogg, Murphy, Randall, Richardson, Robinson, and Stearns.

On motion, the Journal of Saturday was approved, without reading.

Mr. Carr, agreeably to notice given, introduced "an Act amendatory of 'an Act prescribing the mode of receiving, keeping, and paying out the Public Funds,'" which was read first and second times, the Rules being suspended for that purpose.

On motion of Mr. Bodley, the Rules were suspended, the Bill considered as engrossed, and read a third time.

The question then was, "Shall the Bill pass?"

Decided in the affirmative.

On motion of Mr. Merritt, the House resolved itself into Committee of the Whole, Mr. Merritt in the Chair, on "Bill creating the office of State Printer." After some time spent therein, the committee rose, reported the Bill, with amendments, and were discharged.

On motion of Mr. Brown, the House concurred generally in the amendments made in Committee of the Whole.

On motion of Mr. Bodley, the Bill was considered as engrossed, and read a third time.

The question then was, "Shall the Bill pass?"

Decided in the affirmative.

Mr. Bradford, from the Joint Committee on Enrolled Bills, reported that they have examined, and find correctly enrolled, "an Act to Fund the Debt of the State;" also, "Joint Resolution for the relief of Sacramento."

Mr. Bodley, from the Committee on Engrossed Bills, reported as correctly engrossed, Bills severally entitled, a "Bill authorizing persons to change their names;" "Joint Resolution authorizing the Court of Sessions of Sacramento County to establish an additional Ferry opposite the City of Sacramento;" a "Bill to regulate Fees in Office;" also, a "Bill concerning Records kept in the Counties of Trinity and Klamath."

A Message from the Senate was received, informing the Assembly that they have passed without amendment, Assembly Bill, entitled "an Act ordering a Special Election in the County of Calaveras;"

Also, that they have appointed a Committee of Conference on the Bill entitled "an Act to authorize the Funding of the Floating Debt of the City of San Francisco, and to provide for the payment of the same," consisting of Messrs. Foster, Broderick, and Heydenfeldt, to meet a similar committee appointed on the part of the Assembly.

Mr. McCorkle, from the Joint Select Committee appointed by the Senate and Assembly, to report a Bill to apportion the members of the Senate and Assembly among the several Counties of the State, having carefully considered the same, reported the accompanying Bill, and recommended its passage:—

"From all the reliable information within the reach of the committee, they believe that the federal population of California now exceeds three

hundred thousand souls. They have arrived at this conclusion from information received from all parts of the State, as well as from a record of the overland emigration—the arrivals and departures by sea in the last two years, and the estimated number of resident Californians, at the time of the change of flags. It is to be seriously regretted that the insufficient means furnished by the U. S. Government to the Commissioners appointed to take the Census—the migratory character of our population—the impossibility of reaching the greatest number of said population in the gorges of the mountains, have rendered the Census so far reported incorrect and unsatisfactory. Your committee, therefore, in agreeing upon the accompanying Bill, have had to seek better and more reliable sources of information. The reasons in favor of an increase of representation are too apparent, in the opinion of your committee, to need argument. The Constitution not only requires it to be done, but public opinion and public policy demands it. The old opinion that the "few may, but the many cannot be corrupted," is a sound republican sentiment; and while it guarantees wiser and purer legislation, it is exempt from suspicions which may attach to smaller Legislatures. The fact cannot and should not be disguised that evil-disposed persons have thrown out insinuations derogatory to this Legislature, and consequently to the people of the State of California, because it is known that some half dozen voters control the passage of all laws—and your committee believe that this Legislature should at once place itself in that dignified position which is above suspicion. The best experience teaches that legislation instead of being retarded is greatly facilitated by a larger number of representatives of the people than now compose the Legislature of California. The experience of every one in this body at present must demonstrate the necessity of an increase of the number. We find in our examination of the various committees absolutely necessary to prepare business for the two branches of this Legislature, that every member is on one or two committees—particularly is this the case in the Senate. All Legislative business must consequently be retarded in committee, or left in the hands of one or two of its number, which renders the passage of any law through the various steps of legislative proceedings more tedious and slow. A subject properly considered and matured in committee, and by them reported favorably, should be a guarantee of its adoption; but now the hasty and necessarily loose investigations in committee,

render it necessary, oftentimes, that the same labor and investigation be gone through in the House to which it was reported. For these and many other reasons which might be advanced, your committee recommend strongly that the number of representatives be increased. The more we can connect the legislative power with the people, the more nearly will their wishes be truly represented. It is the true policy of every republic to have as many representatives as practicable. The idea of representation was first only conceived and adopted, because of the impracticability of the people assembling *en masse* to enact their own laws. The argument that a smaller number of representatives are more directly responsible to the people than a larger number, is if investigated not only fallacious, but must lead to the inevitable conclusion that a monarchy is preferable to a democracy.

"Your committee do not deem it necessary to pursue this subject further, and would most respectfully recommend the passage of the accompanying Bill."

Bill reported by the Joint Committee, entitled "an Act to regulate the Senatorial and Assembly Districts," was read first and second times, the Rules being suspended for that purpose.

On motion of Mr. Baldwin, the Bill was recommitted to the Select Committee, with instructions to report to-night.

On motion of Mr. Bradford, Senate "Bill concerning Salaries of Officers," was made the order of the day for to-night.

On motion of Mr. Bodley, it was ordered that the Bills on the Speaker's table be considered.

"Joint Resolution for the benefit of Citizens of Los Angeles County" was taken up.

Mr. Hall moved to amend the Resolution by striking out the words "general fund," and inserting the words "war loan fund."

Agreed to.

On motion of Mr. Bodley, the Joint Resolution was considered as engrossed, and read a third time.

The question then was, "Shall the Joint Resolution pass?"

Decided in the affirmative.

"Bill to provide a Revenue for the California State Hospital," was taken up, and indefinitely postponed.

A Message was received from the Governor, informing the Assembly that he had this day signed "an Act to provide for the organization of

the Counties of Nevada, Placer, Trinity, and Klamath;" and "an Act amendatory of an Act, entitled 'an Act to create a State Hospital in the City of Sacramento.'"

"Bill supplemental to an Act, entitled 'an Act to provide for the appointment and preseribe the duties of Guardians, approved April 19, 1850,'" was indefinitely postponed.

"Bill to regulate Revenue arising from Public Ferries, and for collecting the same," was, on motion of Mr. Bodley, indefinitely postponed.

"Bill to prohibit Banking," was taken up.

Mr. McCorkle moved to amend by inserting after the word "Corporation," in section 1st, the words, "or county."

Agreed to.

Mr. McCorkle moved to amend the Bill by inserting the following as a new section:

"The provisions of the two preceding sections shall not be deemed to apply to the auditing and allowance of accounts, or indebtedness by the State, or any County in the State; but in no case shall the certificate of indebtedness, or Warrants upon the State or County Treasury, be issued for less sums than the amount actually due."

Agreed to.

On motion of Mr. McCorkle, the Bill was considered as engrossed and read a third time.

The question then was, "Shall the Bill pass?"

Decided in the affirmative.

"Bill to prohibit Officers from being interested in Certain Contracts" was taken up, when the House concurred in Senate's amendments to section one and four; also, in Senate's amendments to the second section, with an amendment as follows:

"And any such officer, who may be required to collect or disburse any public funds, is hereby prohibited from purchasing, directly or indirectly, any Scrip, Bonds, Warrants, Audited Accounts, or other evidence of Town, City, County, or State indebtedness, at a less rate, than the par value thereof, with such interest as may have accumulated thereon; and every such officer is required, on the settlement of his accounts, to file an affidavit, taken before a County or District Judge, that he has not, directly or indirectly, or by collusion with another, violated the provisions of this Act."

Bills, severally entitled, "an Act to fix the Compensation of State

Printer for the year 1851;" "an Act to create the Office of State Printer, to define his Duties, to fix his Compensation, and to regulate the Distribution of published Volumes;" "an Act to provide for the public Printing by Contract," were taken up and indefinitely postponed.

"Bill respecting Vagrants" was taken up.

Mr. Bodley moved that the Bill be considered as engrossed and read a third time.

Not agreed to.

On motion of Mr. McCandless, the Bill was indefinitely postponed.

Senate "Bill for the relief of the former Town Council of Stockton" was taken up.

The question recurred on the motion to reconsider the vote by which the House passed the Bill.

Mr. Saunders moved to indefinitely postpone the motion to reconsider.

Mr. Bradford demanded the ayes and nays.

Those who voted in the affirmative were—

Mr. Bennett	Mr. McDougal
Cook	Saunders
Carnes	Thorne
Field	Yeiser
Lind	Speaker—10.

In the negative—

Mr. Baldwin	Mr. Lisle
Bodley	McCorkle
Bradford	Merritt
Brown	Moore
Carr	Osgood
Hall	Pico
Hoff	Wilkins
Kendrick	—15.

Not agreed to.

The question recurred on the motion to reconsider.

Mr. Bradford demanded the ayes and nays.

Those who voted in the affirmative were—

Mr. Baldwin	Mr. Kendrick
Bradford	McCorkle
Brown	Merritt
Carr	Moore
Hall	Wilkins—10.

In the negative—

Mr. Bennett	Mr. McDougal
Bodley	Osgood
Cook	Pico
Carnes	Saunders
Field	Thorne
Lisle	Yeiser
Lind	Speaker
McCandless	—15.

Not agreed to.

Mr. Bradford, from the Joint Committee on Enrolled Bills, reported that they have examined and find correctly enrolled, "an Act concerning Officers," and "an Act concerning Jurors;" also, that they have presented to the Governor for his approval, on the 26th instant, "an Act amendatory of an Act entitled, 'an Act to create a State Hospital in the City of Sacramento;'" "an Act to provide for the Incorporation of Railroad Companies;" "an Act to provide for the Organization of the Counties of Nevada, Placer, Trinity, and Klamath."

HALF-PAST ONE O'CLOCK.

On motion of Mr. Bradford, the House adjourned.

HALF-PAST SEVEN O'CLOCK.

House met.

Mr. Bradford, from the Joint Committee on Enrolled Bills, reported that they have, this day, presented to the Governor for his approval, "Joint Resolution for the relief of Sacramento City;" "an Act to Fund the Debt of the State;" "an Act concerning Offices:" "an Act concerning Jurors;"

Also, that they have examined and find correctly enrolled, "an Act concerning the fees of Public Administrators;" "an Act to ratify and confirm a Contract entered into on the 28th day of March, 1851, between the Commissioners of the Sinking Fund of the City of San Francisco, and Henry A. Breed and William E. Dennis, for the construction of Market street Wharf, and California street Wharf;" "an Act amendatory of the 9th, 12th, and 14th sections of the 'Act to Incorporate the City of San José;'"

Also, "an Act concerning District Attorneys;"

Also, "an Act concerning Oysters;"

Also, "an Act amending the 'Act concerning Courts of this State, and Judicial Officers;"

Also, "Concurrent Resolution granting leave of absence to Hon. H. A. Tefft."

"Bill concerning the Salaries of Officers," was,

On motion of Mr. Carr, made the order of the day for to-morrow night.

Mr. McCorkle, from the Joint Committee to whom was recommitted "Bill to regulate the Senatorial and Assembly Districts," reported a substitute for the same.

Mr. Thorne moved to indefinitely postpone the substitute.

Not agreed to.

The question recurred on adopting the substitute.

Adopted.

Mr. Pico moved to amend the Bill as follows:

"The County of San Diego shall be the First Senatorial District, and shall elect one Senator and one Member of Assembly. The County of Los Angeles shall be the Second Senatorial District, and shall elect one Senator and three Members of the Assembly."

On motion of Mr. Field, the amendment was laid on the table temporarily.

A Message from the Senate was received, requesting the Assembly to return to the Senate, "an Act amending 'an Act concerning Courts of Justice of this State, and Judicial Officers.'"

The question then recurred on the amendment offered by Mr. Pico.

Agreed to.

On motion of Mr. Wilkins, the House reconsidered the vote just taken.

Mr. Bodley moved as a substitute for the amendment, "by giving one more Member of Assembly to Los Angeles County."

Agreed to.

Mr. Thorne moved to amend the Bill, "by giving San Francisco eight Members of Assembly and four Senators."

Not agreed to.

Mr. Bradford in the Chair.

Mr. Bigler moved to amend the Bill, "by giving Sacramento five Members of Assembly."

Mr. Lisle demanded the ayes and nays.

Those who voted in the affirmative were—

Mr. Bodley	Mr. McDougal
Bradford	Merritt
Campbell	Moore
Carr	Osgood
Cook	Pico
Covarrubias	Wilkins
Hoff	Yeiser
Kendrick	Speaker
Lisle	—17.

In the negative—

Mr. Baldwin	Mr. McCandless
Bennett	McCorkle
Brown	Saunders
Hall	Thorne
Lind	—9.

Agreed to.

Mr. McCandless moved to amend the Bill, "by giving Shasta County one more Member of Assembly," and demanded the ayes and nays.

Those who voted in the affirmative were—

Mr. Bennett	Mr. McDougal
Hall	Moore
Hoff	Osgood
Kendrick	Saunders
McCandless	Yeiser
McCorkle	Speaker—12.

In the negative—

Mr. Bodley	Mr. Field
Bradford	Lisle
Brown	Lind
Campbell	Merritt
Carr	Pico
Cook	Thorne
Covarrubias	Wilkins—14.

Not agreed to.

Mr. Lind moved to amend the Bill, "by giving Calaveras County five members of Assembly."

Not agreed to.

Mr. Hall moved to go into Committee of the Whole on the Bill.

Not agreed to.

Mr. McCandless moved to indefinitely postpone the Bill.

Mr. Wilkins demanded the ayes and nays.

Those who voted in the affirmative were—

Mr. Bennett	Mr. Cook
Bodley	Hoff
Brown	McCandless
Campbell	McCorkle
Carr	Thorne—10.

In the negative—

Mr. Baldwin	Mr. Hall
Bradford	Kendrick
Covarrubias	Lisle
Field	Lind

Mr. McDougal	Saunders
Merritt	Wilkins
Moore	Yeiser
Osgood	Speaker
Pico	—17.

Not agreed to.

Mr. Carr moved to amend the Bill, "by giving San Francisco seven Members of Assembly and four Senators."

Mr. Moore moved to amemd the amendment, "by giving Tuolumne County seven Members of Assembly and four Senators."

Not agreed to.

Mr. McDougal moved to amend the amendment, "by giving San Joaquin County one more Member of Assembly and one more Senator."

Not agreed to.

The question then recurred on the motion to amend the Bill, "by giving San Francisco seven members of Assembly and four Senators."

Mr. Carr demanded the ayes and nays.

Those who voted in the affirmative were—

Mr. Baldwin	Mr. Lisle
Bennett	McCandless
Brown	Osgood
Campbell	Pico
Carr	Thorne
Cook	Wilkins
Carnes	Speaker
Hoff	—15.

In the negative—

Mr. Bradford	Mr. McDougal
Field	Merritt
Hall	Moore
Kendrick	Saunders
Lind	Yeiser
McCorkle	—11.

Agreed to.

Mr. Moore moved to lay the Bill on the table until to-morrow.

Not agreed to.

Mr. Moore moved to amend the Bill, "by giving Tuolumne County seven Members of Assembly."

Mr. Hall moved to amend the amendment, "by giving El Dorado County seven Members of Assembly."

Not agreed to.

Mr. Campbell moved to amend the amendment by adding one additional Member of Asssembly from Santa Clara County.

Not agreed to.

Mr. Moore demanded the previous question.

The question then was, "Shall the main question be now put?"

Agreed to.

The question recurred on the motion to amend the Bill, by giving Tuolumne County seven Members of Assembly.

Mr. Moore demanded the ayes and nays.

Those who voted in the affirmative were—

Mr. Baldwin	Mr. Moore
Bennett	Osgood
Carr	Wilkins
Hoff	Yeiser
Merritt	Speaker—10.

In the negative—

Mr. Bodley	Mr. Kendrick
Bradford	Lisle
Brown	McCandless
Campbell	McCorkle
Cook	McDougal
Carnes	Pico
Field	Saunders
Hall	Thorne—16.

Not agreed to.

The Bill was then considered as engrossed and read a third time.

The question then was, "Shall the Bill pass?"

