JOURNAL

OF THE

PROCEEDINGS OF THE ASSEMBLY.

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HOUSE OF ASSEMBLY.

ASSEMBLY OF CALIFORNIA,
Vallejo, Monday, January 5th, 1852.

In pursuance of the provisions of the Constitution, the Assembly met this day, and were called to order by George O. McMullin, Esq., the former Clerk, when, on motion of Mr. Hammond, the Hon. W. S. Sherwood, Judge of the Ninth Judicial District, was requested to administer the oath of office.

Mr. Hammond moved that the Clerk call the names of members elect, commencing with San Diego County, and that the members come forward, present their credentials and take the usual oath of office.

Agreed to.

The Clerk then proceeded with the call, when the following gentlemen appeared and were sworn.

San Diego County,	Augustus Harazthy.
Santa Barbara "	A. F. Hinchman.
Monterey "	Isaac B. Wall.
Santa Cruz "	C. P. Stephenson.

Mr. Wall presented a petition, signed by certain members, protesting against the organization of the Assembly at Vallejo, which was read, and, on motion, laid on the table.

Mr. Wood presented a petition from citizens of San Francisco, protesting against Mr. Chauncey taking his seat, which was read, and, on motion, laid on the table.

The Clerk then continued to call over the Counties in their rotation, when the following members came forward, presented their credentials, and took the oath of office:

San Francisco,	R. N. Wood; B. Orrick; David M. Chauncey; A. J. Ellis; A. R. C. Peachy.

San Joaquin,	Richard P. Hammond; Henry A. Crabb; F. Yeiser.
Calaveras,	W. P. Jones; G. E. Young; W. S. McKim.
Tuolumne,	James W. Coffroth; T. J. Ingersoll; W. B. Dameron; Jesse Brush; D. L. Blanchard.
Mariposa,	Thomas E. Ridley; Samuel A. Merritt.
El Dorado,	Austin Wing; S. A. McMeans; W. R. Hopkins; John Cutler.
Sacramento,	J. C. Tucker; G. W. Colby; G. N. McConaha; Alphus Kipp.
Yuba,	James H. Gardner; John A. Paxton; John Cook.
Placer,	Patrick Canney; J. H. Gibson.
Sutter,	A. G. Caldwell.
Nevada,	E. F. W. Ellis; W. H. Lyons; J. N. Turner.
Butte,	James L. Law; Nelson D. Morse; Chandler B. Fowler.

Mr. McCandless came forward and presented papers relative to the election in Shasta County, when Mr. Morse moved that, as the said papers presented did not contain a certificate of his election, the oath of office be not administered.

Pending said motion, Mr. McCandless asked, and obtained, leave to withdraw the papers.

The Clerk then proceeded to call the Counties in their rotation:

Marin County,	Alfred W. Taliaferro.
Sonoma "	L. W. Boggs.
Solano "	James S. Graham.
Napa "	John S. Stark.
Yolo "	John G. Parrish.
Colusi "	Henry L. Ford.

Mr. Coates, from Klamath, presented his certificate of election, when, on motion of Mr. Wood, said certificate was read.

Mr. Wood moved that the oath of office be not administered to Mr. Coates.

Mr. Crabb demanded the ayes and nays.

Those who voted in the affirmative were—

Messrs. Cutler,	Messrs. McKim,
Caldwell,	McKenzie,
Crabb,	McMullin,
Ellis, of Nevada,	Orrick,
Ellis, of San Francisco,	Stephenson,
Fowler,	Turner,
Gardner,	Wall,
Hinchman,	Wood,
Hammond,	Young—19.
Jones,	

In the negative were—

Messrs. Brush,	Messrs. Law,
Blanchard,	Morse,
Boggs,	McMeans,
Chauncey,	Merritt,
Canney,	McConaha,
Coffroth,	Peachy,
Colby,	Paxton,
Dameron,	Parrish,
Ford,	Ridley,
Gibson,	Stark,
Hopkins,	Taliaferro,
Harazthy,	Tucker,
Ingersoll,	Thompson,
Kipp,	Wing—29.
Lyons,	

Not agreed to.

Mr. Coates then came forward and took the oath of office.

The Clerk proceeded to call the Counties:

Trinity County,	George O. McMullin.
	F. S. McKenzie.
Santa Clara,	James T. Thompson.
Contra Costa,	N. B. Smith,

On motion of Mr. Crabb, Mr. Boggs was called to the chair, when, on motion of Mr. Parrish, the House adjourned until to-morrow, 12 o'clock.

HOUSE OF ASSEMBLY.

TUESDAY, January 6, 1852.

The House met pursuant to adjournment.
Mr. Boggs in the chair.
No quorum present.
On motion of Mr. Wood, the House adjourned until 12 o'clock, to-morrow.

HOUSE OF ASSEMBLY.

WEDNESDAY, January 7, 1852.

The House met pursuant to adjournment.
Mr. Boggs in the chair.
The Journal of Tuesday read and approved.
A quorum answering to their names, the house proceeded to business.
Mr. Merritt moved that those members who have not taken the oath of office be requested to come forward and do so.
Agreed to.
Mr. Herman Wohler, from the County of San Francisco, Mr. Samuel Fleming, and Mr. E. D. Pierce, from the County of Shasta, appeared and took the oath prescribed by the constitution.
Mr. J. M. Covarrubias, from the County of Santa Barbara, also appeared, was qualified and took his seat.
Mr. Merritt moved that the House do now proceed to the election of Speaker.
Agreed to.
Mr. Merritt nominated Mr. R. P. Hammond.
Mr. Orrick nominated Mr. R. N. Wood.
The chairman appointed Messrs. Lyons of Nevada, and Ellis of San Francisco, Tellers, who reported as follows:

Whole number of votes cast, - - -	55
Necessary to a choice, - - - -	28
Mr. Hammond received - - -	41 votes.
Mr. Wood received - - - -	13 "
Mr. Ellis received - - - -	1 "

Those who voted for Mr. Hammond were—Messrs. Brush, Blanchard, Boggs, Chauncey, Covarrubias, Coates, Canney, Coffroth, Colby, Crabb, Cook, Dameron, Fleming, Ford, Gibson, Gardner, Harazthy, Ingersoll, Kipp, Lyons, Law, Morse, McKim, McMeans, Merritt, McConaha, Peachy, Pierce, Paxton, Parrish, Ridley, Stevenson, Smith, Stark, Taliaferro, Tucker, Thompson, Wing, Wall, Wohler, Young—41.

Those who voted for Mr. Wood were—Messrs. Cutler, Caldwell, Ellis of Nevada, Ellis of San Francisco, Fowler, Graham, Hopkins, Hinchman, Jones, Mckenzie, McMullen, Orrick, Turner—13.

Mr. Wood voted for Mr. Ellis of Nevada.

Mr. Hammond was declared duly elected Speaker.

Whereupon Messrs. Boggs and Merritt conducted the Speaker to the chair, who addressed the House as follows:

Gentlemen of the Assembly:

I tender you my grateful acknowledgments for the honor you have conferred upon me, in calling me to preside over this house.

I shall bring to my aid, in discharging the duties imposed upon me, an anxious desire to exercise firmness and impartiality; let me invoke your assistance and support in the responsible, difficult, and oftentimes the most arduous task which your choice has assigned me.

We have, gentlemen, a common purpose, and duty as the representatives of the people of California. The welfare, prosperity, and honor of the State are entrusted to us for a season; we may well, then, counsel and support each other in seeking these results, so important to us all. The wonder of the world, as our new State is, improving, as she has done, from almost unknown obscurity to occupy a position of prominence, as a great Republic, and to command the attention of the world—it behooves us, gentlemen, to study with fidelity and zeal those peculiar and powerful influences which have induced these great results.

Distant too, as we are, from the seat of federal legislation and power, it especially pertains to the representatives in the State Legislature to ascertain the wants and wishes of the people, and to give life and vigor to the action which shall accomplish these in our national councils.

It is not my province, gentlemen, upon this occasion, to refer more particularly to the many and important interests upon which you will be called to legislate during the present session.

I need but express my full sense of the responsibility resting upon us all, and assuring you of my hearty co-operation in the work of the winter. I thank you again, gentlemen, for the confidence with which you have honored me, thus early in the session.

A message was received from the Governor, informing this House that he had appointed Mr. Howe his Private Secretary.

Mr. Boggs moved that the House proceed to elect a Chief Clerk.
Agreed to.
Mr. Morse nominated Blanton McAlpin.

Whole number of votes cast, - - -	55
Necessary to a choice, - - - -	28
B. McAlpin received - - - -	44 votes.
W. Shearman received - - - -	9 "
Mr. Peters received - - -	2 "

Those who voted for Mr. McAlpin were—Messrs. Brush, Blanchard, Boggs, Covarrubias, Coates, Canney, Chauncey, Coffroth, Colby, Crabb, Cook, Dameron, Fleming, Ford, Gibson, Graham, Gardner, Hopkins, Harazthy, Hammond, Ingersoll, Kipp, Lyons, Law, Morse, McKim, McMeans, Merritt, McConaha, McKenzie, Peachy, Pierce, Paxton, Parrish, Ridley, Smith, Stephenson, Taliaferro, Tucker Thompson, Wing, Wall, Wohler, Young —44.

Those who voted for Mr. Shearman were—Messrs. Cutler, Caldwell, Ellis of Nevada, Ellis of San Francisco, Fowler, Jones, McMullen, Orrick, Wood —9.

Those who voted for Mr. Peters were—Messrs. Hinchman and Turner —2.

Mr. McAlpin was declared duly elected Clerk.
The House next proceeded to elect an Assistant Clerk.
Mr. Ingersoll nominated Albert Alden.

Whole number of votes cast, was - - -	54
Necessary to a choice, - - - -	28
Mr. Alden received - - - -	40 votes.
Mr. Cornwall received - - - -	14 "

Those who voted for Mr. Alden were—Messrs. Brush, Blanchard, Boggs, Covarrubias, Coates, Canney, Chauncey, Coffroth, Colby, Crabb, Cook, Dameron, Fleming, Ford, Gibson, Gardner, Harazthy, Ingersoll, Kipp, Lyons, Law, Morse, McKim, McMeans, Merritt, McConaha, McKenzie, Peachy, Pierce, Paxton, Parrish, Ridley, Stephenson, Smith, Taliaferro, Tucker, Thompson, Wing, Wall, Wohler, Young, Speaker—40.

Those who voted for Mr. Cornwall were—Messrs. Cutler, Caldwell, Ellis of Nevada, Ellis of San Francisco, Fowler, Graham, Hopkins, Hinchman, Jones, McMullen, Orrick, Stark, Turner, Wood—14.

Mr. Alden was declared duly elected Assistant Clerk.
The House next proceeded to elect Engrossing Clerk.
Mr. McMeans nominated J. C. Potter.
Mr. Ellis of Nevada, nominated P. Maloney.

Whole number of votes cast, - - -	52
Necessary to a choice, - - - -	27
Mr. Potter received - - - -	43 votes.
Mr. Maloney, - - - - -	9 "

Those who voted for Mr. Potter were—Messrs. Brush, Blanchard, Boggs,

Covarrubias, Coates, Canney, Chauncey, Coffroth, Colby, Crabb, Cook, Dameron, Fleming, Ford, Gibson, Gardiner, Harazthy, Jones, Ingersoll, Kipp, Lyons, Law, Morse, McKim, McMeans, Merritt, McConaha, McKenzie, Peachy, Pierce, Paxton, Parrish, Ridley, Stephenson, Smith, Stark, Taliaferro, Tucker, Thompson, Wing, Wall, Wohler, Young, Speaker—43.

Those who voted for P. Maloney were—Messrs. Caldwell, Ellis of Nevada, Ellis of San Francisco, Fowler, Graham, Hinchman, McMullen, Orrick, Wood.

Mr. Potter was declared duly elected Engrossing Clerk.

The House next proceeded to the election of Enrolling Clerk.

Mr. Coates nominated W. C. Kibbe.

Mr. Cutler nominated G. W. Kinney.

Whole number of votes cast,	55
Necessary to a choice,	28
Mr. Kibbe received	45 votes.
Mr. Kinney received	10 "

Those who voted for Mr. Kibbe were—Messrs. Brush, Blanchard, Boggs, Covarrubias, Coates, Canney, Chauncey, Coffroth, Colby, Cook, Dameron, Fleming, Ford, Gibson, Graham, Gardiner, Hinchman, Harazthy, Jones, Ingersoll, Kipp, Lyons, Law, Morse, McKim, McMeans, Merritt, McConaha, McKenzie, Peachy, Pierce, Paxton, Parrish, Ridley, Stephenson, Smith, Taliaferro, Turner, Tucker, Thompson, Wing, Wall, Wohler, Young, Speaker—45.

Those who voted for Mr. Kinney were—Messrs. Cutler, Caldwell, Ellis of Nevada, Ellis of San Francisco, Fowler, Hopkins, McMullen, Orrick, Stark, Wood—10.

Mr. Kibbe was declared duly elected Enrolling Clerk.

The House next proceeded to the election of Sergeant-at-Arms.

Mr. Lyon nominated C. C. Hornsby.

Whole number of votes cast,	46
Necessary to a choice,	24
Mr. Hornsby recieved	46 votes.

Those who voted for Mr. Hornsby were—Messrs. Brush, Blanchard, Boggs, Covarrubias, Coates, Canney, Chauncey, Coffroth, Colby, Crabb, Dameron, Ellis of Nevada, Ellis of San Francisco, Fleming, Ford, Gibson, Gardiner, Hinchman, Harazthy, Jones, Ingersoll, Kipp, Lyons, Law, Morse, McKim, McMeans, Merritt, McConaha, McKenzie, Peachy, Pierce, Paxton, Parrish, Ridley, Stephenson, Stark, Taliaferro, Turner, Tucker, Thompson, Wing, Wall, Wohler, Young, Speaker—46.

Mr. Hornsby was declared duly elected Sergeant-at-Arms.

The House next proceeded to the election of Door-Keeper.

Mr. Wall nominated J. H. Warington.

Whole number of votes cast,	45
Necessary to a choice,	23

Those who voted for Mr. Warington were—Messrs. Brush, Blanchard,

Boggs, Covarrubias, Coates, Canney, Chauncey, Coffroth, Colby, Crabb, Dameron, Ellis of Nevada, Ellis of San Francisco, Fleming, Ford, Gardiner, Hinchman, Harazthy, Jones, Ingersoll, Kipp, Lyons, Law, Morse, McMeans, Merritt, McConaha, McKenzie, Peachy, Pierce, Paxton, Parrish, Ridley, Smith, Stephenson, Stark, Taliaferro, Turner, Tucker, Thompson, Wing, Wall, Wohler, Young, Speaker—55.

Mr. Warington was declared to be duly elected Door-Keeper.

The House next proceeded to elect a page.

Mr. Merritt nominated R. Lambert.

Mr. Ellis of Nevada, nominated J. Ludlow.

Whole number of votes cast,	39
Necessary to a choice,	20
R. Lambert received	23 votes.
J. Ludlow received	16 "

Those who voted for R. Lambert were—Messrs. Brush, Blanchard, Boggs, Covarrubias, Canney, Colby, Fleming, Gardner, Harazthy, Ingersoll, Kipp, Lyons, Morse, Merritt, McConaha, Pierce, Paxton, Ridley, Stephenson, Taliaferro, Tucker, Wall, Speaker—23.

Those who voted for J. Ludlow were—Cutler, Caldwell, Crabb, Cook, Ellis of Nevada, Ellis of San Francisco, Fowler, Hopkins, Hinchman, Jones, McKenzie, McMullen, Orrick, Stark, Turner, Wood—16.

R. Lambert was declared to be duly elected Page.

The following resolution was received from the Senate.

Resolved, That the Secretary inform the House of Assembly that the Senate have met and organized, by the election of A. C. Bradford, as Secretary; J. G. Stebbins, Assistant Secretary; Clark Burnham, Sergeant-at-Arms; Geo. W. Harris, Door-Keeper; P. K. Woodside, Engrossing Clerk; W. F. McLean, Enrolling Clerk; and that the Senate is now ready to proceed in legislative business.

Mr. Wood moved that the House elect an assistant Page, which motion was agreed to.

Mr. Wood nominated James Ludlow.

Mr. Lyons nominated C. H. Hubbs.

Whole number of votes cast,	46
Necessary to a choice,	24
Jas. Ludlow received	12 votes.
C. H. Hubbs received	34 "

Those who voted for Jas. Ludlow were—Messrs. Cutler, Caldwell, Ford, Hopkins, Hinchman, Jones, McKenzie, McMullin, Peachy, Turner, Wood, Wohler—12.

Those who voted for C. H. Hubbs were—Messrs. Brush, Blanchard, Boggs, Canney, Coffroth, Colby, Crabb, Cook, Dameron, Ellis of Nevada, Ellis of San Francisco, Fowler, Graham, Gardner, Harazthy, Ingersoll, Kipp, Lyons, Law, Morse, McMeans, Merritt, Orrick, Pierce, Paxton, Parrish, Ridley, Smith, Stephenson, Thompson, Wing, Wall, Young, Speaker —34.

C. H. Hubbs was declared duly elected Assistant Page.
Mr. Peachy introduced the following resolution:

Resolved, That the Clerk be directed to notify the Senate of the organization of the Assembly by the election of the following officers:—

Richard P. Hammond, Esq. of San Joaquin,	Speaker.
Blanton McAlpin,	Chief Clerk.
A. Alden,	Assistant Clerk.
J. C. Potter,	Engrossing Clerk.
W. C. Kibbe,	Enrolling Clerk.
C. C. Hornsby,	Sergeant-at-Arms.
J. H. Warington,	Door-Keeper.
Master Richard Lambert,	Page.
Master Hubbs,	Assistant Page.

And that the Assembly is ready to proceed to business, and has appointed a committee of three, on the part of the House, to wait upon the Governor and notify him of the fact—Messrs. Parrish, Crabb and Covarrubias, were appointed on the committee.

Mr. Graham moved to adjourn until 11 o'clock to-morrow.
Not agreed to.
Mr. Peachy moved to adjourn until 4 o'clock, P. M.
Agreed to.

House met pursuant to adjournment.
Mr. Hudspeth, member elect from the County of Sonoma, appeared and took the oath of office.
The following message was received from the Senate:

Mr. Speaker:—

I am directed by the Senate to inform the Assembly, that the Senate have adopted the following concurrent resolution.

Resolved, That a committee of three be appointed, on the part of the Senate, to act with a similar committee appointed by the Assembly, to wait on His Excellency the Governor, and inform him the two branches of the Legislature have convened and organized to transact Legislative business, and are now ready to receive any communications which he may desire to make to the Legislature, in which the concurrence of the Assembly is respectfully requested, and have appointed Messrs. Tingley, Van Buren and Walsh, a committee on the part of the Senate.

A. C. BRADFORD,
Secretary of the Senate.

Mr. Boggs moved that the communication from the Senate be laid upon the table.
Agreed to.
The following message from the Governor was received by his private secretary, Mr. Howe:

MESSAGE.

Fellow Citizens of the Senate and House of Assembly:

You are permitted to assemble under circumstances calculated to awaken our gratitude to the Dispenser of all good, for the many blessings bestowed upon us, and to inspire us with increased confidence in the stability of our institutions. At no period, since the organization of our State Government, have we enjoyed such uninterrupted prosperity,—in health, in the development of our agricultural and mineral resources,—as during the past year.

The series of measures adopted by the last Congress, for the adjustment of the sectional differences unhappily existing in our Union, have realized, in a great measure, the objects of their benificent purposes. Hostility to Slavery, and to its extension to the newly acquired Territories, has characterized the political action of one portion of our union; while, in another, an active element of party movements has been a determined resistance to the Compromise Measures, there regarded as an encroachment upon constitutional rights. Whatever may be these local views and prejudices, the admission of our State into the Union, as one unfettered by Slavery, has had the effect, in a great measure, to quiet the agitation which has threatened the destruction of our Union, and to place it upon a more lasting and enduring basis. It is our duty, therefore, to adhere strictly to the measures enacted for the quieting of this vexed question of Slavery, until time and experience shall demonstrate the necessity of further action on the part of the people. I would, therefore, suggest that laws be passed to carry out effectually the provisions of the Compromise measures which relate to Fugitive Slaves.

A subject which has assumed a degree of importance not to be overlooked, by the Executive and Legislative branches of the State Government, is that arising from the operation of our system of taxation, in the alleged inequality with which it operates upon the different sections of the State. It is declared by citizens of the Southern counties, which are essentially agricultural and grazing, that under the present State organization and laws, they are overburdened with taxation for the support of the State Government, from which they derive little benefit, while the Northern mining counties, more favored in this respect, bear but a small proportion of the burdens of taxation. They say, also, that while the taxes which they pay are double those paid by the mining counties, their representation in the Legislature is only one-third as numerous. From an examination of the taxes assessed upon real and personal property, and of those returned as delinquent, which will be seen by reference to the Report of the Comptroller of State, (See Appendix A,) the six Southern and grazing counties, with a population of 6,367 souls, as taken from the census returns, have paid into the Treasury for the fiscal year ending the first of July last, the sum of $41,705 26, while the twelve mining counties, with a population of 119,917, have paid $21,253 66. The latter have a representation in the Legislature of forty-four, while the former have but twelve. The amount of capitation tax assessed in the twelve mining counties is $51,495 00, and the amount returned as delinquent $47,915 00, while the amount assessed in the grazing counties is $7,205 00, and the amount delinquent $3,291 50, showing that the southern counties, with a popula-

tion of 6,367, pay a capitation tax of $333 50 more than the twelve mining counties, which have a population of 119,917. It will be seen, also, by a reference to the same report, that the entire agricultural counties, with a population of 79,778, have paid into the Treasury during the last fiscal year, $246,247 71, while the mining counties, with a population as before stated, of 119,917, pay only $21,253 66.

The interests of the southern counties are in many respects inimical to those of the north. To remedy whatever evils exist, seems impossible under the present Constitution, for that instrument provides that there shall be no special legislation, declaring that "all laws of a general nature shall have a uniform operation." It declares, also, that "taxation shall be equal and uniform throughout the State." This equality now exists only in a legal sense; for while the southern counties, which are mostly covered by grants and in possession of individuals, pay a heavy tax upon every acre of their land, which at best yields but a moderate dividend upon its valuation, the mining counties, exceedingly prolific in the returns they make to their occupants, being almost entirely the property of the Federal Government, pay nothing, comparatively, into the State Treasury. Thus while a large portion of the public expenditures are for their benefit, they escape taxation upon the lands they occupy, and pay nothing for the treasures which they take from the soil.

The effects of this unequal taxation have already become apparent, not only in the necessity which has been forced upon many citizens of the southern counties, of alienating portions of their lands and sacrificing portions of their stock to meet what they consider an unjust burden, but the dissatisfaction consequent is fast snapping those cords of amity which should ever prevail between citizens of the same Commonwealth. This condition of things cannot long last without great danger to the peace and prosperity of the State. The dissatisfaction already felt, will increase, and local prejudices take the place of common fellowships. The Constitution, through its provisions, some of which have been referred to, prevents the Legislature from remedying the evil; but it gives it the power of calling a Convention. I would, therefore, most earnestly recommend, that a Convention of Delegates from the People, for the revision of the Constitution, be called at an early day, at some suitable place, in which body all inconveniences, of whatever nature, arising from the imperfections of the present State Charter, may be discussed, understood, and, as far as possible, obviated.

Perhaps no other questions which may be discussed and acted upon during your present session, contains, within itself, so many important considerations, as does that of Education. One of the most important objects to be aimed at, in California, should be the encouragement of immigration. Nothing could have a more powerful influence upon the minds and purposes of the public abroad, than a knowledge that here, in our young State, we had established, as we can do, the best system of education existing upon the continent, not only through Common Schools, but also by Academies, and a University. One of the great drawbacks upon the immigration that otherwise would have been ours, has been the want of good Schools. Thousands of our resident population deprive themselves of the society, sympathies, and all the social endearments and protective influences of their families, simply because, prizing the education of their children more highly than their own domestic happiness, they prefer leaving them on the other side of

the continent, in the midst of the means of education, to bringing them here, where their society would be enjoyed at the expense of their intellectual development. Let a good, active and effective system be established, and the fact known abroad, and at once one of the strongest objections to immigration and residence in this State, would be removed. The class which this would bring among us, would be the most valuable. It would induce the presence of families, who would remain and grow up with the institutions of the country. Such a desirable result can be accomplished. We have the means within our reach of establishing, upon this western soil, the most magnificent system of education in the world. Perhaps it would not be saying too much in asserting that never was a finer opportunity presented for engrafting upon the institutions of a State, an educational system that should be an honor to the public and a blessing to the people, than is now possessed by California. The framers of the Constitution seemed fully aware of the importance of this subject, and accordingly, in the second section of the ninth article, of that instrument, is found the following: "The Legislature shall encourage, by all suitable means, the promotion of intellectual, scientific, moral and agricultural improvements. The proceeds of all lands that may be granted by the United States to this State, for the support of Schools, which may be disposed of, and the five hundred thousand acres of land granted to the new States, under the act of Congress distributing the proceeds of the sales of the public lands among the several States of this 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 permanent fund, the interest of which, together with all the rents of the unsold land, and such other means as the Legislature may provide, shall be inviolably appropriated to the support of Common Schools throughout the State." The funds which must inevitably accrue under this provision must be adequate fully, to the establishment and support of a system which should be a blessing to the community and an honor to the State. Not a dollar derived from the sources named, can be diverted from the specified object. To construct and establish such a system, we have to aid us the experience of all the States of our Union, as well as that of Europe. Our difference of condition requires, of course, modifications of the systems which prevail elsewhere, to adapt them to our necessities. But the great principles involved being the same, no insuperable difficulty need prevent the full accomplishment of the desired results.

I cannot, therefore, too earnestly urge upon the consideration of the Legislature this subject, upon the treatment of which is suspended so much of the future development of our State, in virtue and happiness.

In connection with the subject of Common Schools, comes linked that of a State University. The fourth section of the ninth article of the Constitution makes it the duty of the Legislature to "provide effectual means for the improvement and permanent security of the funds," designated by the same section, for the support of a State University. There is reason to believe that the contemplated funds, appropriated for such purpose, will eventually prove amply sufficient for the endowment of such institution. Thus it seems within the power of the people of this State to adopt a system of education, in all its branches, which would make our Commonwealth a peculiar resort for the scholar—commanding the literary patronage of the

Western Coast of North and South America, and entirely obviating the necessity of sending students across the Continent for collegiate advantages.

The adoption of some practical system for the disposal and government of the lands belonging to the State, which have been granted her by the several acts of Congress is a subject to which I most earnestly invite your attention. By an Act of Congress passed in September, 1850, all the swamp and overflowed lands lying within the several States, were given to those States respectively, for the purpose of reclamation. The quantity of land which the State of California will derive under this Act, amounts to from six to ten millions of acres, embracing almost the entire arable public lands in the State. For the purpose of enabling the State to avail herself of the benefits of this grant at the earliest moment, I communicated with the Secretary of the Interior, at Washington, early last spring. After waiting a sufficient length of time for a reply, without receiving any, I forwarded a second application, asking that the Surveyor-General of our State might be authorized to select the lands under that grant; but as yet I have received no reply. I presume, however, that no objection will be made to this course, as similar privileges have been granted to other States. Should my application be successful, I urgently suggest the passage of a law enabling the Surveyor-General to prosecute the duty of selecting the lands at the earliest practicable day. The character of the land granted under the Act alluded to, is such, that the interests of the State would be greatly subserved by the passage of a law securing to each settler, who may locate in good faith, a suitable quantity of land for a homestead. This I regard as, for the present, the true policy of the State.

The lands to which she is entitled, under other laws of Congress, for school and other purposes, should receive your early attention, that they may be promptly applied to the purposes intended. It would probably be for the interest of the State to adopt, in regard to the lands designated as Tule, a system of grants to individuals, on the condition that the lands so granted shall be drained by them within a given time. By this course a large portion of the State now lying in a useless condition, would be made productive, contribute largely to the State Treasury, and induce a further immigration and settlement of the Chinese—one of the most worthy classes of our newly adopted citizens—to whom the climate, and the character of these lands, are peculiarly suited. The draining of these lands would also add largely to the health of the country in their vicinity. When thus drained, the Tule lands, comprising the larger portion of the grant under the Act referred to, will become the most desirable lands in the State, and capable of producing, in the highest degree of perfection, rice, sugar cane, and other staple products, which cannot be grown in other portions of the State.

I beg leave to call your attention to the necessity and importance of a thorough revision of our judicial system. Its present complicated and incongruous character is calculated to defeat the very object of law—the prevention of controversy—and to burden the people with unnecessary expense and inconvenience. The simplicity and perspicuity of any system of law, constitutes its greatest value. The present system is so cumbrous and unwieldy, that only with difficulty can it be interpreted even by those who

have the law to administer; and in a less degree, certainly, by the great body of the people, for whose benefit all laws should be enacted. In view, therefore, of the difficulties heretofore existing, in the formation of a proper judicial system, I would respectfully recommend the adoption of the suggestion made by the Attorney-General, that a Commission, for the entire revision of our code of laws, be authorized.

The number of our Judicial Districts should be curtailed at least one half. This would have the effect of diminishing, considerably, the expenses of the State, and of leading to another reform, of scarcely less importance, viz: the change of our District Attorney system. By enlarging our Judicial Districts, and having but one Attorney for each, there would be a wider field in which to reap the rewards of his labor, and he would thus be reconciled to receive, as compensation, the fees of office, instead of a salary out of the State Treasury. Under the present arrangement, there are eleven District Judges and thirty District Attorneys, all receiving pay from the State Treasury. The policy suggested would not only save a large expenditure, but would increase the usefulness of the office of District Attorney, and thereby attract the attention and secure the services of men of ability and experience.

By a reference to the reports of cases in the Courts, herewith transmitted, it will be seen that there are but few counties having any business of importance in the District Courts. The Counties of San Diego, San Luis Obispo, Los Angeles, Santa Barbara and Monterey, might well form one District. By the creation of a separate Criminal Court in the city of San Francisco, and the continuance of the present Superior Court of that city, other counties might be attached to San Francisco, to form a District.

I cannot allow the present opportunity to pass without bringing to your consideration a subject closely connected with the honor and interests, alike of California and the General Government. I refer to the claim of the Fremont Battalion on the Government of the United States, for remuneration for their losses and services in the cause of our common country. On the fifth day of July, 1846, at the town of Sonoma, a little band of pioneers, under the lead of Lieut. Col. Fremont, raised the flag, and made a declaration of independence, and the whole country south of Sonoma was in a short time freed from the Mexican power. In the prosecution of these glorious and praiseworthy objects, property, money and time were sacrificed —hardships and perils were endured—and, as the result of these sacrifices, this inestimable country was secured, with all its benefits and blessings, to the United States. The General Government has reaped the fruits of these exertions, and is in possession of all the advantages of this infant struggle for independence. They have received the prize, and it is but justice that they should bear the burdens of its acquisition. This claim was discussed in Congress in 1848, and a bill for the relief of the applicants passed the Senate, but was defeated in the House. The ground of opposition to it in the House, seems, from the Report of the Committee on Military Affairs, to have been, that a state of war did not exist, at that time, between the United States and Mexico. But even on the supposition that war did not actually exist at the time, it was well understood throughout the country, and confidently expected, that war would be unavoidable. It was also well known that the English Government was anxious to seize this country, and thus anticipate the action of the United States. Had England obtained a

firm foothold in this State, as was her evident purpose, the large claims which she holds against Mexico, would have rendered its acquisition by us extremely doubtful. And contemporaneous history exhibits the fact, that had the Americans in this country waited until they received a formal notification of the existence of war with Mexico, California would have fallen into the hands of the English. To their timely and efficient action, may we now attribute our possession of this great and invaluable territory. Under such circumstances, for our country to set the example of reprobating the conduct of her most worthy citizens, actuated by the purest devotion to her rights, merely because the formalities of law were not observed, would be to inflict a serious injury upon the future maintenance of her rights, and place her completely within the power of less scrupulous nations. Claims of this nature should be regarded through the medium of the largest and most liberal equity, and not of strict and rigid law. Inasmuch as these services proved ultimately to be of the greatest benefit to the Government, and as the Government has adopted the results of that service, it would display a spirit unbecoming a great and magnanimous nation, to withold the just reward of merit, merely because those benefits were conferred unasked. I respectfully recommend that the Legislature present this subject, in its true light before Congress, by means of a memorial, setting forth the character and grounds of the claim.

Much has been said respecting the action necessary for the government of the Mineral Lands. After a careful consideration of the duties of government and the new and anomalous situation of our Mining Districts, I am clearly of the opinion that it would be impolitic in Congress to adopt or create, for the present, any laws respecting them. The system of working the Mineral Lands at present adopted, is the only one which will meet with support from that body of industrious and enterprizing citizens engaged in mining operations. The Mines should be left free. No proposition to sell or lease them by the General Government should be for a moment entertained. Such policy would be calculated to rear up monopolies amongst us, which are at all times inimical to the interests of the State.

Your attention is respectfully directed to the importance and necessity of some law to check the influx of foreign criminals to our soil. Within the past two years, some thousands of these, from the penal colonies of England, and from other countries, have emigrated hither; and unless some preventive means be adopted, we can expect but little diminution of crime, which has so disgraced our State. I would suggest the policy, therefore, of creating an espionage over the ingress of foreigners into our State; of designating some particular officer at each Port of Entry to keep a watch over this matter, and require, before the landing of emigrants from foreign ports, that they present a certificate of good character from the Consul or other Agent of the United States in the country from which they come, or some evidence of good character which shall be satisfactory to the officer having charge of the subject—imposing a penalty upon such officer for neglect of duty.

The burdens inflicted upon us in Postal matters, by the present as well as previous laws of Congress, regulating postage and the transmission of the mails, deserve your serious attention. While laws should be uniform in their nature and operation, this State is made an exception, and for very bad postal privileges, we are taxed double what the citizens of other States

are required to pay upon letters, while the onerous, unjust and exorbitant rates fixed as postage upon newspapers, almost amount to a prohibition against their introduction from other States, and to an embargo upon those published in our own. This subject, in all its glaring inconsistencies and crippling influence upon the spread of useful information, should be pressed home upon the consideration of Congress.

The wants of Commerce imperiously demand immediate attention from the Federal Government. The tedious tardiness it has evinced, in reference to this, as well as other subjects of great importance to the interests of this State, should give place to an active, just and liberal policy. Our coast and harbors should long since have been supplied with Light-houses, Buoys, Dry Docks, and other assistants and preservatives of commercial and mercantile interests. But as yet we have next to none. A policy so deleterious to the progress of the State, so illiberal and unjustly partial, is unworthy of the nation, inconsistent with its general administration, and deserves the remonstrance of our people and authorities.

It is believed, also, that some of our State Laws affecting commercial interests, are burthensome, unjust, and probably unconstitutional. There can be but one opinion concerning laws which fetter commerce. The State has, undeniably, the right to levy a tax upon the tonnage of its own citizens. But the law imposing a per centum tax upon vessels which have been taxed also in the ports of other States, where they belong, is impolitic, and has been pronounced unconstitutional by the Courts of other States. A careful revision of all our Statutes affecting commerce, the repeal or amendment of such as restrict instead of protecting it, and of such as are deemed unconstitutional, and the enactment of such as the necessities of this great interest require, seems demanded of those to whose keeping is entrusted much of the future of this Commonwealth. Every question touching commerce and navigation, cannot be too earnestly considered.

One important duty which will rest upon the present Legislature, is that of enacting a law to divide the State into Congressional Districts, in accordance with the requisitions of a law of Congress. The necessities for such enactments are so obvious as to render unnecessary their enumeration. In this connection, I would recommend the enactment of a law providing for the election of two members of the Thirty-Third Congress, at the same time with the election of the Presidential Electors. Under the system which now prevails, the terms of our present members will expire with the third of March, 1853. The election for their successors, under the present law, will not occur until the ensuing September. Consequently, should national policy require the President to call an extra session of Congress between those periods, (a term of six months,) our State would be unrepresented in that body, or be subjected to the expense, trouble and delay of an election ordered by the Executive for this special purpose. And even this method would probably fail to remedy the evil; for our distance from Washington City is so great, that the time consumed in receiving the President's proclamation, and that necessary to give the order due publication, to receive the returns of the election, and to enable the successful candidates to reach Washington, would likely, in most cases, deprive the State of all voice, vote and influence, in any such extra session. The practice which now prevails in many States, of electing successors to Congressional incumbents before their term has expired, is

founded in wisdom and necessity, and is peculiarly adapted to our isolated condition.

One of the most injurious neglects of Congress regarding our State, has been that of refusing to provide a Branch Mint. Over two hundred millions of gold dust have been carried away from our shores; not an inconsiderable portion of which has been taken to foreign countries, to be coined into foreign currency. Had we been provided with the proper means and authority, this gold would have borne the stamp of our Government, and carried the emblem of our nationality where even our language is not spoken, and our history is unknown. The American coin would have circulated all along the Pacific coast, in South America, the Sandwich Islands, the South Sea Islands, in China and Japan: indeed, it would have found its way to every part of the world. For the want of such an institution, private individuals, and more especially the laboring classes, have suffered severe losses. Every branch of trade and industry has experienced in a greater or less degree, the injurious effects of this neglect on the part of Congress. The necessity of coin for the ordinary purposes of trade, induced irresponsible issues of private coinage, which, from being deficient in value, or bearing a false representation, or losing the confidence of the community, has, in most instances, fallen so far beneath their pretended value, as to inflict heavy losses upon the community. A Mint here would obviate many difficulties, and lighten the burthens that now weigh heavily upon our commercial interests. I would, therefore, recommend such action on the part of the Legislature, as will bring to the attention of Congress the necessity of providing for such an institution.

The Report of the Quartermaster-General, which is here submitted—(see appendix B.)—presents the amount and condition of the arms and ammunition belonging to the State. I would respectfully suggest the necessity of providing some safe and suitable building at San Francisco, for the deposit of the arms and ammunition which we now have, and such as we may receive from the General Government; and the employment of a competent Armorer.

No report has been received from the Surveyor-General. The law imposes upon that officer the duty of making such Report, and his attention has been called to the fact.

I take great pleasure in transmitting for your consideration, the Report and views of Dr. Wake Bryerly, the Visiting Physician to the State Hospital at Sacramento city, upon the condition of the insane inmates of that institution. (See appendix, 2.) Humanity suggests that some immediate provision should be made for this unfortunate class of our citizens. The present system of placing together, indiscriminately, the insane and other patients of the Hospital, is one fraught with many serious consequences, and to remedy this evil I would earnestly recommend the establishment of a separate institution for the insane.

Our State is peculiarly remarkable for her mineral resources, and whatever will conduce to their development will serve to advance us yet more rapidly in the career of greatness, and of wealth, which, it can hardly be questioned, is open before us. Heretofore we have advanced irregularly in developing the riches which lie concealed in the rocky bosoms of our hills and mountains, and whatever progress we have made, has been rather the results of blind accident than of intelligent design. To promote the desirable

end here suggested, I would recommend that provisions be made for the establishment of a Geological Survey of the State.

As a means of facilitating intercourse between the Atlantic and Pacific coasts, and thereby promoting more intimate relations between the different and distant quarters of our widely extended Union; and as an additional bond to bind in closer connection the varying interests of our country, a very large majority of the people of our Union are looking with anxiety and interest to the commencement of some work ensuring more rapaid communication between the Eastern and Western portions of our Union. I learn that the laudable undertaking has been commenced by a railway from the western part of Missouri, and it is to be hoped that Congress will lend the aid of the General Government in forwarding this gigantic undertaking to a speedy completion. The great results and advantages which we would enjoy from a work of this character, could scarcely be conceived. It would therefore seem to be your special duty to bring the attention of Congress to this important matter. The Government possesses immense bodies of fertile lands now waste and untenanted. By appropriating a portion of that lying on the line of communication, it would enhance the value of the other portions of the public domain, and, at the same time, greatly contribute to the general national advancement.

Your attention is respectfully called to the necessity of providing the necessary ways and means to defray the expenses of the Government for the ensuing fiscal year, and to discharge the indebtedness which has heretofore accrued. No State can flourish while embarrassed in her fiscal operations, and amongst the chief objects of those entrusted with the management and direction of her interests should be that of removing and guarding against such embarrassments. The suggestions upon this subject contained in the accompanying Report of the Comptroller, (See Appendix A) meet with my entire concurrence, and they are generally, therefore, commended to your earnest consideration. I would, however, call your particular attention to one or two points in this connection, which seem to be of paramount importance. The first is the propriety of providing for the early payment of the outstanding three per cent. bonds. The accruing interest upon these bonds is onerous and ruinous, and our financial interest, therefore, imperiously requires their speedy and complete redemption. Second,—that steps be taken to secure at the hands of the General Government the return of the moneys collected of our people by order of the Military Government existing before our admission into the Union. The equity and justice of this claim cannot fail to be recognized by the General Government. Before its laws and institutions had been extended over us, with no system of revenue in force in the territory, we were required to submit to heavy taxation, the burdens of which are yet pressing upon us, and instead of receiving support, as extended to our sister territories, we were required to minister to the support of the parent Government, from whose laws and civil policy we derived no benefit. This important matter has been already too long delayed, and justice to our citizens now requires that it be promptly and urgently pressed upon the General Government.

The Indian tribes within our borders have been the source of much annoyance, and this must continue to be the case so long as they reside in proximity to the whites. The policy which it is the duty of Government to pursue in relation to this unfortunate race of beings, is one which should be

well considered. The last effort which was made by our Government, was the policy strongly recommended by President Jackson, of removing them to some isolated position, distant from all contact with the whites. The number within our limits has been estimated at two hundred thousand. Our best policy, and perhaps that of the General Government, would be to remove them beyond the confines of the State. Much expense has been already incurred, and we may reasonably apprehend, until some effectual means of separation are adopted, that constant difficulties with them, involving the State and General Government in great expense, will continue to occur. I would call your attention to the fact, that since the last adjournment of the Legislature, several expeditions for the suppression of Indian hostilities, have been called out, under the authority of the State Government; and under an Act passed at your last session, the bonds of the State, to defray the expenses thereby incurred, have been issued. This debt should be discharged by the General Government, whose duty it is, and was, to afford us that protection which, under the circumstances, we were compelled to provide for ourselves. No adequate means has been heretofore afforded us for that purpose, and the State has been, therefore, constrained to take the matter into her own hands, or submit, while awaiting the inefficient action of the General Government, to the hostile incursions of these savage tribes, and the indiscriminate murder of her exposed frontier citizens. This subject should be promptly and earnestly urged upon Congress, and the payment of this indebtedness insisted upon.

I refer you to the Report of the Treasurer of State for a detailed statement of the Finances of the State. (See appendix, C.)

In compliance with a law passed at the last session of the Legislature, I placed M. G. Vallejo and J. M. Estill in possession of the convicts under sentence of imprisonment to the State Prison. Your attention is directed to the necessity of providing a building for the better security of the convicts. One of the several islands in the Bay of San Francisco presents the best point for the establishment of a Prison Building for the State; and I would recommend that provision be made immediately for such purpose.

An appropriation for the State Library is respectfully recommended.

There are many other important and necessary matters which will doubtless suggest themselves to you for legislative action. Coming, as you do, from the immediate voice of your constituents, and knowing their wants, you will be able, I trust, to do all that is necessary for their protection, comfort and happiness; and, in bringing this communication to a close, permit me to mingle my congratulations with you upon the future greatness and prosperity which awaits our young and glorious State, by a proper and judicious management of her affairs.

JNO. McDOUGAL.

VALLEJO, January 7, 1852.

A motion was made by Mr. Parrish, that the message lie upon the table.

Not agreed to.

Mr. Coffroth moved that the message be laid upon the table.

Not agreed to.

Mr. Merritt moved that the further reading of the message be postponed until to-morrow, at 12 o'clock.

Agreed to.

On motion of Mr. Parrish, it was ordered that the Senate be invited to the hall of the House, to-morrow, at 12 o'clock.

Mr. McConaha moved that the Governor's Protest be read and agreed to.

Mr. Lyon moved to lay the Protest upon the table.

Not agreed to.

The clerk proceeded to read as follows:—

PROTEST.

To the Senate and Assembly:

A committee, acting under the authority of your respective bodies, have waited upon and acquainted me with your organization, and desiring to be informed at what time it will be convenient for me to communicate my message.

I deem it due to the people of California, whose interest, in a certain degree, is confided to the Executive Department of State, to enter this my protest against your assembling and organization, in a legislative capacity, at this place.

The Constitution, as well as the Laws of the State, require that the Legislature shall convene at the seat of Government. A law was passed at the last session of the Legislature, removing the seat of Government from San Jose to the city of Vallejo. The provisions attached to this law, in my opinion, governed the actions of the Legislative and Executive Departments of Government, so far as relates to their assembling and location for the performance of their respective public duties.

The two first provisions require that Gen. Vallejo shall give a bond, satisfactory to the Legislature and Governor, to perform the covenant agreed to by him in the law, and to erect buildings for all the public officers equal or better than those occupied by the public officers at San Jose, at the time of the passage of the law.

The fulfilment of these two requirements of Gen. Vallejo, governs the action of the two departments of Government, which are necessarily required to be at one and the same place, viz: the seat of Government. The first provision was complied with. The Legislature and Governor having approved his bond; but supposing that the Legislature or Governor had not approved of his bond, as that power by the law itself reposed in them, would it be supposed for a moment that the law was complied with, and that the seat of Government should be regarded as being at Vallejo?

The second proviso, requiring Gen. Vallejo to provide certain buildings for the use of the public officers, was not and is not complied with: consequently under the very declaration of the law itself it became a nullity, as it further provides that if he (Gen. Vallejo) should, in whole or in part, fail to comply with any of the provisions of the law, it should be considered as null and void.

In a subsequent law, passed by the same Legislature, they created an officer who should examine and report to the Governor the completion of the buildings in accordance with the law passed removing the permanent seat of government. This officer, whom the Legislature designated as the agent to determine the fulfilment of this part of the law, reported that the buildings in Vallejo were not as good as those occupied by the State officers at San Jose. That, so far as the action of the Executive and Legislative Departments of Government is concerned, the law must be considered as

though not in existence, and the *de facto* Capitol, at least, be regarded as at San Jose. This view of the matter has governed my action, and as the State officers and archives of State were at San Jose, it was all-sufficient for the members of the Legislature to regard that place as the *de facto* Capitol for the purposes of organization.

Regarding, therefore, San Jose as the permanent seat of Government, and that your organization should be made at that place, I send, accompanying the message, which the Constitution requires of me, this my protest, on the part of the people, against your assembling at this place for legislative action.

JNO. McDOUGAL.

VALLEJO, January 7, 1852.

On motion of Mr. Parrish, the House adjourned until to-morrow morning at 11 o'clock.

IN ASSEMBLY.

THURSDAY, January 8, 1852.

The House met pursuant to adjournment.

The Clerk called the roll.

The following members did not answer to their names:

Messrs. Cook, Graham, Gardiner and Yeiser.

The journal of Wednesday was read and amended.

Mr. Lyons moved to re-consider the vote of yesterday, inviting the Senate to meet in the Hall of the House this day, at 12 o'clock, which was for the purpose of hearing the Governor's message read.

Agreed to.

A message was received from the Senate announcing that they were ready to meet in the Hall of the House, to count the vote for Governor and Lieutenant Governor.

Mr. Merritt moved that the Clerk notify the Senate, that the House is now ready to meet the Senate in Joint Convention for the purpose of counting the vote for Governor and Lieutenant Governor,—and that the seats on the right of the Speaker have been reserved for the use of the Senate.

Mr. Wood moved to amend the motion by inserting the left of the Speaker, instead of the right.

Mr. McMullin moved to strike out the words "and that the seats to the right of the Speaker," be left for the use of the Senators, and insert, that the Sergeant-at-arms procure seats for Senators.

Agreed to.

The two Houses assembled in the Hall of the House, for the purpose of counting the votes for Governor and Lieutenant Governor.

Mr. Crabb offered the following preamble and resolution:

Whereas, the constitution requires the returns of every election for Governor and Lieutenant Governor, to be sealed up and transmitted to the Seat of Government, directed to the Speaker of the Assembly, and the Act entitled "an Act to regulate elections," passed March 23, 1850, further requires that when an election is held to fill the offices of Governor and Lieutenant Governor, the County Clerk, of each County, shall make out duplicate returns thereof, in the manner prescribed in said Act, one of which he shall seal up and transmit to the Speaker of the Assembly, by the Senator or Representative of his County or District, and the other shall be sealed up and transmitted by mail to the Seat of Government, directed to the Speaker; and, *Whereas*, neither the constitution nor the law has been complied with, by some of the Clerks of the different Counties, thereby giving rise to doubts, as to the correctness of the returns, in the possession of the Speaker. Therefore,

Resolved, That a Special Committee be appointed, composed of five members of the Assembly, and an equal number of the Senate, to examine the returns in the possession of the Speaker, and with power to send for persons and papers, and instructions to report fully upon the matters intrusted to their charge, as soon as practicable.

Mr. Lyons moved that the resolution lie upon the table.
Mr. McMullin called for the ayes and nays.

Those who voted in the affirmative were—

Messrs. Anderson,
Broderick,
Cooke,
Estill,
Foster,
Hubbs,
Keene,
Keyser,
Lewis,
Lind,
Lott,
McKibben,
Miller,
Ralston,
Roach,
Snyder,
Sprague,
Walsh,
Walton,
Warner,
Wambough,
Van Buren, of the Senate, and
Messrs. Brush,
Blanchard,
Messrs. Dameron,
Fleming,
Ford,
Gibson,
Gardiner,
Harazthy,
Hudspeth,
Ingersoll,
Kipp,
Lyons,
Law,
Morse,
McKim,
McMeans,
Merritt,
McConaha,
Peachy,
Pierce,
Paxton,
Parish,
Ridley,
Smith,
Stephenson,
Stark,
Taliaferro,

Messrs. Boggs,
Covarrubias,
Coates,
Canney,
Chauncey,
Coffroth,
Colby,
Cook,
Messrs. Tucker,
Thompson,
Wing,
Wohler,
Young,
Mr. Speaker of the House—63.

Those who voted in the negative were—

Messrs. Soule and Tingley, of the Senate, and
Messrs. Cutler,
Caldwell,
Crabb,
Ellis, of Nevada,
Ellis, of San Francisco,
Fowler,
Graham,
Messrs. Hinchman,
Hopkins,
Jones,
McKenzie,
McMullen,
Orrick,
Turner, and
Wood, of the House—17.

Decided in the affirmative.

The Convention then proceeded to count the votes for Governor and Lieutenant-Governor.

Mr. Van Buren, on the part of the Senate, and Mr. Ellis, of San Francisco, on the part of the Assembly, were appointed Tellers.

They reported the following as the vote given at the election for Governor and Lieutenant-Governor:

COUNTY.	BIGLER.	READING.	PURDY.	BALDWIN.
Butte,	1409	1207	1409	1189
Contra Costa,	174	181	219	132
Calaveras,	1780	1078	1719	1089
Los Angeles,	72	424	473	14
Mariposa,	779	614	707	566
Marin,	12	146	15	142
Monterey,	195	129	288	29
Napa,	82	141	138	72
Nevada,	1466	1419	1452	1421
Placer,	1196	830	1180	842
Sacramento,	2269	1846	2237	1869
Santa Cruz,	35	213	152	96
San Francisco,	2431	3343	2550	3187
Shasta,	1169	975	1198	940
Sutter,	139	124	138	130
Santa Barbara,	——	205	202	1
Tuolumne,	1580	1429	1593	1404
Klamath,	170	337	280	159
Trinity,	552	545	532	483
San Diego,	104	60	124	39
	15,614	15,244	16,464	13,732

The vote of the following Counties were informal:

COUNTY.	BIGLER.	READING.	PURDY.	BALDWIN.
Colusi,	77	81	84	74
El Dorado,	3072	2630	2999	2693
San Joaquin,	801	801	840	754
San Luis Obispo,	8	58	9	58
Santa Clara,	377	839	598	575
Solano,	233	393	248	373
Sonoma,	193	210	241	116
Yolo,	292	182	291	181
Yuba,	2507	2295	2486	2331
	7,560	7,489	7,796	7,155

The entire vote in the State for Bigler, - - - 23,174
" " for Reading, - - - - 22,733
" " for Purdy, - - - 24,398
" " for Baldwin, - - - - 20,959

The Senate withdrew.
Mr. Wood moved to adjourn.
Not agreed to.
Mr. McMullen offered the following resolution which was adopted:

Resolved, By the Senate and Assembly that a committee of three, on the part of each House, be appointed to wait on the Hon. JOHN BIGLER, and the Hon. SAMUEL PURDY, Governor and Lieutenant Governor, elect, inform them of their election and ascertain at what time it will suit their convenience to receive the oath of office. Also, that the same committee wait upon His Excellency, John McDougal, and request his presence at the installation of the Governor and Lieutenant Governor, elect.

Messrs. McMullin, Boggs, and Kipp, were appointed on the part of the House.
The following message was received from the Senate:

I am instructed by the Senate to inform the Assembly that they have concurred in the resolution to appoint a committee to wait upon Hon. JOHN BIGLER, and Hon. SAMUEL PURDY, to inform them of their election and request of them what time will best suit their convenience to receive the oath of office, and that they have appointed Messrs. Van Buren, Hubbs, and Tingley as a committee.

A message was received from His Excellency, John McDougal, by his private secretary, resigning the office of Governor.
Mr. McMullin, chairman of the committee to wait upon the Hon. JOHN BIGLER, and Hon. SAMUEL PURDY, reported to the House that they had waited upon the Governor and Lieutenant Governor, elect, requesting to know at what time it would suit their convenience to take the oath of office, and received for answer that they were ready at this time to be qualified.
Mr. Peachy moved that a committee of three be appointed to wait upon

the Hon. Judge Lyon, and request him to appear in the Hall of the House, to administer the oath of office to the Governor and Lieutenant Governor, elect.

Agreed to.

Messrs. Peachy, Paxton and Wood, were appointed said committee.

A message was received from the Senate informing the House that the Senate was ready to meet in the Hall of the House for the inauguration of the Governor and Lieutenant Governor.

Mr. Merritt moved that the Senate be now invited to the Hall of the House.

Agreed to.

The two Houses met in the Hall of the House of Assembly.

Mr. Van Buren moved that a committee of two be appointed to conduct the Governor and Lieutenant Governor to the Hall of the Assembly.

Agreed to.

Mr. Van Buren, on the part of the Senate, and Mr. Peachy, on the part of the Assembly, were appointed said committee.

The Hon. John Bigler took and subscribed to the oath, required by the constitution, as Governor of the State, and was declared to be Governor for two years.

The Hon. Samuel Purdy also took and subscribed to the oath required by the constitution, as Lieutenant Governor, and was declared Lieutenant Governor for two years.

The Governor then delivered his inaugural address as follows:

INAUGURAL ADDRESS.

Fellow Citizens:

If other scenes and other considerations were not sufficient to inspire the sentiment, the imposing solemnities of this occasion could not fail to impress me with the sacred responsibilities of my position. Selected by the voluntary suffrages of a sovereign people to fill the highest office within their gift; standing upon the threshold of an official career consecrated by all the endearing ties of country, pregnant with future good or ill, and having just taken a solemn oath, faithfully to discharge the many and onerous duties devolving upon me in this interesting capacity; surrounded, too, by the high functionaries and law-givers of the State, I feel at once deeply impressed with a sense of the delicate nature of the trust with which I am invested, and grateful to those to whose flattering confidence I am indebted for the distinction.

In endeavoring to direct you through the untried scenes which lie before us in this, the infant stage of our political existence, it shall be the leading object of my action to reduce our system to the practical principles of honesty, economy and fair dealing. No State can prosper so long as its councils are governed by schemes of speculation and private aggrandizement; no community can flourish under the influence of a wild, vaccillating and unsettled policy. California has been, perhaps, more unfortunate in this respect than any of her sister States. It shall be my steady purpose, so far as the Executive arm can reach the evil, promptly to apply the remedy.

Stability and simplicity in our laws are greatly to be desired, and my energies shall be exerted for the attainment of this object. Under a sure and stable system of laws, States will grow and flourish, while under an ever-changing policy, though the principles of that policy be even as correct and just, retrogression and decay must ensue. We should, also, sedulously guard against innovations and untried experiments in our system of law and government as an evil greatly to be deprecated. We have before us an example of thirty States of the American Union who have adopted almost the same unvarying plan of government and law—exceptions only occurring where local peculiarities made them necessary and appropriate—and all of them have experienced under it unprecedented prosperity and renown. It is better to adhere to those principles and systems, which have been matured by time and tested by experience, than follow after ideal and imaginary good. The highway which has been successfully trodden by our sisters may be safely and prudently pursued by us. So long as we adopt and adhere to American precedents we need not blush for our plagiarism.

It has been wisely remarked, "That the fewer and plainer the laws by which a people are governed, the better." The leading objects of Legislation are few and simple, and may be embraced within a narrow compass. All beyond is either supererogation or actual injury, and serves but to complicate that which should be direct and simple. There is much in the remark, that "danger to popular governments is to be apprehended from being governed too much." Few laws, well directed, will effect more good than numberless statutes restraining, fettering and directing private enterprize. The greatest liberty consistent with good government is the true principle of Republics, and will contribute most to the development of the resources and energies of a people.

When we look abroad over our State, we cannot fail to perceive how greatly altered and rapidly progressive is her condition. But a short time since and we were a roving and unsettled people—mere "dwellers in tents." Our rich valleys were wild and unbroken by the plough, and even our cities were only places of temporary sojourn, where we took up our lodgings but for a season. How changed, now, is the prospect? Our valleys are beginning to teem with the rich products of agriculture; the neat and comfortable dwelling, surrounded by the well cultivated farm, meets us on every hand. No circumstance could demonstrate more forcibly our advancement in all the elements of State greatness and stability. With heartfelt pleasure will I lend all the aid in my power to promote the interests of agriculture, by securing to the poor and industrious a home and a freehold, and thus, whilst ameliorating their condition, bind them more closely to their country. The greatest strength and wealth of a State consists in her hardy yeomanry. When by luxury and dissipation virtue and honesty take their flight from our cities, they will find a cherished home around the hearth of the generous farmer. I am a firm believer in the most liberal policy towards those who lead the way in bringing into subjection the wild and unsettled lands of the wilderness; and will use every exertion to obtain the extension of the pre-emption and donation system over the State.

The mechanic Arts are also of vast importance to us in the cultivation of a spirit of enterprise, industry and invention; and they serve to rear up a class of citizens than whom none are more valuable and useful.

Commerce is, in our country, of native growth, and requires no stimulus save that of free trade and unrestricted competition. To extend this—to relieve it of all unnecessary embarrassments, and to faithfully execute all provisions of either the State or General Government which have for their object the promotion and protection of our yet inadequately provided for commerce, shall constitute one of the chief aims of my administration. To the General Government we are to look chiefly for facilities which shall promote and foster our interests in this respect; and, so far as Executive influence can avail anything, I shall endeavor to secure them.

Our mining interests are of inestimable value in affording lucrative employment to a large number of citizens, and supplying us with the sinews of energy, enterprise and improvement. The mines should be left as free as the air we breathe. At present no proposition to lease or sell them should be, for a moment, entertained, because the inevitable tendency of such policy would be the establishment of monopolies, which would serve more than every thing else beside to paralyze the energies of the most enterprising and energetic class of men the world has ever seen.

Up to this time we have made little or no progress in Manufactures. No State of the Union, however, it is believed, possesses greater facilities for manufacturing purposes than this of ours; and whatever will conduce to the development of her resources in this particular should, and, I trust, will be speedily considered. I need scarcely say that my cordial co-operation will be given to all efforts having for their object the attainment of this desirable end.

In surveying the diversified capabilities of our State—her Commercial, Agricultural, Grazing, Mining and Manufacturing—we may safely challenge the world to present a parallel. It will be our own fault, then, if California does not grow to be one of the most prosperous and flourishing States of the Union. Providence seems to have designed her for no ordinary destiny, for, no where are combined so many of the elements of greatness. I refer, of course, to her natural advantages. All the evils which have heretofore attended her may be ascribed to adventitious causes. Her growth and development, great as it confessedly has been, has yet been seriously retarded by financial embarrassments. These, however, may be obviated and removed by wisdom, economy and integrity. A State possessing the resources of this, cannot be long burdened with debt under judicious management. It shall be one of my cherished objects to remove this incubus of our prosperity. But, after all, fellow-citizens, laws and the efforts of Government exercise only an auxiliary influence in working out the problem of national greatness. The true element of greatness is with the people—in their economy, industry, integrity, intelligence and prudence. Education widely disseminated is a mighty means of advancing the happiness and elevating the condition of a people. Moral and charitable institutions, associations for internal improvement, for the spread of useful knowledge and bringing within the power of man the hidden treasures of nature, are all powerful auxiliaries to individual and national improvement.

Although I fear you are already wearied, I feel that I should fall short of my duty did I not seize this occasion to warn you against some of the most prominent dangers which beset us. The spirit of the age may be truly said to be the passion for wealth and luxury, than which nothing can be more inimical to the purity and stability of Republican Government. His-

tory teaches the destructive tendency of these vices. When a people become so far enamored of Gold as to gloss Guilt, and veil Ignorance when clothed in the garb of wealth, then it is, that virtue and real worth, the only true and stable pillars of our institutions, begin to totter, and the reins of power to gradually lapse into the hands of the inefficient and dishonest.

A spirit of disaffection towards the Union, and a disposition on the part of some to interfere with the affairs and domestic intitutions of other States is becoming too apparent. Those who indulge these dangerous sentiments could not more widely mistake the object for which these States confederated, nor the true duties of a good citizen. It is not ours, as politicians, to become the fanatical propagandists of mere moral tenets. Our Union was formed for no such purpose; but, on the contrary, for the mutual protection of each other in such forms of Republican Government, and such domestic regulations as each might choose to adopt. The storm has not yet ceased to howl around us which had well nigh razed to its foundation this most glorious of Civil Governments.

It is to be hoped that California will be found at all times the earnest and unwavering friend and advocate of Union; that she will devote her energies, seduously and exclusively to the development of her own resources, and modeling her own domestic institutions, freely permitting to others the enjoyment of the same high privilege. It shall be the constant care of my administration to carefully cultivate a spirit of harmony and conciliation, and to resist all attempts to alienate these States one from another. In union consists our national being: with it we must stand or fall, and the day which writes its epitaph will sound the dirge of American glory and renown.

The Constitution of our common country, it has been well remarked, "Is an object to which no American mind can be too attentive, and no American heart too devoted. On parts, provisions or phrases, it is still and always will be possible for ingenuity to raise constructive doubts; but on the whole, as the Organic Chart of a limited, confederated government, a practical trial of more than sixty years, would seem to place its wisdom and efficiency beyond dispute or rivalry." To support this Constitution, then, in spirit and letter, is the imperative duty of every good citizen, and especially is a strict conformity to its requirements obligatory upon all in official stations.

The quiet of our beloved country and the preservation of our glorious Union, may be said to depend on a careful compliance on the part of the people of the several States, with its wise and liberal provisions. The people of California, ardently devoted as they are, to the Constitution and the Union, it is scarcely necessary to affirm, warmly approve the Compromise Measures, which were adopted by Congress, at a time when the peace if not the integrity of the Union, was seriously endangered. As the first Executive chosen by the people since the admission of California into the Union, I stand pledged to exercise all the powers vested in me by the Constitution to enforce obedience to the requirements of these judicious enactments, and invoking the aid of Divine Wisdom to direct and the public voice to sustain me, this high duty will be cheerfully assumed and promptly discharged.

In conclusion, permit me, Fellow Citizens of Senate and Asembly, to assure you, that, as Chief Executive, it will afford me unfeigned pleasure, at all times, to co-operate with you in the exercise of all the powers delega-

ted by the Constitution to promote the true interests of the people by advancing the substantial prosperity of the State; and to express the hope that in the faithful discharge of our respective duties the same great object—the promotion of the good of the common whole—will conduce to harmony and concert between the Legislative and Executive branches of the State Government. Relying upon the goodness of a superintending Providence, let us enter earnestly and faithfully upon the great work before us.

Mr. Van Buren moved that the Senate withdraw.

Mr. Paxton moved that the House do now adjourn until 11 o'clock to-morrow.

Agreed to.

HOUSE OF ASSEMBLY.

FRIDAY, January 9, 1852.

House met pursuant to adjournment.

The Clerk called the roll.

The following members did not answer to their names:—Messrs. Colby, Graham, Hopkins, Law, Morse, McMeans, Orrick, Stark, Wall, Yeiser.

Pending the reading of the Journal, Mr. Merritt moved that so much of the Journal as relates to the count of the vote for Governor and Lieutenant-Governor be dispensed with.

Agreed to.

The Journal read and amended.

Mr. Boggs moved that 5000 copies of Governor Bigler's Inaugural be printed.

Mr. Coffroth moved to strike out 5000 copies, and insert 500 copies in Spanish and 1500 in English.

Mr. Boggs called for the ayes and nays.

Those who voted in the affirmative were—

Messrs.	Covarrubias,	Messrs.	McKim,
	Coffroth,		Merritt,
	Cutler,		McConaha,
	Caldwell,		McKenzie,
	Colby,		McMullen,
	Crabb,		Orrick,
	Cook,		Peachy,
	Dameron,		Smith,
	Ellis, of Nevada,		Stephenson,
	Ellis, of San Francisco,		Stark,
	Fowler,		Taliaferro,
	Gibson,		Turner,
	Graham,		Tucker,

Messrs. Gardner,
Hopkins,
Hinchman,
Harazthy,
Ingersoll,
Morse,
Wing,
Wall,
Wood,
Young,
Speaker—37.

Those who voted in the negative were—

Messrs. Brush,
Blanchard,
Boggs,
Coates,
Canney,
Chauncey,
Fleming,
Ford,
Hudspeth,
Jones,
Kipp,
Lyons,
Law,
Pearce,
Paxton,
Parrish,
Ridley,
Thompson,
Wohler—19.

Decided in the affirmative.

Mr. Ingersoll moved to amend by ordering an equal number of the message of Governor McDougal printed.

Not agreed to.

Mr. Lyon moved to lay the resolution, as amended, on the table.

Not agreed to.

Mr. Boggs moved, as a substitute, that three thousand copies of Governor Bigler's Inaugural Address be printed in English, and one thousand copies in Spanish, for the use of this House, and that a similar number of copies of Governor McDougal's Annual Message to the two Houses be printed.

Agreed to.

Mr. Peachy introduced a Joint Resolution to authorize the Supreme Court to hold its present session in the city of San Francisco.

Read a first time.

Mr. Merritt moved that the rules be suspended, to give the resolution a second reading forthwith.

The House refused to suspend the rule.

Mr. Parrish introduced a Joint Resolution, directing the Treasurer to make no further payments out of the general fund until the Archives are brought to the place where the Legislature is in session.

Mr. Boggs moved to suspend the rules and give the resolution a second reading forthwith.

Agreed to.

Mr. Merritt moved that the resolution be considered as engrossed, and read a third time.

Agreed to.

The resolution was read a third time and passed.

Mr. Wing offered the following preamble and joint resolution:

Whereas, Vallejo appears, by common consent, to be considered the permanent Capital of California; a State House and offices for Treasurer,

Comptroller, etc., having been partially furnished: and *Whereas*, owing to the doubt existing, even up to the last moment, as to whether the Legislature would meet here at all;—the State House is not only totally unfitted to receive the Legislature in such a way that its committees can perform their work and the two bodies accomplish any business without great delay, but the town itself is destitute of the many necessary conveniences, such as a library, quiet rooms for members to prepare themselves in for the labors before them, etc.: and *Whereas*, the inhabitants of several cities have generously tendered furnished halls for the Senate and Assembly, Committee Rooms, offices, etc., free of expense to the State: therefore,

Resolved, (the Senate concurring,) That the Legislature do adjourn, for the time being, to assemble on ——day, at the city of ———.

Mr. Boggs moved to fill the blank date with the twentieth day of January instant.

Not agreed to.

Mr. Coffroth moved to fill the blank with the thirteenth instant.

Mr. Boggs moved to lay the whole subject on the table.

Not agreed to.

Mr. Parrish offered the following:

Resolved, by the Assembly, the Senate concurring, That the Legislature adjourn until the 14th instant.

Mr. Boggs moved a call of the House.

Not agreed to.

Mr. Boggs called the yeas and nays.

Those who voted in favor of the resolution offered by Mr. Parrish, were—

Messrs.	Blanchard,	Messrs.	Law,
	Boggs,		Orrick,
	Covarrubias,		Peachy,
	Caldwell,		Paxton,
	Crabb,		Parrish,
	Dameron,		Ridley,
	Ellis, of Nevada,		Stephenson,
	Gibson,		Stark,
	Graham,		Taliaferro,
	Gardner,		Wall,
	Hudspeth,		Wohler—22.

Those who voted in the negative were—

Messrs.	Brush,	Messrs.	Kipp,
	Coates,		Lyons,
	Canney,		McKim,
	Chauncey,		McMeans,
	Coffroth,		Merritt,
	Cutler,		McConaha,

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Messrs. Colby,
Cook,
Ellis, of San Francisco,
Fleming,
Fowler,
Ford,
Hopkins,
Hinchman,
Haraz thy,
Jones,
Ingersoll,
McKenzie,
McMullin,
Pierce,
Smith,
Turner,
Tucker,
Thompson,
Wing,
Wood,
Young,
Speaker—34.

The resolution lost.
Mr. Wood offered the following:

Resolved, (by the Assembly, the Senate concurring,) That we adjourn to meet at San Jose on the 14th instant.

Mr. Boggs called for the ayes and nays.
Those who voted in favor of the resolution offered by Mr. Wood, were—

Messrs. Chauncey,
Ellis, of San Francisco,
Hinchman,
Smith,
Stephenson,
Turner,
Thompson,
Wall,
Wood—9.

Those who voted in the negative were—

Messrs. Brush,
Blanchard,
Boggs,
Covarrubias,
Coates,
Canney,
Coffroth,
Cutler,
Caldwell,
Colby,
Crabb,
Cook,
Dameron,
Ellis, of Nevada,
Fleming,
Fowler,
Gibson,
Graham,
Hopkins,
Haraz thy,
Hudspeth,
Jones,
Kipp,
Lyons,
Law,
McMeans,
Merritt,
McKim,
McConaha,
McKenzie,
McMullen,
Orrick,
Peachy,
Pearce,
Paxton,
Parrish,
Ridley,
Stark,
Tucker,
Wing,
Wohler,
Young,
Speaker—43.

Mr. Merritt offered the following as a substitute to the preamble and resolution offered by Mr. Wing, which was adopted:

Resolved, (by the Assembly, the Senate concurring,) That the Legislature adjourn from this place to meet at the city of Sacramento on Tuesday, January 13th, 1852, at 12 o'clock, M.

Mr. Wood called for the ayes and nays.

Those who voted in favor of the resolution offered by Mr. Merritt, were—

Messrs. Brush,	Messrs. Jones,
Coates,	Ingersoll,
Canney,	Kipp,
Chauncey,	Lyon,
Coffroth,	Morse,
Cutler,	McKim,
Colby,	Merritt,
Cook,	McConaha,
Fleming,	McKenzie,
Fowler,	Pearce,
Ford,	Turner,
Gibson,	Tucker,
Hopkins,	Wing,
Hinchman,	Young—29.
Harazthy,	

Those who voted against the resolution were—

Messrs. Boggs,	Messrs. Peachy,
Covarrubias,	Paxton,
Caldwell,	Parrish,
Crabb,	Ridley,
Dameron,	Smith,
Ellis, of Nevada,	Stephenson,
Ellis, of San Francisco,	Stark,
Graham,	Taliaferro,
Gardiner,	Thompson,
Hudspeth,	Wall,
Law,	Wood,
McMeans,	Wohler,
McMullen,	Speaker—27.
Orrick,	

Mr. Graham moved to lay the whole upon the table, and called for the ayes and nays.

Those who voted to lay upon the table were—

Messrs. Boggs,	Messrs. Orrick,
Covarrubias,	Peachy,
Chauncey,	Paxton,
Caldwell,	Parrish,

Messrs. Crabb,
Dameron,
Ellis, of Nevada,
Ellis, of San Francisco,
Graham,
Gardiner,
Hudspeth,
Messrs. Ridley,
Smith,
Stark,
Taliaferro,
Wohler,
Yeiser,
Speaker—22.

Those who were opposed to laying upon the table were—

Messrs. Brush,
Blanchard,
Coates,
Canney,
Coffroth,
Cutler,
Colby,
Cook,
Fleming,
Fowler,
Ford,
Gibson,
Hopkins,
Hinchman,
Haraz thy,
Jones,
Ingersoll,
Kipp,
Messrs. Lyons,
Morse,
McKim,
McMeans,
Merritt,
McConaha,
McKenzie,
McMullin,
Pierce,
Stephenson,
Turner,
Tucker,
Thompson,
Wing,
Wall,
Wood,
Young—35.

The House refused to lay upon the table.
Mr. Fowler moved the House adjourn until 5 o'clock.
Not agreed to.
Mr. Graham moved the House adjourn until 12 o'clock, to-morrow.
Not agreed to.
Mr. Paxton moved that Sacramento be struck out of the resolution.
Mr. Graham called for the ayes and nays.
Those who voted to strike out, were—

Messrs. Boggs,
Covarrubias,
Caldwell,
Crabb,
Dameron,
Ellis, of Nevada,
Ellis, of San Francisco,
Graham,
Gardiner,
Hudspeth,
Law,
Messrs. McMeans,
Orrick,
Peachy,
Paxton,
Parrish,
Smith,
Stark,
Wall,
Wohler,
Yeiser,
Speaker—22.