Mr. Carnes demanded the ayes and nays.

Those who voted in the affirmative were—

Mr. Baldwin	Mr. Lisle
Bennett	McCorkle
Carr	Merritt
Covarrubias	Moore
Field	Osgood
Hall	Saunders
Hoff	Wilkins
Kendrick	Speaker—16.

In the negative—

Mr. Bodley	Mr. Lind
Bradford	McCandless
Brown	McDougal
Campbell	Pico
Cook	Thorne
Carnes	Yeiser—12.

Decided in the affirmative.

Mr. Bradford from the Joint Committee on Enrolled Bills, reported that they have this day presented to the Governor for his approval, "an Act concerning the Fees of Public Administrator;" "an Act to ratify and confirm a Contract entered into between the Commissioners of the Sinking Fund of the City of San Francisco and Henry A. Breed and Wm. E. Dennis, concerning Market street Wharf and California street Wharf;" "an Act to create a Board of Supervisors for the County of San Francisco, and defining their duties;" "an Act concerning District Attorneys;" "Concurrent Resolution granting leave of absence to the Hon. Henry A. Tefft, Judge of the Second Judicial District;" "an Act amendatory of 'an Act concerning Courts of Justice of this State, and Judicial Officers;'" "an Act amendatory of the 9th, 12th, and 14th sections of 'an Act to incorporate the City of San Jose;'" "an Act concerning Oysters;"

Also, that they have examined and find correctly enrolled, "an Act to create a Board of Supervisors for the County of San Francisco, and define their duties."

A Message from the Governor was received, informing the Assembly

that he has, this day, signed "an Act to Fund the Debt of the State," and a "Joint Resolution for the relief of Sacramento City."

On motion of Mr. Thorne, "Bill in relation to the City of San Francisco," was taken up and considered as engrossed, and read a third time.

Mr. Moore moved that the Bill be indefinitely postponed, and demanded the ayes and nays.

Those who voted in the affirmative were—

Mr. Baldwin	Mr. Moore
Bodley	Wilkins
Kendrick	Yeiser
Lisle	Speaker
Merritt	—9.

In the negative—

Mr. Bennett	Mr. Hall
Bradford	McCandless
Campbell	McDougal
Carr	Osgood
Cook	Saunders
Carnes	Thorne—12.

Not agreed to.

Mr. Baldwin moved to lay the Bill on the table.

Not agreed to.

The question then was, "Shall the Bill pass?"

Mr. Moore demanded the ayes and nays.

Those who voted in the affirmative were—

Mr. Bennett	Mr. Hall
Bradford	McCandless
Campbell	McDougal
Carr	Osgood
Cook	Saunders
Carnes	Thorne—12.

In the negative—

Mr. Baldwin	Mr. Moore
Bodley	Wilkins
Kendrick	Yeiser
Lisle	Speaker
Merritt	—9.

Decided in the affirmative.

Mr. Lisle moved to amend the Bill, so that it will read, a "Bill for the relief of Colton Grantees."

Mr. Moore demanded the ayes and nays.

Those who voted in the affirmative were—

Mr. Baldwin	Mr. Moore
Bodley	Wilkins
Lisle	Speaker
Merritt	—7.

In the negative—

Mr. Bennett	Mr. Kendrick
Bradford	McCandless
Campbell	McDougal
Carr	Osgood
Cook	Saunders
Carnes	Thorne
Hall	—13.

Not agreed to.

Mr. Bodley, from the Committee on Engrossed Bills, reported as correctly engrossed, a "Bill creating the office of State Printer;" "an Act to regulate Rodeos;" also, "an Act amendatory of 'an Act prescribing the mode of receiving, keeping, and paying out the Public Funds.'"

Mr. Moore, from the Judiciary Committe, to whom was referred Assembly Bill, entitled "an Act to provide for the revision and amendment of the Statutes of the State," reported the same back to the House with a substitute, and recommended its passage.

Question recurred on adopting the substitute.

Adopted.

Mr. Bodley moved to lay the Bill on the table.

Agreed to.

On motion of Mr. Campbell, Senate Bill No. 42 was made the order of the day for to-morrow night.

Mr. Moore, on leave, introduced a "Bill fixing the Salary of Superintendent of Public Instruction," which was read first and second times, and laid on the table.

On motion of Mr. McCandless, "Bill in relation to Flour and Meal," was made the order of the day for to-morrow.

A Message from the Senate was received, informing the Assembly that the President has signed "an Act concerning Offices;" "an Act concerning Jurors;" "an Act to Fund the Debt of the State;" a "Joint Resolution for the Relief of Sacramento City;"

Also, that they have adopted the report of the Conference Committee on the Bill entitled "an Act to regulate the Interest on Money;"

Also, that they have concurred in Assembly amendments to Senate Bill, entitled "an Act concerning Common Schools, and Public Instruction," with the exception of the fourth, in which they have non-concurred;

Also, that they have passed, without amendment, Assembly Bills, entitled "an Act authorizing the Governor to offer rewards for the apprehension of Criminals;" "an Act concerning Criminal Actions removed before trial;" "an Act concerning certain Records kept in the Counties of Trinity and Klamath;" "an Act to amend the third section of the Act entitled 'an Act to License Gaming;'" "an Act amending the 'Act to Incorporate the City of Marysville;'"

Also, that they have passed, with amendments, as affixed to the margin thereof, Bills severally entitled "an Act concerning Toll Bridges;" "an Act providing for holding a Term of the District Court in the Counties of Yuba and Solano;" "an Act supplementary to 'an Act concerning Marks and Brands, passed April 12, 1850;'" a "Joint Resolution, authorizing the Court of Sessions of Sacramento City to establish an additional Ferry opposite the City of Sacramento;" "an Act to create a State Hospital in the City of Stockton;"

Also, that they have passed Bills, herewith transmitted, severally entitled "an Act for the safe keeping of persons imprisoned in California under the laws of the United States;" "an Act to regulate the settlement of the Estates of Deceased Persons;"

Also, that the Governer has notified the Senate, that he has signed "an Act to provide for the Incorporation of Railroad Companies."

Senate Bill to regulate the settlement of the Estates of Deceased Persons," was read first and second times, the Rules being suspended for that purpose.

Mr. Carr moved that the Bill be referred to the Judiciary Committee.

Mr. Moore moved to amend the motion, by referring the Bill to a Select Committee.

Agreed to.

The Speaker appointed as said committee, Messrs. Moore, McCorkle, and McDougal.

Senate "Bill concerning Common Schools and Public Instruction," returned from the Senate, concurring in the Assembly's amendments, with the exception of the fourth of said amendments, was taken up, when the House refused to recede from their amendment.

Mr. Wilkins moved to adjourn.

Not agreed to.

ELEVEN O'CLOCK.

On motion of Mr. Hall, the House adjourned.

HOUSE OF ASSEMBLY.

TUESDAY, *April* 29, 1851.

House met.

The roll was called, and the following members were absent, to wit: Messrs. Campbell, Covarrubias, Lisle, McCandless, Merritt, Osgood, Saunders, and Thorne; on leave, Kellogg, Murphy, Randall, Richardson, Robinson, Stearns, and Wethered.

On motion of Mr. Bodley, the Journal of yesterday was approved without reading.

On motion of Mr. Carr, Messrs. Lisle and Thorne had leave of absence.

A Message from the Senate was received, informing the Assembly

that they have adopted a Joint Resolution of thanks to Hon. William M. Gwin, herewith transmitted, for the action of the Assembly.

Joint Resolution of thanks to Hon. William M. Gwin was taken up.

Mr. Moore moved to lay the resolution on the table for the present.

Mr. Saunders demanded the ayes and nays.

Those who voted in the affirmative were—

Mr. Baldwin	Mr. Moore
Bodley	Osgood
McCandless	Wilkins—6.

In the negative—

Mr. Bradford	Mr. Lind
Brown	McCorkle
Carr	McDougal
Cook	Merritt
Carnes	Pico
Field	Saunders
Hall	Yeiser
Hoff	Speaker
Kendrick	—17.

Not agreed to.

Mr. Field demanded the previous question.

The question then was, "Shall the main question be now put?"

Agreed to.

The question then was on adopting the resolution.

Mr. Cook demanded the ayes and nays.

Those who voted in the affirmative were—

Mr. Bradford	Mr. Lind
Brown	McCorkle
Carr	McDougal
Cook	Merritt
Carnes	Osgood
Field	Pico
Hall	Saunders
Hoff	Yeiser
Kendrick	Speaker—18.

In the negative—

Mr. McCandless—1.

Messrs. Baldwin, Moore, and Wilkins, were excused from voting.

Mr. Cook, from the Joint Committee on Enrolled Billls, reported as correctly enrolled, "an Act to regulate the Interest on Money;" also, "an Act for holding a Special Election in Calaveras County;" "an Act to amend an Act entitled 'an Act creating and regulating Public Ferries, passed March 18, A.D., 1850.'"

A Message was received from the Governor, informing the Assembly that he has this day signed "an Act concerning Oysters."

A Message from the Senate was received, informing the Assembly that they have non-concurred in the amendment of the Assembly to Senate's amendment to Bill entitled "an Act to prohibit officers from being interested in Certain Contracts;"

Also, that they have concurred in Assembly's amendment in Senate Bill, entitled "an Act for the relief of the former Town Council of Stockton;"

Also, that they have receded from their amendments, to which the Assembly refused to concur, to Assembly Bill, entitled "an Act providing for the establishment of State Hospitals," except to the 4th Section, from which they refuse to recede, and have appointed a Committee of Conference thereon, to meet any similar committee which may be appointed on the part of the Assembly, consisting of Messrs. Heydenfeldt, Van Buren, and Cooke.

On motion of Mr. Carr, the House receded from their fourth amendment to "Bill providing for the establishment of State Hospitals."

Mr. Bodley, from the Committee on Engrossed Bills, reported as correctly engrossed, "an Act to prohibit Banking;" "Joint Resolution for the benefit of Citizens of Los Angeles County."

"Bill to prohibit Officers from being interested in Certain Contracts," returned from the Senate, refusing to concur in Assembly's amendment to Senate's amendment, was taken up, when,

On motion of Mr. Carr, the House receded from their amendment.

"Bill to create a State Hospital in the City of Stockton," returned from the Senate with an amendment, was taken up, and amendment concurred in.

A Message from the Senate was received, informing the Assembly

that they have passed "an Act to repeal the 115th Section of the Act, entitled 'an Act concerning Courts of Justice of this State, and Judicial Officers;'"

Also, to return Assembly Bill, entitled "an Act amending 'an Act concerning the Courts of Justice of this State, and Judicial Officers.'"

Senate Bill to repeal the 115th Section of the Act, entitled "an Act concerning Courts of Justice of this State, and Judicial Officers," was read first and second times, the Rules being suspended for that purpose.

On motion of Mr. Field, the Rules were suspended, the Bill considered as engrossed, and read a third time.

The question then was, "Shall the Bill pass?"

Decided in the affirmative.

"Joint Resolution, authorizing the Courts of Sessions of Sacramento City to establish an additional Ferry opposite the City of Sacramento," returned from the Senate with an amendment, was taken up, and amendment concurred in.

"Bill supplementary to 'an Act concerning Marks and Brands, passed April 12, 1850,'" returned from the Senate with an amendment, was taken up, and amendment concurred in.

"Bill to provide for holding a Term of the District Court in the Counties of Yuba and Solano," returned from the Senate with an amendment, was taken up, and amendment concurred in.

"Bill concerning Toll Bridges," returned from the Senate with amendments, was taken up, and amendments concurred in.

A Message was received from the Senate, informing the Assembly that they have passed Bill, entitled "an Act for the safe keeping of persons imprisoned in California, under the Laws of the United States."

"Senate Bill for the safe keeping of persons imprisoned in California, under the Laws of the United States," was, on motion of Mr. Carr, laid on the table.

A Message from the Senate was received, informing the Assembly that they have passed Assembly Bill, entitled "an Act to change the names of José Benavides Basques and Maria Josefa Basques."

On motion of Mr. McCandless, the House resolved itself into Committee of the Whole, Mr. Osgood in the Chair, on Bill in relation to "Flour and Meal." After some time spent therein, the committee rose, reported the Bill, with amendments, and were discharged.

Mr. Kendrick moved to indefinitely postpone the Bill.

Not agreed to.

The question recurred on concurring in the amendments made in Committee of the Whole.

The first, second, and third amendments were then concurred in.

Fourth amendment, which reads as follows: "1st Section, second line, strike out 'City,' and insert 'Cities or Towns,' and in same line, after the words 'San Francisco,' insert 'Benicia, Stockton, Sacramento, Monterey, and San Diego,' and the Bill to be amended all through, to correspond with the appointment of more than one Inspector; also amend to have two Inspectors for San Francisco, and one for each of the other ports."

On this amendment, Mr. Saunders demanded the ayes and nays.

Those who voted in the affirmative were—

Mr. Baldwin	Mr. Hall
Bennett	Hoff
Bodley	McDougal
Carr	Merritt
Cook	Pico
Covarrubias	Wilkins
Carnes	—13.

In the negative—

Mr. Bradford	Mr. McCorkle
Brown	Osgood
Campbell	Saunders
Kendrick	Yciser
Lind	Speaker
McCandless	—11.

Not agreed to.

On motion of Mr. Bodley, the Bill was considered as engrossed, and read a third time.

On motion of Mr. Hall, the Bill was indefinitely postponed.

Mr. Moore, on leave, introduced a "Joint Resolution for the relief of Major James Birney," which was read first and second times, the Rules being suspended for that purpose.

On motion, the Rules were suspended, the resolution considered as engrossed, and read a third time.

The question then was, "Shall the Joint Resolution pass?"

Decided in the affirmative.

"Bill concerning Marks and Brands," was taken up, when,

On motion of Mr. Bodley, the House resolved itself into Committee of the Whole, Mr. Bodley in the Chair, on said Bill. After some time spent therein, the committee rose, reported the Bill, with amendments, and were discharged.

The amendment made in Committee of the Whole was concurred in.

The Bill was then considered as engrossed, and read a third time.

The question then was, "Shall the Bill pass?"

Decided in the affirmative.

"Bill to provide for the revision and amendment of the Statutes of this State," was taken up.

Mr. Baldwin moved to indefinitely postpone the Bill.

Mr. Saunders demanded the ayes and nays.

Those who voted in the affirmative were—

Mr. Baldwin	Mr. Lind
Bennett	McCorkle
Bodley	McDougal
Bradford	Merritt
Brown	Moore
Carr	Osgood
Field	Wilkins
Hoff	Yeiser
Kendrick	Speaker—18.

In the negative—

Mr. Cook	Mr. Saunders
Hall	—3.

Decided in the affirmative.

Mr. McCorkle moved to reconsider the vote just taken.

On motion of Mr. Kendrick, said motion was indefinitely postponed.

Mr. Cooke, from the Joint Committee on Enrolled Bills, reported as correctly enrolled, "an Act concerning the cost of Criminal Actions removed before Trial;" also, "an Act authorizing the Governor to offer

rewards for the apprehension of Criminals;" also, "an Act amending the Act to Incorporate the City of Marysville;" also, "an Act to amend the third Section of the Act, entitled 'an Act to License Gaming, passed March 14th, 1851;'" also, "an Act concerning certain Records kept in the Counties of Trinity and Klamath;" also, "an Act concerning Sheriffs."

A Message from the Senate was received, informing the Assembly that they have adopted a Concurrent Resolution herewith transmitted, in relation to the introduction of new Bills and Joint Resolutions.

"Senate's Concurrent Resolution relative to the introduction of new Bills and Joint Resolutions," was taken up.

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

Not agreed to.

The question recurred on adopting the resolution.

Agreed to.

Mr. Carr moved to reconsider the vote, by which the House indefinitely postponed "Bill in relation to Flour and Meal."

On motion of Mr. Lind, the motion to reconsider was indefinitely postponed.

"Senate's Joint Resolution in relation to the Public Archives," was, on motion of Mr. Moore, indefinitely postponed.

A Message was received from the Governor informing the Assembly that he has this day signed the following Bills, severally entitled, "an Act amending the Act, entitled 'an Act concerning the Courts of Justice of this State and Judicial Officers;'" "an Act amendatory of the ninth, twelfth, and fourteenth sections of an Act entitled 'an Act to incorporate the City of San José;'" "an Act concerning District Attorneys," and "a Concurrent Resolution, granting leave of absence to Hon. Henry A. Tefft, Judge of the Second Judicial District."

"Bill to prevent the collection of Certain Debts," was, on motion of Mr. Moore, indefinitely postponed.

A Message from the Senate was received, informing the Assembly that they have adopted Concurrent Resolutions herewith transmitted, in reference to the election and appointment of Trustees and Physicians of the Stockton State Hospital; also, that they request a Committee of Conference on the disagreeing votes of the two Houses, on the Bill entitled "an Act concerning Common Schools and Public Instruction,"

and have appointed on such committee on their part, Messrs. Heydenfeldt, Van Buren, and Foster.

"Senate's Concurrent Resolution for the appointment of Trustees for the Stockton State Hospital," was, on motion of Mr. Yeiser, laid on the table.

"Senate's Concurrent Resolution relative to the election of Physicians for the Stockton State Hospital," was taken up and adopted.

On motion of Mr. Baldwin, the Speaker appointed Messrs. Baldwin, Bennett, McCorkle, Bodley, and Cook, a Committee of Conference on Senate "Bill concerning Common Schools and Public Instruction."

Mr. McCandless, on leave, introduced a Concurrent Resolution granting leave of absence to W. Van Voorhies, Secretary of State, which was adopted.

On motion of Mr. Baldwin, the vote just taken was reconsidered.

On motion of Mr. Bodley, the resolution was laid on the table.

Mr. Carr offered the following:

Resolved (the Senate concurring), That the two Houses, in their respective Chambers, proceed to the election of one Resident and two Visiting Physicians, for the State Marine Hospital at San Francisco, at 11 o'clock to-morrow; also, five Trustees for said Hospital.

Adopted.

"Bill to regulate Sheriff's Sales," was, on motion of Mr. Hall, taken up.

Mr. Carr moved to amend the third section of the Bill, by striking out the words "four months," and inserting the words "six months."

Mr. Wilkins moved to adjourn. Not agreed to.

The question then recurred on the motion to amend the Bill, by striking out "four months," and inserting "six months."

Not agreed to.

On motion of Mr. Carr, the Bill was considered as engrossed, and read a third time.

The question then was, "Shall the Bill pass?"

Decided in the affirmative.

Mr. Carr, on leave, introduced a "Joint Resolution relative to amendments to the Constitution," which was laid on the table.

Mr. Cook, from the Joint Committee on Enrolled Bills, reported as correctly enrolled, "an Act to provide for holding a Term of the District Court in the Counties of Yuba and Solano."

Senate "Bill concerning the Uniformed Volunteer Companies of the State of California," was taken up.

Mr. Carr moved to indefinitely postpone the Bill.

Mr. Bennett demanded the ayes and nays.

Those who voted in the affirmative were—

Mr. Baldwin	Mr. Lind
Bodley	McCorkle
Brown	McDougal
Carr	Pico
Cook	Saunders
Carnes	Wilkins
Kendrick	—13.

In the negative—

Mr. Bennett	Mr. Hoff
Bradford	Moore
Field	Speaker
Hall	—7.

Agreed to.

"Bill to Tax Money, Gold and Silver, and Quicksilver," was, on motion of Mr. Carr, indefinitely postponed.

"Bill prescribing Duties to the Secretary of State," was taken up, and on motion of Mr. Carr, was considered as engrossed, and read a third time.

The question then was, "Shall the Bill pass?"

Decided in the affirmative.

Mr. Bodley, from the Committee on Engrossed Bills, reported as correctly engrossed, "a Joint Resolution for the relief of James Birney, Pay-Master for the Mariposa Troops."

QUARTER PAST ONE O'CLOCK.

On motion of Mr. Saunders, the House adjourned.

HALF PAST SEVEN O'CLOCK.

House met.

No quorum present.

On motion of Mr. Wilkins, a call of the House was ordered, and the following members were absent, to wit: Messrs. Baldwin, Brown, Campbell, Carr, McCorkle, Merritt, Moore, Pico, Saunders, and Yeiser.

On motion of Mr. Wilkins, the Sergeant-at-Arms was dispatched after absentees.

Mr. Wilkins moved that further proceedings under the call of the House be suspended.

Agreed to.

Mr. Bradford presented a petition from citizens of Napa County, which was referred to Committee on Claims.

The hour having arrived for the two Houses to proceed to the election of Physicians for the State Hospital at Stockton, the Speaker appointed Messrs. McDougal and Randall, Tellers.

The House then proceeded to the election of a Visiting Physician.

Mr. Moore nominated R. P. Ashe.

The Clerk then proceeded to call the names of members, and the Tellers, after conferring with the Tellers of the Senate, reported the result as follows:

Whole number of votes given	31
Necessary to a choice	16
Of which Mr. R. P. Ashe received . . .	31 votes.

Those who voted for Mr. Ashe were—Messrs. Bennett, Bodley, Bradford, Campbell, Carr, Carnes, Cook, Field, Hall, Hoff, Kendrick, Lind, McCandless, McDougal, Merritt, Moore, Osgood, Randall, Saunders, Wilkins, and Speaker—21.

Mr. Ashe having received the entire vote given, was declared duly elected Visiting Physician of the California State Hospital at Stockton.

The House then proceeded to the election of a Resident Physician.

Mr. Lind nominated Robert K. Reed.

Mr. McCandless " James S. Martin.

The Clerk then proceeded to call the names of members, and the Tellers, after comparing with the Tellers of the Senate, reported the result as follows:

Whole number of votes given	31
Necessary to a choice	16

Of which James S. Martin received . . . 11 votes.
R. K. Reed " . . . 20

Those who voted for Mr. James S. Martin were—Messrs. Bennett, Bodley, Brown, Campbell, Carr, Carnes, Cook, McCandless, Merritt, Osgood, and Wilkins—11.

Those who voted for Mr. R. K. Reed were—Messrs. Bradford, Field, Hoff, Kendrick, Lind, McDougal, Moore, Randall, Saunders, Yeiser, and Speaker—11.

Mr. R. K. Reed having received a majority of all the votes given, was declared duly elected Resident Physician of the California State Hospital at Stockton.

Mr. Bodley, from the Committee on Engrossed Bills, reported as correctly engrossed, "an Act to Apportion the Senatorial and Assembly Districts.

Mr. Bradford, from the Joint Committee on Enrolled Bills, reported that they have examined and find correctly enrolled, "an Act to regulate proceedings in civil cases in the Courts of Justice of this State;" also, "an Act to change the names of José Benavides Basques and Maria Josefa Basques, to José Benavides Vioget and Maria Josefa Vioget;" also, "an Act supplementary to 'an Act concerning Marks and Brands.'"

On motion of Mr. Merritt, the House resolved itself into Committee of the Whole, Mr. Bradford in the Chair, on "Bill concerning the Salaries of Officers, and pay of members of the Legislature;" after some time spent therein, the Committee rose, reported the Bill with amendments, and were discharged.

The question then recurred on concurring in the first amendment made in Committee of the Whole, which reads as follows: "Strike out $7,000" as the salary of the Governor, and insert "$5,000."

Mr. Moore demanded the ayes and nays.

Those who voted in the affirmative were—

Mr. Bennett	Mr. Hoff
Bradford	Kendrick
Brown	Moore
Campbell	Randall
Cook	Yeiser
Field	Speaker—12.

In the negative were—

Mr. Bodley	Mr. McDougal
Carr	Merritt
Covarrubias	Osgood
Carnes	Pico
Hall	Saunders
Lind	Wilkins
McCandless	—13.

Not agreed to.

Second amendment, made in Committee of the Whole, which was to strike out the words, "to the Superintendent of Public Instruction, five hundred dollars."

Concurred in.

Third amendment, made in Committee of the Whole, which was to strike out the words, "to the Private Secretary of the Governor, two thousand dollars."

Concurred in.

Mr. Randall moved to amend the Bill by striking out "$7,000" as the salary of the Governor, and inserting "$6,000."

Mr. Moore demanded the ayes and nays.

Those who voted in the affirmative were—

Mr. Bennett	Mr. Kendrick
Bradford	Lind
Brown	Moore
Campbell	Randall
Cook	Yeiser
Field	Speaker
Hoff	—13.

In the negative—

Mr. Bodley	Mr. McDougal
Carr	Merritt
Covarrubias	Osgood
Carnes	Pico
Hall	Saunders
McCandless	Wilkins—12.

Agreed to.

Mr. Moore moved to amend the Bill by striking out "$15" as the per diem pay of the Lieutenant Governor and Speaker of the Assembly, and inserting "$10."

Mr. Moore demanded the ayes and nays.

Those who voted in the affirmative were—

Mr. Campbell	Mr. Randall
Cook	Yeiser
Moore	—5.

In the negative—

Mr. Bennett	Mr. Kendrick
Bodley	Lind
Bradford	McCandless
Brown	McDougal
Carr	Merritt
Covarrubias	Osgood
Carnes	Pico
Field	Saunders
Hall	Wilkins
Hoff	—19.

Not agreed to.

Mr. Randall moved to strike out "$15," and insert "$12," as the per diem pay of the Lieutenant Governor and Speaker of the Assembly.

Mr. Wilkins moved to amend the amendment by inserting "$20."

Mr. Moore demanded the ayes and nays.

Those who voted in the affirmative were—

Mr. Covarrubias	Mr. Pico
Carnes	Wilkins
McDougal	—5.

In the negative—

Mr. Bennett	Mr. Campbell
Bodley	Cook
Bradford	Field
Brown	Hall

Mr. Hoff	Mr. Osgood
Kendrick	Randall
Lind	Saunders
McCandless	Yeiser
Merritt	Speaker
Moore	—19.

Not agreed to.

Mr. Wilkins moved to amend the amendment by inserting "$16."

Not agreed to.

The question then recurred on the motion to amend, by striking out "$15," and inserting "$12," as the per diem pay of the Lieutenant Governor and Speaker of the Assembly.

Mr. Wilkins demanded the ayes and nays.

Those who voted in the affirmative were—

Mr. Campbell	Mr. Randall
Cook	Saunders
Moore	Yeiser—6.

In the negative—

Mr. Bennett	Mr. Hoff
Bodley	Kendrick
Bradford	McCandless
Brown	McDougal
Carr	Merritt
Covarrubias	Osgood
Carnes	Pico
Field	Wilkins
Hall	—17.

Not agreed to.

Mr. Moore moved to amend the Bill by striking out "$3,500" as the salary of the Secretary of State, and inserting "$2,500," and demanded the ayes and nays.

Those who voted in the affirmative were—

Mr. Bodley	Mr. Moore
Cook	Randall
Kendrick	—5.

In the negative—

Mr. Bennett	Mr. McCandless
Bradford	McDougal
Brown	Merritt
Campbell	Osgood
Covarrubias	Pico
Carnes	Saunders
Field	Wilkins
Hall	Yeiser
Hoff	Speaker—18.

Not agreed to.

Mr. Randall moved to amend by striking out "$3,500," and inserting "$3,000."

Not agreed to.

Mr. Moore moved to amend the Bill by striking out "$5,000" as the salary of State Treasurer, and inserting "$4,000," and demanded the ayes and nays.

Those who voted in the affirmative were—

Mr. Bennett	Mr. Hoff
Bradford	Kendrick
Campbell	Moore
Cook	Randall
Field	Yeiser—10.

In the negative—

Mr. Bodley	Mr. McDougal
Brown	Merritt
Carr	Osgood
Covarrubias	Pico
Carnes	Saunders
Hall	Wilkins
Lind	Speaker
McCandless	—15.

Not agreed to.

Mr. Moore moved to amend the Bill by striking out "$5,000," as the

salary of the Comptroller of State, and inserting "$3,000," and demanded the ayes and nays.

Those who voted in the affirmative were—

Mr. Bennett	Mr. Moore
Cook	Randall
Hoff	Yeiser—6.

In the negative—

Mr. Bodley	Mr. Lind
Bradford	McCandless
Brown	McDougal
Campbell	Merritt
Carr	Osgood
Covarrubias	Pico
Carnes	Saunders
Hall	Wilkins
Kendrick	Speaker—18.

Not agreed to.

Mr. Wilkins moved to amend the Bill by striking out "$500," as the Salary of the Surveyor-General, and inserting "$100."

Not agreed to.

Mr. Randall moved to amend the Bill by striking out "$500," and inserting "$1500," as the salary of the Surveyor-General, and demanded the ayes and nays.

Those who voted in the affirmative were—

Mr. Covarrubias	Mr. Pico
Carnes	Randall
Field	Yeiser
Moore	—7.

In the negative—

Mr. Bennett	Mr. Carr
Bodley	Cook
Bradford	Hall
Brown	Hoff
Campbell	Kendrick

Mr. Lind
McCandless
McDougal
Merritt
Mr. Saunders
Wilkins
Speaker
—17.

Not agreed to.

HALF-PAST TEN O'CLOCK.

Mr. Saunders moved to adjourn.
Mr. Bodley demanded the ayes and nays.
Those who voted in the affirmative were—

Mr. Bennett
Bradford
Brown
Campbell
Cook
Covarrubias
Carnes
Hall
Mr. Lind
McCandless
McDougal
Osgood
Pico
Saunders
Wilkins
—15.

In the negative—
Mr. Bodley
Carr
Field
Hoff
Mr. Merritt
Randall
Yeiser
Speaker—8.

Agreed to.

HOUSE OF ASSEMBLY.

WEDNESDAY, *April* 30, 1851.

House met.

The roll was called, and the following members were absent, to wit: Messrs. Campbell, McCandless, Merritt, Osgood, Randall, Saunders, and Yeiser; on leave, Messrs. Kellogg, Lisle, Murphy, Richardson, Robinson, Stearns, Thorne, and Wethered.

On motion of Mr. Bennett, the Journal of yesterday was approved without reading.

A Message was received from the Governor informing the Assembly that he has this day signed the following Bills: "an Act to amend an Act, entitled 'an Act creating and regulating Public Ferries;'" "an Act ordering a Special Election in the County of Calaveras;" "an Act amending the Act to Incorporate the City of Marysville;" "an Act to amend the third Section of the Act entitled 'an Act to License Gaming;'" "an Act to provide for holding a term of the District Court in the Counties of Yuba and Solano;" "an Act concerning certain Records kept in the Counties of Trinity and Klamath;" "an Act concerning the costs of Criminal Actions removed before trial;" "an Act authorizing the Governor to offer rewards for the apprehension of Criminals;" "an Act concerning Sheriffs;" "an Act to regulate proceedings in Civil Cases in the Courts of Justice of this State."

Mr. Bodley, from the Committee on Engrossed Bills, reported as correctly Engrossed "an Act concerning Marks and Brands," and "Bill prescribing duties to the Secretary of State;" also "Bill to regulate Sheriff's Sales."

Mr. Cook, from the Joint Committee on Enrolled Bills, reported as correctly Enrolled, "an Act to provide a Revenue for the State Marine Hospital at San Francisco;" "Joint Resolution authorizing the Court of Sessions of Sacramento City to establish an additional Ferry opposite the City of Sacramento;" "an Act to provide for the establishment of a State Marine Hospital at San Francisco;" "an Act to prohibit officers from being interested in Certain Contracts;" "an Act to create a State Hospital in the City of Stockton;" "an Act to regulate the Interest on Money;" also that they this day presented to the Governor, for his approval, "an Act to amend the third Section of the Act entitled 'an Act to License Gaming;'" "an Act amending the Act to Incorporate the City of Marysville;" "an Act to provide for holding a Term of the District Court in the Counties of Yuba and Solano;" "an Act amendatory of an Act concerning the Courts of Justice of this State, and Judicial Officers;" "an Act amendatory of the ninth, twelfth, and fourteenth Sections of an Act to Incorporate the City of San José;" "an Act concerning Oysters;" "An Act to amend an Act entitled 'an Act creating and regulating Public Ferries, passed March 18, 1850;'" "an Act ordering a Special Election in the County of Calaveras;" "an Act to regulate the interest

on Money;" "an Act concerning Sheriffs;" "an Act authorizing the Governor to offer rewards for the apprehension of Criminals;" "an Act concerning the costs of Criminal Actions removed before trial; "an Act concerning certain Records kept in the Counties of Trinity and Klamath;" "an Act to create a Board of Supervisors for the County of San Francisco, and define their duties;" "an Act concerning District Attorneys;" "Concurrent Resolution granting leave of absence to Hon. Henry A. Tefft, Judge of the Second Judicial District;" "an Act to regulate proceedings in civil cases in the Courts of Justice of this State;" "an Act to change the names of José Benavides Basques, and Maria Josefa Basques, to Jose Benavides Vioget, and Maria Josefa Vioget respectively;" "an Act supplementary to an Act concerning Marks and Brands, passed April 12, 1850."