Those who voted against striking out, were—

Messrs. Blanchard,
Coates,
Canney,
Chauncey,
Coffroth,
Cutler,
Colby,
Cook,
Fleming,
Fowler,
Ford,
Gibson,
Hopkins,
Hinchman,
Harazthy,
Jones,
Ingersoll,
Kipp,
Messrs. Lyons,
Morse,
McKim,
Merritt,
McConaha,
McKenzie,
McMullin,
Pierce,
Ridley,
Stephenson,
Taliaferro,
Turner,
Tucker,
Thompson,
Wing,
Wood,
Young—35.

The House refused to strike out Sacramento.

Mr. McMullin demanded the previous question, which was sustained by the House.

The main question being put, was decided in the affirmative.

On the final passage of the resolution, Mr. McMeans called for the ayes and nays.

Those who voted for the passage of the resolution were—

Messrs. Brush,
Blanchard,
Coates,
Canney,
Coffroth,
Cutler,
Colby,
Cook,
Fleming,
Fowler,
Ford,
Gibson,
Hopkins,
Hinchman,
Harazthy,
Jones,
Messrs. Ingersoll,
Kipp,
Lyons,
Morse,
McKim,
Merritt,
McConaha,
McKenzie,
Pierce,
Stephenson,
Turner,
Tucker,
Thompson,
Wing,
Young—31.

Those who voted against the passage of the resolution were—

Messrs. Boggs,
Covarrubias,
Chauncey,
Caldwell,
Messrs. Orrick,
Peachy,
Paxton,
Parrish,

Messrs. Crabb,	Messrs. Ridley,
Dameron,	Smith,
Ellis, of Nevada,	Stark,
Ellis, of San Francisco,	Taliaferro,
Graham,	Wall,
Gardiner,	Wood,
Hudspeth,	Wohler,
McMeans,	Yeiser,
McMullin,	Speaker—26.

The resolution passed.

Mr. Graham offered the following:

Resolved, (the Senate concurring) That the Governor and Lieutenant-Governor were legally and constitutionally inaugurated on the 8th of January, at the city of Vallejo.

Mr. Merritt moved to adjourn until 11 o'clock, to-morrow.

Agreed to.

HOUSE OF ASSEMBLY.

SATURDAY, January 10, 1852.

House met pursuant to adjournment.

The roll was called by the Clerk, and the following members found absent, Messrs. Cutler and Ridley.

The Journal of Friday read, amended, and approved.

Mr. Speaker announced that the House was ready to proceed to business.

Mr. Harazthy presented a petition from the inhabitants of the city of San Diego, and moved its reference to a committee of five. Agreed to.

Messrs. Harazthy, Covarrubias, Wall, Gibson and Cutler were appointed said committee.

Mr. Wood offered the following:

Resolved, That a committee of — members of Assembly be appointed for the purpose of examining the condition and affairs of the State Marine Hospital at San Francisco, and that said committee have power to examine persons and papers, and that they report as soon as practicable.

Mr. Merritt moved that the resolution be laid upon the table.

Mr. Chauncey demanded the ayes and nays.

Those who voted to lay the resolution upon the table were—

Messrs. Brush,
Blanchard,
Boggs,
Coffroth,
Caldwell,
Colby,
Crabb,
Dameron,
Ellis, of Nevada,
Fleming,
Gibson,
Gardiner,
Hinchman,
Hudspeth,
Kipp,
Lyons,
Law,
Merritt,
Peachy,
Pierce,
Paxton,
Parrish,
Ridley,
Stark,
Taliaferro,
Thompson,
Wing,
Wall,
Speaker—29.

Those who voted against laying the resolution upon the table were—

Messrs. Covarrubias,
Coates,
Canney,
Chauncey,
Cutler,
Cook,
Ellis, of San Francisco,
Fowler,
Ford,
Graham,
Hopkins,
Harazthy,
Jones,
Ingersoll,
Morse,
McKim,
McMeans,
McConaha,
McKenzie,
McMullin,
Orrick,
Smith,
Stephenson,
Turner,
Tucker,
Wood,
Wohler—27.

Laid upon the table.

Mr. Boggs gave notice, that on Monday next or some subsequent day, he would introduce the following bills:

1. A bill to be entitled an Act prescribing the manner of electing United States Senators.

2. A bill to be entitled an Act to regulate proceedings of the General Assembly in certain cases.

3. A bill to provide for the authentication of Statutes without the approval of the Governor.

The following message was received from the Senate.

Mr. Speaker:—

I am instructed by the Senate, to inform the Assembly, that they have concurred in the Joint Resolution passed by the Assembly, requiring the State Treasurer to suspend any further payments out of the general fund,

until the Archives are brought to the place where the Legislature is in session.

A. C. BRADFORD,
Secretary of the Senate.

January 10, 1852.

Mr. Wall offered the following:

Resolved, That the Senate be respectfully requested to return to this House, the Joint Resolution passed by the Assembly on yesterday, directing the Treasurer of State to make no further payment out of the general fund, until the archives are brought to the place where the Legislature is in session.

Mr. Wall called for the ayes and nays.

Those who voted in favor of the resolution were—

Messrs.	Blanchard,	Messrs.	Peachy,
	Boggs,		Smith,
	Cook,		Stephenson,
	Ellis, of San Francisco,		Thompson,
	Harazthy,		Wall,
	Hudspeth,		Wood,
	Law,		Wohler,
	Merritt,		Young,
	McKenzie,		Speaker—18.

Those who voted against the resolution were—

Messrs.	Brush,	Messrs.	Hinchman,
	Covarrubias,		Jones,
	Coates,		Ingersoll,
	Canney,		Kipp,
	Chauncey,		Morse,
	Coffroth,		McKim,
	Cutler,		McMeans,
	Caldwell,		McConaha,
	Colby,		McMullin,
	Crabb,		Orrick,
	Ellis, of Nevada,		Pierce,
	Fleming,		Parrish,
	Fowler,		Ridley,
	Gibson,		Stark,
	Graham,		Taliaferro,
	Gardiner,		Turner,
	Hopkins,		Wing—34.

Motion lost.

Mr. Merritt moved that the chair appoint a committee of five members

to draft rules and regulations for the House of Assembly, and that said committee be instructed to report as early as possible.

Agreed to.

Messrs. Merritt, Boggs, Lyon, McMullin and Fowler were appointed said committee.

Mr. Covarrubias offered the following:

Resolved, That the State Translator be directed to report to the Assembly as soon as practicable, the number, and titles of the laws and documents which he has translated; and also the number, and titles of those which have been furnished him for translation by the Secretary of State.

Agreed to.

Mr. Fowler offered the following resolution:

Resolved, That there be printed in English, and bound in substantial paper covers, 2,500 copies of the Annual Report of the Superintendent of Public Instruction, and that the said Superintendent shall send to officers, similar to himself in other States, and the friends of education, so many of said reports as may be necessary to procure their reports in exchange, and that the balance of the copies be furnished to the members of this House.

Mr. Ellis, of Nevada, moved to lay the resolution on the table.

Agreed to.

Mr. Harazthy moved that so much of the Governor's message as refers to unequal taxation, and to the calling of a convention, be referred to a Select Committee of thirteen.

Agreed to.

The following named gentlemen were appointed that committee—Messrs. Harazthy, Boggs, Pierce, Crabb, Stephenson, Ingersoll, McMullin, Thompson, Hopkins, Peachy, Ellis of Nevada, Smith and Hinchman.

Mr. Ingersoll offered the following:

Resolved, That the Sergeant-at-Arms procure from the Secretary of State, for each member of the Assembly, a copy of the Statutes and Journals of the House, for the session of 1850; also, the debates in the Convention.

Agreed to.

Mr. Ellis, of Nevada, gave notice that on Monday, or at some convenient day, he would introduce a bill for an Act to be entitled an Act for the repeal of the Charter of Nevada City, and providing means for the extinguishment of the debts of said city.

Also, a bill for an Act amendatory to an Act concerning Divorces, passed March 25th, 1851.

Mr. Crabb asked leave of the House to present the Report of the Trustees of the State Hospital at Stockton.

Leave granted.

Mr. Boggs moved that the report lie upon the table.

Agreed to.

Mr. Boggs offered the following Joint Resolution:

Resolved, By the Senate and Assembly of the State of California, that His Excellency, the Governor of the State, cause the public Archives of this State, and all monies in the Treasury, to be brought to the City of Vallejo, the seat of government of this State, and that all expenses incurred in the removal of said Archives and funds, be paid out of any money in the Treasury, not otherwise appropriated, upon the order of the Governor.

Mr. Boggs moved that the rule be suspended, and pass the resolution to a second reading by its title.

Mr. Hinchman moved that the resolution lie upon the table.

Agreed to.

Mr. Merritt gave notice, "that on Monday, or some subsequent day, he would introduce a bill for an Act to fund the outstanding War Loan Warrants," and to provide for the payment of the interest on the same.

The following message was received from the Senate.

Mr. Speaker:

I am instructed by the Senate, to inform the Assembly, that they have confirmed the nomination of Wm. Van Voorhies, as Secretary of State, this day submitted to them by the Governor.

A. C. BRADFORD,
Secretary of the Senate.

Mr. Crabb introduced the following concurrent resolution:

Resolved, By the Assembly, the Senate concurring, that in the judgment of the Legislature of California, Vallejo is the constitutional and legal permanent seat of government of the State of California.

Mr. Graham called for the ayes and nays.

Those who voted in favor of the resolution were—

Messrs. Brush,
Boggs,
Covarrubias,
Canney,
Chauncey,
Coffroth,
Cutler,
Caldwell,
Colby,
Crabb,
Cook,
Dameron,
Ellis, of Nevada,
Ford,
Graham,
Gardiner,
Hinchman,
Haraztby,
Hudspeth,
Jones,
Kipp,
Lyons,
Law,
Morse,
McMeans,
Merritt,
McConaha,
McMullin,
Orrick,
Peachy,
Pierce,
Paxton,
Parrish,
Ridley,
Smith,
Stephenson,
Stark,
Taliaferro,
Wing,
Young—40.

Those who voted against the resolution were—

Messrs. Ellis, of San Francisco,	Messrs. Thompson,
Hopkins,	Wall,
Ingersoll,	Wood,
Turner,	Speaker—8.

Resolution was agreed to.

Mr. Graham offered the following:

Resolved, That in addition to the regular Standing Committees, the following be appointed by the Speaker:

On Mines and Mining Interests.
On Indian Reservations.
On State Prison.

Agreed to.

Mr. Merritt offered the following resolution:

Resolved, That in addition to the Standing Committees, there be one on Missions and Mission Lands.

Agreed to.

Mr. Boggs moved that a Standing Committee be appointed on Public Buildings, and the Seat of Government.

Mr. McMullin moved that the motion be postponed indefinitely.

Agreed to.

Mr. Peachy offered the following resolution:

Resolved, By the Assembly, the Senate concurring, that it is unwise, inexpedient, and contrary to law and the constitution for the Legislature to transfer its sessions from the Capital of the State to any other place, unless forced so to do, by the impossibility of transacting Legislative business at the Seat of Government.

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

Agreed to.

The following message was received from His Excellency the Governor.

EXECUTIVE DEPARTMENT,
City of Vallejo, California, *January* 10, 1852.

To the Honorable the
Assembly of California:

I have the honor to inform you, that L. B. Mizner has been appointed my Private Secretary, through whom executive communications will be, hereafter, transmitted to the Legislature.

I am very truly and respectfully,
Your obedient servant,
JOHN BIGLER, *Governor.*

Mr. Peachy moved to take from the table, Joint Resolution authorizing the Supreme Court to hold its present session in the city of San Francisco.

Agreed to.

Resolution received a second reading, the rule being suspended,

Mr. Merritt moved that the resolution be considered as engrossed, and read a third time.

Agreed to.

Resolution read a third time and passed.

Mr. Wood offered the following resolution, which was adopted:

Resolved, By the Assembly, the Senate concurring, that a committee of three be appointed on the part of the Assembly, and like number on the part of the Senate, to examine the public buildings at Vallejo, and report if they are in accordance with the contract made by M. G. Vallejo, and others, with the State.

Mr. McMullin offered the following resolution:

Resolved, That the Chief Clerk be empowered to employ such number of clerks as he may deem necessary, not to exceed four.

Agreed to.

Mr. Coates moved that the House adjourn until 4 o'clock, P. M.

Agreed to.

The House met pursuant to adjournment.

Quorum present.

On motion of Mr. McMullin, the House adjourned until 12 o'clock, on Monday next.

HOUSE OF ASSEMBLY.

MONDAY, January 12, 1852.

The House met pursuant to adjournment.

The roll was called by the Clerk and a quorum found present.

The Speaker announced that the House was ready to proceed to business.

Mr. Coffroth moved that the reading of the journal be dispensed with until the next meeting of the House.

Agreed to.

Mr. Peachy introduced Mr. Pacheco, member elect from the County of San Luis Obispo, who produced certificate of election, was qualified, and took his seat.

On motion of Mr. Parrish, leave of absence was granted to Mr. Yeiser, in consequence of ill health.

The Speaker announced the following Standing Committees.

ON ELECTIONS.—Messrs. Merritt, Boggs, Yeiser, Law, Peachy, Crabb, Wood, and Ellis, of Nevada.

CORPORATIONS.—Messrs. Taliaferro, Wing, Wood, Ridley and Wall.

CLAIMS.—Messrs. Smith, Kipp, Graham, Fleming, Cook, and Ellis, of San Francisco.

WAYS AND MEANS.—Messrs. Wall, Orrick, Blanchard, Chauncey, Hinchman, Law, Tucker, Boggs, and Ellis, of San Francisco.

JUDICIARY.—Messrs. Peachy, Thompson, Crabb, Hinchman, Yeiser, Ellis, of Nevada, Wood, Parrish and Coffroth.

MILITARY AFFAIRS.—Messrs. Harazthy, Colby, Pierce, Ingersoll, McKenzie, and Ford.

COUNTIES AND COUNTY BOUNDARIES.—Messrs. Dameron, Stephenson, Paxton, Morse, Caldwell and Young.

COMMERCE.—Messrs. McConaha, Wood, Coates, Wohler and McKenzie.

AGRICULTURE.—Messrs. Boggs, Wohler, Brush, Jones, Thompson, Tucker, Stark and Ford.

ROADS AND HIGHWAYS.—Messrs. McKim, Colby, Wing and Ellis, of San Francisco.

INDIAN AFFAIRS.—Messrs. Lyons, Coates, McMullin, McMeans, Harazthy, Covarrubias, Ridley, Stark, McKim and Fowler.

EDUCATION.—Messrs. Kipp, Hopkins, Ingersoll, Fowler and Gibson.

PUBLIC BUILDINGS AND GROUNDS.—Messrs. Young, Graham, Smith, and Thompson.

PUBLIC EXPENDITURES.—Messrs. Law, Taliaferro, Stark and McConaha.

PUBLIC PRINTING.—Messrs. Coffroth, Cutler, Young, Canney, Lyons, Wohler and Fowler.

ACCOUNTS.—Messrs. Blanchard, Gibson and Hopkins.

ENGROSSED BILLS.—Messsrs. Chauncey, McMullin and Stephenson.

ENROLLED BILLS.—Messrs. Colby and Orrick.

MINES AND MINING INTERESTS.—Messrs. Gardiner, Pierce, Brush, Turner, McKenzie, Young, Ridley, Wing and Canney.

INDIAN RESERVATIONS.—Messrs. Coates, Cook, Fleming, Coffroth, Merritt, Stark and Jones.

STATE PRISON.—McMeans, Smith and Graham.

MILEAGE.—Messrs. Morse, Covarrubias and Caldwell.

PUBLIC LANDS.—Messrs. Parrish, Ellis, of San Francisco, Paxton, Hudspeth and Ford.

MISSION AND MISSION LANDS.—Messrs. Stephenson, Dameron, Inchman, Wood and Wall.

Mr. Merritt moved that the House do now adjourn until 4 o'clock P. M.

Mr. Graham demanded the ayes and nays.

Those who voted in the affirmative were—

Messrs. Coates,	Messrs. Merritt,
Canney,	McKim,
Coffroth,	McKenzie,
Cutler,	McMullin,
Caldwell,	Pierce,
Ellis, of Nevada.	Paxton,
Fleming,	Taliaferro,
Fowler,	Tucker,
Hopkins,	Thompson,
Ingersoll,	Wing,
Jones,	Wood,
Lyons,	Young—24.

Those who voted in the negative were—

Messrs. Covarrubias,	Messrs. Orrick,
Crabb,	Peachy,
Dameron,	Parrish,
Graham,	Pacheco,
Hudspeth,	Ridley,
Law,	Stephenson,
Morse,	Stark,
McMeans,	Wall,
McConaha,	Speaker—18.

The House adjourned until 4 o'clock, P. M.

FOUR O'CLOCK, P. M.

The House met pursuant to adjournment.

Mr. Coffroth moved that the roll be called, and the absentees at roll call, in the morning, be excused.

Agreed to.

The journal of Saturday read, amended, and approved.

Mr. Peachy offered the following resolution: That there be added to the Standing Committee, a Committee on Federal Relations.

Agreed to.

Mr. McMeans presented a petition from Jacob C. Kore, praying for com-

pensation for services rendered in the service of the State against the Indians.

He also presented a resolution requiring the Adjutant General to audit the claim of J. C. Kore, and enter his name on the muster roll of Company D., commanded by Captain R. Porter, in an expedition against the Indians, in El Dorado County, in the year 1850.

On motion of Mr. Merritt, the petition and accompanying documents were referred to the Committee on Claims.

Mr. Boggs introduced a bill for an Act prescribing the manner of electing United States Senator, and moved the rules be suspended, requiring bills to be read three several times, and that it be read a second by its title, and be referred to Committee on the Judiciary.

Agreed to.

Mr. McMullin asked to be excused from serving on the Committee on Engrossed Bills.

The House excused him.

Mr. Merritt asked and obtained leave to introduce a bill for an Act to amend section seven of an Act entitled an Act concerning the organization of the Militia, passed April, A. D., 1850.

Referred to Committee on Military.

Mr. McMullin presented an account of George Rigby against the State, and asked that it be referred to Committee on Claims.

Agreed to.

Mr. Wood moved that a resolution appointing a committee to examine the affairs of the State Marine Hospital, at San Francisco, be taken from the table.

Agreed to.

Mr. Wood moved that the resolution be adopted.

Agreed to.

Messrs. Wood, Taliaferro and Tucker, were appointed said committee.

Mr. Merritt offered the following:

Resolved, That the Committee of Ways and Means, be instructed to report the per diem allowance of the Clerk, Sergeant-at-Arms, and other officers of this House.

Adopted.

Mr. Speaker presented to the House, papers relating to contested elections.

Referred to Committee on Elections.

Mr. Coffroth offered the following:

Resolved, That one thousand copies of the Comptroller's report; one thousand copies of State Treasurer, and one thousand of the Superintendent of Public Instruction, be printed for the use of the House, and that the State Printer's Report be referred to Committee on Printing.

Mr. McConaha offered the following:

Resolved, That a Select Committee of five, be appointed to take into consideration the future disposal of the public domain of the United States,

in the State of California, and that at as early a day as practicable they report thereon and submit to the action of the Senate and Assembly, such Joint Resolutions and memorials to Congress, as they may find suitable and proper for the best interests of the State.

Adopted.

Messrs. McConaha, Parrish, Boggs, Hinchman, Ellis, of San Francisco, were appointed said committee.

Mr. McMullin offered the following:

Resolved, That the Committee on Elections, be and they are hereby directed to examine the Act entitled an Act to apportion the Senatorial and Assembly districts, and report at their earliest convenience, whether the number of members in the Assembly correspond with said Act.

Adopted.

Mr. Speaker appointed Mr. Hopkins on the Committee on Engrossed Bills, in place of Mr. McMullin, excused by the House.

Mr. Merritt moved that the message of His Excellency John McDougal, be read.

Agreed to.

Mr. Graham moved that the further reading of the message be dispensed with.

Not agreed to.

The following message was received from the Senate:

I am instructed by the Senate to inform the House that they have concurred in the resolution that the Legislature adjourn from this place to meet at the city of Sacramento, on January 13th, 1852, at 12 o'clock, M., with this amendment, by inserting the 16th January, instead of the 13th.

A. C. BRADFORD,
Secretary of the Senate.

Mr. Coffroth moved that the further reading of the Governor's message be dispensed with. Lost.

Mr. Parrish moved that the further reading of the message be dispensed with, except the last paragraph.

Agreed to.

Mr. Parrish moved a call of the House.

Agreed to.

Mr. Wood moved that further proceedings under the call be dispensed with.

Agreed to.

Mr. Wood moved that the House concur in the amendment of the Senate, making the 16th day, instead of the 13th, the day of meeting in the city of Sacramento.

Mr. Parrish moved to amend by inserting the 19th, instead of the 16th.

Mr. Boggs called for the ayes and nays.

Those who voted in favor of the amendment were—

Messrs. Boggs,
Caldwell,
Covarrubias,
Graham,
Hudspeth,
Orrick,
Pacheco,
Parrish,
Peachy,
Stark,
Wall,
Speaker—12.

Those who voted against the amendment were—

Messrs. Brush,
Canney,
Coates,
Coffroth,
Cook,
Colby,
Cutler,
Dameron,
Fleming,
Fowler,
Ford,
Gibson,
Harazthy,
Hinchman,
Hopkins,
Ingersoll,
Jones,
Kipp,
Law,
Lyons,
Merritt,
Morse,
McConaha,
McKim,
McKenzie,
McMeans,
McMullin,
Paxton,
Pierce,
Ridley,
Smith,
Taliaferro,
Thompson,
Tucker,
Wing,
Wood,
Young—37.

Motion lost.

The following message was received from the Senate, by the Secretary:

Mr. Speaker:

I am instructed by the Senate to inform the House that they have concurred in their resolution to appoint a committee, on the part of the Senate, to act with a committee of the House, to examine the public buildings at Vallejo.

(Committee on the part of the Senate—Messrs. Broderick, Hubbs and Roach.)

And also, in a resolution making Vallejo the constitutional and legal permanent Seat of Government of the State of California.

And also that they have passed the Joint Resolution authorizing the Supreme Court to hold its session at the city of San Francisco.

Also, that they have passed a Concurrent Resolution authorizing the Superintendent of public buildings to deliver to the city authorities of Sacramento city such furniture belonging to the State as the Legislature may require.

To which they respectfully ask the concurrence of the House.

A. C. BRADFORD,
Secretary of the Senate.

(Messrs. Wood, Kipp and Young were appointed to act with committee of the Senate to examine public buildings at Vallejo.)

On the amendment made by the Senate to the resolution to adjourn, Mr. Peachy demanded the ayes and nays.

Those who voted in favor of the Senate's amendment were—

Messrs. Blanchard,	Messrs. Jones,
Brush,	Kipp,
Canney,	Lyon,
Coates,	Merritt,
Coffroth,	McConaha,
Cook,	McKim,
Colby,	McKenzie,
Cutler,	McMullin,
Fleming,	Pierce,
Fowler,	Smith,
Ford,	Thompson,
Gibson,	Tucker,
Harazthy,	Wing,
Hinchman,	Wood,
Hopkins,	Young—31.
Ingersoll,	

Those who voted against the amendment of the Senate were—

Messrs. Boggs,	Messrs. Orrick,
Caldwell,	Paxton,
Covarrubias,	Parrish,
Crabb,	Pacheco,
Dameron,	Peachy,
Graham,	Ridley,
Hudspeth,	Stark,
Law,	Taliaferro,
Morse,	Wall,
McMeans,	Speaker—20.

The amendment was adopted.

Mr. Coates moved that the House concur in the resolution from the Senate authorizing the Superintendent of Public Buildings to deliver to the authorities of the city of Sacramento such furniture belonging to the State as may be necessary for the use of the Legislature.

Agreed to.

Mr. Merritt moved that the Clerk notify the Senate that this House had concurred in the above resolution.

Agreed to.

Mr. Lyons moved that Dr. Taliaferro be excused from serving on the committee to examine the affairs of the State Marine Hospital at San Francisco.

The House excused Dr. Taliaferro.

The Speaker appointed Dr. McMeans on the committee, in place of Dr. Taliaferro, excused.

Mr. Paxton offered the following Concurrent Resolution, which was agreed to:

Resolved, (the Senate concurring) That a committee of three from each House be appointed to confer with M. G. Vallejo in regard to moving the Seat of Government from Vallejo.

Messrs. Paxton, Caldwell and Pacheco were appointed said committee.

On motion of Mr. Parrish, leave of absence was given to Mr. Boggs until Monday next.

Mr. Merritt offered the following resolution:

Resolved, That the Sergeant-at-Arms of the House be directed to deliver to the city authorities of Sacramento, the stationery to be transferred to Sacramento for the use of the House of Assembly.

Agreed to.

Mr. Boggs asked leave to introduce a bill to remove the seat of government to Benicia, which was read a first and second time, and referred to a special committee of five—Messrs. Boggs, Peachy, Brush, Orrick and Cutler, were appointed said committee.

Mr. Coates moved that a committee of three be appointed to wait upon His Excellency, the Governor, and inform him that the Legislature had agreed to adjourn to meet at Sacramento on the 16th instant.

Agreed to.

Messrs. Coates, Ingersoll and Stark were appointed said committee.

Mr. Merritt moved that the House do now adjourn to meet at the Court House, in Sacramento City, on the 16th day, instant, at 12 o'clock, M.

Agreed to.

HOUSE OF ASSEMBLY.

FRIDAY, January 16, 1852.

House met at the city of Sacramento, pursuant to adjournment.

The roll was called by the Clerk, and the following members found absent:—Messrs. Cook, Dameron, Fleming, Ford, Fowler, Gibson, Harazthy, Hudspeth, Peachy, Tucker and Wohler.

The Journal of Monday, the 12th, was read and approved.

The Speaker announced that the House was ready to proceed to business.

Mr. McMullin presented certificate of election and other papers connected therewith, for Mr. William W. Hawkes, of Klamath County, and moved that Mr. Hawkes be qualified and take his seat.

Mr. Crabb moved to amend by inserting, "in place of Mr. Coates, the sitting member from Klamath."

Mr. Lyons moved that the certificate of election and papers presented by Mr. McMullin, be referred to the Committee on Elections.

Agreed to.

Mr. Coffroth gave notice that he would introduce a bill to prevent the issuance of promissory notes, as currency, by individuals.

Mr. Parrish presented a paper from the Clerk of the County of Klamath, in reference to the election in that county, and moved its reference to Committee on Elections.

Agreed to.

Mr. Merritt moved that the Report of the Hospital at Stockton, be taken from the table, and that 500 copies be printed.

Agreed to.

Mr. Ellis, of Nevada, moved that the Report be read.

Agreed to.

Mr. Ingersoll offered the following concurrent resolution, which was adopted:

Resolved, (the Senate concurring) That the State officers be required to open their respective offices in the city of Sacramento.

Mr. Ellis, of Nevada, moved a re-consideration of the vote adopting the resolution offered by Mr. Ingersoll.

The vote was re-considered.

The following message was received from the Senate:

Mr. Speaker:

I am directed by the Senate to inform the Assembly that they have passed a Joint Resolution authorizing the Governor to remove the State archives to the city of Sacramento; and also authorizing the State Executive Officers to reside at said city during the present session of the Legislature.

A. C. BRADFORD,
Secretary of the Senate.

Mr. McMullin moved that the rule be suspended, and the Joint Resolution authorizing the Governor to remove the archives of State to Sacramento city, be read a second time by its title.

Agreed to.

Mr. Merritt moved that the rule be further suspended, and give the resolution a third reading forthwith.

Agreed to.

Resolution read a third time and passed.

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

A bill authorizing the Treasurer of State to take possession of certain property in the city of San Francisco;

And to repeal an Act entitled an Act to provide for the disposition of certain property of the State of California, passed March 26th, 1851;

And the Act entitled an Act in relation to the city of San Francisco, passed May 1st, 1851.

Mr. Merritt moved that the Clerk inform the Senate immediately that the House have concurred in the Joint Resolution authorizing the Governor to remove the archives of State to the city of Sacramento.

Agreed to.

Mr. McMullin asked leave of absence for Mr. Jones until Tuesday morning next.

Leave granted.

Mr. Coffroth moved that the House adjourn until Monday next, at 11 o'clock.

Agreed to.

HOUSE OF ASSEMBLY.

MONDAY, January 19, 1852.

House met pursuant to adjournment.

The roll was called by the Clerk, and the following members found absent—Messrs. Canney, Cutler, Gardiner, Gibson, Lyons, Peachy, Taliaferro, and Wohler.

The Journal of the 16th was read and approved.

The Speaker announced that the House was ready to proceed to business.

Mr. Parrish asked leave of absence for Mr. Graham until to-morrow.

Leave granted.

Mr. Merritt presented a petition from Mr. Brinsmade and others, in rela tion to printing the Laws of 1851 in the Evening Picayune.

Referred to a special committee—Messrs. Merritt, Coffroth, Wall, Cutler and Wood appointed the committee.

Mr. Merritt, chairman of a select committee, made the following report:

Mr. Speaker:—

The Select Committee who were directed by the House to report rules and regulations for the Government of the Assembly, beg leave to report, that they have examined the subject carefully, and beg leave to submit the accompanying rules, &c., for the consideration of the House, and respectfully recommend their adoption.

Respectfully submitted.

S. A. MERRITT,
Chairman Select Committee.

Mr. Merritt moved that the report of the committee lie upon the table for the present.

Agreed to.

Mr. Parrish offered the following resolution:

Resolved, By the Assembly, the Senate concurring, that the two bodies

meet in convention in the hall of the House of Assembly, on Thursday, 22d instant, at 12 o'clock, M., for the purpose of electing a Senator of the United States, to fill the vacancy occasioned by the expiration of the term of John C. Fremont.

Mr. McMullin moved to amend, by inserting Tuesday, 27th instant, in lieu of Thursday the 22d.

Mr. Parrish accepted the amendment.

Mr. Boggs moved that the resolution lie upon the table.

Agreed to.

The following message from the Senate was received by the Secretary.

Mr. Speaker:—

I am instructed by the Senate, to inform the Assembly, that the Governor did, on Saturday, approve a Joint Resolution directing him to have the Archives of State removed to Sacramento, and authorizing the several State officers to reside at said city, during the present session of the Legislature.

A. C. BRADFORD,
Secretary of the Senate.

January 19, 1852.

Mr. McMullin offered the following resolution:

Resolved, That the Speaker be, and he is hereby requested to confer with the authorities of the City of Sacramento, and request them to make such alterations in the Assembly hall as will better accommodate the members and the public.

Adopted.

Mr. Ellis, of Nevada, offered the following:

Whereas, The public interests, and the necessary dispatch of the legislative business, imperatively demands that some provision should be immediately made for printing bills, reports, and other documents required by the Assembly, Therefore,

Resolved, That the Chief Clerk of the Assembly be hereby directed to contract, temporarily, with the proprietors of the *Union* newspaper, published in this city, to execute such printing as may be ordered by the Assembly, until the appointment of a State Printer by the Legislature;

Provided, That the said proprietors of the Union newspaper shall agree to execute such printing at the rates specified in the Act entitled an Act to amend an Act defining the duties of State Printer, and fixing his compensation, passed March 25th, 1851.

Mr. Lyons moved to suspend the rule, and give the resolution a second reading forthwith.

Mr. Merritt moved to refer the resolution upon the subject of printing tc Committee on Printing, and

On motion of Mr. Crabb, the committee instructed to report to-morrow.

Agreed to.

Mr. Wing offered the following resolution:

Resolved, That the Sergeant-at Arms of the Assembly be directed to supply to the order of each member, four daily papers and one weekly.

Mr. Merritt moved that the resolution be referred to Committee of Ways and Means.

Agreed to.

Mr. McMeans offered the following resolution:

Resolved, That all claims originating in, or relative to Indian difficulties in this State, be, and the same are hereby referred to the Committee on Indian Affairs.

Agreed to.

Mr. Parrish offered the following resolution:

Resolved, That the ministers of the several Christian denominations in this city, be requested to open the proceedings of this House with prayer, each morning of its session.

Not agreed to.

Mr. Thompson informed the House, that his colleague, Mr. Crittenden was present, and was ready to be qualified as a member from the County of Santa Clara.

Mr. Crittenden came forward, was qualified, and took his seat.

Mr. Ellis, of Nevada, gave notice that he would, on to-morrow, or some subsequent day, introduce a bill for an Act changing the time of holding the terms of the District Court for the Tenth Judicial District.

Mr. Hinchman, gave notice that he would, on to-morrow, or shortly thereafter, introduce a bill entitled an Act to provide for the enumeration of the inhabitants of the State of California;

Also, a bill entitled an Act concerning Master and Apprentice;

Also, a bill entitled an Act to exempt certain property from Execution;

Also, a bill entitled an Act to provide for the Government of Villages;

Also, a bill entitled an Act concerning the County Recorder of Santa Barbara County;

Also, a bill entitled an Act to amend an Act concerning Jurors, passed April 28th, 1851.

Mr. Harazthy, gave notice that he would, on Wednesday next, introduce a bill to repeal the Charter of the City of San Diego, and to create a Board of Trustees in lieu thereof, and to define their duties.

Mr. McMeans gave notice, that on Friday the 23d instant, or at some proper time thereafter, he would introduce the following bills:—

A bill entitled an Act to amend an Act entitled an Act concerning Crimes and Punishments;

Also, a bill entitled an Act to protect the State of California against the introduction of Foreigners of bad character;

Also, a bill entitled an Act to provide revenue for the support of a State Marine Hospital or Hospitals.

Mr. McMullin gave notice that he would, on to-morrow, or some future day, introduce a bill authorizing and directing the Attorney General of the State of California, to institute judicial proceedings, to recover certain real estate in the city and county of San Francisco, denominated the Leidesdorff Estate.

Mr. Thompson, asked to be excused from serving on the Judiciary Committee.

He was excused.

The Speaker appointed Mr. Crittenden on the Judiciary Committee, in place of Mr. Thompson, excused.

Mr. McConaha, gave notice that he would, on Wednesday next, introduce a bill providing for appeals in certain cases, arising under the law of forcible entry and unlawful detainer.

Mr. Merritt offered the following joint resolution:

Resolved, By the Senate and Assembly, that the Attorney General be, and is hereby directed to instruct the various district Attornies of this State, to commence suit against such County Treasurers as have not paid into the State Treasury the amount of funds due the State for the present fiscal year.

Referred to the Judiciary Committee.

Mr. McMullin moved to take from the table the report of the Committee upon Rules.

Agreed to.

Mr. McMullin also moved that the House resolve itself into Committee of the Whole to consider the report of the Committee upon Rules.

Agreed to.

The Speaker called Mr. Merritt to the chair. The Committee of the Whole made sundry amendments to the report of the committee, and upon motion of Mr. McMullin, the committee rose, reported progress, and asked to be discharged from the further consideration of the subject.

Agreed to.

On motion of Mr. McMullin, the House concurred in the amendments made in Committee of the Whole, and adopted the following Rules and Regulations for the government of the House of Assembly.

ORDER OF BUSINESS.

1st	A	Committee	on	Elections;
2d	"	"	"	Corporations;
3d	"	"	"	Public Printing;
4th	"	"	"	Claims;
5th	"	"	"	Ways and Means;
6th	"	"	"	The Judiciary;
7th	"	"	"	Military Affairs;
8th	"	"	"	Indian Affairs;
9th	"	"	"	Counties and County Boundaries;
10th	"	"	"	Commerce;
11th	"	"	"	Education;
12th	"	"	"	Agriculture;

13th	A	Committee	on	Roads and High Ways;
14th	"	"	"	Public Buildings and Grounds;
15th	"	"	"	Public Expenditures;
16th	"	"	"	Accounts;
17th	"	"	"	Indian Reservations;
18th	"	"	"	Mission Lands and Claims;
19th	"	"	"	Mines and Mining Interests;
20th	"	"	"	Public Lands;
21st	"	"	"	Federal Relations;
22d	"	"	"	Engrossment;
23d	"	"	"	Enrollment.

TOUCHING THE DUTIES OF THE SPEAKER.

1. He shall take the Chair every day precisely at the hour to which the House shall have adjourned on the preceding day; shall immediately call the House to order, and, on the appearance of a quorum, shall cause the journal of the preceding day to be read.

2. He shall preserve order and decorum; may speak to points of order in preference to other members, rising from his seat for that purpose; and shall decide questions of order, subject to an appeal to the House by any two members; on which appeal no member shall speak more than once, unless by leave of the House.

3. He shall rise to put a question, but may state it sitting.

4. The Speaker shall examine and correct the journal before it is read. He shall have a general direction of the hall. He shall have a right to name any member to perform the duties of the Chair, but such substitution shall not extend beyond an adjournment.

5. All Committees shall be appointed by the Speaker, unless otherwise specially directed by the House.

6. In all other cases of ballot than for Committees, a majority of the votes given shall be necessary to an election; and, when there shall not be such a majority on the first ballot, the ballot shall be repeated until a majority shall be obtained: and in all ballotings blanks shall be rejected and not taken into the count in the enumeration of votes, or reported by the Tellers.

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

8. All acts, addresses, and joint resolutions, shall be signed by the Speaker; and all writs, warrants, and subpœnas, issued by order of the House, shall be under his hand and seal, attested by the Clerk.

9. In case of any disturbance or disorderly conduct in the galleries or

lobby, the Speaker (or Chairman of the committee of the whole House,) shall have power to order the same to be cleared.

10. No person shall be allowed the privilege of the hall, under the character of stenographer, without a written permission from the Speaker, specifying the part of the hall assigned to him; and no reporter or stenographer shall be admitted under the rules of the House, unless such reporter or stenographer shall state, in writing, for what paper or papers he is employed to report.

11. The Clerk of the House shall take an oath for the true and faithful discharge of the duties of his office, to the best of his knowledge and abilities. He shall be deemed to continue in office until another be appointed.

12. Petitions having been presented and disposed of, reports from committees shall be called for and disposed of: in doing which, the Speaker shall call upon each standing committee in the order they are named, and when all the standing committees have been called on, then it shall be the duty of the Speaker to call for reports from select committees; if the Speaker shall not get through the call upon the committees before the House passes to other business, he shall resume the next call where he left off. Resolutions shall then be called for in the same order, and disposed of by the same rules which apply to petitions; *Provided*, That no member shall offer more than one resolution, or one series of resolutions, all relating to the same subject.

13. After an hour shall have been devoted to reports from committees and resolutions, it shall be in order, pending the consideration or discussion thereof, to entertain a motion that the House do now proceed to dispose of the business on the Speaker's table, and to the orders of the day; which being decided in the affirmative, the Speaker shall dispose of the business on his table in the following order, viz:

I. Messages and other Executive communications.

II. Messages from the Senate, and amendments proposed by the Senate to bills of the House.

III. Bills and resolutions from the Senate on their first and second readings, that they be referred to committees and put under way. But if on being read a second time, no motion be made to commit, they are to be ordered to their third reading, unless objection be made; in which case, if not otherwise ordered by a majority of the House, they are to be laid on the table in the general file of bills on the Speaker's table, to be taken up in their turn.

IV. Engrossed bills and bills from the Senate on their third reading.

V. Bills of the House and from the Senate, on the Speaker's table on their engrossment, or on being ordered to a third reading, to be taken up and considered in the order of time in which they passed to a second read-

ing. The messages, communications and bills on his table having been disposed of, the Speaker shall then proceed to call the orders of the day.

OF DECORUM AND DEBATE.

14. When any member is about to speak in debate, or deliver any matter to the House, he shall rise from his seat and respectfully address himself to "Mr. Speaker," and shall confine himself to the question under debate, and avoid personality.

15. If any member, in speaking or otherwise, transgress the rules of the House, the Speaker shall, or any member may, call to order; in which case, the member so called to order shall immediately sit down unless permitted to explain: and the House shall, if appealed to, decide on the case, but without debate; if there be no appeal the decision of the Chair shall be submitted to. If the decision be in favor of the member called to order, he shall be at liberty to proceed; if otherwise, he shall not be permitted to proceed, in case any member object, without leave of the House; and, if the case require it, he shall be liable to the censure of the House.

16. If a member be called to order for words spoken in debate, the person calling him to order shall repeat the words excepted to, and they shall be taken down in writing at the Clerk's table; and no member shall be held to answer, or be subject to the censure of the House, for words spoken in debate, if any member has spoken, or other business has intervened, after the words spoken and before exception to them shall have been taken.

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

18. No member shall speak more than twice on the same question, without leave of the House, unless he be the mover, proposer or introducer of the matter pending; in which case, he shall be permitted to speak in reply, but not until every member choosing to speak, shall have spoken.

19. If a question depending be lost by adjournment of the House, and revived on the succeeding day, no member who shall have spoken on the preceding day, shall be permitted again to speak without leave.

20. No member or other person shall visit or remain by the Clerk's table, while the ayes and nays are calling, or ballots are counting.

21. No member shall vote on any question in the event of which he is immediately or particularly interested, or in any case when he was not within the bar of the House when the question was put; and when any member shall ask leave to vote, the Speaker shall propound to him the question: "Were you within the bar when your name was called?"

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

23. Every member who shall be in the House when the question is put, shall give his vote, unless the House, for special reasons, shall excuse him. All motions to excuse a member from voting shall be made before the House divides, or before the call of the yeas and nays is commenced; and any member requesting to be excused from voting may make a brief verbal statement of the reasons for making such request, and the question shall then be taken without further debate.

24. When a motion is made and seconded, it shall be stated by the Speaker: or, being in writing, it shall be handed to the Chair, and read aloud by the Clerk, before debated.

25. Every motion shall be reduced to writing, if the Speaker or any member desire it.

26. After a motion is stated by the Speaker, or read by the Clerk, it shall be deemed to be in possession of the House, but may be withdrawn at any time before a decision or amendment.

27. When a question is under debate, no motion shall be received but to adjourn, to lie on the table, for the previous question, to postpone to a day certain, to commit or amend, to postpone indefinitely; which several motions shall have precedence in the order in which they are arranged; and no motion to postpone to a day certain, to commit or to postpone indefinitely, being decided, shall again be allowed on the same day, and at the same stage of the bill or proposition. A motion to strike out the enacting words of a bill shall have precedence of a motion to amend, and if carried, shall be considered equivalent to its rejection.

28. When a resolution shall be offered, or a motion made to refer any subject, and different committees shall be proposed, the question shall be taken in the following order: The committee of the whole House; a standing committee; a select committee.

29. A motion to adjourn, and a motion to fix the day to which the House shall adjourn, shall be always in order; these motions, and the motion to lie on the table, shall be decided without debate.

30. The hour at which every motion to adjourn is made, shall be entered on the Journal.

31. The previous question shall be in this form: "Shall the main question be now put?" On a motion for the previous question, and prior to the seconding of the same, a call of the House shall be in order; but after a majority shall have seconded such a motion, no call shall be in order prior to a decision of the main question.

32. 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.

33. When a question is postponed indefinitely, the same shall not be acted upon again during the session.

34. Any member may call the division of the question, which shall be divided, if it comprehend propositions in substance so distinct, that one being taken away, a substantive proposition shall remain for the decision of the House. A motion to strike out being lost, shall preclude neither amendment nor a motion to strike out and insert.

35. Motions and reports may be committed at the pleasure of the House.

36. No motion or proposition on a subject different from that under consideration, shall be admitted under color of amendment. No bill or resolution shall, at any time, be amended by annexing thereto, or incorporating therewith, any other bill or resolution pending before the House.

37. When a motion has been once made and carried in the affirmative or negative, it shall be in order for any member of the majority to move for the re-consideration thereof on the same or the succeeding day; and such motion shall take precedence of all other questions, except a motion to adjourn.

38. The unfinished business in which the House was engaged at the last preceding adjournment, shall have the preference in the orders of the day; and no motion, on any other business, shall be received without special leave of the House, until the former is disposed of.

39. Petitions, memorials, and other papers addressed to the House, shall be presented by the Speaker, or by a member, in his place; a brief statement of the contents thereof shall be made verbally, by the introducer; they shall not be debated on the day of their being presented, nor on any day assigned by the House for the reception of petitions, after the first thirty days of the session, unless when the House shall direct otherwise, but shall lie on the table, to be taken up in the order in which they were presented.

40. A proposition requesting information from the Governor of the State, or directing it to be furnished by the head of either of the Executive Departments, or to print an extra number of any document or other matter, excepting messages of the Governor to both Houses, at the commencement of each session of the Legislature, and the reports and documents connected with, or referred to in it, shall lie on the table one day, for consideration, unless otherwise ordered by the unanimous consent of the House; and all such propositions shall be taken up for consideration, in the order they were presented, immediately after reports are called for from select committees; and, when adopted, the Clerk shall cause the same to be delivered.

41. Upon calls of the House, or in taking the yeas or nays on any question, the names of the members shall be called alphabetically.

42. Any member may excuse himself from serving on any committee, at the time of his appointment, if he is then a member of three other committees.

43. No member shall absent himself from the service of the House, unless he have leave, or be sick, or unable to attend.

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

45. When a member shall be discharged from custody, and admitted to his seat, the House shall determine whether such discharge shall be with or without paying fees; and, in like manner, whether a delinquent member, taken into custody by a special messenger, shall or shall not be liable to defray the expense of such special messenger.

46. A Sergeant-at-Arms shall be appointed, to hold his office during the pleasure of the House, whose duty it shall be to attend the House during its sittings; to execute the commands of the House, from time to time; together with all such process issued by authority thereof, as shall be directed to him by the Speaker.

47. The fees of the Sergeant-at-Arms shall be, for every arrest, the sum of two dollars; for each day's custody, and releasment, one dollar; and for travelling expenses, for himself or a special messenger, going and returning, fifty cents per mile.

48. The Sergeant-at-Arms shall be sworn to keep the secrets of the House.

49. The Door-keepers shall be sworn to keep the secrets of the House.

OF STANDING COMMITTEES.

50. It shall be the duty of the committee of Elections to examine and report upon the certificates of election, or other credentials, of the members returned to serve in this House; and to take into their consideration, all such petitions and other matters touching elections and returns, as shall or may be presented or come into question, and be referred to them by the House.

51. It shall be the duty of the committee of Ways and Means to take into consideration all such reports of the Treasury Department, and all such propositions relative to the revenue, as may be referred to them by the

House; to inquire into the state of the public debt or the revenue, and of the expenditure; and to report, from time to time, their opinion thereon.

52. General appropriation bills shall be in order in preference to any other bills of a public nature, unless otherwise ordered by a majority of the House.

53. No appropriation shall be reported in such general appropriation bills, or be in order as an amendment thereto for any expenditure not previously authorized by law, unless in continuation of appropriations for such public works and objects as are already in progress, and for the contingencies for carrying on the several departments of the government.

54. It shall be the duty of the committee on Claims to take into consideration all such petitions and matters or things touching claims and demands on the State as shall be presented, or shall or may come in question and be referred to them by the House, and to report their opinion thereupon, together with such propositions for relief therein as to them shall seem expedient.

55. It shall be the duty of the committee on Commerce to take into consideration all such petitions and matters or things touching the commerce of the State, as shall be presented, or shall or may come into question and be referred to them by the House, and to report from time to time, their opinion thereon.

56. It shall be the duty of the committee on Public Lands to take into consideration all such petitions and matters or things respecting the lands of the State, as shall or may come in question and be referred to them by the House, and to report their opinion thereon, together with such propositions for relief therein as to them shall seem expedient.

57. It shall be the duty of the committee on Public Expenditures to examine into the state of the several public departments, and particularly into laws making appropriations of money, and to report whether the moneys have been disbursed conformably with such laws; and also to report, from time to time, such provisions and arrangements as may be necessary to add to the economy of the departments and the accountability of their officers.

58. It shall be the duty of the committee on Military Affairs to take into consideration all subjects relating to the military establishment and public defence which may be referred to them by the House, and to report their opinion thereupon; and also to report, from time to time, such measures as may contribute to economy and accountability in the said establishment.

59. It shall be the duty of the committee on Roads and Canals to take into consideration all such petitions and matters or things relating to roads and canals, and the improvement of the navigation of rivers, as shall be presented, or may come in question and be referred to them by the House, and to report thereupon, together with such propositions relating thereto as may seem to them expedient.

60. It shall be the duty of the committee on Public Buildings and Grounds, to consider all subjects relating to the public edifices and grounds within the seat of government, which may be referred to them, and report their opinion thereon, together with such propositions relating thereto as may seem to them expedient.

61. It shall be the duty of the committee of Accounts to superintend and control the expenditures of the contingent fund of the House of Assembly, and to audit and settle all accounts which may be charged thereon; and also to audit the accounts of the members for their travel to and from the seat of government, and their attendance in the House.

62. It shall be the duty of the committee on mileage to ascertain and report the distance for which each member shall receive pay.

63. Every bill shall be introduced on the report of a committee, or by motion for leave. In the latter case, at least one day's notice shall be given of the motion; and the motion shall be made and the bill introduced, if leave is given; when resolutions are called for, such motion, or the bill when introduced may be committed.

64. Every bill shall receive three several readings in the House, previous to its passage; and bills shall be despatched in order as they were introduced, unless the House shall direct otherwise; but no bill shall be twice read on the same day, without special order of the House.

65. The first reading of a bill shall be for information; and, if opposition be made to it, the question, shall be, "shall this bill be rejected?" If no opposition be made, or if the question to reject be negatived, the bill shall go to its second reading without a question.

66. Upon the second reading of a bill the Speaker shall state it as ready for commitment or engrossment; and, if committed, then the question shall be, whether to a select or standing committee, or to a committee of the whole House; if to a committee of the whole House, the House shall determine on what day; if no motion be made to commit, the question shall be stated as to its engrossment; and if it be not ordered to be engrossed on the day of its being reported, it shall be placed in the general file on the Speaker's table, to be taken up in its order.

67. After commitment and report thereof to the House, or at any time before its passage, a bill may be re-committed.

68. All bills ordered to be engrossed shall be executed in a fair round hand.

69. When a bill shall pass, it shall be certified by the Clerk, noting the day of its passage at the foot thereof.

OF COMMITTEES OF THE WHOLE HOUSE.

70. In forming a committee of the whole House, the Speaker shall leave his chair, and a chairman, to preside in committee, shall be appointed by the Speaker.

71. Upon a bill being committed to a committee of the whole House, the bill shall be first read throughout by the Clerk, and then again read and debated by clauses, leaving the preamble to be last considered; the body of the bill shall not be defaced or interlined, but all amendments, noting the page and line, shall be duly entered by the Clerk on a separate paper, as the same shall be agreed to by the committee, and so reported to the House. After report, the bill shall again be subject to be debated and amended by clauses, before a question to engross it be taken.

72. All amendments made to an original motion in committee, shall be incorporated with the motion, and so reported.

73. All amendments made to a report committed to a committee of the whole House, shall be noted and reported, as in the case of bills.

74. All questions, whether in committee, or in the House, shall be propounded in the order in which they were moved, except that, in filling up blanks, the largest sum and largest time shall be first put.

75. No motion or proposition for a tax or charge upon the people shall be discussed the day in which it is made or offered; and every such proposition shall receive its first discussion in a committee of the whole House.

76. No sum or quantum of tax or duty, voted by a committee of the whole House, shall be increased in the House until the motion or proposition for such increase shall be first discussed and voted in a committee of the whole House; and so in respect to the time of its continuance.

77. All proceedings touching appropriations of money, shall be first discussed in a committee of the whole House.

78. The rules of proceedings in the House shall be observed in a committee of the whole House, so far as they may be applicable, except the rule limiting the time of speaking; but no member shall speak twice to any question, until every member choosing to speak shall have spoken.

79. No standing rule or order of the House shall be rescinded or changed without one day's notice being given of the motion therefor; nor shall any rule be suspended, except by a vote of at least two-thirds of the members present; nor shall the order of business, as established by the rules of the House, be postponed or changed, except by a vote of at least two-thirds of the members present.

80. It shall be in order for the committee on enrolled bills to report at any time.

81. The rules of Parliamentary practice, comprised in Jefferson's Manual, shall govern the House in all cases to which they are applicable, and in which they are not inconsistent with the standing rules and orders of the House and the joint rules of the Senate and House of Assembly.

82. No person shall be permitted to perform divine service in the chamber occupied by the House of Assembly, unless with the consent of the House. Nor shall the Assembly room be used for any public or private business than Legislative, except by the permission of the House.

83. The rule for paying witnesses, summoned to appear before this House, or either of its committees, shall be as follows: For each day a witness shall attend, the sum of two dollars; for each mile he shall travel in coming to or going from the place of examination, the sum of fifty cents each way; but nothing shall be paid for travelling home when the witness has been summoned at the place of trial.

84. The Clerk shall make a semi-monthly statement of the resolutions and bills (Senate bills inclusive) upon the Speaker's table, accompanied with a brief reference to the orders and proceedings of the House upon each, and the date of such order and proceedings; which statement shall be printed for the use of members.

85. The Clerk shall take proper measures for the care and preservation of the public table provided for the business and accommodation of the House.

86. The unappropriated rooms in that part of the Capitol assigned to the House, shall be subject to the order and disposal of the House.

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

88. No committee shall be permitted to employ a Clerk at the public expense, without first obtaining leave of the House for that purpose.

89. No call of the "yeas and nays" shall be regarded by the Speaker, unless seconded by at least two members. Whenever the "yeas and nays" are called, they shall be spread on the journals.

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

91. No persons, except Senators, State Officers, District Judges and Ladies, shall be admitted within the bar of the House, except by invitation on the part of some member.

Mr. Tucker offered the following resolution:

Resolved, That the State Printer, or person who has performed the duties of that officer during this session, be, and is hereby ordered to print at the

earliest moment possible, 150 copies of the Rules of the Assembly for the use of the members.

Adopted.

On motion of Mr. Wall, the committee of Ways and Means, and the Judiciary committee were authorized to employ clerks.

On motion of Mr. Wood, the House adjourned until to-morrow at 11 o'clock.

HOUSE OF ASSEMBLY.

TUESDAY, January 20, 1852.

The House met pursuant to adjournment.

The roll was called by the Clerk, and Mr. Thompson was found to be absent.

The Journal of Monday, the 19th, was read and approved.

The Speaker announced that the House was ready to proceed to business.

Mr. Merritt, chairman of the Committee on Elections, submitted the following Report:

Mr. Speaker:

The Committee on Elections, to whom was referred the matter of contest between Thomas H. Coates and W. W. Hawkes, (each claiming to be the legally elected representative from Klamath County,) beg leave to report that they have examined the case carefully, and find the following points involved in it:

1. Is the law imperative in regard to making returns within ten days after the day of election?

2. Does the fact of polls not being opened at the time prescribed by law, vitiate the election?

3. Are Scott's Bar and Shasta Plains precincts within the limits of Klamath County?

In regard to the first two points, your committee differed somewhat; but not considering that the case depends, to any great extent, upon the first two points, they pass to the third and last, inasmuch as there has never been any legally authorized survey of the boundary lines of the counties of this State, your committee were compelled to take the best testimony that was available to determine these points. We find, from the testimony adduced, that Klamath County has never exercised any jurisdiction over Shasta Plains and Scott's Bar: on the other hand, Mr. Fleming testifies that Shasta County has exercised jurisdiction over these places by assessing

taxes, and commissioning Justices and Constables for those points: and we find, further, that about eight hundred votes were cast at those places, at the last general election, and returned to Shasta County. We also find that many persons voted both at the Shasta and Klamath County polls. One witness testifies to the fact that he voted in both precincts, and knows that seventeen others did the same; and further, that the polls opened for Klamath were considered, by those voting, as a farce. Messrs. Sprague, Fleming, and others, who were acquainted with the country, testify to the fact that Shasta Plains and Scott's Bar are within Shasta County. It is true that there is some other evidence, going to show that those precincts are within Klamath County, but most of this is founded on the opinions of others. So, from the whole evidence adduced before your committee, they are unanimously of the opinion that Shasta Plains and Scott's Bar precincts are without the limits of Klamath County; and that, therefore, they cannot be legally received for Klamath County. Your committee herewith submit to your consideration the testimony and accompanying documents, (severally marked A, B, C, &c.,) upon which they have founded their opinion. We therefore submit the following resolution, and recommend its adoption:

Resolved, That W. W. Hawkes is legally entitled to the seat now occupied by Thomas H. Coates, as Representative for Klamath County.

Mr. Parrish moved that the Report be laid upon the table and made the special order for Thursday next.

Agreed to.

Mr. Merritt moved that Mr. Hawkes have leave to sit in the hall of the House, and, by himself, or counsel, prosecute his claim to his seat, on this floor.

Agreed to.

Mr. Coffroth made the following report from the Committee on Printing:

The Committee to whom was referred the resolution of Mr. Ellis, (of Nevada,) to authorize the Clerk of the House of Assembly, to contract with the proprietors of the "Union" newspaper, for the execution of the printing of the House, temporarily, beg leave to make the following report:

By an Act passed March 9th, 1850, entitled "an Act defining the duties of State Printer, and fixing his compensation," (Statutes of 1850, p. 83,) "all bills, journals, laws, statutes, reports, messages, or other documents, of the Legislature, shall be printed by the State Printer." Section eleven of the same Act provides the manner in which all bills, joint resolutions and reports, during the session of the Legislature, shall be printed by the State Printer. By the terms of this Act, the printing of either House of the Legislature, during the session, must of necessity, be done by the State Printer, and until the act is repealed, no contract can lawfully be made which shall have the effect of withdrawing from that officer, the printing of the session, or transferring it elsewhere. If such a contract should be ordered, by the House of Assembly, the State Printer would still have a right to do the same work, and obtain his pay therefor, at the prices fixed by law.

Under the Act creating the office of State Printer, (Statutes of 1850, pp. 45, 46, and sections 2, 16 and 18, of Art. V., of the Constitution,) that officer holds his position for the term of two years, and until his successor is elected and qualified. By the judgment of the Supreme Court, in the case *The People ex relatione Eugene Casserly vs. G. Kenyon Fitch*, (rendered December 4th, 1851,) it was decided unanimously by the Court that the relator, Mr. Casserly, was, by law, the State Printer, and entitled to enter upon and discharge the duties of the office. By the Report of the State Printer, presented to the House of Assembly during the first week of the session, and referred to this committee, it appears that Mr. Casserly has, under the judgment of the Supreme Court, entered upon the duties of his office as State Printer, and has already made much progress with the printing of the Laws and Journals of 1851.

Your committee have also to report that the printing of both Houses has been executed, thus far this session, by Mr. Casserly, as fast as the manuscript copy could be furnished him by the clerks, and with a degree of promptitude and efficiency on his part, with which no fault can justly be found.

Your committee are therefore brought to the conclusion, that by law the State Printer alone can rightfully perform the printing of either House of the Legislature during the session,—that Mr. Casserly is lawfully the State Printer, authorized to discharge the duties of the office until his successor is appointed and qualified; and that thus far the State Printer has executed, in a satisfactory manner, the printing required by either House of the Legislature; and your committee are informed, is fully prepared to execute all work called for during the session.

Your committee, therefore, ask leave to be discharged from the further consideration of the resolution referred to them.

JAMES W. COFFROTH,
HERMAN WOHLER,
CHANDLER B. FOWLER,
JOHN CUTLER,
PATRICK CANNEY,
W. H. LYONS,
Committee on Printing.

Mr. Ellis, of Nevada, moved to lay the report upon the table.

Not agreed to.

Mr. Merritt moved that the report be adopted, and that the committee be discharged.

Agreed to.

Mr. Peachy, chairman of the Judiciary committee made the following report:

The Judiciary committee, to whom was referred the bill to be entitled an Act prescribing the manner of electing United States Senators, unanimously report in favor of said bill, and recommend its adoption.

On motion of Mr. Boggs, the report was laid upon the table for the present.

Mr. Peachy made the following report:

The Judiciary committee, to whom was referred the Joint Resolution offered by Mr. Merritt, in relation to suits against county Treasurers, have the honor to report the following Joint Resolution in lieu of that offered by Mr. Merritt, and unanimously recommend its adoption.

Resolved, By the Senate and Assembly, that the Attorney General be authorized and instructed to bring, or cause action to be brought against all county Treasurers who have failed to pay into the State Treasury all funds due the State, and to institute proceedings, civil or criminal, against such Treasurer's, and all other officers who may have embezzled the public funds, or unlawfully withhold the same, or refuse or neglect to settle with the proper offices their accounts.

Mr. Ellis, of Nevada, moved that the report be adopted.
Agreed to.
Mr. Wing offered the following resolution:

Resolved, That a committee of three be appointed to make arrangements with the Postmaster of Sacramento City for the postage of letters and papers of members of the House.

Mr. McMullin moved that the resolution be adopted.
Agreed to.
Messrs. Wing, McMullin and Smith were appointed said committee.
Mr. Coffroth moved the following resolution:

Resolved, That the House of Assembly with the concurrence of the Senate, will meet that body in Joint Convention, on Monday, the 26th instant, at 12 o'clock, M., to elect a United States Senator in the place of the Hon. John C. Fremont, whose term of office expired, March 4th, 1851.

Mr. Merritt, moved the adoption of the resolution.
Mr. McMeans offered an amendment, which was accepted by Mr. Coffroth, to strike out the 26th and insert the 23d.
Mr. Hinchman offered the following amendment:
Provided, That at, or before that time, all cases of contested elections, either in the Senate or the Assembly shall have been finally determined.
Not agreed to.
Mr. McMullin moved to lay the whole matter upon the table.
Not agreed to.
The following resolution was received from the Senate:

Resolved, (The Assembly concurring) That the rooms in the building now occupied by the Legislature, be placed at the disposition of the President of the Senate, and the Speaker of the Assembly, to be awarded by them to the various committees.

Concurred in.
Mr. Merritt moved to amend the resolution offered by Mr. Coffroth so as read the 26th, instead of the 23d.
Agreed to.

The resolution, as amended, was then adopted by the House.

Mr. Ellis introduced a bill for an Act to regulate the Terms of the District Court for the Tenth Judicial District.

Read a first and second time, and referred to Judiciary committee.

Mr. Colby, chairman of the committee on Enrolled Bills, reported that the committee had examined Joint Resolution in reference to Treasurer of State; and Joint Resolution authorizing the Supreme Court to hold its present session in the City of San Francisco, and found them correctly enrolled.

Mr. Hinchman introduced a bill, an Act to provide for the enumeration of the Inhabitants of the State of California.

Read a first time.

Mr. Crabb gave notice, that on to-morrow, or an early day thereafter, he would introduce a bill authorizing the owners of slaves brought to the State previous to her admission into the Union, to carry them out of the State, or make other disposition of them.

Also a bill concerning Free Persons of Color.

Mr. Boggs moved to take from the table the report of the Judiciary committee, and the bill in relation to the election of United States Senators.

Agreed to.

Mr. Taliaferro asked leave of absence for Mr. Thompson of Santa Clara.

Leave granted.

On motion of Mr. Coffroth, the House resolved itself into Committee of the Whole, (Mr. Merritt in the chair) to consider a bill relative to the election of United States Senators: after some time spent therein, the committee rose, reported the bill without amendment and were discharged.

The bill was considered as engrossed, and read a third time and passed.

Mr. Boggs moved that the clerk give notice to the Senate of the passage of the bill.

Agreed to.

Mr. Hinchman moved that one hundred copies of a bill entitled an Act to provide for the enumeration of the Inhabitants of the State of California be printed.

Agreed to.

Mr. Merritt moved that Mr. Coates be allowed access to the testimony in the case of the contested election in Klamath County, between himself and Mr. Hawks.

Agreed to.

Mr. Law moved that the House do now adjourn until 11 o'clock to-morrow.

Agreed to.

HOUSE OF ASSEMBLY.

WEDNESDAY, January 21, 1852.

House met pursuant to adjournment.

The roll was called by the Clerk, and the following members found absent, Messrs. Blanchard, Canney, Coates, Fleming, Gardiner, Graham, Hopkins, Law, McKenzie, Stark, Turner, Wall, Wohler and Yeiser.

The Journal of Tuesday, the 20th, read and approved.

The Speaker announced that the House was now ready to proceed to business.

Mr. Merritt gave notice that he would move to reconsider the vote of the House yesterday, adopting a concurrent resolution in relation to the disposition of the rooms in the building now occupied by the Legislature.

Mr. Peachy presented the credentials of Messrs. Del Valle and Pico, members elect from the county of Los Angeles, each of whom came forward, were qualified, and took their seats.

Mr. Ford introduced a petition from the citizens of Colusi county, praying a division of the county, and moved the petition be referred to the Committee on County Boundaries.

Agreed to.

Mr. Merritt made the following report from the Committee on Elections:

The Committee on Elections, to whom was referred the matter of contest between F. J. McCann and John Cook, one of the sitting members of Assembly for Yuba county, ask leave to report.

Your Committee have examined the evidence offered by Mr. McCann and Mr. Cook and find that a certificate of election was issued to the latter gentleman on a vote of two thousand three hundred and fifty-eight for Cook and two thousand three hundred and forty-three for McCann. In summing up the votes the County Clerk put down McCann's vote at Park's Bar, as 200, but the tally list shows that McCann received 205 votes at Park's Bar. In addition to this an election return from Indian Ranch, was not counted by the Clerk, has been admitted, and at that place McCann received 40 votes, and Cook 25. Mr. Cook has also introduced a return from Strawberry Valley which was admitted by the contestant, McCann. Strawberry Valley gave Cook 29 votes, and McCann 19. Thus the number of votes, stands for Cook, 2412, for McCann 2407. But the County Clerk, in his summary of the votes on which Mr. Cook's certificate of election was based, counted a return made from Rose's Bar, and this return which shows a vote of 87 for Cook, and of 53 for McCann, should according to the contestant be thrown out, as altogether invalid. It appears that after the poll was closed at Rose's Bar, some 35 or 37 ballots were thrown into the ballot box, with the consent of the Judges and Inspectors of Election.

These ballots were counted in the return made from that precinct.

A witness, whose testimony was read before your committee, testifies that the thirty-five or thirty-seven ballots thrown into the Rose Bar ballot box, were received at Independence Bar—a place not more than one mile distant from Rose's Bar. He also states that a judge and inspectors were chosen by the people at Independence Bar, on the morning of the election. But the

Court of Sessions had not ordered a poll to be opened there: hence, the appointment of the judges and inspectors was a nullity. It was necessarily a nullity, because the law expressly and peremptorily enacts that no election precinct shall be within two miles of another election precinct, unless within the limits of an incorporated city. From this, it follows:—that the ballots carried from Independence Bar and thrown into the ballot box at Rose's Bar, were not and could not have been legal votes, neither the men sitting at Independence Bar as officers of election, nor the persons presenting their ballots to be counted as votes, could be punished for any improper conduct they might have committed.

Your committee, therefore, are led to the conclusion that the ballots thrown into the Rose Bar ballot box after the poll was closed, were illegal.

Your committee are also of opinion that the return from Rose's Bar should be rejected, because of the improper conduct of the officers of election.

If the returns from Rose's Bar be rejected, Mr. McCann is the duly elected Representative of Yuba County, in the House of Assembly.

Your committee therefore recommend the passage of the following resolution:

Resolved, That F. J. McCann, a duly elected member of the Assembly from Yuba County, be admitted to a seat in this House after he has taken the constitutional oath of office.

MERRITT,
YEISER,
LAW,
BOGGS,
} Committee of Election.

Mr. Ellis, of Nevada, moved that the Report of the committee be laid upon the table for the present.

Agreed to.

Mr. Harazthy, chairman Select Committee, made the following report:

The Select Committee, to whom was referred the petition of the inhabitants of the city of San Diego, beg leave to report—

That having had under consideration the accompanying bill and petition, they would respectfully recommend the passage of the bill in its present form.

A bill to repeal the charter of San Diego. Read first time and referred to Committee on Corporations.

Mr. Wing, chairman of Select Committee, made the following report:

The Committee appointed to make arrangements with the Post Master of Sacramento City, for the postal expenses of the members, during the present session, beg leave to report as follows:

That they called upon the Post Master, and arranged that the postal expenses of the Assembly should be paid quarterly.

Members will please to endorse their communications with their names, and the word Assembly.

All of which is respectfully submitted.

On motion of Mr Wood, the report was adopted.

Mr. Peachy informed the House that the Judiciary Committee had elected I. M. Peters, Esq., Clerk of that Committee.

Mr. Tucker offered the following:

Resolved, That the people of California, in Senate and Assembly, represented, have witnessed with admiration and sympathy, the struggle of the people of Hungary against the usurpation of the House of Austria, and hereby express their deep regard and good wishes towards Louis Kossuth, and his brave com-patriots, the illustrious guests of our people and government.

Mr. Boggs moved that the rules be suspended, and give the resolution a second reading forthwith.

Not agreed to.

Mr. Wall moved that the resolution be laid upon the table for the present.

Agreed to.

Mr. Wall offered the following:

Resolved, By the Senate and Assembly, of the State of California, that the Comptroller be and he is hereby authorized and directed to draw Warrants in favor of William E. P. Hartnell, State Translator, for the amount due him for the translation of the laws and resolutions into the Spanish language, whenever the evidence of the correct and complete translation of said laws and resolutions shall be presented at the office of the Comptroller.

Mr. McMullin moved to refer the resolution, offered by Mr. Wall, to the Committee on Claims.

Agreed to.

The following communication was received from his Excellency the Governor, by his private Secretary.

To the Assembly:

I have this day signed the joint resolution directing the Treasurer of the State to suspend all payments, until the archives are removed to the place where the Legislature is in session. Also, I have this day signed a joint resolution authorizing the Supreme Court to hold its present session in the city of San Francisco.

JOHN BIGLER.

Mr. Dameron offered the following, which was adopted:

Resolved, That a Select Committee of five be appointed to investigate the contest between D. M. Chauncey and Isaac Thorne.

Messrs. Dameron, Canney, McKim, McKenzie and Fowler, were appointed said committee.

Mr. Wood gave notice that he would, on to-morrow, or some early day thereafter, introduce the following bills:

An Act to amend an Act prescribing the mode of assessing and collecting Public Revenue, passed May 1, 1851.

An Act to amend an Act to regulate Elections, passed March 23, 1850.

An Act to amend an Act to license Gaming, passed March 14, 1851.

An Act to provide for the erection of a State Marine Hospital at San Francisco.

Mr. McMullin gave notice that he would at an early day, introduce a joint resolution relative to the improvement of the Bay and Harbor of Humboldt.

Mr. Boggs introduced a bill for an Act for the authentication of statutes without the approval of the Governor.

Read first time and referred to Judiciary Committee.

Mr. Crabb gave notice that he would at an early day, introduce a bill for an Act to change and define the boundaries of San Joaquin County.

Mr. Graham gave notice that he would at an early day, introduce a bill providing for an election of members to a convention to remodel the present Constitution.

Mr. Paxton gave notice that he would at an early day, introduce a bill for the establishment of a branch of the State Hospital at the city of Marysville.

Mr. Wall gave notice that he would at an early day introduce a bill to equalize taxation in the State of California, and to repeal an Act prescribing the mode of assessing and collecting Public Revenue, passed May 1, 1851.

Also, an Act prescribing the mode of assessing and collecting Public Revenue, passed March 30, 1850.

Mr. Peachy gave notice that he would introduce a bill for an Act exempting from taxation the Custom Houses, and certain other public buildings belonging to the United States, in this State, and the sites therefor.

Mr. Merritt moved a reconsideration of the vote of yesterday, authorizing the President of the Senate and Speaker of the House to dispose of the rooms in the building now occupied by the Legislature, which motion was agreed to.

Mr. Merritt offered the following:

Resolved, By the Assembly, the Senate concurring, that the rear room of this building, on the left of the passage, now occupied by the Treasurer, be and is hereby appropriated for the use of the Treasurer, and the room opposite, for the Comptroller,—and that the remaining rooms of this building be assigned to the different Committees, by the President of the Senate and Speaker of the House.

Mr. Graham offered the following as an amendment:

That the rooms now occupied by the Secretary of State be appropriated to him.

Mr. Ellis, of San Francisco, moved that the resolution with the amendment proposed, be referred to a Special Committee of three.

Agreed to.

Messrs. Ellis, of San Francisco, Peachy and Parrish, were appointed said committee.

Mr. Blanchard made the following Report:

The Committee on Accounts have had presented for their consideration several accounts of members of the Assembly for mileage and pay, and submit, thereupon, the following Report:

By the Act of February 20th, 1850, concerning the salaries of officers, the members of the Legislature were entitled to receive $16 per diem, and mileage at the rate of $16 for every twenty miles' travel.

An Act was passed, through the usual forms of legislation, by both Houses of the last Legislature, on the first day of May, 1851,—the day of their adjournment. It was designed to repeal the Act of the 20th of February, 1850, and to fix a different rate of compensation. That Act was not approved until after the adjournment of the Legislature.

The attempt to approve a law, by the Executive, after such adjournment, is, in the opinion of the committee, contrary to the provisions of the Constitution, (and the rules regulating the time of such approval.) If the Executive may set up a right to do this one day, or two days, or ten days, after the adjournment, he may exercise the power, with equal pretence of constitutionality, at any time between the period of the adjournment of one Legislature and the meeting of another. The committee forbear to animadvert upon the circumstances of this case. They are so glaringly marked, however, as to call, in their opinion, for the decided disapprobation of the Legislature, to be expressed in some legal form, which shall have the effect of removing all doubt upon the subject, and, at the same time, be likely to prevent, for the future, any such act on the part of the Executive.

Precedents for the encroachment of Executive power, are growing evils, which, in the end, often effect the most mischievous results.