Mr. Hall, from the Committee to whom was referred a petition from the citizens of Napa County, praying for an appropriation to defray the expenses for the trial, conviction, and keeping of Hamilton McCauley, a prisoner in said county, reported that they are of the opinion that the petition should not be granted; therefore, they recommend the indefinite postponement of the subject, and ask that the committee be discharged from its further consideration.

Committee discharged.

A Message from the Senate was received, informing the Assembly that the President of the Senate has signed Bills, severally entitled "an Act concerning Sheriffs;" "an Act concerning certain Records kept in the Counties of Trinity and Klamath;" "an Act to amend the third Section of the Act to License Gaming, passed March 14, 1851;" "an Act authorizing the Governor to offer rewards for the apprehension of Criminals;" "an Act concerning the costs of Criminal Actions removed before trial;" "an Act amending the 'Act to Incorporate the City of Marysville;'" "an Act to provide for holding a term of the District Court in the Counties of Yuba and Solano;" "an Act to create a Board of Supervisors for the County of San Francisco, and define their duties;" "an Act to amend an Act entitled an Act creating and regulating Public Ferries;" "an Act ordering a Special Election in the County of Calaveras;" "an Act to regulate the Interest of Money."

Also, that they have passed a Joint Resolution herewith transmitted, "relative to the Civil Fund of California."

Also, that they have passed with an amendment, as affixed to the

margin of the Bill, Assembly Bill entitled "an Act amendatory of an Act prescribing the mode of receiving, keeping, and paying out the Public Funds;"

Also, that the Governor has notified the Senate that he has signed Bills, originating in the Senate, entitled "an Act concerning the Fees of Public Administrators;" "an Act to ratify and confirm a Contract entered into on the 28th of March, 1851, between the Commissioners of the Sinking Fund of the City of San Francisco and Henry A. Breed and Wm. E. Dennis, for the construction of Market street Wharf, and California street Wharf;"

Also, that they have passed Assembly Bill, entitled "an Act to Regulate Rodeos;" "an Act to Incorporate the City of Monterey;" "an Act creating the Office of State Printer."

"Bill amendatory of an Act prescribing the mode of receiving, keeping, and paying out the Public Funds," returned from the Senate with an amendment, was taken up, and amendment concurred in.

Senate "Joint Resolution relative to the Civil Fund of California," was read first and second times, the Rules being suspended for that purpose.

On motion of Mr. Carr, the Rules were suspended, and the Joint Resolution read a third time.

The question then was, "Shall the Joint Resolution pass?"

Decided in the affirmative.

Mr. Moore, from the committee to whom was referred Senate "Bill to regulate the Settlement of Estates of Deceased Persons," reported the same with an amendment.

The question then was on concurring in the amendment.

Concurred in.

The Bill was then read a third time.

The question then was, "Shall the Bill pass?"

Decided in the affirmative.

Mr. McCorkle, from the Joint Committee of Conference, to whom was referred the Senate Bill in relation to Common Schools, recommended the passage of the Bill, with the following substitute for Section 11:

"Any citizen of the United States who may have occupied a lot of land prior to January 1st, 1852, not exceeding one hundred and sixty acres, selected as School Lands, shall have the privilege, as against all other persons, of purchasing the same at the rate of three dollars per

acre; payments to be made as provided for in the sale of other School Lands."

Report adopted.

Mr. Bradford offered the following:

Resolved (the Senate concurring), That the 16th of the Joint Rules of the two Houses be suspended for the remainder of the Session.

Mr. Baldwin offered the following as a substitute for said resolution.

Resolved (the Senate concurring), That the Sixteenth Joint Rule of the Senate and Assembly, which reads as follows: "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, be and is hereby repealed.

The question recurred on adopting the substitute.

Adopted.

The question then was on adopting the resolution.

Adopted.

Mr. Hall introduced a "Joint Resolution instructing the Superintendent of Public Buildings to sell certain Property," which was read first time, and laid on the table.

The account of J. D. Hoppe, Postmaster, was laid before the House, and,

On motion of Mr. Bodley, referred to the Committee on Accounts.

Mr. Field offered the following:

Resolved, That the Clerk of this House be allowed ten days, after the adjournment of the Legislature, to arrange the Journals and other business of the Clerk's department, and that he be allowed his per diem pay while so engaged,

Adopted.

Mr. Kendrick offered the following:

Resolved, That the Standing and Select Committees are instructed to report back all Bills, in their possession, to this House forthwith.

Adopted.

Mr. Hall offered the following:

Resolved (the Senate concurring), That the Rule is suspended which prohibits the introduction of Joint Resolutions and Bills for the remainder of the Session.

Adopted.

A Message was received from the Senate, informing the Assembly

that they have passed, with amendments, as numbered "No. 1" to "No. 45," inclusive, and affixed to the margin of the Bill, Assembly Bill, entitled "an Act prescribing the mode of Assessing and Collecting the Public Revenue;"

Also, with an amendment, affixed to the margin of the Bill, a "Joint Resolution for the relief of James Birney;"

Also, with an amendment, striking out the words "also five Trustees for said Hospital;" Assembly "Concurrent Resolution relative to the election of Physicians of the San Francisco State Marine Hospital."

On motion of Mr. Moore, "Bill prescribing the mode of Assessing and Collecting the Public Revenue," returned from the Senate with amendments, was referred to the Committee on Ways and Means.

"Joint Resolution for the relief of James Birney," returned from the Senate with an amendment, was taken up, and amendment concurred in.

"Concurrent Resolution relative to the Election of Physicians of the San Francisco State Marine Hospital," returned from the Senate with an amendment, was taken up, and amendment concurred in.

Mr. Bodley, from the Committee on Engrossed Bills, reported as correctly engrossed, "Bill in relation to the City of San Francisco."

Mr. Cook, from the Joint Committee on Enrolled Bills, reported as correctly enrolled, "an Act creating the office of State Printer."

"Bill concerning the Salaries of Officers, and Pay of Members of the Legislature," was taken up.

Mr. Moore moved to amend the Bill by striking out "$7,000" as the salary of the Judges of the Supreme Court, and inserting "$6,000," and demanded the ayes and nays.

Those who voted in the affirmative were—

Mr. Baldwin	Mr. Pico
Bradford	Randall
Moore	—5.

In the negative—

Mr. Bennett	Mr. Hoff
Bodley	Kendrick
Brown	McCorkle
Carr	Merritt
Cook	Saunders
Covarrubias	Wilkins
Carnes	Speaker—14.

Not agreed to.

Mr. Moore moved to amend the Bill by striking out "$2,000," as the salary of the Clerk of the Secretary of State, and inserting "$1,000."

Not agreed to.

Mr. Baldwin moved to amend the Bill by making the salary of the Clerks of Secretary of State, Treasurer, and Comptroller, "$1,500."

Not agreed to.

Mr. Baldwin moved to amend the Bill by making the salary of said Clerks "$1,700."

Agreed to.

Mr. Merritt moved to amend the Bill as follows: "The Members of the Legislature shall receive $10 per day for the first sixty days, and $5 per day for every day that they may sit thereafter."

Agreed to.

Mr. Osgood moved to indefinitely postpone the Bill.

Mr. Cook demanded the ayes and nays.

Those who voted in the affirmative were—

Mr. Baldwin	Mr. Osgood
Covarrubias	Pico
McCandless	Yeiser—6.

In the negative—

Mr. Bennett	Mr. Kendrick
Bodley	Lind
Bradford	McCorkle
Brown	Merritt
Carr	Moore
Cook	Randall
Carnes	Saunders
Field	Wilkins
Hall	Speaker
Hoff	—19.

Not agreed to.

In compliance with a Concurrent Resolution adopted by the two Houses of the Legislature, fixing 11 o'clock to-day to elect Physicians to

the State Marine Hospital at San Francisco, the Assembly proceeded to said election. Messrs. Wilkins and Saunders were appointed Tellers.

FOR VISITING PHYSICIANS.

Mr. Moore	nominated	W. T. Brent.
Mr. Field	"	J. Hastings.
Mr. McCandless	"	J. F. Thorp.
Mr. Hoff	"	S. R. Harris.
Mr. Merritt	"	Dr. McMillan.

The Clerk proceeded to call the names of members, and the Tellers, after conferring with the Tellers of the Senate, reported the result as follows:

Whole number of votes given		37
Necessary to a choice		19
Of which Mr. W. T. Brent received		19 votes.
McMillan	27	
J. F. Thorp	14	
J. Hastings	3	
S. R. Harris	11	

Those who voted for W. T. Brent, in the Assembly, were—Messrs. Baldwin, Bennett, Bodley, Brown, Campbell, Carr, Carnes, Cook, Covarrubias, Lind, McCorkle, Moore, Osgood, Pico, Wilkins, and Yeiser—16.

Those who voted for Dr. McMillan were—Messrs. Bennett, Bodley, Bradford, Brown, Carr, Covarrubias, Hall, Kendrick, McCandless, McDougal, Merritt, Osgood, Pico, Saunders, Wilkins, and Speaker—16.

Those who voted for Mr. J. F. Thorp were—Messrs. Baldwin, Bradford, Cook, Hall, Kendrick, Lind, McCandless, McCorkle, McDougal, Merritt, Randall, Saunders, Yeiser, and Speaker—14.

Those who voted for J. Hastings were—Messrs. Carnes, Field, and Hoff—3.

Those who voted for S. R. Harris were—Messrs. Field, Hoff, and Moore—3.

Doctor W. T. Brent and Doctor McMillan having received a majority

of all the votes given, were declared duly elected Visiting Physicians for the State Marine Hospital at San Francisco.

The Assembly then proceeded to the election of a Resident Physician.

Mr. Carr nominated S. B. Mills.

The Clerk then proceeded to call the names of members, and the Tellers, after conferring with the Tellers of the Senate, reported the result as follows:

Whole number of votes given	37
Necessary to a choice	19
Of which S. B. Mills received	35 votes.
Scattering	2

Those who voted for S. B. Mills, in the Assembly, were—Messrs. Baldwin, Bennett, Bodley, Bradford, Brown, Campbell, Carr, Carnes, Cook, Covarrubias, Field, Hoff, Kendrick, Lind, McCandless, McCorkle, McDougal, Merritt, Moore, Osgood, Pico, Saunders, Wilkins, Yeiser, and Speaker—25.

Doctor S. B. Mills having received a majority of all the votes given, was declared duly elected Resident Physician of the State Marine Hospital at San Francisco.

Mr. Bradford, from the Joint Committee on Enrolled Bills, reported that they, this day, presented to the Governor for his approval, "an Act to regulate proceedings in Civil Cases in the Courts of Justice of this State;" "an Act to change the name of José Benavides Basques to José Benavides Vioget, and Maria Josefa Vioget, respectively;" "an Act supplementary to 'an Act concerning Marks and Brands,'" passed April 12, 1850; also, that they have examined, and find correctly enrolled, by the insertion of "Judge" in the second section, which was left out of the Engrossed Bill by mistake; "an Act for the relief of the former Town Council of Stockton."

On motion of Mr. Yeiser, Senate's "Concurrent Resolution for the appointment of Trustees for the Stockton State Hospital," was taken up, and concurred in.

"Bill concerning the Salaries of Officers and pay of Members of the Legislature," was taken up.

Mr. McCorkle moved to go into Committee of the Whole on the said Bill.

Not agreed to.

Mr. Randall moved to amend the Bill by striking out the word "usual," and inserting the words "nearest mail."

Agreed to.

Mr. Merritt moved to strike out so much of section 2d as relates to the Clerks of the Legislature.

Agreed to.

Mr. Bradford moved to amend the 2d section by adding the words, "the Secretary of the Senate and Clerk of the Assembly at the close of each session, shall certify to the Comptroller of State, the number of days each member has been absent from the Seat of Government during the session, which number of days shall be deducted from the per diem allowance of such members."

Agreed to.

Mr. Merritt moved that the Bill be considered as engrossed, and read a third time.

Mr. Bradford demanded the previous question.

The question then was, "Shall the main question be now put?"

Agreed to.

The question then was on considering the Bill as engrossed, and read a third time.

Agreed to.

The question then was, "Shall the Bill pass?"

Mr. Bradford demanded the ayes and nays.

Those who voted in the affirmative were—

Mr. Bennett	Mr. Hall
Bodley	Hoff
Bradford	Kendrick
Brown	McCorkle
Carr	Merritt
Cook	Moore
Covarrubias	Pico
Carnes	Speaker
Field	—17.

In the negative were—

Mr. McDougal	Mr. Randall—2.

Decided in the affirmative.

Mr. Bodley, on leave, introduced "a Bill concerning the Terms of the several District Courts of this State now in session," which was read first and second times, the Rules being suspended for that purpose.

Mr. Field moved to amend the Bill by adding, as a new section, "the several District Courts of this State which are now in session, may continue their respective terms until their next regular terms, unless their business be sooner disposed of."

Agreed to.

On motion of Mr. Field, the Bill was considered as engrossed, and read a third time.

The question then was, "Shall the Bill pass?"

Decided in the affirmative.

Mr. Bodley, from the Committee on Engrossed Bills, reported as correctly engrossed, "an Act concerning the Terms of the several District Courts of this State now in session."

"Bill for the relief of the Mayor and Council of Sacramento City," was taken up.

On motion of Mr. Carr, said Bill was laid on the table for the present.

Mr. Carr, from the Committee of Ways and Means, to whom was referred "Bill prescribing the mode of Assessing and Collecting the Public Revenue," reported the same back, and recommended the House to concur in Senate's amendments.

On motion of Mr. Cook, a call of the House was ordered, and Messrs. Campbell, Lind, McCandless, Osgood, Saunders, and Wilkins were absent.

The Sergeant-at-Arms was dispatched after the absentees.

Mr. Wilkins appeared and was excused.

On motion of Mr. Moore, further proceedings under the call of the House were suspended.

Senate's amendments to "Bill prescribing the mode of Assessing and Collecting the Public Revenue," was concurred in with the exception of No. 15 to Section 35.

On concurring in Senate's amendment to Section 35, Mr. Bodley demanded the ayes and nays.

Those who voted in the affirmative were—

Mr. Baldwin	Mr. McDougal
Bradford	Merritt
Carr	Moore
Hall	Osgood
Lind	Saunders
McCandless	Yeiser
McCorkle	Speaker—14.

In the negative were—

Mr. Bennett	Mr. Carnes
Bodley	Pico
Brown	Randall
Cook	Wilkins
Covarrubias	—9.

Agreed to.

Mr. Hall moved to reconsider the vote just taken.

On motion of Mr. McCandless, said motion was indefinitely postponed.

Mr. Cook, from the Joint Committee on Enrolled Bills, reported as correctly enrolled, "an Act amendatory of 'an Act prescribing the mode of receiving, keeping, and paying out the Public Funds;'" "an Act to regulate Rodeos;" "an Act to Incorporate the City of Montery."

On motion of Mr. Moore, "Bill fixing the Salary of Superintendent of Public Instruction," was taken up.

Mr. Moore offered as a substitute for said Bill, "a Bill making an appropriation for Office Rent and Contingent Expenses of Superintendent of Public Instruction" which was adopted.

On motion of Mr. Moore, the substitute was considered as engrossed, and read a third time.

The question then was, "Shall the Bill pass?"

Decided in the affirmative.

MR. MERRITT in the Chair.

"Bill for the relief of the Mayor and Council of Sacramento City," was taken up.

Mr. Hall moved to amend the Bill by striking out "thirty" wherever it occurs, and inserting "twenty;" also, strike out the word "fifteen" wherever it occurs, and insert "ten."

Agreed to.