It is not merely that the attempted act, as it stands, is totally unequal and inadequate in its provisions, but the great importance, which the violation of the law here assumes, as a guide and authority for the future, makes it necessary that some suitable action, on the part of the Legislature, shall be had, of a remedial character.

What interpretation may be given to the imperfect Act referred to of the 1st May, 1851, by the Executive officers, whose duty it is to pay out all moneys, the committee is not advised.

They may entertain no doubt in relation to the fact that it never became a law, but they may also feel some difficulty in assuming to pass an interpretation upon it which would be final.

The committee entertain no doubt that the imperfect Act, purporting to be of the 1st of May, failed to become a law; and that the Act of March the 5th, 1850, remains unrepealed and in full force.

With these views, the committee ask leave to submit the following resolutions:

Resolved, That the committee on accounts be, and are hereby directed to be, guided in their approval of the mileage and per diem accounts of members of the Assembly, by the Act of February 20th, 1850.

And further,

Resolved, If any Executive officer or officers shall fail or refuse to pay the accounts of members of the Assembly which may be approved by the Committeee on Accounts, and shall only pay them at the rate prescribed by the incomplete Act of the 1st of May, 1851, then, in that case, the Speaker is hereby directed to request the Attorney-General to take the case forthwith before the Supreme Court, and obtain an adjudication thereof, and such process as may be necessary to enforce the Act of the 20th of February, 1850.

Mr. Merritt moved that the Resolutions, in the Report of the Committee on Accounts, be referred to the Judiciary Committee.

Not agreed to.

Mr. McMullin moved the adoption of the Report and Resolutions.

Mr. Boggs demanded the ayes and nays upon the first Resolution.

Those who voted in favor of the Resolution were—

Messrs.	Blanchard,	Messrs.	Lyons,
	Brush,		McConaha,
	Canney,		McKenzie,
	Colby,		McMeans,
	Covarrubias,		McMullin,
	Crabb,		Morse,
	Cutler,		Orrick,
	Dameron,		Parrish,
	Ellis, of Nevada,		Paxton,
	Fleming,		Pierce,
	Fowler,		Ridley,
	Gardiner,		Smith,
	Gibson,		Stephenson,
	Graham,		Taliaferro,
	Hinchman,		Tucker,
	Hopkins,		Turner,
	Ingersoll,		Wing,
	Kipp,		Wood,
	Law,		Speaker—38.

Those who voted against the passage of the Resolution were—

Messrs.	Boggs,	Messrs.	Hudspeth,
	Caldwell,		Jones,
	Chauncey,		Merritt,
	Coffroth,		Pacheco,
	Crittenden,		Pico,
	Del Valle,		Peachy,
	Ellis, of San Francisco,		Wall,
	Ford,		Wohler,
	Harazthy,		Young—18.

Resolution adopted.

Mr. Peachy introduced the following as a substitute for the second resolution:

Resolved, That the Attorney-General be directed to take such legal steps as may be necessary to obtain a judgment of the Supreme Court upon the validity of the Act of 30th March, 1851, entitled an Act concerning the Salaries of Officers and pay of Members of the Legislature.

Not agreed to.

Upon the passage of the second resolution, offered by the Committee on Mileage, Mr. Ellis, of San Francisco, demanded the ayes and nays:

Those who voted in favor of the resolution were—

Messrs. Blanchard,
Brush,
Canney,
Caldwell,
Coffroth,
Colby,
Covarrubias,
Crabb,
Dameron,
Del Valle,
Ellis, of Nevada,
Fleming,
Fowler,
Gardiner,
Gibson,
Hinchman,
Hopkins,
Ingersoll,
Kipp,
Messrs. Law,
Lyons,
McConaha,
McKenzie,
McMullin,
Morse,
Orrick,
Parrish,
Paxton,
Pierce,
Ridley,
Stephenson,
Taliaferro,
Tucker,
Turner,
Wing,
Wohler,
Wood,
Speaker—38.

Those who voted against the resolution were—

Messrs. Boggs,
Chauncey,
Crittenden,
Ellis, of San Francisco,
Ford,
Harazthy,
Hudspeth,
Jones,
Messrs. McMeans,
Merritt,
Pacheco,
Peachy,
Pico,
Smith,
Wall,
Young—16.

Orders of the day taken up.

A bill for an Act to make an enumeration of the inhabitants of this State, was read a second time, and, on motion of Mr. McMullin, it was referred to the Judiciary Committee.

Mr. Hinchman introduced a bill for an Act concerning the County Recorder of Santa Barbara County.

Read a first time and ordered to a second reading to-morrow.

Mr. Wall offered the following:

Resolved, That the Committee on Elections be instructed to enquire whether or not Herman Wohler is entitled, under the constitution of the State, and the laws of naturalization, to his seat as a member of this Assembly.

Agreed to.

Mr. Morse, chairman of the Committee on Mileage, made a report which was, on motion of Mr. Wood, adopted, fixing the number of miles each member was entitled to receive pay for, in travelling to and returning from the Legislature.

Mr. Parrish moved that the House do now adjourn until 11 o'clock to-morrow.

Agreed to.

HOUSE OF ASSEMBLY.

THURSDAY, January 22, 1852.

House met pursuant to adjournment.

The roll was called by the clerk, and the following members found absent, Messrs. Cook and Wohler.

The Journal of Wednesday the 21st, read, amended, and approved.

The Speaker announced the House ready to proceed to business.

Mr. Paxton presented a petition from the citizens of Yuba County, praying a division of the county, and moved its reference to the committee on County Boundaries.

Agreed to.

A memorial from the inhabitants of the City of Vallejo, was presented by the Speaker, which was read, and

On motion of Mr. Lyons referred to the committee on Claims.

Mr. Ellis, of Nevada, made the following counter report in the case of the contested election between Mr. Cook and Mr. McCann, which

On motion of Mr. Crabb was laid upon the table for the present.

Mr. Speaker:—

The committee on Elections having carefully considered and examined into the law and facts, presented to them in the matter of the seat occupied by John Cook, Esq., as member of the Assembly for Yuba County, contested by F. J. McCann, Esq., being equally divided in opinion, the undersigned members of said committee, ask leave to present the following as their report in said case:

The only point of importance presented in this case, and upon which the

committee are unable to agree, is in relation to the returns from the precinct of Rose's Bar, which were counted by the clerk in canvassing the returns, and were necessary to give Mr. Cook, a majority of the whole number of votes over Mr. McCann, and which, if rejected, would entitle Mr. McCann, by a small majority, to the seat now held by Mr. Cook. The evidence presented to your committee, shows that a regular precinct was appointed at Rose's Bar in conformity to the requirements of the election law—that an Inspector and Judges were duly appointed, and that one hundred and eighteen (118) votes were polled at said precinct. On the morning of the same day, the qualified electors of Independence Bar, one mile distant from the precinct at Rose's Bar, met and appointed an Inspector and Judges, intending to avail themselves of the provisions of the sixth section of the election law, passed April 26, 1851, which is as follows:

"When an election is ordered, the county Judge shall appoint for each precinct, from the qualified electors of the township in which such precinct lies, one Inspector and two Judges, who shall constitute a board of Judges of Election. In case said board be not appointed for any precinct by the county Judge, the electors present on the morning of the day of election, at the place where the polls were opened on the day of the last previous general election, may appoint a board of Judges for such precinct."

The Inspectors thus appointed were duly qualified by ——— Appley, Esq., a Justice of the Peace, and proceeded to receive into a ballot-box thirty-five votes given by qualified electors—the ballot-box sealed up and containing said votes, together with the poll-book was then conveyed by said Inspectors to the Rose's Bar precinct, and the ballots placed in the ballot-box, and counted by the Inspectors, with the votes given by the electors of said precinct.

No fraud is alleged to have been committed at either of the precincts in question; but, on the contrary, the admission of parties and the affidavits of the Inspectors, furnish conclusive evidence that the election at each precinct was fairly conducted and the votes given by the qualified electors of Yuba County, neither does it appear from any evidence before the committee, whether Mr. Cook, or the contestant, who claims his seat, received a majority of the votes given at Independence Bar.

Admitting, then, that the precinct opened at Independence Bar, was not in strict conformity to the law in force at the time said election was holden, and that the thirty-five votes given at said precinct ought to have been rejected, does the fact, that they were improperly counted with the votes given at Rose's Bar, through a misconception of the law on the part of the Inspectors, invalidate the entire vote given at that precinct? Does the law contemplate that an informality in making returns, or an irregularity in the proceedings of the Inspectors, originating in a mistaken construction of the law, or a misconception of their duties, where no fraud is shown, shall vitiate an election and work a disfranchisement of over a hundred of the legal voters of Yuba County? It is a fact within the knowledge of, probably, every member of the Assembly, that the election law was but partially understood in many of the remote and mountain counties, at the time of holding the last election, owing to the sparse circulation of newspapers, and the almost impossibility, in many instances, of procuring copies of the

law. If, then, so rigid a construction is to be adopted and applied to the directory provisions of the election law, or even to its absolute requirements, as asked for by a portion of the Committee, it is a matter worthy of consideration, how far such a rule of construction might affect the entire elections of the State.

The return of Rose's Bar precinct, entered into the computations of the Clerk, which resulted in giving seats to every representative of Yuba county in the present Legislature. They were counted for Governor and Lieutenant Governor, and all the principal officers of the State, as well as for the various officers for Yuba county; and prudence seems to suggest, that we should pause and reflect, before setting a precedent by the rejection of the entire returns of the Rose Bar precinct, for the reasons assigned, that might lead to an endless succession of controversies and contests upon similar grounds, in almost every county and for almost every elective office in the State.

Section 37, of Article 5th, of the Election Law, provides, "that no tally paper, poll list, or certificate, returned from any election, shall be set aside or rejected for want of form, nor on account of its not being strictly in accordance with the directions of said Act, if the same be satisfactorily understood.

It is not contended that the returns from Rose's Bar could not be understood, or were liable to any other objection, than that of containing the returns of the thirty-five votes given at Independence Bar. Your Committee are therefore fully of opinion, that only the votes given at Independence Bar should be rejected, and as no evidence shows for which of the contending parties those votes were given, it is impossible to determine whether Mr. Cook or Mr. McCann, is the legally elected representative of Yuba county, and they therefore recommend the adoption of the following resolution.

Resolved, That the seat in the Assembly now occupied by John Cook, Esq., be, and the same is hereby declared vacant, and that a new election be ordered in Yuba county to fill the seat so declared vacant.

All of which is respectfully submitted.

[SIGNED.]

E. F. W. ELLIS,
R. N. WOOD,
HENRY A. CRABB,
A. C. PEACHY.

The following message was received from the Senate:

Mr. Speaker:

The Senate yesterday concurred in a resolution of the Assembly, fixing the time to meet in joint convention for the election of a United States Senator, with this amendment—to meet on Wednesday, the 28th, instead of Monday, the 26th, January.

A. C. BRADFORD,
Secretary of the Senate.

January 22, 1852.

Mr. Taliaferro, chairman of the committee on corporations made the following report:

Your committee, to whom was referred the bill entitled a bill to repeal the charter of San Diego, respectfully submit, that they have given it due consideration, and recommend its adoption.

Mr. Wall made the following report:

The committee of Ways and Means, to whom was referred the resolution of Mr. Wing, relative to supplying members with daily papers for the session, beg leave to report the following substitute, and recommend its adoption.

Resolved, That the Sergeant-at-Arms, of the Assembly, be directed to supply to the order of each member, two daily papers for the session.

Mr. Dameron made the following request:

The Select Committee, to whom was referred the contest between D. M. Chauncey, and Isaac N. Thorne, respectfully ask the House to issue subpœnas, for E. G. McGowan, J. E. Addison, and A. C. Peachy, to be and appear before said committee, this day, at 4 o'clock, in the Assembly Hall.

Agreed to.

Mr. Merritt moved that the House order subpœnas for Mr. Wm. Robb, David Cisort, Wm. Brown, and Dr. Elliott, to give testimony in the case of contest, between Mr. McCandless, and Mr. Fleming of Shasta County.

Agreed to.

Mr. McMeans offered the following resolution:

Resolved, That the Attorney General be requested to furnish to this House, at the earliest practicable day, his opinion as to the constitutionality of imposing a capitation tax on aliens or foreigners.

Agreed to.

Mr. Wing moved a re-consideration of the vote of yesterday, adopting the first resolution offered by the committee on Accounts.

Mr. McMullin moved to indefinitely postpone the motion made by Mr. Wing.

The question being put, Mr. Merritt demanded the ayes and nays.

Those who voted in the affirmative were—

Messrs. Blanchard,
Crabb,
Cutler,
Ellis, of Nevada,
Gardiner,
Hinchman,
Hopkins,
Jones,
McKenzie,
McMullin,
Orrick,
Stephenson,
Taliaferro—13.

Those who voted against the indefinite postponement were—

Messrs. Boggs,	Messrs. Lyons,
Brush,	McConaha,
Canney,	McKim,
Caldwell,	McMeans,
Chauncey,	Merritt,
Coates,	Morse,
Coffroth,	Pacheco,
Colby,	Parrish,
Covarrubias,	Paxton,
Crittenden,	Peachy,
Dameron,	Pierce,
Del Valle,	Pico,
Ellis, of San Francisco,	Ridley,
Fleming,	Smith,
Ford,	Stark,
Fowler,	Tucker,
Gibson,	Turner,
Graham,	Wall,
Harazthy,	Wing,
Hudspeth,	Wohler,
Ingersoll,	Young,
Kipp,	Speaker—44.

Motion lost.

The House then took the vote on the motion to re-consider, and decided in the affirmative.

Mr. Wing moved a re-consideration of the vote in reference to the second resolution.

Which was re-considered.

Mr. Wing offered the following as a substitute:

Resolved, That the committee on Accounts be, and they are hereby instructed to audit the mileage and per diem accounts of members, at the rates of pay fixed by the Act, passed May 1st, 1851, until such time as the Supreme Court may decide such Act to be of no force and effect.

Mr. Ellis, of Nevada, offered the following as an amendment, That as members of the Assembly, we will refund to the State Treasury all we may receive for mileage and per diem over the sum of five dollars per day, and five dollars for every twenty miles of travel to and from the seat of government.

Mr. Lyons moved to lay the whole subject upon the table.

Agreed to.

Mr. Merritt moved to re-consider the vote of yesterday, adopting a resolution instructing the committee on elections to inquire whether Herman Wohler was entitled to a seat upon this floor.

Motion lost.

Mr. Fleming offered the following resolution:

Resolved, That Mr. McCandless be requested to inform this House whether he contests Mr. Fleming's or Mr. Pierce's seat; and whether he

wishes those seats declared vacant, or wishes to occupy them both himself.

Mr. Lyons moved that the resolution be laid upon the table.

Agreed to.

Mr. Caldwell offered the following resolution:

Resolved, That the several ministers of the Gospel in this city be invited to officiate alternately as chaplains for this House every morning of its session.

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

Agreed to.

Mr. Merritt moved that the case of contest between Messrs. Cook and McCann be made the special order for to-morrow.

Agreed to.

Mr. Harazthy offered the following:

Whereas, The River of San Diego, by reason of the immense deposits of sand that it annually makes in the Bay of San Diego, is destroying the Channel and character of said Bay, therefore

Resolved, By the Senate and Assembly of the State of California, that our Senators be and are hereby instructed, and our members in the House of Representatives be requested, to exercise all their influence to procure an appropriation from Congress for the turning of the River of San Diego from the Bay of said name into False Bay.

Read a first time, ordered to a second reading on to-morrow.

Mr. Merritt moved that Mr. McCann be allowed a seat upon this floor, to prosecute by himself, or counsel, his claim to a seat in the Assembly.

Agreed to.

Mr. Ellis, of Nevada, moved that the orders of the day be now taken up.

Agreed to.

Mr. Wood moved that the House concur in the amendment made by the Senate, to go into the Election of United States Senator on 28th, instead of 26th.

Agreed to.

The contested election between Messrs. Coates and Hawkes, was next taken up, and

On motion of Mr. McMullin, the evidence in the case was read by the Clerk.

On motion of Mr. Merritt, the House resolved itself into Committee of the Whole, Mr. Lyons in the chair, to consider the contested election between Messrs. Coates and Hawkes; after spending considerable time in reference thereto,

On motion of Mr. Hammond, the committee rose, and reported the following preamble and resolution for the consideration of the House.

Whereas, It appears to this committee, that Thomas W. Coates, one of the contestants for Klamath County, has reason to believe that he can now adduce other and important testimony bearing upon the merits of his case, and, *Whereas*, it is the desire of this committee to do full justice to the parties; Therefore,

Resolved, That this committee now rise and recommend to the House that the whole matter be referred back to the Committee on Elections, with instructions to examine and report upon the case *de novo*.

Agreed to.

The following message received from the Senate:

Mr. Speaker:

The Senate this day concurred in the resolution of the Assembly, passed 12th instant, to appoint a committee to confer with M. G. Vallejo, in regard to the removing the seat of government from Vallejo, and that Messrs. Cooke, De la Guerra and Soule, have been appointed the committee on the part of the Senate.

A. C. BRADFORD,
Secretary of the Senate.

January 22, 1852.

On motion of Mr. McMullin, the House adjourned until to-morrow, at 11 o'clock.

HOUSE OF ASSEMBLY.

FRIDAY, January 23, 1852.

The House met pursuant to adjournment.

The roll was called by the Clerk and the following members found absent:

Messrs. Canney, Chauncey, Coates, Cook, Dameron, Fowler, Gardiner, McKim, Orrick, Parrish and Taliaferro.

The journal of Thursday, 22d, was read, amended and approved.

The Speaker announced that the House was ready to proceed to business.

Mr. Fleming presented a petition from the citizens of Shasta Butte City, praying the Legislature to make a new County out of territory therein described, and moved its reference to a Special Committee of three.

Agreed to.

Messrs. Fleming, Cutler and Brush, were appointed said committee.

Mr. Wall, chairman of Committee of Ways and Means, made the following report:

The Committee of Ways and Means, to whom was referred the resolution of Mr. Merritt, instructing them to report the per diem allowance of the Clerk and other officers of this House, respectfully beg leave to submit the following resolution and recommend its adoption:

Resolved, That during the present session of the Legislature, the pay of the officers of the Assembly, shall be as follows, viz:

The Chief Clerk shall receive twenty dollars per diem; the Assistant Clerk, the Clerk to the Judiciary Committee, and the Clerk to the Committee of Ways and Means, shall receive eighteen dollars per diem; the Enrolling and Engrossing Clerks shall receive sixteen dollars per diem; and that all other Clerks shall receive sixteen dollars per diem while they shall be actually employed. The Chief Clerk to give certified bills of the same.

The Sergeant-at-Arms and Door Keeper, shall receive the same pay per diem as is or may be allowed to members of Assembly.

And that the Page and Assistant Page shall receive eight dollars per diem.

Mr. Merritt moved that the report be laid upon the table for the present.

Agreed to.

Mr. Ellis, of San Francisco, chairman Select Committee, made the following report:

Your committee to whom was referred the resolution to dispose of the several rooms in this building, beg leave to report,

That they have examined the building and find ten rooms, three of which are now occupied by the Treasurer, Comptroller, and Secretary of State, being seven large rooms for the use of committees, which, in the opinion of the committee, are amply sufficient for the use of all the committees of both Houses.

Your committee would therefore recommend the adoption of the resolution.

Report of the committee agreed to.

The resolution was then adopted by the House.

Mr. Harazthy offered the following, which, on motion of Mr. Ellis, of San Francisco, was adopted:

Resolved, That his Excellency the Governor, be requested to transmit to this House the Special Report of the Adjutant General.

Mr. Stark gave notice that he would, on to-morrow, or some future day, introduce a bill, entitled an Act to more particularly define the boundary lines of the County of Napa.

Mr. Chauncey gave notice that at an early day he would introduce a bill, entitled an Act to fund the County Scrip of the County of San Francisco.

Mr. Peachy gave notice that he would introduce a bill to be entitled an Act to provide for the transferring of certain causes which County Judges may be disqualified from trying.

Also, a bill to be entitled an Act regulating the duties of Harbor Master, of the Port of San Francisco, and for other purposes.

Mr. McMullin introduced a bill authorizing the Treasurer of the State of California, to take possession of certain property, in the city of San Francisco, and to repeal the Act entitled an Act to provide for the disposition of certain property, of the State of California, passed March 26, 1851. And the Act entitled an Act in relation to the city of San Francisco, passed May 1, 1851.

Mr. Yeiser moved that the bill be referred to a Select Committee of five.

Agreed to.

Messrs. Yeiser, Peachy, Ellis of San Francisco, Merritt and Pacheco, were appointed said committee.

Mr. Wall introduced a bill for an Act to provide for the payment of the expenses in removing the Archives of State from San Jose to Vallejo, and thence to the City of Sacramento.

Read a first and second time, and

On motion of Mr. Boggs made the special order of the day for to-morrow.

Mr. McMeans introduced a bill to amend an Act entitled an Act concerning Crimes and Punishments, passed April 16th, 1850.

Read a first time, and ordered to a second reading to-morrow.

Mr. Graham introduced a Joint Resolution, instructing our Senators and Representatives in Congress, to ask of Congress the cession of Angel Island for prison purposes, and

On motion of Mr. Merritt, it was referred to Committee on Federal Relations.

Mr. McConaha, introduced a bill to provide for appeals in certain cases, which was read, and on his motion the rule was suspended, the bill was read a first and second time by title, and referred to Judiciary Committee.

Mr. Tucker introduced a Joint Resolution, instructing our Senators and requesting our Represeutatives in Congress to use their influence to procure an appropriation from the General Government of ten thousand dollars for the improving and clearing a certain stream known as the Georgiana Slough.

Read a first time and ordered to a second reading on to-morrow.

Orders of the day taken up.

Joint Resolution in reference to the Bay of San Diego, read a second time, and, on motion of Mr. Ellis, of San Francisco, it was referred to Committee on Commerce.

A bill for an Act to repeal the charter of the city of San Diego, read a second time, and, on motion of Mr. Harazthy, the rule was suspended, the bill considered as engrossed, read a third time and passed.

The following message was received from the Governor by his private secretary:

HON. R. P. HAMMOND,

Speaker of the Assembly:

In compliance with the request of the author, Captain C. Ringgold, U. S. N., I herewith transmit a series of Charts, with sailing directions, embracing various Maps of the Bays, Harbors and Rivers of California.

I have the honor to be

Your obedient servant,

JOHN BIGLER.

Report of the Committee of Ways and Means, requiring the Sergeant-at-Arms to procure two daily papers for each member.

Agreed to.

A bill for an Act concerning the County Recorder of Santa Barbara County, read a second time, and, on motion of Mr. Hinchman, referred to Judiciary Committee.

Mr. Boggs asked and obtained leave of absence for Mr. Ford until Monday next.

Mr. Lyons moved that J. C. McCarty, Esq., have leave to sit in the House as counsel for Mr. Cook.

Agreed to.

On motion of Mr. Merritt, the House resolved itself into Committee of the Whole, Mr. Lyons in the chair, to consider the contested election between Messrs. McCann and Cook; after spending some time in the consideration of the case,

On motion of Mr. Hammond, the committee rose, and reported the subject matter back to the House.

The following message was received from the Senate:

Mr. Speaker:—

I am directed to inform the Assembly that the Senate, on yesterday, refused to pass the Act prescribing the manner of electing United States Senators.

And that they refused to pass the Joint Resolution in relation to the public Revenue, County Treasurers, and other officers.

And further, that the Senate passed a Concurrent Resolution instructing the Superintendent of Buildings to procure offices for such of the State officers as are not already provided with offices.

And that they passed, also, a Concurrent Resolution to print two hundred copies of the Reports of the several State Hospitals.

And that they have passed a Concurrent Resolution providing for the election of United States Senators.

To which the concurrence of the Assembly is respectfully requested.

A. C. BRADFORD,
Secretary of the Senate.

January 23, 1851.

The following was also received from the Senate:

I am directed by the Senate to inform the Assembly that they have this day passed a Joint Resolution instructing the State Comptroller to issue a duplicate Warrant to John L. Smith.

A. C. BRADFORD,
Secretary of the Senate.

January 23, 1852.

Also, I am directed by the Senate to inform the Assembly that they have this day passed a Joint Resolution instructing the State Treasurer to set apart fifty thousand dollars out of any moneys not otherwise appropriated, as a contingent fund for the use of the Legislature.

Which is herewith transmitted and its passage asked for, by the Assembly.

A. C. BRADFORD,
Secretary of the Senate.

January 23, 1852.

Mr. Merritt asked and obtained leave to withdraw the resolution which was offered by the Committee on Elections, declaring that F. J. McCann was duly elected a member of the Assembly, and offered the following in lieu thereof:

Resolved, That F. J. McCann is legally entitled to a seat in the Assembly, now occupied by John Cook, Esq.

The vote being taken upon the resolution, Mr. Wood demanded the ayes and nays.

Those who voted in the affirmative were—

Messrs. Boggs, Brush, Fleming, Law, Merritt, Morse, Pierce, Stephenson, Yeiser—9.

Those who voted in the negative were—

Messrs. Blanchard, Caldwell, Chauncey, Coffroth, Colby, Covarrubias, Crabb, Cutler, Ellis, of Nevada, Fowler, Gardiner, Gibson, Graham, Harazthy, Hinchman, Hopkins, Hudspeth, Ingersoll, Jones, Kipp, Lyons, McConaha, McKenzie, McKim, McMeans, McMullin, Orrick, Pacheco, Parrish, Paxton, Peachy, Ridley, Smith, Stark, Taliaferro, Tucker, Turner, Wall, Wing, Wohler, Wood, Young, Speaker—43.

Not agreed to.

Mr. Coffroth moved the adoption of the resolution offered by Mr. Ellis, of Nevada, declaring the seat vacant.

Mr. Gardiner offered the following as an amendment:

Resolved, That Mr. Cook is the legal Representative to the Assembly from the County of Yuba.

The vote being taken, Mr. Brush demanded the ayes and nays.

Those who voted in the affirmative were—

Messrs. Caldwell,
Cutler,
Ellis, of Nevada,
Fowler,
Gardiner,
Graham,
Harazthy,
Hopkins,
Kipp,
McMullin,
Taliaferro,
Turner,
Wood—13.

Those who voted against the passage of the resolution were—

Messrs. Blanchard,
Boggs,
Brush,
Chauncey,
Coffroth,
Colby,
Covarrubias,
Crabb,
Fleming,
Gibson,
Hinchman,
Hudspeth,
Ingersoll,
Jones,
Law,
Lyons,
McConaha,
McKenzie,
McKim,
McMeans,
Merritt,
Morse,
Orrick,
Pacheco,
Parrish,
Paxton,
Peachy,
Pierce,
Ridley,
Smith,
Stark,
Stephenson,
Tucker,
Wall,
Wing,
Wohler,
Yeiser,
Young,
Speaker—39.

Resolution lost.

On motion of Mr. Coffroth, the House next proceeded to vote upon the resolution offered by Mr. Ellis, of Nevada, declaring the seat vacant, and directing that an election should be ordered to fill the vacancy.

Mr. McMullin demanded the ayes and nays.

Those who voted in favor of the resolution were—

Messrs. Blanchard,
Boggs,
Brush,
Caldwell,
Chauncey,
Coffroth,
Colby,
Covarrubias,
Lyons,
McConaha,
McKenzie,
McKim,
McMeans,
Morse,
Orrick,
Pacheco,

Messrs. Crabb,	Messrs. Parrish,
Crittenden,	Paxton,
Cutler,	Peachy,
Ellis, of Nevada,	Pierce,
Fleming,	Ridley,
Fowler,	Smith,
Gardiner,	Stark,
Gibson,	Stephenson,
Graham,	Tucker,
Hinchman,	Wall,
Hopkins,	Wing,
Hudspeth,	Wohler,
Ingersoll,	Young,
Law,	Speaker—44.

Those who voted in the negative were—

Messrs. Harazthy,	Messrs. Taliaferro,
Kipp,	Turner,
McMullin,	Wood,
Merritt,	Yeiser—8.

Resolution adopted.

The Joint Resolution from the Senate, requiring the Treasurer to set apart fifty thousand dollars for the contingent fund of the Legislature, taken up, read a first and second time.

Mr. Peachy moved its reference to the Committee of Ways and Means.

Not agreed to.

Mr. Merritt offered a resolution, that Messrs. Cook and McCann be allowed pay for mileage and per diem up to the present date.

Mr. Ellis, of Nevada, moved that the resolution be referred to Committee on Accounts.

Mr. Paxton moved that it be referred to Committee on Claims.

Mr. Ellis accepted the motion of Mr. Paxton.

Agreed to.

Mr. Merritt offered the following resolution, which was adopted:

Resolved, That the House tender its thanks to Captain C. Ringgold, of the U. S. Navy, for his handsome present of a series of Charts, with sailing directions, embracing various Maps of the Bays, Harbors and Rivers of California; and that the said charts, &c., be placed among the archives of this State.

Adopted.

Mr. Graham moved that the Committee on Claims be authorized to employ a clerk.

Not agreed to.

Mr. Tucker moved that the Committee on Claims be authorized to employ a clerk temporarily.

Not agreed to.

Mr. Parrish moved that the House adjourn until 9 o'clock, to-morrow.

Mr. Peachy moved that the House adjourn until 12 o'clock, to-morrow.

Not agreed to.

Mr. Boggs moved to adjourn until 11 o'clock, to morrow.

Not agreed to.

Mr. Boggs moved to adjourn until 10 o'clock, to-morrow.

Not agreed to.

The vote was then taken to adjourn until 9 o'clock, to-morrow, and agreed to.

HOUSE OF ASSEMBLY.

SATURDAY, January 24, 1852.

The House met pursuant to adjournment.

The Roll was called by the Clerk and the following members found absent: Messrs. Blanchard, Canney, Coates, Coffroth, Covarrubias, Dameron, Del Valle, Ellis of San Francisco, Gardiner, Graham, Hinchman, Kipp, McKenzie, McMeans, McMullin, Merritt, Pacheco, Pico, Taliaferro, Tucker, Turner, Wall and Yeiser.

The Journal of Friday, 23d, read and approved.

The Speaker announced that the House was ready to proceed to business.

Mr. Parrish moved to suspend the rule, and take from the table Joint Resolution from the Senate, requiring the Treasurer to set apart fifty thousand dollars for contingent purposes.

Agreed to.

Mr. McMullin moved that the resolution be read a third time.

Mr. Parrish offered the following amendment: "And the per diem pay and mileage of the members thereof, and the salaries of officers of the State," and demanded the ayes and nays.

Those who voted in favor of the amendment were—

Messrs. Blanchard,	Messrs. McMullin,
Boggs,	Morse,
Brush,	Parrish,
Cutler,	Paxton,
Fowler,	Ridley,
Hopkins,	Smith,
Ingersoll,	Stephenson,
Lyons,	Turner,
McKenzie,	Wing,
McKim,	Wohler—21.
McMeans,	

Those who voted in the negative were—

Messrs. Caldwell,
Chauncey,
Coffroth,
Colby,
Crabb,
Crittenden,
Dameron,
Del Valle,
Ellis, of Nevada,
Fleming,
Harazthy,
Hinchman,
Hudspeth,
Jones,
Kipp,
Law,
McConaha,
Merritt,
Orrick,
Pacheco,
Peachy,
Pierce,
Pico,
Stark,
Tucker,
Wall,
Wood,
Young,
Speaker—29.

Motion lost.

Mr. McMullin moved that the resolution of the Senate be indefinitely postponed, on which Mr. Boggs demanded the ayes and nays.

Those who voted to indefinitely postpone were—

Messrs. Blanchard,
Chauncey,
Coffroth,
Colby,
Crabb,
Crittenden,
Cutler,
Fowler,
Harazthy,
Hinchman,
Hopkins,
Ingersoll,
Jones,
Kipp,
Law,
McConaha,
McKenzie,
McMeans,
McMullin,
Morse,
Parrish,
Stephenson,
Tucker,
Turner,
Wall,
Wohler,
Wood,
Young—28.

Those voting against the postponement were—

Messrs. Boggs,
Brush,
Caldwell,
Dameron,
Del Valle,
Ellis, of Nevada,
Fleming,
Hudspeth,
Lyons,
McKim,
Merritt,
Orrick,
Pacheco,
Paxton,
Peachy,
Pierce,
Pico,
Ridley,
Smith,
Stark,
Wing,
Speaker—22.

Motion carried.

Mr. Smith made the following report:

The Committee on Claims, to whom was referred a resolution for the payment of mileage and per diem to Messrs. Cook and McCann, would report it back, and recommend its passage, with the following amendment; "to the 23d of January, 1852."

Adopted.

Mr. Wood offered a Joint Resolution, in regard to the constitutionality of the law in reference to pay of members, and salaries of officers.

Mr. Peachy offered as a substitute the following which was accepted by Mr. Wood:

Whereas, Doubts exist as to the validity of an Act which purports to have been passed on the 1st of May, 1851, entitled an Act concerning the salaries of officers and pay of members of the Legislature,

And Whereas, It is desirable that such doubts shall be removed before the adjournment of the Legislature now in session, Therefore, be it

Resolved, By the Assembly, that the Attorney General be requested to take such steps as may be necessary to test the validity of said Act.

Adopted.

Mr. Smith, chairman of the Committee of Claims made the following report:

The Committee of Claims have had under consideration the petitions of various citizens of Vallejo, and are under the impression that their case is one of merit, and would recommend the payment of an equitable amount of damage.

Mr. Crabb offered the following resolution, which was agreed to:

Resolved, That the report be referred back to the Committee on Claims, who are authorized to report the amount of damages to which each individual Vallejo claimant is equitably entitled.

Mr. Merritt offered a Joint Resolution, instructing the Comptroller to draw his warrant in favor of John L. Smith, for the sum of six hundred and thirty-two dollars, and

On motion of Mr. McMullin, the rule was suspended, resolution read a second time, and referred to Committee on Claims, with instructions to report on Monday.

Mr. Wood introduced a bill for an Act to amend an Act prescribing the mode of Assessing and Collecting Public Revenue, passed May 1st, 1851.

Read a first and second time, and referred to Committee of Ways and Means, and one hundred copies ordered to be printed.

Mr. Wood also introduced a bill for an Act to amend an Act to Li-

cense Gaming, passed March 14th, 1851, which was read a first and second time and referred to Committee of Ways and Means.

Mr. Crabb introduced a bill for an Act respecting fugitives from labor and slaves brought to this State, prior to her admission into the union.

Mr. McMullin moved that the rule be suspended and give the bill a second reading, and that two hundred copies be printed.

The rule was suspended, and the bill read a second time, but the House refused to print two hundred copies.

Mr. Hinchman moved that one hundred copies be printed.

Agreed to.

Mr. Pacheco moved that twenty-five copies be printed in Spanish.

Agreed to.

Mr. Crabb introduced a bill for an Act concerning free persons of color.

Read a first and second time, and referred to a Special Committee of five—Messrs. Ellis, of Nevada, McConaha, Crabb, Boggs and Peachy, were appointed said committee.

Mr. Dameron, chairman of the Special Committee offered the following:

The Special Committee of the Assembly, to whom was referred the contested election case of D. M. Chauncey, and I. N. Thorne, respectfully report, that to a proper understanding of the merits of the case, it becomes necessary that a commission should be issued to take the testimony of witnesses resident in San Francisco County, and respectfully recommend, that said commission be directed to Messrs. Orrin Bailey, and William Corbett, Justices of the Peace, to examine any witnesses that may be produced before them by either of the parties, and said testimony to be forwarded to the Special Committee of this House as soon as practicable.

Agreed to.

Mr. Ellis of Nevada offered a Joint Resolution, requiring the Comptroller of State to draw his warrant upon the Treasurer, in favor of Wm. H. Endicott, for five hundred and eighty dollars.

Read a first and second time, and referred to Committee on Accounts.

A message was received from the Governor.

Hon. R. P. Hammond,

Sir:—

I have the honor herewith to transmit a copy of the Special Report of the Adjutant General, in compliance with a resolution adopted by the House of Assembly on Tuesday.

I have the honor to be
Your obedient servant,
JOHN BIGLER.

Mr. Boggs moved that the report be referred to the Committee on Military.

Agreed to.

Orders of the day taken up, on motion of Mr. McMullin, the House resolved itself into Committee of the Whole, (Mr. Lyons in the chair) to consider a bill appropriating six hundred and sixteen dollars. After some time spent in consideration of the same;

On motion of Mr. McMullen, the committee rose, reported progress, and asked to be discharged.

Agreed to.

Mr. McMullin moved to lay the bill upon the table.

Agreed to.

A bill to amend an Act entitled an Act concerning Crimes and Punishments, passed April 16, 1852.

Read a second time and referred to Judiciary Committee.

Joint Resolution, from the Senate, authorizing the Comptroller to issue duplicate Warrant to John L. Smith.

Read a first and second time.

Mr. Merritt offered a substitute, which was adopted, and read a first and second time, and ordered to a third reading on to-morrow.

Joint Resolution, from the Senate, to print two hundred copies of reports from each State Hospital.

Agreed to.

Concurrent Resolution from the Senate, instructing the Superintendent of Public Buildings to furnish offices to State Officers.

Mr. Merritt offered the following as a substitute:

Resolved, (the Senate concurring,) That the Superintendent of Public Buildings be requested to enquire and inform this House and the Senate what officers of State require rooms for their use, and whether the city authorities will agree to furnish the same gratis.

Agreed to.

Joint Resolution from the Senate, fixing the manner for the election of United States Senators.

Mr. Wood moved to concur in the resolution from the Senate.

Mr. Boggs moved to indefinitely postpone the resolution.

Agreed to.

Mr. Graham presented an account in favor of J. P. Wyatt, and moved its reference to Committee on Accounts.

Agreed to.

Joint Resolution instructing our Senators and requesting our Representatives in Congress, to procure an appropriation to clear out Georgiana Slough, was read a second time, and, on motion of Mr. Merritt, referred to Committee on Federal Relations.

Mr. Lyons offered the following, which was agreed to:

Resolved, That the Hon. R. McKee be allowed the use of the Assembly Room this evening, at seven o'clock, for the purpose of delivering a discourse upon the subject of Indian Affairs.

Mr. Parrish moved to reconsider the vote indefinitely postponing the resolution from the Senate, fixing the manner of electing United States Senators.

The vote was reconsidered.

Mr. Peachy offered a Concurrent Resolution to appoint a committee of three, on the part of the House, to confer with a similar committee of the

Senate, for the purpose of reporting to each House, a law regulating the manner of electing United States Senators.

Agreed to.

Messrs. Peachy, Boggs, and McMullin were appointed.

On motion of Mr. Peachy, the Clerk was directed to notify the Senate, forthwith, of the passage of the resolution.

Mr. Crabb gave notice that on Monday next, or an early day thereafter, he would introduce a bill for an Act to secure to settlers, a pre-emption right to the overflowed and swamp lands of this State.

On motion of Mr. Wood, leave of absence was granted to Messrs. Chauncey and Ellis, of San Francisco, and Mr. Smith.

Mr. Peachy offered a Joint Resolution to appropriate two thousand dollars for the purpose of furnishing the Senate and Assembly Halls, with necessary desks and chairs.

Read a first time.

Mr. Wood moved to suspend the rule and give the resolution a second reading forthwith.

Not agreed to.

Mr. Law gave notice that he would, on Tuesday next, introduce a bill to establish a branch of the State Hospital at Shasta City, Shasta County.

Mr. Merritt offered the following:

Resolved, That the Superintendent of Public Buildings be requested to furnish to this House, on Monday, all of his accounts and vouchers, for expenditures made in the discharge of his duties up to the present time, January 24th, 1852. And that he be required to report whether he purchased the articles at cash or scrip prices, and also to report what further purchases of furniture are needed for the use of the Legislature, and State Officers, and Committee Rooms, and how much of that already purchased has been assigned to this House.

Adopted.

Mr. Wood gave notice that on Wednesday next, or some early day thereafter, he would introduce a bill entitled an Act changing the location of the permanent Seat of Government.

Mr. Taliaferro moved that the House do now adjourn until 12 o'clock, Monday.

Not agreed to.

On motion of Mr. Parrish, the House adjourned until 11 o'clock on Monday.

HOUSE OF ASSEMBLY.

MONDAY, January 26, 1852.

The House met pursuant to adjournment.

The roll was called by the Clerk, and the following members found absent:—Messrs. Boggs, Coates, Covarrubias, Gibson, Peachy, Wall and Yeiser.

The Journal of Saturday, 24th, was read, amended and approved.

The Speaker announced that the House was ready to proceed to business.

Mr. Crittenden moved that the rules be suspended for the purpose of introducing the following bill:

(Agreed to.)

A bill for an Act requiring the Treasurer to retain certain moneys, which was read a first time.

Mr. Boggs moved the suspension of the rule, to give the bill a second reading by its title.

Agreed to.

Read a second time.

Mr. Boggs further moved the suspension of the rule, to consider the bill as engrossed, and read a third time, which was agreed to.

On the passage of the bill, Mr. Parrish demanded the ayes and nays.

Those who voted in the affirmative were—

Messrs.	Blanchard,	Messrs.	Lyons,
	Boggs,		McConaha,
	Brush,		McKim,
	Canney,		McMeans,
	Caldwell,		Merritt,
	Colby,		Morse,
	Crittenden,		Orrick,
	Dameron,		Pacheco,
	Del Valle,		Paxton,
	Ellis, of Nevada,		Peachy,
	Fleming,		Pierce,
	Ford,		Pico,
	Fowler,		Ridley,
	Gardiner,		Stark,
	Graham,		Stephenson,
	Hinchman,		Taliaferro,
	Hopkins,		Thompson,
	Hudspeth,		Wing,
	Kipp,		Young,
	Law,		Speaker—40.

Those who voted in the negative were—

Messrs.	Coffroth,	Messrs.	McKenzie,
	Crabb,		Parrish,

Messrs. Cutler, Messrs. Tucker,
Harazthy, Turner,
Ingersoll, Wall,
Jones, Wood—12.

So the bill passed, and the Clerk was ordered to report the same to the Senate forthwith.

Mr. Ellis, of Nevada, presented a petition from the citizens of the city of Nevada, praying the Legislature to repeal the charter of said city, and moved that the petition be laid upon the table.

Agreed to.

Mr. Merritt, chairman of the Committee on Elections, made a report and presented a statement made by C. E. Semple, declaring that the seat of James S. Graham was not contested by Dr. R. Semple, and the committee asked to be discharged from the further consideration of the subject.

Agreed to.

The following Report was presented by Mr. Merritt, chairman of the Committee on Elections, in the contested case of Coates and Hawkes.

THOMAS H. COATES
vs.
W. W. HAWKES.

Mr. Speaker:

The Committee on Elections, to whom was referred the matter of contest between Thomas H. Coates and W. W. Hawkes, each claiming to be the legally elected member of the Assembly from Klamath County, beg leave to make the following report:—

The committee have earnestly, carefully and laboriously examined the merits of,—and received, investigated and weighed all the evidence in,—the case presented. Three different and distinct points arose for the consideration and decision of the committee.

1. Shall returns, made *after* the *return day*, as fixed by law, be received and introduced into the *estimate* or *statement*, which the County Clerk has already drawn up and signed, as required, on the *return day?*

2. Does the fact, that polls are not opened until 1 o'clock, P. M., instead of 8 o'clock, A. M., as the law requires, raise the presumption of *fraud*, and thereby vitiate the polls?

3. Is Scott's Bar precinct within the limits of Klamath County?

In order that the subject matter and gist of this controversy may be fully understood and appreciated, it should be premised that the three points resolve themselves into one, which is—"Shall the returns from Scott's Bar precinct be received or rejected?"

If they are received and counted, Mr. Coates is elected; if they are rejected for any reason, Mr. Hawkes is elected.

In regard to the first two points set forth, there was a variety of opinions expressed by members of the committee—some in the affirmative and some in the negative—upon both points, whilst a few sustained the first and not the second. It is only proper to state, however, that those members of the committee who assumed an affirmative position relative to these two preliminary points, did not deem it respectful to the House to urge an adoption of their views, in the face of a precedent lately established in the case of McCann *vs.* Cook, that mere technical informalities would be disregarded where no *positive fraud* was manifest.

In reference to the third and last point, which embraces the question of the locality of Scott's Bar, the committee entertain a marked and decided difference of opinion.

Members of the committee have changed their opinion since the previous unanimous report on this case, and now believe that Scott's Bar *is* in Klamath County.

The undersigned, members of the committee, constituting a majority, are still of the opinion that Scott's Bar *is not* in Klamath County.

Additional testimony has been introduced by *both* parties, and the undersigned, so far from having any reason to reverse their former decision, are more strongly convinced that, by law and in fact, Scott's Bar is *not* situated within the confines of Klamath County.

On the contrary, it is in proof most incontestably that Scott's Bar lies in Shasta County, and that, at this moment, two citizens of Scott's Bar represent Shasta County upon the floor of this House.

It is a conceded fact, that Scott's Bar and Shasta Plains are in the *same* County; and it is established, by the evidence, that some eight hundred citizens voted at polls opened by order of the Court of Sessions of Shasta County, and the votes cast were returned to the office of the County Clerk of Shasta County. If these places, Scott's Bar and Shasta Plains, are in Klamath County, the polls were improperly and illegally ordered, and the returns were illegally and improperly made to Shasta County; and if this be true, it is also true that all persons who hold office by tenure of these polls, are not legally in office. But is it reasonable to believe, or is it for this House to decide, that eight hundred free citizens—most of whom are led, by their peculiar business avocations, to travel over the country frequently, do not know in what county they reside—or, in other words, do not know whether their homes are on the eastern or western slope of a range of mountains!

In answer to this particular branch of irresistible testimony, it may be said, on the other hand, that polls were also opened at Scott's Bar, for Klamath County. This is literally the fact,—but it sinks into insignificance when coupled with the evidence that only one hundred and thirteen citizens could be induced to vote at the Klamath County polls: that the few who voted at them, regarded the whole proceeding as a ridiculous farce; and that most of the voters had already, solemnly and in good faith, voted at the Shasta County polls.

Again: it is in proof that taxes, ad valorem and poll, have been paid by citizens of Scott's Bar to Shasta County; but in no single instance has one cent been paid into the Treasury of Klamath County.

Suits have been brought in the District Court of Shasta County against citizens of Scott's Bar or Shasta Plains, and legal controversies are almost

daily being settled, between citizens of Scott's Bar or Shasta Plains, in the Justice's Courts of Shasta County. Criminals have been arrested in those places and convicted in Shasta County.

There are circumstances elicited, on examination, to which the undersigned members of the committee have given considerable weight; for they look upon them as the serious and responsible expression of the belief of those who are most interested and best qualified to judge of the topography of that section of the State.

About the facts above stated there can be no room for doubt, but there were many depositions taken, conflicting with one another, in regard to the Coast Range, mentioned by the law concerning county boundaries, which were chiefly a mere expression of personal belief by the respective deponents.

Senator Sprague and many others testify that Scott's Bar is in Shasta County; while Senator Wambough and several others depose that it is in Klamath County: but the undersigned, members of the committee, are compelled to attach preponderating weight and importance to the former class of depositions. Without, however, considering these depositions in the light of an expression of mere personal opinion, which would of itself be conclusive, the undersigned refer to the pregnant circumstances elicited by these same depositions, and before alluded to as the main pillar of the opinion they have arrived at. Being firmly and sincerely convinced of the prominent fact that Scott's Bar *is not* in Klamath County, and that W. W. Hawkes has received the votes of a majority of the tax-paying citizens and legal voters of Klamath County, for the office of member of the Assembly, report the same to the House and respectfully recommend the passage of the following resolution:

Resolved, That W. W. Hawkes, Esq., is the legally elected member of the Assembly from Klamath County, and that he be sworn in accordingly, in the place of Thomas H. Coates, Esq., present sitting member.

[SIGNED] MERRITT, Chairman.
LAW,
CRABB:
WOOD,
ELLIS, of Nevada.

Mr. Peachy made the following Committee Report in the contested case of Coates and Hawkes:

The undersigned, members of the Committee on Elections, to whom the contested case of Coates *vs.* Hawkes, was referred to be considered, de novo, have the honor to report, that they have carefully taken and examined the testimony of M. M. Wambough, Henry L. Ford, Cole, Ross, and other persons, witnesses adduced since the late re-commitment.

The new testimony has induced the undersigned to change their opinions in regard to the location of the Scott's Bar and Shasta Plains.

To the undersigned it is clear that if by the coast range which is the eastern boundary of Klamath County, is meant the range of hills or mountains, which form the water ledge of the streams emptying into the Klamath

River, and those which flow into the Sacramento; that the said range lies to the east of Scott's Valley, and leaves that valley in Klamath County. That such is the meaning of the term coast range, as used in the Act defining the boundaries of Klamath, the undersigned are induced to believe, from the general meaning of the term, as used in this State, and, also, from the fact that, the Act defining the boundaries of Shasta County, speaks of the Red Bluff Creek, which empties into Sacramento River, as rising in the *coast range*. The *coast range* is used to define the boundaries of Santa Barbara, San Luis Obispo, Santa Clara, Contra Costa, San Joaquin, Tuolumne, Mariposa, Shasta, Mendocino, Yolo, Colusi, Trinity, Klamath.

The coast range, which divides the Counties, lying between Sacramento River and the Pacific Ocean, in almost every instance, as the undersigned believe, is used to designate that range of mountains or hills, which sheds the waters to the Pacific, on the west, and to the Sacramento River, on the east. From Monte Diabolo to Los Angeles, the coast range is also the water ledge which throws the waters to the east and to the west.

The undersigned can see no reason why the term coast range should have a different meaning in Klamath and Shasta, from what it signifies elsewhere, throughout the whole length of California. They therefore recommend to the Assembly the adoption of the following resolution:

Resolved, That Thomas H. Coates is the duly elected member of this Assembly, from Klamath County, and entitled to his seat.

L. W. BOGGS,
A. C. PEACHY.

On motion, made by Mr. Lyons, the contested election between Messrs. Coates and Hawkes, was made the special order for to-morrow.

Mr. Graham, a member from the Committee on Claims, asked longer time in which to make a report in the case of J. L. Smith.

Time granted.

Mr. Peachy introduced a Joint Resolution, granting leave of absence to Justice Heydenfeldt, which was read a first time.

Mr. Parrish, moved to suspend the rule, to give the resolution a second reading.

Not agreed to.

Mr. Canney offered the following resolution:

Resolved, That the ministers of the various Christian denominations, be and are hereby requested to open the business of each day's session, of this House, with prayer.

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

Mr. Ellis, of Nevada, demanded the ayes and nays.

Those who voted in the affirmative were—

Messrs.	Boggs,	McMeans,
	Brush,	Merritt,
	Covarrubias,	Morse,

Messrs. Cutler,
Del Valle,
Fowler,
Gardiner,
Harazthy,
Hinchman,
Hopkins,
Hudspeth,
Kipp,
Pacheco,
Peachy,
Pierce,
Taliaferro,
Thompson,
Wall,
Wing,
Wohler—23.

Those who voted in the negative were—

Messrs. Blanchard,
Canney,
Caldwell,
Colby,
Crabb,
Crittenden,
Dameron,
Ellis, of Nevada,
Fleming,
Ford,
Graham,
Ingersoll,
Jones,
Law,
Lyons,
McConaha,
McKenzie,
McKim,
McMullin,
Orrick,
Parrish,
Paxton,
Pico,
Ridley,
Stark,
Stephenson,
Tucker,
Turner,
Wood,
Yciser,
Young,
Speaker—32.

Not agreed to.

Mr. Hopkins made the following report:

The Committee on Engrossed Bills, have examined an Act requiring the Treasurer to retain certain moneys, and find it correctly engrossed.

Mr. Fowler moved that the resolution, offered by Mr. Canney, be indefinitely postponed.

No action.

Mr. Ellis, of Nevada, offered the following as a substitute for the resolution offered by Mr. Canney.

Mr. Parrish moved that the name of the Rev'd Mr. Wheeler be added, which was accepted by Mr. Ellis.

Resolved, that the Rev. Mr. Benton and Rev. Mr. Wheeler, be and they are hereby appointed Chaplains of the House of Assembly, for the present session,—and that the usual per diem be allowed them.

Mr. McMeans moved that the whole subject be indefinitely postponed, upon which Mr. Ellis, of Nevada, demanded the ayes and nays.

Those who voted to postpone indefinitely, were—

Messrs. Blanchard,
Boggs,
Brush,
Canney,
Crabb,
Fowler,
Gardiner,
Graham,
Hudspeth,
Ingersoll,
Jones,
McKenzie,
McMullin,
Merritt,
Parrish,
Paxton,
Pierce,
Stephenson,
Taliaferro,
Thompson,
Tucker,
Wood,
Yeiser—23.

Those who voted against postponement, were—

Messrs. Caldwell,
Coffroth,
Colby,
Crittenden,
Cutler,
Dameron,
Ellis, of Nevada.
Fleming,
Ford,
Haraz thy,
Hinchman,
Hopkins,
Kipp,
Law,
Lyons,
McConaha,
McKim,
McMeans,
Orrick,
Peachy,
Ridley,
Stark,
Turner,
Wing,
Wohler,
Young,
Speaker—27.

The House refused to postpone.

Mr. McKenzie moved to refer the whole subject to a committee of five.
Mr. Wall offered the following:

Resolved, That the Special Committee to whom it is proposed to refer the resolution, inviting the ministers of this city to open the proceedings of this House each morning with prayer, be and are hereby instructed to report an Act prescribing the manner of appointing a Chaplain and defining his duties as well as the particular doctrines which he shall advocate.

Mr. Ellis, of Nevada, moved that the resolution, offered by Mr. Wall, be laid upon the table.

Agreed to.

Mr. Taliaferro moved that the whole subject be indefinitely postponed.

Not agreed to.

Mr. Tucker offered the following resolution:

Resolved, That the ministers of the different religious denominations in Sacramento City, be desired to meet together, and make such arrangements as may be convenient to themselves to perform prayer alternately in the

House of Assembly each morning, with the understanding that such services shall be gratuitous.

Mr. Wood offered the following resolution, which was accepted by Mr. Tucker.

Resolved, That no minister who entertains religious scruples as to the constitutionality of the Fugitive Slave Law, be considered as embraced within the meaning of the resolution.

Subsequent to the acceptance by Mr. Tucker, of the resolution offered by Mr. Wood, the question came up upon the resolution of Mr. Wood; upon which Mr. Wood demanded the ayes and nays.

Those who voted in favor of the amendment offered by Mr. Wood were—

Messrs.	Blanchard,	Messrs.	McKenzie,
	Boggs,		McMullin,
	Brush,		Merritt,
	Canney,		Parrish,
	Crabb,		Paxton,
	Fowler,		Pierce,
	Gardiner,		Stephenson,
	Graham,		Taliaferro,
	Hudspeth,		Thompson,
	Ingersoll,		Tucker,
	Jones,		Wood,
	Lyons,		Yeiser—24.

Those who voted against the resolution offered by Mr. Wood were—

Messrs.	Caldwell,	Messrs.	Law,
	Coffroth,		McConaha,
	Colby,		McKim,
	Crittenden,		McMeans,
	Cutler,		Orrick,
	Dameron,		Peachy,
	Ellis, of Nevada,		Ridley,
	Fleming,		Stark,
	Ford,		Turner,
	Harazthy,		Wing,
	Hinchman,		Wohler,
	Hopkins,		Young,
	Kipp,		Speaker—26.

Resolution lost.

Mr. Crabb moved to lay the resolution, offered by Mr. Tucker, upon the table. Agreed to.

The following resolution was offered by Mr. Peachy.

Resolved, That Dr. Boring, Dr. Wheeler, Rev. Dr. Mines, Rev. Dr. Ingoldsby, Rev. Father Raminez, and Rev. Mr. Benton, be requested to officiate, by daily turns, as chaplains of the Assembly.

Mr. Crabb moved to lay the resolution upon the table.
Agreed to.
Mr. Dameron offered the following resolution:

Resolved, That the Assembly go into the election of a chaplain.

Mr. Graham moved to lay the whole subject upon the table.
Which was agreed to.
Mr. Ellis, of Nevada, offered the following resolution:

Resolved, That the ministers of the several Christian denominations of the City of Sacramento, and throughout the State, be earnestly solicited to offer up prayers, in their different churches, for the conversion and salvation of the members of the House of Assembly, who voted against the opening of the morning services with prayer.

The Speaker decided the resolution out of order.
Mr. Peachy appealed from the decision of the chair.
The question being put to the House, the decision of the Speaker was sustained.
The following resolution was offered by Mr. Wood, and adopted:

Resolved. 1. That the Committee of Ways and Means be instructed to report by bill, or otherwise, such measures as will be most effectual in securing the collection of the poll tax.
2. That they be instructed to report on the propriety of taxing gold dust shipped to the Atlantic States, and foreign ports, and if in their opinion such tax be legal and proper, that they report by bill, or otherwise.
3. That they be instructed to report a bill requiring parties leaving by the steamers, or sailing vessels, to produce evidence of payment of poll tax.

The following message was received from the Governor's Private Secretary.

Hon. R. P. Hammond, Speaker of the
House of Assembly of the State of California:

Sir:—

I am directed by His Excellency, the Governor, to deliver to the Assembly a report of Pardons granted during the past year; also, a report of Appointments made to fill vacancies. since May 1st, 1851.

Respectfully,
L B. MIZNER,
Private Secretary.

Mr. Ellis, of Nevada, offered the following resolution, which was adopted.

Resolved, That Messrs. Coates and Hawkes be each allowed a copy of any and all papers in the custody of the Clerk, connected with the matter of contest for the seat in the Assembly for Klamath County.

The following message was received from the Senate:

Mr. Speaker:

I am directed by the Senate to inform the Assembly, that they have, this day, passed the bill entitled an Act requiring the Treasurer to retain certain moneys, which is herewith transmitted.

Mr. Parrish gave notice that, on to-morrow, he would introduce a bill to amend "an Act entitled an Act prescribing the mode of maintaining and defending possessory actions in lands belonging to the United States," passed April 11th, 1850.

Mr. Ellis, of Nevada, introduced a bill for an Act repealing the Charter of the City of Nevada, and to provide for the disposition of the property and payment of the debts of said city.

Read a first and second time, and referred to the delegation from Nevada.

Mr. Law gave notice that, on Thursday next, or some proper day thereafter, he would introduce a bill for the better collection of taxes in Butte County.

Mr. Dameron gave notice that he would, on to-morrow, or some subsequent day, introduce a bill to provide for the appointment of Flour Inspectors for the different ports of entry in the State of California.

Mr. Wall gave notice that he would, at an early day, introduce a bill for an Act to amend an Act entitled an Act prescribing the mode of appointing Auctioneers and defining their duties.

Mr. Crittenden gave notice that he would, to-morrow, introduce a bill for the relief of Andreas Pico and Antonio Maria Pico.

Mr. Stark introduced a bill for an Act amendatory of the twenty-fifth section of an Act entitled an Act dividing the State into Counties, and establishing the seats of justice therein; passed April 25th, 1851.

Read a first and second time and referred to Committee on County Boundaries.

Mr. Crabb introduced a bill for an Act to provide for pre-emption claims to settlers in this State,

Which was read a first and second time and referred to Committee on Public Lands—one hundred copies ordered to be printed.

Mr. McMeans gave notice that, on Thursday next, he would introduce a bill changing the mode of collecting the taxes in El Dorado County.

Mr. Merritt presented an account in favor of D. P. Baldwin and Thomas J. Green, which was referred to Committee on Accounts.

Mr. Merritt gave notice that, at an early day, he would introduce a bill to regulate proceedings in mining cases in the courts of justice of this State.

Orders of the day taken up, the following message was received from the Senate:

Mr. Speaker:—

I am directed to inform the Assembly that the Senate, this day, concurred

in their resolution to appoint a committee to confer with a committee of the Assembly upon the enactment of a law for the election of United States Senators, and that Messrs. Warner, Robinson and Anderson, are the committee on the part of the Senate.

The Senate have appointed Messrs. Van Buren, Warner and Keyser, a committee to Act with a corresponding committee of the Assembly, to prepare and report joint rules for the government of the two bodies.

A. C. BRADFORD,
Secretary of the Senate.

January 24, 1852.

Mr. Colby, chairman of Committee on Enrolled Bills, reported that they had examined and found correctly enrolled, a bill requiring the Treasurer to retain certain moneys.

Joint Resolution requiring the Comptroller to issue a War Loan Warrant for J. L. Smith.

Read a third time and passed.

Report of the Committee of Ways and Means in reference to the pay of Clerks, &c., was

On motion of Mr. McMullin, made the special order of the day for Thursday next.

Mr. Merritt moved that the Committee on Elections in the Senate be authorized to withdraw a map now in the possession of the Clerk of the House.

Agreed to.

Mr. Boggs moved to take from the table, a bill appropriating six hundred and sixteen dollars to pay for removing the Archives from San Jose to Sacramento City.

Agreed to.

Read a second time, considered as engrossed, read a third time and passed.

Mr. Boggs moved that the Clerk notify the Senate forthwith of its passage.

Agreed to.

Mr. Wood offered the following resolution:

Resolved, That the Superintendent of Public Buildings be instructed to furnish the committee rooms with such furniture as may be required; and when so furnished, said rooms be, and are hereby placed under the control of the chairman of the several committees to which they are assigned.

Agreed to.

Mr. Parrish offered the following resolution, which was adopted:

Resolved, That a committee of three be appointed by this House, to meet a Committee of the Senate, for the purpose of preparing and reporting rules for the government of the two bodies; Messrs. Parrish, Ingersoll and Orrick, were appointed on the part of the Assembly.

Mr. McMeans offered the following resolution:

Resolved, That the Committee on Claims be requested to report on Thursday next, or earlier if practicable, what action they have taken on the petition of J. Kore, praying to have his name placed on the military pay roll.

Agreed to.

Mr. Graham asked further time to make his report as Superintendent of Public Buildings.

Agreed to.

On motion of Mr. Tucker, the house adjourned until 11 o'clock to-morrow.

HOUSE OF ASSEMBLY.

TUESDAY, January 27, 1852.

The House met pursuant to adjournment.

The roll was called by the Clerk and the following members found absent, Messrs. Chauncey, Coates, Covarrubias, Dameron, Del Valle, Fleming, Gardiner, Taliaferro, Wall and Yeiser.

The journal of Monday, the 26th, was read and approved.

The Speaker announced that the House was ready to proceed to business.

Mr. Peachy moved a suspension of the rules to enable the committee on the part of the House, to make a report from a Joint Committee of both Houses.

Agreed to.

The committee appointed by the Assembly to meet a committee of the Senate, for the purpose of conferring upon the propriety of reporting a law prescribing the manner of electing United States Senators, have the honor to report that they have conferred with the Senate Committee and that the two committees, in conference, have agreed upon the propriety of regulating such election by law, in the manner presented by the bill herewith reported.

The two committees, in conference, have also agreed that the committee of the Assembly shall report to your honorable body the accompanying bill, and that the committee of the Senate shall report to that body, the aforesaid proceedings, and shall recommend to the Senate the passage of said bill, when it shall be sent to the Senate for its action.

All of which is respectfully submitted.

Accompanying this report was the following bill:

A bill to be entitled an Act prescribing the manner of electing United States Senators.

Read a first and second time, and, on motion of Mr. Boggs, the rule was suspended, the bill considered as engrossed, and read a third time and passed, and the Clerk ordered to give notice forthwith to the Senate.

Mr. Chauncey moved that Mr. Tenbrook, member elect from the County of San Francisco, be qualified; who thereupon came forward and was duly qualified as a member of the House of Assembly.

Mr. Crabb presented a petition from the citizens of Stockton, praying the Legislature to repeal the city charter, and moved its reference to the Committee on Corporations.

Agreed to.

The following message was received from the Senate:

Mr. Speaker:

I am directed to inform the Assembly that the Senate have passed a Joint Resolution authorizing the Treasurer and Comptroller to suspend payment, or issue of bonds in settlement of claims for Indian Wars, until such claims shall be passed upon by the Legislature.

That the Senate refused to pass the Assembly substitute for the Joint Resolution requiring the Comptroller to issue a War Loan Warrant to John L. Smith.

And that the Senate have concurred in the resolution requesting the Superintendent of Public Buildings to inform both Houses what officers of State require rooms, and whether the city authorities will agree to furnish the same gratis.

Mr. Merritt made the following report:

The Committee on Elections, under instructions of the House, have examined the original apportionment bill, now on file in the office of Secretary of State, and find that there is a mis-print in the bound statutes of 1851, published by G. K. Fitch, Esq., by which Placer County is entitled to only one and Sutter County to two Representatives. The original manuscript shows that Sutter and Placer Counties are properly represented in the Assembly, and your committee ask to be discharged from the further consideration of the subject.

Agreed to.

Mr. McConaha made the following report:

Your Committee on Commerce, to whom was referred the Joint Resolution instructing our Senators, and requesting our Representatives in Congress to procure the passage of a law, making appropriation by the General Government, for the improvement of the Bay of San Diego, have duly considered the same, and most respectfully beg leave to submit their report, recommending its passage.

Mr. Ridley offered the following:

Resolved, That the Committee of Ways and Means be instructed to report to this House upon the propriety of redeeming the War Warrants issued in favor of the claimants for services in the Mariposa War, with the War Bonds authorized by an Act of the last Legislature.

Adopted.

Mr. Lyons, chairman of Special Committee, to whom was referred a bill for an Act to repeal the charter of the city of Nevada, reported the same back to the House without amendment and recommended its passage.

Mr. Dameron introduced a bill to be entitled an Act to provide for the

appointment of Flour Inspectors, for the different collection districts in the State of California.

Read a first and second time, and referred to Committee on Commerce.

Mr. Stark gave notice that he would, on to-morrow, or some future day, introduce a bill entitled an Act concerning stray animals of certain counties.

Mr. Parrish introduced a bill for an Act prescribing the mode of maintaining and defending possessory actions, on lands belonging to the United States.

Read a first and second time, and referred to Committee on Public Lands.

Mr. Fowler offered the following which was adopted:

Resolved, That the committee in the case of Herman Wohler, be instructed to report this day.

Mr. Crittenden introduced a bill to be entitled an Act for the relief of Andreas Pico and Antonio Maria Pico.

Read a first and second time and referred to Judiciary Committee.

Joint Resolution from the Senate authorizing the Comptroller and Treasurer to suspend payment or issue of bonds, in settlement of claims for Indian Wars, until such claims shall be passed upon by the Legislature.

Read a first and second time, and, on motion of Mr. Coffroth, referred to Special Committee of five.

Joint Resolution from the Senate in reference to issuing a War Warrant to John L. Smith, was returned from the Senate to the Assembly, refusing to concur in a substitute passed by the Assembly.

On motion of Mr. Merritt, the House receded from its substitute and adopted the Senate's original resolution.

Mr. McMeans moved to take from the table a resolution in reference to the selection of Chaplain.

Not agreed to.

A bill to repeal the charter of the city of Nevada.

Read a second time and ordered to be engrossed for a third reading on to-morrow.

Joint Resolution instructing our Senators and requesting our Representatives to procure an appropriation for the Bay of San Diego.

Read a second time and ordered to be engrossed for a third reading on to-morrow.

Joint Resolution granting leave of absence to Judge Heydenfeldt.

Read a second time and referred to Judiciary Committee.

Special order of the day.

On motion of Mr. Coffroth the House resolved itself into Committee of the Whole, Mr. Lyons in the chair, to consider the contested election case between Messrs. Coates and Hawkes, after spending some time in consideration of the same, on motion of Mr. Wood, the committee rose and presented the subject back to the House, and asked to be discharged.

Agreed to.

Mr. Ellis, of Nevada, moved the adoption of the report and resolution of the majority of the Committee on Elections, which report declared Mr. Hawkes to be duly elected from the County of Klamath.

Mr. Parrish moved a call of the House, which was agreed to.

The roll was called, and the following members found absent—Messrs. Covarrubias, Del Valle, Gardiner, Law, Pacheco, Tenbrook, Wall, Yeiser.

Mr. Parrish moved that Mr. Wall be excused.

Agreed to.

Mr. Wohler moved that Mr. Tenbrook be excused.

Agreed to.

Mr. Parrish moved that the door be closed, and that the Sergeant-at-Arms be dispatched for the absentees.

Agreed to.

Mr. Merritt moved that Mr. Gardiner be admitted wi the bar of the House.

Agreed to, and

On motion of Mr. Graham, Mr. Gardiner was excused.

Messrs. Canny and Ford, on motion of Mr. Crabb, had leave of abs for a few minutes.

Mr. Coffroth moved that Mr. Covarrubias be admitted within the ba the House; and

On motion of Mr. Harazthy, Mr. Covarrubias was excused.

Mr. Parrish moved that further proceedings under the call of the House be dispensed with.

Not agreed to.

Mr. Harazthy moved that Mr. Del Valle be admitted in the bar of the House; and

On motion of Mr. Merritt, Mr. Del Valle was excused.

Messrs. Pacheco and Law were admitted within the bar of the House; and

On motion of Mr. Harazthy they were excused.

Mr. McMullin moved that Mr. Yeiser be admitted within the bar of the House; and

On motion of Mr. Ellis, of San Francisco, Mr. Yeiser was excused.

The House then proceeded to the consideration of the contested case of Messrs. Coates and Hawkes.

Mr. Ellis, of Nevada, moved the adoption of the resolution of the majority of the committee, upon which Mr. Boggs demanded the ayes and nays.

Those who voted in favor of the Report were—

Messrs. Caldwell,	Messrs. Jones,
Crabb,	McConaha,
Cutler,	McKenzie,
Ellis, of Nevada,	McMullin,
Ellis, of San Francisco,	Merritt,
Fowler,	Orrick,
Gardiner,	Stark,
Graham,	Taliaferro,
Hinchman,	Turner,
Hopkins,	Wood—20.

Those who voted in the negative were—

Messrs. Blanchard,
Boggs,
Brush,
Canney,
Chauncey,
Coffroth,
Colby,
Covarrubias,
Crittenden,
Dameron,
Del Valle,
Fleming,
Ford,
Gibson,
Harazthy,
Hudspeth,
Ingersoll,
Kipp,
Law,
Messrs. Lyons,
McKim,
McMeans,
Morse,
Pacheco,
Parrish,
Paxton,
Peachy,
Pierce,
Pico,
Ridley,
Smith,
Stephenson,
Thompson,
Tucker,
Wing,
Wohler,
Yeiser,
Young,
Speaker—39.

Not adopted.

Mr. Brush moved the adoption of the report of the minority of the committee which declares that Mr. Coates is the duly elected member from Klamath County.

Mr. Law asked to be excused from voting upon this resolution.

The House excused him.

Mr. Covarrubias asked that Messrs. Pico, Pacheco, Del Valle and himself be excused from voting upon the resolution.

Agreed to.

Mr. McMeans asked to be excused from voting upon the resolution.

Not agreed to.

Upon the vote being taken, Mr. McMullin demanded the ayes and nays.

Those who voted in favor of the resolution were—

Messrs. Blanchard,
Boggs,
Brush,
Canney,
Chauncey,
Coffroth,
Colby,
Crittenden,
Dameron,
Fleming,
Ford,
Gibson,
Harazthy,
Hudspeth,
15
Messrs. McKim,
Morse,
Parrish,
Paxton,
Peachy,
Pierce,
Ridley,
Smith,
Stephenson,
Thompson,
Tucker,
Wing,
Wohler,
Yeiser,

Messrs. Ingersoll,
Kipp,
Lyons,
Messrs. Young,
Speaker—33.

Those who voted in the negative were—

Messrs. Caldwell,
Crabb,
Cutler,
Ellis, of Nevada,
Ellis, of San Francisco,
Fowler,
Gardiner,
Graham,
Hinchman,
Hopkins,
Messrs. Jones,
McKenzie,
McMeans,
McMullin,
Merritt,
Orrick,
Stark,
Taliaferro,
Turner,
Wood—20.

So the resolution was adopted.

Mr. Ellis, of Nevada, offered the following, which was adopted:

Resolved, That Mr. Hawkes be allowed the usual mileage and per diem from the commencement of the session up to this date, January 27th, 1852.

Adopted.

Mr. Parrish made the following report, which was laid upon the table:

The committee, appointed by the Assembly to confer with a committee appointed by the Senate for the purpose of preparing and reporting Joint Rules and Orders of the Senate and Assembly, have the honor to report that they have met the committee of the Senate in conference, and that the two committees have agreed upon the following Joint Rules and Orders of the Senate and Assembly, and respectfully recommend their adoption by their respective bodies.

Mr. Ellis, of Nevada, moved to lay the resolution upon the table.

Agreed to.

Mr. Ellis, of Nevada, made the following report in the case of Herman Wohler:

Mr. Speaker:

The Committee on Elections, who were instructed, by resolution of the Assembly, "Whether or not Herman Wohler is entitled, under the Constitution of the State and the Laws of Naturalization, to his seat as a member of this Assembly," ask leave to report:—

Your committee find, from the evidence presented to them, that Herman Wohler, the incumbent of a seat in the House of Assembly, for the County of San Francisco, was born in Germany.

No evidence has been presented to your committee tending to show that Mr. Wohler has ever become a citizen of the United States, in accordance with any of the Laws of Naturalization, or by virtue of the Treaty of Guadaloupe Hidalgo.

Mr. Addison, County Clerk of the County of San Francisco, testifies that, not long prior to the election,—by virtue of which Mr. Wohler claims the seat he now occupies,—he made application to Mr. Addison for a renewal of certain papers, which he alleged were given him by Col. Mason, while Governor of California, and by virtue of which he claimed to have become a citizen of the United States.