Mr. Bradford moved to amend by adding as a new section, "The District Judge of the Seventh Judicial District shall have power to decide upon claims similar to those provided for in this Act in the cities of Sonoma, Napa, and Benicia, provided the same shall not exceed the amount of two thousand dollars in each city."

Mr. Bodley moved to amend the amendment by adding words, "and in the third Judicial District, in the Cities of San José, Monterey, and Martinez, not exceeding each three thousand dollars."

Mr. Bigler demanded the previous question.

The question then was, "Shall the main question be now put?"

Agreed to.

The question recurred on the motion to add, "and the third Judicial District, in the Cities of San José, Monterey, and Martinez, not exceeding each three thousand dollars."

Not agreed to.

The question then was on the amendment.

Mr. McCandless moved to indefinitely postpone the Bill and amendment.

Mr. Bigler demanded the yeas and nays.

Those who voted in the affirmative were—

Mr. Baldwin	Mr. McCandless
Bodley	Merritt
Bradford	Moore
Brown	Osgood
Carr	Randall
Cook	Wilkins
Kendrick	—13.

In the negative—

Mr. Carnes	Mr. Pico
Hall	Yeiser
Hoff	Speaker
McDougal	—7.

Agreed to.

Mr. Baldwin moved a reconsideration of the vote just taken.

On motion of Mr. McCandless, said motion was indefinitely postponed.

HALF PAST ONE O'CLOCK.

Mr. Merritt moved to adjourn.

Mr. Osgood moved to amend the motion as follows: "That the House take a recess until half past three o'clock."

Agreed to.

HALF PAST THREE O'CLOCK.

House met.

Quorum present.

On motion of Mr. McCandless, the Joint Resolution granting leave of absence to William Van Voorhies, Secretary of State, was taken up.

Mr. Merritt moved to amend the resolution by adding the words, "and that his pay shall be deducted while absent."

Not agreed to.

On motion, the resolution was considered as engrossed, and read a third time.

The question then was, "Shall the Resolution pass?"

Decided in the affirmative.

On motion of Mr. Field, the House resolved itself into Committee of the Whole, Mr. Merritt in the Chair, on "Bill for the Disposition of certain Property." After some time spent therein, the committee rose, reported progress, and had leave to sit again.

A Message was received from the Senate, informing the Assembly that an error occurred in the Message from the Senate of this day, in announcing as "passed" "an Act for the relief of James Birney," whereas the Message should have read "rejected."

Also, that they have passed, with amendments, Assembly Bill, entitled "an Act concerning the Terms of the several District Courts of this State, now in Session," with amendments, as affixed to the margin of the Bill.

"Bill concerning the Terms of the several District Courts of this State, now in Session," returned from the Senate with amendments, was taken up and amendments concurred in.

Mr. Bodley, from Committee on Engrossed Bills, reported as cor-

rectly engrossed, "Joint Resolution granting leave of absence to the Hon. William Van Voorhies, Secretary of State."

Mr. Carr offered the following:

Resolved (the Senate concurring), That Joseph C. Palmer, James B. Bond, Frederick D. Kohler, James E. Wainwright, and John A. McGlynn, be, and are hereby elected Trustees for State Marine Hospital at San Francisco for one year, and until their successors in office shall be elected by the Legislature.

Adopted.

Mr. Bodley offered the following:

Resolved, That the Transcribing Clerks be continued in their offices 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.

QUARTER AFTER FOUR O'CLOCK.

On motion of Mr. Saunders, the House adjourned.

HALF-PAST SEVEN O'CLOCK.

House met.

Mr. Bodley, from the Committee on Engrossed Bills, reported as correctly engrossed, a "Bill concerning the Salaries of Officers and Pay of Members of the Legislature."

Also, "A Bill making an Appropriation for Office Rent and contingent Expenses of Superintendent of Public Instruction."

On motion of Mr. Field, the House resolved itself into Committee of the Whole, Mr. Bennett in the Chair, on "Bill for the disposition of certain Property." After some time spent therein, the committee rose, reported the Bill and amendments, and were discharged.

Mr. Merritt moved to indefinitely postpone the Bill and amendments.

Mr. Osgood demanded the ayes and nays.

Those who voted in the affirmative were—

Mr. Bradford	Mr. Hall
Brown	Kendrick
Cook	McCorkle
Covarrubias	McDougal

Mr. Merritt	Mr. Saunders
Moore	Wilkins
Pico	Speaker—14.

In the negative—

Mr. Bennett	Mr. Field
Bodley	McCandless
Carr	Osgood
Carnes	Randall—8.

Agreed to.

A Message from the Senate was received, informing the Assembly that they have passed, with an amendment affixed to the margin of the Bill, "an Act concerning Estray Animals."

Also, that they have passed Assembly Bill, entitled a "Joint Resolution for the erection of part of the State Prison at Vallejo."

Also, that they have adopted the report of the Committee of Conference on the disagreeing votes of the two Houses on Senate Bill entitled "an Act concerning Common Schools and Public Instruction."

Also, that the Senate have concurred in the amendment of the Assembly to Senate Bill, entitled "an Act to regulate the Estates of Deceased Persons."

Also, that the President of the Senate has signed "an Act to Incorporate the City of Monterey;" "an Act to regulate Rodeos;" "an Act amendatory of 'an Act prescribing the mode of receiving, keeping, and paying out the Public Funds;'" "an Act for the relief of the former Town Council of Stockton;" "an Act to regulate the Interest of Money;" "an Act to create a State Hospital in the City of Stockton;" "an Act to provide for the establishment of a State Marine Hospital at San Francisco;" "an Act to provide a Revenue for the State Marine Hospital at San Francisco;" "an Act to prohibit Officers from being interested in Certain Contracts;" "A Joint Resolution authorizing the Court of Sessions of Sacramento City to establish an additional Ferry opposite the City of Sacramento;" "an Act to create the office of State Printer;" "an Act to change the name of José Benavides Basques, and Maria Josefa Basques;" "an Act supplementary to 'an Act concerning Marks and Brands;'" "an Act to regulate proceedings in the Courts of Justice of this State."

Also, that the Governor has notified the Senate that he has signed "an Act to create a Board of Supervisors for the County of San Francisco, and define their Duties."

Also, that the Senate have concurred in the Assembly's amendments to Senate's amendments to Bill entitled "an Act creating the Office of Harbor Master for the Port and Harbor of San Francisco, and for other purposes," with a further amendment to the title, changing the words, "and for other purposes," to "and defining his duties."

Also, that they have passed, with amendments, as affixed to the margin of the Bill, "an Act to fix the Compensation of County Judges and Associate Justices of the Courts of Sessions;"

Also, with amendments, marked "A," "an Act to prohibit Banking."

Also, a "Concurrent Resolution to go into an Election of State Printer at nine o'clock this evening."

Also, "Assembly's Concurrent Resolution, rescinding the Joint Rule which prohibits the introduction of Bills and Joint Resolutions the remainder of the Session," with an amendment, striking out all after the word "resolved," and inserting a substitute;

Also, the "Concurrent Resolution of the Assembly, repealing the sixteenth Joint Rule of the two Houses."

"Bill concerning Estray Animals," returned from Senate with an amendment, was taken up and amendment non-concurred in.

"Bill creating the Office of Harbor Master for the Port of San Francisco, and for other purposes," returned from the Senate with an amendment, was taken up and amendment concurred in.

"Bill to fix the compensation of County Judges and Associate Justices of the Court of Sessions," returned from Senate with amendments, was taken up and amendments concurred in.

"Bill to prohibit Banking," returned from Senate with an amendment, was taken up and amendment concurred in.

Senate's "Concurrent Resolution, relative to the Election of a State Printer," was taken up.

On motion of Mr. Bodley, the resolution was amended by striking out "nine o'clock to night" and inserting "twelve o'clock to-morrow."

The question then was on the adoption of the resolution as amended.

Adopted.

Assembly's "Concurrent Resolution, prohibiting the introduction of

Joint Resolutions and Bills for the remainder of this Session," returned from the Senate with an amendment, was taken up and amendment concurred in.

Mr. Carr, on leave, introduced a "Bill appropriating money out of the General Fund to defray the Expenses of the Government of California," which was read first and second times, the Rules being suspended for that purpose.

Mr. Moore moved to lay the bill on the table.

Not agreed to.

On motion of Mr. Carr, the Rules were suspended, the bill considered as engrossed, and read a third time.

The question then was, "Shall the Bill pas ?"

Decided in the affirmative.

On motion of Mr. Moore, "Bill to prevent the Destruction of Property in the Mines of this State," was taken up, read first time, and on motion of Mr. Merritt, rejected.

On motion of Mr. Brown, a Committee of Conference was appointed, consisting of Messrs. Brown, Bodley, Randall, Carnes, and Kendrick, on the disagreeing votes of the two Houses on "Bill concerning Estray Animals."

Mr. McCandless, on leave, introduced a "Bill to confirm Certain Contracts of the Commissioners of the Sinking Fund of the City of San Francisco for the Building of Broadway and Pacific street Wharves," which was read first and second times, the Rules being suspended for that purpose.

On motion of Mr. Bennett, the Rules were suspended, the Bill considered as engrossed, and read a third time.

The question then was, "Shall the Bill pass ?"

Mr. Bodley demanded the ayes and nays.

Those who voted in the affirmative were—

Mr. Bennett	Mr. Hoff
Brown	McCandless
Carr	McCorkle
Cook	McDougal
Covarrubias	Osgood
Carnes	Wilkins
Field	Speaker
Hall	—15.

In the negative—

Mr. Bodley	Mr. Kendrick
Bradford	Merritt—4.

Decided in the affirmative.

Mr. Bigler asked and obtained leave to withdraw "Bill for the relief of the Mayor and Common Council of Sacramento City," and introduced a substitute for the same, which was read first and second times, the Rules being suspended for that purpose.

Mr. Bigler moved that the Bill be considered engrossed and read a third time.

Mr. Carr moved to lay the Bill on the table for the present.

Not agreed to.

The question then recurred on the motion to consider the Bill as engrossed and read a third time.

Agreed to.

Mr. Bradford moved to refer the Bill to a Select Committee, with instructions to make the relief general.

Not agreed to.

The question then was, "Shall the Bill pass?"

Mr. Brown demanded the ayes and nays.

Those who voted in the affirmative were—

Mr. Bennett	Mr. McDougal
Bodley	Osgood
Covarrubias	Saunders
Hall	Wilkins
Hoff	Yeiser
Kendrick	Speaker
McCorkle	—13.

In the negative—

Mr. Bradford	Mr. Carnes
Brown	Merritt
Carr	Randall—6.

Decided in the affirmative.

Mr. McDougal, from the Select Committeee to whom was referred

Joint Resolution and papers in the case of Quarter-Master General Joseph C. Moorehead, reported:

That they have carefully examined the law concerning the duties of the Quarter-Master General, and find he is required to keep his office at the Seat of Government, unless permission to remove the same be given by the Governor, and your committee are informed from a reliable source, that such permission was not granted—that a failure to comply with this requisition is a forfeiture of his office. The same law requires him to give bond to the State in the sum of five thousand dollars, and makes him and his bondsmen liable for any loss that may accrue to the State, provided it does not exceed such amount. They further find from the examination of the papers in their possession, that said Moorehead has left this State, and has disposed of certain property belonging to this State, but they cannot find any law which would make him liable further than removal from office, and liability on his official bond. Your committee would, therefore, recommend that the Joint Resolution be indefinitely postponed.

Report adopted.

The Joint Committee on Enrolled Bills reported, that they this day presented to the Governor for his approval:

"An Act for the relief of the former Town Council of Stockton;" "an Act to repeal the 115th section of the Act, entitled 'an Act concerning Courts of Justice of this State and Judicial Officers;'" "an Act to provide for the establishment of a State Marine Hospital at San Francisco;" "an Act to regulate the Interest on Money;" "an Act to provide a Revenue for the State Marine Hospital at San Francisco;" "an Act to prohibit Officers from being interested in Certain Contracts;" "an Act creating the office of State Printer;" "an Act to create a State Hospital in the City of Stockton;" "Joint Resolution concerning Ferries in Sacramento County;" "an Act to incorporate the City of Monterey;" "an Act to regulate Rodeos;" an Act amendatory of an Act prescribing the modes of receiving, keeping, and paying out the Public Revenue;" "an Act to continue certain Terms of the District Courts of this State;" "an Act concerning Toll Bridges;"

Also, that they have examined, and find correctly enrolled, "an Act to repeal the 115th section of the Act, entitled 'an Act concerning the Courts of Justice of this State and Judicial Officers.'"

Mr. Bodley, from the Committee on Engrossed Bills, reported as cor-

rectly engrossed, "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. Hall, Joint Resolution instructing the Superintendent of Public Buildings to sell certain Property," was read second time.

On motion of Mr. Hall, Bill was considered engrossed, and read a third time.

The question then was, "Shall the Joint Resolution pass?"

Decided in the affirmative.

On motion of Mr. Carr, "Bill supplementary to an Act to establish Pilots and Pilot Regulations for the Port of San Francisco, passed February 25th, 1850," was taken up.

Mr. McCandless moved to indefinitely postpone the Bill.

Mr. Carr moved that there be a call of the House.

Not agreed to.

Mr. Lind demanded the previous question.

The question then was, "Shall the main question be now put?"

Agreed to.

The question then was on the indefinite postponement of the Bill.

Mr. Carr demanded the ayes and nays.

Those who voted in the affirmative were—

Mr. Field	Mr. McCandless
Hall	McCorkle
Hoff	Merritt
Kendrick	Yeiser
Lind	Speaker—10.

In the negative—

Mr. Bennett	Mr. McDougal
Bodley	Moore
Bradford	Randall
Carr	Wilkins
Carnes	—9.

Agreed to.

Mr. McCandless, from the Committee on Engrossed Bills, reported as

correctly engrossed, "an Act to confirm certain Contracts of the Commissioners of the Sinking Fund of the City of San Francisco, for the Building of Broadway and Pacific street Wharves."

A Message from the Governor was received, informing the Assembly that he has this day signed the following Bills, severally entitled:

"An Act supplementary to an Act concerning Marks and Brands;" "an Act to change the names of José Benavides Basques and Maria Josefa Basques to José Benavides Vioget and Maria Josefa Vioget respectively;" "an Act to continue certain Terms of the District Courts of this State;" "an Act to incorporate the City of Monterey;" "an Act to regulate Rodeos;" "an Act to create a State Hospital in the City of Stockton;" "an Act to provide for the establishment of a State Marine Hospital at San Francisco."

HALF PAST TEN O'CLOCK.

On motion of Mr. McCandless, the House adjourned.

HOUSE OF ASSEMBLY.

May 1, 1851.

House met.

The roll was called, and the following members were absent, to wit: Messrs. Baldwin, Brown, Campbell, Covarrubias, Field, Hoff, Lind, McCorkle, and Osgood; on leave, Kellogg, Lisle, Murphy, Richardson, Robinson, Stearns, and Wethered.

On motion of Mr. Bennett, the Journal of yesterday was approved without reading.

Mr. Bradford, from the Joint Committee on Enrolled Bills, reported that they have examined, and find correctly enrolled, "an Act to continue certain Terms of the District Courts of this State;" "an Act concerning Toll Bridges;" "Joint Resolution for the benefit of Citizens of Los Angeles County."

Mr. Merritt, from the Joint Committee of Free Conference on Senate Bill No. 12, and Assembly Bill No. 167, in relation to the Charter of the City of San Diego, having examined the same, reported back to

the House, Senate Bill No. 102, with the following amendment in second section: "Strike out 500, and insert 200," and respectfully recommend its passage.

Question recurred on adopting the report.

Not agreed to.

On motion of Mr. Bodley, "Joint Resolution for the relief of J. D. Hoppe, Postmaster," was taken up, when Mr. Bodley offered a substitute for the same, which was adopted.

On motion of Mr. Bodley, the substitute was considered as engrossed, and read a third time.

The question then was, "Shall the Joint Resolution pass?"

Decided in the affirmative.

Mr. Kendrick offered the following:

Resolved, That the thanks of the Assembly be tendered to the Speaker, for the very able and impartial manner in which he has presided over its deliberations.

Adopted.

On motion on Mr. Campbell, "Senate Bill, defining what in certain cases shall be sufficient evidence of possession, in Actions brought for the recovery of possession of Lands," was taken up.