Your committee know of no law authorizing Col. Mason, or any other military Governor of California, to grant letters of naturalization to foreigners; and are constrained to believe, that of whatsoever character the papers given Mr. Wohler by Gov. Mason, were, they could not have made him a citizen of the United States within the requirements of any treaty or law prescribing the mode of naturalization.

Mr. Wohler himself, through his counsel, declines presenting any testimony to the committee, or even to give any explanations in relation to the manner in which he claims to have become a citizen of the United States.

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

Resolved, That the seat now occupied by Herman Wohler, as member of the Assembly for the County of San Francisco, be, as the same is hereby declared, vacant.

[SIGNED] E. T. W. ELLIS,
R. N. WOOD,
A. C. PEACHY,
HENRY A. CRABB.

Mr. Merritt made the following report in the case of Herman Wohler:

Mr. Speaker:

The undersigned, members of the Committee on Elections, beg leave to report—

That they have had under consideration the resolution directing your committee to inquire into the right of Herman Wohler, a Representative from the County of San Francisco, to his place as such Representative on the floor of this House.

Mr. Wall, the Representative from Monterey, appeared before your committee as the party contesting Mr. Wohler's right, and proposed to prove that Mr. Wohler was not qualified under the Constitution.

The only testimony before your committee consists of the admissions, or rather statements, of Mr. Wohler himself, from which testimony it appears that Mr. Wohler *has stated* that he was born in Germany, emigrated to, and became a citizen of, Mexico; that, being a citizen of Mexico, he was within the territories of this State at the time of the conclusion of the treaty of peace with Mexico; and that he had, at an early day, declared his intention to become a citizen of the United States, under the treaty.

No matter, inconsistent with the entire truth of this statement, has been introduced before your committee; and as this statement is altogether consistent with the right of Mr. Wohler to represent the County of San Francisco in this body, we see no reason for further inquiry in this cause.

The constituent body of the County of San Francisco have *selected* Mr. Wohler as a proper and competent person to represent them here; they have clothed him with the authority of their Representative—and in doing this, *they*—the people whom he represents—have passed upon his sufficiency; and it must be assumed by us, in the first instance, that they have passed a sound judgment.

It is well understood by every one who has mastered the elements of our republican system, that the fact of foreign birth is not inconsistent with American citizenship. It is one of the peculiar features of modern Republics that they recognize the right of expatriation and a change of allegiance. We have recognized this doctrine in the Federal and in every State Constitution, and if the testimony in this case presented the single fact that Mr. Wohler was of German birth, it would not establish the fact that he was an alien.

If the fact alone furnished grounds for any presumption, it would not be such a presumption as the one that the law raises: that is,—that Mr. Wohler, having been selected and invested with office by a competent appointing power, was properly so invested and possessed all the requisite qualifications.

It is the first reasonable and legal presumption that the appointing power, in this instance, knew whether or not Mr. Wohler was born abroad; and if born abroad, whether he had become a qualified person: that, in the whole premises, the appointing power acted intelligently.

Nothing has been presented to this committee to justify the conclusion that, in this instance, the constituency of the County of San Francisco have acted in ignorance of the facts or regardless of the Constitution.

The undersigned, therefore, recommend that they be discharged from the further consideration of the subject.

All of which is respectfully submitted by the undersigned.

[SIGNED] MERRITT, Chairman;
LAW,
YEISER,
BOGGS.

Mr. Merritt moved to adjourn until 10 o'clock, to-morrow. Lost.

Mr. Brush moved that the whole subject be indefinitely postponed.

Withdrawn.

Mr. Fowler moved to adjourn until 9 o'clock, tomorrow.

Not agreed to.

Mr. Wohler asked that he be allowed counsel in his case.

Agreed to.

Mr. McDougal was introduced by Mr. Wohler as his counsel.

On motion of Mr. Parrish, the House resolved itself into Committee of the Whole, Mr. McMullin in the chair, to consider the case of Mr. Herman Wohler, in reference to his right to a seat upon this floor.

After spending considerable time in the consideration of the subject, on motion of Mr. Boggs, the committee rose, reported progress, and asked to be discharged.

Agreed to.

Mr. Wohler then came forward and made an affidavit, stating that he

was a citizen of Mexico, and resided in California before the treaty between Mexico and the United States in reference to the Territory of California.

Mr. Boggs then moved the indefinite postponement of the whole subject, upon which Mr. McMullin demanded the ayes and nays.

Those who voted to indefinitely postpone, were—

Messrs. Boggs,
Brush,
Coffroth,
Colby,
Covarrubias,
Del Valle,
Fleming,
Gibson,
Harazthy,
Kipp,
Law,
Lyons,
McConaha,
McKim,
McMeans,
Merritt,
Morse,
Pacheco,
Parrish,
Paxton,
Pico,
Ridley,
Stark,
Thompson,
Tucker,
Wing,
Yeiser,
Young,
Speaker—29.

Those who voted against the indefinite postponement, were—

Messrs. Canney,
Caldwell,
Chauncey,
Crabb,
Crittenden,
Cutler,
Dameron,
Ellis, of Nevada,
Ellis, of San Francisco,
Ford,
Fowler,
Gardiner,
Hinchman,
Hopkins,
Ingersoll,
McKenzie,
McMullen,
Orrick,
Peachy,
Pierce,
Smith,
Stephenson,
Wall,
Wood—24.

The subject was indefinitely postponed.

On motion of Mr. Merritt, the House adjourned until 11 o'clock, to-morrow.

HOUSE OF ASSEMBLY.

WEDNESDAY, January 28, 1852.

The House met pursuant to adjournment.

The roll was called by the Clerk, and the following members found absent—Messrs. Canney, Chauncey, Coates, Colby, Crittenden, Del Valle, Gardiner, McKim, McMeans, Merritt, Pacheco, Pico, Taliaferro, Tenbrook, Turner, Wall and Yeiser.

The Journal of Tuesday 27th, read and approved.

The Speaker announced the House ready to proceed to business.

Mr. McMullin offered the following:

Whereas, By a solemn vote of this House, taken yesterday in the case of Coates *vs.* Hawkes, virtually declaring Scott's Bar and Shasta Plains to be within the limits of Klamath County;

And Whereas, It was proved in evidence in said case, that Messrs. Fleming and Pierce, sitting members of this House, and representing the County of Shasta, are residents, the one at Scott's Bar, and the other of Shasta Plains,

And Whereas, The fourth section of the fourth article of the Constitution of California is in the following language: "Senators and members of Assembly, shall be duly qualified electors in the respective counties and districts which they represent." Therefore,

Resolved, That the seats of Messrs. Fleming and Pierce, be, and the same are hereby declared vacant.

Referred to Committee on Elections.

Mr. McMullin offered the following which was agreed to.

Resolved, That the Committee on Elections receive as evidence in the matter of contest of Messrs. Fleming and Pierce, all that portion of testimony taken in the case of Coates and Hawkes, as has reference to the present case.

Adopted.

The Speaker announced that the hour for proceeding to the election of United States Senator had arrived.

On motion of Mr. Boggs, the Senate were informed by the clerk that the Assembly was then ready to meet in Joint Convention.

Mr. Boggs gave notice that, on Monday next, or on some subsequent day thereafter, he would introduce the following bills:

A bill to re-organize the Judicial Districts of this State.

A bill to abolish the Courts of Session of the several Counties of this State.

A bill to transfer to the District Courts of the State, the criminal jurisdiction heretofore invested in the Courts of Session.

A bill transferring from the County Courts of this State, to the District

Courts all the jurisdiction heretofore exercised by the County Courts, except that of probate business.

A bill fixing the times and places of holding the District Courts in the several counties of this State.

A bill to authorize and require the several District Courts of this State to hold special terms for criminal business.

To establish a Board of Supervisors in the several counties of this State for the transaction of county business.

Mr. Wood offered the following resolution, which was

On motion of Mr. Wall laid upon the table.

Resolved, That two hundred copies of the evidence and documents connected with the contested seat for Klamath be printed.

Mr. McConaha gave notice that, on Saturday next, or some day soon thereafter, he would introduce a bill to regulate fees in office.

The following report was presented on yesterday, and laid upon the table without any action.

Taken from the table to-day on a motion made by Mr. Parrish.

The committee appointed by the Assembly, to confer with a committee appointed by the Senate, for the purpose of preparing and reporting joint rules and orders of the Senate and Assembly, have the honor to report that they have met the committee of the Senate in conference, and that the two committees have agreed upon the following joint rules and orders of the Senate and Assembly, and respectfully recommend their adoption. [See Appendix.]

Joint rules of the Senate and Assembly adopted.

The following message was received from the Senate:

I am instructed to inform the Assembly, that the Senate have this day passed the Assembly bill, No. 3, with this amendment—by striking out in section nine, three per cent. and inserting one fourth of one per cent.—and by amending the title so as to read,

"Bill to repeal the Charter of the City of San Diego, and to create a Board of Trustees."

The Senate have also passed the Assembly bill entitled an Act prescribing the manner of electing United States Senators.

A. C. BRADFORD,
Secretary of the Senate.

On motion of Mr. Haraźthy, the House concurred in the amendments made by the Senate to a bill to repeal the Charter of the City of San Diego.

The following message was received from the Senate:

I am directed to inform the Assembly that the Senate have this day passed certain resolutions prescribing the manner of the two houses voting for United States Senator in Joint Convention, which are herewith submitted.

A. C. BRADFORD,
Secretary of the Senate.

Resolution from the Senate accompanying the above message, was taken up and read a first time.

Mr. Parrish moved to lay the resolution upon the table.

Mr. Ellis, of San Francisco, demanded the ayes and nays.

Those who voted in the affirmative were—

Messrs. Blanchard, Boggs, Brush, Caldwell, Coffroth, Colby, Covarrubias, Del Valle, Fleming, Gardiner, Gibson, Graham, Harazthy, Hudspeth, Kipp, Lyons, McConaha, Merritt, Pacheco, Parrish, Paxton, Peachy, Pierce, Pico, Ridley, Smith, Stark, Stephenson, Taliaferro, Thompson, Tucker, Turner, Wall, Wing, Wohler, Young, Speaker—37.

Those who voted in the negative were—

Messrs. Canney, Crabb, Crittenden, Cutler, Dameron, Ellis, of Nevada, Ellis, of San Francisco, Ford, Fowler, Hinchman, Hopkins, Ingersoll, Jones, Law, McKenzie, McMullin, Morse, Orrick, Yeiser—19.

Laid upon the table.

The two Houses assembled in the Hall of the House to go into the election of United States Senator.

Mr. Snyder was appointed, on the part of the Senate, and Mr. Wood, on the part of the House, to act as Tellers.

Mr. Parrish moved a call of the House.

Agreed to

The President announced that nominations were in order.

Mr. Ingersoll nominated John B. Weller.

Mr. Hubbs nominated Mr. Anderson.

Mr. Peachy nominated Mr. McLane.

Mr. Fleming nominated Mr. Ralston.

Mr. Ellis, of Nevada, nominated Mr. Tingley.

Mr. Estill nominated Mr. Broderick.

Mr. Parrish nominated Mr. Smith.

On the first ballot the following members voted for John B. Weller—Messrs. Foster, Fry, Keene, Keyser, Lott, McKibben, Roach, Snyder, Sprague, Walton and Warner, of the Senate, Canney, Chauncey, Gardiner, Gibson, Harazthy, Ingersoll, McMeans, Paxton, Smith, Stephenson, Thompson and Wall, of the Assembly.

Those who voted for Mr. Anderson were—Messrs. Hubbs, Lind, Ralston, and Walsh, of the Senate, Messrs. Blanchard, Brush, Coffroth, Dameron and McKim, of the Assembly.

Those who voted for Mr. McLane were—Mr. Robinson, of the Senate, and Messrs. Crittenden, Del Valle, Ford, Merritt, Peachy and Hammond, of the Assembly.

Those who voted for Mr. Ralston were—Messrs. Anderson and Wambough, of the Senate, and Messrs. Colby, Fleming, Kipp, McConaha, Morse and Tucker, of the Assembly.

Those who voted for Mr. Tingley were—Mr. Soule, of the Senate, and Messrs. Caldwell, Crabb, Cutler, Ellis, of Nevada, Ellis, of San Francisco, Fowler, Graham, Hinchman, Hopkins, Jones, McKenzie, McMullin, Orrick, Turner and Wood.

Those who voted for Mr. Broderick were—Messrs. Cooke, De la Guerra, Estill, Harper, Miller and Van Buren, of the Senate, and Messrs. Covarrubias, Law, Pacheco, Pico, Stark, Ten Broeck, Wing, Wohler and Young.

Those who voted for Mr. Smith were, on the part of the Senate Mr. Lewis, and Messrs. Boggs, Coates, Hudspeth, Lyons, Parrish, Pierce, Ridley and Taliaferro.

Mr. Broderick voted for Mr. Walsh.

Mr. Tingley voted for Tod Robinson.

Whole number of votes cast were - - -	87
Necessary to a choice, - - - - -	45

No one having received a majority, the two Houses proceeded to ballot again.

Those who voted for Mr. Weller were—Messrs. Foster, Fry, Keene, Keyser, Lott, McKibben, Roach, Snyder, Walton and Warner, of the Senate, and Messrs. Canney, Chauncey, Gardiner, Gibson, Harazthy,

Ingersoll, McMeans, Paxton, Smith, Stephenson, Thompson, Tucker and Wall, of the Assembly.

Those who voted for Mr. Tingley were—Mr. Soule, of the Senate, and Messrs. Caldwell, Crabb, Cutler, Ellis, of Nevada, Ellis, of San Francisco, Fowler, Hinchman, Hopkins, Jones, McKenzie, Orrick and Turner, of the House.

Those who voted for Mr. Broderick were—Messrs. Cooke, De la Guerra, Estill, Harper, Miller and Van Buren, of the Senate, and Messrs. Covarrubias, Law, Pacheco, Pico, Stark, Ten Broeck, Wing, Wohler and Young, of the Assembly.

Those who voted for Mr. Anderson were—Messrs. Hubbs, Lind, Ralston and Walsh, of the Senate, and Messrs. Blanchard, Brush, Coffroth, Dameron and McKim, of the Assembly.

Those who voted for Mr. McLane were—Mr. Robinson, of the Senate, and Messrs, Coates, Crittenden, Del Valle, Ford, Merritt, Peachy, and Mr. Hammond, of the Assembly.

Those who voted for Mr. Ralston were—Messrs. Anderson, Sprague and Wambough, of the Senate, and Messrs. Colby, Fleming, Kipp, McConaha and Morse, of the Assembly.

Those who voted for Mr. Smith were—Mr. Lewis of the Senate, and Messrs. Boggs, Hudspeth, Lyons, Parrish, Pierce, Ridley and Taliaferro, of the Assembly.

Those who voted for Mr. King were—Messrs. Graham, McMullin and Wood, of the Assembly.

Mr. Broderick voted for Mr. Walsh.

Whole number of votes cast, - - - - -	88
Necessary to a choice, - - - - -	45

No one having received a majority of all the votes cast, the convention proceeded to ballot again.

Mr. Turner nominated Mr. Buckner.

Those who voted for Mr. Weller were—Messrs. Foster, Fry, Keene, Keyser, Lott, McKibben, Roach, Snyder, Sprague, Walton and Warner, of the Senate; and Messrs. Cauney, Chauncey, Gardiner, Gibson, Harazthy, Ingersoll, McMeans, Paxton, Stephenson, Thompson, Tucker and Wall, of the Assembly.

Those who voted for Mr. Broderick were—Messrs. Cooke, De la Guerra, Estill, Harper, Miller and Van Buren, of the Senate; and Messrs. Covar-

rubias, Law, Pacheco, Pico, Stark, Ten Broeck, Wing, Wohler and Young, of the Assembly.

Those who voted for Mr. Tingley were—Mr. Soule of the Senate; and Mr. Caldwell, of the Assembly.

Those who voted for Mr. Anderson were—Messrs. Hubbs, Ralston and Walsh, of the Senate; and Messrs. Blanchard, Brush, Coffroth, Dameron and McKim, of the Assembly.

Those who voted for Mr. McLane were—Messrs. Lind and Robinson, of the Senate; and Messrs. Crittenden, Del Valle, Merritt, Peachy and Mr. Hammond, of the Assembly.

Those who voted for Mr. Ralston were—Messrs. Anderson and Wambough of the Senate; and Messrs. Coates, Colby, Fleming, Ford, Kipp, McConaha and Morse, of the Assembly.

Those who voted for Mr. Smith were—Mr. Lewis, of the Senate; and Messrs. Boggs, Hudspeth, Lyons, Parrish, Pierce, Ridley and Taliaferro.

Mr. Broderick voted for Mr. Walsh.

Those who voted for Mr. Buckner were—Messrs. Crabb, Cutler, Ellis, of Nevada, Ellis, of San Francisco, Fowler, Graham, Hinchman, Hopkins, McKenzie, McMullin, Orrick, Turner and Wood.

Whole number of votes, - - - - - -	86
Necessary to a choice, - - - - - -	44

No one having received a majority of all the votes cast, Mr. Van Buren moved that the convention take a recess until 12 o'clock, to-morrow.

Mr. McMullin demanded the ayes and nays.

Those who voted in the affirmative were—

Messrs. Anderson,	Messrs. Colby,
Cooke,	Covarrubias,
Estell,	Cutler,
Foster,	Del Valle,
Fry,	Fleming,
Harper,	Ford,
Hubbs,	Fowler,
Keene,	Gibson,
Lott,	Hudspeth,
McKibben,	Kipp,
Miller,	Law,
Ralston,	McConaha,
Soule,	Morse,
Sprague,	Pacheco,
Tingley,	Paxton,

Messrs. Van Buren,
Walsh,
Walton,
Wambough, of the Senate, and
Blanchard,
Boggs,
Brush,
Caldwell,
Coates,
Pierce,
Pico,
Ridley,
Stark,
Stephenson,
Tucker,
Wing,
Young,
Speaker—48.

Those who voted against adjournment, were—

Messrs. Broderick,
Keyser,
Lewis,
Lind,
Robinson,
Snyder,
Warner, of the Senate, and
Canney,
Chauncey,
Coffroth,
Crabb,
Crittenden,
Dameron,
Ellis, of Nevada,
Ellis, of San Francisco,
Gardiner,
Harazthy,
Hinchman,
Hopkins,
Ingersoll,
Jones,
Lyons,
McKenzie,
McKim,
McMeans,
McMullin,
Merritt,
Orrick,
Parrish,
Peachy,
Smith,
Taliaferro,
Ten Broeck,
Thompson,
Turner,
Wall,
Wohler,
Wood—38.

So the convention decided to take a recess until to-morrow at 12 o'clock.

On motion of Mr. Parrish, the House adjourned until 11 o'clock, to-morrow.

HOUSE OF ASSEMBLY.

THURSDAY, January 29, 1852.

House met pursuant to adjournment.

The roll was called by the Clerk and the following members found absent —Messrs. Coates, Colby, Covarrubias, Crittenden, Ellis, of San Francisco, Fleming, Gardiner, Kipp, McConaha, McMeans, Merritt, Morse, Pico, Taliaferro, Ten Broeck and Yeiser.

The Journal of Wednesday, the 28th January, read and approved.

The Speaker announced the House ready to proceed to business.

Mr. Coffroth presented a petition from sundry citizens of Tuolumne County, praying the Legislature to incorporate a company therein stated.

Petition read, and on motion of Mr. Tucker, referred to Committee on Corporations.

Special order of the day—a report from the Committee on Ways and Means, in reference to the pay of the Clerk and other officers.

On motion of Mr. McMullin, it was postponed for the present.

The following message was received from the Governor's private secretary:

Hon. R. P. Hammond,

I am directed by the Governor to inform the Assembly that he has this day signed "an Act requiring the Treasurer to retain certain moneys."

Very respectfully,

L. B. MIZNER,

Private Secretary.

A report and accompanying papers in reference to a Joint Committee to confer with M. G. Vallejo—read, and, on motion of Mr. Paxton, laid upon the table for the present.

The Speaker announced that the hour of 12 had arrived.

Mr. McMullin moved that the Clerk notify the Senate that the House was now ready to meet in the hall of the House to proceed with the election of United States Senator.

Agreed to.

Mr. Crabb presented a bill for an Act to change and define the boundaries of Contra Costa and San Joaquin Counties.

On motion of Mr. Boggs, the rules were suspended, and the bill read a first and second time by its title.

Mr. Crabb moved that the rules be further suspended, and that the bill be considered as engrossed and read a third time, which was agreed to.

So the bill passed.

Mr. Lyons moved that Mr. Coates have leave of absence in consequence of ill health.

Agreed to.

The two Houses assembled in the hall of the House to proceed with the election for United States Senator.

The President announced that nominations were in order.

The convention proceeded to vote upon the fourth ballot.

Those who voted for Mr. Anderson were—Messrs. Hubbs, Lind, Ralston, and Walsh, of the Senate; and Messrs. Blanchard, Brush, Coffroth and Dameron, of the Assembly.

Those who voted for Mr. Broderick were—Messrs. Cooke, De la Guerra, Estill, Harper, Miller and Van Buren, of the Senate; and Messrs. Colby, Covarrubias, Law, McConaha, Morse, Pacheco, Pico, Stark, Ten Broeck, Wing, Wohler and Young, of the Assembly.

Those who voted for Mr. Ellis, were—Messrs. Soule and Tingley, of the Senate; and Messrs. Caldwell, Crabb, Cutler, Ellis, of San Francisco, Fowler, Graham, Hinchman, Hopkins, Jones, McKenzie, McMullin, Orrick, Turner and Wood, of the Assembly.

Those who voted for Mr. McLane, were—Mr. Robinson, of the Senate; and Messrs. Crittenden, Del Valle, Ford, Merritt, Peachy, Yeiser and Hammond, of the Assembly.

Those who voted for Mr. Smith were—Mr. Lewis, of the Senate; and Messrs. Boggs, Fleming, Hudspeth, Lyons, Parrish, Pierce, Ridley and Taliaferro, of the Assembly.

Those who voted for Mr. Walsh were—Messrs. Anderson and Broderick, of the Senate.

Those who voted for Mr. Weller were—Messrs. Foster, Fry, Keene, Keyser, Lott, McKibben, Roach, Snyder, Walton, Warner and Wambough, of the Senate; and Messrs. Canney, Chauncey, Gardiner, Gibson, Harazthy, Ingersoll, Kipp, McMeans, Paxton, Smith, Stephenson, Thompson, Tucker and Wall, of the Assembly.

Mr. Ellis, of Nevada, voted for Mr. Tingley.

Whole number of votes,	-	-	-	88
Necessary to a choice,	-	-	-	45

No one having received a majority, the convention proceeded to ballot again, (the fifth ballot.)

Those who voted for Mr. Anderson were—Messrs. Hubbs, Ralston and Walsh, of the Senate; and Messrs. Blanchard, Brush, Coffroth and Dameron, of the Assembly.

Those who voted for Mr. Broderick were—Messrs. Cooke, De la Guerra, Estill, Harper, Miller and Van Buren, of the Senate; and Messrs. Colby, Covarrubias, Fleming, Law, McConaha, Morse, Pacheco, Pico, Stark, Ten Broeck, Wing, Wohler and Young, of the Assembly.

Those who voted for Mr. McLane were—Messrs. Lind and Robinson, of the Senate; and Messrs. Crittenden, Del Valle, Ford, Merritt, Peachy, Yeiser and Hammond, of the Assembly.

Those who voted for Mr. Smith were—Mr. Lewis, of the Senate; and Messrs. Boggs, Hudspeth, Lyons, Parrish, Pierce, Ridley and Taliaferro, of the Assembly.

Those who voted for Mr. Walsh were—Messrs. Anderson and Broderick, of the Senate.

Those who voted for Mr. Weller were—Messrs. Foster, Fry, Keene,

Keyser, Lott, McKibben, Roach, Snyder, Sprague, Walton, Warner and Wambough, of the Senate; and Messrs. Canney, Chauncey, Gardiner, Gibson, Harazthy, Ingersoll, Kipp, McMeans, Paxton, Smith, Stephenson, Thompson, Tucker and Wall, of the Assembly.

Those who voted for Mr. Kewen were—Messrs. Soule and Tingley, of the Senate; and Messrs. Caldwell, Crabb, Cutler, Ellis, of Nevada, Ellis, of San Francisco, Fowler, Graham, Hinchman, Hopkins, Jones, McKenzie, McMullin, Orrick, Turner and Wood, of the Assembly.

Whole number of votes,	-	-	-	88
Necessary to a choice	-	-	-	45

No one having received a majority, the convention proceeded to ballot again. (Sixth ballot.)

Those who voted for Mr. Anderson were—Messrs. Hubbs, Ralston and Walsh, of the Senate; and Messrs. Blanchard, Coffroth, Dameron and McKim of the Assembly.

Those who voted for Mr. Broderick were—Messrs. Cooke, De la Guerra, Estill, Harper, Miller and Van Buren, of the Senate; and Messrs. Brush, Colby, Covarrubias, Fleming, Law, McConaha, Merritt, Morse, Pacheco, Stark, Ten Broeck, Wing, Wohler and Young, of the Assembly.

Those who voted for Mr. McLane were—Messrs. Lind and Robinson, of the Senate; and Messrs. Crittenden, Del Valle, Ford, Peachy, Pico, Yeiser and Hammond, of the Assembly.

Those who voted for Mr. Smith were—Mr. Lewis, of the Senate; and Messrs. Boggs, Hudspeth, Lyons, Parrish, Pierce and Taliaferro, of the Assembly.

Those who voted for Mr. Walsh were—Messrs. Anderson and Broderick, of the Senate.

Those who voted for Mr. Weller were—Messrs. Foster, Fry, Keene, Keyser, Lott, McKibben, Roach, Snyder, Sprague, Walton, Warner and Wambough, of the Senate; and Messrs. Canney, Chauncey, Gardiner, Gibson, Harazthy, Ingersoll, Kipp, McMeans, Paxton, Smith, Stephenson, Thompson, Tucker and Wall, of the Assembly.

Those who voted for Mr. Wood were—Messrs. Soule and Tingley, of the Senate; and Messrs. Caldwell, Crabb, Cutler, Ellis, of Nevada, Ellis, of San Francisco, Fowler, Graham, Hinchman, Hopkins, Jones, McMullin, Orrick, Turner and McKenzie, of the Assembly.

Mr. Wood voted for Mr. Ellis.

Whole number of votes,	-	-	-	88
Necessary to a choice, -	-	-	-	45

No one having received a majority, the convention proceeded to ballot again, (seventh ballot.)

Those who voted for Mr. Anderson were—Messrs. Hubbs Ralston and Walsh of the Senate; and Messrs. Blanchard, Coffroth, Dameron and McKim of the Assembly.

Those who voted for Mr. Broderick were—Messrs. Cook, De la Guerra, Estill, Miller, Harper, and Van Buren of the Senate; and Messrs. Colby, Covarrubias, Fleming, Law, Merritt, Morse, Pacheco, Pico, Ridley, Stark, Ten Broeck, Wing, Wohler, Young and McConaha of the Assembly.

Those who voted for Mr. McLane were—Messrs. Lind and Robinson of the Senate: and Messrs. Crabb, Crittenden, Del Valle, Ford, Peachy, Yeiser and Hammond of Assembly.

Those who voted for Mr. Smith were—Mr. Lewis of the Senate; and Messrs. Boggs, Hudspeth, Lyons, Parrish, Pierce and Taliaferro of Assembly.

Those who voted for Mr. Walsh were—Messrs. Anderson and Broderick of the Senate.

Those who voted for Mr. Weller were—Messrs. Foster, Fry, Keene, Lott, McKibben, Roach, Snyder, Sprague, Walton, Keyser, Warner and Wambough of the Senate; and Messrs. Canney, Chauncey, Gardiner, Gibson, Harazthy, Ingersoll, Kipp, McMeans, Paxton, Smith, Stevenson, Thompson, Tucker and Wall of Assembly.

Those who voted for Mr. King were—Messrs. Soule and Tingley of the Senate; and Messrs. Caldwell, Ellis of Nevada, Ellis of San Francisco, Graham, Hinchman, McKenzie, McMullin, Orrick, Turner and Wood of Assembly.

Those who voted for Mr. Soule were Messrs. Cutler, Fowler and Hopkins.

Whole number of votes, - - -	87
Necessary to a choice, - - - -	44

No one having received a majority.

Mr. Parrish moved that the Convention adjourn until 12 o'clock to-morrow.

Mr. Warner moved to amend by stating 2 o'clock instead of 12.

Mr. Parrish accepted the amendment, the vote being taken, the Convention adjourned until 2 o'clock, P. M.

On motion of Mr. Lyons, Dr. Wozencraft be allowed the use of the Hall, this evening, at 6 o'clock, to meet a committee and other citizens.

Agreed to.

Mr. Peachy moved that the House adjourn until 11 o'clock to-morrow.

Agreed to.

HOUSE OF ASSEMBLY.

FRIDAY, January 30, 1852.

The House met pursuant to adjournment.

The roll was called by the Clerk and the following members found absent, Messrs. Canney, Covarrubias, Gardiner, Law, Peachy, Stark, Taliaferro, Ten Broeck, Wall, Wohler and Yeiser.

The Journal of Thursday 29th, read and approved.

The Speaker announced the House ready to proceed to business.

Mr. Fleming, chairman of a Select Committee made the following report:

The Select Committee, to whom was referred the petition of the citizens of Shasta County, praying for a division of said county would report as follows:—That the new county to commence at a point known as the Devil's Castle, near, and on the opposite side from the Soda Springs on the upper Sacramento River, from said point or place of beginning to run due east to the eastern boundary of the State of California, and thence north to the Oregon line, and from thence running west along the boundary line of the Territory of Oregon and State of California to a point on said line due north of the mouth of Indian Creek, being the first large creek adjoining unto the Indian Territory, at a place known as Happy Camp; which empties into the Klamath River, on the opposite side below the mouth of Scott's River, and from thence across Klamath River, running in a southeasterly course along the summit of the mountain, dividing the waters of Scott's and Salmon River to the place of beginning.

Your committee would also recommend, that the new county be known and called Siskiyou County, and to establish the county seat at the Town now called and known as Shasta Butte City, which is to be changed to the name of Yreka City, the county seat of Siskiyou County.

Your committee would further recommend, that the County of Shasta have the right to collect all back taxes due and unpaid, where assessments have heretofore been made.

Your committee would, therefore, submit the following Act, to wit, viz: being the unanimous report of the committee.

SAMUEL FLEMING,
Chairman of the Committee.

An Act to establish the County of Siskiyou, and to establish the seat of justice therein.

On motion of Mr. Merritt, the bill was laid upon the table.

Mr. Ellis of Nevada offered the following Joint Resolution:

Resolved, By the Senate and Assembly, that the Treasurer of State be, and he is hereby authorized and required to receive of Hiram C. Hodge, Treasurer of Nevada County, the sum of eight hundred and eighty-eight dollars in State scrip, in payment of taxes collected in said county, prior to the 1st of December, 1851.

Read a first and second time, and ordered to a third reading on to-morrow.

The following special message was received from the Governor, which was read, and five hundred copies ordered to be printed in English, and one hundred and fifty copies in Spanish. [See Appendix.]

The following message was received from the Senate:

Mr. Speaker:

I am directed to inform the Assembly, that the Senate yesterday passed Assembly bill, No. 5, providing for the payment of the expenses in removing the Archives of State from San Jose and Vallejo, and thence to the City of Sacramento.

A. C. BRADFORD,
Secretary of the Senate.

January 30, 1852.

Mr. Tucker offered the following resolution:

Resolved, That all such portions of the Governor's special message as relates to the financial affairs of the State, memorializing Congress for expenses, incurred by Indian Wars, disposition of Public Lands, &c., be, and are hereby referred to their respective committees, and that one thousand copies of the Governor's special message be ordered to be printed immediately.

Mr. McMullin offered as an amendment that such portions of the message as refers to the finances of the State, and other subjects, be referred to their appropriate committees.

The motion was accepted by Mr. Tucker, which was agreed to by the House.

Mr. Merritt moved that five hundred copies be printed instead of one thousand.

Agreed to.

Mr. Harazthy moved that one hundred and fifty copies be printed in Spanish.

Agreed to.

Mr. Coffroth offered a Preamble and Joint Resolution instructing our Sentors, and requesting our Representatives in Congress, to obtain an increase of the salary of the two District Judges in California.

Read a first and second time, rules suspended, read a third time and passed.

Mr. Kipp introduced a Joint Resolution in relation to the Civil Fund of California.

Read a first and second time, the rule suspended, read a third time and passed.

Mr. McMeans presented the petition of R. E. Dodson, which was read, and, on his motion, referred to Committee on Elections.

Mr. Paxton offered the following which was adopted:

Resolved, That all Governor's messages and other public documents, ordered to be printed by the House, be equally distributed among the members, and that the Sergeant-at-Arms and the Clerk, report to the House the number of copies received from the State Printer.

Mr. Peachy made the following report:

The Committee on the Judiciary, to whom was referred the application of the Hon. S. Heydenfeldt, for leave of absence from this State, have the honor to report that they have amended the Joint Resolution by inserting six months, in the place of twelve months, and recommend its passage.
Respectfully submitted.

Resolution as amended taken up and passed.
Mr. Merritt introduced a Joint Resolution instructing our Senators and requesting our Representatives in Congress, to procure an appropriation from Congress, for the improvement of the San Joaquin River.
Read a first time.
Mr. Merritt moved to suspend the rule, to give the resolution a second reading.
Not agreed to.
Mr. Ellis, of San Francisco, gave notice that at an early day he would introduce a bill to amend an Act, concerning Justice's Courts of the County of San Francisco, passed March 11, 1851.
Mr. Colby, chairman Enrolled Bills, reported that the committee had examined a bill to pay the expense for the removal of the archives, and also, a bill in reference to the election of United States Senators, and found them correctly enrolled.
Mr. Merritt asked leave of absence for Mr. Pico, for eight days.
Leave granted.
Mr. Ellis, of Nevada, offered the following:

Resolved, That the Superintendent of Public Buildings be instructed to procure the picture of Washington, presented to this State by Thomas O. Larkin, Esq., and others, and that the same be hung up in this Hall.
Mr. Coffroth moved to amend by inserting the name of A. J. Ellis, instead of Superintendent of Public Buildings.
On motion of Mr. Cutler, the Resolution was laid upon the table
Mr. Peachy offered the following which was adopted:

Resolved, When this House adjourn to-day, that it shall adjourn to meet on Tuesday next, at 12 o'clock, M.

Adopted.
Mr. Wood moved that the Senate be informed that the House is now ready to proceed with the election of United States Senator.
Agreed to.

The two Houses assembled in the Hall of the House, to continue the election of United States Senator.
Mr. Estill withdrew the name of Mr. Broderick.

Mr. Peachy withdrew the name of Mr. McLane.
Mr. Hubbs withdrew the name of Mr. Anderson.
Mr. Parrish withdrew the name of Mr. Smith.
Mr. Graham nominated Mr. Elcan Heydenfeldt.
The convention then proceeded to ballot the eighth time.

Those who voted for Mr. Weller were—Messrs. Anderson, Broderick, De la Guerra, Cooke, Estill, Foster, Fry, Harper, Hubbs, Keene, Keyser, Lewis, Lind, Lott, McKibben, Miller, Ralston, Roach, Robinson, Snyder, Sprague, Van Buren, Walsh, Walton, Warner and Wambough, of the Senate; and Messrs. Blanchard, Boggs, Brush, Canney, Chauncey, Coates, Coffroth, Colby, Covarrubias, Crittenden, Dameron, Del Valle, Fleming, Ford, Gardiner, Gibson, Haraźthy, Hudspeth, Ingersoll, Kipp, Law, Lyons, McConaha, McKim, McMeans, Merritt, Morse, Pacheco, Parrish, Paxton, Peachy, Pierce, Pico, Ridley, Smith, Stephenson, Taliaferro, Thompson, Tucker, Wall, Wing, Wohler, Yeiser, Young and Mr. Hammond, of the Assembly.

Those who voted for Mr. Reading were—Messrs. Soule and Tingley, of the Senate; and Messrs. Caldwell, Crabb, Cutler, Ellis, of Nevada, Ellis, of San Francisco, Fowler, Graham, Hinchman, Hopkins, Jones, McKenzie, McMullin, Orrick, Turner and Wood, of the Assembly.

Whole number of votes, - - - - - -	88
Necessary to a choice, - - - - - -	45

John B. Weller having received seventy-one votes which was a majority, he was therefore declared to be duly elected Senator for six years from the 4th day of March last.

The convention having completed the business for which it convened, the Senate withdrew.
On motion of Mr. Graham, the House adjourned until Tuesday next, at 12 o'clock, M.

HOUSE OF ASSEMBLY.

TUESDAY, February 3, 1852.

The House met pursuant to adjournment.
The roll was called by the Clerk, and the following members found absent:—Messrs. Chauncey, Covarrubias, Del Valle, Gibson, Haraźthy, Hudspeth, McMeans, Pacheco, Peachy, Stark, Ten Broeck, Tucker and Wohler.
On motion, leave of absence was granted to the following members:—

Messrs. Peachy, Gibson, Tucker, McMeans and Crittenden. Mr. Wohler had leave of absence until Friday next, and Mr. Hudspeth for this week.

The Journal of Friday, the 30th of January, was read and approved.

The Speaker announced the House ready to proceed to business.

Mr. Taliaferro presented a petition from citizens of Marin County, praying that the county be enlarged; read and referred to Committee on County Boundaries.

Mr. Merritt presented an account of J. F. Howe, Private Secretary to Governor McDougal, and, on motion of Mr. Merritt, it was referred to the Committee on Claims.

Mr. McConaha made the following report:

Your Committee on Commerce, to whom was referred a bill to be entitled an Act to provide for the appointment of Flour Inspectors for the different collection districts in the State of California, have the honor to report back the same and recommend its passage.

Mr. Wall moved that the bill and report be re-committed to the Committee on Commerce.

Agreed to.

The following message was received from the Private Secretary of the Governor:

Hon. R. P. Hammond,

I am directed by the Governor to inform the Assembly that he has this day signed an Act prescribing the manner of electing United States Senators.

Also, a bill to repeal the charter of San Diego and to create a Board of Trustees.

Respectfully,

L. B. MIZNER,

Private Secretary.

Mr. Parrish made the following report:

The Committee on Public Lands, to whom was referred the bill entitled an Act prescribing the mode of maintaining and defending possessory actions on lands belonging to the United States, have the honor to report the same back to the House, and respectfully recommend its passage.

Mr. Ellis, of Nevada, moved that the report and bill be laid upon the table.

Agreed to.

Mr. Boggs gave notice that on to-morrow, or some day very soon thereafter, he would introduce a bill to be entitled an Act recommending a convention of the people of the State of California.

The following message was received from the Senate:

I am directed to inform the Assembly that the Senate passed, on the 30th January, 1852, a Joint Resolution to set apart twenty-five hundred

dollars to meet the current contingent expenses of the Senate and Assembly.

And that the Senate did, on the same day, pass the Assembly Joint Resolution relative to the civil fund of California.

Also, the Assembly Joint Resolution instructing our Senators and requesting our Representatives in Congress to obtain an increase of the salaries of the United States District Judges in California.

All of which is respectfully submitted.

A. C. BRADFORD,
Secretary of the Senate.

Tuesday, February 3, 1852.

Mr. McMullin introduced a Joint Resolution instructing the Attorney-General to commence suit against the persons in possession of the Leidesdorff estate; read a first and second time and referred to the Judiciary Committee.

Mr. Graham introduced a Joint Resolution, calling a convention; read a first and second time and referred to a special committee of thirteen.

Mr. Boggs moved to have two hundred copies of the resolution printed.

Not agreed to.

Mr. Ellis, of Nevada, gave notice that on to-morrow, or some subsequent day, he would introduce a bill for an Act enlarging the jurisdiction of the Recorder of Sacramento city, and defining the duties and fixing the compensation of City Attorney in certain cases.

Also, a bill for an Act to amend an Act to regulate proceedings in civil cases in the Courts of Justice of this State.

Mr. Yeiser gave notice that on to-morrow, or some early day thereafter, he would introduce a bill to reduce the present rate of interest and to regulate the same.

The following message was received from the Governor:

To the House of Assembly of the State of California:

I have this day approved an Act entitled an Act to provide for the payment of the expenses incurred in removing the archives of State from San Jose to Vallejo and thence to Sacramento city.

JOHN BIGLER.

Mr. Paxton introduced a bill to be entitled an Act to create a State Hospital in the city of Marysville; read a first time and ordered to a second reading on to-morrow.

The following message was received from the Governor:

EXECUTIVE DEPARTMENT,
Sacramento City, February 3, 1852.

To the Honorable the

Assembly of California:

I have the honor to transmit herewith communications from the Governors

of the States of Delaware and New Hampshire, with accompanying resolutions passed by the Legislature of their respective States.

Very truly and respectfully,
Your obedient servant,
JOHN BIGLER.

On motion of Mr. Boggs, the resolutions referring to the Law of Congress, known as the Compromise Act, was referred to the Committee on Federal Relations; and the resolutions referring to Agriculture, was referred to Committee on Agriculture.

Joint Resolution from the Senate, to set apart twenty-five hundred dollars to meet the current contingent expenses of the Senate and Assembly.

Read a first time and ordered to a second reading on to-morrow.

Report of Committee of Ways and Means, in reference to the pay of the Clerk and other officers, was taken up, to which Mr. McMullin offered a substitute.

On motion of Mr. McMullin, the House resolved itself into Committee of the Whole, Mr. Coffroth in the chair, to consider the resolution fixing the pay of the Clerk and other officers.

After spending some time in the consideration of the subject, on motion of Mr. Hammond, the committee rose and reported, for the action of the House, a resolution recommitting the whole subject to the Committee of Ways and Means, with instructions to report—"What, in their opinion, is a fair and proper compensation for the different officers of this House, provided the same be paid in specie and not in scrip?"

The House adopted the resolution.

Joint Resolution instructing our Senators and requesting our Representatives to obtain an appropriation for the Bay of San Diego, came up upon its third reading.

Mr. Ellis, of Nevada, offered the following resolution, which was not agreed to:

Resolved, That the Joint Resolution under consideration be re-committed to the Committee on Commerce, with instructions to report to the House,—whether, by the Constitution of the United States, Congress have the power to make the internal improvement asked for by said resolution?

The vote was then taken upon the resolution and passed.

An Act to repeal the charter of the city of Nevada, was read a third time and passed.

Joint Resolution for the relief of H. C. Hodge, Treasurer of Nevada, came up upon its third reading.

Mr. Ellis, of San Francisco, moved its reference to Committee of Ways and Means.

Agreed to.

The following report was made by Mr. Graham, Superintendent of Public Buildings:

In pursuance to a concurrent resolution, adopted 24th instant, I have the honor to report that the Governor, Superintendent of Public Instructions, Surveyor-General and Quarter-Master-General are unprovided with offices,

nor is the Secretary of State yet permanently and suitably located. The Attorney-General has taken a room upon his own responsibility. I have applied to the Mayor of the city of Sacramento, who replies that he is unable to give a positive answer as to whether the city will furnish these rooms gratis, until he consults the Town Council, which he promised to do at their next meeting and transmit immediately their determination.

On motion of Mr. Merritt, the report was laid upon the table.

Mr. Merritt offered the following:

Resolved, That when this House adjourns each day, it shall adjourn to meet on the following day, at 10 o'clock, A. M., unless otherwise specially ordered by the House.

Mr. Ellis, of San Francisco, moved to insert half-past ten instead of 10 o'clock, which was agreed to.

On motion of Mr. Merritt, the House adjourned.

HOUSE OF ASSEMBLY.

WEDNESDAY, February 4, 1852.

The House met pursuant to adjournment.

The roll was called by the Clerk, and the following members found absent—Messrs. Covarrubias, Hopkins, Kipp, Peachy, Ten Broeck and Wall.

The Journal of Tuesday, the 3d of February, read, amended, and approved.

The Speaker announced the House ready to proceed to business.

On motion, leave of absence was granted to Messrs. Covarrubias and Kipp.

Mr. Ellis of San Francisco, presented a petition from the citizens of San Francisco, and moved its reference to Judiciary Committee.

Mr. Ellis, of Nevada, moved to refer the petition to a special committee, composed of the delegation from San Francisco.

Agreed to.

Mr. Chauncey, chairman of the Committee on Engrossed Bills, reported that the Committee had examined a bill to be entitled an Act to change and define the boundaries of Contra Costa and San Joaquin Counties, and found it correctly engrossed.

Mr. Coffroth, chairman of Special Committee, made the following report:

The Special Committee, to whom was referred a "Joint Resolution," from the Senate, directing the Comptroller and State Treasurer to "suspend all payment or issuance of bonds in settlement of, or on account of claims for Indian Wars," respectfully report, that they have closely examined

the subject, and believe that the passage of the resolution by this House will be detrimental to a large class of worthy and meritorious citizens, and will in effect, deprive them of rights guaranteed by law.

By an Act, passed March 17, 1851, (see Statutes p. 402, second session,) the Governor was authorized to call out troops to defend the frontier.

Section 2, of same Act, establishes the per diem allowance of each officer and private, and

Section 5 stipulates the mode of auditing the various claims.

Section 5 further declares, that when the accounts are so audited, the Comptroller shall issue his warrant upon the Treasurer for the different amounts, and that said warrants shall be paid to the troops as satisfaction for services rendered.

By an Act, passed March 7, 1851, (see statutes, page 489, second session,) the Treasurer was directed to liquidate the warrants issued in favor of Wm. Rogers, Paymaster of the El Dorado Expedition in the north, and those issued in favor of Wm. Foster, Paymaster of the Gila Expedition in the south, in 12 per cent. bonds of the War Loan, but no provision was made to settle, in the same satisfactory manner, the warrants held by citizens of other parts of the State, who have equal claims upon the people for services rendered, and hardships endured in defence of the frontier. It is the wise policy of good government to protect alike the rights and immunities of her citizens. In the opinion of the committee, the passage of this resolution will prove fatal to the claims and rights of citizens in certain portions of the State, who now hold warrants received in payment for services rendered in repelling the hostility of savages. The committee, therefore, recommend that the resolution be negatived; and also offer the following resolution:

Resolved, That the committee be discharged from the further consideration of the subject.

JAMES W. COFFROTH,
Chairman.

Mr. Merritt moved to adopt the report of the committee.

Mr. McMullin moved to lay the whole subject upon the table for the present.

Agreed to.

Mr. Crabb introduced a Joint Resolution for the relief of Mary Bush Hartman.

Read a first and second time, considered as engrossed, read a third time and passed.

Mr. Boggs introduced a bill to be entitled an Act supplementary to the several Acts concerning Courts of Justice of this State and Judicial officers, passed March 11th, 1851.

Read a first and second time, and referred to the Judiciary Committee.

Mr. Hinchman introduced a bill for an Act concerning Jurors in certain counties.

Read a first and second time, and referred to the Judiciary Committee.

Mr. McMullin introduced Joint Resolution of instructions to our Senators in relation to Humboldt Bay.

Read a first and second time, and referred to committee on Commerce.

Mr. Boggs introduced a bill for an Act recommending a convention of the people of California.

Read a first and second time, and referred to Special Committee of thirteen, one hundred copies ordered to be printed.

Mr. Turner gave notice, that on Monday next, or some early day thereafter, he would introduce a bill to divide the State into Congressional Districts, and to fix the time for holding elections for members of Congress.

Mr. Coffroth gave notice that he would introduce, to-morrow, or in a few days, a bill amendatory to an Act concerning Corporations, passed April 22, 1850.

Mr. Ingersoll gave notice that he would, on to-morrow, or some subsequent day, introduce a bill to fund State Scrip;

Also a bill to abolish the Militia Law.

Mr. Wall, chairman of Committee of Ways and Means made the following report, which was adopted.

The Committee of Ways and Means, to whom was referred the Joint Resolution of Mr. Ellis, of Nevada, for the relief of Hiram C. Hodge, Treasurer of Nevada County, have had the same under consideration, and respectfully beg leave to report:

That on examination of the "Act prescribing the mode of assessing and collecting Public Revenue," passed May 1st, 1851, they find that section forty-seven, of said Act provides that "all funds collected under the provisions of this Act shall be in the legal currency of the United States, or in foreign coin, at the value fixed by the laws of the general government, or in gold dust, at sixteen dollars per ounce, troy weight, or in bonds of the State, with the interest due thereon, authorized by the Legislature at the session of one thousand eight hundred and fifty, which bonds are known as three per cent. bonds." And section seventy-one of said Act, further provides, that "neither the Sheriff nor County Treasurer shall use, employ, loan, or in any manner, directly or indirectly, place out of his or their possession, any of the funds which may come into his or their hands, under the provisions of this Act, but shall safely keep said funds, inviolate, to be paid over as herein provided. Any officer violating the provisions of this section shall be deemed guilty of a misdemeanor, and shall, on conviction, be fined in a sum, not less than five thousand dollars, for each offence, and imprisonment for a term of not less than two years, and shall at once be removed from office."

From the foregoing sections of the Revenue Bill of 1851, it cannot be fairly presumed that the Legislature contemplated that the revenue should be collected in any other funds than those of the character described. Yet it cannot be reasonably doubted that the Legislature did anticipate that certain contingencies would arise under the operation of the Revenue Bill, which might justify the collectors in receiving State Warrants, as is clearly shown by the provisions of an Act supplementary to an Act entitled "an Act concerning the office of County Treasurer," passed April 11, 1851, which took effect at the same time with the Revenue Bill.

Section one of said Act provides that "it shall be the duty of each Collector or County Treasurer, and they are hereby required to make oath to the State Comptroller, when making their annual settlement, as required by law, that the money paid over by them into the State Treas-

ury, at such settlement, whether coin, State or County Warrants, is of the same denomination as that received by them in the discharge of their official duties, and that in no case where gold dust or coin has been received by them, for taxes, or otherwise, has the money thus received been converted into or used for the purchase of County or State Bonds, or *Warrants*."

Your committee are therefore fully satisfied that it would not be in violation of law, were the relief extended to Mr. Hodge, which is proposed in the resolution under consideration. And further, your committee are informed that the Sheriff of said County is not now in the country, and consequently if the Treasurer of Nevada County, while in the discharge of his official duties, received this Scrip from the Sheriff, in the settlement of his accounts, it would be manifestly unjust to demand of him other funds than those which he received from said officer.

The committee are also advised that the greater portion of the sum mentioned was actually collected prior to the 1st of May, 1851, which amount having been properly collected, must necessarily be received under the provisions of the law of 1850.

They would therefore respectfully recommend the adoption of the resolution, with the following amendment attached thereto, to wit:

Provided, the said Hiram C. Hodge, shall make oath that the funds so paid to the Treasurer of State, were received by him in the performance of his official duties, at par value, and that no gold dust, coin, or other moneys, were used in the purchase of said Warrants.

All of which is respectfully submitted.

WALL, Chairman.

Mr. Peachy gave notice that on to-morrow, or soon thereafter, he would introduce a bill for an Act to be entitled an Act in addition to an Act entitled an Act concerning Corporations.

Joint Resolution, as amended by the Committee of Ways and Means, requiring the Treasurer to receive from H. C. Hodge, State Scrip, was read a third time and passed.

Joint Resolution from the Senate, to set apart two thousand five hundred dollars to pay the contingent expenses of the Senate and Assembly, came up upon its second reading.

Mr. Blanchard offered the following as an amendment: And that the Governor be authorized to draw in like manner, for a sum not to exceed one thousand dollars to meet the contingent expenses of the executive department.

Not agreed to.

Joint Resolution was read a second time and ordered to a third reading to-morrow.

On motion of Mr. Merritt, the House resolved itself into Committee of the Whole, Mr. Coffroth in the chair, to consider a bill for an Act respecting fugitives from labor and slaves brought to this State prior to her admission into the Union. After spending considerable time in the consideration of the subject, and making several amendments, on motion of Mr. Boggs, the committee rose, reported progress, and asked leave to sit again, which was agreed to by the House.

Mr. Cutler moved that the House take a recess for one hour.

Not agreed to.

Mr. McMullin moved to adjourn.

Not agreed to.

A bill to establish a State Hospital at the city of Marysville, was read a second time.

Mr. Lyons moved its reference to a Special Committee of five.

Mr. Ellis, of Nevada, moved its reference to the Committee of Ways and Means, which was agreed to.

The Speaker announced the following members upon the Committee of Federal Relations, Messrs. Coffroth, McConaha, McMeans, Crabb and Caldwell.

Mr. Graham moved that one hundred copies of the Joint Rules of the two Houses be printed.

Not agreed to.

Mr. McMullin moved that the rules be read.

Mr. Wood made objections.

The question was then put to the House whether the rules should be read. No quorum voting

Mr. Lyons moved a call of the House.

The call was not sustained.

Mr. Ellis, of Nevada, moved to adjourn.

Not agreed to.

Mr. McMullin moved that the House resolve itself into Committee of the Whole, to consider the Fugitive Slave Law.

No quorum voting,

Mr. Lyons moved to adjourn.

Not agreed to.

The Speaker put the question again in reference to the motion of Mr. McMullin to go into Committee of the Whole.

No quorum voting,

Mr. Fowler moved to adjourn.

Lost.

Mr. Wall moved that the House resolve itself into Committee of the Whole, to consider the Fugitive Slave Law.

Mr. McMullin demanded the ayes and nays which was seconded.

Those who voted to go into Committee of the Whole, were—

Messrs. Boggs,	Messrs. Lyons,
Canney,	McMullin,
Chauncey,	Orrick,
Coates,	Pacheco,
Coffroth,	Paxton,
Colby,	Peachy,
Crabb,	Pierce,
Dameron,	Ridley,
Del Valle,	Smith,
Ellis, of Nevada,	Stephenson,
Fleming,	Taliaferro,
Ford,	Thompson,
Gardiner,	Wall,
Graham,	Wood,

Messrs. Harazthy, Hinchman, Ingersoll, Messrs. Yeiser, Young, Speaker—34.

Those who voted against going into Committee of the Whole were—

Messrs. Fowler, Hopkins, Law, McConaha, Messrs. McKenzie, Morse, Wing—7.

The House determined to go into the Committee of the Whole.

The Speaker called Mr. Coffroth to the chair to consider a bill for an Act respecting fugitives from labor and slaves brought to this State prior to her admission into the Union. The Committee of the whole House, after considerable discussion and some time spent in the consideration of the subject, on motion of Mr. McMullin, the committee rose, reported progress, and asked leave to sit again, which was agreed to by the House.

On motion of Mr. Chauncey the House adjourned.

HOUSE OF ASSEMBLY.

THURSDAY, February 5, 1852.

House met pursuant to adjournment.

The roll was called by the Clerk, and the following members found absent—Messrs. Blanchard, Colby, Hopkins, McConaha and Ten Broeck.

The Journal of Wednesday, 4th, read and approved.

The Speaker announced the House ready to proceed to business.

On motion of Mr. Means, leave of absence was granted to Mr. Colby until Saturday next.

Mr. Merritt presented a petition from Augustin Olverd, with an account against the State, and

On motion of Mr. Merritt it was referred to Committee on Claims.

Mr. Coffroth moved to reconsider the vote of yesterday, which referred a petition from citizens of San Francisco to a special committee of the delegation from that County.

The vote was reconsidered.

On motion of Mr. Coffroth, the petition was read and referred to Judiciary Committee.

Mr. Ellis, of San Francisco, presented a petition from citizens of San Francisco, remonstrating against the petition which proposes to abolish the Superior Court: read, and

On motion of Mr. Ellis, of San Francisco, it was referred to Judiciary Committee.

Mr. Merritt, chairman of Committee on Elections, presented the papers in the case of Messrs. Hopkins and Dodson, for the consideration of the

House, and asked to be discharged from the further consideration of the subject.

The committee was accordingly discharged.

Mr. Merritt, moved that the parties, Messrs. Dodson and Hopkins have leave to appear in person, or by their counsel, to conduct the case of contest, and that the case be set as the special order for 12 o'clock, this day.

Agreed to.

Mr. Taliaferro made the following report, which was adopted:

Your committee, to whom was referred the petition of the Tuolumne Water Company, praying of this body to grant to it corporate powers, beg leave to report, that they have given it due consideration and are disposed to grant the prayers of the petitioners, but the constitution provides against the passage of any special laws to incorporate bodies of this description, and as our corporation laws, as they now exist, do not meet all the objects of this company, they would respectfully recommend the passage of some law supplementary to the present corporation laws, under which companies of this description can receive full corporate powers.

Mr. Smith, chairman of the Committee on Claims, made the following report:

The Committee on Claims, to whom was referred the account of John L. Smith, under Sheriff of Mariposa County, for six hundred and thirty-two dollars, have the honor to report, and would recommend the adoption of the following Joint Resolution.

Rejected.

Joint Resolution directing the Comptroller to draw his warrant in favor of John L. Smith for four hundred dollars.

Not agreed to.

Mr. Wall, chairman of the Committee of Ways and Means, made the following report in reference to the pay of the Clerk and other officers of the Assembly.

The Committee of Ways and Means, to whom was recommended their report of the per diem pay of the clerk and other officers of the House, with instructions to "report to the House, what in their opinion is a fair and proper compensation for the different officers of this House, provided the same be paid in specie, and not in scrip," have had the same under consideration, and have directed me to make the following report:—

That during the present session of the Legislature, the pay of the officers of the Assembly shall be as follows:—

The Chief Clerk shall receive		$10	per diem	in cash.
The Assistant Clerk	"	8	"	"
The Recording Clerk	"	8	"	"
The Enrolling Clerk	"	8	"	"
The Judiciary Clerk	"	8	"	"
The Clerk to Com. of Ways and Means		8	"	"
The Engrossing Clerk shall receive		7	"	"

And all other clerks shall receive eight dollars per day during the time while they are actually employed, the Chief Clerk to give certified bills of the same.

The Sergeant-at-Arms and Door Keeper shall receive, each, eight dollars per diem.

That the Page and Assistant Page shall receive four dollars per day.

And that the Porter shall receive five dollars per day.

All of which is respectfully submitted.

WALL,
Chairman.

Mr. Merritt moved to lay the report upon the table.

Agreed to.

Mr. Dameron made the following report:

The Committee on County Boundaries, to whom was referred the petition of the citizens of the County of Marin, praying for the enlargement of the boundaries of said county, beg leave respectfully to make the following report:

That the committee are of opinion that the prayer of the petitioners should be granted, and recommend the passage of the following bill, which is herewith submitted.

A bill entitled an Act to amend an Act to divide the State into Counties and establish seats of Justice therein, passed April 25th, 1851.

Read a first time by title, and, on motion of Mr. Boggs, laid upon the table.

Mr. Orrick reported that the Committee on Enrolled Bills, had examined a Joint Resolution relative to the Civil Fund;

And, also, Joint Resolution instructing our Senators and requesting our Representatives in Congress to obtain an increase of the salaries of the District Judges in California, and found them correctly enrolled.

Mr. Merritt offered the following which was adopted:

Resolved, That the chair appoint a Special Committee of five to act with the committee of the Senate, to whom shall be referred the reports of the different Hospitals.

Messrs. Merritt, Yeiser, McMullin, Parrish and Hopkins, were appointed on the part of the Assembly.

Mr. Harazthy offered a Joint Resolution in reference to the tax assessment against J. J. Warner.

Read a first and second time, and referred to Committee of Ways and Means.

Mr. Smith, chairman, made the following report:

The Committee on Claims, to whom was referred the account of J. F. Howe, have the honor to report that they have examined the same, and would recommend the adoption of the following Joint Resolution:

Joint Resolution requiring the Comptroller to draw Warrant in favor of J. F. Howe for $250, came up.

On motion of Mr. Merritt, the House resolved itself into Committee of

the Whole, Mr. McMullin in the chair, to consider the Joint Resolution requiring the Comptroller to draw his Warrant in favor of J. F. Howe.

After some time spent in consideration of the same, on motion of Mr. Ellis, of Nevada, the House rose and reported the resolution back to the House, and asked to be discharged.

Committee discharged.

The resolution was then read a first time and ordered to a second reading on to-morrow.

Joint Resolution, on its third reading, for the relief of John L. Smith, came up.

Mr. Merritt moved that the House resolve itself into Committee of the Whole to consider the Joint Resolution for the relief of John L. Smith.

The House refused to go into Committee of the Whole.

Mr. Haraźthy gave notice that on to-morrow he would introduce a bill entitled an Act to establish a State Hospital in the town of San Diego.

Mr. Tucker gave notice that on Monday next, or some convenient day thereafter, he would introduce a bill entitled an Act amending an Act entitled an Act to create a State Hospital at Sacramento city.

Mr. Ingersoll introduced a bill for an Act to amend an Act to fund the debt of the State.

Read a first and second time and referred to Committee on Ways and Means.

Mr. Ingersoll also introduced a bill for an Act to repeal an Act concerning the organization of the Militia.

Read a first time, ordered to a second reading on to-morrow.

Mr. Ellis, of San Francisco, introduced a bill for an Act to amend an Act entitled an Act concerning Courts of Justice of this State and Judicial Officers.

Read a first and second time and referred to Committee on the Judiciary.

Joint Resolution from the Senate, setting apart $2,500 for contingent purposes of the Senate and Assembly, came up on its third reading.

On motion of Mr. Merritt, the House resolved itself into Committee of the Whole, Mr. McMullin in the chair, to consider the Joint Resolution setting apart $2,500 for contingent purposes.

After spending some time in the consideration of the same, on motion of Mr. Merritt, the committee rose and reported the resolution back to the House without amendment, and asked to be discharged.

Agreed to.

The Joint Resolution was then read a third time and passed.

The following message was received from the Governor:

I have the honor herewith to transmit a report of the vacancies in office to be supplied by the Legislature during the present session.

JOHN BIGLER.

The following message was received from the Senate:

I am directed to inform the Assembly that the Senate yesterday passed the Assembly Joint Resolution granting leave of absence to Judge Solomon Heydenfeldt.

And that the Senate passed an Act (which is herewith transmitted,) to amend an Act supplementary to an Act entitled an Act concerning County Recorders, passed March, 1851.

And that the Senate has passed a concurrent resolution to appoint a joint committee of three from each House to provide for the translation of the Laws into the Spanish language, in accordance with an Act approved March 15, 1851.

To which the concurrence of the House is respectfully asked.

A. C. BRADFORD,
Secretary of the Senate.

Senate bill No. 10, an Act to amend an Act supplementary to an Act entitled an Act concerning County Recorders, passed March, 1851, was read a first time and ordered to a second reading on to-morrow.

Concurrent Resolution from the Senate to appoint a joint committee of three from each House to procure the translation of the Laws into the Spanish language.

Adopted.

Messrs. Pacheco, Del Valle and Hinchman were appointed on the part of the House.

Mr. Parrish moved to take from the table the report of the Committee of Ways and Means in reference to the pay of the Clerk and other officers.

Agreed to.

Mr. Merritt moved, as an amendment, that the Engrossing Clerk be allowed eight dollars per day.

Agreed to.

Mr. McMeans moved to amend the report of the committee so as to allow the Page eight dollars instead of four.

Mr. McMullin offered the following as a substitute:

Chief Clerk, - - -	$5	per day.
Assistant Clerk, - - -	4	"
Recording Clerk, - - -	4	"
Enrolling Clerk, - - -	4	"
Judiciary Committee Clerk, - -	4	"
Clerk of Committee of Ways and Means,	4	"
Engrossing Clerk, - - -	4	"
All other Clerks shall receive - -	4	"
Sergeant-at-Arms and Door-Keeper, each,	4	"
The Page and Assistant Page, each, -	3	"

Mr. Tucker offered the following as an amendment to the substitute:

Resolved, That the chief and assistant Clerk of the Assembly receive $18 per day, and that the other Clerks, Sergeant-at-Arms and Door-Keeper receive the same pay as the members, and that the Page receive $8 per day.

Mr. Merritt moved to lay the report and amendments upon the table.

Agreed to.

Mr. Merritt offered the following:

Resolved, That the Committee of Ways and Means be, and are hereby instructed to report to this House what amount of money (in cash,) will be requisite to meet the pay of officers of this House, upon the basis as proposed by their report, supposing the session to last 75 days.

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

Agreed to.

Mr. Coffroth moved that the case of contest between Messrs. Dodson and Hopkins be made the special order for to-morrow, at 12 o'clock.

Agreed to.

Mr. Merritt moved that Mr. Dodson be allowed to take copies of the evidence now in the possession of the Clerk.

Agreed to.

On motion of Mr. McMullin, the House resolved itself into Committee of the Whole, Mr. McMullin in the chair, to consider the bill in reference to fugitives from labor and slaves brought to this State previous to the adoption of the Constitution.

The committee made sundry amendments to the bill, and, on motion of Mr. Ellis, of San Francisco, the committee rose, reported the bill, as amended, to the House, and asked to be discharged from the further consideration of the subject.

Agreed to.

On motion of Mr. McMullin, the House considered the amendments made in Committee of the Whole, separately, and adopted the same.

The bill was then considered as engrossed and put upon its final passage.

On which Mr. McMullin demanded the ayes and nays, which was seconded.

Those who voted for the passage of the bill were—

Messrs. Blanchard,	Messrs. McKenzie,
Boggs,	McMeans,
Brush,	McMullin,
Canney,	Merritt,
Chauncey,	Orrick,
Coates,	Pacheco,
Coffroth,	Parrish,
Crabb,	Paxton,
Dameron,	Peachy,
Del Valle,	Pierce,
Ellis, of Nevada,	Ridley,
Ford,	Smith,
Gardiner,	Stephenson,
Gibson,	Taliaferro,
Graham,	Thompson,
Harazthy,	Tucker,
Ingersoll,	Wall,
Jones,	Wing,
Kipp,	Wood,

Messrs. Law,
Lyons,
Messrs. Yeiser,
Young—42.

Those who voted against the bill were—

Messrs. Caldwell,
Cutler,
Ellis, of San Francisco,
Fleming,
Fowler,
Hinchman,
Messrs. McConaha,
McKim,
Morse,
Turner,
Speaker—11.

So the bill passed.
Mr. Wood asked leave to make a minority report.
Mr. Ellis, of Nevada, objected.
The question being taken, the House decided against granting leave.
On motion of Mr. Graham, the House adjourned.

HOUSE OF ASSEMBLY.

FRIDAY, February 6, 1852.

House met pursuant to adjournment.
The roll was called by the Clerk and the following members found absent, Messrs. Gardiner, Taliaferro, Ten Broeck and Wall.
The journal of Thursday, the 5th, was read and approved.
The Speaker announced the House ready to proceed to business.
Mr. Paxton presented a remonstrance from citizens of Yuba County, against the division of the County.
Referred to Committee on County Boundaries.
Mr. Ford presented a petition from the citizens of Colusi County, protesting against a division of the County.
Refered to Committee on County Boundaries.
Mr. Wood presented the report of the Trustees of the Marine Hospital at San Francisco.
Two hundred copies were ordered to be printed.
Mr. McConaha made the following report:

The Committee on Commerce, to whom was referred the Joint Resolution of instruction to our Senators in Congress, relative to the improvement of Humboldt Bay, having duly considered the same, and believing the improvement of said Bay to be an object of paramount importance to the State of California, take pleasure in reporting back said resolution with a recommendation of its passage.

Report adopted.
Joint Resolution instructing our Senators in Congress to obtain an appro-

priation for Humboldt Bay, was considered as engrossed, read a third time and passed.

Mr. Coffroth made the following report:

The Committee on Federal Relations, respectfully report back to the House, the resolution which was referred to them in reference to the cession of Angel Island, by the General Government, to the State of California, and recommend its adoption.

The committee ask to be discharged from the further consideration of the subject.

The committee was discharged.

Joint Resolution in reference to the cession of Angel Island, by the General Government, to California.

Read a first and second time.

Mr. Wood made the following minority report, accompanied with the bill in reference to the appointment of Flour Inspectors:

Mr. Speaker:

The undersigned, a minority of the Committee on Commerce, to whom was referred a bill to be entitled "an Act to provide for the appointment of Flour Inspectors, for the different Collection Districts, in the State of California," beg leave to report,

That in approaching this subject, I find it one of greater moment than at first it seems to present. It is by no means clear that the wants of the community require the enactment of such a law, or that it will not be trammeling Commerce. In this case of doubt, the undersigned finds himself situated, and here ventures the assertion, that a law creating officers of Inspection, and leaving it at the option of parties to have the produce inspected or not, as they in their judgment may deem advisable, would be more servicable to the people, and better attain the ends desired by the bill. And yet in the absence of information of an extensive nature, your Committee do not feel authorized to present for the consideration of the Assembly, a substitute for the bill now before the House, but contents himself with submitting the suggestion, herein stated, for such action as its merits may demand.

The undersigned takes this occasion to enter his dissent to the following provisions of said bill. The first section does not limit the time to which the Inspectors are to hold office, should the bill become a law. I deem it wrong. I am decidedly opposed to such a provision, and would recommend that the term of office be limited to one year, (especially as there are no provisions protecting against malfeasance in office of the officers created,) as in all cases a faithful public officer would certainly be re-nominated to office.

In the second section the sum of ten cents is recommended as a compensation to the Inspectors for inspection of each sack, of one hundred pounds, of Flour. Estimating the consumption of that article at 600,000 sacks per year, it would yield a revenue to the officers at San Francisco, at which Port almost the entire importation is first received, of $12,000 per annum. This creates a number of officers, at salaries much beyond a sum that would command the services of competent and faithful public officers.

The undersigned most respectfully dissents to that section, and cannot consent to recommend the creation of officers with exorbitant salaries at the expense of the people. Again it contemplates the re-inspection of flour at every and each Port of entry, to which shipments of flour are made. To this proposition I also object, for the reason that it is incurring an expense to the consumer, of an unnecessary charge, and in most instances operating as increasing the tax two-fold, too, and not unfrequently, triple in amount. This I consider uncalled for and not in consonance with the ends desired, or supported by sound policy.

All of which is respectfully submitted.

R. N. WOOD.

On motion of Mr. Dameron, the bill and report was laid upon the table.

Mr. Harazthy introduced a bill for an Act to create a State Hospital in the town of San Diego.

Read a first and second time, and referred to the special committee of five created on yesterday.

Mr. Gardiner gave notice that he would, on to-morrow, or on some future day, introduce a bill supplementary to an Act entitled an Act to incorporate the city of Marysville.

Mr. Coffroth gave notice that when the different bills for Hospitals have passed, he would introduce a bill for an Act to establish a Hospital at Sonora, one at Camp Seco, and one at Jackass Gulch.

Mr. Merritt gave notice that at the same time he would introduce a bill for an Act to establish State Hospitals at Mariposa, Agua Fria, and Horse Shoe Bend, and also to appropriate all the State revenue to the support of the said Hospitals.

Mr. Boggs gave notice that, on to-morrow, or some day early thereafter, he would introduce a bill concerning the disposal of the lands granted by the general government to this State, and which by the constitution of this State have been appropriated as a permanent fund for the support of Common Schools.

Mr. Peachy gave notice that, on to-morrow, or thereafter, he would introduce a bill to be entitled an Act to repeal the present charter of the city of San Francisco, and to re-incorporate said city.

Mr. Ellis, of Nevada, gave notice that he would, on to-morrow, or some subsequent day, introduce a bill for an Act to authorize married women to transact business in their own name as sole traders.

Mr. Ellis, of Nevada, introduced a bill for an Act to amend an Act concerning Divorces.

Read a first and second time, and referred to Judiciary Committee.

Mr. McMullin gave notice that he would, on to-morrow, or some future day, introduce a bill to be entitled an Act concerning Escheated Estates.

Mr. Merritt moved to take from the table a bill in reference to issuing War Loan Warrants.

Not agreed to.

Joint Resolution requiring Comptroller to draw a warrant in favor of J. F. Howe taken up.

On motion of Mr. Coffroth, it was laid upon the table.

Joint Resolution for the relief of John L. Smith, taken up.

On motion of Mr. Lyons, it was laid upon the table.

Senate Bill, No. 13, for an Act to amend an Act supplementary to an Act entitled an Act concerning County Recorders, passed March, 1851.

Read a second time, and referred to Judiciary Committee.

An Act entitled an Act to repeal an Act concerning the organization of the Militia.

Read a second time, and referred to Committee on Military Affairs.

Mr. Orrick reported that the Committee on Enrolled Bills, had examined a Joint Resolution granting leave of absence to Judge Heydenfeldt;

Also, a Joint Resolution for the relief of John L. Smith, and found them correctly enrolled.

Mr. Parrish introduced a Concurrent Resolution to adjourn *sine die* on the 10th day of March next.

Read a first time, and laid over one day.

On motion of Mr. Wood, the House resolved itself into Committee of the Whole, Mr. Lyons in the chair, to consider the contested case of Messrs. Dodson and Hopkins, after spending considerable time in the discussion of the same,

On motion of Mr. Wood, the Committee rose reported the subject back to the House, and asked to be discharged.

Committee was discharged.

Mr. Canney offered the following resolution:

Resolved, That Wm. R. Hopkins is justly and legally entitled to the seat he now occupies on the floor of this House as one of the representatives of El Dorado County.

Mr. Lyons offered the following resolution as a substitute:

Resolved, That B. E. Dodson, Esq., is the legally elected representative from El Dorado County in the place of Wm. R. Hopkins, Esq., the present sitting member.

The vote being taken upon the substitute offered by Mr. Lyons, Mr. McMullin demanded the ayes and nays.

Those who voted in favor of Mr. Dodson taking his seat were—

Messrs. Blanchard,	Messrs. McKim,
Boggs,	Merritt,
Coates,	Morse,
Coffroth,	Pacheco,
Fleming,	Paxton,
Gibson,	Ridley,
Law,	Smith,
Lyons,	Stephenson,
McConaha,	Thompson—18.

Those who voted against Mr. Dodson taking his seat were—

Messrs. Brush,	Messrs. Jones,
Canney,	Kipp,
Caldwell,	McKenzie,

Messrs. Chauncey,
Crabb,
Cutler,
Dameron,
Del Valle,
Ellis, of Nevada,
Ford,
Fowler,
Gardiner,
Graham,
Haraźthy,
Hinchman,
Ingersoll,
McMeans,
McMullin,
Orrick,
Parrish,
Pierce,
Taliaferro,
Turner,
Wing,
Wood,
Yeiser,
Young,
Speaker—31.

Lost.

The question then came up upon the passage of the resolution offered by Mr. Canney in favor of Mr. Hopkins retaining his seat.

Those who voted for Mr. Hopkins to retain his seat were—

Messrs. Brush,
Canney,
Caldwell,
Chauncey,
Crabb,
Cutler,
Del Valle,
Ellis, of Nevada,
Ford,
Fowler,
Gardiner,
Graham,
Haraźthy,
Hinchman,
Ingersoll,
Jones,
Kipp,
McKenzie,
McMeans,
McMullin,
Orrick,
Parrish,
Pierce,
Taliaferro,
Turner,
Wing,
Wood,
Yeiser,
Young,
Speaker—30.

Those who voted against Mr. Hopkins retaining his seat were—

Messrs. Blanchard,
Boggs,
Coates,
Coffroth,
Dameron,
Fleming,
Gibson,
Law,
Lyons,
McConaha,
McKim,
Merritt,
Morse,
Pacheco,
Paxton,
Ridley,
Smith,
Stephenson,
Thompson—19.

Resolution was adopted.

On motion of Mr. Cutler, the House adjourned.

HOUSE OF ASSEMBLY.

SATURDAY, February 7, 1852.

The House met pursuant to adjournment.

The roll was called by the Clerk and the following members found absent: Messrs. Coates, Graham, Morse, Peachy, Taliaferro and Thompson.

The Journal of Friday, the 6th, read and approved.

The Speaker announced the House ready to proceed to business.

On motion of Mr. Kipp, leave of absence was granted until Monday.

Mr. McConaha presented a petition from sundry citizens of Sacramento, praying the Legislature to pass a law to protect citizens in the possession of property now held by them until the titles to said lands be adjudicated by the Land Commissioners, now in session.

Referred to Committee on Federal Relations.

Mr. Coffroth, from the Judiciary Committee, reported back Senate bill in reference to County Recorders, and recommended its passage.

The bill was then taken up, read a third time and passed.

Mr. Cutler offered the following:

Resolved, That Dr. Dodson, the gentleman duly elected to fill a supposed vacancy from El Dorado County, in this Assembly, be allowed the usual mileage of members to and from this city.

Upon the vote being taken, Mr. Cutler demanded the ayes and nays.

Those who voted in favor of the passage of the Resolution were—

Messrs. Blanchard,	Messrs. Lyons,
Canney,	McConaha,
Caldwell,	McKim,
Coates,	McMullin,
Crabb,	Merritt,
Cutler,	Morse,
Dameron,	Pacheco,
Fleming,	Ridley,
Gibson,	Wood,
Hopkins,	Yeiser,
Law,	Young—22.

Those who voted against the the resolution were—

Messrs. Boggs,	Messrs. McKenzie,
Brush,	McMeans,
Chauncey,	Orrick,
Coffroth,	Parrish,
Colby,	Paxton,
Del Valle,	Pierce,
Ellis, of Nevada,	Smith,
Ellis, of San Francisco,	Stephenson,

Messrs. Ford,
Fowler,
Gardiner,
Haraz thy,
Hinchman,
Ingersoll,
Jones,
Kipp,
Messrs. Taliaferro,
Thompson,
Tucker,
Turner,
Wall,
Wing,
Speaker—31.

So the House refused to pass the resolution.

Mr. Paxton offered the following concurrent resolution:

Resolved, (the Senate concurring) That the two Houses meet in convention on Friday, 13th instant, for the purpose of electing a State Printer.

Mr. McMullin moved to lay the resolution upon the table.

Not agreed to.

The question was then taken and the resolution adopted.

Mr. Coffroth offered the following:

Resolved, That a joint committee of five from each House be appointed, in accordance with section 11, of an Act passed January 31st, 1850, entitled an Act prescribing the mode of keeping and paying out the public funds.

Read and laid over one day under the rule.

Mr. Parrish presented a Joint Resolution, requesting our Senators and Representatives in Congress to use all honorable means to prevent the reduction of the representation of this State, in the Congress of the United States.

Read a first time and ordered to a second reading on to-morrow.

Mr. Ford introduced a Joint Resolution, instructing our Senators and Representatives in Congress in regard to an appropriation for improving the navigation of the Sacramento river.

Read a first time and ordered to a second reading on to-morrow.

Mr. Chauncey, chairman, reported that the Committee on Engrossed Bills had examined the Act respecting fugitives from labor; a Joint Resolution of instruction in reference to Humboldt Bay; and Joint Resolution asking the cession of Angel Island to the State of California, and found them correctly engrossed.

Mr. Boggs introduced a bill to be entitled an Act concerning the establishment of a Board of Supervisors in each of the counties of this State.

Read a first and second time and referred to the Judiciary Committee.

Mr. Haraz thy moved that two hundred copies of the bill be printed.

Not agreed to.

Mr. Gardiner introduced a bill for an Act supplementary to an Act entitled an Act to incorporate the city of Marysville.

Read a first and second time and referred to Committee on Corporations.

Mr. McMullin gave notice that he would, on to-morrow or some future day, introduce a bill amendatory of an Act entitled an Act to amend an Act entitled an Act to regulate Elections, passed April 20th, 1851.

Concurrent Resolution to adjourn *sine die* on 10th March, was taken up.

Mr. Parrish moved its adoption. Lost.

Mr. Ellis, of Nevada, introduced a bill for an Act to increase the jurisdiction of the Recorder of the city of Sacramento, and to define the duties and fix the compensation of City Attorney in certain cases.

Read a first and second time and referred to the Judiciary Committee.

Mr. Ingersoll introduced a bill for an Act appropriating money out of the general fund to pay members of the present Legislature and officers.

Read a first and second time and ordered to a third reading on to-morrow.

The following message was received from the Senate:

Mr. Speaker:

I am directed to inform the Assembly that the Senate did, on the 5th instant, pass a Joint Resolution for the distribution of the Journals of the Convention and Legislature, by the Secretary of State.

Also, that they passed a Concurrent Resolution requesting the Governor to forward to our Senators and Representatives in Congress, a certified copy of a Joint Resolution, passed last session of the Legislature, in reference to the claims of J. J. Petrie and others.

Also, that the Senate passed, on the same day, an Act amendatory of an Act creating and regulating public ferries.

Also, that they have passed Assembly Resolution of Instructions to our Senators and Representatives in relation to the Bay and Harbor of San Diego.

Also, that they did, on the same day, pass a bill for an Act amendatory of the second section of the Act concerning the office of State Treasurer, passed 24th February, 1850.

A. C. BRADFORD,
Secretary of the Senate.

Joint Resolution from the Senate, for the distribution of the Journals of the Convention and Legislature by the Secretary of State.

Read a first time and ordered to a second reading on to-morrow.

Concurrent Resolution from the Senate, requesting the Governor to forward to each of our Senators and Representatives in Congress certified copies in reference to the claim of J. J. Petrie and others.

Concurred in.

Mr. Crabb offered the following, which was adopted:

Resolved, That leave of absence, for Monday next, be and is hereby granted to the Speaker of this House; and that S. A. Merritt, of Mariposa, be appointed Speaker pro tem. of the House.

Mr. Coffroth moved to take from the table a bill to provide for the payment of War Bonds to holders of War Scrip.

Agreed to.

On motion of Mr. Fowler, the House adjourned.

HOUSE OF ASSEMBLY.

MONDAY, February 9, 1852.

The House met pursuant to adjournment.

The roll was called by the Clerk, and the following members found absent, Messrs. Blanchard, Hudspeth, Jones, McKim, Parrish, Ten Broeck and Wall.

The Journal of Saturday, was read, amended, and approved.

The Speaker announced the House ready to proceed to business

Mr. Crabb offered the following which was adopted:

Resolved, That the committee to whom was referred the reports of the Hospitals be, and are hereby instructed to examine the condition of the Sacramento State Hospital, and report to this House at their earliest convenience.

Mr. McMeans introduced a bill to protect the State of California against the introduction of foreigners of bad character.

Read a first time and ordered to a second reading on to-morrow.

Mr. Coates gave notice that on to-morrow he would introduce a bill explanatory of an Act entitled an Act dividing the State into Counties and establishing the Seats of Justice therein, passed April 25, 1851.

A bill for an Act directing the State Treasurer to redeem Warrants issued to Mariposa Volunteers, in 12 per cent. bonds, came up.

Mr. Ellis, of San Francisco, moved to amend the bill by substituting 7 per cent. interest, instead of 12 per cent., and demanded the ayes and nays.

Those who voted in favor of 7 per cent. were—

Messrs.	Cutler,	Messrs.	Lyons,
	Ellis, of San Francisco,		Paxton,
	Ford,		Stephenson,
	Gardiner,		Tucker,
	Kipp,		Turner—10.

Those who voted against the amendment were—

Messrs.	Boggs,	Messrs.	McConaha,
	Brush,		McKenzie,
	Caldwell,		McMeans,
	Chauncey,		McMullin,
	Coates,		Merritt,
	Coffroth,		Orrick,
	Colby,		Pacheco,
	Crabb,		Parrish,
	Dameron,		Pierce,
	Del Valle,		Ridley,
	Ellis, of Nevada,		Smith,

Messrs. Fleming,	Messrs. Law,
Fowler,	Thompson,
Gibson,	Wall,
Graham,	Wing,
Harazthy,	Wood,
Hinchman,	Yeiser,
Hopkins,	Young—36.

So the motion was not agreed to.

Mr. Colby moved to refer the bill to the Committee on Claims.

Not agreed to.

Mr. Merritt moved that the bill be considered as engrossed, and read a third time, which was agreed to.

The bill was read a third time and passed.

Mr. Ellis, of Nevada, introduced a Joint Resolution granting leave of absence to Hon. T. H. Caswell, from the State, for six months.

Read a first and second time and referred to the Judiciary Committee.

Mr. Ellis, of Nevada, introduced a bill for an Act to authorize married women to transact business as sole traders.

Read a first and second time and referred to the Committee on Judiciary.

Mr. McMullin moved to take from the table Joint Resolution requiring Comptroller to draw his Warrant in favor of J. F. Howe.

Agreed to.

On motion of Mr. McMullin it was considered as engrossed, read a third time and passed.

Mr. Wood introduced a Joint Resolution of instructions to our Senators in Congress, relative to grants of public domain.

Read a first and second time.

Mr. Lyons moved to refer the Joint Resolution to the Committee on Public Lands.

Mr. McMullin moved that the resolution be referred to the Committee of the Whole, and made the special order for to-morrow at 12 o'clock.

Mr. Harazthy demanded the previous question.

The Speaker asked—Shall the main question now be put?

The House decided in the affirmative.

The question then came up upon the motion of Mr. McMullin to consider the resolution in Committee of the Whole, and to make it the special order for to-morrow at 12 o'clock.

Agreed to.

Mr. Graham introduced a Joint Resolution requesting our Senators and Representatives, to use their best efforts to obtain certain Arms from the General Government.

Read a first and second time and referred to the Committee on Federal Relations.

Mr. Chauncey, chairman, reported that the Committee on Engrossed Bills had examined Joint Resolution in favor of J. F. Howe, and a bill in reference to the redemption of War Scrip with War Bonds, for the Mariposa Volunteers, and find them correctly engrossed.

The following message was received from the Governor by his private Secretary:

EXECUTIVE DEPARTMENT,
Sacramento City, Feb. 9th, 1852.

To the Honorable Assembly of California:

In accordance with the requirements of law, I have the honor to report, the following vacancies to be filled during the present session of the Legislature.

Five Trustees of the "State Marine Hospital, at San Francisco," established by Act of the Legislature, passed April 30, 1851.

Three Trustees for the State Hospital, at Stockton, established by Act of Legislature, passed April 30th, 1851.

Four Trustees for the "State Hospital, at Sacramento City," established by Act of Legislature, passed April 15th, 1851.

The above vacancies, to be ascertained and filled, as required in the Acts referred to above.

JOHN BIGLER.

By L. B. MIZNER, Private Secretary.

The following messages were received from the Senate:

Mr. Speaker:

I am directed to inform the Assembly that the Senate have this day passed a bill for the payment of the salary of E. Heydenfeldt;

And that the Senate have passed Assembly bills, to wit:—

A bill to be entitled an Act to change and define the boundaries of Contra Costa and San Joaquin Counties;

A bill for an Act repealing the charter of the city of Nevada, and to provide for the disposition of the property and payment of the debts of said city;

A bill as a substitute for the Assembly Joint Resolution for the relief of Mary Bush Hartman, which are herewith submitted.

A. C. BRADFORD,
Secretary of the Senate.

Mr. Speaker:

I am directed by the Senate to inform the Assembly that they did, on Saturday, pass a bill for "an Act appropriating moneys to meet the contingent expenses of government;"

Also, that they did on the same day pass the Assembly "Joint Resolution for the relief of H. C. Hodge, Treasurer of Nevada County," with an amendment.

A. C. BRADFORD,
Secretary of the Senate.

Senate Joint Resolution as a substitute for Assembly resolution in favor of H. C. Hodge, Treasurer of Nevada County came up; the House disagreed to the Senate amendment.

Senate bill, No 21, for an Act appropriating moneys to meet the contingent expenses of government.

Read a first and second time.

Mr. Wood moved its reference to the Committee of Ways and Means.

Not agreed to.

Mr. Wall moved to lay the bill on the table. Lost.

On motion of Mr. Coffroth, the House resolved itself into Committee of the Whole, Mr. Coffroth in the chair, to consider Senate bill appropriating money to meet contingent expenses of government; after some time spent in the consideration of the same,

On motion of Mr. Merritt, the committee rose, and reported the bill back to the House without amendment, and asked to be discharged.

The committee was discharged.

On motion of Mr. Fowler, the bill was referred to a special committee of three—Messrs. Fowler, Boggs and Wall were appointed said committee.

Mr. Colby, chairman, reported that the Committee on Enrolled Bills had examined Joint Resolution setting apart $2,500 dollars for contingent purposes of the Senate and Assembly,

And a bill concerning County Recorders, and found them correctly enrolled.

Senate bill, an Act amendatory to an Act creating and regulating Public Ferries.

Read a first and second time, and referred to Committee on Roads and Highways.

Senate bill, an Act amendatory of the second section of the Act concerning the office of State Treasurer, passed 24th January, 1850.

Read a first and second time, and referred to Judiciary Committee.

Senate Joint Resolution for the distribution of the Journals of the Convention and Legislature by the Secretary of State.

Read a second time, and

On motion of Mr. Ellis, of San Francisco, it was amended so as to read, by the Senate and Assembly in the first line, instead of (the Assembly concurring.)

Mr. Parrish offered the following as an amendment: insert for "Journal," where it occurs "Journals," and insert after "1850" and "1851."

Which was adopted.

The following message was received from the Governor by his Private Secretary.

EXECUTIVE DEPARTMENT,
Sacramento City, February 3, 1852.

To the Honorable the

Assembly of California:

I am directed by the Governor to inform the Assembly that he did, on Friday last, sign "a Joint Resolution granting leave of absence to Justice Heydenfeldt of the Supreme Court;"

"A Joint Resolution authorizing the Comptroller to issue a Duplicate Warrant to John L. Smith;"

"A Joint Resolution relative to the Civil Fund;"

And that he did, on Saturday last, sign "a Joint Resolution instructing our Senators and requesting our Representatives in Congress to obtain an increase of the Salaries of the District Judges in California."

Respectfully, &c.

L. B. MIZNER,
Private Secretary.

Mr. Dameron moved to take from among the messages from the Senate, a bill for an Act to provide for the payment of the salary of E. Heydenfeldt.

Agreed to.

A bill from the Senate for an Act to provide for the payment of the salary of E. Heydenfeldt, was read a first and second time, and referred to Judiciary Committee.

On motion of Mr. Ingersoll, a bill for an Act appropriating money out of the general fund to pay members of the present Legislature and officers, was made the special order for to-morrow, at 1 o'clock, to be considered in Committee of the Whole House.

On motion of Mr. Boggs, the House adjourned.

HOUSE OF ASSEMBLY.

TUESDAY, February 10, 1852.

The House met pursuant to adjournment.

The roll was called by the Clerk, and the following members found absent:—Messrs. Covarrubias, Crittenden, Jones, Pico, Stark, Ten Broeck and Wohler.

The Journal of Monday, 9th, read and approved.

The Speaker announced the House ready to proceed to business.

Mr. Merritt introduced a petition from sundry citizens of Mariposa, praying for a charter to build a Bridge across the Merced river; also, a petition from sundry citizens of Mariposa County, praying the Legislature to have a road opened from Stockton to the Four Creek country.

Read and referred to the Committee on Roads and Highways.

Mr. Peachy introduced a memorial from citizens of South Carolina and Florida, in reference to their removing to the State of California and bringing with them their property.

Mr. Turner moved to refer the petition to Committee on Foreign Relations.

Mr. McMullin moved to refer to the Special Committee of thirteen, and that five hundred copies be printed.

No action.

Mr. Harazthy moved to lay the petition upon the table.

Not agreed to.

Mr. Boggs moved to refer the petition to the Committee of the Whole.

Not agreed to.

The motion, made by Mr. Turner to refer to Committee on Federal Relations, was then put and carried in the affirmative.

Mr. McMullin moved to have five hundred copies of the petition printed.

Mr. Chauncey demanded the previous question.

The question then was—"Shall the main question be now put?" the House decided in the negative.

The question of printing lies over under the rule until to-morrow.

The following report was made by Mr. Peachy, chairman of the Judiciary Committee.

The Judiciary Committee, to whom was referred the Senate bill No. 7, entitled "an Act to provide for the payment of the salary of E. Heydenfeldt," have the honor to report that—

On December 6th, 1851, the Supreme Court directed the issuance of a peremptory writ of mandamus to John S. Houston, Comptroller of State, commanding him to audit and allow the account of Elcan Heydenfeldt, claiming to be Judge of the Seventh Judicial District, having acted under the appointment and commission of the Governor of the State; and that the present Comptroller of State refuses to obey the said mandate, because it is not directed to him.

Your committee regarding Mr. Heydenfelt's right to compensation, as having been determined by the Supreme Court of this State, do not think that it would be proper to subject him to the trouble and expense of a lawsuit against the present Comptroller, similar to that against the former officer, which he has conducted to a successful termination.

They therefore recommend the passage of the Senate bill.

Respectfully submitted,

A. C. PEACHY, Chairman.

A bill for an Act to provide for the payment of the salary of E. Heydenfelt.

Read a third time and passed.

Mr. Blanchard, chairman of Committee on Accounts, reported back to the House Joint Resolution for the relief of William H. Endicott, under Sheriff of Nevada County, with an amendment, so as to read three hundred and eighty dollars, instead of five hundred and eighty.

Report of the committee agreed to.

Mr. Smith introduced a Joint Resolution in regard to Volunteers informally enlisted in the United States service.

Read a first and second time and referred to Committee on Federal Relations.

Mr. Law introduced a bill for the better collection of State and County Taxes in Butte County.

Read a first and second time and referred to the Committee of Ways and Means.

Mr. Boggs introduced a bill to provide for the disposal of the 500,000 acres of Land granted by the General Government, the interest of which, by the Constitution of this State, has been appropriated as a permanent fund for the support of common schools.

Read a first and second time and referred to a Special Committee of seven, and one hundred copies ordered to be printed.

Committee of seven:—Messrs. Boggs, Crabb, Lyons, Thompson, Parrish, Young and Ellis, of Nevada.

Mr. Wood, chairman of the Special Committee appointed to examine the Hospital in San Francisco, made the following report:

To the Honorable,

The Speaker of the House of Assembly:

Your committee appointed for the purpose of examining the condition and affairs of the State Marine Hospital at San Francisco, beg leave to respectfully submit the following report and accompanying documents:—

That, in accordance with the requirements of a resolution adopted by the House of Assembly, January 10th, 1852, they repaired to San Francisco and proceeded to the discharge of the duties assigned them.

So far as the building—now occupied as a State Marine Hospital—is concerned, they regard it as wholly inadequate to meet the public demands—being too small and badly constructed, as well as unfit for the proper protection and care of patients.

In point of neatness within, no fault could be found—as those having charge of the institution seemed to have spared no pains in providing clean and comfortable accommodations for the sick.

Upon the most scrutinizing examination, every care has been taken in supplying proper clothing, medicines and diet for the inmates.

It is to be regretted, however, that the embarrassed condition of the finances of the institution have operated to prevent the procuring of sufficient supplies in the surgical department. The instruments, although *made* to answer the purposes intended, are, nevertheless, not such as the service requires in order to secure safety and success in the many important operations necessary to be performed in all such institutions.

From information derived from inquiry, we have been brought to the conclusion that there has been a want of sufficient care in disbursing funds to meet contingent expenses; and although no serious losses have been sustained thereby, there is, at the same time, a necessity for some reform. And for further information on the subject, we beg leave to refer to the Annual Report of the Trustees of the Hospital—(A).

Some instances have occurred where the strict letter of the law, creating such institution, has been disregarded. For instance: that portion of the law which provides that the resident Physician shall have practised at least five years from the date of his diploma, etc. Also, that portion of the law which provides that the prescriptions and orders of the visiting Physicians are duly and properly executed. And for further information regarding the resident Physician, we respectfully refer you to document (B) accompanying this report.

In conclusion, your committee would most respectfully and earnestly urge upon your deliberate consideration, the suggestions of the Trustees, as contained in their Annual Report, on the subject of reform in the medical department, so far as the number of physicians are concerned. Also, the propriety of erecting a permanent building, by which a ruinous expenditure of money may be avoided. Also, the necessity of providing means to re-

lieve the present institution from the embarrassments occasioned by the indebtedness of the old Board of Health, transferred to them.

Also the necessity of a thorough revision of the law creating a Hospital revenue; and also a change in the method of appointing and dismissing the employees of the institution.

For reasons and particulars in support of these suggestions, we beg leave to refer to the able Annual Report of the Board of Trustees.

All of which is respectfully submitted.

[SIGNED] R. N. WOOD, Chairman;
S. A. McMEANS,
J. C. TUCKER.

Mr. Coffroth moved to lay the Report upon the table, which was agreed to.

Mr. Coates introduced a bill for an Act explanatory of an Act entitled an Act dividing the State into Counties and establishing the Seats of Justice therein, passed April 25th, 1851.

Read a first and second time and referred to Committee on County Boundaries.

The following messages were received from the Senate:

Mr. Speaker:

I am directed to inform the Assembly that the Senate have passed the Assembly Joint Resolution requiring the Comptroller to draw State Warrants in favor of J. F. Howe, with amendments, as noted in the margin of the resolution.

All of which is respectfully submitted.

A. C. BRADFORD,
Secretary of the Senate.

Mr. Speaker:

I am directed by the Senate to inform the Assembly that they did, on yesterday, pass Assembly Joint Resolution of instruction to our Senators, relative to Humboldt Bay, with an amendment.

Also, that they passed a resolution requiring their Committee on State Hospitals, in conjunction with the committee appointed by the Assembly, to visit the State Hospital at Sacramento.

All of which is respectfully submitted.

JAS. G. STEBBINS,
Feb. 10, 1852. Assistant Secretary of the Senate.

Joint Resolution of instructions to our Senators relative to Humboldt Bay, amended in the Senate to include Trinidad Bay. Senate amendments concurred in.

Mr. Crabb gave notice that he would, on to-morrow, move to add two Rules to the Standing Rules of the House, 92 and 93.

On motion of Mr. Wood, the House resolved itself into Committee of the Whole, Mr. Ellis, of Nevada, in the chair, to consider Joint Resolution instructing our Senators and requesting our Representative in Congress, to

procure donations of the public domain to the people of California. After spending much time in the consideration of the subject, on motion of Mr. McMullin, the committee rose, reported the subject back to the House, and asked to be discharged.

The committee was discharged.

Wr. Wood moved to strike out all after the enacting clause of the original resolution.

Not agreed to.

The Speaker announced that the substitute, offered by Mr. Parrish, in Committee of the Whole, was next in order.

Mr. Tucker offered the following as an amendment to the resolution offered by Mr. Parrish:

"And furthermore urge the necessity of an immediate survey of said Government Lands by the United States Surveyor."

Mr. Lyons moved to refer the whole subject to the Committee on Federal Relations.

Not agreed to.

Mr. Hammond moved to lay the whole subject upon the table.

Not agreed to.

Mr. Ellis, of San Francisco, moved the indefinite postponement of the whole subject, on which motion Mr. Wood demanded the ayes and nays.

Those who voted for postponement were—

Messrs. Blanchard,
Ellis, of San Francisco,
Mr. McKim—3.

Those who voted in the negative were—

Messrs. Boggs,
Canney,
Caldwell,
Chauncey,
Coates,
Coffroth,
Crabb,
Dameron,
Ellis, of Nevada,
Fowler,
Gardiner,
Gibson,
Haraz thy,
Hinchman,
Hudspeth,
Kipp,
Law,
Lyons,
McConaha,
McKenzie,
McMeans,
McMullin,
Merritt,
Morse,
Orrick,
Parrish,
Paxton,
Peachy,
Pearce,
Ridley,
Stevenson,
Taliaferro,
Thompson,
Tucker,
Wall,
Wing,
Wood,
Yeiser,
Young,
Speaker—40.

Not agreed to.

Mr. Lyons moved to refer the whole subject to the Committee on Public Lands.

Agreed to.

Mr. Tucker moved to adjourn.

Not agreed to.

Mr. Peachy gave notice that he would, on to-morrow, introduce a resolution to change the hour to which the Assembly shall adjourn.

Mr. Crabb introduced a bill to require the Comptroller to draw Warrant in favor of J. P. Wyatt.

Read a first and second time.

On motion of Mr. Crabb, the House resolved itself into Committee of the Whole, Mr. Merritt in the chair, to consider the bill requiring the Comptroller to issue Warrant in favor of J. P. Wyatt. After spending some time in the consideration of the same, on motion of Mr. McMullin, the committee rose, reported the bill back to the House, recommended its passage, and asked to be discharged from its further consideration.

The committee was discharged.

The bill was then considered as engrossed, read a third time and passed.

On motion of Mr. Ellis, of Nevada, the House resolved itself into Committee of the Whole, Mr. Merritt in the chair, to consider a bill for the relief of William H. Endicott, under Sheriff of Nevada; after spending some time in the consideration of the subject, and making amendments thereto, on motion of Mr. Wood the committee rose, reported the bill as amended, and recommended its passage, and asked to be discharged from the further consideration of the bill.

The committee was discharged.

On motion of Mr. Merritt, the amendments made to the bill, in Committee of the Whole, were adopted by the House, the bill considered as engrossed, read a third time and passed.

A bill for the relief of J. F. Howe, which was amended in the Senate, came up on its third reading.

On motion of Mr. Merritt, the amendment made by the Senate, was agreed to.

Mr. McMeans introduced a bill for an Act to amend an Act authorizing the Treasurer of State to negotiate a loan for the purpose of suppressing Indian hostilities.

Read a first and second time and referred to the Committee on Ways and Means.

An Act appropriating money out of the General Fund, to pay members of the present Legislature and officers.

Made the special order for to-morrow at 12 o'clock.

Mr. Wing moved to adjourn.

Not agreed to.

Joint Resolution in reference to the improvement of Sacramento River, came up upon its second reading.

Mr. McMeans offered the following as an amendment:

To include "south, middle and north forks, of the American River."

Lost.

Resolution read a second time, and ordered to be engrossed for a third reading on to-morrow.

Joint Resolution from the Senate for the distribution of the Journals of the Convention and Legislature, by the Secretary of State.

Read a third time and passed.

Senate bill as a substitute to Joint Resolution for the relief of Mary Bush Hartman.

Read a third time and passed.

Mr. Coffroth gave notice that he would introduce a bill to repeal an Act to provide for the early publication and distribution of the laws, passed May 1st, 1851.

A bill to protect the State of California against the introduction of foreigners of bad character.

Read a second time and referred to the Committee on Commerce.

Mr. Coffroth introduced the following resolution which was adopted:

Resolved, That a committee of five be appointed, on the part of the House, to act in concert with a similar committee, appointed by the Senate, for the purpose of examining and reporting upon the condition of the fiscal affairs of the State, as provided in an Act passed January 31, 1850.

Messrs. Blanchard, Wall, Colby, Hinchman and Cutler, were appointed said committee.

The following message was read from His Excellency, the Governor:

EXECUTIVE DEPARTMENT,
Sacramento City, February 10, 1852.

To the House of Assembly of the State of California:

I have this day approved "an Act to amend an Act supplementary to an Act entitled an Act concerning County Recorders," passed March, 1851.

JOHN BIGLER.

On motion of Mr. Parrish, the House adjourned.

HOUSE OF ASSEMBLY.

WEDNESDAY, February 11, 1852.

House met pursuant to adjournment.

The roll was called by the Clerk, and the following members found absent—Messrs. Covarrubias, Crittenden, Ellis of San Francisco, Jones, Pico, Stark, Ten Broeck and Wall.

The Journal of Monday the 10th, read and approved.

The Speaker announced the House ready to proceed to business.

Mr. Crabb made the following report, to which is appended a further re-

port from Mr. Peachy, accompanied with a bill to provide for the calling of a Convention.

Report of the Select Committee of thirteen on the subject of the Revision of the Constitution.

Mr. Crabb, in behalf of the Committee reported as follows:

Mr. Speaker:—

The Select Committee, to whom was referred so much of Governor McDougal's message as related to unequal taxation, and the calling of a Convention to revise the Constitution, respectfully ask leave to submit, to the Assembly, the following report.

Conscious of the numerous difficulties which are presented in the consideration of this subject, and the weight of responsibility resulting from a decision as to the course of policy to be adopted, we are, nevertheless, neither too diffident, nor too timid, to point out the legion of evils which exist under our present government, and advise a speedy application of the only political panacea. Those crying evils have their tap-root in the Constitution, and they can never be eradicated save by the hand of the people in Convention assembled. If ever a young and vigorous country was the victim of "a blind experiment" in government, California is entitled to the rank of martyr.

We will first advert to the origin, progress of formation, and final establishment of the Constitution; afterwards proceed to enumerate a few of the intolerable grievances which flow from it; and then propose a plan whereby, with Herculean might, to cleanse the Augean stable.

The Territory of California, as we all know, was acquired by virtue of the treaty of Guadalupe Hidalgo, which, after mutual ratification was exchanged at Queretaro, on the 30th May, 1848. At the time of its acquisition it was thought to be worthless compared with the blood and treasure which it cost, but the discovery of gold fast following, and the tremendous results springing from that important event, soon demonstrated to the world the brilliancy and glory of its destiny. When this intelligence went abroad upon the swift pinions of the wind, from every State in the Union, and every nation on the globe, the tide of emigration poured into this "land of promise;" and seemingly by the power of magic, a wilderness was suddenly translated into a theatre for the enactment of the varied drama of life by the restless children of Adam. While all were bent upon gathering the golden harvest, and lost to every thing but a rapid accumulation of wealth, and a speedy return to their homes and their families, *a bevy of hoary politicians* looked calmly on the scene, and amid the din of picks and spades, of rumbling rockers, of noisy monte dealers, and shouting muleteers, conceived the *grand project* of creating a government, and appropriating the offices incident thereto to their own exclusive use and behoof. A fabric of government, "conceived in sin and brought forth in iniquity," it is not to be supposed, can stand the test of time, the scrutiny of experience, or the touchstone of practical operation. It was determined by that "band of *patriots*," that there *should be* a State, and there *was* a State.

On the 3d day of June, 1849, the *fiat* went forth, calling together the ele-

ments of chaos, and commanding the wild principles of freedom that run riot through the land, to resolve themselves into a State. The proclamation of Brevet Brig. Gen. Riley, *ex officio* Civil Governor of the Territory of California, recommended the people to assemble together on the 1st of August thereafter, and elect delegates to "a general Convention for forming a State Constitution, or a plan for a territorial government," to be holden at Monterey, on the 1st of September next, ensuing; on the 13th of November of the same year, the Constitution then and there formed, was submitted to the people for their ratification or rejection. The election was ordered; delegates were elected; the Convention assembled, and the Constitution was formed and adopted, *all* within the little space of *five months!!!* Verily, those venerable sages allowed the glowing ardor of their *patriotism* to lead them into an act of "hot haste," which is supposed to be the peculiar characteristic of ingenious youth, and made themselves obnoxious to the imputation of lacking that soberness of purpose and discreet deliberation, which is the *property* of old age and experience. Nay, on the very day on which the Constitution was to be ratified or rejected, before it was known what would be *its fate*, the people were ordered (in the schedule of that instrument) to "elect a Governor, Lieutenant Governor, members of the Legislature, and also two members of Congress."

The Legislature gathered together on the 15th December following; one month later, and elected two United States Senators, Supreme Court Judges, District Judges, and other officers, and still further provided for the appointment and election of additional officers, who like a cloud of locusts overspread the land, and consumed the substance of the people. "On, Stanly, on!" was the watchword and reply. "The people are still wrapped in their golden dreams," they exclaimed—"hasten before they awake from their trance, to weave around them the meshes of Law, and fasten upon their necks the yoke of *Taxation* and *Debt*." The election returns now on file in the office of the Secretary of State, develope the sad reality, that the people *were asleep*, and oblivious of the mighty change that was going on around them—it is there found on record, that out of the 150,000 inhabitants then in California, only eleven thousand two hundred and ninety voted *for the Constitution*, nine-tenths of *whom*, perhaps, have long since left the State. By the force of association of *ideas*, we are here reminded of the mythological fact, that while Jove, the mighty thunderer slept upon his throne, his sceptre was stolen away by the cunning Mercury.

Having traced the Constitution, through all its various phases, from its inception to its formation and ratification, let us look into the integral merits of this majestic State paper, this offspring of ambitious hopes, and bantling of an ardent "longing after immortality." When we reflect that the Convention was composed of men from every State in the Union, each entertaining his own peculiar notions of State policy, and each desirous of contributing a *stone* to this monument of *wisdom!* we ought not to be surprised at its faithful resemblance, figuratively speaking, to a Chinese checquer-board, or the many colored coat of the saintly Joseph. The most prominent idea impressed upon the mind by a careful perusal of the Constitution, is that of *wonder*, at the enlarged scope of *patriotism* which prompted those Lycurgan artizans to throw its protecting arms over an expanse of country nearly equal, in area, to the old thirteen States. At the same time the conviction rushes upon us, that this error alone was *fatal* to the proposed

scheme of government: and more especially when it is taken in connection with section 11, article 1, which declares, that "all laws of a general nature shall have a uniform operation,"—and a portion of section 13, article 11, which provides that "taxation shall be equal and uniform throughout the State."

We freely admit that these are good provisions of law in States of *moderate* dimensions, but cannot be so considered in reference to California, the boundary lines of which, embrace an extent of country, having different climates, varieties of soil, conflicting interests, and a contrariety of resources.

There seems to be no shadow of doubt, that the mining counties require a system of laws, entirely distinct from the commercial and agricultural counties. One of two things is imperatively called for, (which can be accomplished only by a change of Constitution,) either to *greatly reduce the limits* of the State, or give to the Legislature the power of *special legislation*—the latter plan being somewhat equivocal and dangerous, the former *might be adopted as the dernier resort.*

In order to illustrate, to some extent, the unequal and unjust operation in our State of the principles, that "all laws of a general nature shall have a uniform operation," and that "taxation shall be equal and uniform throughout the State," we take the liberty of citing the following passage in Governor McDougal's message:—

"From an examination of the taxes assessed upon real and personal property, and of those returned as delinquent, which will be seen by reference to the report of the Comptroller of State, the six southern and grazing Counties, with a population of 6,367 souls, as taken from the census returns, have paid into the Treasury for the fiscal year ending the first of July, last, the sum of $41,705.26, while the twelve mining Counties, with a population 119,917, have paid $21,253.66. The latter have a representation in the Legislature of forty-four, while the former have but twelve.

"The amount of capitation tax assessed in the twelve mining Counties, is $51,495.00, and the amount returned as delinquent, $47,915.00, while the amount assessed in the grazing Counties is $7,205.00, and the amount delinquent, $3,291.50, showing that the Southern Counties, with a population of 6,367, pay a capitation tax of $333.50 more than the twelve mining Counties, which have a population of 119,917.

"It will be seen, also, by reference to the same report, that the entire agricultural Counties, with a population of 79,778, have paid into the Treasury during the last fiscal year, $246,247.71, while the mining Counties, with a population as before stated, of 119,917, pay only $21,253.66."

From this extract is also elicited the startling fact, that while the Southern Counties are sweating under the burden of Government, bearing the greater weight upon their shoulders, they are compelled to submit to the degrading and demoralizing humiliation of being governed by other Counties that do not pay a *tithe* of the tax, while *their* representation is four-fold.

This latter evil, which of itself amounts to an intolerable oppression, is brought about by that section of the Constitution which requires that "representation shall be apportioned according to population." If the mining Counties, on the other hand, are taxed in proportion to their population, it is evident that *their* utter ruin would ensue with inevitable certainty. The principle of representation being apportioned upon the basis of population, is republican in its character, and we are aware that it is engrafted upon

the fundamental law of every State in the Union. It would be a dangerous innovation upon long established usages, we are free to confess, to impair its force and effect, in any great degree, but truth impels us to the announcement that its practical operation is unjust and oppressive to the tax-paying Counties of this State.

California demands *peculiar legislation* upon this all important element of government, and what is applicable to another State, will not meet her wants and guarantee the rights of her citizens. While it is apparent that it is not entirely proper in our State, to regulate representation according to population, it is neither a wise nor republican doctrine to place it altogether upon the basis of *taxation*.

The only equitable plan, which now presents itself, is a modification of the *existing* principle, by a change in the mode prescribed for the enumeration of the population of the State, which should by no means, however, trench upon the privileges of free suffrage. This perhaps could be effected by requiring the Commissioners of Census, to enter upon the list of enumeration those citizens only who had paid their capitation tax, and make this list the basis of representation, without the design, we repeat, of interfering with the fullest enjoyment of the election franchise.

This remedy is merely suggested. We are not wedded to it. Any other plan would be acceptable to us, by which can be accomplished the sole object in view—strict justice and equal rights to all.

Another vital objection to the Constitution, is the ample provisions it makes for a *superabundance of unnecessary offices*, which attaches a cumbrous weight to the machinery of Government, and *cannot* be sustained without a *heavy taxation* upon the people.

Again, one of the most important officers of the Government, the Secretary of State, is the appointee of the Governor, whom he is intended, in some measure, to check and restrain. We contend that this officer should not be the creature of the Governor, but should be elected by the free suffrage of the people. The Constitution, also, makes imperative *annual* sessions of the Legislature,—thus entailing upon the people the duplicate evil of enormous expenses and *too much* legislation. We entertain the opinion that *biennial* sessions, while they dock one half the cost of law making, are sufficient for the public good.

The Judicial Department, provided for in Article 6, has proved too complex and unwieldy, and has entirely failed in the only purpose, for which Courts of law and equity are established, cheap, prompt, and certain justice. This department should, in many respects, be changed and greatly simplified. The County Courts and Courts of Sessions should be abolished. District Courts should have original jurisdiction in civil cases over five hundred dollars, and in all matters of Probate, and in criminal cases amounting to felony; and final appellate jurisdiction in civil cases of five hundred dollars and under, and criminal cases below the grade of felony.

The Supreme Court should have appellate jurisdiction in all cases in which the District Courts have original jurisdiction. Magistrates' and Recorders' Courts should have original jurisdiction in civil cases of five hundred dollars and under, and in criminal cases below the grade of felony. A Board of Supervisors, with moderate compensation, should transact all county business. We are inclined to believe that a Judiciary system, under

such an organization, would best promote the interests of the people and subserve the ends of justice.

This important subject, however, will be fully and elaborately discussed in convention, and *whatever* system is adopted, it will, in all human probability, be *far preferable* to the present one.

There are many other glaring defects of *omission*, as well as *commission* in the Constitution, as it stands, but it would be an endless undertaking to mention them all and comment upon them separately.

The existence of the well known facts, that every County in the State is staggering under a load of debt, and that our State now bears, like an Atlas, a world upon her shoulders, in the shape of a debt of two and a quarter millions of dollars, "is confirmation strong as proof of holy writ" that the Constitution has weighed like an incubus upon her progress and prosperity.

It may be said, in contravention of this, that never did a country advance so rapidly in commercial and political importance as California has done—that she has sprung into a full grown existence, as Minerva leaped, armed and equipped, from the brain of Jupiter.

This statement can be no argument in favor of the Constitution; and it may be fully met by the answer, that the ample resources and unparalleled vitality of California alone enabled her in some measure to overcome and drag along the clog of an unwise Government: had she been free from this encumbrance, which was *foisted* upon her for the selfish and ambitious purposes of a few personages who "lacked advancement"—and had she been untrammeled by the shackles that were fastened around her young and vigorous limbs, ere now she would have outstripped the nations of the earth in the race of empire. Like a wounded bird of the sun, she now nestles in her eyre and turns her mournful eyes upon the arrow rankling in her breast, which was guided by a feather from her own wing.

The Constitution has been weighed in the balance and found wanting—its doom is written in the handwriting of the people. We are taught, by high authority, that every tree that bringeth not forth good fruit, shall be hewn down and cast into the fire. The people are ready to wield the axe. We therefore advise the calling of a Convention to revise the Constitution, without delay.

For that purpose, the committee report back the bills and joint resolutions referred to them, and earnestly recommend the passage of the bill, as amended by the committee, entitled "an Act recommending a convention of the people of the State of California."

AGOSTEN HARAZTHY, Chairman;
LIBBUM W. BOGGS,
T. J. INGERSOLL,
C. P. STEVENSON,
HENRY A. CRABB,
GEORGE O. McMULLIN,
J. T. THOMPSON,
N. B. SMITH,
E. D. PEARCE.

Mr. Hinchman made the following minority report upon the same subject:

The undersigned, a minority of the committee, to which was referred so

much of the Governor's message as related to unequal taxation, and the calling of a Convention, and to which was also referred certain bills to provide for the mode of calling that Convention, beg leave respectfully to submit the following report:—

The Constitution of the State contains, within itself, a remedy for its own defects, by providing a safe and plain mode whereby it may be amended or revised. And by prescribing one efficient mode of revision, it does of necessity impliedly refuse to recognize any other mode. The majority of the committee, by the tenor of their report, deny the existence of such an implication. With them, article 10, section 2, of the Constitution, is merely a recommendation of a mode of revision; is directory, not barring other modes, it is in fact a superfluity.

The same reasoning would lead them to declare, that the sacred Constitution of the United States, most remarkable for its conciseness, contains similar superfluities, for article five of that instrument provides the manner of its own amendment, and does not directly forbid any other manner. Yet, who that values his reputation would dare propose a newly invented plan of amending that instrument?

It never could have been the intention of those who framed, or those who accepted our present Constitution, to leave it in the power of the accidental majority of to-day to destroy the entire basis and foundation of our government, in order to substitute one of their own creation; and again, power to the accidental majority of to-morrow, to destroy the work of to-day. To prevent the anarchy, nay, to prevent the civil wars that would necessarily ensue from this ceaseless change in the fundamental principles of our government; they wisely provide, that when two-thirds of the members of the Senate and Assembly shall think it necessary to change the entire Constitution, then they shall recommend to the electors to vote for or against a Convention, and if a majority of the voters be in favor of a Convention, then it may be called. But it is now seriously proposed that a bare majority of the Legislature shall do that which by the Constitution two-thirds of their number cannot do, viz: call a Convention, without previously consulting the people.

Our "Declaration of Rights," says: "Government is instituted for the protection, security and benefit of the people: they have the right to alter or reform the same whenever the public good may require it."

How are we to know when the public good requires a reform? Shall we inquire of the people according to the rules which they themselves have made for their own protection, security and benefit? or shall we, assuming a power not delegated to us, insist that we are the exponents of public opinion on this point, and declare that the time has come when public good demands thorough change, and use our influence as Legislators to force upon our fellow citizens reform in a fashion not approved by them? If this measure succeed, delegates will be sent even from those counties that are unanimously opposed to it. They will argue thus:—As we may be bound by the action of this Convention it is best to be represented there. And in this way, a few men in this Legislature may succeed in convening delegates from every portion of the State, at the very time that nine-tenths of the voters are bitterly opposed to the Convention.

The measures proposed by the majority of the committee, are, in the opinion of the undersigned, emphatically revolutionary. We know of no

grievances or evils caused by the Constitution that cannot be redressed, or cured in a sure yet legal manner, and know of no attainable blessings or benefits withheld by the Constitution that cannot be attained without a revolution.

The majority of this committee have assigned the hot haste of the framers of our Constitution as the chief cause of its defects. We must remember that it was written and adopted at a time when no government existed, and when some government was needed to restrain increasing violence and lawlessness, when all hours were "golden hours," when days were counted as years, and when that which now seems haste to us, was tedious delay with them. But if it be true that they were over fast, even for their times, and that we cannot forgive them for their blunders, it becomes us to take warning by their example

And yet the prudent men of these contemplative and reforming times, who rebuke the fire and rashness of others, desire to run a swift race over the same course, heedless not only of the warning example, but of the good advice and precepts of their erring predecessors. We are not as they were. We have a government which fulfills most of the ordinary purposes of a good government, and yet these champions of instant perfection cannot wait during the little probationary year prescribed by law, cannot prudently amend section by section the faulty parts. A new and perfect Constitution must be made with dangerous and much condemned haste.

The whole debt of the State, too, has been charitably laid at the door of the Constitution, by the majority of the committee. Two-thirds of that debt appears by the late report of the Comptroller to have been caused by Indian Wars. What unwise provisions of our Constitution have caused, what unwise omissions have permitted, the hostile attacks of Indians, or the military expeditions in El Dorado, Mariposa, and Los Angeles, or to the Gila? Of the remainder of the debt more than $100,000 is interest. Would it be well that the Constitution should deprive the Legislature of the power to allow interest on the debts of the State? The State debt, then, independent of war and interest, is $692,767.84.

We should remember that the State was organized and necessarily incurring expense for nearly one year before it began to receive any revenue. That it was first necessary to make laws for the organization of the Counties, to print those laws when there were but few presses in the State, and those inefficient ones, to send the printed copies to distant points when there were no steamers, and no mail routes except between the larger cities; to elect County officers, and put the newly constructed machine into working order.

The same statement is in part applicable to the new Counties organized during the past year. When carpenters received $25 per day, and lawyers were clearing $50,000 a year, the salaries of Governors, Judges, and other State Officers were necessarily high. In the years 1849 and 1850, the wisest Constitution could not have rented public buildings for nothing; could not have printed public documents and statutes for nothing; could not, (when eggs, potatoes and onions were worth one dollar a piece,) provide the State with officers, rejoicing at the same time in wise heads and cheap appetites. Thus we see that the same extraordinary circumstances existing here for the last three years, have been the necessary causes both of enormous expenditures and deficient revenue.

With regard to the unequal taxation mentioned in the Governor's mes-

sage, we think it has arisen from causes temporary in their nature, from laws unnecessarily imperfect, and from the careless and unfaithful administration of those laws, but not from the Constitution. Without doubt the southern Counties have, in proportion to their wealth, paid an undue portion of the taxes. Those Counties have for many years been permanently settled, and it has therefore been easy to assess and collect the revenue. In the mining Counties the roving habits of the people have prevented the same exactness. But their habits are fast becoming more settled. Stationary and expensive quartz machines are taking the place of the wandering and solitary stranger with his wash-pan and knife. The gold-diggers no longer, at the approach of the Collector,

> "Fold up their tents like the Arabs,
> And as silently move away."

They live in substantial taxable houses. The earth is no longer carried in sacks from its native bed to some distant stream, but artificial canals, that cost more than the yearly revenue of the State, lead rivers into the desert. Everywhere are growing up cities, each of which will soon equal in value a whole grazing county. We believe that an intelligible revenue law, made under our present Constitution, if properly enforced, will in two years give the South no cause to complain of unequal taxation.

The necessary inequality of the taxation, great as it is, has, we believe, been much exaggerated. The native Californians, unaccustomed to our revenue system, do not always distinguish between taxes paid to the State and those paid to cities and counties. There is one County of the south which, up to this time, has paid into the State Treasury only $3,088. In the same county is a small city containing four hundred inhabitants, which, in the same time, has spent $12,000 in cash, and has contracted debts to the amount of $12,000 more, and this with no corresponding benefit. In another southern county there has been levied, for two successive years, the extra Court House tax, and it has been spent for other purposes, as a part of the general fund. The Constitution is not to blame for this, and yet the voices of those oppressed by their own neighbors has swelled the indiscriminate cry raised against State taxation and the Constitution. In some Counties property has been assessed at ten times its local value, and the Board of Equilization, by refusing to do their duty, have prevented amendments of the assessment list. In 1850, some of the Californians, ignorant of the Assessor's object, voluntarily over-rated their property, not knowing that their vanity must pay a per centage. The southern people, sore with wounds, erroneously believe all the blows are struck by the State and the Constitution. They do not see the friendly Jagos who hamstrung them from behind. The necessary inequality has, we believe, been purposely exaggerated, or at least set forth with needless prominence by a few persons of the southern part of the State, who hope thereby to effect, with more certainty, a division of the State; and by a few at the north, who are not usually afflicted with excess of sympathy for the woes of the "cow-counties." It is more than probable that they, too, have some ulterior object.

It is true that the lands out of which the gold is dug pays no revenue directly to the State; that those actually engaged in digging the gold have

hitherto directly paid but a small portion of the taxes. But it is this very gold which enables San Francisco, Sacramento and Stockton to flourish in tax-paying prosperity. And according to all rules of political economy, we may feel confident that the goods which go from those cities to the mines, go laden with those taxes, which are thus finally borne by the miners who consume the goods. Again, it is this same gold which in five years has raised the price of the California ox from $3 to $20; that of the horse, from $5 to $100; and that of most other California productions, in the same proportion; while it has, at the same time, reduced the price of imported goods in inverse proportion—a yard of calico from $1 to one real, and a suit of cloth from $100 to $20. This untaxed gold has made the southern farmer ten times more wealthy than he was, and lessened his expenditures to a tenth of what they were—in fact, enriching him a hundred fold. He should not grumble that the same causes which have enriched him demand from him a slight per centage on that increased value. But if he be discontented, he can add the tax to the price of his marketable oxen, and let the miners pay it.

In any State—old or new, great or small—there must be a diversity of occupations and interests—individual at least, if not sectional—and therefore any system of taxation must be apparently unequal. And until man's wisdom be more enlightened than it now is, we cannot hope that any Convention will say a thing more just and equitable on the subject of taxation than this clause of our Constitution :—"Taxation shall be equal and uniform throughout the State."

The undersigned, therefore, in conclusion, respectfully recommend to this House the two accompanying Resolutions, which, with this Report, are now respectfully submitted.

A. F. HINCHMAN,
EDW. F. W. ELLIS,
TH. R. HOPKINS.

[Resolutions presented by a minority of the Committee of Thirteen.]

Resolved, That the Committee of Ways and Means be instructed to take into consideration the present Revenue Laws of this State, and, as soon as practicable, report to this Assembly a bill so modifying the present system of imposing and collecting taxes, as shall meet the Constitutional requisitions and render "taxation equal and uniform throughout the State."

[Resolution presented by a minority of the Committee of thirteen.]

Resolved, That it is unnecessary, and, therefore, unwise to call a Convention of the People at this time, in order to change, alter or revise our State Constitution. That to call a convention in any other manner than that proposed by our Constitution, would endanger the stability of our government, and destroy confidence in the sincerity of the solemn declarations of our people, and in the permanence of their intentions.

Mr. Parrish offered the following resolution :

Resolved, That one thousand copies of the reports and the bill, as amend-

ed by the committee, be printed and made the special order of the day for Monday next, at 4 o'clock, in Committee of the Whole, and continue from day to day until disposed of.

Agreed to.

Mr. Boggs offered the following resolution:

Resolved, That the Committee on Public Printing be instructed to ascertain and present to this House, by bill or otherwise, the best method of having the public printing of the State executed, so as to combine good workmanship, certainty and promptness of execution, with economy to the State.

Adopted.

Mr. Crabb moved the adoption of the following as one of the standing rules of the House.

Upon the failure of a motion for the previous question, the business of the House shall proceed as if no such motion had been made.

Not agreed to.

On motion of Mr. Merritt, the House resolved itself into Committee of the Whole, Mr. Ellis, of Nevada, in the chair, to consider a bill for an Act appropriating money out of the general fund to pay members of the present Legislature and officers, after spending considerable time in the consideration of the subject;

On motion of Mr. Parrish, the committee rose, reported the bill back to the House, and asked to be discharged from the consideration of the subject.

The committee was discharged.

Mr. Wall moved to lay the bill upon the table.

Not agreed to.

Mr. Ellis, of Nevada, moved that the bill be referred to the Judiciary Committee, with instructions to report a bill in reference to the manner of making payments from the Treasury.

Agreed to.

Mr. Dameron moved to take from the table a bill to provide for the appointment of Flour Inspectors.

Agreed to.

On motion of Mr. Lyons, the House resolved itself into Committee of the Whole, Mr. McMullin in the chair, to consider a bill to provide for the appointment of Flour Inspectors; after considerable discussion upon the subject, and sundry amendments being made;

On motion of Mr. Parrish, the committee rose, reported progress, and asked leave to sit again.

Leave granted by the House.

Mr. Ellis, of Nevada, offered the following resolution:

Resolved, That whenever bills, reports, or other documents of a public character are printed by order of the Assembly, it shall be the duty of the clerk to furnish the Senate with a copy for the President, and for each member of the Senate.

Agreed to.

Mr. Peachy offered the following resolution, which was adopted:

Resolved, That hereafter when this House adjourns, it will adjourn to meet at 12 o'clock on the ensuing day, unless otherwise resolved.

Mr. Colby, chairman, reported that the Committee on Enrolled Bills had examined, and found correctly enrolled, an Act requiring the Comptroller to draw his warrant in favor of J. F. Howe.

Mr. Merritt gave notice that, at an early day, he would introduce a bill to regulate fees of office.

Mr. Chauncey, chairman, reported that the Committee on Engrossed Bills had examined, and found correctly engrossed, a bill directing the Comptroller to draw his warrant in favor of J. R. Wyatt.

Also Joint Resolution, instructing our Senators and Representatives in Congress to urge the passage of a bill for the improvement of the Sacramento and other Rivers.

The following message was received from the Senate:

Mr. Speaker:

I am directed to inform the Assembly, that the Senate did, on yesterday, refuse to recede from the Senate substitute for the Assembly "Joint Resolution for the relief of H. C. Hodge, Treasurer of Nevada County," and have appointed Messrs. Walsh, Wambough and Sprague a committee of conference on the disagreeing vote of the two Houses.

J. G. STEBBINS,
Assistant Secretary of Senate.

February 11, 1852.

Mr. McMullin moved that a committee be appointed on the part of the House, to meet Senate committee upon the disagreeing vote of the two Houses.

Agreed to.

Messrs. Ellis, of Nevada, Kipp and Fleming were appointed said committee.

Mr. Speaker:

I am directed to inform the Assembly, that the Governor did, on yesterday, approve and sign an Act to provide for the payment of the salary of E. Heydenfeldt:

All of which is respectfully submitted.

JAS. G. STEBBINS,
Assistant Secretary of the Senate.

February 11, 1852.

The following messages were received from the Governor:

EXECUTIVE DEPARTMENT,
Sacramento City, February 11, 1852.

To the Honorable the

Assembly of California:

I have this day approved an Act entitled "an Act requiring the Comptroller to draw his warrant in favor of J. F. Howe."

JOHN BIGLER.

EXECUTIVE DEPARTMENT,
Sacramento City, Feb. 10, 1852.

To the Honorable Assembly of California:

The accompanying resolution is returned in order to direct your attention to what is believed to be a constitutional informality in the enacting clause, but for no objection to the subject matter of the resolution.

Section first, of Article fourth of the Constitution prescribes that, "the legislative power of this State shall be vested in a Senate and Assembly, which shall be designated the Legislature of the State of California; and the enacting clause of *every law* shall be as follows: "the people of the State of California represented in Senate and Assembly *do enact* as follows." This provision is positive, direct, and without exception.

By the twenty-third section of the same article, it is provided that, "no money shall be drawn from the Treasury but in consequence of appropriations made *by law*. The accompanying resolution is intended to draw money from the Treasury, but the enacting clause does not pursue the constitutional requirement, and cannot, I conceive, without this, have the force of law.

I have deemed it advisable, therefore, to return it to the House in which it originated, with a view to correction in the particular indicated.

JOHN BIGLER.

Mr. Lyons moved to lay the message and bill upon the table for the present.

Agreed to.

On motion of Mr. Merritt, the testimony in the case of Messrs. Thorne and Chauncey, was referred to the special committee appointed to investigate the subject.

Mr. Cutler moved to adjourn.

Not agreed to.

Mr. Taliaferro gave notice that he would, on to-morrow, introduce a bill concerning lawful fences.

A communication was received and read from the Attorney General in reference to a capitation tax, accompanied by a report from the Supreme Court, pending the reading of which,

On motion of Mr. McMullin, it was laid upon the table.

On motion of Mr. Ellis, of San Francisco, the House adjourned.

HOUSE OF ASSEMBLY.

THURSDAY, February 12, 1852.

The House met pursuant to adjournment.

The roll was called by the Clerk, and the following members found absent, Messrs. Canney, Colby, Crittenden, Dameron, Ellis, of San Francisco, McKenzie, Merritt, Morse, Pico, Smith and Stark.

The Journal of Wednesday, 11th, read, amended and approved.

The Speaker announced the House ready to proceed to business.

On motion of Mr. McKim, leave of absence was granted to Mr. Jones until the 13th instant.

Mr. Paxton presented a petition from the citizens of Marysville, praying the Legislature to repeal the charter of the city of Marysville.

Referred to the Committee on Corporations.

Mr. Yeiser presented a petition from citizens of Calaveras County, praying for a law to remove the County Seat of said County.

Referred to Committee on County Boundaries.

Mr. Gardiner presented a counter petition from citizens of Marysville, protesting against a repeal of the city charter.

Referred to Committee on Corporations.

Mr. Orrick reported that the Committee on Enrolled Bills, had examined and found correctly enrolled, a bill to be entitled an Act repealing the charter of the city of Nevada. Also, a bill to be entitled an Act to change and define the boundaries of Contra Costa and San Joaquin Counties. Also, Joint Resolution of instructions in relation to the Bay and Harbor of San Diego.

Mr. Ellis, of Nevada, made the following report:

The committee appointed on the part of the Assembly, to confer with a similar committee on the part of the Senate, on the disagreeing vote of the Senate and Assembly, in relation to the "Joint Resolution for the relief of H. C. Hodge, Treasurer of Nevada County," have in conference agreed to the following amendment: Insert after the words "satisfactory evidence," in the substitute proposed by the Senate, the words "to the Comptroller by oath or otherwise;" and report the same back to the Assembly and recommend its concurrence.

E. F. W. ELLIS, Chairman.

On motion of Mr. McMullin, the amendment proposed by the Committee of Conference, was agreed to by the House.

Mr. Ellis, of Nevada, moved that fifty copies of the bill, as amended, be printed.

Not agreed to.

Mr. Peachy asked and obtained leave to withdraw a report submitted by him, on yesterday, in reference to calling a convention to enable him to submit another.

On motion of Mr. Fleming a bill to create a new County to be called *Siskiyou*, was taken from the table, and read a first and second time.

Mr. McConaha moved to refer the bill to the Committee on County Boundaries.

Not agreed to.

On motion of Mr. Dameron, the bill was referred to the delegation from Klamath, Trinity and Shasta Counties.

Mr. McConaha introduced a bill to be entitled an Act to regulate Practice at Law, in Courts of Record.

Mr. Boggs moved that the bill be read by its title.

Agreed to.

On motion of Mr. Lyons the rule was suspended and the bill read a second time by its title.

On motion of Mr. Wood it was referred to the Judiciary Committee.

Mr. Law moved to have one hundred copies printed.

Not agreed to.

Mr. Parrish made the following report which was adopted:

The Committee on Public Lands, to whom was referred the Joint Resolution of Mr. Wood, with the amendments of Mr. Hammond and Mr. Parrish, have had the same under consideration, and beg leave respectfully to submit the following report:

The committee have availed themselves of such information as could be procured in so short a time, and their investigations but strengthen the opinion hitherto held, that the interests of California imperatively demand the prompt and speedy action of our Senators and Representatives in Congress, to procure the passage of a law donating to every citizen of the United States, who has sought, or may seek, a home on the Pacific Coast, a portion of the public domain.

The opinion of the entire people of this State, (with but few exceptions) being adverse to the sale of any portion of the public lands in this State, the only difference of opinion which exists, is, as to the quantity of land which should be donated to each actual settler.

Your committee are of the opinion that the interest of the State would be greatly promoted by a donation to each actual settler, (who is a citizen of the United States, or who has declared his intention to become such,) of one quarter section, or one hundred and sixty acres, of land. It is a conceded fact, that the policy of every new State is, to secure the largest possible *permanent* population—those who cultivate the soil. How much more is this the policy of California. Her geographical position is such that she must either be dependent upon foreign countries for the necessaries of life, or produce them herself.

Your committee have availed themselves of the following statement of the Surveyor General, which they believe to be as accurate as could be obtained without actual survey.

"The area of the State of California embraces 93,622,400 acres. Of this quantity 52,000,000 acres are mineral lands, and other lands unfit for cultivation; 2,622,000 are tule or swamp lands, and 19,000,000 acres are lands which cannot be irrigated, and are therefore unfit for cultivation, being valuable only for grazing purposes. There remains then only 20,000,000 acres susceptible of irrigation and cultivation. But a portion of this 20,000,000 acres is covered by private claims—Spanish grants.

Your committee are therefore of opinion that the quantity of *agricultural* lands in this State, belonging to the United States, does not exceed 15,000,000 acres. If then 320 acres were donated to each settler, (which

amount is contended for by some,) a homestead would only be secured through the liberality of government, to 46,874 persons, whilst if 160 acres were the amount donated, our State would soon be settled by a *permanent* agricultural population of double that number or 93,748 persons or families. Which latter number if doubled, or trebled, it must be conceded, would lighten the burthens of government, and add to the strength and prosperity of our new State. Your committee beg leave therefore to submit the following Joint Resolutions, and respectfully recommend their adoption.

JOHN G. PARRISH,
Chairman Committee on Public Lands.

Mr. Parrish introduced Joint Resolution of Instructions in regard to the Public Lands.

Read a first and second time.

Mr. McMullin moved to lay the resolution upon the table.

Not agreed to.

Mr. McMullin offered a Joint Resolution of instruction in reference to grants of the Public Lands, as a substitute to the resolution offered by Mr. Parrish.

Mr. McConaha moved to re-commit the whole subject to the Committee on Public Lands.

Not agreed to.

The question then came up upon the substitute offered by Mr. McMullin, upon which Mr. McMullin demanded the ayes and nays.

Those who voted in favor of the substitute were—

Messrs. Caldwell,
Covarrubias,
Crabb,
Dameron,
Del Valle,
Ellis, of Nevada,
Gardiner,
Hinchman,
Hopkins,
Ingersoll,
McKenzie,
McMullin,
Orrick,
Pacheco,
Ridley,
Taliaferro,
Wood,
Yeiser,
Young—19.

Those who voted against the substitute were—

Messrs. Blanchard,
Boggs,
Brush,
Canney,
Coates,
Coffroth,
Colby,
Ellis, of San Francisco,
Fleming,
Ford,
McKim,
McMeans,
Merritt,
Morse,
Parrish,
Paxton,
Peachy,
Smith,
Stephenson,
Ten Broeck,

Messrs. Gibson,
Harazthy,
Hudspeth,
Kipp,
Law,
Lyons,
McConaha,
Messrs. Thompson,
Tucker,
Turner,
Wing,
Wohler,
Speaker—30.

Resolution lost.

Mr. Wood introduced a bill for an Act providing for the erection of a State Marine Hospital, at San Francisco.

Read a first time, and ordered to a second reading on to-morrow.

Mr. Canney introduced a bill directing the Comptroller to draw his Warrant on the Treasurer in favor of Lyman Leslie for sixty dollars.

Read a first and second time and referred to Committee on Claims.

Mr. Pacheco gave notice that on to-morrow, or soon thereafter, he would introduce a bill for an Act to repeal an Act creating the County of San Luis Obispo, and to amend the Act defining the boundaries of the County of Santa Barbara.

Mr. Paxton gave notice that he would, on to-morrow, or some subsequent day, introduce a bill for the repeal of the city charter of Marysville and to create a Board of Trustees in lieu thereof.

Mr. Peachy gave notice that to-morrow, or soon thereafter, he would introduce a bill to be entitled an Act for the relief of insolvent debtors and for the disposition of their property.

Mr. Coates gave notice that on to-morrow he would introduce a bill to give compensation to the Commissioners for their services, who were appointed by an Act approved May 28th, 1851, for the organization of Klamath and Trinity Counties.

Mr. McMeans gave notice that he would, on to-morrow, introduce a bill entitled an Act to secure the payment of taxes in the State of California; also, a bill entitled an Act to amend an Act entitled an Act to provide for the punishment of embezzlement of public moneys and other purposes, passed April 10th, 1851.

Mr. Taliaferro introduced a bill for an Act concerning lawful fences and animals trespassing on premises lawfully inclosed.

Read a first time and ordered to a second reading on to-morrow.

Mr. Wood moved to take from the table the report made by the Select Committee, in reference to the Hospital at San Francisco, and refer it to the Joint Committee of both Houses.

Agreed to.

Mr. Coates introduced a Joint Resolution granting leave of absence to Judge Wm. R. Turner, for the period of three months.

Read a first and second time and referred to the Judiciary Committee.

Mr. Yeiser presented an account of R. P. Ashe, Sheriff of San Joaquin County, against the State.

Referred to the Committee on Accounts.

Mr. Peachy presented an account of E. J. C. Kewen against the State.

Referred to the Committee on Accounts.

On motion of Mr. McMullin, the Joint Resolution which was returned

by the Governor for informality, was taken from the table, and, on his motion, the House re-considered the vote which passed the resolution, and amended it so as to come within the constitutional provision.

A bill to provide for the appointment of Inspectors of Flour, was taken up.

Mr. Brush moved that the bill be laid over until to-morrow.

No quorum voting.

Mr. Parrish moved a call of the House.

The call was sustained.

Upon a call of the roll, the following members were found absent:—Messrs. Blanchard, Chauncey, Coates, Crittenden, Ellis, of San Francisco, Fleming, Ford, Fowler, Gardiner, Gibson, Graham, Hudspeth, Ingersoll, Lyons, McKenzie, Pearce, Pico, Smith, Stark, Stevenson, Turner and Wing.

Mr. Wood moved that the Sergeant-at-Arms be dispatched for absent members.

Agreed to.

Messrs. Smith, Chauncey, Fleming, Tucker, Stevenson, Gardiner, Ford, Blanchard, Gibson, McKenzie, Wing, Kipp and Ingersoll, severally appeared and were admitted by the House to come within the bar.

Mr. Merritt moved that further proceedings under the call be dispensed with.

Not agreed to.

On motion of Mr. Boggs, the House took a recess of one hour.

Mr. Lyons offered the following, which was adopted:

Resolved, That further proceedings under the call of the House be now dispensed with, and that those members for whom the Sergeant-at-Arms has been sent, shall pay the necessary fees, unless excused by a vote of this House.

Adopted.

Mr. Graham moved that the absentees be excused.

Not agreed to.

Mr. McKim moved to re-consider the vote upon the resolution offered by Mr. Lyons.

Not agreed to.

On motion of Mr. Merritt, the House resolved itself into Committee of the Whole, Mr. Boggs in the chair, to consider a bill to provide for the appointment of Flour Inspectors.

After spending some time in the consideration of the bill, and making sundry amendments thereto, on motion of Mr. Coffroth, the committee rose, reported progress, and asked to be discharged from the further consideration of the subject.

The committee was discharged.

On motion of Mr. Merritt, the bill and amendments providing for the appointment of Flour Inspectors was referred to a Special Committee of five, with instructions to report a bill upon the subject.

Messrs. Merritt, Crabb, Colby, Chauncey and Fowler were appointed the committee.

Mr. Parrish asked leave of absence for Mr. Ellis, of San Francisco, for the balance of the day.

Mr. Fowler moved a call of the House.

The call was not sustained.

Joint Resolution on its third reading, instructing our Senators in regard to an appropriation for improving the navigation of the Sacramento and other rivers, was taken up.

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

Mr. Wall moved to take from the table the report of the Committee of Ways and Means, in reference to the pay of the chief Clerk and other officers.

Agreed to.

On motion of Mr. Parrish, the House resolved itself into Committee of the Whole, Mr. Wood in the chair, to consider the resolution fixing the pay of the chief Clerk and other officers.

After spending some time in the consideration of the subject, the committee adopted a resolution.

On motion of Mr. Crabb, the committee rose, reported a resolution to the House, and recommended its passage, and asked to be discharged.

The committee was discharged.

Mr. Merritt moved to concur in the resolution adopted in Committee of the Whole.

Agreed to.

On motion of Mr. Ellis, of Nevada, the following resolution, which was adopted in Committee of the Whole, was taken up and adopted by the House.

Resolved, That during the present session of the Legislature, the pay of the officers of the Assembly shall be as follows:—

The Chief Clerk shall receive	$20 per day.
The Assistant Clerk shall receive	18 "
The Reading Clerks " "	18 "
The Recording do. " "	16 "
The Enrolling do. " "	16 "
The Clerk of Judiciary Committee shall receive	16 "
The Clerk of Committee of Ways and Means,	16 "
The Engrossing Clerk shall receive	16 "
And all other Clerks shall receive for the time actually employed, the Chief Clerk to give certified bills of the same,	16 "
The Sergeant-at-Arms,	18 "
Door Keeper,	16 "
Porters of the House,	10 "
Page and Assistant Page, each,	10 "

Mr. Fowler moved that the Judiciary Committee be instructed to report upon the Senate bill in reference to the bond of the State Treasurer on to-morrow. Agreed to.

Mr. Crabb offered the following resolution:

Resolved, That the Governor of the State be respectfully requested to furnish to this House, a copy of all orders and instructions issued to Military officers of this State in any way authorizing, directing, or appertaining to any Indian War, or Military Expedition, during the years 1849, '50 and '51.

Laid over under rule, adopted 13th July.

The following message was received from the Senate:

I am directed to inform the Assembly, that the Senate have passed the amendments made by the Assembly to "Joint Resolution providing for the distribution of the Journals," with an amendment, to wit:—after 1850 and 1851, add "whenever the State Printer shall furnish the same for the use of the State."

Also, that they have passed a bill for "an Act for the relief of the Treasurer of Santa Barbara County."

Also, that they have passed a bill for "an Act to change the name of Lucy A. Stoddard Wakefield."

All of which is respectfully submitted.

JAS. G. STEBBINS,
Assistant Secretary of the Senate.

February 12, 1852.

Senate bill, an Act for the relief of the Treasurer of Santa Barbara County.

Read a first and second time, and

On motion of Mr. Boggs, referred to Committee of the Whole House.

A bill from the Senate for an Act to change the name of Lucy A. Stoddard Wakefield.

Read a first and second time, and

On motion of Mr. Merritt, referred to Committee of the Whole House.

Joint Resolution from the Senate for the distribution of the Journals of the Convention and Legislature by the Secretary of State, which had been amended by the Assembly, came back with an amendment from the Senate.

On motion of Mr. Boggs, the resolution was laid upon the table.

Mr. Crabb gave notice that, on to-morrow, or at an early day, he would introduce a bill for an Act to repeal all existing laws in regard to Militia and Militia Affairs.

Mr. Parrish introduced a Joint Resolution to go into an Election on Saturday next for Military Officers.

On motion of Mr. Ellis, of Nevada, it was referred to Committee on Military Affairs.

On motion of Mr. Merritt, at 25 minutes before 6 o'clock, P. M., the House adjourned.

HOUSE OF ASSEMBLY.

FRIDAY, February 13, 1852.

House met pursuant to adjournment.

The roll was called by the Clerk, and the following members found absent:—Messrs. Crittenden, Graham, Lyons, McMullin, Pico, Stark, Ten Broeck and Tucker.

The Journal of Thursday, the 12th February, was read, amended and approved.

The Speaker announced the House ready to proceed to business.

Mr. Boggs presented a petition from citizens of the County of Sonoma, protesting against a portion of that county being attached to the County of Marin.

Referred to the Committee on County Boundaries.

Mr. Boggs moved to take from the table a bill entitled an Act to amend an Act to divide the State into Counties and establish Seats of Justice therein, passed April 25th, 1851, and moved its reference to the Committee on County Boundaries.

Mr. Peachy made the following report:

The Judiciary Committee, to whom was referred the memorials from certain citizens of San Francisco, both for and against abolishing the Superior Court in that city, have had the matter under consideration, and not having sufficient information before them on which to found an opinion, ask to be discharged from the further consideration of the subject, without submitting a report.

A. C. PEACHY.

Laid upon the table.

The following report was made by Mr. Wood and others, a portion of the Judiciary Committee.