Mr. Hall moved to amend the Bill, by striking out section fifth, and inserting the following:

Section 5. This Act shall only apply to such grants as have been made in good faith, and the conditions or terms of the grant complied with by the grantee: all such grants must have been recorded in the proper County previous to the first day of April, 1851.

Mr. Lind moved to indefinitely postpone the Bill.

Mr. Merritt demanded the previous question.

The question then was, "Shall the main question be now put?"

Agreed to.

The question recurred on adopting the amendment.

Agreed to.

The question then was on the motion to indefinitely postpone the Bill.

Mr. Campbell demanded the ayes and nays.

Those who voted in the affirmative were—

Mr. Baldwin	Mr. Moore
Bodley	Randall
Hall	Saunders
Hoff	Thorne
Kendrick	Wilkins
Lind	Yeiser
McCorkle	Speaker
Merritt	—16.

In the negative—

Mr Bradford	Mr. Carnes
Brown	McCandless
Campbell	McDougal
Carr	Osgood
Cook	Pico
Covarrubias	—11.

Agreed to.

A message from the Senate was received, informing the Assembly that they have passed, with amendments, Assembly "Joint Resolution, authorizing the Paymaster of the Gila Expedition to pay the claims of Crenshaw and Blackburn." The amendments are affixed to the margin of the Bill; also, that they have passed Assembly "Joint Resolution, granting leave of absence to Hon. William Van Voorhies, Secretary of State;" also, that they have adopted Assembly "Concurrent Resolution, relative to the Election of Trustees of the San Francisco State Marine Hospital;" also, that the President has signed "an Act to repeal the 115th section of the Act entitled 'an Act concerning the Courts of Justice of this State and Judicial Officers;'" "an Act concerning Toll Bridges;" a "Joint Resolution for the benefit of Citizens of Los Angeles County."

Also, that they have appointed on their part, Messrs. Foster, De la Guerra, Lippincott, Cooke, and Crosby, Committee of Conference, on the "Act concerning Estray Animals;"

Also, that they have concurred in the Assembly's amendment to Senate's Resolution, providing for an election of State Printer;

Also, that they have refused to concur in the report of the Committee

of Conference, on the disagreeing vote of the two Houses, on "Bill entitled 'an Act to authorize the Funding of the Floating Debt of the City of San Francisco, and to provide for the payment of the same,'" and insist upon the amendment of the Senate, non-concurred in by the Assembly.

Also, that they have passed Assembly Bill, entitled "an Act prescribing Duties to the Secretary of State;"

Also, that they have passed, with amendments, as affixed to the margin of the Bill, "an Act concerning Marks and Brands;"

Also, that they passed, with amendments, marked "A.," "an Act to regulate the Fees of Office;"

Also, that they have passed, with amendments, as affixed to the margin of the Bill, "an Act to authorize the Court of Sessions of Sacramento County to Fund the Debt of the County;"

Also, that they have passed "an Act, herewith transmitted, to extend time for Assessing and Collecting County Revenue in the County of Monterey."

"Joint Resolution, authorizing the Paymaster of the Gila Expedition to pay the claims of Crenshaw and Blackburn," returned from the Senate with an amendment, was taken up, and amendment concurred in;

"Bill to authorize the Funding of the Floating Debt of the City of San Francisco, and to provide for the payment of the same," returned from the Senate, refusing to adopt the report of the Conference Committee, and insisting on their amendments, was referred to members from San Francisco;

"Bill concerning Marks and Brands," returned from the Senate, with amendments, was taken up, and amendments concurred in;

"Bill to regulate Fees of Office," returned from the Senate, with amendments, was taken up, and amendments concurred in;

"Bill authorizing the Court of Sessions of Sacramento County to Fund the Debt of said County," returned from the Senate, with amendments, was taken up, and amendments concurred in;

"Senate Bill to extend the time of Assessing and Collecting Revenue in Monterey County," was read first time, and, on motion of Mr. Merritt, rejected.

Mr. Moore offered the following:

Resolved (the Senate concurring), That the resolution adopted by this Legislature, prohibiting the introduction of Bills and Joint Resolu-

tions on this day, shall not apply to "Bill to authorize District Judges to appoint Translators and Interpreters for their Courts."

Adopted.

Mr. Moore, by unanimous consent, introduced a "Bill to authorize District Judges to appoint Translators and Interpreters for their Courts," which was read first and second times, the Rules being suspended for that purpose.

On motion of Mr. Moore, the blank in the Bill was filled with $1,000.

On motion of Mr. Moore, the Rules were suspended, the Bill considered as engrossed, and read a third time.

The question then was, "Shall the Bill pass?"

Decided in the affirmative.

Mr. McCandless, by unanimous consent, introduced a "Bill for the disposition of certain Property," which was read first and second times, the Rules being suspended for that purpose.

Mr. Wilkins moved to lay the Bill on the table.

Not agreed to.

On motion of Mr. Bennett, the Rules were suspended, the Bill considered as engrossed, and read a third time.

On motion of Mr. Moore, the vote just taken was reconsidered.

On motion of Mr. Moore, the Bill was referred to a Select Committee, consisting of Messrs. Moore, McCandless, and Thorne.

The following Message was received from the Governor:

TO THE ASSEMBLY OF CALIFORNIA:

The Act originating in your body, entitled "an Act regulating and prescribing the duty of Pilots for the Ports of Benicia, Sacramento, and Stockton, and for other purposes," after a careful examination, I am constrained to return for the further consideration of your body.

The experience of the past year has shown, that the true policy of our young State is to encourage and foster, in every way practicable, its commercial interests; and, believing that certain provisions of the Act in question must operate to interpose serious obstacles to the advancement of these commercial interests, and to revive a policy which has already been condemned by the people; I feel it to be an imperative duty to withhold my approval of it.

The Act provides, amongst other things, that a Board of Commissioners, to be composed of merchants resident at Benicia, shall license any

number of Pilots; that it shall be required of every owner, master, or consignee, of a vessel, lying in the ports of Sacramento or Stockton, to make application to the Board of Commissioners at Benicia for a Pilot, before they can go to sea, without vitiating the policy of insurance which the vessel may have taken out. This requirement, compelling persons desirous of going to sea with their vessels lying at Sacramento City or Stockton, to proceed first to Benicia to procure a Pilot, is onerous and oppressive.

The Act further provides, that Pilots cruising at Sea, on boarding or offering their service to any vessel inward bound, shall receive half pilotage, and to any vessel that may have a signal for a Pilot, shall receive full pilotage. This provision imposes double pilotage on all vessels bound for the port of San Francisco. The law regulating Pilots for the port of San Francisco confers exclusive privileges on the Pilots for that port, in this, that all vessels destined for the port of San Francisco are requested to pay the charges of those Pilots, and the Act herewith returned declares that for all vessels boarded or services tendered by the Pilots for the ports of Benicia, &c., they shall receive half pilotage, if their services should not be required, and full pilotage, should they have a signal up without regard to their destination. If the Bill only required that vessels bound for the ports of Benicia, and those of Sacramento City or Stockton, should pay the Pilot's charges of their respective ports, there would then be no objection on this point, but it demands the charges of the Benicia Pilots for vessels going into all ports, when it is known that forty-nine nine out of every fifty vessels entering the "Golden Gate," are destined for San Francisco. With these objections I herewith return the Act for the further consideration of your body.

JOHN MCDOUGAL.

On motion of Mr. Bradford, the House reconsidered the vote by which the House passed "Bill regulating and prescribing the duty of Pilots for the ports of Benicia, Sacramento, and Stockton, and for other purposes."

The question then was, "Shall the Bill pass, the objections of the Governor to the contrary notwithstanding?"

Those who voted in the affirmative were—

Mr. Baldwin	Mr. Kendrick
Bennett	Merritt
Bodley	Moore
Bradford	Pico
Brown	Randall
Carr	Saunders
Covarrubias	Yeiser
Hall	Speaker—16.

In the negative—

Mr. Cook	Mr. McCandles
Carnes	Thorne
Field	Wilkins
Hoff	—7.

Decided in the affirmative.

Mr. Bradford, from the Joint Committee on Enrolled Bills, report that they have examined and find correctly enrolled, "an Act prescribing the mode of Assessing and Collecting Public Revenue;" also, "an Act Incorporating the City of Sonoma;" also, "an Act to prohibit Banking."

Mr. Bodley, from the Committee on Engrossed Bills, reported as correctly engrossed, "a Bill for the relief of the Mayor and Council of Sacramento City;" a "Joint Resolution instructing the Superintendent of Public Buildings to sell certain Property."

"Bill to amend an Act declaring certain Rivers and Creeks, and Sloughs herein named, navigable, approved March 20, 1850," was indefinitely postponed.

"Bill to create the office of State Geologist, and defining his duties," was taken up.

On motion of Mr. Bradford, Concurrent Resolution relative to the Mineral, Geological, and Agricultural Resources of the State," was taken up.

On motion of Mr. Moore, both Bill and Concurrent Resolution were indefinitely postponed.

The hour having arrived fixing the time for the two Houses to pro-

ceed to the election of a State Printer, the Assemby proceeded to said election, and the Speaker appointed Messrs. Randall and Thorne, Tellers.

Mr. McCandless nominated Eugene Casserly.
" Hall " G. K. Fitch.
" Bradford " Mr. St. Clair.

The Clerk then proceeded to call the names of members, and the Tellers, after conferring with the Tellers of the Senate, reported the result as follows:

Whole number of votes given, ...	36
Necessary to a choice, ...	19
Of which Mr. Casserly received . . .	21 votes.
Fitch	13
Scattering	2

Those who voted for Mr. Casserly were—Messrs. Bennett, Bodley, Carnes, Cook, Covarrubias, Field, Hoff, McCandless, Osgood, Pico, Randall, Thorne, and Wilkins—13.

Those who voted for Mr. Fitch were—Messrs. Baldwin, Bradford, Hall, Kendrick, Lind, McCorkle, McDougal, Merritt, Saunders, Yeiser, and Speaker—11.

Mr. Eugene Casserly having received a majority of all the votes given, was declared duly elected State Printer for the time prescribed by law.

Mr. Hall moved that the Clerk be directed to request the Senate to return to the Assembly, "Bill regulating and prescribing the duty of Pilots for the ports of Benicia, Sacramento, and Stockton, and for other purposes."

Mr. Bradford moved to indefinitely postpone said motion, and demanded the ayes and nays.

Those who voted in the affirmative were—

Mr. Baldwin	Mr. Merritt	
Bradford	Moore	
Brown	Speaker	
Kendrick		—7.

Those who voted in the negative were—

Mr. Bennett	Mr. McCandless
Bodley	McCorkle
Carr	McDougal
Cook	Osgood
Covarrubias	Pico,
Carnes	Randall
Field	Saunders
Hall	Thorne
Hoff	Wilkins—18.

Not agreed to.

The question then recurred on the motion to direct the Clerk to request the Senate to return the Bill.

Agreed to.

Mr. Moore, from the Committee to whom was referred a "Bill for the disposition of certain Property," reported the Bill with the following amendments:

Amend by inserting after the word "acquired," the following words: "*Provided*, the lands herein conveyed shall not exceed in quantity six hundred and forty acres;" amend by inserting after the word "and," the following words, "shall pay into the Treasury of the State for the use and benefit of the Common Schools, the sum of three dollars per acre;" amend by inserting the word "and," after the word, "acres," and before the word, "that."

Mr. McCandless moved to amend the first amendment, by striking out the words "six hundred and forty acres."

Mr. McDougal moved that there be a call of the House.

Not agreed to.

Mr. McDougal moved to indefinitely postpone the Bill and amendments, and demanded the ayes and nays.

Those who voted in the affirmative were—

Mr. Baldwin	Mr. Merritt
Brown	Pico
Carr	Wilkins
Cook	Yeiser
Kendrick	Speaker
McDougal	—11.

In the negative—

Mr. Bennett	Mr. McCandless
Carnes	Moore
Field	Osgood
Hall	Randall
Hoff	—9.

Agreed to.

Messrs. Thorne and Bradford were excused from voting.

Mr. Baldwin moved to reconsider the vote just taken.

On motion of Mr. Merritt, the motion to reconsider the vote was indefinitely postponed.

Mr. Carr, from the Select Committee, to whom was referred "an Act authorizing the Funding of the Floating Debt of the City of San Francisco, and to provide for the payment of the same," with Senate's amendments, recommend the adoption of the amendments made by the Senate from one to nine inclusive; also, amendments to the Senate's amendments from one to three inclusive.

Report adopted.

Mr. Baldwin, from the Select Committee, to whom it was referred to investigate certain charges of bribery and corruption, made against members of the Legislature, report that they have used all means within their power to expose (if there has been any), the charges of "corruption and bribery," that they have summoned to appear and testify before them, all persons supposed to have assisted in the passage of a certain Bill, commonly called the "Water Lot Bill." A portion of the persons summoned, appeared and testified in the case, the testimony of whom is herewith submitted. Others again, and those whom your Committee believe to be the most important witnesses, failed to appear. Your Committee regret that the limited time allowed for the investigation of the matter prevented them from coercing the attendance of other witnesses, and the Committee are of the opinion that had further time been allowed them for procuring the attendance of witnesses, that facts of a startling character would have been elicited. Your Committee respectfully submit for your consideration all the testimony which they have taken on the subject, without any comment, and ask to be discharged from the further consideration of the subject.

On motion of Mr. Field, the Report and accompanying documents were laid on the table.

Mr. Thorne offered the following:

Resolved (the Senate concurring), That the Rules of this House be suspended for the purpose of allowing the introduction of a Bill to amend the Charter of San Francisco, and one to amend the Charter of San Diego, and also one to amend the "Act concerning Offices."

Mr. Cook moved to strike out the words, "and one to amend the Charter of San Diego."

Agreed to.

The question then recurred on adopting the resolution.

Adopted.

QUARTER AFTER ONE O'CLOCK.

On motion of Mr. Wilkins, the House adjourned until three o'clock.

THREE O'CLOCK, P. M.

House met. No quorum present.

Mr. Bradford moved to adjourn.

Not agreed to.

On motion of Mr. Wilkins, a call of the House was ordered, and the following members were absent, to wit: Messrs. Baldwin, Bodley, Cook, Covarrubias, Carnes, Hall, Moore, Osgood, Pico, and Saunders.

Mr. Wilkins moved that the Sergeant-at-Arms be dispatched after absentees.

Agreed to.

Messrs. Moore, Randall, and Yeiser, appeared and were excused.

Mr. McCorkle, by unanimous consent, introduced a "Bill to amend an Act entitled "an Act concerning officers,'" which was read first time.

Mr. McCorkle moved to suspend the Rules, and that the Bill be read a second time, and demanded the ayes and nays.

Those who voted in the affirmative were—

Mr. Bradford	Mr. McCorkle
Brown	Merritt
Hoff	Yeiser
Kendrick	Speaker
Lind	—9.

In the negative—

Mr. Bennett	Mr. McDougal
Campbell	Moore
Carr	Randall
Field	Thorne
McCandless	Wilkins—10.

Not agreed to.

Mr. Bradford, from the Joint Committee on Enrolled Bills, reported that they have examined and find correctly enrolled, "an Act making an appropriation for Office Rent and Contingent Expenses of Superintendent of Public Instruction."

Mr. Thorne, by unanimous consent, introduced a "Bill supplemental to an Act entiled 'an Act to reincorporate the City of San Francisco,'" approved April 15, 1851, which was read first time.

Mr. Campbell moved that the Rules be suspended, and the Bill be read a second time.

Mr. Thorne demanded the ayes and nays.

Those who voted in the affirmative were—

Mr. Baldwin	Mr. McDougal
Bennett	Moore
Brown	Pico
Campbell	Thorne
Carr	Wilkins
Cook	Yeiser
McCandless	—13.

In the negative—

Mr. Bradford	Mr. Lind
Field	McCorkle
Hall	Randall
Hoff	Speaker
Kendrick	—9.

Not agreed to.