We, from the same committee, whose names are hereunto attached, have had the subject under consideration, and beg leave to report that we do not deem it expedient to abolish said Court at the present time, and ask to be discharged from the further consideration of the subject.

R. N. WOOD,
JNO. G. PARRISH,
EDW. F. W. ELLIS,
HENRY A. CRABB,
A. F. HINCHMAN.

Laid upon the table.

Mr. Coffroth, from the Judiciary Committee, made the following report:

The undersigned, from the same committee, has had the matter under consideration, and begs leave to report that, from the opposition manifested by certain citizens of San Francisco, he believes that some good reason must exist for abolishing the said Court, and asks that the committee con-

tinue to have the same under consideration until more proof can be procured.

Laid upon the table.

Mr. Peachy made the following report:

The Judiciary Committee, to whom was referred the bill for "an Act concerning the County Recorder of Santa Barbara County," have had the same under consideration, and beg leave to report it back with amendments, and recommend its passage.

Laid upon the table.

Mr. Peachy also made the following report:

The Judiciary Committee, to whom was referred a bill for "an Act to authorize married women to transact business in their own name as sole traders," have had the same under consideration, and amended the sixth section of the same by inserting between the words "separate" and "property" the words "or their joint," and ask leave to report the same back as amended, and recommend its passage.

Laid upon the table.

An Act to authorize married women to transact business in their own name as sole traders.

Laid upon the table, and one hundred copies ordered printed.

Mr. Peachy made the following report:

The Judiciary Committee, to whom was referred a bill for "an Act amendatory of the second section of the Act concerning the office of State Treasurer," passed 24th January, 1850, have had the same under consideration, and beg leave to report in favor of its adoption.

Laid upon the table.

Mr. Peachy made the following report:

The Judiciary Committee, to whom was referred the bill for "an Act to amend an Act entitled 'an Act concerning Courts of Justice of this State and Judicial Officers,'" have had the same under consideration, and beg leave to make a majority report against its adoption.

Laid upon the table.

A bill for an Act to amend an Act entitled an Act concerning Courts of Justice of this State and Judicial Officers, on its second reading.

Laid upon the table.

Mr. Wood, from the Committee of Judiciary, made the following report:

Mr. Wood, from the same committee, dissents from the majority report, without adopting the bill as it now stands, and favors the extension of the Justices' jurisdiction in the cities of San Francisco and Sacramento to three hundred dollars, because he thinks the speediest relief should be given to a

large class of the laboring community, who are sought to be benefitted by the bill, and at the smallest amount of expense, and therefore recommend the adoption of the bill by striking out (as an amendment) five hundred dollars and inserting in its stead three hundred dollars.

For the reasons assigned by Mr. Wood, I am in favor of extending the jurisdiction of Magistrates' Courts to cases of five hundred dollars.

H. A. CRABB,
one of Committee of Judiciary.

Laid upon the table.

Mr. Peachy made the following report:

The undersigned, a member of the Judiciary Committee, to whom was referred a bill entitled "an Act to amend an Act concerning Divorces," has the honor to report, that he has maturely considered the proposed amendment, and finds that the effect of it will be to enable parties to the matrimonial contract, by a system of collusion during one year, to dissolve that contract. The policy of all divorce laws with which the undersigned is acquainted has been steadily and resolutely opposed to such a result. That policy, which recognizes the propriety of granting divorces in certain cases of irremediable hardship and gross misconduct, has always carefully guarded against the introduction of any provisions of law or rule of evidence, which may enable parties to dissolve the marriage tie by mutual consent. The present amendment points out a method by which such mutual consent enduring for the short period of one year, may be converted into a judgment of a Court of Law, granting a divorce.

The undersigned regards the proposed amendment as utterly destructive of all the wise and judicious safe-guards which the law, based upon the best and most sacred interests of society, has hitherto thrown around the married state.

A. C. PEACHY, Chairman.

Mr. Harazthy made the following report:

The Committee on Military Affairs, to whom was referred a resolution providing for the election by the Legislature of certain Militia Officers respectfully report: That they have had the subject under consideration, and submit that in the opinion of said committee, the Legislature possess the authority by law to elect the officers provided for in said resolution; but inasmuch as said committee have already prepared and introduced a bill concerning the organization of the Militia, which contemplates an entire change in the militia system of the State, and the mode of election of all general officers.

Your committee would, therefore, suggest it to be inexpedient, at this time, for the Assembly to provide for the election by joint ballot for said general officers.

Laid upon the table.

A bill for an Act concerning the organization of the militia.

Laid upon the table.

Mr. Blanchard made the following report:

The Committee on Accounts, to whom was referred the accounts of Drewry P. Baldwin and Thomas J. Greene, for six hundred dollars by them expended in selecting and laying off the public grounds in the city of Vallejo, have instructed me to report the following bill, and recommend its passage.

An Act to provide for the payment of Drewry P. Baldwin and Thomas J. Greene, for expenses incurred in laying off the public grounds in the city of Vallejo.

Read a first and second time.

Mr. Coffroth made the following report:

The Committee on Federal Relations, to whom was referred a Joint Resolution, requesting our Senators and Representatives to use their best efforts to obtain certain arms from the general government, report back the same, and respectfully recommend its passage.

Report adopted.

Joint Resolution instructing our Senators and Representatives to use their best efforts to obtain certain arms from the general government on its third reading;

Laid upon the table.

Mr. Coffroth made the following report:

The Committee on Federal Relations, to whom was referred a Joint Resolution in regard to volunteers informally enlisted in the United States service, report back the same, and respectfully recommend its passage, with the following amendment, strike out fifty copies in the fourth line of the last resolution, and insert one copy.

Joint Resolution in regard to volunteers informally enlisted in the United States service, on third reading,

Laid upon the table.

Mr. Colby reported that the Committee on Enrolled Bills had examined, and found correctly enrolled an Act for the relief of Mary Bush Hartman.

Mr. Dameron, chairman of Select Committee in the contested case of Messrs. Thorne and Chauncey, made the following report:

The Select Committee, to whom was referred the contested seat of Thorne *vs.* Chauncey, have had the same under consideration, and respectfully report the whole matter back to the House, and recommend the adoption of the following resolution, and ask to be excused from the further consideration of the subject.

Committee excused.

Resolved, That the contested election between Messrs. Thorne and Chauncey, be made the special order of the day, for this day, at 1 o'clock, in Committee of the Whole House, and that each of the gentlemen be permitted to appear in the bar of this House, either in person or by counsel.

Mr. Parrish moved to insert 2 o'clock, instead of 1 o'clock, which was agreed to.

And the resolution as amended was adopted.

Mr. McKim offered the following resolution:

Resolved, That when this House adjourns this day, that it shall adjourn to meet at 10 o'clock each day thereafter.

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

Agreed to.

Mr. Peachy introduced a bill for an Act in addition to an Act concerning Corporations.

Read a first and second time by title, and referred to Judiciary Committee.

Mr. McMeans introduced the following bills:—

A bill entitled an Act to secure the payment of taxes in the State of California.

Read a first and second time, and referred to Judiciary Committee.

A bill entitled an Act to amend an Act entitled an Act to provide for the punishment of embezzlement of public money and other purposes, passed April 10th, 1851.

Read a first and second time, and referred to Judiciary Committee.

Mr. Coates introduced the following bills:—

A bill for an Act to provide for the compensation of the commissioners appointed to organize the Counties of Trinity and Klamath.

Read a first and second time, and referred to a Select Committee of three.

Messrs. Coates, Boggs and Wood were appointed said committee.

A bill for an Act for the payment of William G. Ross for his attendance, as witness, in the contested election between Messrs. Coates and Hawkes.

Read a first and second time, and referred to Committee of Ways and Means.

Mr. Merritt moved that the Committee of Ways and Means be instructed to ascertain from the Committee on Elections, how many days said witness attended, and whether or not he was subpœnaed.

Agreed to.

On motion of Mr. Parrish, Mr. Ellis, of San Francisco, had leave of absence granted.

On motion of Mr. Ellis, of Nevada, leave of absence was granted to Mr. Turner, until Wednesday next.

Mr. Parrish moved to take from the table, a bill from the Senate in reference to the bond of the State Treasurer.

Agreed to.

A bill from the Senate for an Act amendatory of the second section of an Act concerning the office of State Treasurer, passed 24th January, 1850.

Read a third time and passed.

An Act providing for the erection of a State Marine Hospital at San Francisco.

Read a second time, and

On motion of Mr. Wood, laid upon the table.

Resolution offered by Mr. Crabb, on yesterday, requesting the Governor to furnish information in reference to Indian War.

Adopted.

Joint Resolution of instructions in regard to public lands, on its third reading,

Mr. Wood offered the following amendment—to strike out the words "one hundred and sixty acres of the," and be re-committed to the Committee of the Whole, with instructions to strike out, &c. And that they also be instructed to adopt a preamble.

The Chair decided that the motion to amend was not in order, but that the motion to re-commit was.

On the adoption of which, Mr. Lyons demanded the ayes and nays.

Those who voted in favor of re-committing were—

Messrs.	Caldwell,	Messrs.	McKenzie,
	Covarrubias,		McKim,
	Cutler,		Orrick,
	Dameron,		Pacheco,
	Del Valle,		Peachy,
	Ellis, of Nevada,		Ridley,
	Fowler,		Stevenson,
	Gardiner,		Taliaferro,
	Haraztby,		Wood,
	Hinchman,		Yeiser,
	Hopkins,		Young,
	Ingersoll,		Speaker—24.

Those who voted in the negative were—

Messrs.	Blanchard,	Messrs.	McConaha,
	Boggs,		McMeans,
	Brush,		Morse,
	Canney,		Parrish,
	Coffroth,		Paxton,
	Colby,		Pearce,
	Fleming,		Smith,
	Ford,		Thompson,
	Gibson,		Turner,
	Hudspeth,		Wing,
	Kipp,		Wohler—23.
	Lyons,		

Amendment adopted, and on motion of Mr. Wood made the special order for 12 o'clock, to-morrow.

Mr. McKenzie offered the following:

Resolved, That the Committee on Elections be instructed to report to this House, on to-morrow, on the case of contested elections of the sitting members for Shasta County.

Adopted.

Mr. McMeans gave notice that he would, at the proper time, introduce a bill to repeal the existing Hospital Laws of the State and providing for the establishing of one General State Hospital.

On motion of Mr. Parrish the House resolved itself into Committee of the Whole, Mr. Boggs in the chair, to consider the contested election between Messrs. Thorne and Chauncey. It appearing that there was not a quorum of the House present, on motion of Mr. Parrish, the committee rose and asked leave to sit again.

Leave granted.

Mr. Merritt asked leave of absence for one hour to meet a committee of the Senate, to examine the Hospital.

Not agreed to.

Mr. Wood moved a call of the House.

The call was sustained.

Upon the call of the roll the following members were found absent, Messrs. Coffroth, Colby, Ellis, of Nevada, Law, Pico, Stark and Wohler.

On motion of Mr. Parrish further proceedings under the call of the House was dispensed with.

On motion of Mr. Parrish the House resolved itself into Committee of the Whole, Mr. Boggs in the chair, to consider the contested case between Messrs. Thorne and Chauncey. After spending considerable time in having the testimony read and discussion thereon, on motion of Mr. Parrish, the committee rose and asked to be discharged from the further consideration of the subject.

The committee was discharged.

Mr. Parrish offered the following:

Resolved, That D. M. Chauncey is entitled to the seat which he occupies on this floor as a Representative from San Francisco.

Mr. Wood offered the following as a substitute:

Resolved, That Isaac N. Thorne is duly elected and entitled to a seat in the Assembly as member from San Francisco, in place of Hon. D. M. Chauncey.

On the vote being taken upon the substitute, Mr. Wood demanded the ayes and nays.

Those who voted in favor of the substitute were—

Messrs. Boggs,	Messrs. Hinchman,
Caldwell,	McKenzie,
Crabb,	McMullin—7.
Ellis, of Nevada,	

Those who voted in the negative were—

Messrs. Canney,	Messrs. Gardiner,
Coates,	Gibson,
Coffroth,	Harazthy,

Messrs. Colby,
Covarrubias,
Dameron,
Del Valle,
Fleming,
Ford,
Messrs. Hudspeth,
Ingersoll,
Kipp,
Lyons,
McConaha,
McMeans,

Mr. Merritt asked to be excused from voting.

The Speaker decided, that as Mr. Merritt did not ask to be excused prior to the commencement of the call of the ayes and nays, he could not be excused, unless the House suspended the rules.

Mr. Merritt moved that the rules be suspended.

Not agreed to.

On motion of Mr. Parrish the Sergeant-at-Arms was sent after Mr. Merritt.

Mr. Merritt made his appearance.

The Clerk then concluded the call.

Merritt, Orrick, Smith, Turner, Wall, Wohler and Wood.

In the negative—

Pacheco,
Parrish,
Paxton,
Peachy,
Pearce,
Ridley,
Stephenson,
Messrs. Taliaferro,
Thompson,
Wing,
Yeiser,
Young,
Speaker.

Resolution lost.

Mr. Ellis moved that the resolution offered by Mr. Parrish, be referred to the Committee on Elections, to ascertain whether, under the Constitution, Mr. Chauncey was entitled to his seat.

Mr. Parrish demanded the previous question.

The Speaker then stated the question—Shall the main question be now put?

The House decided in the affirmative.

The main question was the resolution offered by Mr. Parrish, upon the passage of which Mr. McMullin demanded the ayes and nays.

Those who voted in the affirmative were—

Messrs. Canney,
Coates,
Coffroth,
Colby,
Covarrubias,
Dameron,
Del Valle,
Messrs. McConaha,
Pacheco,
Parrish,
Paxton,
Peachy,
Pearce,
Ridley,

Messrs. Fleming,
Gardiner,
Gibson,
Harazthy,
Hudspeth,
Ingersoll,
Kipp,
Lyons,
Stephenson,
Taliaferro,
Thompson,
Wing,
Yeiser,
Young,
Speaker—29.

Those who voted in the negative were—

Messrs. Boggs,
Caldwell,
Crabb,
Cutler,
Ellis, of Nevada,
Ford,
Hinchman,
McKenzie,
McMeans,
McMullin,
Orrick,
Smith,
Turner,
Wall,
Wohler,
Wood—16.

So the resolution was adopted.

The Crabb offered the following:

Resolved, That Mr. Thorne be allowed the mileage and per diem of a member of the Assembly, up to the present time.

Mr. Parrish moved to lay the resolution upon the table, on which Mr. Wood demanded the ayes and nays.

Those who voted to lay the resolution upon the table were—

Messrs. Boggs,
Canney,
Coffroth,
Colby,
Covarrubias,
Del Valle,
Ford,
Gibson,
Harazthy,
Hudspeth,
Ingersoll,
Kipp,
Lyons,
Parrish,
Paxton,
Pearce,
Ridley,
Smith,
Stephenson,
Taliaferro,
Thompson,
Wall,
Wing,
Young—24.

Those who voted in the negative were—

Messrs. Caldwell,
Chauncey,
Coats,
McKim,
McMeans,
McMullin,

Messrs. Crabb,	Messrs. Merritt,
Cutler,	Orrick,
Ellis, of Nevada,	Pacheco,
Fleming,	Peachy,
Gardiner,	Turner,
Hinchman,	Wohler,
Jones,	Wood,
McConaha,	Yeiser,
McKenzie,	Speaker—24.

On motion of Mr. Coffroth, at 7½ P. M., the House adjourned.

HOUSE OF ASSEMBLY.

SATURDAY, February 14, 1852.

The House met pursuant to adjournment.

The roll was called by the Clerk and the following members found absent, Messrs. McMullin, Pico and Stark.

The Journal of Friday, the 13th, was read, amended and approved.

The Speaker announced the House ready to proceed to business.

On motion of Mr. Thompson, leave of absence was granted to Mr. Crittenden.

Mr. Wood presented a petition from sundry citizens of Calaveras County, protesting against the removal of the court house.

Read and referred to the Committee on County Boundaries.

Mr. Coffroth presented a petition of J. L. Bolin, asking relief.

Read and referred to the delegation from El Dorado County.

Mr. Blanchard presented an account in favor of Tuolumne County.

Referred to the Committee on Accounts.

Mr. Merritt presented the evidence in the case of Messrs. Fleming and Pearce, members from Shasta County, and asked to be discharged from further consideration of the subject.

The committee was discharged.

Mr. Yeiser, and others, from the Committee on Elections, made the following report, which was laid upon the table and on motion of Mr. Wood, made the special order for Monday next, at 2 o'clock.

Mr. Speaker:

The undersigned, Committee on Elections, to whom was referred the case of Messrs. Pearce and Fleming, sitting members for Shasta County, beg leave to report—

That they have had the matter under consideration, and much time has been occupied in taking additional testimony relative to boundaries and place of residence of said Messrs. Pearce and Fleming, and from said testi-

mony we are satisfied at the time of the last fall election, Mr. Pearce resided at Scott's Bar, and Mr. Fleming at Shasta Butte City.

They also submit herewith the testimony taken, together with the evidence on file in case of Coats *vs.* Hawkes, for such action as the House may see proper to take.

All of which is respectfully submitted,

F. YEISER,
R. N. WOOD,
E. F. W. ELLIS,
HENRY A. CRABB.

Mr. Dameron made the following report:

The committee to whom was referred the petition of the citizens of Colusi County for a division of the County, and the remonstrance against the division, have had the same under consideration, and respectfully report in favor of the prayer of the petitioners for a division, and recommend to the House the passage of the following bill.

Laid upon the table.

An act to divide the County of Colusi, and define its boundaries.

Laid upon the table.

Mr. Ellis, and other members of the Judiciary Committee, made the following report, which was laid upon the table:

The Judiciary Committee, to whom was referred a bill for an Act to amend "an Act concerning Divorces," have carefully examined and considered the same and ask leave to report.

Your committee find that by the present law "concerning divorces," "wilful and continued desertion for three years," is good cause for divorce. No discrimination is made, by the present law, between cases where the party is necessarily absent on business, for three years, with the intention of returning, soon as the business causing such absence is accomplished, and cases where the party, making the abandonment, manifest a clear and positive intention of never returning.

The proposed amendment contemplates, with justice, in the opinion of your committee, that a distinction should exist in law as it does in fact, between cases so widely different. That neither justice nor sound policy requires that a husband or wife, wilfully abandoned and left, when it is clearly proven to the Court that such abandonment is intended to be permanent, should be required to serve out a kind of matrimonial penance for the term of three years, without having committed any offence justifying such severity of legal punishment. Not a few cases exist where the husband has beguiled a fond and confiding wife from all the endearing ties of home and friends and brought her to the shores of the Pacific, thousands of miles from her native land, and here amid strangers, basely deserted and left her without the means of support or the protection of the friends and kindred of which a villain has deprived her. Willingly she endured the hardships and encountered the perils and mortifying incidents, connected with a long and tedious journey across the wilderness and desert plains, or the equal difficulties and vicissitudes of the voyage by sea. Is it justice—is it the voice of humanity—

that dooms her to an imprisonment of three years in the lonely wilds of California, before she can obtain a release from her cruel bondage and be permitted to return again to the parental roof and friends, from which a treacherous villain has seduced her away?

Your committee cannot believe, for one moment, that a law operating so cruelly in such a case, is either in consonance with the generous sentiments and feeling of California, or the dictates of sound policy, reason, justice, or common humanity, and therefore recommend the passage, into a law, of the bill submitted to their consideration, for an Act to amend "an Act concerning Divorces."

Respectfully submitted.

EDW. F. W. ELLIS,
F. MILLER,
R. N. WOOD,
JNO. G. PARRISH,
HENRY A. CRABB,
JAMES W. COFFROTH.

Mr. Colby, chairman of the Committee on Enrolled Bills, reported that the committee had examined and found correctly enrolled, a Joint resolution of instructions relative to Humboldt and Trinidad Bays.

Mr. McKim, chairman of the Committee on Roads and Highways, made the following report, which was laid upon the table:

Mr. Speaker:

The Committee on Roads and Highways, to whom was referred Senate bill for "an Act amendatory of an Act creating and regulating Public Ferries, and of an Act to amend an Act creating and regulating Public Ferries," having had the same under consideration, have instructed me to report the same, with the following amendment, and to recommend its passage.

Add at the close of section second—

"At the expiration of which period the rights of the party shall cease and determine; but this shall not be construed as conferring exclusive jurisdiction of such Ferry upon either county."

W. L. McKIM, Chairman.

And at the close of section first, amended as follows:

"Providing this provision shall not exclude the establishment of other Ferries where the public good shall require it, as in the case of two miles."

W. L. McKIM, Chairman.

Senate bill for an Act amendatory of an Act creating and regulating Public Ferries; and of an Act to amend an Act creating and regulating Public Ferries, passed March 18th, 1850, upon its third reading.

Laid upon the table.

Mr. Coats made the following report:

The Special Committee, to whom was referred the bill allowing compensation to the Commissioners who were appointed to organize the Counties of Trinity and Klamath, have had the subject under consideration, and beg leave to submit the following bill as a substitute, with the accompanying affidavit.

THOS. H. COATS,
Chairman of Committee.

An Act to provide for the compensation of the Commissioners appointed to organize the Counties of Trinity and Klamath.

Read a first and second time.

Mr. Lyons moved to amend the bill by adding the County of Nevada.

On motion of Mr. Coats, it was made the special order for Wednesday next, at 10 o'clock.

Mr. Peachy introduced the following bills:

A bill for an Act regulating the duties of Harbor Master of the Port of San Francisco, and for other purposes.

Read a first and second time and referred to the Judiciary Committee.

A bill to be entitled an Act ceding jurisdiction over certain Lands to the United States and exempting the same from taxation.

Read a first and second time and referred to the Judiciary Committee.

A bill for an Act to provide for the transferring of causes which County Judges may be disqualified from trying.

Read a first and second time and referred to the Judiciary Committee.

Mr. Paxton introduced a bill entitled an Act to repeal an Act entitled an Act to incorporate the city of Marysville, passed February 5th, 1851, and create a Board of Trustees in lieu thereof.

Read a first and second time and referred to the Committee on Corporations.

Mr. Merritt introduced a bill for an Act supplemental to an Act entitled an Act to provide for the incorporation of Railroad Companies, passed April 28th, 1851.

Read a first and second time and referred to the Committee on Roads and Highways.

Mr. Parrish introduced a bill for an Act authorizing the Comptroller to draw his Warrant in favor of R. N. Wood, S. A. McMeans and J. C. Tucker.

Read a first and second time and referred to the Committee on Claims.

Mr. Graham introduced a bill for the relief of M. C. Dougherty.

Read a first and second time and referred to the Committee on Claims.

Mr. Coffroth introduced a bill to repeal an Act for the early publication and distribution of the Laws, passed May 1st, 1851.

Read a first and second time and referred to the Judiciary Committee.

Mr. Peachy gave notice that he would, to-morrow or soon thereafter, introduce a bill for the relief of Charles T. Botts.

Mr. McConaha gave notice that he would, on Monday, introduce a bill to provide for an Act to regulate the practice in Courts of Chancery.

Mr. Parrish moved to take from the table the report of the Military Committee.

Agreed to.

A bill for an Act concerning the organization of the Militia.

Read a first time, and

On motion of Mr. Lyons, the bill was laid upon the table.

Mr. Parrish moved to take up a Concurrent Resolution to go into the election of Military Officers.

Agreed to.

Mr. Ellis, of Nevada, offered the following as a substitute to the resolution under consideration.

Resolved, By the Assembly, (the Senate concurring) that the two Houses meet in joint convention, this (Saturday) evening, at 7 o'clock, P. M., for the purpose of electing the following officers of Militia.

One Major General for each of the following divisions, viz: 2d, 3d and 4th.

One Brigadier General for each of the following Brigades, viz:

1st and 2d Brigades of 1st Division.
1st and 2d Brigade of 2d Division.
1st and 2d Brigade of 3d Division.
1st and 2d Brigade of 4th Division.

One Adjutant General, and one Quarter Master General.

Mr. Lyons offered the following as an amendment:—Strike out all after the word electing, and insert:

One Major General, 2d Division.
One Brigadier General, 1st Brigade, 2d Division.
One Brigadier General, 1st Brigade, 1st Division.
One Brigadier General, 1st Brigade, 4th Division.
One Quarter Master General.

These are the vacancies reported by his Excellency the Governor.

Mr. Ford offered the following as a substitute for the resolution:

Resolved, By the Senate and Assembly, all members of the Senate and Assembly, who may wish the rank of Major or Brigadier General, be, and are hereby promoted to that rank, such officers elected under the resolution shall remain in office for the term of twenty-four hours, or until the papers publish their rank.

Mr. Parrish demanded the previous question.

The speaker put the question. Shall the main question be now put? The House decided in the affirmative.

The main question then came up upon the resolution offered by Mr. Ellis, of Nevada, upon which Mr. Lyons demanded the ayes and nays.

Those who voted in favor of the passage of the resolution were—

Messrs. Blanchard,	Messrs. Kipp,
Boggs,	Law,
Brush,	McKim,
Canney,	McMeans,
Caldwell,	Morse,

Messrs. Coffroth,
Covarrubias,
Del Valle,
Ellis, of Nevada,
Fowler,
Gardiner,
Gibson,
Hopkins,
Ingersoll,
Pacheco,
Parrish,
Taliaferro,
Tucker,
Wall,
Wing,
Wood,
Yeiser,
Young—35.

Those who voted against the resolution were—

Messrs. Chauncey,
Coats,
Colby,
Crabb,
Cutler,
Dameron,
Ford,
Graham,
Harazthy,
Hinchman,
Hudspeth,
Jones,
Lyons,
McMullin,
Merritt,
Orrick,
Paxton,
Peachy,
Pearce,
Ridley,
Thompson,
Speaker—22.

So the resolution was adopted.

Mr. Parrish moved that the rule be suspended, and that the Clerk be directed to inform the Senate forthwith of the passage of the resolution.

Agreed to.

An Act concerning lawful fences, and animals trespassing on premises lawfully enclosed.

Read a second time, and

On motion of Mr. Taliaferro, referred to delegation from the grazing counties.

Resolution to pay mileage and per diem to Isaac N. Thorne, taken up.

Mr. McMullen demanded the previous question.

Mr. Lyons moved to lay the motion for the previous question upon the table.

Agreed to.

Mr. Lyons moved to amend the resolution by striking out the per diem.

Not agreed to.

Mr. Brush moved a call of the House. Call not sustained.

Upon the adoption of the resolution, Mr. Lyons demanded the ayes and nays.

Those who voted in favor of the resolution were—

Messrs. Blanchard,
Boggs,
Canney,
Caldwell,
Ingersoll,
Jones,
McConaha,
McKenzie,

Messrs. Coates,
Crabb,
Cutler,
Dameron,
Ellis, of Nevada,
Ford,
Fowler,
Gardiner,
Graham,
Hinchman,
Hopkins,
Messrs. McMullin,
Merritt,
Orrick,
Peachy,
Pearce,
Ridley,
Taliaferro,
Wing,
Wood,
Yeiser,
Speaker—30.

Those who voted in the negative were—

Messrs. Brush,
Colby,
Gibson,
Haraszthy,
Kipp,
Lyons,
McKim,
Messrs. Morse,
Parrish,
Paxton,
Stephenson,
Thompson,
Tucker—13.

So the resolution was adopted.

On motion of Mr. Wood, the House resolved itself into Committee of the Whole, Mr. Lyons in the chair, to consider Joint Resolutions in reference to the public domain in California, after spending some time in the discussion of the same;

On motion of Mr. Paxton, the committee rose and asked leave to sit again.

Leave granted.

On motion of Mr. Peachy, 5 minutes previous to 4 o'clock, P. M., the House adjourned.

HOUSE OF ASSEMBLY.

MONDAY, February 16, 1852.

The House met pursuant to adjournment.

The roll was called by the Clerk, and the following members found absent:—Messrs. Covarrubias, Stark, Wohler and Young.

The Journal of Saturday, 14th, read and approved.

The Speaker announced the House ready to proceed to business.

Mr. Peachy presented a petition from citizens of San Francisco, protesting against the establishment of the office of Flour Inspector.

Read and referred to the Special Committee of five upon the subject of appointing Flour Inspectors.

Mr. McKim presented a petition from citizens of the County of Calaveras, protesting against the removal of the County seat.

Referred to the Committee on County Boundaries.

Mr. Crabb presented an account of J. K. Shafer, against the State.

Read and referred to Committee on Accounts.

Mr. Coffroth presented an account of Orrin Bailey and others, against the State.

Read and referred to the Committee on Claims.

Mr. Peachy presented a memorial of Mr. Maynard, asking relief for lost Bonds of the State.

Referred to the Committee on Claims.

Mr. McConaha presented a memorial from Henry A. Caulfield, praying for relief.

Read and referred to the Judiciary Committee.

Mr. Peachy, chairman, made the following report:

The Judiciary Committee, to whom was referred a bill for "an Act to increase the jurisdiction of the Recorder of the city of Sacramento, and define the duties and fix the compensation of City Attorney in certain cases," have had the same under consideration, and beg leave to report, that, in their opinion the provisions of the bill are both useful and important, and therefore strongly recommend its passage.

A bill for an Act to increase the jurisdiction of the Recorder of the city of Sacramento, and define the duties and fix the compensation of City Attorney in certain cases; on its third reading.

Laid upon the table.

Mr. Peachy, chairman, made the following report:

The Judiciary Committee, to whom was referred a bill for "an Act concerning Jurors in certain Counties," have had the same under consideration, and beg leave to report that they approve the bill and recommend its passage.

Respectfully submitted.

A bill for an Act concerning Jurors in certain Counties; on its third reading.

Mr. Peachy, chairman, made the following report:

The Judiciary Committee, to whom was referred the bill entitled an Act to provide for the enumeration of the inhabitants of the State of California, have the honor to report, that they have had the matter under consideration and recommend that the accompanying substitute be adopted.

The committee believe that the mode of enumerating the inhabitants of the State, pointed out in their substitute, is the cheapest and simplest that can be suggested.

Substitute for a bill entitled an Act to provide for the enumeration of the inhabitants of the State of California; on its third reading.

Mr. Blanchard, chairman, made the following report:

The Committee on Accounts, to whom was referred the account of R. P. Ashe, Sheriff of San Joaquin, have had the same under consideration and herewith respectfully report:—

That they find the account to be for the keeping of State prisoners: the names of the prisoners and the dates for which he has had them in charge, are exhibited.

The account is certified as just and correct by Charles M. Creanor, Judge of the fifth Judicial District, within which the expenditures were incurred; and also certified by W. A. Root, the County Judge of San Joaquin County.

The fourteenth section of the Act of the 20th February, 1850, concerning the revenue funds, expenditure, and property of the State, etc., provides that such accounts shall be paid on the certificate of the Judges of the respective Courts where the expenditures have been incurred.

The forty-seventh section of the Act concerning Sheriffs, passed the 27th April, 1851, provides, also, that such accounts shall be audited by the Comptroller and paid by the Treasurer. In this case, your committee believe the account to have been incurred within the provisions of law: and recommend that it be audited by the Comptroller: and recommend the passage of the accompanying bill for that purpose.

A bill for an Act for the relief of R. P. Ashe, Sheriff of San Joaquin County;

Read a first and second time—made the special order for to-morrow in Committee of the Whole.

Mr. Coats, chairman, made the following report:

The committee to whom was referred the subject of Indian Reservations, have had the subject under consideration and beg leave to submit the following Report:—

Your committee have learned, with unfeigned regret, that many and extensive reservations of land have been made in various sections of this State, for the exclusive occupation and use of the Indian Tribes within its limits. These reservations, as your committee are satisfactorily informed, embrace within their limits, in a large majority of instances, extensive tracts of the most desirable mineral and agricultural Lands in California. Many of them include large, permanent and populous settlements of enterprising American citizens, who had located upon and acquired rights and interests in the soil, long anterior to the conclusion of these treaties with the Indians. These rights and interests have been acquired by the pioneer miner and agriculturist in good faith, upon the implied assurance that the same privileges and immunities would be extended to the toil-worn emigrant in California that has been extended to the first settlers of other new countries, within the limits of our Government. Immense labor, exposure and suffering has been incurred in making discoveries, developing the resources and making available the immense tracts of mineral lands included in many of the reservations. Rich and inexhaustible veins of gold-bearing quartz, for the purpose of the successful and lucrative working of which many thousands of dollars have been expended in purchasing quartz machinery, have, in the wisdom of the Indian Agents, been considered eligible locations for the untutored tribes of the wilderness—and have, accordingly, been set apart for that purpose, and the energetic

and zealous miner has been rudely ordered, by those Agents, to abandon their claims and go beyond the limits of the reservations. Permanent settlements have likewise been made upon the farming lands included within those reservations. Comfortable family residences have been built on many of them and large tracts of lands put in a high state of cultivation; all of which, by the provisions of the several treaties made with the Indians, will have to be abandoned without the remotest hope of anything like adequate compensation.

These reservations have been made in most of the counties in the State, from the forty-second parallel of north latitude to the southern boundary; and a large majority, if not all of them, embrace some of the best mineral and agricultural lands within its limits. Your committee are of opinion that, in the aggregate, these reservations include a population of not less than twenty thousand American citizens, and they are also of opinion that the aggregate value of those reservations is not less than one hundred millions of dollars.

Your committee have had no means of ascertaining the precise extent of each reservation, but they are satisfied that they are generally from twenty to thirty miles square in extent.

The foregoing are the facts with regard to the Indian Reservations as your committee have learned them from sources of the most undoubted character.

After gleaning the facts, your committee have considered attentively what would be the probable effects of these wholesale Indian donations, upon the prosperity of our fellow citizens who are embraced in them. Their effects upon the general interests of the people of the whole State, and also as affecting the welfare of the Indians who were intended to be benefitted by them.

As regards the farmers and operative miners who have been embraced within the limits of the reservations, the direct effects would be of the most deplorable character. Their acquisitions have been made through immense sacrifices, exposure and suffering. Dangers and difficulties have been sternly and resolutely met, and the most formidable obstacles encountered. This fact is attested by the care-worn faces, and emaciated forms to be seen in the deep, dark recesses of every mountain. There is not a mountain stream in California, on which is not to be found some sad memento attesting the blasted hopes and wounded expectation of the pioneer miners. They have upheaved the bowels of the earth, diverted the streams from their natural channels, and sent them rushing through the tunnelled mountain. Should those reservations be confirmed through the recommendation of the Indian Agents, a large class of this enterprising population, would be totally deprived of all their improvements, discoveries and hard earned acquisitions. They would be forced to shoulder their picks and shovels, and seek new fields for the exercise of their enterprize and valor in the unexplored recesses of the mountains. The only plea for the necessity of which is to make room for the introduction and settlement of a few tribes of ignorant barbarians.

The confirmation of these reservations would, in the opinion of your committee, have a most deleterious effect upon the general prosperity of the whole State. The taxable property which would be swept from the State would be immense, which would bring on a corresponding increase of tax-

ation upon other portions of the State. It would make a desert, so far as the interests of the citizens of this State is concerned, of a very large portion of the most desirable mineral and agricultural lands within its borders. California contains but a comparatively small proportion of agricultural lands, and it is greatly to the interests of all classes of her citizens to have as few restrictions and monopolies engrafted upon them as possible. If they are unencumbered, they will in a few years be settled and cultivated, and will yield ample supplies of all the necessaries and luxuries of life for our population, who now obtain their supplies from commerce. But if they are set apart for the exclusive occupation and use of the Indians, the loss to the State and National governments could not be less than a hundred millions of dollars—at a fair computation of the mineral and agricultural lands.

Viewing these reservations simply as affecting the interests and happiness of the Indians, they are, in the opinion of your committee most unfortunate selections. The character and habits of the Indian and white populations are totally different. They are by nature unsuited for the society of each other. There is a feeling of hostility existing between them, which is the growth of centuries. The Indian is naturally prone to steal, and otherwise depredate upon the white population, and the white man in retaliation takes the life of the Indian; and thus there is produced a continual state of hostility between them. All experience has demonstrated the fact, that close contiguity to the white man is not the place for the Indian. This fact is clearly evinced by the history of that unfortunate race, from the foundation of our government, to the present time. To avert the danger of a too close proximity, the national government has for many years adopted the policy of removing the Indians beyond the limits of civilization.

The danger to the Indians attending the adoption of the policy of the Indian Agents in this State, would be that they would be thrown into immediate contact with a far more powerful and formidable race of people than themselves, and their frequent depredations upon the white settlements would cause certain retaliation, which would result in their complete extermination. Moreover, those reservations are not at all adapted to the wants and necessities of the Indian tribes of this country. For ages they have been in the habit of wandering with unrestricted freedom along the margin of the various streams, and over the hunting grounds in this country, and subsisting upon the profuse contributions of a benificent Providence. But now how changed the scene. The march of mind and the energy of civilization has driven the red man from his wigwam and his hunting grounds, and the farmer has leveled many of his acorn trees to the earth. He no longer finds the boundless and unrestricted privileges to which he has been accustomed.

Your committee are therefore of opinion, that, considering the character and habits of the Indians—their dispositions and propensities—that instead of being thrown into positions of close contiguity with the white popoulation, they should be removed to regions abounding in game and fish, and which presents all the natural facilities for obtaining their subsistence, to which, from time immemorial, they have been familiarly accustomed.

In conclusion, your committee deem it not inappropriate to state that they have been satisfactorily informed that persons in the employ of the Indian agents have invested considerable capital in mining claims, included within

the reservations. Claims have been sold to these men by the miners, at extremely reduced prices, under the impression that they would be forced to abandon them in a short time. In this way frauds to a great extent have been practised upon the unsuspecting miner, as your committee have been credibly informed. In the Scott's valley reservations, in the northern part of this State, pre-emption claims have been taken up, on said reservation, by the very men who accompanied the Commissioner to that place, and numerous mining claims have been purchased within the limits of that reservation, by men who accompanied the agent to that section of country.

They would state further, that the several agents, instead of giving out the contracts for supplying the Indians with beef and other articles, in the usual way, by publishing for the lowest bidder, they have given out those contracts to persons who have been, and are now, furnishing supplies to the Indians, at immense profits, and to the injury of the National Government, many thousands of dollars.

All of which your committee respectfully submit for the consideration of this House, and recommend the adoption of the following resolutions:

Resolved, That our Senators in Congress be instructed, and our Representatives requested, to use all proper means to prevent Congress confirming the Indian reservations which have been made in this State, but respectfully to insist that the same policy be adopted, with regard to the Indian tribes in California, which has been adopted in other new States.

Resolved, That our Senators in Confiress be instructed, and our Representatives requested, to urge upon Congress the great evils that would inevitably result to the people of California, the National Government, and the Indian tribes, by the confirmation of those reservations.

Resolved, That our Senators in Congress be instructed, and our Representatives requested, to urge upon the proper authorities, at Washington, the importance of instituting a rigid inquiry into the official conduct of the several Indian Agents, for California, as, in the opinion of the Legislature, high-handed and unprecedented frauds have been perpetrated by them, against the General Government, and the citizens of California.

Resolved, That the Governor be, and he is hereby requested to transmit a copy of each of the foregoing resolutions, to the President of the United States, and to each of our Senators and Representatives in Congress.

THOMAS H. COATS, Chairman;
S. A. MERRITT,
SAMUEL FLEMING,
JAMES W. COFFROTH,
W. P. JONES.

Mr. Boggs, chairman Special Committee, made the following report:

The Select Committee of seven, to whom was referred the bill to provide for the disposal of the 500,000 acres of land granted to this State by the General Government, the interest of which, by the Constititution of this

State, has been appropriated as a permanent fund for the support of Common Schools, have had the same under consideration, and have instructed me to report the bill back to the House, with the following amendments, and earnestly recommend its passage.

A bill to provide for the sale of the 500,000 acres of land granted to this State; on its third reading, made the special order of the day, in Committee of the Whole, for Thursday next.

Report of the Superintendent of Public Buildings, setting forth a list of articles purchased for the use of the State.

Read and referred to the Committee on Accounts.

Report of the Superintendent of the California State Prison.

Read and referred to Committee on State Prison.

Mr. Dameron offered the following:

Resolved, That the Committee on Indian Affairs be instructed to examine and report upon the instructions, vouchers, and accounts of the Quartermaster of the Mariposa Expedition against the Indians, commanded by Major James D. Savage.

Adopted.

Mr. Boggs gave notice that, on to-morrow, or some subsequent day soon thereafter, he would introduce a bill to provide for laying off this State, into Electoral Districts, for the election of Electors of President and Vice President of the United States.

Mr. Wall gave notice that he would, on to-morrow, introduce a bill to be entitled an Act recommending to the Electors to vote for or against calling a convention to revise and change the entire Constitution of the State of California.

Mr. McMeans gave notice that he would, at an early day, introduce a bill entitled an Act to authorize the funding of the floating debt of the County of El Dorado, and provide for the payment of the same.

Mr. Harazthy gave notice that he would, at an early day, introduce a bill entitled an Act in addition to an Act concerning Corporations, to incorporate Agricultural Companies.

Mr. Peachy introduced a bill for an Act for the relief of Charles T. Botts.

Read a first and second time, and referred to Committee on Claims.

Mr. Crabb introduced a bill to be entitled an Act explanatory of an Act entitled an Act to change and define the boundaries of Contra Costa and San Joaquin Counties, passed February 14th, 1852.

Read a first and second time, and referred to delegation from San Joaquin and Contra Costa Counties.

Mr. Crabb introduced the following: a bill to be entitled an Act to amend eleventh section of an Act entitled an Act concerning Toll Bridges, passed May 1st, 1851.

Read a first and second time, and referred to Committee on Roads and Highways.

Mr. Wall introduced a bill for an Act to amend section first of an Act entitled an Act to amend an Act entitled an Act to regulate Elections, passed April 26th, 1851.

Read a first and second time.

Mr. Wall moved that the bill be made the special order for to-morrow, at 12 o'clock, in Committee of the Whole.

Not agreed to.

Mr. McMullin moved to lay the bill on the table.

Not agreed to.

On motion of Mr. Parrish, the bill was referred to the Judiciary Committee.

Mr. Merritt moved that Messrs. McCandless, Fleming and Pearce be allowed to appear in person or by counsel, to prosecute their claims to a seat upon this floor.

Agreed to.

Mr. Chauncey gave notice that, on to-morrow, or some early day thereafter, he would introduce a bill entitled an Act to amend the Lien Law of this State.

On motion of Mr. Graham, the House resolved itself into Committee of the Whole, Mr. Graham in the chair, to consider a bill for the relief of D. P. Baldwin and Thomas J. Greene, after spending some time in the consideration of the subject,

On motion of Mr. McMullin, the committee rose and reported the bill back without amendment, and asked to be discharged from its further consideration.

The committee was discharged.

A bill for an Act to provide for the payment of Drury P. Baldwin and Thomas J. Green, for expenses incurred in laying off the public grounds in the city of Vallejo.

Read a third time and passed.

Mr. McMeans offered the following resolution, which was adopted:

Resolved, That the Comptroller of State be, and he is hereby requested to furnish to this House, on to-morrow, the report of Quarter Master A. M. Bee, together with all the papers accompanying the same, and now in his possession, pertaining to the second expedition of volunteers of El Dorado County against the Indians, under the command of Major Wm. Rogers.

On motion of Mr. Wood, the House resolved itself into Committee of the Whole, Mr. Wood in the chair, to consider a bill for an Act to change the name of Lucy A. Stoddard Wakefield, after spending some time in the consideration of the subject,

On motion of Mr. Merritt, the committee rose, reported the bill back to the House, and asked to be discharged from further consideration of the subject.

The committee was discharged.

A bill for an Act to change the name of Lucy A. Stoddard Wakefield, was read a third time and passed.

On motion of Mr. Wood, the House resolved itself into Committee of the Whole, Mr. Wood in the chair, to consider a bill from the Senate, for an Act for the relief of the Treasurer of Santa Barbara County, after spending some time in the consideration of the subject,

On motion of Mr. Merritt, the committee rose, reported back the bill without amendment, and asked to be discharged.

Committee was discharged.

Senate bill an Act for the relief of the Treasurer of Santa Barbara County.

Read a third time and passed.

The following message was received from the Governor:

EXECUTIVE DEPARTMENT,
Sacramento City, February 14, 1852.

To the Honorable the

Assembly of California:

I am directed by the Governor to inform the Assembly, that he has this day signed the following Acts.

"An Act repealing the Charter of the City of Nevada, and to provide for the distribution of the property and the payment of the debts of said city."

"An Act to change and define the boundaries of Contra Costa and San Joaquin Counties."

Also Joint resolution, entitled "Resolution of instruction in relation to the Bay and Harbor of San Diego."

Respectfully, &c.

L. B. MIZNER,
Private Secretary.

On motion of Mr. Wood, the House resolved itself into Committee of the Whole, Mr. Merritt in the chair, to consider the contested case of Messrs. McCandless, Fleming and Pearce; after spending some time in reading the evidence and discussion thereon,

On motion of Mr.. Hammond, the committee rose, reported progress, and asked leave to sit again.

Leave not granted.

Mr. Ellis, of Nevada, moved that the whole subject be indefinitely postponed.

Upon which motion, Mr. Wood demanded the ayes and nays.

Those who voted in the affirmative were—

Messrs. Blanchard,	Messrs. Gibson,
Boggs,	Hudspeth,
Brush,	Lyons,
Coats,	McKenzie,
Coffroth,	Morse,
Colby,	Orrick,
Cutler,	Smith,
Del Valle,	Stevenson,
Ellis, of Nevada,	Thompson—12.

Those who voted in the negative were—

Messrs. Canney,
Caldwell,
Chauncey,
Crabb,
Dameron,
Ford,
Fowler,
Gardiner,
Graham,
Hinchman,
Ingersoll,
Jones,
Kipp,
Law,
McConaha,
McKim,
McMeans,
McMullin,
Merritt,
Parrish,
Paxton,
Peachy,
Ridley,
Taliaferro,
Tucker,
Wing,
Wood,
Yeiser,
Speaker—29.

The motion was lost.

On motion of Mr. Peachy, the House resolved itself into Committee of the Whole, Mr. Merritt in the chair, to consider the case of contest between Messrs. McCandless, Fleming and Pearce; after proceeding a short time in the consideration of the subject, for want of a quorum,

On motion of Mr. Peachy, the committee rose.

On motion of Mr. Peachy, at 6 o'clock, P. M., the House adjourned.

HOUSE OF ASSEMBLY.

TUESDAY, February 17, 1852.

The House met pursuant to adjournment.

The roll was called by the Clerk and the following members found absent: Messrs. Cutler, Graham, Stark, Ten Broeck and Wohler.

The Journal of Monday read and approved.

The Speaker announced the House ready to proceed to business.

On motion of Mr. Wing, leave of absence was granted to Mr. Young until Friday next.

Mr. Coffroth, chairman of the Committee on Printing, made the following report.

Report received, read, and five hundred copies ordered to be printed.

Mr. Fowler, from the same committee, made the following minority report.

Report received, read, and five hundred copies ordered to be printed.

A bill reported by the majority of the committee:

An Act defining the duties of State Printer and fixing his compensation.

Read a first and second time and referred to the Committee of the whole House, and made the special order for Friday next, and one hundred copies ordered to be printed.

REPORT OF THE COMMITTEE ON PRINTING.

Introduced by Mr. Coffroth, of Tuolumne.

The Committee on Public Printing, to whom was referred a resolution of the House, directing them to digest some mode for the execution of the Printing of the State, respectfully report:—

That they have had the matter under consideration and have made every effort to elicit such information as would accomplish the object, viz: of having the work well executed, and protect the State against fraud and exorbitant charges.

Two modes have been suggested for having the work done: First—that of letting it out by contract to the lowest bidder; and second—that of electing a State Printer, according to the Statute now in force, and fixing the compensation at fair and remunerating prices.

From all the information that your committee have been able to elicit in the course of due and diligent enquiry, they have come to the conclusion that the system of contracts, as adopted by some of the older States, and at one time by the Congress of the United States, is founded in bad policy, and has failed to accomplish the designs of its originators; and that a necessity exists for continuing the Public Printer a public officer, directly responsible to the Legislature and people for the prompt and faithful discharge of his duties.

By letting out the public Printing by contract, it is at once surrendered to speculation,—and parties understanding and familiar with the practical operation and execution of the requirements of the law and the interests of the State, are placed upon the same footing with those who do not possess the requisite knowledge to a faithful discharge of their duties. The paramount object of the Legislature should be to procure a faithful and competent public officer. All the information in the possession of the committee clearly indicates that cheap printing, like a cheap fabric, invariably fails in quality. It is well known that, in order to have the work of the State well and properly executed, it is necessary for the Public Printer to procure the best workmen and materials that the country will afford; and that for such labor and materials he is compelled to pay the highest prices. To enable him to do this he should be allowed a fair and reasonable compensation; otherwise, he would be forced to seek ordinary labor and materials. Such a policy would lead to the result of having the work of the State badly executed, and the objects of the Legislature wholly unattained.

There is another question, in connection with this subject and the policy of establishing the system of contract, which merits the fair consideration of this Assembly. However humble it may have been in some of the rudest and more iron-ages of the world, it has a significancy and dignity now which forbid our disregard of it. We are no longer where we were when feudal masters ruled the world; and here, in the Republic of America, we have a system of our own, and a standard which is, in its truth and its

moral, higher than all that has gone before it, and has proved to be more excellent for the advancement of social and political improvement and the great ends of civilization and human happiness. *That to which we refer is the question of manual labor.* In the opinion of your committee, the adoption of the system of contract for the Public Printing, will degrade the true dignity of labor and reduce its value to an equality with the standard of the old States of the Union. The reward which it commands in California is justly the pride and boast of our citizens, and we should deprecate its reduction as warmly as we regard our honor and prosperity. Your committee believe that the principle of lowest bidding would inevitably have such a destructive tendency; for the successful competitor, by the lowness of the bid which he is forced to make, would be compelled to employ indifferent workmen at greatly reduced rates of labor, and thus establish a basis for the final overthrow of its true position.

In the progress of time, the dignity of manual labor has passed beyond the power of despots. It has not only guided the plough, made fertile the fields of agriculture, enlarged the area of the sciences, but improved every art, and made the whole subsidiary to the promotion of the happiness of the human family. Its power has advanced full high with all the honors and glories which constitute the brightest jewels in the diadem of civilization.

Such is the true dignity and elevation of manual labor,—and among the people of our Republic it daily presents the most signal proofs that manual work and mental power are more and more blending their force and action, and shaping our social frame-work with beauty, order and strength. Your committee would not particularize, by any fastidious distinctions, between the various classifications of labor. They are all entitled, under an enlightened christian civilization, to the dignity—the very high dignity—of being instrumental in the promotion of liberty and the greatest happiness of the human family. But, it is certain, that of all the honors and interests which attach to, and have grown out of, manual labor, there are none which have produced greater results, or propose for the future, higher aims, than the Art of Printing. To mention the fact, is sufficient to obtain for it universal assent.

If this be true, we have surely not reached the point of time when we should strike a blow at the value of manual labor, and especially at the Art of Printing, to sink it lowest in the scale. Let it have its equal estimate—unquestionably that much, and no more! It is all that the committee claim for it, and that the standard of its value should be regulated by the value of all other classes of labor.

The application of these views are peculiarly suited to the State of California, where a new order of prices, in all things, has surprised ourselves, as much as it has astonished the world. The committee, therefore, have endeavored to arrive at just conclusions, in conformity with the circumstances in which the country is placed.

Your committee are of opinion that the interests of the State require the election of a State Printer, as a public officer, and, therefore, recommend that the Legislature adopt the accompanying bill, and proceed to the election, as required by it. The tariff of prices in its provisions have been fixed by the committee after a scrutinizing examination and close calculation of the terms of similar laws adopted by other States. We confidently believe that the passage of the bill will save the State from heavy expenditure, reduce

the cost of public printing fifty-five per centum upon the outlay last year, and at the same time afford adequate protection and renumeration to the artizan and the public officer.

Your committee have been further led to the conclusion, that a State Printer was indispensably necessary, from the mass of testimony presented for their consideration, from the older States. Through the kindness of a gentlemen of this city, your committee have been placed in the possession of communications of two-thirds of the Secretaries of the different States of the Union, and the majority of these officers, deprecate the system of contract for the public printing, and warmly recommend the policy of electing an officer with fixed rates of compensation.

In conclusion, your committee unanimously recommend the passage of the bill annexed.

JAMES W. COFFROTH, Chairman.

Minority report of the Committee on Public Printing:

Mr. Speaker:

We, the undersigned, members of the Committee on Public Printing, respectfully submit the following minority report.

In view of the enormous prices heretofore paid for public printing, by which the financial condition of the State has become greatly embarrassed, we are of the opinion that the contract system will be the most economical and satisfactory mode of having the State Printing done in future.

Letting it out by contract opens a fair competition, by which at least twenty-five per cent., we believe, will be saved over any other mode or sliding scale of prices, that can be devised. The Congressional printing, at Washington, it is well known, is done by contract, as well as that of most of the States in the Union. And precedents are abundant and uniform, that in all Government works, the contract system, or the letting to the lowest responsible bidder, is adopted. There will be just as much certainty, too, in having the work well and promptly done, as though we had a State Printer, with fixed prices.

The experience of the past clearly shows that an immense amount has been expended for public printing, and there has been, at least, in the publication of the Laws and Journals, masterly inactivity, or to say the least, culpable and provoking delays.

We are of the opinion that the publication of the Laws in the newspapers, at the expense of the State, is needless, and that those laws of general interest will be published by the editors voluntarily, as a matter of general information. This will save to the State a very considerable amount annually. It is usually the practice, in all other States, to publish the Laws in a pamphlet form, soon after the adjournment of the Legislature, and if published in this way, they could, with our present mail facilities, be distributed throughout the State, at a trifling expense compared with what it cost last year, (1,975.00).

By adopting this mode, the people, who are to be affected by the laws, will at an early day have them, and the State saved at least $1,500, in their distribution.

In conclusion, the undersigned recommend that the subject be referred

back to the committee, with instructions to report a bill in accordance with these views.

All of which is respectfully submitted.

CHARLES B. FOWLER,
JOHN CUTLER.

Mr. Ellis, of Nevada, made the following report:

The Judiciary Committee, to whom was referred the Joint Resolution granting leave of absence to Hon. Judge S. H. Caswell, of Nevada County, have had the same under consideration and ask leave to report.

Your committee have received evidence tending to show that the motives prompting the application of the Hon. Judge Caswell, for leave of absence, are connected with the best interests and *future* welfare of the State. To increase the permanent population of our State by encouraging matrimonial alliances, and thereby binding to our soil, by Hymen's silken cord, a class of citizens, so prospectively productive of future hopes, is the favorite policy of California, and should meet with every encouragement.

Your committee fully believing this policy will be greatly promoted in granting the leave of absence, asked for in this case, beg leave to report back the accompanying bill, and recommend its passage.

A. PEACHY, Chairman;
E. F. W. ELLIS,
R. N. WOOD,
J. W. COFFROTH,
J. G. PARRISH,
F. YEISER,
H. A. CRABB.

Mr. Merritt moved that one hundred copies of the report be printed.

Not agreed to.

Mr. Yeiser made the following report:

The Special Committee to whom was referred the bill for an Act entitled an Act explanatory of an Act, entitled an Act to change and define the boundaries of Contra Costa, and San Joaquin Counties, passed February 14th, 1852, ask leave to report back the same without amendments, and recommend its passage, and ask to be discharged from the further consideration of the subject.

Adopted and committee discharged.

A bill to be entitled an Act explanatory of an Act to change and define the boundaries of Contra Costa and San Joaquin Counties, passed February 14th, 1842, was considered as engrossed, read a third time and passed.

Mr. Blanchard made the following report, which was adopted:

The Committee of Accounts, to whom was referred the accounts of E. J. C. Kewen and J. K. Shafer, for services rendered by them while acting as Attorney General and District Attornies, report the same back, and respectfully ask that they may be referred to the Committee on the Judiciary, as

the committee is of the opinion that there are several points of law involved, which should properly come before such committee.

All of which is respectfully submitted, &c.

D. L. BLANCHARD,
W. R. HOPKINS,
J. H. GIBSON,

Accounts of Messrs. Kewen and Shafer, reported back from Committee on Accounts, and referred to Committee of Judiciary.

Mr. Brush gave notice that he would introduce a bill concerning Estrays, on to-morrow, or some subsequent day.

On motion of Mr. Hinchman, a bill for an Act concerning Jurors in certain counties, was taken up, upon its third reading,

On motion of Mr. Lyons, it was referred to the delegation from the counties named in the bill.

On motion of Mr. Merritt, the Committee was instructed to strike out the words San Luis Obispo.

The following message was received from the Senate:

SENATE CHAMBER,
Sacramento City, February 17, 1852.

Mr. Speaker:

I am directed by the Senate to inform the Assembly, that the Senate did, on yesterday, pass a "Joint Resolution in reference to Emigrant Vessels;"

Also a bill for "an Act for the relief of Soule and Page, and others;"

Also a bill for "an Act to provide for the payment of a translator;"

Also Assembly amendment to Assembly "Joint Resolution to set apart twenty-five hundred dollars to meet the current contingent expenses of Senate and Assembly;"

And that the Senate have this day passed a bill for "an Act to amend an Act entitled an Act to authorize the Governor of this State to remove and appoint Port Wardens, passed March 7, 1851."

Respectfully submitted.

A. C. BRADFORD,
Secretary of the Senate.

Joint Resolution in reference to Emigrant Vessels from the Senate, was read a first time, ordered to second reading on to-morrow.

A bill for an Act for the relief of Soule, Page and others, read a first time.

Mr. Lyons moved that the bill be rejected.

No quorum voting.

The Speaker stated there was a quorum in the House, but gentlemen refused to vote.

A bill from the Senate, an Act to amend an Act entitled an Act to authorize the Governor of this State to remove and appoint Port Wardens, passed March 7th, 1851.

Read a first and second time, and referred to Committee on Commerce.

The following message was received from the Governor:

EXECUTIVE DEPARTMENT,
Sacramento City, February 17, 1852.

To the Honorable,

The Assembly of the State of California:

I am directed by the Governor to inform the Assembly that he has, this day, signed "an Act for the relief of Mary Bush Hartman;"

Also, "Joint Resolution of instruction to our Senators, relative to Humboldt and Trinity Bays."

Respectfully, &c.

L. B. MIZNER,
Private Secretary.

On motion of Mr. Wood, the House resolved itself into Committee of the Whole, Mr. Wood in the chair, to consider a bill for the relief of R. P. Ashe, Sheriff of San Joaquin County; after spending some time in the consideration of the bill,

On motion of Mr. Hammond, the Committee rose, reported the bill back without amendment, and asked to be discharged.

The committee was discharged.

A bill for the relief of R. P. Ashe, Sheriff of San Joaquin County, considered as engrossed, read a third time and passed.

Substitute reported by the Judiciary Committee, a bill entitled an Act to provide for the enumeration of the Inhabitants of the State of California.

Read a first and second time, substitute adopted.

A bill from the Senate for an Act to provide for the payment of a Translator.

Read a first time, ordered to second reading on to-morrow.

On motion of Mr. Wood, the House resolved itself into Committee of the Whole, Mr. Merritt in the chair, to consider the contested election case of Messrs. McCandless, Fleming and Pearce; after spending considerable time in the discussion of the subject,

On motion of Mr. Wood, the committee rose, reported progress, and asked to be discharged from the further consideration of the subject.

Committee was discharged.

Mr. McKenzie moved a call of the House.

Call not sustained.

Mr. Wood offered the following resolution:

Resolved, That Messrs. Pearce and Fleming, the sitting members from Shasta County, are legally entitled to their seats which they occupy upon this floor.

Mr. Parrish demanded the ayes and nays.

Mr. McMullin asked to be excused from voting.

The House refused to excuse him.

Mr. Wall asked to be excused from voting.

The House excused him.

Mr. Canney moved a call of the House. Agreed to.

Upon the call of the roll, the following members were found absent—Messrs. Covarrubias, Graham, Stark and Wohler.

Mr. Peachy moved that further proceedings under the call be dispensed with.

Agreed to.

The vote then came up upon the question.

Those who voted in the affirmative were—

Messrs. Blanchard,	Messrs. Fowler,
Boggs,	Gardiner,
Brush,	Gibson,
Chauncey,	Harazthy,
Coats,	Hudspeth,
Coffroth,	Jones,
Colby,	Law,
Crabb,	McConaha,
Cutler,	McKenzie,
Ellis, of San Francisco,	McKim,

Those who voted in the negative were—

Messrs. Canney,	Messrs. Hinchman,
Caldwell,	Hopkins,
Dameron,	Ingersoll,
Del Valle,	Kipp,
Ellis, of Nevada,	Lyons,
Ford,	McMeans,

Upon the name of Mr. McMullin being called he did not vote.

Mr. Wall moved that the Clerk proceed with the call: the question being put to the House, the House decided in the affirmative.

The clerk then called the name of Mr. McMullin, and continued the call:

In the affirmative were—

Messrs. Merritt,	Messrs. Stephenson,
Morse,	Taliaferro,
Orrick,	Thompson,
Pacheco,	Tucker,
Smith,	Turner,

In the negative were—

Messrs. Parrish,	Messrs. Wing,
Paxton,	Wood,
Peachy,	Yeiser,
Pico,	Speaker.
Ridley,	

So the resolution was adopted.

Mr. McConaha offered the following resolution:

Resolved, That the Hon. A. G. McCandless be allowed the usual mileage, and also the usual per diem, up to this date.

Mr. Tucker moved a division of the question.
Agreed to.
The question came up upon allowing mileage to Mr. McCandless.
Mr. Lyons moved to adjourn.
Not agreed to.
The question then came up upon the pay of mileage, and Mr. Parrish demanded the ayes and nays.

Those who voted in the affirmative were—

Messrs. Boggs,
Brush,
Canney,
Caldwell,
Chauncey,
Coats,
Coffroth,
Crabb,
Cutler,
Ellis, of Nevada,
Ellis, of San Francisco,
Ford,
Gardiner,
Hinchman,
Hopkins,
Ingersoll,
Messrs. Jones,
Kipp,
McConaha,
McKenzie,
McMullin,
Merritt,
Pacheco,
Pearce,
Pico,
Ridley,
Taliaferro,
Tucker,
Wood,
Yeiser,
Speaker—31.

Those who voted in the negative were—

Messrs. Blanchard,
Colby,
Dameron,
Fleming,
Fowler,
Gibson,
Harazthy,
Hudspeth,
Law,
Lyons,
McKim,
McMeans,
Messrs. Morse,
Orrick,
Parrish,
Paxton,
Peachy,
Smith,
Stevenson,
Thompson,
Turner,
Wall,
Wing—23.

So the motion to pay mileage was carried.

The House then proceeded to vote in reference to pay of per diem under the resolution, upon which Mr. Parrish demanded the ayes and nays.

Those who voted in favor of the proposition were—

Messrs. Blanchard,	Messrs. Hopkins,
Brush,	Ingersoll,
Canney,	Jones,
Caldwell,	McConaha,
Crabb,	McKenzie,
Ellis, of Nevada,	McMullin,
Ellis, of San Francisco,	Merritt,
Ford,	Ridley,
Fowler,	Taliaferro,
Gardiner,	Wood,
Hinchman,	Yeiser—22.

Those voting in the negative were—

Messrs. Boggs,	Messrs. McMeans,
Chauncey,	Morse,
Coats,	Orrick,
Coffroth,	Pacheco,
Cutler,	Parrish,
Dameron,	Paxton,
Del Valle,	Peachy,
Fleming,	Pearce,
Gibson,	Smith,
Harazthy,	Stevenson,
Hudspeth,	Thompson,
Kipp,	Tucker,
Law,	Turner,
Lyons,	Wing,
McKim,	Speaker—30.

So the motion to pay per diem was not agreed to.

On motion of Mr. McMullin, at half past five o'clock, the House adjourned.

HOUSE OF ASSEMBLY.

WEDNESDAY, February 18, 1852.

The House met pursuant to adjournment.

The roll was called by the Clerk and the members were all present except those who have leave of absence.

The Journal of Tuesday, February 17th, read and approved.

The Speaker announced the House ready to proceed to business.

Mr. Colby asked leave of absence for Mr. Kipp.

Leave granted.

Mr. Merritt presented a petition from sundry citizens of Sacramento, praying the Legislature to extend the jurisdiction of Justices of the Peace to five hundred dollars.

Read and referred to the Judiciary Committee.

Mr. Boggs presented a petition from citizens of the city of Sonoma, praying the Legislature to repeal the charter of said city.

Referred to the Committee on Corporations.

Mr. McKim presented a memorial from citizens of Calaveras County, protesting against the removal of the Court House.

Referred to the Committee on County Boundaries.

Mr. Crabb presented a petition from certain citizens of San Joaquin County, praying for the privilege of turning a stream of water from the Stanislaus river, for purposes of irrigation; and also presented a bill and Joint Resolution upon the same subject, which together, upon his motion, was referred to the Committee on Corporations.

Mr. Wall presented sundry accounts of citizens of Monterey against the State, which, on his motion, was referred to the Committee on Claims.

Mr. Wall, chairman, made the following report:

The Committee of Ways and Means, to whom was referred a bill for the relief of William G. Ross, for per diem allowance and mileage as witness in the case of the contested election between Messrs. Coats and Hawkes, beg leave to report, that they have had the same under consideration, and have ascertained, from the chairman of the Committee on Elections, that Mr. Ross, was summoned as witness in the above named case, in the city of Sacramento, and that he was in attendance on the committee about six days.

It will be perceived, by reference to the eighty-third rule of the House, that that section declares the rule for paying witnesses shall be as follows:— "For each day a witness shall attend, the sum of two dollars; for each mile he shall travel in coming to, or going from, the place of examination, the sum of fifty cents each way; but nothing shall be paid for travelling home when the witness has been summoned at the place of trial."

Your committee would therefore respectfully report back the bill with the following amendment, and recommend its passage:

Strike out the words, "one hundred and fifty-three dollars for per diem allowance and mileage," and insert "twelve dollars for per diem allowance."

Mr. Dameron, chairman, made the following report:

Your Committee on County Boundaries, to whom was referred a bill for an Act entitled an Act to amend an Act to divide the State into Counties and establish Seats of Justice therein, passed April 25th, 1851, and the protest of the citizens of the County of Sonoma against its passage, have had the same under consideration, and respectfully report in favor of the protest of the citizens of Sonoma and against the bill, and recommend that the bill be indefinitely postponed.

And your committee ask to be discharged from the further consideration of the subject.

Report received and the committee discharged.

Mr. Merritt, chairman, made the following report:

Mr. Speaker:

The Committee of Elections, to whom was referred the certificate of election of members of Assembly, have had the same under consideration, and beg leave to report—

That, at the General Election for State and County Officers and members of the Assembly, held in pursuance of law, on Wednesday, the 3d day of September, A. D. 1851, the following named gentlemen were elected Representatives, of their respective Counties and Districts, in the House of Assembly of the State of California, until the installation of another Legislature on the first Monday of January, A. D. 1853:

San Diego, - -	Agostan Haraszthy.
Los Angeles, - -	Andreas Pico, Ygnacio Del Valle.
Santa Barbara, - -	Augustus Hinchman, J. M. Covarrubias.
San Luis Obispo, - -	Mariano Pacheco.
Monterey, - - -	Isaac B. Wall.
Santa Cruz, - -	Charles B. Stevenson.
Santa Clara, - -	A. P. Crittenden, J. T. Thompson.
San Francisco, - -	A. C. Peachy, R. N. Wood, Herman Wohler, George W. Ten Broeck, D. M. Chauncey, A. J. Ellis, Benjamin Orrick.
Contra Costa, - -	Napoleon B. Smith.
Solano, - - -	James S. Graham.
Sonoma,	L. W. Boggs, J. M. Hudspeth.
Marin and Mendocino, -	Alfred W. Taliaferro.
Napa, - - -	J. S. Stark.

Colusi, - - -	H. L. Ford.
Yolo, - - -	John G. Parrish.
Sutter, - - -	A. G. Caldwell.
Yuba, - -	John A. Paxton, James Gardiner.
Placer, - - -	Patrick Canney, J. H. Gibson.
Nevada, -	E. F. W. Ellis, J. N. Turner, W. H. Lyons.
Butte, - - -	C. B. Fowler, James L. Law, Nelson D. Morse.
Shasta, - - - -	E. D. Pearce, Samuel Fleming.
Klamath, - - -	Thomas H. Coats.
Trinity, - - - -	George O. McMullin, F. S. McKenzie.
El Dorado, - - -	S. A. McMeans, A. Wing, John Cutler, W. R. Hopkins.
Sacramento, - - -	G. N. McConaha, Joseph C. Tucker, G. W. Colby, A. Kipp.
Mariposa, - - -	Samuel A. Merritt, Thomas E. Ridley.
Tuolumne, - - -	James W. Coffroth, W. B. Dameron, T. J. Ingersoll, D. L. Blanchard, Jesse Brush.
Calaveras, - - -	W. P. Jones, W. L. McKim, George E. Young.

San Joaquin, - - - { Henry A. Crabb, Richard P. Hammond, Frederick Yeiser.

Your committee would further report, that in the County of Yuba there is a vacancy, which occurred in this House by a vote declaring the seat vacant, then occupied by John Cook, Esq. An election was ordered by the Governor to fill the vacancy, and your committee has been informed, that John Cook, Esq., has been returned.

All of which is respectfully submitted.

SAMUEL A. MERRITT,
Chairman of Committee on Elections.

Report received.

A bill entitled an Act to amend an Act to divide the State into Counties, and establish Seats of Justice therein, passed April 25th, 1851, reported back by Committee on County Boundaries.

On motion of Mr. Boggs, it was indefinitely postponed.

Mr. McKim, chairman, made the following report:

The Committee on Roads and Highways, to whom was referred an Act supplemental to an Act to provide for the incorporation of Railroad Companies, passed April 28, 1851, have had the same under consideration, and have instructed me to report the same back to the House and recommend its passage.

An Act supplemental to an Act, entitled an Act to provide for the incorporation of Railroad Companies, passed April 28, 1851, on its third reading.

Laid upon the table.

Mr. McKim made a further report:

The Committee on Roads and Highways, to whom was referred a bill to be entitled an Act to amend the eleventh section of an Act entitled an Act concerning toll bridges, passed May 1st, 1851, have had the same under consideration, and have instructed me to report the same back to the House and recommend its passage.

Report adopted.

A bill amendatory of the eleventh section of the law of 1851, concerning toll bridges on its third reading.

Mr. Crabb moved that the rules be suspended, and the bill be considered as engrossed, and put upon its third reading.

Not agreed to.

Mr. Chauncey, chairman of the Committee on Engrossed Bills, reported that the Committee had examined and found correctly engrossed a bill amendatory of a bill, passed 14th February, 1852, defining the boundary line of Contra Costa and San Joaquin Counties. Also, a bill for an Act for the relief of R. P. Ashe, Sheriff of San Joaquin County, and an Act granting leave of absence to Judge Caswell, of Nevada County.

The following report was made by Mr. Merritt, chairman of Special Committee:

Mr. Speaker:

The undersigned, members of the Special Committe, to whom was referred "a bill for an Act to create a State Hospital in the town of San Diego," have had the same under consideration, and beg leave to report,

That in their opinion, in the present embarrassed and depressed state of the finances of our State, it is neither judicious nor proper to create any more Hospitals than are in existence at present. California, embarrased as she is, pays more than double as much for charitable purposes as any other State of our Union, with all their boasted liberality. "Charity begins at home," and if, after we have discharged all our obligations incurred in carrying on the operations of our government, we have a surplus of means at our command, then we can gratify our humanity and liberality by the establishment of charitable institutions. Moreover, at present we have three Hospitals, which, notwithstanding the enormous expenses attendant upon their establishment, are but poorly provided for. And, in the opinion of your Committee, we had better provide ways and means sufficient to establish on a permanent basis those institutions already authorized by law, than to authorize still farther appropriations for other and new institutions.

Moreover, the "auction and license" tax is the best portion of our revenue, and a greater part of it is already appropriated, and this bill provides for a still further appropriation of that fund, a still larger drain upon our already exhausted revenue.

Your committee, therefore, recommend the indefinite postponement of the bill.

All of which is respectfully submitted.

SAMUEL A. MERRITT, Chairman;
GEO. O. McMULLIN,
W. R. HOPKINS,
F. YEISER.

A bill to be entitled an Act to create a State Hospital in the town of San Diego, on its third reading; on motion of Mr. Harazthy, it was laid upon the table.

Mr. Fowler offered the following:

Resolved, That the Comptroller of State be required, at the earliest practicable time, to report to the House, for the use of the committee to whom was referred Senate bill, number twenty-one, entitled an Act appropriating moneys to meet the contingent expenses of Government, the sums audited for office rent, clerk hire, stationery, and all contingent expenses, enumerating the items for each office, from January 22d, 1851, to the present time. Also, copies of any correspondence which may have taken place in relation to allowance for such bills of the following officers:

Office of the Governor; Treasurer's Office; Comptroller's Office; Office of Superintendent of Public Instructions; Surveyor General's office; At-

torney General's Office; rent and contingent expenses of the Supreme Court; Quarter-Master General's Office; Superintendent of Public Buildings.

Adopted.

On motion of Mr. Lyons, leave of absence was granted to Mr. Parrish.

Mr. Wall offered the the following:

Resolved, That the State Printer be required to present to this House a statement of the expense, incurred by the State, for printing ordered by this House, up to this date of the present session.

Adopted.

Mr. Coats moved that the House resolve itself into Committee of the Whole, to take up the order of the day.

Not agreed to.

Mr. Fowler moved to reconsider the vote of yesterday, which declared Messrs. Fleming and Pearce entitled to the seats which they now occupy upon this floor.

Mr. Merritt, moved to indefinitely postpone the motion to reconsider.

Mr. McMullin moved a call of the House.

On motion of Mr. Law, Mr. Morse had leave of absence.

The question was then taken upon the motion of Mr. McMullin for a call of the House.

The call was sustained.

On motion of Mr. Thompson, Mr. Stark had leave of absence.

The Clerk then called the roll and the following members were found absent, Messrs. Turner and Wing.

Mr. Wood moved that further proceedings, under the call, be dispensed with.

Agreed to.

The question then came up upon the motion to indefinitely postpone.

Those voting aye were—

Messrs. Blanchard,
Boggs,
Brush,
Chauncey,
Coats,
Coffroth,
Colby,
Ford,
Gibson,
Hudspeth,
Law,
Lyons,
McConaha,
McKim,
Merritt,
Paxton,
Ridley,
Smith,
Stevenson,
Thompson,
Tucker—21.

In the negative were—

Messrs. Caldwell,
Covarrubias,
Crabb,
Jones,
McKenzie,
McMeans,

Messrs. Cutler,
Dameron,
Del Valle,
Ellis, of Nevada,
Ellis, of San Francisco,
Fowler,
Gardiner,
Graham,
Harazthy,
Hinchman,
Hopkins,
Ingersoll,
McMullin,
Orrick,
Pacheco,
Peachy,
Pico,
Taliaferro,
Ten Broeck,
Wall,
Wood,
Yeiser,
Speaker—29.

The House refused to indefinitely postpone.

The question for re-consideration of the vote of yesterday, then came up.

Mr. Merritt moved a call of the House.

The call was sustained.

The Clerk then called the roll and Mr. Turner was found to be absent.

Mr. Wood moved to suspend, temporarily, the call.

Agreed to.

The question was then put to the House,—shall the Sergeant-at-Arms be sent for the absent member?

Not agreed to.

The vote was then taken upon re-consideration, which resulted as follows:

Ayes—

Messrs. Canney,
Caldwell,
Covarrubias,
Crabb,
Cutler,
Del Valle,
Ellis, of Nevada,
Ellis, of San Francisco,
Fowler,
Gardiner,
Graham,
Hinchman,
Hopkins,
Ingersoll,
Jones,
McKenzie,
McMeans,
McMullin,
Orrick,
Pacheco,
Peachy,
Pico,
Taliaferro,
Ten Broeck,
Wall,
Wohler,
Wood,
Yeiser,
Speaker—29.

In the negative were—

Messrs. Blanchard,
Boggs,
Brush,
Chauncey,
Coats,
Law,
Lyons,
McConaha,
McKim,
Merritt,

Messrs. Coffroth,	Messrs. Paxton,
Colby,	Ridley,
Dameron,	Smith,
Ford,	Stevenson,
Gibson,	Thompson,
Harazthy,	Tucker,
Hudspeth,	Wing—24.

So the resolution was re-considered.

Mr. Law offered the following:

Resolved, That the inquiry as to the eligibility of Messrs. Pearce and Fleming, directed by the Assembly, be re-committed to the Committee on Elections, with power to send for witnesses and papers.

Mr. McKenzie moved to lay the whole subject upon the table.

No quorum voting.

Mr. McConaha offered the following as a substitute to the resolution offered by Mr. Law:

Resolved, That the Hon. Messrs. Pearce and Fleming be permitted to make oath as to their residence and that the same be received as competent evidence of the whole matter.

Mr. Ellis, of Nevada, asked and obtained leave to be absent for a short time.

Mr. Graham moved to dispense with the further call of the House.

Not agreed to.

Mr. Graham demanded the previous question.

Mr. Hammond moved to lay the motion, for the previous question, upon the table.

Agreed to.

Mr. Coffroth moved to re-consider the vote to lay upon the table.

The vote was re-considered.

Mr. Crabb moved to take a recess until 4 o'clock.

Not agreed to.

Mr. Graham asked and obtained leave of absence for five minutes.

On motion of Mr. Wood leave of absence was granted to Messrs. Gardiner and Coffroth.

Mr. Wood moved that further proceedings under the call be dispensed with.

Agreed to.

Mr. Fowler moved to adjourn.

Not agreed to.

Mr. Crabb moved to take a recess until 5 o'clock.

At this time numerous motions were made in quick succession, to 6, 8, 10.

The question was taken upon 10 and lost.

On motion of Mr. Hammond, Mr. McMullin being in the chair, the House adjourned at 3½ o'clock, P. M.

HOUSE OF ASSEMBLY.

THURSDAY, February 19, 1852.

The House met pursuant to adjournment.

The roll was called by the Clerk, and the following members found absent—Messrs. Covarrubias, Cutler, Ellis of San Francisco, Hopkins, Hudspeth, McKenzie, McMeans, McMullin, Orrick, Smith and Ten Broeck.

Mr. Gardiner presented the certificate of Mr. John Cook, a member elect from the County of Yuba.

Mr. Cook then came forward, was sworn, and took his seat.

On motion of Mr. Merritt, at half past 12 o'clock, the House adjourned.

HOUSE OF ASSEMBLY.

FRIDAY, February 20, 1852.

House met pursuant to adjournment.

The roll was called by the Clerk, and the following members found absent—Messrs. Chauncey, Orrick, Smith and Ten Broeck.

The Journal of Wednesday the 18th, and the Journal of Thursday 19th of February, read and approved.

The Speaker announced the House ready to proceed to business.

On motion of Mr. Caldwell, Mr. Jones had leave of absence granted.

On motion of Mr. Wood, the following members had leave of absence granted—Messrs. Hinchman, Hopkins, Harazthy, Graham, McMullin and Mr. Smith, until Tuesday next.

Mr. Wing asked leave of absence for Mr. Thompson until Monday next.

Leave granted.

On motion of Mr. Peachy, Mr. Wood was excused from his absence on yesterday.

Mr. Wood presented sundry petitions from the citizens of San Francisco, praying a change of the day for Election of municipal officers.

Referred to delegation from San Francisco.

Mr. Taliaferro, chairman, made the following report upon the subject of a petition from citizens of Stockton, praying for a repeal of the City Charter.

Your committee, to whom was referred the petition asking for a repeal of the City Charter of Stockton, respectfully say:—

That they have had it under consideration for some weeks, and now beg leave to report it back with the recommendation, that it be quietly laid on the table.

Your committee are induced to make this report for the following reasons: That it has been before them for weeks, and no one has come forward to say

one word either in commendation, or condemnation of the petition. It has neither friend or foe, and seems to be fatherless and friendless. They are, therefore, laboring under the most blissful ignorance upon the whole matter. In the lack of any knowledge on the subject, they do not know but what these signers of this petition may be ideal individuals. They, therefore, feel the most marked indifference on the subject, and entertaining these milk and water sentiments, they respectfully recommend to lay it on the table, or move its reference to the Stockton delegation.

ALFRED TALIAFERRO,
Chairman.

Petition from citizens of Stockton praying for a repeal of the City Charter of Stockton, reported back by Committee on Corporations.

Mr. Wood moved the report be received.

Agreed to.

Mr. Crabb moved to re-commit the petition to the Committee on Corporations.

Not agreed to.

Mr. Ellis, of Nevada, moved its reference to the delegation from San Joaquin.

Agreed to.

Mr. Ingersoll offered the following resolution, which was adopted:

Resolved, That five hundred copies of the Report of the Surveyor General, made to the Senate under a resolution of that body, be printed for the use of the Assembly, provided that no extra charge is made by the State Printer for composition of the same.

Mr. Ridley introduced a Joint Resolution in reference to the mineral lands in California.

Read a first and second time, and referred to Committee on Mines and Mining Interests.

Mr. Wohler gave notice that he would at an early day introduce a bill to unite in the County of San Francisco, the office of County Recorder with that of County Clerk, and to make the same a salaried office.

Mr. Chauncey gave notice that, on Friday next, or some early day after, he would introduce an Act entitled an Act to restrict Justices of the Peace of San Francisco County from acting in their official capacity in any other place than the township or precinct they were elected for.

Mr. Coats, from Committee on Commerce, made the following report in reference to a Senate bill, to change the law in regard to appointing Port Wardens.

The undersigned, members of the Committee on Commerce, to whom was referred the Senate bill, entitled an Act to amend an Act to authorize the Governor of this State to remove and appoint Port Wardens, (approved March 7th, 1851,) beg leave to report the same back without amendment and recommend its passage. The only material amendment which will be made to the Act approved March 7th, 1851, is as follows:

By the original Act, the Governor is authorized to remove Port Wardens when sufficient cause shall be *presented* to justify the same. The present

amendment empowers the Governor to remove Port Wardens, when, in his opinion, sufficient cause exists, and by and with the advice and consent of the Senate, to fill said vacancies.

This proposed amendment the undersigned deems highly necessary and expedient. Frauds upon the State might be practiced under the original act, to a great extent without any immediate remedy.

Your Committee are of opinion that the provisions of the amendment would have a tendency to prevent fraud, and give proper and adequate means for remedying existing evils.

THOMAS H. COATS,
F. McKENZIE.

Senate bill, an Act to amend an Act entitled an Act to authorize the Governor of this State to remove and appoint Port Wardens, passed March 7th, 1851.

Reported back by committee, and

On motion of Mr. Wood, it was laid upon the table.

Mr. Blanchard gave notice that he would, at an early day, introduce a bill prescribing the mode for assessing and collecting the State and County taxes, particularly in the mining counties, and amendatory of the law as it now stands.

Mr. Lyons gave notice, that he would, on to-morrow, introduce a bill for the permanent location of the seat of government.

Mr. Canney gave notice that he would, on to-morrow, or soon thereafter, introduce a bill authorizing the Governor to appoint commissioners to define, more correctly, the northwestern boundary of Placer County.

Mr. Merritt introduced a bill for an Act amendatory of an Act entitled an Act concerning the Courts of Justice of this State and Judicial Officers, passed March 11th, 1851.

Read a first and second time and referred to Judiciary Committee.

Mr. Law introduced a bill for an Act defining the boundary between Butte and Sutter Counties.

Read a first and second time, and referred to the delegation from Butte and Sutter Counties.

Mr. McConaha gave notice that, on Monday next, he would introduce a bill to amend an Act entitled an Act to incorporate the City of Sacramento, passed March 26th, 1851.

Mr. Wall introduced a bill to be entitled an Act recommending to the electors to vote for or against calling a convention to revise and change the entire Constitution of this State.

Read a first time, and five hundred copies ordered to be printed.

Mr. Boggs introduced a bill for an Act to provide for choosing electors of President and Vice President of the United States.

Read a first and second time and referred to Judiciary Committee.

Mr. Wood, from the Committee on Commerce, made the following minority report upon the subject of changing the law, in reference to the appointment of Port Wardens for the Port of San Francisco.

Mr. Speaker:

The undersigned, a minority of the Committee on Commerce, to whom

was referred the Senate bill entitled "an Act to amend an Act to authorize the Governor of this State to remove and appoint Port Wardens," approved March 7th, 1851, begs leave to enter this, his dissent, to the views expressed by the majority of the Committee on Commerce, for the following reasons:

1. That the proposed amendment contemplates the removal from office, by *the mere will and caprice of the Governor*. This is the creation of a power, both dangerous and unnecessary, and has the direct effect to invest the Executive without the check of the Senate,—*the power of appointment*. By the provisions of existing law, it requires the confirmation of the Senate to all executive nominations of Port Wardens, and that they shall be removed, when sufficient cause shall be presented to justify the same. This I consider to be a very proper restrictive clause, as it operates, that no removals can be made unless for just cause shown and placed on file, thus affording an opportunity to such officer, (who has received the confirmation of the Senate,) of knowing the causes of complaint, (if any,) as well as an opportunity to refute any charges preferred.

This, to the minority, seems to be founded in good policy and deals out even handed justice to all; whereas the adoption of the bill proposed, would have the effect to place in the hands of the Governor, a removal from office, without any cause assigned, when such officer had, in receiving the appointment, to obtain the sanction of the Senate,—and at the same time would be a direct reflection and imputation on the character of such officer, without affording an opportunity to refute or eradicate any such impression.

To sanction or favor any such proposition, in the opinion of the undersigned, would be the establishing a doctrine ruinous in its tendency, and adverse to a proper protection of individual interests, and at the same time, would increase the Executive patronage, in a manner unnecessary and uncalled for.

The undersigned respectfully recommends that the House reject said bill.

All of which is submitted.

R. N. WOOD.

February 20, 1852.

The Comptroller of State presented the following, with papers therewith connected, which were referred to the Committee on Indian Affairs.

To the Honorable the

Assembly of California:

GENTLEMEN:

I have the honor to transmit herewith the Muster-Rolls, Reports, Vouchers, Abstract of Stores, Supplies, &c., with other papers and documents—required by your resolution, referring to the second El Dorado expedition, commanded by Major Rogers; A. W. Bee, Quarter-Master.

Respectfully, your obedient servant,

WINSLOW S. PIERCE,

Comptroller of State.

Mr. Coats gave notice that on to-morrow, or soon thereafter, he would in-

troduce a bill authorizing and directing the Surveyor-General to survey and properly define the northern boundary line of this State.

The following communication was received from the Governor, transmitting certain papers in reference to Indian Affairs, which papers were referred to the Committee on Indian Affairs.

EXECUTIVE DEPARTMENT,
Sacramento City, February 19, 1852.

To the Assembly of California:

In compliance with a resolution of the Assembly, passed February 13th, 1852, requesting the Governor to furnish the Assembly with copies of "all Orders and Instructions issued to Military Officers of this State, in any way authorizing, directing or appertaining to any Indian War or Military Expedition during the years 1849, 1850 or 1851." I have the honor herewith to transmit copies of all "Orders and Instructions appertaining to Indian Wars or Military Expeditions," (numbered 1, 2, 3, 4, 5, 6, 7 and 8,) on file in this office.

I have the honor to be,
Respectfully, &c., &c.,
JOHN BIGLER.

A report was received from the State Printer, in answer to a Resolution of the Assembly, showing the amount of the cost of Printing up to this date. The last paragraph of which reads as follows:—"This amount of six thousand five hundred dollars includes the expense incurred for the Printing, etc., of the several Documents, Messages, Reports, etc., ordered printed, in numbers ranging from 200 to 3000, by the Assembly, during this session."

The case of Messrs. Fleming and Pearce, sitting members from Shasta County, came up.

Mr. McMeans moved to indefinitely postpone the whole subject.

Mr. Wood moved a call of the House.

Call not sustained.

The question to indefinitely postpone, was then taken.

Mr. Parrish demanded the ayes and nays.

Those who voted to indefinitely postpone were—

Messrs. Blanchard,	Messrs. Kipp,
Boggs,	Law,
Brush,	Lyons,
Canney,	McKim,
Coats,	McMeans,
Coffroth,	Merritt,
Colby,	Pacheco,
Covarrubias,	Parrish,
Dameron,	Paxton,
Del Valle,	Pico,
Ellis, of Nevada,	Ridley,
Ford,	Stevenson,

Messrs. Gibson, Messrs. Taliaferro,
Hinchman, Turner,
Ingersoll, Speaker—30.

Those who voted in the negative were—

Messrs. Caldwell, Messrs. Peachy,
Crabb, Wing,
Fowler, Wood,
Gardiner, Yeiser—9.
McMullin,

So the whole subject was indefinitely postponed.

On motion of Mr. Wood, the rule was suspended to allow Mr. McConaha and Mr. Canney to vote.

Mr. Colby offered the following:

Resolved, That neither the people of Shasta County nor their Representatives are chargeable with any of the expenses heaped upon the State by the unfounded contest brought by Mr. McCandless against Fleming and Pearce.

Mr. Fowler moved to lay the resolution, offered by Mr. Colby, upon the table.

Agreed to.

The following message was received from the Senate by the Secretary:

SENATE CHAMBER,
Sacramento City, Cala., Feb. 20, 1852.

Mr. Speaker:

I am directed by the Senate to inform the Assembly that the Senate did, on yesterday, pass a bill for "an Act for the relief of Hinckley and Davis;" also, Assembly bill for "an Act explanatory of an Act entitled 'an Act to change and define the boundaries of Contra Costa and San Joaquin Counties,'" passed February 14th, 1852; and Assembly bill for "an Act granting Hon. Judge Caswell, of Nevada County, leave of absence from the State."

Respectfully submitted,

A. C. BRADFORD,
Secretary of the Senate.

Senate bill an Act for the relief of Hinckley and Davis.

Read a first time and ordered to a second reading on to-morrow.

The following resolution was taken up, which had previously been offered by Mr. Tucker:

Resolved, That we adjourn to-day to meet hereafter at 11 o'clock, A. M., instead of 12, M.

Mr. Wood moved to lay the resolution upon the table.

Not agreed to.

Mr. Crabb moved to amend by inserting 9 o'clock, A. M., instead of 11.

Agreed to.

On motion of Mr. Wood, the House resolved itself into Committee of the Whole, Mr. Yeiser in the chair, to consider an Act to provide for the compensation of the Commissioners appointed to organize the Counties of Trinity and Klamath; after spending some time in its consideration,

On motion of Mr. Merritt, the committee rose, reported the bill back without amendment, and asked to be discharged.

The committee was discharged.

A bill for an Act to provide for the compensation of the Commissioners appointed to organize the Counties of Trinity and Klamath.

On motion of Mr. Wall it was indefinitely postponed.

An Act recommending a convention of the people of California, taken up.

On motion of Mr. Crabb, the House resolved itself into Committee of the Whole, Mr. Lyons in the chair, to consider a bill, an Act recommending a convention of the people of California; after spending some time in the reading and discussion of the bill,

On motion of Mr. Parrish, the committee rose, reported progress, and asked leave to sit again, on to-morrow, at 11 o'clock.

Agreed to.

At a quarter past 3 o'clock, P. M., on motion of Mr. Brush, the House adjourned.

HOUSE OF ASSEMBLY.

SATURDAY, February 21, 1852.

The House met pursuant to adjournment.

The roll was called by the Clerk and the following members found absent: Messrs. Blanchard, Chauncey, Coats, Cook, Covarrubias, Crittenden, Cutler, Del Valle, Ellis, of San Francisco, Ford, Gardiner, Graham, Hopkins, Jones, Lyons, McConaha, McKenzie, McMullin, Merritt, Pico, Smith, Taliaferro, Ten Broeck, Tucker, Wall and Yeiser.

The Journal of Friday, the 20th of February, was read and approved.

The Speaker announced the House ready to proceed to business.

Leave of absence was granted to Messrs. Tucker and Ford.

Mr. Boggs offered the following:

Resolved, That the Judiciary Committee be discharged from the further consideration of the following bills, referred to them, to wit:

A bill to provide for the establishment of a Board of Supervisors, in the several Counties of this State; and the bill which provides for re-organizing

the several Judicial Districts, and that the said bills be re-committed to a committee of eleven, one member of said committee, to be taken from each Judicial District as now established, and that said committee be instructed to make their report at as early a period as practicable.

Adopted.

Messrs. Boggs, McKenzie, Canney, Haraz thy, Young, Fleming, Hinchman, Law, Stevenson, McConaha, and Ellis, of Nevada, were appointed said committee.

Mr. Coffroth offered the following resolution which was adopted:

Resolved, That the Committee on Military Affairs, be instructed to report to this House, the number and kind of arms, accoutrements, and ammunition, turned over by the United States to this State, at what time turned over, the valuation of said arms, how many, if any, were destroyed by the fire, or taken in San Francisco, and the present number of arms and equipments, and in whose possession they are, and in what condition; and also to report upon the best mode of securing and preserving the same.

Mr. Law introduced a concurrent resolution in reference to withholding pay from Judges who have or may get leave of absence.

Adopted.

Mr. Coffroth introduced a bill for an Act supplementary to an Act concerning corporations.

Read a first and second time and referred to the Committee on Corporations.

Mr. Caldwell gave notice that, on to-morrow or some future day, he would introduce a bill for an Act entitled an Act prohibiting certain violations of the Sabbath.

The following message was received from the Senate:

I am directed by the Senate to inform the Assembly, that they passed, on Saturday, the 14th inst., a bill for an Act exempting the Hospital and Interest Funds from the operation of the Act entitled an Act requiring the Treasurer to retain certain moneys, until appropriations thereof shall be made by law.

A. C. BRADFORD,
Secretary of the Senate.

Senate bill an Act exempting the Hospital and Interest Funds, from the operation of the Act entitled an Act requiring the Treasurer to retain certain moneys until appropriations thereof shall be made by law.

Read a first and second time.

Mr. Wood moved to refer the bill to Committee of Ways and Means.

No quorum voting.

Mr. Wohler introduced a bill for an Act to unite the office of County Recorder and County Clerk in the Courts of San Francisco, and to make the same a salaried office,

Read a first and second time, and referred to Judiciary Committee.

Senate bill for an Act for the relief of Hinckley and Davis,

Read a second time and referred to Committee on Claims.

Senate Joint Resolution in reference to Emigrant Vessels,

Read a second time, and ordered to a third reading on to-morrow.

Senate bill for an Act to provide for the payment of a Translator, read a second time.

On motion of Mr. Wood, the House resolved itself into Committee of the Whole, Mr. Ellis, of Nevada, in the chair, to consider Senate bill for an Act to provide for the payment of a Translator; after spending some time in the consideration of the bill,

On motion of Mr. Boggs, the committee rose, and reported back the bill without amendment, and asked to be discharged.

The committee was discharged.

On motion of Mr. McMeans, the bill under consideration was referred to Committee of Ways and Means.

Senate bill, for an Act for the relief of Soule and Page, J. Hammond, and Lovett & Co,

Read a second time, and referred to Committee of Ways and Means.

Substitute for the bill entitled an Act to provide for the enumeration of the Inhabitants of the State of California. Considered as engrossed, read a third time and passed.

A bill to be entitled an Act to amend 11th section of an Act entitled an Act concerning Toll Bridges, passed May 1st, 1851.

On its third reading, Mr. Crabb moved that the bill be considered as engrossed, and put upon its third reading.

No quorum voting.

Mr. Merritt moved that the House resolve itself into Committee of the Whole, to consider the bill upon the subject of printing.

No quorum voting.

The question was then put again, upon which Mr. Merrit demanded the ayes and nays.

Those who voted to go into Committee of the Whole were—

Messrs.	Blanchard,	Messrs.	Morse,
	Boggs,		Pacheco,
	Brush,		Parrish,
	Canney,		Paxton,
	Coats,		Peachy,
	Coffroth,		Pearce,
	Dameron,		Pico,
	Fleming,		Ridley,
	Gibson,		Stevenson,
	Hudspeth,		Wing,
	Law,		Yeiser,
	Lyons,		Young,
	McKim,		Speaker—27.
	Merritt,		

Those who voted against going into Committee of the Whole were—

Messrs.	Caldwell,	Messrs.	Kipp,
	Crabb,		McConaha,
	Crittenden,		McMeans,

Messrs. Cutler,
Del Valle,
Ellis, of Nevada,
Ingersoll,
Jones,
Messrs. Orrick,
Stark,
Turner,
Wohler,
Wood—16.

So the House determined to go into Committee of the Whole.

In Committee of the Whole, Mr. Boggs in the chair, to consider the bill upon the subject of State Printer and fixing his fees; after considerable time spent, and making several amendments thereto,

On motion of Mr. Parrish, the committee rose and reported the bill back to the House as amended, and ask to be discharged from its further consideration.

The committee was discharged.

Mr. Coffroth moved that the House concur in the amendments made in Committee of the Whole, upon which Mr. Gardiner demanded the ayes and nays.

Those who voted to concur in the amendments made in Committee of the Whole were—

Messrs. Blanchard,
Boggs,
Brush,
Canney,
Caldwell,
Coats,
Coffroth,
Colby,
Crabb,
Crittenden,
Dameron,
Ellis, of Nevada,
Ellis, of San Francisco,
Fleming,
Gardiner,
Gibson,
Hudspeth,
Ingersoll,
Kipp,
Law,
Lyons,
Messrs. McKim,
McMeans,
Morse,
Orrick,
Parrish,
Paxton,
Peachy,
Pearce,
Pico,
Ridley,
Stark,
Stevenson,
Taliaferro,
Turner,
Wall,
Wing,
Wohler,
Yeiser,
Young,
Speaker—41.

Those who voted against the amendments were—

Mr. Del Valle,
Mr. McConaha—2.

The House decided in favor of the amendments made in Committee of the Whole.

On motion of Mr. Coffroth, the bill was ordered to be engrossed for a third reading.

Mr. Coffroth moved to put the bill upon its third reading.

Mr. Wood objected, which objection according to rule, prevented the bill being read a third time.

On motion of Mr. Boggs, the House resolved itself into Committee of the Whole, Mr. Lyons in the chair, to consider a bill calling a convention; after spending considerable time in the discussion of the bill,

On motion of Mr. Parrish, the committee rose, reported progress, and asked leave to sit again.

Leave granted.

Mr. Covarrubias offered the following, which was adopted.

Resolved, That an interpreter be employed to interpret for the native California members.

Mr. McMullin gave notice that, on Wednesday next, he would move to change the hour of meeting from 9 to 10 o'clock. He also offered the following, which was adopted.

Resolved, That when the House convenes on Wednesday, that 10 o'clock shall be the hour of meeting.

On motion the House adjourned.

HOUSE OF ASSEMBLY.

WEDNESDAY, February 25, 1852.

House met pursuant to adjournment.

The roll was called by the Clerk, and the following members found absent:—Messrs. Boggs, Chauncey, Coffroth, Covarrubias, Dameron, Del Valle, Ellis, of Nevada, Ellis, of San Francisco, Fleming, Fowler, Gardiner, Graham, Harazthy, Hinchman, Jones, McKenzie, Merritt, Pacheco, Paxton, Pearce, Pico, Smith, Ten Broeck and Turner.

On motion, leave of absence was granted to Messrs. Boggs, Jones, Ellis, of Nevada, Smith, McKenzie and Fowler.

On motion of Mr. Wood, at half-past ten o'clock, the House adjourned until ten o'clock, to-morrow.

HOUSE OF ASSEMBLY.

THURSDAY, February 26, 1852.

The House met pursuant to adjournment.

The roll was called by the Clerk, and the following members found absent:—Messrs. Chauncey, Coats, Coffroth, Colby, Covarrubias, Crittenden, Ellis, of San Francisco, Fleming, Ford, Gardiner, Harazthy, Hinchman, Law, Lyons, McConaha, McKim, McMeans, Merritt, Pico, Taliaferro and Yeiser.

The Journal of Saturday, the 21st, and Wednesday, 25th, read and approved.

The Speaker announced the House ready to proceed to business.

On motion, leave of absence was granted to Mr. McKim until Tuesday next.

Mr. Orrick offered the following, which was adopted:

Resolved, That the use of this hall for purposes of religious worship, each Sunday, during the session, be granted to the congregation of Protestant Episcopalians of this city.

On motion of Mr. Peachy, at half-past 10 o'clock, A. M., the House adjourned until 10 o'clock, to-morrow.

HOUSE OF ASSEMBLY.

FRIDAY, February 27, 1852.

The House met pursuant to adjournment.

The roll was called by the Clerk and the following members found absent:—Messrs. Canney, Colby, Covarrubias, Del Valle, Ellis, of San Francisco, Ford, Gardiner, Gibson, Harazthy, Hinchman, Merritt, Pacheco, Pico, Smith, Stark, Taliaferro, Tucker and Wall.

The Journal of Thursday, February 26th, read and approved.

The Speaker announced the House ready to proceed to business.

On motion of Mr. Thompson, leave of absence was granted to Mr. Stark, in consequence of ill health.

Mr. Law presented a petition from citizens of Butte County, praying the passage of a law to remove the County seat.

Referred to the Committee on County Boundaries.

Mr. Crittenden presented a memorial from San Francisco, in reference to a Corporation, styled Pacific Mail Steamship Company; and, on his motion, it was referred to a Special Committee of three, to meet a similar Committee from the Senate.

Messrs. Crittenden, Peachy and Crabb were appointed a Committee on the part of the House.

Mr. McConaha presented a petition or memorial from Thomas H. Swift, with the following resolution:

Resolved, That a Select Committee of three be appointed, with full power to send for persons, books and papers,—with full power to examine into the financial condition of Sacramento County, as well as the manner in which the assessment of said county has been made for the year 1851; and also the manner in which any portion of county indebtedness has been paid,—with instructions to report upon the whole premises at the earliest day practicable.

Adopted.

Messrs. McConaha, Graham and Stevenson were appointed said committee.

Mr. Crittenden introduced a bill for an Act to be entitled an Act to incorporate the town of Alviso.

Read a first and second time by title, and referred to the Committee on Corporations.

Senate Joint Resolution in reference to emigrant vessels.

Read a third time and passed.

Senate bill, an Act exempting the Hospital and Interest Funds from the operation of the Act entitled an Act requiring the Treasurer to retain certain moneys until appropriations thereof shall be made by law.

Read a third time and passed.

A bill to be entitled an Act to amend the eleventh section of an Act entitled an Act concerning Toll Bridges, passed May 1st, 1851, was taken up.

Mr. Crabb moved that the bill be engrossed—upon which motion, Mr. Crabb demanded the ayes and nays.

Those who voted aye were—

Messrs. Caldwell,	Messrs. Hopkins,
Crabb,	Jones,
Crittenden,	McMullin,
Dameron,	Wing,
Ford,	Yeiser,
Hinchman,	Speaker—12.

Those who voted nay were—

Messrs. Blanchard,	Messrs. McMeans,
Boggs,	Morse,
Brush,	Orrick,
Canney,	Pacheco,
Coats,	Paxton,
Coffroth,	Peachy,
Colby,	Pearce,
Cutler,	Pico,
Del Valle,	Ridley,

Messrs. Fleming,
Fowler,
Harazthy,
Hudspeth,
Ingersoll,
Kipp,
Law,
Lyons,
McConaha,
Stevenson,
Ten Broeck,
Thompson,
Tucker,
Turner,
Wohler,
Wood,
Young—35.

So the House refused to have the bill engrossed.

Mr. Coats moved to take from the table an Act to amend an Act entitled an Act to authorize the Governor of this State to remove and appoint Port Wardens, passed March 7th, 1851.

Agreed to.

Mr. McMullin moved to indefinitely postpone the bill—upon which motion, Mr. Wood demanded the ayes and nays.

Those who voted to indefinitely postpone were—

Messrs. Caldwell,
Crabb,
Graham,
Hinchman,
Hopkins,
Jones,
McMullin,
Orrick,
Turner,
Wing,
Wohler,
Wood,
Yeiser—13.

Those who voted in the negative were—

Messrs. Blanchard,
Boggs,
Brush,
Canney,
Coats,
Coffroth,
Colby,
Crittenden,
Dameron,
Del Valle,
Fleming,
Fowler,
Harazthy,
Hudspeth,
Ingersoll,
Kipp,
Law,
Lyons,
McConaha,
McMeans,
Merritt,
Pacheco,
Parrish,
Paxton,
Peachy,
Pearce,
Pico,
Ridley,
Stevenson,
Ten Broeck,
Thompson,
Tucker,
Speaker—33.

Motion to postpone lost.

The bill was then read a third time and passed.

On motion of Mr. Hinchman, Mr. Wood had leave of absence until Wednesday next.

Mr. McMeans introduced a bill for an Act entitled an Act to authorize the funding of the debt of the County of El Dorado, and to provide for the payment of the same.

Read a first time, and ordered to a second reading to-morrow.

On motion of Mr. McMullin, the House resolved itself into Committee of the Whole, Mr. Lyons in the chair, to consider a bill proposing a call of a convention; after spending considerable time in discussion of the subject,

On motion of Mr. Parrish the committee rose, reported progress, and asked leave to sit again.

Leave granted.

Mr. Wohler gave notice that he would, at an early day, introduce a bill reducing the fees of the Sheriff of San Francisco.

Mr. Paxton gave notice that he would, on to-morrow, or some subsequent day, introduce a bill authorizing the appointment of a committee to lay out and survey a State road from Marysville to Humboldt River.

Mr. Merritt presented a petition from sundry citizens of Tuolumne and Mariposa Counties praying for the establishment of a State road, from Mariposa to Stockton.

Referred to Committee on Roads and Highways.

Mr. McMullin moved to take from the table all bills and resolutions, and place them upon the Speaker's desk, to be acted upon in their order.

Mr. Gardiner gave notice that, on to-morrow, or some early day thereafter, he would introduce a bill to License Gaming.

Agreed to.

Mr. Ingersoll introduced a bill for an Act to protect the Agricultural Interest in the Mines.

Read a first time, and ordered to second reading on to-morrow.

On motion of Mr. Merritt, the House resolved itself into Committee of the Whole, Mr. McMullin in the chair, to consider a bill for the relief of John L. Smith; after spending some time in its consideration, and making sundry amendments thereto,

On motion of Mr. Fowler, the committee rose, reported the bill to the House as amended, and asked to be discharged from its further consideration.

Committee discharged.

On motion of Mr. Merritt, the House concurred in the amendments made in Committee of the Whole; the bill considered as engrossed, read a third time and passed.

Joint Resolution in reference to soldiers improperly enlisted.

Read a third time and passed.

Joint resolution in reference to obtaining from the General Government certain arms; considered as engrossed, read a third time and passed.

A bill for an Act for the relief of William G. Ross; considered as engrossed, read a third time and passed.

A bill for an Act to incorporate Railroad Companies; considered as engrossed, read a third time and passed.

Senate Joint Resolution in reference to distribution of the Journals of the Convention and Legislature, by the Secretary of State.

Amendment of the Senate concurred in.

Report of Special Committee, to confer with General M. G. Vallejo.

On motion of Mr. Peachy, the report and papers was referred to a Special Committee of five, with instructions to report a bill upon the subject.

Messrs. Peachy, Ellis, of Nevada, Ridley, Pacheco and Thompson, were appointed said committee.

A bill in reference to the organization of the Militia.

Read a second time and one hundred copies ordered to be printed.

On motion of Mr. Ingersoll, at 3¾ P. M. the House adjourned until 10 o'clock to-morrow.

HOUSE OF ASSEMBLY.

SATURDAY, February 28, 1852.

The House met pursuant to adjournment.

The roll was called by the Clerk, and the following members found absent:—Messrs. Coffroth, Colby, Covarrubias, Gardiner, Lyons, McConaha, McKenzie, McKim, Merritt, Smith, Taliaferro, Ten Broeck, Wall and Wohler.

The Journal of Friday, the 27th February, read and approved.

The Speaker announced the House ready to proceed to business.

On motion, leave of absence was granted to Mr. Coffroth until Tuesday next.

Mr. Peachy, chairman, made the following report, which was adopted:

The Judiciary Committee, to whom was referred a bill for an Act ceding jurisdiction over certain lands to the United States, and exempting the same from taxation, have had the same under consideration, and respectfully report in favor of its adoption.

On motion of Mr. Boggs, the rule was suspended, the bill considered as engrossed; read a third time and passed.

Mr. Stevenson, from the Committee on Engrossed Bills, reported that the committee had examined and found correctly engrossed, a bill in reference to the election of State Printer and fixing his fees.

Mr. Colby, chairman, reported that the Committee on Enrolled Bills had examined and found correctly enrolled, the following bills:

A bill for an Act concerning the State Treasurer;

A bill for an Act to change the name of Lucy A. Stoddard Wakefield;

A bill for an Act granting leave of absence to Judge J. H. Caswell, of Nevada County;

A bill for an Act to set apart twenty-five hundred dollars to meet the current contingent expenses of the Senate and Assembly;

A bill for the relief of Antonio M. De la Guerra; and also,

A Joint Resolution for the relief of H. C. Hodge, Treasurer of Nevada County.

Mr. Coats, chairman of the committee, composed of the Delegation from Trinity, Shasta and Klamath Counties, made the following report, which was adopted:

The bill which was referred to the Delegation, to create a new county, to be called Siskivou, have had the same under consideration, and beg leave to report the bill back, with the following amendment, and unanimously recommend its adoption. The amendment is as follows:—The third section of the bill, which requires the first election to be held on the first Monday in April, is amended so as to read—On the first Monday in May, 1852.

Mr. Yeiser, chairman of the Select Committee, made the following report:

The undersigned, chairman of the Select Committee, to whom was referred a bill entitled an Act authorizing the Treasurer of the State of California to take possession of certain property in the city of San Francisco, and to repeal the Act entitled an Act to provide for the disposition of certain property of the State of California, passed March 26th, 1851, and the Act entitled an Act in relation to the city of San Francisco, passed May 1st, 1851, have had the same under careful consideration; and believing it to be just—containing provisions of vital importance to the State—report the same back to the House, and earnestly recommend its passage without amendment.

On motion of Mr. Peachy, the report and bill was laid upon the table.

Mr. Graham made the following report upon the subject of State Prison, which was adopted, and two hundred copies ordered to be printed.

REPORT ON STATE PRISON.

The Committee on State Prison, to whom was referred the report of the Superintendent of State Prison, duly appreciating the importance of the subject entrusted to their care, have devoted much time and labor to its investigation; as the result of which, they present the following report:—

They find that, at the first session of the Legislature, an Act was passed, approved April 22d, 1850, entitled "an Act concerning persons in custody under sentence of imprisonment," giving the authorities of each County in which persons were imprisoned for crime, the power to employ them in labor on the public works; and that by a previous Act concerning Jails and Jailors, provision was made for the erection of County Prisons and the temporary custody of convicts; and by an Act concerning crimes and punishments, passed April 16th, 1850, (section 140,) the County Jail of each county was constituted a State Prison in the absence of a State Penitentiary. No provision was made for the erection of a State Prison, at the first session. At the second session, an Act was passed April 25th, 1851, entitled "an Act providing for securing the State Prison convicts," constituting M. G. Vallejo and James M. Estell, lessees for the period of ten

years, of the Prison and Prison grounds of the State, and of all prisoners then in custody under sentence of imprisonment in the State Prison, and of all persons thereafter convicted in this State and sentenced to imprisonment in the State Prison, the condition of the lease being that the lessees should prepare suitable prison ships or temporary buildings on the grounds leased, until the State should build a State Prison; and should, for the term of the lease, provide for the proper care, maintenance and custody of the prisoners, holding the State free from all expense attendant on such care, maintenance and custody.

The last Legislature seem to have contemplated the immediate erection of a State Prison; for, at the very time this contract was made, the sum of twenty thousand dollars of the Bonds of General Vallejo were appropriated for the commencement of the work. But, inasmuch as the law provides that the Bonds were to be taken at par, no bid could be obtained, and of course no work was done; and although the building of a State Prison is not mentioned in the contract as being obligatory upon the State, yet it might reasonably have been expected by the lessees that such would be the case, from the fact that an appropriation was made for that purpose. But be this as it may, the necessity for such a building is apparent to all; although, by the present arrangement, seventy thousand dollars are annually being saved to the State, yet such are its defects, if some measure of relief is not adopted by the present Legislature, the whole prison system must fall to the ground. Heavy losses have been sustained by the present lessees—such as their personal interests cannot permit to be perpetrated, and such as cannot in justice be required or expected of them. The revenues derivable from the present sources of prison support are not sufficient to meet the ends of justice or humanity, nor the demands of the public interest.

It will appear, from these facts, that the County Jail of San Francisco—an unfinished building of limited accommodation, and a Prison Ship provided by the lessees—are the only receptacles for State convicts. The committee cannot too earnestly urge the immediate appropriation for the erection of a State Penitentiary, and they do not deem it as any exaggeration of the momentous consequences to the State of the deficiency at present existing in that respect, to declare that they regard even the interests of juvenile education in California as nothing paramount to the providing of a suitable place of incarceration for criminals and the establishment of a stable and enlightened system of prison discipline.

This State is the recipient of people from every nation in the world; and the object which attracts this immense population that pours in by every vessel entering our ports, is of such a nature as to entice hither the vicious and the lawless, as well as the good and order-loving citizen. The consequence has been felt ever since the first discovery of gold on these shores, in the number of crimes against property and life committed in this State since its first settlement. The accessibility of California to the penal settlements of Great Britain, and the absence of any adequate protection against the immigration of foreign convicts, has tended to swell the tide of crime in our midst. The nature of the occupations in which the great mass of our citizens are engaged, and the abundance of gold, afford strong temptations to such persons to depredate on the community; accordingly we find that crimes against property greatly preponderate on the criminal records.

Society is from time to time startled by a series of atrocious outrages, and in most cases the arm of the law has been found powerless to punish or prevent. The effect has been to impose upon the people the necessity of organizing associations for the protection of life and property, and the punishment of crime; since the last session of the legislature, various bodies of this nature have sprung up in the several counties, and in a great number of instances the penalty of death, and in others, of banishment has been inflicted without the cognizance of the courts, or the forms, provided by law. While the necessity of such measures is much to be deplored, their adoption by the consent, and with the approval of a large majority of the people of the respective localities in which such proceedings have taken place, proves that the present means provided for the punishment of crime are inadequate to its prevention, and that it exists to such a degree, as to make the citizens skeptical of the power of the law to protect their property and lives. Although the summary infliction of punishment on offenders by people's courts, and the intolerance of the restraints of legal forms, to which we have referred, may be attributable, in a great extent, to the insufficiency of the law, or its improper or inefficient administration; it is, nevertheless, certain that it is in no small degree to be ascribed to the fact, that by reason of a want of proper places of incarceration, no confidence is entertained that persons convicted of crimes can be made to undergo the penalty of the offences.

The county prisons are generally temporary buildings, inadequately secure, and sometimes not properly guarded—have proved, in most cases, no restraint upon the practical adept in crime, and the great majority of convicts have thus been again let loose to prey upon society.

It is, therefore, not surprising there should be on the part of the citizens an entire want of confidence in the means provided by the law for their protection, and that, occasionally, driven to desperation by the frequency of crime, and the total impunity of the criminals, they should in self-defence take on themselves to vindicate, by summary measures, the outraged rights of society, and by swift infliction of punishment, to strike that terror to the hearts of evil doers, that the laws are confessedly powerless to produce. Such a state of things, we repeat, are deeply to be deplored, doubtless, as much by those who have participated in the proceedings to which we refer, as by any others; and it becomes us as the representatives of the people to devise, at the earliest mement, means to relieve them of the pressure of evils which has drawn them to such dreadful expedients.

It is now universally conceded, that the certainty of punishment, much more than the degree of its severity, tends to the prevention of crime. Where the person is insecure, or the penalty uncertain, there are no terrors in a conviction; and, consequently, no restraint on the perpetration of offences: except, in some few cases, in which death is inflicted, the penalty provided by almost unanimous policy of the law givers of the several States is restraint of personal freedom with compulsory labor. With the humane, yet stringent discipline adopted almost universally in our State penitentiaries this has been found the most efficacious in achieving the two grand objects of punishment—the prevention of crime, and the reformation of the convict.

In the employment of these means, the erection of prison buildings, grounds for exercise and shops for labor, with separate cells, where th

oners can at night be segregated one from the other, with walls of solid masonry, and barred windows and massive doors, with watchful jailors, and vigilant superintendents; with a discipline scrupulous in its humanity, and unrelaxing in its strictness—all these are absolutely indispensable. To the criminal once convicted, the penalty provided by law for his offence should follow as certain as doom, and as unrelenting in its infliction. But as the penalty of most offences is incarceration for a certain period, there must be a secure place of confinement after conviction, to impress criminals seriously with the prospect of punishment. Considering these things, we cannot resist the belief that in legislating intelligently for the welfare of the State, it is of the last importance to make immediate and ample provision for the punishment of crime—and to effect this object, the first step to be taken is the erection of a State penitentiary.

The committee are aware that in the present condition of the Treasury, heavy appropriations for public improvements, except for objects of immediate and urgent necessity, would not be advisable. They are of opinion, however, that in view of the present condition of society, in the State,—of the heterogeneous elements composing the population—of the great incentive to violations of law, from the uncertainty of its administration and execution—and of the serious harrassment and oppression to which peaceable and order-loving citizens are exposed, from the depredations of which they are daily and nightly, the victims—that the immediate erection of a State Prison is indispensable to the public safety.

But if there be no funds with which to pay for the erection of a penitentiary, a portion of the land belonging to the State could be set apart to defray the expense of the work. This land might be given in payment to contractors at the price paid by actual settlers, and thus without expending any of the scanty finances, wanted for the payment of the salaries of her officers and the interest on her debt, the State could at once procure the erection of suitable buildings for the incarceration of convicts.

The question of the location of the prison buildings, the committee have deemed properly connected with the subject submitted for their consideration. In selecting the ground, care should be taken to have it easy of access to the officers of justice, from every portion of the State, and yet so situated as to be easily guarded against the escape of prisoners or interference from without. The committee are unanimous in the opinion that one of the Islands, in the Bay of San Francisco, would afford all the advantages of the best location for a penitentiary. These isolated spots afford, in themselves, many facilities of necessary building. They present a solid, rocky foundation, defying strength and ingenuity to cut through; and on some of them are abundant quaries of stone, adapted for building purposes. A prison erected on one of these Islands could be easily guarded from approach from without, and escape rendered next to impossible,—at the same time, in a place remote from the busy hum of city life, the discipline necessary to the proper training of criminals, and their reclamation from vice would be much more effectually enforced. Here, there could be spacious enclosures for work shops, for exercise grounds, for bath houses, and all the other adjuncts of an enlightened system of prison discipline. Here would be uninterrupted opportunity for that mental reflection which is the strongest corrective of vices, encrusted on man's nature, by guilty association. Here the inmates of the prison could look out to the bustling life

of San Francisco, and it is not to be doubted, that the deprivation they would daily be made to feel, of the pleasure of social intercourse with their fellow men, separated as they would be by an impassable barrier from society, would serve as a severe and most wholesome corrective.

Of the organization of such an establishment,—of the mental and bodily culture of the convicts,—the kinds of labor to be instituted,—the hours of occupation and of rest,—the system of police to be ordained in the prison, or of the plan of its construction—we do not deem it necessary to treat, as these subjects do not properly come within the scope of the duty assigned us.

We would respectfully call your attention to the fact that the prisoners are in the custody, and under the control of Col. Jack Hays, and his able associate, Major Caperton, which at once insures the greatest capacity, vigilance and integrity, yet many of the prisoners have made their escape, and must continue to do so, as long as the present Lessees are compelled, from the want of a State Prison, to use Prison-Ships, and are dependant upon the honesty of the numerous guard, necessarily employed about an insecure prison.

All of which is respectfully submitted.

Mr. Merritt presented a petition from Manual Garpions, praying relief.

Referred to Committee on Claims.

Mr. Ingersoll introduced a bill requiring the Comptroller to audit certain bills of members of the present Legislature.

Read a first and second time.

Mr. Crabb offered the following amendment, insert after members of the Legislature, " and the officers of the Senate and Assembly."

Mr. Merritt offered the following as an amendment to the amendment, after members of the Legislature and officers, insert " and all other persons holding State indebtedness."

The amendment of Mr. Merritt was not agreed to.

The question was then taken upon the amendment offered by Mr. Crabb, which was not agreed to.

Mr. Crittenden offered the following, which was adopted:

Resolved, That the Comptroller is requested to furnish the Assembly with a statement of all expenditures for public printing to this date, discriminating between the sums paid under the two Acts heretofore passed, fixing the compensation of the public printer.

An Act to establish the County of Sciscul, and establish the Seat of Justice therein.

Mr. Merritt offered an additional section in reference to payment of the Commissioners to lay off the County, which was adopted.

The bill was then considered, engrossed, read a third time and passed.

An Act to divide the County of Colusi and define its boundaries.

Read a first and second time; the rules suspended, considered as engrossed, read a third time and passed.

Mr. Boggs introduced a bill for an Act allowing suits against officers for services rendered under illegal orders.

Read a first and second time and referred to the Judiciary committee.

Joint Resolution in reference to the Indian Reserves, taken up and laid over until to-morrow.

A bill for an Act to regulate appeals from Justice's and Recorder's Courts.

Read a first and second time and referred to the Judiciary Committee.

On motion of Mr. Harazthy, the House resolved itself into Committee of the Whole, Mr. Lyons in the chair, to consider a bill in reference to a call of a convention. After spending some time in the discussion of the subject, on motion of Mr. McMullin, the committee rose, reported progress, and asked to be discharged from the further consideration of the subject.

The committee was discharged.

Mr. Lyons moved to strike out all after the enacting clause, and insert the bill introduced by Mr. Wall.

Mr. Harazthy moved a call of the House.

The call was sustained.

Mr. Fleming moved that leave of absence be granted to Mr. Pearce.

Not agreed to.

Mr. Wohler moved that Mr. Ten Broeck have leave of absence in consequence of ill health.

Agreed to.

Mr. Crittenden asked leave of absence for Mr. Thompson.

Leave granted.

Mr. Peachy moved that Mr. Pico have leave of absence,

Not agreed to.

The Clerk then called the roll, and the following members were found absent—Messrs. Gibson, Pearce, Pico and Yeiser.

Mr. McMullin moved that the doors be closed, and that the Sergeant-at-Arms be dispatched for absent members.

Agreed to.

Mr. Crabb moved that Mr. Yeiser be admitted within the bar of the House.

Agreed to.

Mr. Coats asked leave of absence for a short time.

Not granted.

Mr. Lyons moved that further proceedings be suspended under the call.

Not agreed to.

Mr. Tucker moved to admit Mr. Gibson within the bar of the House.

Agreed to.

Mr. Parrish moved that further proceedings under the call be dispensed with.

Agreed to.

Mr. Jones moved to adjourn.

Not agreed to.

The question then came up upon the motion made by Mr. Lyons, upon which Mr. Coats demanded a division of the question.

The chair decided the question in order.

Mr. Crabb appealed from the decision of the chair.

Mr. Merritt in the chair, asked shall the decision of the chair be sustained? The House decided in the affirmative.

Mr. Graham moved to re-consider the vote to sustain the chair.

The vote was re-considered.

Mr. Coats withdrew his motion for a division of the question.

Mr. Lyons withdrew his motion to strike out and substitute.

Mr. Hammond moved the bill offered by Mr. Wall as a substitute for the bill under consideration; upon which motion, Mr. Parrish demanded the ayes and nays.

Those who voted in the affirmative were—

Messrs. Blanchard,	Messrs. Lyons,
Boggs,	McConaha,
Brush,	McMeans,
Canney,	Merritt,
Chauncey,	Morse,
Coats,	Pacheco,
Colby,	Parrish,
Covarrubias,	Paxton,
Crittenden,	Stevenson,
Fleming,	Taliaferro,
Gardiner,	Tucker,
Gibson,	Wall,
Harazthy,	Wing,
Hinchman,	Wohler,
Ingersoll,	Young,
Kipp,	Speaker—33.
Law,	

Those who voted in the negative were—

Messrs. Caldwell,	Messrs. Hudspeth,
Cook,	Jones,
Crabb,	McKenzie,
Cutler,	McMullin,
Dameron,	Orrick,
Del Valle,	Peachy,
Ellis, of San Francisco,	Pico,
Ford,	Ridley,
Fowler,	Stark,
Graham,	Turner,
Hopkins,	Yeiser—22.

So the bill of Mr. Wall was substituted in place of the bill under consideration.

The following message was received from the Senate:—

Mr. Speaker:

I am instructed by the Senate, to inform the Assembly, that the Senate have passed the bill herewith presented, entitled an Act authorizing the Comptroller of State to sue and prosecute County Treasurers, and other

persons charged with the collection of State revenue, who have failed or refused to discharge their duties.

A. C. BRADFORD,
Secretary of the Senate.

Senate bill to authorize the Comptroller of State to sue and prosecute County Treasurers.

Read first, second and third time, and passed.

Mr. Tucker gave notice that, on Monday next, or some day thereafter, he would introduce a bill entitled an Act to repeal an Act entitled an Act to provide for reclaiming certain swamp or tule lands, and for Agricultural Experiments thereon.

On motion of Mr. Hinchman, quarter past 4 o'clock the House adjourned until 10 o'clock, on Monday next.

HOUSE OF ASSEMBLY.

MONDAY, March 1, 1852.

The House met pursuant to adjournment.

The roll was called by the Clerk, and the following members found absent—Messrs. Canney, Chauncey, Ellis, of San Francisco, Gardiner, Merritt, Orrick, Pico, Taliaferro, Tucker and Wall.

The Journal of Saturday, 28th February, read and approved.

The Speaker announced the House ready to proceed to business.

Mr. Brush introduced a bill for an Act concerning Estray Animals.

Read a first and second time, and referred to Committee on Agriculture.

Mr. McConaha introduced a bill to provide for an Act to amend an Act entitled an Act to incorporate the city of Sacramento.

Read a first and second time, and referred to Committee on Corporations.

Mr. Graham presented an account of D. L. Carteaux against the State, which was referred to Committee on Claims.

Mr. Paxton introduced a bill to be entitled an Act to appoint commissioners to lay out State road.

Read a first and second time, and referred to Committee on Roads and Highways.

The following message was received from the Governor:

EXECUTIVE DEPARTMENT,
Sacramento City, February 28, 1852.

To the Honorable the

Assembly of the State of California:

I have this day approved the following Acts, viz:—an Act entitled "an

Act granting Hon. J. H. Caswell, Judge of Nevada County, leave of absence."

An Act entitled "an Act explanatory of an Act entitled an Act to change and define the boundaries of Contra Costa and San Joaquin Counties."

An Act entitled "an Act to set apart twenty-five hundred dollars to meet the current expenses of the Senate and Assembly."

JOHN BIGLER.

Assembly bill for an Act concerning the County Recorder of Santa Barbara County, considered as engrossed, read a third time and passed.

Joint Resolution in reference to Indian Reservations.

Read a first and second time.

Mr. Crabb moved that the resolution be referred to the Committee on Indian Affairs.

Not agreed to.

Mr. McMullin moved its reference to a committee composed of one from each county in which the Reservations have been made, upon which proposition, Mr. Lyons demanded the ayes and nays.

Those who voted in the affirmative were—

Messrs. Canney,	Messrs. Hopkins,
Caldwell,	McKenzie,
Cook,	McMullin,
Covarrubias,	Orrick,
Crabb,	Pacheco,
Crittenden,	Peachy,
Del Valle,	Pico,
Ellis, of San Francisco,	Taliaferro,
Ford,	Wing,
Fowler,	Yeiser,
Hinchman,	Young—22.

Those who voted in the negative were—

Messrs. Blanchard,	Messrs. Lyons,
Boggs,	McConaha,
Brush,	McKim,
Coats,	McMeans,
Colby,	Merritt,
Dameron,	Morse,
Fleming,	Parrish,
Gardiner,	Paxton,
Gibson,	Pearce,
Haraz thy,	Ridley,
Hudspeth,	Stark,
Ingersoll,	Stevenson,
Jones,	Tucker,
Kipp,	Turner,
Law,	Speaker—30.

So the House refused to refer to a committee.

Mr. McMullin moved to lay the resolution on the table, and demanded the ayes and nays.

Those who voted to lay upon the table were—

Messrs. Canney,
Caldwell,
Cook,
Covarrubias,
Crabb,
Crittenden,
Del Valle,
Fowler,
Graham,
Hinchman,
Hopkins,
McKenzie,
McMullin,
Orrick,
Pacheco,
Pico,
Taliaferro—17.

Those who voted against laying upon the table were—

Messrs. Blanchard,
Boggs,
Brush,
Coats,
Colby,
Damerom,
Ellis, of San Francisco,
Fleming,
Ford,
Gardiner,
Gibson,
Harazthy,
Hudspeth,
Ingersoll,
Jones,
Kipp,
Law,
Lyons,
McConaha,
McKim,
McMeans,
Merritt,
Morse,
Parrish,
Paxton,
Peachy,
Pearce,
Ridley,
Stark,
Stevenson,
Tucker,
Turner,
Wing,
Yeiser,
Young,
Speaker—36.

So the House refused to lay the resolution upon the table.

Mr. Crabb moved to strike out the second resolution.

Not agreed to.

Mr. Crabb moved the following as an amendment to the third resolution: "but it is not intended by this resolution to cast any reflection or impute any fraud to the aforesaid United States Indian Agents."

Not agreed to.

Mr. Crabb moved to strike out the third resolution, upon which motion Mr. McMullin demanded the ayes and nays.

Those who voted to strike out were—

Messrs. Caldwell,	Messrs. Ford,
Cook,	Hinchman,
Covarrubias,	McKenzie,
Crabb,	Orrick,
Crittenden,	Pacheco—11.
Del Valle,	

Those who voted against striking out were—

Messrs. Blanchard,	Messrs. McMeans,
Boggs,	Merritt,
Brush,	Parrish,
Coats,	Paxton,
Colby,	Peachy,
Dameron,	Pearce,
Ellis, of San Francisco,	Pico,
Fleming,	Ridley,
Gardiner,	Stark,
Gibson,	Stevenson,
Haraz thy,	Taliaferro,
Ingersoll,	Tucker,
Jones,	Turner,
Kipp,	Yeiser,
Law,	Young,
Lyons,	Speaker—33.
McKim,	

So the House refused to strike out.

Mr. Lyons moved that the Joint Resolutions be engrossed for a third reading.

Agreed to.

On motion of Mr. Ingersoll, the House resolved itself into Committee of the Whole, Mr. McMullin in the chair, to consider a bill requiring the Comptroller to audit certain bills of the members of the present Legislature; after spending considerable time in its discussion,

On motion of Mr. Parrish, the committee rose and reported the bill back without amendment, and asked to be discharged from the further consideration of the subject.

The committee was discharged.

Mr. Canney moved to strike out two hundred, where it occurs in the bill, and insert three hundred.

Agreed to.

Mr. Merritt offered the following amendment to the first section, which was adopted.

"*Provided*, If there be so much in the Treasury, if not, then in pro rata proportion to each member."

Mr. Ellis, of San Francisco, moved to refer the bill to the Judiciary Committee.

Not agreed to.

Mr. Parrish moved that the bill be considered as engrossed.

Agreed to.

The bill was then put upon its final passage, upon which Mr. Ellis, of San Francisco, demanded the ayes and nays.

Those who voted for the passage of the bill were—

Messrs. Canney,	Messrs. Kipp,
Caldwell,	Law,
Coats,	Lyons,
Colby,	McKenzie,
Cook,	McMeans,
Cutler,	McMullin,
Dameron,	Pacheco,
Fleming,	Parrish,
Ford,	Paxton,
Fowler,	Pearce,
Gardiner,	Ridley,
Gibson,	Stevenson,
Graham,	Taliaferro,
Hinchman,	Turner,
Hopkins,	Wing,
Ingersoll,	Young,
Jones,	Speaker—34.

Those who voted in the negative were—

Messrs. Blanchard,	Messrs. Hudspeth,
Boggs,	McConaha,
Brush,	McKim,
Covarrubias,	Merritt,
Crabb,	Orrick,
Crittenden,	Peachy,
Del Valle,	Pico,
Ellis, of San Francisco,	Tucker—17.
Harazthy,	

So the bill passed.

The following message was received from the Governor:

I have the honor herewith to transmit the muster roll, vouchers, &c., of Capt. John W. Bird, Quarter Master and Commissary to the expedition commanded by Gen. Joshua Bean.

JOHN BIGLER.

On motion of Mr. Boggs, the papers accompanying the Governor's message was referred to Committee on Military Affairs.

Mr. Chauncey made the following report:

Mr. Speaker:

The Committee on Engrossed Bills have examined and found correctly engrossed the following Bills and Resolutions, viz:

An Act for the payment of Wm. P. Ross, his allowance as witness in the contested election between Messrs. Coats and Hawkes.

Substitute for the bill entitled "an Act to provide for the enumeration of the inhabitants of the State of California."

An Act supplemental to an Act entitled "an Act to provide for the incorporation of Railroad Companies," passed April 28th, 1851.

Joint Resolutions in regard to Volunteers informally enlisted in the United States service.

An Act ceding jurisdiction over certain lands to the United States and exempting the same from taxation.

An Act for the relief of John L. Smith, under Sheriff of Mariposa County.

Joint Resolution requesting our Senators and Representatives to use their best efforts to obtain certain Arms from the United States.

All of which is respectfully submitted.

W. R. HOPKINS,
For the Committee.
D. M. CHAUNCEY.

Mr. Tucker introduced a bill, an Act entitled an Act to repeal an Act entitled an Act to provide for reclaiming certain Swamp or Tule Lands and for agricultural experiments thereon.

Read a first and second time and referred to the Committee on Agriculture.

Mr. Gardiner introduced a bill to License Gaming.

Read a first and second time and referred to a Special Committee of five.

Messrs. Canney, Crabb, Parrish, Pearce and Wood were appointed said committee.

Mr. Crabb presented a a Joint Resolution from a joint committee of the two Houses, in regard to mail contracts.

Read a first and second time.

The following message was received from the Senate:

Mr. Speaker:

I am directed to inform the Assembly that the Senate did, on Saturday, appoint, as a committee of three on their part, Messrs. Tingley, Robinson and Snyder, to act in connection with a similar committee appointed on the part of the Asssembly, to take into consideration the memorial of certain citizens of San Francisco, in reference to the Pacific Mail Steamship Company.

All of which is respectfully submitted.

JAS. G. STEBBINS,
Assistant Secretary of the Senate.

March 1, 1852.

A bill upon its third reading, to be entitled an Act recommending to the Electors to vote for or against calling a Convention to revise and change the entire Constitution of this State.

Mr. Boggs moved a call of the House.

The call was sustained.

The Clerk then called the roll, and the following members were found absent:—Messrs. Chauncey, Colby, Fleming, Ingersoll, Pearce, Wall and Wohler.

On motion of Mr. Fowler, the doors were closed and the Sergeant-at-Arms despatched for absent members.

On motion, leave of absence was granted to Messrs. McConaha and Wohler.

On motion, Mr. Ingersoll was admitted within the bar of the House.

Mr. Lyons moved to suspend further proceedings under the call.

Not agreed to.

On motion, Mr. Colby was admitted within the bar of the House.

Leave of absence was granted to Messrs. Gardiner, Paxton, Hinchman and McMullin for three minutes.

On motion, Mr. Pearce was admitted within the bar of the House.

Mr. Turner moved that further proceedings under the call be dispensed with.

Not agreed to.

On motion of Mr. Tucker, leave of absence was granted for Mr. Chauncey.

On motion of Mr. Hinchman, further proceedings under the call were dispensed with.

Mr. McMullin moved that the bill be considered as engrossed, and read a third time.

Mr. McKim offered the following amendment to the first section of the bill, fourth and fifth lines,—insert after the words, "for a Convention," the words, "and Slavery;" and after the words, "against a Convention," the word, "Slavery."

Not agreed to.

Mr. Boggs moved to reconsider the vote, substituting the bill under consideration, for the bill which he originally introduced.

Mr. McMullin moved to lay the motion, to re-consider, upon the table.

Agreed to.

On motion of Mr. Ellis, of San Francisco, at 5 o'clock, P. M., the House adjourned until 10 o'clock, to-morrow.

HOUSE OF ASSEMBLY.

TUESDAY, March 2, 1852.

House met pursuant to adjournment.

The roll was called by the Clerk, and the following members found absent, Messrs. Coats, Crittenden, Ellis, of San Francisco, Gardiner, McConaha, Merritt, Peachy, Taliaferro, Wall and Yeiser.

The Journal of Monday, the 1st of March, read and approved.

The Speaker announced the House ready to proceed to business.

Mr. Dameron presented a petition from citizens of San Francisco, praying the appointment of Flour Inspectors.

Read and referred to a Select Committee, heretofore created, of which Mr. Merritt is chairman.

Mr. Hopkins made the following report:

The Committee on Engrossed Bills, respectfully report, that they have examined and found correctly engrossed the following bills:

An Act to divide the County of Colusi, and define its boundaries.

An Act to establish the County of Siskiyou, and establish the Seat of Justice therein.

Mr. Colby, chairman, made the following report:

The Committee on Enrolled Bills, have examined and found them correctly enrolled, an Act authorizing the Comptroller of State to sue and prosecute County Treasurers and other persons charged with the collection of State revenue who have failed or refused to discharge their duties.

An Act to amend an Act concerning County Recorders in the County of Toulumne.

Mr. Pico offered the following resolution:

Resolved, By the Assembly, (the Senate concurring) that the Legislature adjourn sine die on the 15th of the present month.

Laid upon the table.

On motion of Mr. Boggs the House took up the bill calling a convention, and, on his motion, the third section of the bill was stricken out.

Mr. Graham offered the following amendment, (to insert after the word voter) "and which ticket shall be deposited in a separate box which shall be furnished for that purpose by the Inspectors of the Election."

Agreed to.

Mr. Hinchman offered the following amendment, to strike out *thirtieth* where it occurs in the bill and insert *fortieth*.

Agreed to.

Mr. Boggs moved that the bill be considered as engrossed, and read a third time.

Agreed to.

Mr. Harazthy moved a call of the House.

The call was sustained.

The Clerk then called the roll and the following members were found absent, Messrs. Covarrubias, Gardiner, Taliaferro and Wall.

Mr. Parrish moved that the Sergeant-at-Arms be dispatched for the absent members.

Agreed to.

On motion, Mr. Wall was admitted within the bar of the House.

On motion, Messrs. Taliaferro, Covarrubias and Gardiner, were admitted within the bar of the House.

On motion of Mr. Harazthy, further proceedings under the call were dispensed with.

The bill then came up upon its final passage, upon which Mr. Fowler demanded the ayes and nays.

Those who voted in favor of the passage of the bill were—

Messrs. Blanchard,
Boggs,
Canney,
Caldwell,
Coats,
Coffroth,
Colby,
Cook,
Covarrubias,
Crabb,
Crittenden,
Dameron,
Del Valle,
Ellis, of San Francisco,
Fleming,
Ford,
Gardiner,
Gibson,
Graham,
Harazthy,
Hinchman,
Hudspeth,
Ingersoll,
Jones,
Kipp,
Law,
Lyons,
McConaha,
McKenzie,
McKim,
McMeans,
McMullin,
Merritt,
Pacheco,
Parrish,
Paxton,
Peachy,
Pearce,
Pico,
Ridley,
Smith,
Stark,
Stevenson,
Taliaferro,
Tucker,
Turner,
Wall,
Wood,
Yeiser,
Young,
Speaker—51.

Those who voted against the passage of the bill were—

Messrs. Brush,
Cutler,
Fowler,
Hopkins,
Morse,
Orrick,
Wing—7.

So the bill passed.

Mr. Colby, chairman, made the following report:

Your Committee on Enrolled Bills, have examined the Act concerning the Hospital Funds, and report the same correctly enrolled.

On motion of Mr. Boggs, a bill to provide for the sale of the 500,000 acres of land granted by the General Government, was made the special order for to-morrow, in Committee of the Whole.

On motion of Mr. Hammond, the House next proceeded to the consideration of a bill for an Act defining the duties of State Printer, and fixing his compensation.

Mr. Fowler moved a call of the House.

The call was sustained.

The Clerk called the roll and the following members were found to be absent, Messrs. Brush, Graham and Peachy.

On motion of Mr. Turner, leave of absence was granted to Mr. Morse.

On motion of Mr. Wood, further proceedings under the call were dispensed with.

Mr. Parrish offered the following amendment, "That the bill be re-committed to the Committee on Printing, with instructions to amend it, so as that the price allowed for the public printing shall not exceed the proposals by the papers of this city.

Mr. Wood offered the following as an amendment to the amendment, that the bill be re-committed to the Committee on Public Printing, and that they be instructed to report at an early date, a bill providing for the public printing on the contract system.

Upon which motion Mr. Wood demanded the ayes and nays.

Those who voted aye were—

Messrs. Caldwell,	Messrs. McConaha,
Covarrubias,	McMeans,
Crabb,	McMullin,
Crittenden,	Orrick,
Cutler,	Pacheco,
Del Valle,	Pico,
Ellis, of San Francisco,	Smith,
Fowler,	Stark,
Harazthy,	Turner,
Hinchman,	Wall,
Ingersoll,	Wing,
Jones,	Wood—25.
Kipp,	

Those who voted in the negative were—

Messrs. Blanchard,	Messrs. McKenzie,
Boggs,	McKim,
Canney,	Merritt,
Coats,	Parrish,
Coffroth,	Paxton,
Colby,	Peachy,

Messrs. Dameron,
Fleming,
Ford,
Gibson,
Graham,
Hudspeth,
Law,
Lyons,
Pearce,
Ridley,
Stevenson,
Taliaferro,
Tucker,
Yeiser,
Young,
Speaker—28.

The House refused to adopt the amendment to the amendment.

The question then came up upon the amendment offered by Mr. Parrish, upon which Mr. Fowler demanded the ayes and nays.

Those who voted in favor of the proposition to refer, were—

Messrs. Boggs,
Caldwell,
Coats,
Colby,
Covarrubias,
Crabb,
Crittenden,
Cutler,
Del Valle,
Ellis, of San Francisco,
Ford,
Fowler,
Haraz thy,
Hinchman,
Hopkins,
Hudspeth,
Ingersoll,
Jones,
Kipp,
McConaha,
McMeans,
McMullin,
Orrick,
Pacheco,
Parrish,
Paxton,
Pico,
Ridley,
Smith,
Stark,
Stevenson,
Turner,
Wall,
Wing,
Wood,
Speaker—36.

Those who voted nay were—

Messrs. Blanchard,
Canney,
Coffroth,
Dameron,
Fleming,
Gardiner,
Gibson,
Graham,
Law,
Lyons,
McKenzie,
McKim,
Merritt,
Peachy,
Pearce,
Taliaferro,
Tucker,
Yeiser,
Young—19.

So the bill was referred with instructions.

Mr. Hammond gave notice that, on to-morrow, he would move a re-consideration of the vote just taken.

On motion of Mr. Fowler, at 3½ o'clock, the House adjourned until 10 o'clock, to-morrow.

HOUSE OF ASSEMBLY.

WEDNESDAY, March 3, 1852.

House met pursuant to adjournment.

The roll was called by the Clerk, and the following members found absent—Messrs. Colby, Covarrubias, Crittenden, Gardiner, Lyons, McMullin, Merritt, Taliaferro, Tucker, Wall and Wohler.

The Journal of Tuesday, the 2d of March, read and approved.

The Speaker announced the House ready to proceed to business.

On motion, leave of absence was granted to Messrs. Ellis, of Nevada, and Mr. Morse.

Mr. Boggs presented a petition from Mrs. Silva Miller.

Read and referred to Committee on Claims.

Mr. Law presented a petition from citizens of Butte County in reference to the county seat of that county.

Referred to Committee on County Boundaries.

Mr. McMullin offered the following resolution, which was adopted:

Resolved, That it is the duty of the porters of this House to carry the mail to and from the post office, and they are hereby directed to be in attendance at all hours to perform said service.

Mr. Blanchard made the following report, which was received.

The Committee of Accounts, to whom was referred the claim of the County of Tuolumne, have had it under consideration, and find that the county claims $4,050, for expenses incurred in the execution of the foreign miner's law; of this sum $2,010 are for arrests, trials, and board of prisoners, and $1,400 for extra guard and jailers, and $644 for 322 days board of guard, at $2 per day.

The claim also includes other charges for prisoners for offences against the State under other laws, amounting to the sum of $4,012—the whole amount is $8,062.

The committee addressed a letter to the Attorney General upon the subject of the expenses incurred by the county in the execution of the foreign miner's law, and received from him in reply, the expression of his opinion, that the State, and not the county, is liable for the expenses incident to the execution of that law.

The opinion of the Attorney General is herewith annexed.

The committee respectfully report a bill for the relief of the County of Tuolumne and recommend its passage.

On motion of Mr. Crabb, the report and bill of the committee was made the special order for to-morrow, at 12 o'clock, M.

Mr. Hopkins made the following report:

The Committee on Engrossed Bills report that they have examined, and found correctly engrossed, the following bills:—

An Act concerning the County Recorder of Santa Barbara;

An Act recommending to the electors to vote for or against calling a convention to revise and change the entire Constitution of this State;

Also Joint Resolution in reference to Indian Reservations.

Mr. Merritt offered the following resolution, which was adopted:

Resolved, That the use of this House is hereby granted, for Thursday Evening next, to the members of the Episcopal Church.

Mr. McMullin moved that the Committee on Indian Affairs be permitted to employ a clerk.

Agreed to.

Mr. Graham introduced a bill for an Act to punish convicts for an escape from custody.

Read a first and second time, and referred to Committee on State Prison.

Mr. McMeans introduced a bill for an Act to establish a State Hospital.

Read a first and second time by title, and two hundred copies ordered to be printed, and made the special order in Committee of the Whole on Tuesday next, at 12 o'clock, M.

Mr. Turner introduced a bill for an Act to divide the State into Congressional Districts.

Read a first and second time.

Mr. Wood moved to print one hundred copies.

Not agreed to.

Mr. Brush moved its reference to Committee on Federal Relations.

Not agreed to.

Mr. Lyons moved to refer the bill to the Committee of the Whole House.

Not agreed to.

On motion of Mr. Parrish, the bill was referred to special committee of five.

Messrs. Parrish, Merritt, Harazthy, Wood and Hopkins were appointed said committee.

The following communication was received from the Governor:

To the Honorable,

The Assembly of the State of California:

I have the honor herewith to transmit the report of the Board of Examiners, designated by law to examine the accounts and vouchers of Major William Rogers, paymaster of the El Dorado Expedition, and the accounts and vouchers submitted by Major Rogers for the examination of said Board.

Also a copy of a communication addressed to me by Major Rogers, dated February 28, 1852, urging a speedy adjustment of the claims referred to in his letter.

JOHN BIGLER.

On motion, the papers accompanying the Governor's message were referred to Committee on Indian Affairs.

Agreeable to notice given on yesterday, Mr. Hammond moved a re-consideration of the vote, which referred to a committee the bill providing for the election of State Printer.