Mr. Bradford, from the Joint Committee on Enrolled Bills, reported that

they have examined and find correctly enrolled, "an Act to authorize the Court of Sessions of Sacramento County to borrow money;" "an Act to fix the Compensation of County Judges and Justices of the Court of Sessions," "an Act prescribing Duties to the Secretary of State;" "Joint Resolution authorizing the Paymaster of the Gila Expedition to pay the claims of Crenshaw and Blackburn;" "Joint Resolution for the erection of part of the State Prison at Vallejo."

A Message from the Senate was received, informing the Assembly that they have passed, with amendments, Assembly Bill, entitled "an Act concerning the Salaries of Officers and Pay of Members of the Legislature," which amendments are affixed to the margin of the Bill;

Also, that they have passed Assembly Bill, entitled "an Act making an appropriation for Office Rent and Contingent Expenses of the Superintendent of Public Instruction;"

Also, to return "an Act regulating the duty of Pilots for the Ports of Benicia, Sacramento, and Stockton, and for other purposes," in compliance with the request of the Assembly.

"Bill concerning Salaries of Officers and Pay of Members of the Legislature," returned from the Senate, with amendments, was taken up, and amendments concurred in.

"Bill regulating the duty of Pilots for the Ports of Benicia, Sacramento, and Stockton, and for other purposes," returned from the Senate by request of the Assembly, was laid on the table.

"Joint Resolution in relation to the election of Superintendent of Hospital Property," was indefinitely postponed.

"Bill for the relief of D. W. Perley," was taken up.

Mr. Lind moved to indefinitely postpone the Bill.

Mr. Moore demanded the ayes and nays.

Those who voted in the affirmative were—

Mr. Baldwin	Mr. Kendrick
Bonnett	Lind
Brown	McCorkle
Campbell	Merritt
Cook	Pico
Carnes	Randall
Hall	Thorne
Hoff	Wilkins—16.

In the negative—

Mr. McDougal	Mr. Yeiser
Moore	Speaker—4.

Agreed to.

"Bill concerning the Archives remaining in Monterey County," was taken up, and,

On motion of Mr. McCorkle, was considered as engrossed, and read a third time.

The question then was, "Shall the Bill pass?"

Decided in the affirmative.

Senate "Bill to amend an Act entitled 'an Act to Incorporate the City of San José, approved March 27, 1850,'" was indefinitely postponed.

"Bill donating Swamp and Overflowed Lands to the Common School Fund," was indefinitely postponed.

"Bill for the relief of J. L. Smith and R. P. Wilson," was indefinitely postponed.

Senate "Bill for the Safe Keeping of Persons Imprisoned in California, under the Laws of the United States," was indefinitely postponed.

"Bill supplementary to an Act entitled 'an Act to regulate Fees, passed April 22, 1850,'" was,

On motion of Mr. McKendrick, rejected.

"Joint Resolution relative to amendments to the Constitution," was,

On motion of Mr. McCorkle, rejected.

A Message was received from the Senate, informing the Assembly that they have passed Assembly Bill, entitled "an Act to Apportion the Senatorial and Assembly Districts," with amendments, as contained in the substitute for all after the enacting clause, herewith transmitted with the Bill, and marked "A."

Mr. McCorkle moved that a Committee of Free Conference be appointed, on "Bill to Apportion the Senatorial and Assembly Districts."

Agreed to.

The Speaker appointed as said committee, Messrs. McCorkle, Hall, Moore, Bradford, Hoff, Campbell, and McDougal.

Mr. Field offered the following:

Resolved, that the Assistant Clerk of this House be allowed ten days

after the adjournment of the Legislature to assist the Clerk in arranging the Journal and other business of the Clerk's department, and that he be allowed his per diem pay while so engaged.

Adopted.

Mr. Bodley, from the Committee on Engrossed Bills, reported as correctly engrossed, a "Joint Resolution for the relief of Jacob D. Hoppe, Postmaster."

TEN MINUTES AFTER FOUR O'CLOCK.

On motion of Mr. Merritt, the House adjourned.

HALF PAST SEVEN O'CLOCK.

House met.

On motion of Mr. McCorkle, a call of the House was ordered, and the following members were absent, to wit: Messrs. Baldwin, Covarrubias, Merritt, and Thorne.

On motion of Mr. Wilkins, furth proeeedings under the call of the House were suspended.

Mr. Brown, from the Comr ee of Conference, on "Bill concerning Estray Animals," reported Bill, and recommended its passage as amended by the Senate.

Report adopted.

Mr. Hall, from the Committee on Claims, to whom was referred the accounts of sundry persons for claims against the State, reported the same back, and moved that they be laid on the table.

Agreed to.

"Bill for the relief of J. K. Shafer, District Attorney of the Fifth Judicial District," was indefinitely postponed.

Mr. Bodley, from the Committee on Engrossed Bills, reported as correctly engrossed, "a Bill concerning the Archives remaining in Monterey County;"

Also, "a Bill to authorize District Judges to appoint Translators and Interpreters for their Courts."

A Message was received from the Senate, informing the Assembly that they have concurred in the amendments of the Assembly, to Senate's amendments to "an Act to authorize the Funding of the Floating Debt of the City of San Francisco, and to provide for the payment of the same."

A Message was received from the Governor, informing the Assembly that he has, this day, signed the following Bills, severally entitled, "an Act prescribing the mode of Assessing and Collecting Public Revenue;" "an Act to Incorporate the City of Sonora;" "an Act to provide a Revenue for the State Marine Hospital of San Francisco;" "an Act concerning Toll Bridges;" "an Act to prohibit Officers from being interested in Certain Contracts;" "an Act making an appropriation for Office Rent and Contingent Expenses of Superintendent of Public Instruction;" "an Act prescribing Duties to the Secretary of State;" and "an Act to regulate Procedings in Criminal Cases;"

Also, "a Joint Resolution authorizing the Court of Sessions of Sacramento City to establish an additional Ferry opposite the City of Sacramento;" "a Joint Resolution for the erection of part of the State Prison at Vallejo;" and "a Joint Resolution authorizing the Paymaster of the Gila Expedition to pay the claims of Crenshaw and Blackburn."

The Speaker laid before the House the following communication from the Hon. Wm. M. Gwin:

SAN FRANCISCO, *April* 30, 1851.

To the Hon. D. C. BRODERICK,
President, *pro tem.* of the Senate; and,
Hon. JOHN BIGLER,
Speaker of the House of Assembly, of California:

GENTLEMEN: The Secretary of the Senate has transmitted to me a copy of the "Resolution" passed by the "Senate and House of Assembly," tendering to me the thanks of the people of California, for my "indefatigable exertions and zeal," and "constant and untiring advocacy in the Senate of the United States of the just claims and interests of this State."

I receive with profound gratitude such assurance of the confidence of the people of California, thus manifested through their Legislature, and will earnestly strive to merit a continuance of that confidence, by my future efforts, in securing to the State her best rights as a member of the Confederacy. The position of a member of Congress, from this new and unprecedented State, is fraught with serious difficulties, and requires immense labor to comply with the righteous demands and expectations of its inhabitants, for much is equitably due to them which the

Government at Washington does not comprehend. But arduous and onerous as are the duties imposed upon me as one of your Senators, I will enter upon their discharge at the ensuing season with invigorated hope and renewed determination, after this agreeable evidence received from this people, that they will endorse my best efforts in behalf, however inefficient, if prompted by zeal for their welfare.

I beg leave through you, gentlemen, to express to the Senate and House of Assembly, my warmest wishes for their success in ministering to the manifold wants of their constituents; and my most heartfelt thanks for this valued testimonial of their regard, proffered me as a public servant.

Very respectfully,
Your obd't. serv't.,
WILLIAM M. GWIN.

On motion of Mr. Merritt, the communication was laid on the table.

Mr. McCorkle, from Select Committee, to whom was referred "a Bill providing for a State Penitentiary," reported the same back, and asked to be discharged from the further consideration of the subject.

On motion of Mr. Merritt, the Bill was indefinitely postponed.

Mr. Carr offered a Concurrent Resolution requiring the Governor to commission the Trustees elected for the State Hospital at Sacramento City; also, the State Hospital at Stockton, and the State Marine Hospital at San Francisco.

Adopted.

Mr. Cook offered the following:

Resolved, That the thanks of this House are hereby tendered to the several editors of San Francisco and other parts of the State, for their liberality in furnishing gratuitously the members of this House with their daily papers during the present Session.

The question then was on adopting the resolution.

Adopted.

Mr. McCandless offered the following:

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*.

On motion of Mr. Merritt, the resolution was laid on the table for the present.

A Message was received from the Senate informing the Assembly that they have passed Assembly amendment to resolution requesting the Governor to commission J. R. Hardenburg and others; "an Act to provide for reclaiming certain Swamp or Tule Lands, and for Agricultural Experiments thereon."

Senate's Concurrent Resolution relative to the introduction of Bills, was taken up and adopted.

A Message was received from the Governor informing the Assembly that he has this day signed "a Joint Resolution for the benefit of Citizens of Los Angeles County."

Mr. Bradford, from the Joint Committee on Enrolled Bills, reported that they have examined, and find correctly enrolled, "Joint Resolution relative to the Civil Fund;" "Joint Resolution for the relief of J. D. Hoppe, Postmaster;" "an Act appropriating Money out of the General Fund to defray the Expenses of the Government of the State of California."

Mr. Hall offered the following:

Resolved (the Senate concurring), That the Joint Resolution fixing this day for the adjournment of the Legislature, *sine die*, is rescinded, and that the two Houses of the Legislature adjourn on to-morrow, at twelve o'clock, *sine die*.

On motion of Mr. Hall, said resolution was laid on the table.

On motion of Mr. Randall, resolution relative to adjournment *sine die*, was taken up.

The question recurred on adopting the resolution.

Mr. Randall demanded the ayes and nays.

Those who voted in the affirmative were—

Mr. McCandless	Mr. Randall
Osgood	Wilkins—4.

In the negative—

Mr. Bennett	Mr. Cook
Bodley	Covarrubias
Bradford	Carnes
Brown	Field

Mr. Hall	Mr. Merritt
Hoff	Pico
Kendrick	Thorne
Lind	Yeiser
McCorkle	Speaker
McDougal	—19.

Not agreed to.

Mr. Osgood moved to take a recess for fifteen minutes.

Not agreed to.

Mr. Osgood moved that there be a call of the House.

Not agreed to.

A Message was received from the Senate informing the Assembly that they have adopted the report of the Minority Committee of Conference, on the Bill to Apportion the Senatorial and Assembly Districts.

Mr. Campbell, from the Minority of the Committee of Conference of the two Houses, on the disagreeing vote on the Bill making Senatorial and Representative Apportionment among the different Counties of this State, reported that they do not agree to the increase of Senators and Members proposed in the said committee, and contained in the Majority Report. But the members of said committee recommend the passage of the Bill as it passed the Senate, believing that apportionment to be more equitable than the one made by the Conference Committee, and that the whole number proposed by the Senate Bill is as large as the interests of the State demand. They, therefore, in consideration of the premises, recommend a non-concurrence in the amendments of the Conference Committee, and a rejection of the Majority Report.

On motion of Mr. McCorkle, the Minority Report was laid on the table.

Mr. McCorkle, from the Majority of the Joint Committee of Conference, to whom was referred the disagreeing amendments to the Apportionment Bill, ask leave to report that they have had the same under consideration; a majority of whom, with a disposition to compromise on this most important Bill of the Session, report the same back with amendments, and recommend its passage.

Mr. McCorkle moved to adopt the Majority Report.

Mr. Osgood demanded the previous question.

The question then was, "Shall the main question be now put?"

Agreed to.

The question then was on adopting the Majority Report.

Mr. Campbell demanded the ayes and nays.

Those who voted in the affirmative were—

Mr. Field	Mr. McDougal
Hall	Merritt
Kendrick	Saunders
Lind	Wilkins
McCandless	Yeiser
McCorkle	Speaker—12.

Those who voted in the negative were—

Mr. Bennett	Mr. Carnes
Bodley	Hoff
Bradford	Moore
Brown	Osgood
Campbell	Pico
Carr	Randall
Cook	Thorne
Covarrubias	—15.

Not agreed to.

Mr. Moore moved to reconsider the vote just taken.

Mr. Merritt demanded the previons question.

The question then was, "Shall the main question be now put?"

Agreed to.

The question then recurred on the motion to reconsider the vote by which the House refused to adopt the Majority Report.

Mr. Moore demanded the ayes and nays.

Those who voted in the affirmative were—

Mr. Field	Mr. McDougal
Hall	Moore
Kendrick	Wilkins
Lind	Yeiser
McCandless	Speaker
McCorkle	—11.

In the negative—

Mr. Bennett	Mr. Carnes
Bodley	Hoff
Bradford	Merritt
Brown	Osgood
Campbell	Pico
Carr	Randall
Cook	Thorne
Covarrubias	—15.

Not agreed to.

On motion of Mr. Bodley, the Minority Report was taken up.

Mr. Randall moved that the Minority Report be adopted, and demanded the previous question.

The question then was, "Shall the main question be now put?"

Agreed to.

Mr. Wilkins moved that there be a call of the House.

Not agreed to.

The question then was on adopting the Minority Report.

Mr. Merritt demanded the ayes and nays.

Those who voted in the affirmative were—

Mr. Bennett	Mr. Carnes
Bodley	Field
Bradford	Hoff
Brown	McCandless
Campbell	Osgood
Carr	Pico
Cook	Randall
Covarrubias	Thorne—16.

In the negative—

Mr. Hall	Mr. Merritt
Kendrick	Moore
Lind	Wilkins
McCorkle	Yeiser
McDougal	Speaker—10.

Agreed to.

A Message was received from the Senate, informing the Assembly that they have passed Assembly Bill, entitled "an Act to provide for the Early Publication and Distribution of the Laws," with amendment marked "A.";

Also, with an amendment, Assembly Bill, entitled "an Act to confirm certain Contracts of the Commissioners of the Sinking Fund of the City of San Francisco, for the building of Broadway and Pacific street Wharves."

"Bill to provide for the Early Publication and Distribution of the Laws," returned from the Senate with amendments, was taken up.

Mr. Osgood moved to concur in Senate's amendments, with the exception of the last, and demanded the ayes and nays.

Those who voted in the affirmative were—

Mr. Bennett	Mr. Hoff
Bodley	Kendrick
Bradford	McCandless
Brown	McDougal
Campbell	Merritt
Carr	Osgood
Cook	Pico
Covarrubias	Randall
Carnes	Thorne
Field	Yeiser—20.

In the negative—

Mr. Hall	Mr. Wilkins
Moore	Speaker
Saunders	—5.

Agreed to.

Mr. Field moved to concur in Senate's last amendment, with an amendment, by adding the last section of the original Bill.

Agreed to.

"Bill to confirm certain Contracts of the Commissioners of the Sinking Fund of the City of San Francisco for the building of Broadway and Pacific street Wharves," returned from the Senate with an amendment, was taken up, and Senate's amendment concurred in.

A Message was received from the Senate, informing the Assembly that the President has signed, "an Act entitled 'an Act creating the office of Harbor Master for the Port and Harbor of San Francisco, and defining his duties;" "an Act to authorize the Court of Sessions of Sacramento County to borrow money;" "an Act to regulate Fees of Office;" "an Act concerning Marks and Brands;" "an Act concerning the Salaries of Officers;" "Joint Resolution for the relief of J. D. Hoppe, Postmaster;" "an Act appropriating Money out of the General Fund to defray the Expenses of the Government of the State of California;" "Joint Resolution in relation to the Civil Fund;" "Joint Resolution for the erection of part of the State Prison at Vallejo;" "an Act prescribing Duties to the Secretary of State;" "Joint Resolution authorizing the Paymaster of the Gila Expedition to pay the claims of Crenshaw and Blackburn;" "an Act to fix the Compensation of County Judges and Associate Justices of the Court of Sessions;"

Also, that the Senate have passed Assembly "Joint Resolution instructing the Superintendent of Public Buildings to sell certain Property," with an amendment adding a proviso to the Bill;

Also, that thay have passed a Bill entitled "an Act amendatory of 'an Act to incorporate the City of San Diego.'"

"Joint Resolution instructing the Superintendent of Public Buildings to sell certain Property," returned from the Senate with an amendment, was taken up, and,

On motion of Mr. Wilkins, Senate's amendment was concurred in.

Senate's Bill, entitled "an Act amendatory of 'an Act to incorporate the City of San Diego,'" was taken up, read first time, when

Mr. Cook moved to reject the Bill.

Mr. Moore demanded the ayes and nays.

Those who voted in the affirmative were—

Mr. Bodley	Mr. McCorkle
Brown	McDougal
Carr	Saunders
Cook	Wilkins
Hall	Yeiser
Hoff	Speaker
Kendrick	—13.

In the negative—

Mr. Covarrubias	Mr. Osgood
Carnes	Pico
Field	Randall
Merritt	—7.

Agreed to.

A Message was received from the Senate, informing the Assembly that they have passed "an Act granting the right of way through the State of California to the United States for the purpose of constructing Railroads;" "an Act concerning the Archives remaining in Monterey County;" "an Act in relation to the City of San Francisco."

Senate "Bill granting the right of way through the State of California to the United States for the purpose of constructing Railroads," was taken up, read first time, and

On motion of Mr. Merritt, rejected.

Mr. Bradford from the Joint Committee on Enrolled Bills, reported they find correctly enrolled, "an Act concerning Common Schools and Public Instruction;" "an Act to regulate the Settlement of the Estates of Deceased Persons."

A Message was received from the Senate, informing the Assembly that the Governor has notified the Senate that he has signed, "an Act to regulate proceedings in Criminal Cases;" and a Joint Resolution relative to the "Civil Fund;" "an Act to repeal the 115th Section of the Act entitled 'an Act concerning the Courts of Justice of this State and Judicial Officers;'" "an Act for the relief of the former Town Council of Stockton;"

Also, that the President has signed "an Act concerning Estray Animals;" "an Act to authorize the Funding of the Floating Debt of the City of San Francisco, and to provide for the payment of the same."

A Message was received from the Governor, informing the Assembly that he has, this day, signed the following Bills, severally entitled, "an Act appropriating Money out of the General Fund to defray the Expenses of the Government of the State of California;" "an Act concerning Estray Animals;" "an Act to authorize the Funding of the Floating Debt of the City of San Francisco, and to provide for the payment of the same;" "an Act to authorize the Court of Sessions of Sacramento City to borrow Money;" "an Act concerning Marks and Brands," "an

Act to regulate Fees in Office;" and a "Joint Resolution for the relief of J. D. Hoppe, Postmaster."

A Message was received from the Senate, informing the Assembly that they have passed Assembly Bill, entitled "an Act to authorize the Keepers of Warehouses to sell goods on storage after a certain period."

"Bill to authorize the Keepers of Warehouses to sell goods on storage after a certain period," returned from the Senate with an amendment, was taken up, and amendment concurred in.

Mr. Bradford from the Joint Committee on Enrolled Bills, reported that they have examined and find correctly enrolled "an Act concerning Estray Animals;" "an Act to authorize the Funding of the Floating Debt of the City of San Francisco;" "an Act in relation to San Francisco;"

Also, that they have this day presented to the Governor for his approval, "an Act to authorize the Keepers of Warehouses to sell goods on storage after a certain period."

Mr. Bradford, from the Joint Committee on Enrolled Bills, reported that they this day presented to the Governor for his approval, "an Act to provide for the Early Publication and Distribution of the Laws;" "an Act concerning the Archives now remaining at Monterey;" also, that they discovered a clerical error in the Bill in relation to the Early Publication of the Laws, the word "three" being inserted by mistake, instead of "two," which they corrected.

A Message was received from the Senate, informing the Assembly that they have non-concurred in the Assembly's amendment to Senate amendment to Assembly Bill, entitled "an Act to provide for the Early Publication of the Laws."

"Bill providing for the Early Publication and Distribution of the Laws," returned from the Senate, non-concurring in Assembly's amendment to Senate's amendment, was taken up, when the House receded from their amendment.

Mr. Randall offered the following:

Resolved, That no member be permitted to speak but five minutes on any question.

Adopted.

Mr. Bradford, from the Joint Committee on Enrolled Bills, reported that they have examined, and find correctly enrolled, "an Act to confirm certain Contracts of the Commissioners of the Sinking Fund of

the City of San Francisco, for the building of Broadway and Pacific street Wharves;" "an Act to divide the State into Senatorial and Assembly Districts;" "an Act to provide for the Early Publication of the Laws;" "an Act concerning the Archives remaining in Monterey County;" "an Act to authorize the Keepers of the Warehouses to sell Goods on Storage after a certain period."

A Message from the Senate was received, informing the Assembly that they have passed a "Bill to provide for reclaiming certain Swamp or Tule Lands, and for Agricultural Experiments thereon."

"Senate "Bill to provide for reclaiming certain Swamp or Tule Lands, and for Agricultural Experiments thereon," was read first and second times, the Rules being suspended for that purpose.

Mr. Wilkins moved to indefinitely postpone said Bill, and demanded the ayes and nays.

Those who voted in the affirmative were—

Mr. Bodley	Mr. Kendrick
Bradford	Lind
Carr	Wilkins
Cook	Speaker—8.

In the negative—

Mr. Bennett	Mr. Merritt
Carnes	Osgood
Field	Pico
Hall	Randall
Hoff	Saunders
McDougal	Thorne—12.

Not agreed to.

On motion of Mr. Osgood, the Rules were suspended, and the Bill read a third time.

The question then was, "Shall the Bill pass?"

Mr. Osgood demanded the previous question.

The question then was, "Shall the main question be now put?"

Agreed to.

The question then was, "Shall the Bill pass?"

Mr. Wilkins demanded the ayes and nays.

Those who voted in the affirmative were—

Mr. Bennett	Mr. Merritt
Covarrubias	Osgood
Carnes	Pico
Field	Saunders
Hall	Thorne
McDougal	—11.

In the negative—

Mr. Bodley	Mr. Lind
Bradford	Moore
Carr	Wilkins
Cook	Yeiser
Kendrick	Speaker—10.

Decided in the affirmative.

Mr. Wilkins moved to amend the title, so that it will read, "an Act to give away the Public Lands."

Not agreed to.

Mr. Saunders moved to reconsider the vote by which the Bill passed.

On motion of Mr. Osgood, said motion was indefinitely postponed.

A Message was received from the Senate, informing the Assembly that they have adopted a "Concurrent Resolution to rescind the Joint Resolution, prohibiting the introduction of new Bills and Joint Resolutions, so far as it may relate to "an Act amendatory of an Act, entitled 'an Act prescribing the mode of Assessing and Collecting Public Revenue;'"

Also, that the President has signed "an Act relative to the City of San Francisco;" "an Act to regulate the Settlement of Estates of Deceased Persons;" "an Act concerning Common Schools and Public Instruction;"

Also, that the Governor has notified the Senate that he has this day signed "an Act concerning Common Schools and Public Instruction," and "an Act to regulate the Settlement of Estates of Deceased Persons."

Senate's Concurrent Resolution relative to the introduction of Bills, was, on motion of Mr. Bradford, laid on the table.

Mr. Bradford, from the Joint Committee on Enrolled Bills, reported that they have examined, and find correctly enrolled, "an Act to confirm certain Contracts of the Commissioners of the Sinking Fund of the City of San Francisco, for the building of Broadway and Pacific street Wharves;" and also, a "Joint Resolution instructing the Superintendent

of Public Buildings to sell certain Property;" also, "an Act to Apportion the Senatorial and Assembly Districts."

The Joint Committee on Enrolled Bills report that they this day presented to the Governor for his approval, "an Act concerning Common Schools and Public Instruction;" "an Act to regulate the Settlement of the Estates of Deceased Persons;" "Joint Resolution authorizing the Paymaster of the Gila Expedition to pay the Claims of Crenshaw and Blackburn;" "an Act to fix the Compensation of County Judges and Associate Judges of the Court of Sessions;" "Joint Resolution for the erection of part of the State Prison at Vallejo;" "an Act prescribing Duties to the Secretary of State;" "an Act making an appropriation for Office Rent and Contingent Expenses of Superintendent of Public Instruction;" "an Act to regulate proceedings in Criminal Cases;" "an Act concerning the Salaries of Officers and Pay of the Members of the Legislature;" "Joint Resolution relative to the Civil Fund of California;" "an Act to regulate Fees in Office;" "an Act concerning Marks and Brands;" "an Act to authorize the Court of Sessions of Sacramento County to Borrow Money;" "an Act entitled 'an Act creating the office of Harbor Master for the Port and Harbor of San Francisco, and defining his duties;'" "an Act Appropriating Money out of the General Fund to defray the Expenses of the Government of the State of California;" "Joint Resolution for the relief of J. D. Hoppe;" "an Act concerning Estray Animals;" "an Act to authorize the Funding of the Floating Debt of the City of San Francisco, and to provide for the payment of the same;" "an Act to regulate the Settlement of Estates of Deceased Persons;" "an Act concerning Common Schools and Public Instruction;" "an Act concerning the City of San Francisco;" "Joint Resolution instructing the Superintendent of Public Buildings to sell certain Property;" "an Act to Apportion the Senatorial and Assembly Districts;" "an Act to confirm Certain Contracts of the Commissioners of the Sinking Fund of the City of San Francisco, for the building of Broadway and Pacific street Wharves;" and "an Act to provide for reclaiming certain Swamp and Tule Lands, and for Agricultural Experiments thereon."

A Mesage was received from the Governor, informing the Assembly that he has this day signed "an Act concerning the Archives now remaining in Monterey."

Mr. Bradford, from the Joint Committee on Enrolled Bills, reported that they have examined and find correctly enrolled, "an Act entitled 'an Act creating the office of Harbor Master for the Port and Harbor

of San Francisco, and defininingi his duties;'" "an Act to regulate Fees in Office;" "an Act concerning the Salaries of Officers, and Pay of Members of the Legislature;" "an Act concerning Marks and Brands;" "an Act to regulate proceedings in Criminal Cases."

A Message was received from the Senate, informing the Assembly that they have adopted a Concurrent Resolution concerning the introduction of Bills;" also, that they have 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;" and Assembly's "Joint Resolution for the relief of J. D. Hoppe, Postmaster; also, that they have adopted a Concurrent Resolution, directing the Secretary of the Senate and Clerk of the Assembly to furnish the copy of the Journal of either House, at the earliest day practicable, to Eugene Casserly, State Printer, for publication.

Senate's Concurrent Resolution, directing the Secretary of the Senate and Clerk of the House to deliver a copy of the Journals to Eugene Casserly for publication, was taken up and adopted.

Mr. McCorkle moved to reconsider the vote by which said Resolution passed.

Agreed to.

Mr. McCorkle moved to amend the Resolution by adding, "and that the Secretary of State be also directed to furnish certified copies of the Laws and Joint Resolutions."

The question then recurred on adopting the Resolution as amended.

Adopted.

On motion of Mr. Bradford, the Sergeant-at-Arms was dispatched after absentees.

A Message was received from the Senate, informing the Assembly that they have concurred in the amendment of the Assembly to the Concurrent Resolution, requiring the Secretary of the Senate and Clerk of the Assembly to furnish copies of the Journals to the State Printer."

The Joint Committee on Enrolled Bills reported that they have examined and find correctly enrolled, a "Concurrent Resolution concerning the State Printer."

A Message was received from the Senate, informing the Assembly that the President has signed "Concurrent Resolution in relation to the State Printer."

A Message was received from the Governor, informing the Assembly

that he has this day signed "an Act to Apportion the Senatorial and Assembly Districts;" "an Act to confirm Certain Contracts of the Commissioners of the Sinking Fund of the City of San Francisco, for the Building of Broadway and Pacific street Wharves;" and a "Joint Resolution instructing the Superintendent of Public Buildings to sell certain Property."

Mr. McDOUGAL in the Chair.

Mr. Bigler moved that the testimony in cases of Judges Parsons and Turner, and also the testimony adduced under the resolution authorizing an investigation into the conduct of members, to ascertain the truth of the charges made, that members had been corrupted and bribed in order to pass the so called "Water Lot Bill," be erased from the Journals, and that the same be filed in the office of the Secretary of State.

Agreed to.

On motion of Mr. Lind, a committee of three were appointed, consisting of Messrs. McCorkle, Moore, and Kendrick, to wait upon the Governor and inform him that this House is now ready to adjourn *sine die.*

The Clerk was then ordered to inform the Senate of the appointment of the committee, and to request the Senate to appoint a similar committee.

A Message was received from the Senate informing the Assembly that the President has signed "an Act to provide for the reclaiming certain Swamp or Tule Lands, and for Agricultural Experiments thereon;" also, that the President of the Senate has signed "an Act to authorize the keepers of Warehouses to sell Goods on Storage after a certain period;" "an Act to provide for the Early Publication of the Laws;" "an Act concerning the Archives now remaining in Monterey."

A Message was received from the Governor informing the Assembly that he has, this day, signed "an Act to authorize the keepers of Warehouses to sell Goods on Storage after a certain period;" "an Act in relation to the City of San Francisco."

Mr. Randall offered the following:

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 from the Senate was received informing the Assembly that the President has signed "Concurrent Resolution directing the Secretary

of the Senate, the Clerk of the Assembly, and the Secretary of State to deliver the Laws, Journals, &c., to Eugene Casserly; also informing the Assembly that they are now ready to adjourn *sine die*.

On motion of Mr. Randall, the Journals of the day were approved without reading.

TEN MINUTES AFTER THREE O'CLOCK.

Mr. Osgood moved that the House adjourn *sine die*. After the question was put, the Hon. Speaker, John Bigler, delivered the following valedictory:

GENTLEMEN OF THE ASSEMBLY:

Before declaring this House adjourned *sine die*, permit me briefly to express to you my unfeigned thanks for your many acts of kindness and generous forbearance.

It is, perhaps, unnecessary for me to assure you that I properly appreciate the approbatory resolution which has received your sanction. Conscious that I have at all times endeavored to discharge the duties of the Chair impartially, I am truly gratified to find that my official conduct merits your approval.

During the Session over two hundred Bills were reported in this House, and received first and second readings. Of that number, about one hundred and twenty have been passed and approved. Many very exciting and highly important questions have been considered and determined. The discussion of these questions, I am sorry to say, were marked by one or two occurrences of a rather unpleasant character, but explanations perfectly satisfactory to all concerned soon followed, and the good feeling which ought at all times to exist among the members of a deliberative body was speedily restored. And here, permit me to remark that, considering the great importance and exciting character of many measures discussed during the Session, the deliberations of this body have been characterized by more than usual good feeling among its members.

The Session, it is true, has been longer than was generally expected; but we can truly say, in explanation to our constituents, that no legislative body, in one Session, ever disposed of so many important measures. Much of the legislation of last Session has been revised—many of the most important laws then passed have been repealed, and others, more in accordance with the necessities of the people, matured and passed. The judicial and revenue systems of the State have been revised and many important changes made. A judicious system of Common Schools has

been devised, and ample provisions made for indigent sick, by the establishment of Hospitals at important points in the State. These measures, and others of perhaps no less importance, required much time and labor to perfect them, and although the Session has been a long one, I have much confidence that after an examination of the Acts passed, they will receive the sanction of the enlightened and liberal people of California, who will not complain of the conduct of their Representatives.

To you, gentlemen, I owe a lasting debt of gratitude. You have ever aided the presiding officer in his efforts to preserve order and to enforce the more important rules adopted for the government of the House. You have uniformly and cheerfully acquiesced in the decisions of the Chair, as to the order of business, as well as in reference to constructions given to the rules necessary to be enforced in order to secure an expression of the deliberate sense of the body.

Gentlemen, we are soon to part—perhaps never to meet again—and though the parting is painful, it gives me unfeigned pleasure to be able to say that we part friends. The past scenes of excitement seem to have been forgotten; every unfriendly feeling, resulting from unguarded expressions used in the heat of debate, is consigned to oblivion; and we separate, I trust, entertaining for each other the warmest sentiments of personal regard. And although we may never meet again in the capacity of Representatives, or private citizens, the attachments here formed will never be erased until death has summoned us to another and a better world. Permit me again, before bidding you adieu, to give you the assurance that your many acts of kindness will ever, by me, be held in grateful remembrance. I now declare the House adjourned *sine die*.

A true Copy of the original Journals, as daily approved by the House of Assembly.

[ATTEST:] GEO. O. McMULLIN.
Chief Clerk of the House of Assembly.

May 1st, 1851.