The vote was re-considered.

Mr. Boggs moved that the bill and motion to refer to Committee on Printing be laid upon the table.

Agreed to.

Mr. Boggs introduced a concurrent resolution to appoint a joint committee to receive proposals for the State Printing.

Mr. Parrish moved a call of the House.

The call was sustained.

The roll was called by the Clerk, and the following members found absent—Messrs. Covarrubias, Cutler, Fleming, Hudspeth and McKim.

On motion, Mr. Ford had leave of absence for two days.

Mr. Parrish moved that further proceedings under the call be dispensed with.

Agreed to.

The following message was received from the Senate.

Mr. Speaker:

I am directed to inform the Assembly that the Governor did, on Saturday, approve "an Act for the relief of the Treasurer of Santa Barbara County;" also,

"An Act to change the name of Lucy A. Stoddard Wakefield;" also,

"An Act amendatory of the second section of the Act concerning the office of State Treasurer," passed January 24th, 1850;" also,

"Joint Resolution for the relief of H. C. Hodge, Treasurer of Nevada County;" also,

"An Act to amend an Act to authorize the Governor of this State to remove and appoint Port Wardens," passed March 7th, 1851.

Also, that the Senate did, on yesterday, concur in Assembly Resolution, "to stop pay of Judges while absent on leave from the State."

Also, that the Senate did, on the same day, pass Assembly "Joint Resolution requesting our Senators and Representatives to use their best efforts to obtain certain Arms from the General Government."

Also, that the Senate did, on yesterday, pass a bill for "an Act to change the name of the 'California Wesleyan College,' to that of 'University of the Pacific.'"

All of which is respectfully submitted.

JAS. G. STEBBINS,
Assistant Secretary of the Senate.

March 2, 1852.

Mr. Hammond offered the following as a substitute to the resolution offered by Mr. Boggs:

Resolved, That a committee of three, from the Assembly, be elected by ballot, whose duties shall be to inquire and report to the House, the minimum prices, at which the public printing can be done, by any press of this State, and what security can be furnished the State by the proposer of such minimum price.

The printing to be done in the State, and the Statutes, Journals, &c., to be furnished complete in forty days from the day of adjournment of this Legislature.

No extra cost to the State shall be allowed for binding, stiching, and folding, but the prices proposed shall cover all expense to the State.

Mr. Lyons moved to amend the substitute by striking out "an election of the committee," and insert "to be appointed by the Speaker."

Agreed to.

The vote was then taken upon the substitute of Mr. Hammond and lost.

The question then came up upon the resolution of Mr. Boggs.

Mr. Hammond moved that the House elect the committee proposed in the resolution.

Not agreed to.

Mr. McMullin demanded the previous question.

Mr. Merritt, in the chair, demanded—"Shall the main question be now put?"

The House decided in the affirmative.

Upon which Mr. Wood demanded the ayes and nays.

Those who voted in favor of the passage of the resolution offered by Mr. Boggs, were—

Messrs. Blanchard,	Messrs. Ingersoll,
Boggs,	Kipp,
Caldwell,	McConaha,
Coats,	McKim,
Colby,	McMeans,
Covarrubias,	McMullin,
Crabb,	Orrick,
Crittenden,	Pacheco,
Cutler,	Parrish,
Del Valle,	Pico,
Ellis, of San Francisco,	Smith,
Fowler,	Stark,
Harazthy,	Turner,
Hinchman,	Wing,
Hopkins,	Wood—31.
Hudspeth,	

Those who voted against the resolution were—

Messrs. Brush,
Canney,
Coffroth,
Cook,
Dameron,
Fleming,
Gardiner,
Gibson,
Graham,
Law,
Lyons,
McKenzie,
Merritt,
Paxton,
Peachy,
Pearce,
Ridley,
Taliaferro,
Tucker,
Wall,
Yeiser,
Young,
Speaker—23.

So the resolution passed and Messrs. Peachy, Stevenson, Caldwell and McKenzie, were appointed on the part of the House.

Mr. Colby, chairman, made the following report:

"The Joint Committee on Enrolled Bills, have examined and found correctly enrolled the following bills and resolutions:

An Act exempting the Hospital and Interest Funds, from the operations of the Act, entitled, an Act requiring the Treasurer to retain certain moneys until appropriations thereof shall be made by law.

An Act concerning County Treasurers and other officers, and for the prosecution of the same for neglect and refusing to discharge their respective duties.

Joint Resolution in relation to emigrant vessels; and

Joint Resolution providing for the distribution of the Journals.

On motion of Mr. McMullin, a bill for an Act to repeal the Water Lot Bill, was taken from the table and made the special order of the day for Wednesday next.

Special order of the day—in Committee of the Whole, Mr. McMullin in the chair,—to consider a bill to provide for the disposal of the 500,000 acres of land, granted to this State by the General Government. After spending some time in its discussion and making amendments thereto, on motion of Mr. Parrish, the committee rose, reported progress, and asked leave to sit again.

Leave granted.

Mr. Crittenden introduced a bill to be entitled an Act to protect the State Treasurer against vexatious suits and proceedings.

On motion of Mr. Parrish, the rule was suspended, the bill read a first, second and third time, considered as engrossed, and passed.

On motion of Mr. Merritt, at 4 o'clock, P. M., the House adjourned until 10 o'clock, to-morrow.

HOUSE OF ASSEMBLY.

THURSDAY, March 4, 1852.

The House met pursuant to adjournment.

The roll was called by the Clerk, and the following members were found absent:—Messrs. Covarrubias, Crittenden, Ellis, of San Francisco, Fowler, Gardiner, Graham, Hinchman, Lyons, McKenzie, Taliaferro, Wall, Wohler and Yeiser.

The Journal of Wednesday, 3d March, read and approved.

The Speaker announced the House ready to proceed to business.

Mr. Colby presented a petition from merchants of Sacramento city, upon the subject of appointing Flour Inspectors.

Referred to Special Committee upon the subject of Flour Inspectors, Mr. Merritt, chairman.

On motion made, Messrs. Coffroth, Lyons and Young were excused from serving upon the Committee on Printing.

Mr. Smith, chairman of Committee on Claims, made the following reports:

The Committee on Claims, to whom was referred a bill directing the Comptroller to draw his Warrant on the Treasurer in favor of Lyman Leslie, for sixty dollars, have had the same under consideration, and would recommend its passage.

The bills of Orrin Bailey, William Corbett, and others, for services rendered in the contested election between Chauncey and Thorne, report the same back and ask leave to be discharged from the further consideration of the subject.

A bill for the relief of Hinckley and Davis, for the sum of thirty dollars, have had the same under consideration and recommend its passage.

A bill for the relief of M. C. Dougherty, for the sum of one hundred and twenty-five dollars, and recommend its passage.

Accounts of J. C. Tucker, for $220; S. A. McMeans, for $220; and R. N. Wood, for $110;—expenses incurred as a Select Committee to examine the State Marine Hospital at San Francisco, report them as correct, and recommend the passage of a bill, which is herewith presented.

Report and bill laid on the table.

Mr. Boggs, chairman of Committee on Agriculture, reported back a bill concerning Estray Animals, with an amendment, and recommended its passage.

Mr. McMullin moved that the bill be made the special order for one o'clock this day, in Committee of the Whole.

Agreed to.

Mr. Wood made the following report:

Mr. Speaker:

The Committee on Commerce, to whom was referred a bill "to protect the State of California against the introduction of foreigners of bad character," have had the same under consideration, and report the same back to

the House with the amendment of third and fourth sections, which is added, and respectfully recommend its adoption.

A bill to protect the State of California against the introduction of foreigners of bad character.

Read, and on motion of Mr. Coffroth, laid upon the table.

Mr. Crittenden offered the following, which was adopted:

Resolved, That the Committee on the Judiciary are authorized to call upon the Enrolling and Engrossing Clerks of the House, when not engaged in the discharge of their proper duties, to do such writing for the committee as may be required; or, if necessary, the committee are authorized to employ an additional clerk.

The following message was received from the Senate:

Mr. Speaker:

I am directed to inform the Assembly that the Senate did, on yesterday, pass a bill for "an Act for the relief of W. J. Whitney;" also,

A bill for "an Act for the relief of Tobin and Duncan;"

Also, that they did, on the same day, pass Assembly bill for "an Act concerning the County Recorder of Santa Barbara County;"

Also, Assembly bill for "an Act requiring the Comptroller to audit certain bills of the members of the present Legislature."

All of which is respectfully submitted.

A. C. BRADFORD,
Secretary of the Senate.

March 4, 1852.

Mr. Coffroth offered the following, which was laid upon the table:

Resolved, That on and after Monday, 15th instant, no new bills or Joint Resolutions will be entertained by the Assembly, except by unanimous leave.

Mr. Crittenden offered the following, which was laid upon the table:

Resolved, (the Senate concurring,) That the Legislature will adjourn *sine die* on the eighteenth day of the present month.

Mr. McMeans made the following report:

The committee to whom was referred the petition of James L. Bolen, praying relief, &c., beg leave to report, that they have had the same under consideration,—and being fully satisfied that the claimant is justly entitled to the claim of one thousand dollars, as set forth in his petition, out of the funds provided for the payment of the debt accruing from the first expedition of California Volunteers against the Indians within the limits of the State, respectfully recommend the same to the respectful consideration of the House, and ask the passage of the following Act:

An Act for the relief of James L. Bolen.

Read a first time and ordered to a second reading on to-morrow.

Mr. Colby, chairman, reported that the Committee on Enrolled Bills had examined and found correctly enrolled a Joint Resolution requesting our Senators and Representatives in Congress to use their best efforts to obtain certain Arms from the General Government.

Mr. Crabb moved to take up a bill entitled an Act to authorize the funding of the debt of the County of El Dorado, and to provide for the payment of the same.

Agreed to.

The bill was read a second time by title, and referred to the delegation from El Dorado County.

Mr. Caldwell introduced a bill for an Act prohibiting certain violations of the Sabbath.

Read a first and second time and referred to the Committee on Federal Relations.

Senate bill for an Act to change the name of the California Wesleyan College, to that of the University of the Pacific.

Read a first time and ordered to a second reading on to-morrow.

On motion of Mr. Harazthy, the House resolved itself into Committee of the Whole, Mr. Ingersoll in the chair, to consider a bill for an Act concerning the organization of the Militia. After spending some time in the discussion of the same, and making sundry amendments thereto, on motion of Mr. Ellis, of San Francisco, the committee rose, reported the bill back as amended and asked to be discharged.

The Committee was discharged.

Mr. Merritt moved to concur in the amendments made in Committee of the Whole, generally.

Not agreed to.

Mr. Ellis, of San Francisco, moved that the bill be read and considered by sections.

Agreed to.

Mr. Boggs moved to strike out the words in the first section, "in case of war, invasion, or insurrection."

Not agreed to.

The House concurred in the amendments made to sections 3, 4 and 5.

On motion of Mr. Boggs, section six was stricken out.

Amendment to section seventh was concurred in.

Mr. Stark moved that the words "Commander-in-Chief," be stricken out.

Agreed to.

Amendment made to thirteenth section, agreed to.

Mr. Ellis, of San Francisco, moved to insert $2,000 instead of $1,000, in section fifteen.

Agreed to.

Amendments to sections 17, 18 and 20, concurred in.

Substitute for section twenty-one, agreed to.

Amendment to section twenty-second, agreed to.

Mr. Ellis, of San Francisco, moved to strike out "six musicians," and insert "two."

Agreed to.

The House then concurred in all the amendments, which were made in Committee of the Whole.

Mr. Crabb offered the following additional section, which was agreed to:

The Act entitled an Act concerning the organization of the Militia, passed April 10th, 1850, is hereby repealed.

Mr. Merritt moved that the bill be considered as engrossed, and put upon its final passage, upon which Mr. Fowler demanded the ayes and nays.

Those who voted for the bill were—

Messrs.	Blanchard,	Messrs.	Orrick,
	Brush,		Pacheco,
	Canney,		Parrish,
	Caldwell,		Paxton,
	Colby,		Peachy,
	Dameron,		Pearce,
	Ellis, of San Francisco,		Ridley,
	Gardiner,		Smith,
	Gibson,		Stark,
	Harazthy,		Stevenson,
	Hinchman,		Taliaferro,
	Ingersoll,		Thompson,
	Kipp,		Wing,
	Law,		Yeiser,
	Lyons,		Young,
	McKim,		Speaker—32.

Those who voted against the bill were—

Messrs.	Boggs,	Messrs.	Hopkins,
	Coats,		Jones,
	Coffroth,		McConaha,
	Covarrubias,		McKenzie,
	Crabb,		McMeans,
	Crittenden,		McMullin,
	Cutler,		Merritt,
	Del Valle,		Tucker,
	Fleming,		Wall,
	Fowler,		Wood—20.

So the bill passed.

Mr. McMullin moved to indefinitely postpone the title to the bill.

The Speaker decided the motion out of order.

Mr. McMullin appealed from the decision of the chair.

Mr. Parrish moved to lay the appeal upon the table.

Mr. McMullin demanded the ayes and nays.

The Speaker decided the demand for the ayes and nays out of order, as the question under consideration was a question of order.

The question was then taken upon the motion made by Mr. Parrish, and decided in the affirmative.

Mr. Fowler offered the following:

This Act to take effect on and after the first day of July, 1860.

Lost.

Mr. Fowler moved to adjourn.

Not agreed to.

Mr. Coats moved to take up Joint Resolution in reference to Indian Reservations.

Agreed to.

Mr. Wood moved to re-commit the resolution to the Committee on Indian Affairs.

Mr. Brush moved, as an amendment to the motion of Mr. Wood, that the committee be instructed to report on Tuesday next.

Agreed to.

Mr. Paxton moved to adjourn.

Not agreed to.

On motion of Mr. Crabb, the House resolved itself into Committee of the Whole, Mr. Coffroth in the chair, to consider a bill for an Act concerning estray animals.

After spending some time in the discussion of the bill, and making sundry amendments thereto, on motion of Mr. Lyons, the committee rose, reported progress, and asked leave to sit again.

Agreed to.

Mr. McMeans moved that two hundred copies of the bill be printed.

Mr. McKim moved to amend by inserting five hundred copies.

Not agreed to.

The question was then taken upon printing two hundred and lost.

On motion of Mr. Peachy, at 5 o'clock, P. M., the House adjourned until 10 o'clock, to-morrow.

HOUSE OF ASSEMBLY.

FRIDAY, March 5, 1852.

The House met pursuant to adjournment.

The roll was called by the Clerk and the following members found absent:—Messrs. Covarrubias, Crittenden, Ellis, of San Francisco, Gardiner, Kipp, Merritt, Peachy, Pico and Tucker.

The Journal of Thursday, 4th March, read and approved.

The Speaker announced the House ready to proceed to business.

Mr. Taliaferro made the following report:

Your committee, to whom was referred an Act supplementary to an Act

concerning Corporations, would respectfully recommend it to the favorable consideration of the House.

They do this with the greater pleasure, because they see in perspective, under the provisions of this Act the development of interests, which, but for it, would have ever remained dormant. They see great *Sahara's* converted into beautiful *Oases*. They see mill-stones turning where they never would have turned, but for this water influence. They see dry gulches converted into running streams giving thereby the means of taking from *old mother earth* the "*oro*," which, but for it, would have ever remained intact, and impenetrable. And above all, they *see* vast streams which now flow on majestic, sullen, solitary and alone; converted under its protective influence into millions of little streamlets, which, bifurcate and ramify indefinitely, and which go to vivify and fructify the whole face of our country.

An Act supplementary to an Act concerning Corporations.
Read, and two hundred copies ordered to be printed.
Mr. Colby, chairman, made the following report:

The Joint Committee on Enrolled Bills, have examined and found correctly enrolled, a bill requiring the Comptroller to audit certain bills of the present Legislature.

Mr. Taliaferro, chairman, made the following report:

The committee, to whom was referred the bill to be entitled an Act to incorporate the town of Alviso, recommend it to the favorable consideration of the House.

Mr. Taliaferro made a further report:

The committee, to whom was referred an Act to amend an Act entitled an Act to incorporate the City of Sacramento, beg leave to report it back to the House, and ask to be discharged from a further consideration of the subject.

A bill to provide for an Act to amend an Act entitled an Act to Incorporate the City of Sacramento,
On its third reading it was made the special order for Wednesday next.
Mr. Dameron, chairman, made the following report:

The Committee on County Boundaries, to whom was referred the petition of the citizens of Calaveras County, for the removal of the seat of Justice to Mokelumne Hill, remonstrances against it, and petitions for dividing said county, having had the same under consideration, beg leave to report the following bill, recommend its passage to the House, and ask to be discharged from further consideration of the subject.

An Act for the permanent location of the county seat of Calaveras County;
Mr. McKim moved to reject the bill.
Not agreed to.

The bill was then read a first time, and ordered to a second reading to-morrow.

Mr. Stevenson made the following report:

The Committee on Engrossed Bills, report that they have examined, and found found correctly engrossed, a bill for an Act concerning the organization of the Militia.

Mr. McKim made the following report:

Mr. Speaker:

The Committee on Roads and Highways, to whom was referred "a bill entitled an Act to appoint commissioners to ascertain, and present to the next Legislature, the practicability of constructing a State road from Marysville to the Humboldt River across the Sierra Nevada Mountains," have had the same under consideration, and believing it to be the duty of this committee to report in favor of all bills of this nature, by which the Legislature of this State can gather any information as to the practicability of constructing a good and advantagous road for those who may think proper to emigrate to that portion of our State. Believing that it will be of great advantage to a large number of those that may desire to settle in that portion of California, and as your committee from reliable information ascertains that there is no direct or regular travelled road, for the want of reliable information, therefore, your committee hope this House will give due consideration to this matter, and the probable benefit that may result to many of the suffering emigration who seek a home in our State. Therefore, your committee beg leave to report the same back to the House, and recommend its passage.

W. L. McKIM,
Chairman.

On motion of Mr. Colby, the bill was re-committed to Committee on Roads and Highways.

Mr. Law made the following report:

A majority of the Select Committee, to whom was referred the bill entitled an Act defining the boundary line between Butte and Sutter Counties, have had the same under consideration, and beg leave to report the same back with the recommendation that it ought to pass.

[SIGNED.] LAW,
FOWLER, and
MORSE.

A bill for an Act defining the boundary line between Butte and Sutter Counties; considered as engrossed, read a third time and passed.

On motion of Mr. Merritt, Mr. Del Valle had leave of absence granted after the 10th of the present month, for the balance of the session.

Mr. Law offered the following resolution, which, on motion of Mr. Parrish, was laid upon the table:

Resolved, That hereafter no one member shall occupy the attention of this House beyond ten minutes, in argument, on this floor, and that no member shall be permitted to speak more than once on the different readings of a bill or any other measure introduced into this House.

Mr. Law offered the following, which laid over one day under the rule:

Resolved, That hereafter this House will meet, as at present, at 10 o'clock, A. M., adjourn at 3 o'clock, P. M., take a recess of two hours, convening an evening session at 5 o'clock, P. M., during the remainder of the Legislative session.

Mr. Coats introduced a Joint Resolution instructing our Senators and Representatives in Congress, relative to foreigners.

Read a first and second time and referred to Committee on Federal Relations.

Mr. Harazthy presented a petition of O. S. Witherby, praying relief.

Referred to Committee on Claims.

Mr. Thompson gave notice that, on to-morrow, he would introduce a bill to prohibit the sale of spirituous or other liquors, at camp meetings or other places of public worship.

Mr. Hinchman introduced a bill for an Act, supplementary to an Act, to incorporate the city of Santa Barbara.

Read a first and second time; considered as engrossed, read a third time and passed.

Mr. Peachy gave notice that, on to-morrow or at an early day thereafter, he will introduce a bill to be entitled an Act to enforce contracts for work and labor between citizens of the United States residing in California, and the inhabitants of certain countries.

Mr. Wing gave notice that, on to-morrow, or some future day, he would introduce a bill entitled an Act to create a Board of Commissioners to survey a State Road from Placerville to Carson Valley.

Mr. Crittenden introduced a bill to be entitled an Act amendatory of an Act entitled an Act concerning the salaries of officers and pay of members of the Legislature.

Read a first and second time and referred to the Committee of Ways and Means.

Mr. Graham introduced a bill to establish a Water Line in the city of Benicia, and defining the title to certain property within said water line.

Read a first and second time and referred to the Judiciary Committee.

Mr. Peachy introduced a bill for an Act concerning the office of County Clerk and County Recorder of the County of San Francisco, and regulating the fees of said officers.

Read a first time.

Mr. Wood objected to the bill.

The question was then taken, and the House refused to object to the bill.

The bill was then read a second time and referred to the Judiciary Committee.

Senate bill for an Act for the relief of W. J. Whitney.

Read a first and second time and referred to the Committee on Claims.

Senate bill for an Act to change the name of the California Wesleyan College to that of the University of the Pacific.

Read a second time and referred to the Committee on Corporations.

On motion of Mr. McMeans, the House resolved itself into Committee of the Whole, Mr. Fowler in the chair, to consider an Act for the relief of James L. Bolen.

After a short time spent in consideration of the bill, on motion of Mr. Merritt, the committee rose, reported the bill back without amendment, and asked to be discharged from its further consideration.

The committee was discharged.

The bill was then considered, engrossed, read a third time and passed.

Mr. Merritt moved to amend the thirty-first rule as follows:—"A demand being made for the previous question, shall be seconded by at least one-fifth of the members present; and if not so seconded, the demand shall not be regarded by the chair."

Laid over one day under the rule.

Senate bill for the relief of Tobin and Duncan.

Read a first and second time and referred to the Committee on Claims.

Senate bill No. 15, an Act amendatory of an Act creating and regulating Public Ferries; and of an Act to amend an Act creating and regulating Public Ferries, passed March 18th, 1850; upon its third reading.

Mr. Boggs moved to indefinitely postpone the bill.

Agreed to.

On motion of Mr. Parrish, the House resolved itself into Committee of the Whole, Mr. Fowler in the chair, to consider the bill to sell the 500,000 acres of Land granted to this State by the General Government.

After spending some time in its consideration, and sundry amendments being made thereto, on motion of Mr. Parrish, the committee rose, reported the bill as amended, and asked to be discharged.

The committee was discharged.

Mr. Merritt moved to consider the amendments, made in Committee of the Whole, separately.

On motion of Mr. McMullin, the first amendment, made in Committee of the Whole—which was to strike out "bill," where it occurred, and insert "Act," was agreed to.

Second amendment in section third, not agreed to.

Amendment of the fifth section agreed to.

Amendment to section sixth, on motion of Mr. McMullin, was concurred in, except as to the words—"or otherwise," which words were stricken out.

On his motion, also, sixth section was amended to read, after Mexican, "Spanish."

Amendments to section twelfth, agreed to.

Section thirteenth, new section agreed to, with an amendment, on motion of Mr. Boggs, to add to the section the following—"until the Legislature otherwise direct."

Mr. Boggs moved to strike out section fourteenth.

Agreed to.

The amendments for two new sections, agreed to.

Mr. Wall then moved to strike out 500,000 acres where it occurs in the bill, and insert 200,000, and demanded the ayes and nays.

Those who voted to strike out and insert were—

Messrs. Coffroth,	Messrs. Taliaferro,
Dameron,	Turner,
Fowler,	Wall,
Hinchman,	Wohler—8.

Those who voted in the negative were—

Messrs. Blanchard,	Messrs. McMeans,
Boggs,	McMullin,
Brush,	Merritt,
Canney,	Orrick,
Caldwell,	Pacheco,
Coats,	Parrish,
Crabb,	Paxton,
Crittenden,	Peachy,
Del Valle,	Pearce,
Fleming,	Ridley,
Gibson,	Smith,
Graham,	Stark,
Harazthy,	Stevenson,
Hudspeth,	Thompson,
Ingersoll,	Tucker,
Jones,	Wing,
Kipp,	Wood,
Law,	Yeiser,
Lyons,	Young,
McConaha,	Speaker—40.

So the motion to strike out was not agreed to.

Mr. Wall then offered the following amendment, upon which Mr. Fowler demanded the ayes and nays:

Insert, after the word "authorized," in first line, second section,—"to expose said Warrants, at public auction, for sale to the highest bidder, on the first five days of each month, Sundays excepted: *Provided*, no such Warrant is sold for less than two dollars per acre."

Those who voted for the amendment were—

Messrs. Blanchard,	Messrs. McMeans,
Canney,	Merritt,
Caldwell,	Pacheco,
Coffroth,	Parrish,
Crittenden,	Peachy,
Dameron,	Ridley,
Del Valle,	Taliaferro,
Fowler,	Tucker,
Gardiner,	Turner,
Gibson,	Wall,
Harazthy,	Wing,

Messrs. Hinchman,	Messrs. Wohler,
Hopkins,	Young,
Jones,	Speaker—29.
Law,	

Those who voted against the amendment were—

Messrs. Boggs,	Messrs. McKenzie,
Brush,	McMullin,
Coats,	Orrick,
Crabb,	Paxton,
Fleming,	Pearce,
Graham,	Smith,
Hudspeth,	Stark,
Ingersoll,	Stevenson,
Kipp,	Thompson,
Lyons,	Wood—20.

So the amendment was agreed to.

On motion of Mr. Graham, at 5 o'clock, P. M., the House adjourned until to-morrow at 10 o'clock.

HOUSE OF ASSEMBLY.

SATURDAY, March 6, 1852.

The House met pursuant to adjournment.

The roll was called by the Clerk, and the following members found absent—Messrs. Covarrubias, Gardiner, McKenzie, McKim, Pico, Taliaferro, Tucker, Wall, Wohler and Yeiser.

The Journal of Friday, March 5th, read, amended and approved.

The Speaker announced the House ready to proceed to business.

Mr. Coffroth, chairman, made the following report:

The Committee on Federal Relations, to whom was referred a bill prohibiting certain violations of the Sabbath, report the same back and respectfully ask its adoption.

The unbridled licentiousness, and the prevalence of so much vice and immorality, within the borders of our State, have had strong tendencies to retard the permanent settlement of the country, and depress the minds of the emigrant families who have made this their permanent home.

The committee cannot too earnestly urge this subject to the favorable consideration of the Assembly; it calls for prompt and energetic action.

The bill asks but for a suppression of vices upon a day set apart by Divine ordination, as a day of rest and prayer. The committee trusts that

this House will, at least, assist in the great work of moral reform, so manifestly desired in our infant State.

Mr. Hopkins made the following report:

The Committee on Engrossed Bills, report that they have examined and found correctly engrossed, the following bills:

An Act defining the boundary between Butte and Sutter Counties.

An Act for the relief of James L. Bolen.

An Act to be entitled an Act supplementary to an Act to incorporate the city of Santa Barbara, passed April 9th, 1850.

Resolution offered by Mr. Law, on yesterday, in reference to the meeting and adjourning of the Assembly, taken up, and, on motion of Mr. Fowler, was indefinitely postponed.

Resolution offered, on yesterday, by Mr. Merritt, to change one of the rules of the House, taken up.

Mr. Fowler moved to indefinitely postpone the resolution.

No quorum voting.

Mr. Merritt asked leave to withdraw the resolution.

Leave granted.

Joint Resolution, offered on yesterday, by Mr. Stark, in reference to pay of absent members, taken up, and, on motion, was indefinitely postponed.

Mr. Peachy introduced a bill for an Act to enforce the observance of contracts made without this State, for the performance of labor within the limits thereof.

Read a first and second time and referred to a Select Committee of five, and two hundred copies ordered to be printed.

Messrs. Wood, Boggs, McMullin, Ridley and Kip, were appointed the committee.

Mr. McMeans made the following report:

The Committee, to whom was referred a bill entitled, an Act authorizing the funding of the debt of El Dorado County, and to provide for the payment of the same, have had the same under consideration, and respectfully recommend its passage.

Respectfully submitted,

S. A. McMEANS,
W. R. HOPKINS,
JOHN CUTLER,
AUSTIN WING.

The bill was considered as engrossed, read a third time and passed.

Mr. Parrish moved to re-consider the vote which adopted an amendment offered by Mr. Wall, to the second section of the bill proposing to sell the 500,000 acres of land granted by the General Government to this State.

The vote was re-considered.

The vote was then taken upon the adoption of the amendment, which had been re-considered, upon which Mr. McMullin demanded the ayes and nays.

Thore who voted in the affirmative were—

Messrs. Blanchard,
Canney,
Coffroth,
Crittenden,
Dameron,
Del Valle,
Ellis, of San Francisco,
Fowler,
Gardiner,
Gibson,
Hinchman,
Jones,
Merritt,
Pacheco,
Peachy,
Taliaferro,
Turner,
Wing,
Young,
Speaker—20.

Those who voted in the negative were—

Messrs. Boggs,
Brush,
Caldwell,
Coats,
Colby,
Crabb,
Cutler,
Fleming,
Graham,
Harazthy,
Hopkins,
Hudspeth,
Ingersoll,
Kipp,
Lyons,
McKim,
McMeans,
McMullin,
Orrick,
Parrish,
Paxton,
Pearce,
Ridley,
Smith,
Stark,
Stevenson,
Thompson,
Wood,
Yeiser—29.

The amendment was not agreed to.

Mr. Colby moved to re-consider the bill.

Not agreed to.

The House then considered the bill by sections.

Mr. Ingersoll moved to amend the sixth section, to come in at the end "either directly or indirectly."

Not agreed to.

Mr. Coffroth offered the following as an amendment to the twelfth section, "And all such returns to the Surveyor General shall be made in accordance with instructions to be furnished by the Surveyor General, so as to connect said Surveys with a *base line* or *lines*, and the Surveyor General is hereby required to plat the same upon a general map of the State, and annually report to the Legislature a copy of said map, showing such localities thereon."

Not agreed to.

Mr. McConaha offered the following amendment as an additional section:

No person shall be permitted to purchase under this Act, Warrants for more than six hundred and forty acres, and shall, before purchasing one of said Warrants, deposit with the Comptroller of State, an affidavit setting

forth that he wants said lands for the purpose of making a permanent settlement thereon and that he is not possessed of other lands within this State.

Mr. Boggs moved to strike out the words " and that he is not possessed of other lands within this State,"

Agreed to.

The question was then taken, and the amendment, offered by Mr. McConaha, as amended.

Mr. Boggs moved to adopt the preamble to the bill.

Mr. Hammond moved to amend the preamble by inserting, in place of " to avail," " to take advantage."

Not agreed to.

The vote was then taken upon the motion of Mr. Boggs, and agreed to.

Mr. Parrish moved that the bill be considered as engrossed and put upon its final passage.

Agreed to.

The question then came up upon the passage of the bill.

Mr. Parrish demanded the ayes and nays.

Mr. Law moved a call of the House.

The call was not sustained.

Those who voted for the passage of the bill were—

Messrs.	Boggs,	Messrs.	McMeans,
	Brush,		McMullin,
	Caldwell,		Orrick,
	Coats,		Parrish,
	Crabb,		Paxton,
	Cutler,		Peachy,
	Fleming,		Pearce,
	Graham,		Ridley,
	Harazthy,		Smith,
	Hopkins,		Stark,
	Hudspeth,		Stevenson,
	Ingersoll,		Thompson,
	Lyons,		Wing,
	McKenzie,		Wood,
	McKim,		Yeiser—30.

Those who voted against the bill were—

Messrs.	Blanchard,	Messrs.	Hinchman,
	Canney,		Kipp,
	Coffroth,		Law,
	Colby,		Merritt,
	Crittenden,		Pacheco,
	Dameron,		Taliaferro,
	Del Valle,		Turner,
	Fowler,		Wall,
	Gardiner,		Young,
	Gibson,		Speaker—20.

So the bill passed.

Mr. Dameron moved a call of the House.

The call was sustained.

The Clerk called the roll and the following members were absent:—Messrs. Cutler, Ellis, of San Francisco, Hudspeth, Jones, Pico, Tucker, Turner and Wohler.

On motion, Messrs. Ellis, of San Francisco, Cooke Ten Broeck, Coats and Tucker were excused.

Mr. Brush moved to call the roll again, which was agreed to.

The Clerk then called the roll, and the following members were absent:—Messrs. Cutler, Hudspeth, Jones, McConaha, Pico, Canney, Turner and Wohler.

Mr. Canney and Mr. McConaha were admitted within the bar of the House.

On motion of Mr. Parrish, Mr. McConaha was excused, without the payment of the usual fees.

On motion of Mr. Merritt, Mr. Canney was excused by the payment of the usual fees.

Mr. Merritt moved to re-consider the vote compelling Mr. Canney to pay fees.

Agreed to.

Mr. Merritt then moved that Mr. Canney be excused from the payment of the usual fees.

Agreed to.

On motion of Mr. Hammond, further proceedings under the call was dispensed with.

Orders of the day taken up.

The following message was received from the Senate:

Mr. Speaker:

I am directed to inform the Assembly that the Senate did, on yesterday, pass Assembly bill for "an Act for the payment of Wm. G. Ross, his allowance as witness in the contested election between Messrs. Coats and Hawkes."

Also, that they have passed Assembly bill for "an Act directing the Comptroller to draw a Warrant in favor of J. P. Wyatt for ninety-five dollars."

Also, that the Senate did, on the same day, pass a bill for "an Act concerning the deposit of Gold Dust, Money, or other valuables, and to prevent fraud therein."

Also, that they did, on the same day, pass Senate bill for "an Act concerning fugitives from justice."

Also, that they have passed Senate bill for "an Act to fund the indebtedness of the State which has accrued or may accrue from April 29th, 1851, to December 31st, 1852, inclusive, and to provide for the payment of the three per cent. Bonds."

A. C. BRADFORD,
Secretary of the Senate.

March 6, 1852.

Senate bill in relation to fugitives from justice.

Read a first time.

Senate bill for an Act to fund the indebtedness of this State.

Read a first and second time and referred to Committee of the Whole House, and made the special order for Tuesday next, at 12 o'clock.

A bill to be entitled an Act to create a State Hospital in the town of San Diego.

Taken up and read.

On motion of Mr. McMeans, at quarter past 3 o'clock, the House adjourned until 10 o'clock on Monday next.

HOUSE OF ASSEMBLY.

MONDAY, March 8, 1852.

House met pursuant to adjournment.

The roll was called by the Clerk, and the following members found absent—Messrs. Brush, Coats, Covarrubias, Cutler, Gardiner, Graham, Hopkins, Kipp, McConaha, McKim, McMullin, Merritt, Pearce, Pico, Taliaferro, Wing, Wohler and Yeiser.

The Journal of Saturday, the 6th of March, read and approved.

The Speaker announced the House ready to proceed to business.

On motion of Mr. Wood, Messrs. Wohler and Pearce were excused.

Mr. Coffroth presented an account of John Cole against the State.

Referred to Committee on Claims.

Mr. Smith, chairman, made the following report:

The Committee on Claims, to whom was referred Joint Resolution for the relief of Jacob C. Kore, have examined the same, and would recommend the passage of the accompanying Act as a substitute for said Joint Resolution.

A bill for an Act for the relief of Jacob C. Kore.

Read a first and second time, considered as engrossed, read a third time and passed.

Mr. Smith, chairman, made the following report:

The Committee on Claims, to whom was referred Senate bill for the relief of Tobin and Duncan, have had the same under consideration and would recommend its passage.

Mr. Smith, chairman, made a further report:

The Committee on Claims, to whom was referred Senate bill for the re-

lief of W. J. Whitney, have had the same under consideration and would recommend its passage.

Mr. Peachy made the following report:

The Judiciary Committee, to whom was referred the account of J. K. Shafer against the State, have had the same under consideration, and beg leave to report:

The first item is the commission charged for the collection of certain Foreign Miners Licenses from L. A. Besangen, and paying them into the State Treasury.

Your Committee find that Mr. Shafer as District Attorney of the Fifth Judicial District, was acting under instructions from the Comptroller, and though the commissions could not be claimed under a strict construction of law, yet he is entitled to a fair and reasonable compensation for the actual services rendered by him, and your committee are of the opinion that an allowance of $500 should be made upon this item.

Your committee entertain the belief that none of the other items, which are charged, of conviction fees, ought to be allowed, as the law regulating the fees of District Attorneys, in the opinion of your committee, does not contemplate the payment of the same by the State, but by the convict.

Therefore, your committee report back said account, recommend the allowance thereon of $500, and the passage of the accompanying bill, and ask to be discharged.

Committee discharged.

A bill for the relief of J. K. Shafer.

Read a first time, and ordered to a second reading to-morrow.

Mr. Wood offered the following resolution:

Resolved, That the Treasurer of State be required to furnish to this House, forthwith, a statement of the receipts into the Treasury since 25th January, 1852, designating from what sources, and the amount from each county; as also a list of the disbursements (if any) made since that time, as also a statement of the amount in the Treasury at that time.

Be it further Resolved, That the clerk of the Assembly transmit a copy of this resolution forthwith to the State Treasurer.

Adopted.

Mr. McMeans made the following minority report upon the subject of a bill in reference to the Sabbath.

To the Honorable the

Speaker of the House of Assembly:

We, the undersigned, a minority of the Committee on Federal Relations, to whom was referred a bill to be entitled "an Act to prohibit certain violations of the Sabbath," respectfully submit the following:—

In the incipiency of our Federal Government, the sage devisers of our fundamental laws felt themselves under the necessity of retrospecting the

past history of nations, that they might be prepared to form correct opinions of the policy necessary to be observed in relation to that of ours. In this way they were enabled to act with a degree of precision in reference to the future which has astonished the world, and resuscitated, in the bosoms of philanthropists, the expiring hope of rational liberty. In no particular did their acts shine more conspicuously brilliant than in those which wrought a separation of clerical and civil legislation. While our Constitution properly secures the right of conscience to the former, and freedom of action with regard to the same, it also prohibits the former from any interference with the untrammeled constitutional prerogatives of the latter.

No incident in the history of our Government has done more to prove the correctness of those provisions than that which gave rise to the justly celebrated "*Sunday Mail Report*," through the influence of which a proper direction was given to public opinion and a check placed upon the arrogant aspirations of religious intolerants, based upon a hope for clerical supremacy.

We regard the act under consideration as a fair parallel, *in principle*, to the one to which we have just alluded. Although it does not propose to subvert any *civil* institution, it nevertheless proposes to enforce a religious tenet, incompatible with the long cherished opinions of a large and intelligent portion of our fellow-citizens, by an act of civil legislation; thus aiming a blow at the right of conscience, with a view to the subversion as well of civil as religious liberty. Against all such measures we respectfully desire to enter our solemn protest.

But we have another forcible reason for urging the impropriety and inexpediency of such legislation at this time as this bill proposes, admitting our former views, as expressed, to be incorrect. The radical reform sought for by the friends of this measure, however much desired, is too premature—when we take into view the recent organization of our State and the difficulties with which she had to contend—not to meet with decided opposition from a number of our well-meaning and order-loving fellow-citizens, as it would certainly have a tendency to invoke from the grave, the dangerous and disorganizing spirit of the foul monster opposition to executive authority, from which source, more perhaps than any other, the fair pages of our States' history have been foully blotted, inasmuch as the penalties proposed are disproportionate to the nature of the offence.

With the most profound respect for the opinions of the majority of the committee, from whom we have been compelled to differ, and with respectful deference to that of the Legislature, we humbly submit a suggestion of a modification of the pains and penalties proposed to be inflicted upon offenders against the provisions of this Act, as most likely to secure the object contemplated by its passage, if in the judgment of your honorable body you deem legislation on the subject advisable.

All of which is respectfully submitted.

S. A. McMEANS,
JESSE BRUSH.

Mr. Fowler offered the following, which was adopted.

Resolved, That the Treasurer of State be requested to furnish this House with information as to the amount of cash which each officer of the State

Government has received from the Treasury in payment of scrip issued to him for official services. Also what accounts have been drawn by said officers upon scrip not issued to them for such official services, up to March 1st, 1852.

Mr. Crabb introduced a bill for an Act to amend the fourteenth section of an Act entitled an act concerning County Recorders, passed March 26th, 1851.

Read a first and second time, and referred to Judiciary Committee.

Mr. Parrish, chairman, made the following report:

The Committee on Public Lands, to whom was referred the bill of Mr. Crabb for an Act to secure to settlers a pre-emption right to the overflowed and swamp lands of the State, have had the same under consideration, and beg leave to report the bill back to the House with the following amendments, and recommend its passage.

Report and amendments adopted.

Mr. Paxton gave notice that he would, on to-morrow, or some early day, introduce a bill to authorize County Surveyors to run the county lines;

Also, a bill to authorize the Treasurer of Yuba County to institute legal proceedings against the Treasurer of Nevada County.

Mr. Peachy made a report upon the subject of the bill introduced by Mr. McMullin, to repeal the water lot bill in San Francisco.

Report ordered to lay upon the table, and one thousand copies to be printed.

Mr. Speaker:

The undersigned members of the Special Committee, to whom was referred the bill introduced by Mr. McMullin, of Trinity, entitled "an Act authorizing the Treasurer of the State of California to take possession of certain property in the City of San Francisco," and to repeal the Act entitled "an Act to provide for the disposition of certain property of the State of California," passed March 26th, 1851; and the Act entitled "an Act in relation to the City of San Francisco," passed May 1st, 1851; have the honor to report as follows:

The undersigned have devoted to this subject, as much consideration as the other important matters committed to them, would allow. They feel that the great interests sought to be affected and destroyed by the proposed repealing act, demand of them the most thorough investigation of the matter committed to their charge. The unfounded prejudice existing in the public mind, against the confirmatory act passed by the last Legislature in relation to titles to those lots in the City of San Francisco known as the Beach and Water Lots, render it the more necessary for the undersigned to give a brief history of that property. The undersigned will here take occasion to express their regret, that the report made by the chairman of this committee, being the report of a minority of one; the chairman, Mr. Yeiser, does not contain a single reason for the repeal which he so "earnestly" recommends. The undersigned would gladly find an opportunity of ascertaining the causes which have induced a gentleman, for whose views and character they enter-

tain so high a regard as those of the chairman of this committee, to recommend to the Legislature a measure, which to their minds, is fraught with the most direful consequences to the City of San Francisco and the whole State, and with the grossest injustice to thousands of the most useful citizens within the limits of California. They naturally looked to the report of the chairman for his reasons, as well as his recommendation. They have found the latter, but not the former. The gentleman has given his advice, not his views. The undersigned, with all proper respect for the advice of their chairman, beg leave to differ from him, and they are of opinion, that a very ordinary respect for justice, requires them to state the reasons which have led them to their conclusions. In doing this, the undersigned will confine themselves to their own views. They have no arguments to answer; no facts to disprove; the chairman of their committee has furnished them with neither.

The undersigned have just referred to the unfounded predjudice existing to the said confirmatory Act. This prejudice has shown itself in the inconsiderate and unwise attempt of a gentleman from a remote mountain region, representing a county organized within the last year, without consultation with the delegation from San Francisco, to repeal a law, which the undersigned have no hesitation in asserting is founded upon principles of equity, law, and public policy, and has been productive of more good to the general and commercial welfare of this State, than any single law ever passed by the Legislature of California.

The undersigned do not seek to impugn the motives of the gentleman from Trinity. On the contrary they award to that gentleman, considerations of the purest character. Yet they cannot but consider that it was due to the large and important interest which the gentleman sought to demolish, that its representatives should have been consulted, before the attack was made. Courtesy and justice, alike demanded so much of the gentleman. It was due to San Francisco, and to himself: for the undersigned are pursuaded that gentlemen who seek to declare war, and destroy cities, to confiscate the private property of thousands of citizens, upon which many millions of dollars have been expended, for the payment of a State debt which they did not contract, and which they have always readily contributed their taxes to discharge, should, at least, put themselves in the way of information as to the mischief they are about to do, and seek diligently for reasons to justify their billigerent conduct.

The undersigned propose to consider,

1st. The policy and justice of the proposed law.

2d. Its constitutionality.

Under the first head they will give a brief history of the Beach and Water Lot property, in San Francisco, and the reasons why the confirmatory Act of the last Legislature was desired.

Under the second head they will show, that as the proposed law attempts to destroy vested rights, it would be unconstitutional and void.

The property in San Francisco, known as the Beach and Water Lots, covers the land between a line on the beach, above high water mark, and the channel of the Bay.

In 1834, (August 16,) all Ayuntamientos of Pueblos, were authorized to make grants of municipal lands. As, however, the "Pueblo of San Francisco de Assis," as it was then called, had never been permanently located, and its boundaries fixed, application was made to the Governor, to authorize the Ayuntamiento to grant lands in the present site of the city of San Francisco, then called the PLACE or LANDING of Yerba Buena. This matter was referred to the Departmental Assembly, which passed a law authorizing such grants, excepting, however, the tract now known as Beach and Water Lots.

This exception, or reservation, as it was always understood, was made in accordance with Article 5th, of the Colonization Law, of August 18, 1824, "for the purpose of constructing ware houses, arsenals, or other public edifices." It was also understood that this reserve was merely a general designation of limits, within which the Government was subsequently to make its selections for the purposes indicated. Accordingly the general administrator of customs, under the Mexican Government, designated a place for the Custom House on the beach, between Washington Street and Broadway, but at the request of the Ayuntamiento, erected a temporary building on the municipal land in Portsmouth Square.

Such was the position of affairs, when General Kearny was requsted by the Municipal Authorities, of San Francisco, to designate in his capacity of Civil Governor, and as the representative of the Supreme Executive power of the General Government, the lands required for the purposes contemplated by Article 5th, law of August 18, 1824, and to release the remainder within the limits already described, from the action of the general reservation contained in that article, and repeated in the Act of the California Legislature, before referred to.

General Kearny, at that time the Civil and Military Governor of California, granted to the city of San Francisco, the Beach and Water Lots on the east front of the city, excepting such lots as might be selected for the use of the General Government, by the Senior Officers of the Army and Navy, then in San Francisco, and by said grant, the proceeds of sale, of said lots, were to be devoted to the benefit of the town of San Francisco.

The grant or relinquishment, thus made by General Kearny, was forwarded to the War Department, at Washington, on the 1st of May, 1847, its receipt was acknowledged in due form, and no dissent expressed.

In Executive Doc. No. 70, of the 8th vol. of Ex. Docs. of 1847 and 1848, will be found a communication from Mr. Marcy, Secretary of War, to Gen. S. W. Kearny, in California, containing the views of the Executive in regard to the powers and responsibility of the commanding officer in California. The following instructions are copied from that letter:

"The temporary Civil Government in California results from the conquest of that country by our army: the authority for it is not derived directly from the Constitution of the United States, or any Act of Congress, but is the right of War. By the law of nations, the conqueror has the right to govern the place or territory of which he has acquired military possession. While in California, occupying the position of an officer of the army of the

United States highest in rank, you are charged, by the instructions heretofore sent to you, and here repeated, with the functions of Civil Governor of the country, as well as with the command of the land forces, either sent out, or there organized. When you return, as you are at liberty to do, if the condition of affairs warrants it, both the command of the troops and the functions of the Civil Government will devolve on Col. Mason, the officer of the Army next in rank to yourself, or on such other officer of the Army as may be highest in rank for the time being. It is not intended by what is before said in regard to the functions of the temporary Civil Government being in the officer of the Army highest in rank, to deny or question his right to invest any other person with the powers and duties of temporary Civil Governor, should such officer find it inexpedient or inconvenient to exercise these powers and perform these duties in person; but in case of such delegations of the functions of temporary Civil Government, the person exercising them must be subordinate to the commander of the land forces, and removable at his will. The responsibility as to the military and civil affairs is with the officer in chief command of the military force."

The foregoing communication enclosed a copy of Ex. Doc. No. 19, to be found in vol. 3, of Ex. Doc., 1846 and 1847, and directed the attention of Gen. Kearny to the views of the President in regard to the Civil Government of California, as being clearly presented in the despatch of the 5th November, from the Navy Department, and in that of the third of same month from Major General Scott. From these and other letters contained in Doc. No. 19, it will be seen that the right to establish a Civil Government in California while it remained in the military occupation of our troops, was never doubted; and that while it was admitted that the power of creating such a Civil Government did not arise directly in the Constitution of the United States, yet it was declared to be incidental to the power of making war, and unlimited by any restriction save such as resulted from the laws of nations and the practice of belligerents.

Gen. Kearny finding himself endowed with this ample power, naturally supposed—what, in fact, is true—that for the support of the war, and for purposes of strengthening his position at San Francisco, by attracting to that point trade and commerce, and population, he was authorized to make a grant, to the city, of the mud flat in front of it. The right of the *de facto* Government, or the conquering power, to alienate the public domain of the displaced or conquered Government, for the support of the war or the support of the Government, is recognized in Europe. There is but a single exception in the wars following the French Revolution,—vide Wheat. pp. 64, 65, 440. It is asserted by some that the right to use the property of an enemy is confined to treasure, moveables, and such things as are consumed and can be carried away, because it is said war is but a temporary relation of nations—and their practices, during such a condition of things, must be regulated and confined by the temporary nature of that relation. That land, even although it be public domain, cannot be alienated by the military possessor of a country, because it must remain after the war is ended, and revert to its former sovereign. Such as we have seen is not the law of nations. Nor, in fact, is there any force in the argument by which it is attempted to sustain the principle which would not apply equally against the right to take and use the moveable property of an enemy for the support of a war.

The great necessity of self-preservation, the right of punishing an enemy, of depriving him of the means of making war, and of securing those means to ourselves, lay at the foundation of the rule, and it is difficult to see any reason why its application should be restricted to any particular species of property, to cattle, horses, and money, and not to public domain. Let it be remembered, that the alienation of domain of which we are speaking, is not the alienation of the public land of the United States, by a military officer in California, for Congress alone can alienate that land; but it is the taking of enemy's property during the war, for the purpose of prosecuting that war against him to a successful issue.

It was for such a purpose that the grant by General Kearny to the City of San Francisco was made; to induce Americans to settle there, and build a town, in order that he might detach his troops, and send them to Lower California and Los Angeles.

The money to be received for the property sold, was, by Kearny's decree, devoted to the building up and support of this town, which was to be used as a military instrument to hold the northern part of California, while the troops were sent away to conquer and hold the southern country. Almost immediately after the date of Kearny's decree, a large portion of the troops at San Francisco and Monterey, were sent to Los Angeles and San Diego, and to La Paz and San José in Lower California. It should also be remembered, that this decree of General Kearny's was not an ordinary land grant; but rather a selection, or designation and limitation of the reserve which the Governor of California had before made of this land for civil and military purposes. This beach and water lot property, as we have before seen, was excepted from the lands, which by the Act of the Departmental Assembly before referred to, the Ayuntamiento of the Pueblo of San Francisco, was authorized to grant and sell at the place called Yerba Buena, the present site of San Francisco, and as we have seen, this reservation was made for the use of the Government, for the erection of arsenals, custom houses, and other public buildings.

General Kearny's decree then, had the effect of designating the limits of such reservations as the Government required for its use; of exempting the remaining portion of this property from the restrictions above mentioned, and of bringing it under the power of the Ayuntamiento of San Francisco, to grant or sell.

It must also be remembered, that from the beginning of the Mexican war, it was the fixed determination of our Government to acquire the Department of Upper California. Almost every official communication from the Executive at Washington to its officers in California, expressly states such an intention, and contain directions of policy drawn from such a consideration. The officers in California are commanded to cultivate the best relations with the inhabitants; to endear to them the power of the United States by every species of kindness and fair treatment; to lay such imposts and burdens upon commerce as should barely suffice to support the Government established in California; to lead its inhabitants to the belief that a nation whose rule in war is marked by leniency and justice, would in peace be their best friend; and thus to create in them a desire to be admitted to full participation in all the social and political blessings which their conquerors, having secured for themselves, were willing to share with California, and knew well how to maintain against the world.

General Kearny acted under such instructions. He found that the unwise restrictions of the old Government, founded upon a system of exclusiveness quite Chinese in principle, and almost so in degree, was in direct conflict with the energy, business, and utilitarian practice of the Americans. He saw that San Francisco must be the great commercial emporium of this coast, the great city of the American Pacific.

He observed, even, at that early day, that the commercial advantages of San Francisco, were seriously crippled by a policy which drove its inhabitants back upon the sand hills, while their business called them out to the channel, which separated the ship from the store house, which prevented wharves, and streets, and docks, from being built, and subjected commerce to the dangers, delays and expenses, incident to landing cargoes in lighters, at high tide, over the extensive flat in front of the city.

It required no very intelligent mind to comprehend the reasonableness of the complaint, made on that score, and to perceive that the obstacles which opposed the speedy growth and commercial importance of San Francisco, could be removed only by the enterprise, intelligence, industry and capital, which would be devoted to their removal, if the citizens could be assured that the result of his well-directed labor would be his own property.

General Kearny knew well that by allowing the Americans to build a city at San Francisco, he was obtaining a strong hold in the North which could keep the conquest there, while our troops were engaged in acquiring the South; and that after San Francisco had subserved the purpose of fortress and garrison, in war, she would become a city of unrivalled wealth, —the mart of all continents—the permanent wonder of the world.

The undersigned have submitted the foregoing, not so much for an argument to establish the validity of Kearny's grant, as to show the grounds of justice and the considerations of great public advantage upon which that grant was made. They desire to state, in this connection, that they do not deem it proper to discuss the validity of Kearny's grant, or to determine the rights of California and of the United States over this property. It is not requisite for the proper decision of the matter submitted to them, that these questions should be discussed in this report. They will arise in debate. When the undersigned shall have laid before the Assembly, that part of this report which treats of the unconstitutionality of the proposed law, they will consider that they have reported as much law as is necessary to insure the defeat of the bill.

To continue the history of this property: In the month of July, A. D., 1847, the first Alcalde, Mr. George Hyde, in accordance with the terms of Kearny's grant, after three months notice, sold at public auction, a portion of this property, for the sum of twenty thousand five hundred dollars. When the scarcity of money, in California, in those days, is considered, most of the trade then consisting in barter, it will be a matter of astonishment that so much money should have been paid for this property.

It must also be remembered, that San Francisco, at that time, was a very small town, and gave no indication of the very extraordinary increase which has since occurred. But for the subsequent discovery of gold, the undersigned are induced to believe that the property, bought at that time, would not at the present day, be worth much more than it then sold for.

The undersigned have never heard of any fraudulent circumstances con-

nected with this sale. On the contrary, it was made at public auction, after three months advertisement, and brought fully as much as it was then worth, and as there was reasonable prospect of its being worth for some years to come.

The next sale was made at public auction on the 3d January, 1850. This, like the former sale, was made after public advertisement of three months. The proceeds of the sale amounted to four hundred and seventy thousand seven hundred dollars, which was regarded as a very high price for that property at the time, when money was worth about an average of 10 per cent. per month, and especially when it is considered that lots which sold for three thousand dollars, would require an expenditure of from six to ten thousand dollars before they could become capable of sustaining such permanent buildings as the interests of commerce required. The undersigned will not undertake to calculate how much money would have to be expended on the land sold on that occasion, to obtain a proper foundation for fire-proof buildings. From a rough estimate, they conclude that ten millions of dollars would be a very moderate sum for that purpose. It has never been alleged that there was fraud in this sale. Indeed, the manner in which it was made, precluded any fraudulent practices; and it is generally conceded that, at the sales made on the 3d January, 1850, the property sold for a very high price. All the money for which the property sold was paid into the Treasury of the city.

Since the passage of the Water Lot Bill, the Commissioners of the Sinking Fund have sold a piece of this property for the sum of four thousand one hundred dollars, payable in City Bonds or Scrip, and the portion of the sum due to the State was paid into the Treasury in specie—that is to say, one thousand dollars. These sales then stand as follows:

July 20th, 1847, Hyde, - - -	$20,500
January 3d, 1850, Ayuntamiento, - -	470,700
By Commissioners of Sinking Fund, - -	4,100
	$495,300

Four hundred and ninety-five thousand three hundred dollars have been paid into the Treasury of the city of San Francisco, for property, which requires an expenditure of ten millions of dollars before it can be made fit to build on.

The undersigned now propose to give a brief statement of some of the items of expense of the city of San Francisco during the last few years; and they will also show, as nearly as possible, what expenditures have been made on this property in the shape of streets, wharves, foundations and buildings, since the sale of the 3d January, 1850; and by comparing the original costs and outlays for improvements with the present assessed value of this property, it will be seen that the Beach and Water Lot property of San Francisco is in debt to its owners to the amount of nearly six millions of dollars.

The cost of public Wharves, taken from City Books and Engineer's Accounts, City improvement, - -	$229,244
Cost of Pacific, Broadway, Market and California-st. Wharves, private improvements, - - - -	304,000
Cost of Central Wharf, with all improvements, excluding buildings, private company, - - - -	320,813
Cost of works at foot of streets and wharves over water near the shore, - - - - - - -	200,000
Total, - - . - -	$1,054,057
Costs of improvements on Water property by fifty individuals whose names and outlays are known, - -	3,855,000
Allowing all other persons to to have spent as much more in improvements on Water property, a very moderate calculation, - - - - - -	3,855,000

RECAPITULATION.

Original cost of Beach and Water lots, - - -	$495,300
Cost of Wharves, public and private, - - -	1,054,057
Cost of improvement by individuals, - - -	7,710,000
Total cost to owners, - - -	$9,259,357
Appraised value of the Water Lot property for the fiscal year of '51 and '52. - - - - -	$3,461,700
Difference between total cost and present assessed value of B. and W. Lots and improvements, - - -	5,797,651

The undersigned would draw attention to the following City expenditures.

Cost of Police, from October 1849, to April 1851, -	$291,731
Cost of Hospital, from October 1849, to April 1851, -	236,014
Hospital and Police for eighteen months, - -	$527,745
Cost of Public Wharves, - - - -	229,244
	$756,989

When it is recollected what was the condition of the City of San Francisco, from the 1st of April, 1849, during the next two years, especially during that portion of the time when ships were bringing their thousands daily, and emptying them, worn out and sick, after their long voyages, into the port of San Francisco; when that new city, but just come into existence, had to bear the heaviest expenses to which any people were ever subject, for the support of themselves, the sick, and the order and quiet of a turbulent population, we will see that the funds derived from the sale of a mud flat in front of the city, were put to a good use; which but for them, would

have been left unanswered—were devoted to purposes of charity, and to the preservation of life and property—when means for those purposes could have been derived from no other source.

The assessed value of the Water Lot property in 1850, was	$4,130,216
Same in 1851, was - - - - -	3,461,700
The State tax paid on this property in 1850, was -	$20,651 00
County tax, same year, - - - -	20,651 00
City tax, same year, - - - - -	39,867 00
Total taxes paid by Water Lot property in 1850, -	$81,169 00
The State tax paid on this property in 1851, was -	$22,548 50
County tax on same, for same year, - - -	34,717 00
City taxes on same for same year, - - -	81,271 40
	$138,536 90

The smallness of the assessment of the water lot property for this fiscal year, is to be attributed to the disastrous fire of the 4th of May, 1851, which destroyed property, according to the best estimate, valued at about $20,000,000. It is well known that many, if not most of the great improvements in San Francisco are being made upon this property, and every year will witness a still greater proportion of capital and labor devoted to its improvement. Since the fire in May, hundreds of thousands of dollars have been expended in building on this property. The nature of those improvements is such as to give employment to much labor. They employ persons who bring the sand from the hills; the brick makers and the brick layers; the lumber merchants; the iron foundries, and afford the means of profitable employment to thousands of men, many of whom from the profit of their labor, have made enough to purchase some of these lots for themselves. It is very usual for the owner of a lot to give a portion of it in payment for filling it up, or building upon it. And it is also known that many builders, contractors and laborers, have become largely interested in this property since the fire of May last. It should also be remembered, that this property gives additional value to much of the other property in the city, outside of its limits.

So far then, as the justice of the case is to be considered, the undersigned conceive that the foregoing facts clearly establish, that the owners of this property have paid for and expended on it, more than it is now worth to them by many millions of dollars. That no circumstances are found in connection with the original grant to the city, by General Kearny, or in the sales made under his grant by the city, tending to throw the slightest shade of suspicion upon their fairness,—that, on the contrary, all those sales were made after long and full notice, at public auction, where all had an opportunity to buy; that at those sales the property brought its full value; that the price bid was paid into the City Treasury, and that the purchasers believed they were securing good titles, and investing their money honestly.

The undersigned, from the best calculation, are induced to believe that over one thousand citizens of this State, are owners of this property, among whom are many mechanics who have invested in it their small earnings.

The bill under consideration proposes to repeal two acts of the last Legislature. The first act, passed March 26, 1851, relinquished the right of the State for the period of ninety-nine years, to persons who own rights in the Water Lot Property by virtue of grants derived from the Ayuntamiento, or town, or City Council, or by any Alcalde, of the said town, which have been confirmed and recorded as provided by said Act. It also gives title to the city of San Francisco, for the same term of years, to such of said property as had not been granted by the city authorities; but requires the city to pay one-fourth part of the proceeds of sale, of said property, into the Treasury of the State. Laws of 1851, p. 307.

The next act was passed on the first of May, 1851. It relinquished to the city of San Francisco, all the right of the State in and to said Beach and Water Lot Property. This relinquishment contains a grant to the city of two things: first, of the twenty-five per cent. of sales, reserved by the last act to the State; and secondly, by the right of the State in the Water Lot Property, after the expiration of the term of ninety-nine years, and the right of the State, in the Government reserve, after the expiration of the term of ten years, from September, 1849. But this grant is made to the city upon the condition that it shall confirm the Colton Grants. The Common Council of San Francisco, have refused to accept the property upon that condition. A report was made to that body, by a committee appointed by the Commissioners of the Sinking Fund, of San Francisco, on the propriety of accepting or rejecting the grant made in that act, upon the conditions therein prescribed. The undersigned have the honor to incorporate that report in this, and would refer to it for the reasons which induced the Common Council to refuse to accept the grant.

COLTON GRANTS.

[Extract from the minutes of the Commissioners of the Funded Debt.]

At a meeting of the Commissioners of the Funded Debt, June 2d, A. D. 1851,

On motion of Judge Morse, the following resolution was adopted:

Whereas, Mr. Pearson has presented to this Board, for its opinion and action, an Act of the Legislature of California, entitled "an Act in relation to the city of San Francisco, approved May 1, 1851. Therefore,

Resolved, That a Committee of three be appointed, of which the President shall be one, to examine and report upon the subject embraced in said Act, and to prepare a communication on the subject for the Common Council of the city of San Francisco.

The President appointed Judge Morse and Mr. Hooper on the committee.

The Commissioners again met at their office on the 5th instant.

The said committee made the following report and accompanying resolutions, which, on motion of Mr. Tallant, were unanimously adopted:

The committee to whom was referred the consideration of the second section of the Act entitled "an Act in relation to the city of San Francisco," approved May 1st, 1851, which is as follows:—"The right of the State to the Beach and Water Lot property in the city of San Francisco is hereby relinquished to said city: *Provided*, always, that the relinquishment to the city is made upon the express condition that the said city shall confirm the titles to all lots which have been granted by any Justice of the Peace, which lots are situated on that part of the "Kearny Grant," which is within the following boundaries, to wit: Bounded on the north by Vallejo street, on the south by Harrison street, on the east by the easterly boundary of the beach and water lots, as defined by the Legislature, and on the westerly side by Front and Fremont streets; said grants shall be and the same are hereby confirmed and made evidence of title in all Courts of this State, and holders under them shall have possession of said property so granted: *Provided*, always, that this Act shall not be construed as confirming grants to the property known as the Public Slip—bounded by Davis, Clay and Sacramento streets—nor to any property the title to which has been confirmed to individuals by any former Act of the Legislature, and said grants must have been recorded in the Recorder's office prior to the first day of February, 1851,"—beg leave respectfully to report that they have given the subject of which it treats that candid and serious attention which its magnitude seems to demand. They approached it, impressed with a full sense of the deep and abiding interest felt in it by many, if not all, of the citizens of San Francisco—as well with regard to its justice and expediency, as to the effect its rejection or adoption will have upon the condition of our municipal affairs. The facts that some of our fellow-citizens have invested their means in the purchase of water lots from G. Q. Colton, under peculiar circumstances—that they rely upon them as profitable investments, and that the Legislature, in the plenitude of their wisdom, have enacted the aforesaid section for the special benefit of such grantees, have not been lost sight of. They only regret that it has become their duty, to themselves and their fellow-citizens, to enter somewhat into the history of those grants, and to venture the opinions they are about to do on a question of so much moment, involving such high considerations, and for which a sympathy which public considerations obliges them to divest themselves of, may cast upon them censure. But acting in the capacity of guardians of the public property, and having in charge a portion of the pecuniary affairs of the city, a higher obligation rests upon us. Actuated by these considerations, and impressed with the necessity of mature deliberation and unbiased decision, your committee feel it their duty to ask indulgence, and to submit some facts connected with the subject under consideration, in a more full and detailed report than they should otherwise have felt themselves justified in doing.

In August, 1849, an election in accordance with the Governor's proclamation was held in this city for municipal officers, to whom were entrusted the management of its real estate—the custody of the public records—the collection of its revenues—the expenditure of money, and the general management of its affairs. From the time of their election to the appointment of G. Q. Colton, as Justice of the Peace in December following, was a period

of the most perfect quiet, unity of feeling, and unexampled prosperity to the citizens of San Francisco, and which will ever be remembered by them with the most pleasing emotions. Real estate, both improved and unimproved, within a short space of time increased in value, in many instances, a hundred fold, and produced in the shape of rents the largest income on record. In December, 1849, Mr. Colton was appointed for the ostensible purpose of aiding in the administration of justice, but no sooner was he commissioned than he neglected the duties he was appointed to perform, seized upon the public domain, and when the city was selling the same kind of property at from two to five thousand dollars, he commenced granting to individuals at the rate of one hundred dollars per lot, contrary to the wishes of a majority of the citizens, and particularly in opposition to the expressed wish of the regularly constituted authorities. Not one dollar of the money thus fraudulently obtained ever came into the Treasury, but was quietly shipped home to the Atlantic States, where Mr. Colton quickly followed, and is now in the enjoyment of his ill-gotten gains.

The Ayuntamiento, upon receiving information of these facts, at a meeting held on the 21st of December, 1849, unanimously passed the following preamble and resolutions, to wit:

"*Whereas*, It has this day been made to appear to the Ayuntamiento, that G. Q. Colton, a Justice of the Peace, in and for the town of San Francisco, has assumed the authority and pretends to exercise the right of selling, granting and disposing of lots within the said town.

"*Resolved*, That Archibald C. Peachy, Esq., City Attorney, be directed to institute legal proceedings against the said Colton, to restrain him in such illegal and unwarrantable practices, and to make him amenable, by due process of law, for a misdemeanor and malfeasance in office.

Resolved, That a copy of these resolutions be published in the Alta California and Pacific News, and in handbills, to warn all persons against trespassing upon the public property, under pretence of title obtained by such fraudulent means, and under such pretended authority."

And at the meeting on the 24th of the same month, the following resolution was passed unanimously, to wit:

Resolved, That the Town Council hereby declare all grants of town lots made and signed by G. Q. Colton, Justice of the Peace, void and of no effect, the same having been unauthorizedly and illegally made. And that the resolution be published in the Alta California and Pacific News for thirty days."

Your committee remember that these resolutions were published in the city papers, and that hand-bills, containing the same, were freely circulated throughout the city, and were posted at every corner and public place. No person, in the city at the time, could pretend ignorance of these facts, as these were matters of most general notoriety. From the time "Colton Grants" first made their appearance, to the present, they have created confusion and caused distress, law suits, and assaults, without number. They have

been the cause of suspicion upon all kinds of title, and have aided more than any other event, to bring about the great decline in the prices of real estate.

On the third of October, 1849, a resolution was passed by the Ayuntamiento, offering at public auction, on the third of January, 1850, all the unsold property on the "Kearny Grant," giving three months notice thereof, according to the provisions of said grant. Mr. Colton, aware of this sale, commenced granting this property in December, notwithstanding the opposition of the city authorities, and very soon after, in violation of an injunction from the Court of First Instance, as appears from Records which were not kept or made in the office where the other muniments of city titles were found and kept. And it is a remarkable circumstance, indicative of great foresight on the part of Mr. Colton, that the very grants purporting to have been made in December, 1849, and January, 1850, were for lots that were sold on the second of January, and were declared forfeited by the Ayuntamiento, on the twenty-seventh of the same month, on account of the failure or inability of the purchasers to comply with the terms of sale, and were afterwards ordered to be deeded, by that body, to any person who would pay the auction price for them prior to the third of April following.

Another circumstance to which your committee would call your attention is, that when the authorities of this city decided where the eastern boundary of the city should be, and certified the same to the late Legislature, the boundary line was changed at San Jose in such manner as to embrace four additional blocks, one of which is on the Government Reserve, each containing twelve water lots, all of which are covered with Colton Grants, alleged to have been made and recorded prior to February 1, 1851. These blocks are in such position as suited, and were properly set apart by ordinance as public basins for commercial purposes. The Act under consideration seeks to give these away, which, if complied with, would, in our opinion, be injurious to commercial operations, and be prejudicial to the city, by driving the shipping to more exposed positions, and cause the unlading of cargoes to be more expensive than it is under existing circumstances.

The committee having thus briefly traced the history of "Colton Grants" from the beginning to the present time, and having shown that from their incipiency they have been a fraud of the most flagrant and impudent kind ever attempted to be perpetrated upon an enlightened and intelligent people, now proceed to examine the act under consideration, and to ascertain whether the advantages arising from its acceptance are superior to the disadvantages in a pecuniary point of view to the city, independent of any considerations of the fraud in making the grants in question.

By the act of the Legislature, approved March 26th, 1851, all the right, title and interest which the State possessed in the water property on the water fronts of the city, between the line of high water and a fixed line running along the ship's channel, (Government Reserve, excepted) were granted to the city of San Francisco, for the term of ninety-nine years, the State reserving to itself twenty-five per cent. of the proceeds arising from the sale of the unsold lots.

By the section under consideration it is proposed, that if the city will confirm the Colton Grants within certain limits, the State will relinquish the whole of the water property in fee to the city, including the reversionary interest in the Government Reserves, after the expiration of the lease to Messrs.

Theodore Shillaber and others, and to relinquish the twenty-five per cent. on the sales. This, at first view, seems fair and reasonable, but upon inquiry, such, in our opinion, is not the case.

As to the Reserve: The United States Government claims a right to them. If the government has that right, it has never been relinquished to the State. It is also rumored that the government intends to use a portion of them for public purposes. If, then, these propositions be correct, and the government has a right to use a portion of the land it has reserved, it is but a fair inference that its right to the whole is "clear and indisputable." And further, should the city accept the law, and sell the reversionary interest in the Reserves, the government might, at no distant day, require them for public purposes; then, the grantees of the property would have a just claim for damages against the city, and she would find herself defendant in at least one hundred suits. Entertaining these views, your committee exclude the Government Reserves from their calculation.

By the section under consideration, the city is asked to relinquish its claim to the following property, to wit:

One block containing four fifty vara lots, or twelve water lots bounded by Vallejo, Front, Broadway and Davis Streets.

One block of the same size, bounded by Washington, Drum, Clay and East Streets.

One block, same size, bounded by Pacific, Jackson, Drum and Davis Streets.

Also, water lots, as per city map, numbered 508, 509, 514, 313, 290, 291, 301, 302, 321, 322, 371, 420, 611, 652, 653, 654 and 655. Making in all, 53 water lots of the usual size, estimated by competent judges to be worth $200,000.

All the property remaining unsold on the "Kearny Grant," and on the North and South beaches, is estimated to be worth $300,000, on which sum the State relinquishes the 25 per cent. conditioned on the city's confirmation of certain grants on the above named property. The amount which the State would claim under the first water lot bill, on the above estimate would be $75,000, and if we deduct this sum from $200,000 which the city is asked to give away—we find the city loser $125,000 by the transaction.

It is a well known fact that there are many "Colton Grants" on other portions of the city property; and should those in question be confirmed, it would only be an entering wedge for the confirmation of all the rest,—in which event the city would scarcely own a single lot within her present limits.

The only matter remaining to be considered is the relinquishment of the fee in the property to the city, after the lapse of ninety-nine years. This is, indeed, a long period to look into futurity, and although some advantages might be gained therefrom, yet your committee do not consider them sufficient to justify the city of San Francisco to approve, justify and confirm a fraud, and pay, for the privilege of so doing, the sum of $125,000. Besides, should the citizens feel that it would be important to have their titles made perpetual, they will have the privilege of applying to ninety-nine Legislatures, prior to the expiration of the lease, and if proper representations be made in the Legislative Hall, there is no doubt but justice will be done

them, and that, too, without asking them to confirm any thing that is unjust, or make any unnecessary sacrifice.

Your committee have thus endeavored to present before you some of the reasons with which their minds are impressed, that the act in question should be rejected. In so doing, they have necessarily been led into a more lengthened review than was at first anticipated. They wished to discharge the duties assigned them in a manner commensurate with the importance of the subject.

Your committee, therefore, recommend that the section of the act herein quoted be rejected, and recommend that the property thus sought to be given away be placed on the city official map, and divided into lots by the City Surveyor.

With these suggestions, your committee respectfully submit the following resolutions, and ask to be discharged from the further consideration of the subject.

Resolved, That in the opinion of this Board, the second section of an Act entitled an Act in relation to the city of San Francisco, approved May 1st, 1851, ought not to be accepted by the city of San Francisco.

Resolved, That a copy of this report and resolutions be transmitted to the Mayor, with a request that he lay the same before the Common Council, in order that they may take such action in the premises as they may deem fit and desirable.

[SIGNED] JOHN W. GEARY, P. A. MORSE, WM. HOOPER, } Committee.

It is the opinion of the undersigned, that the Act entitled "an Act in relation to the city of San Francisco," passed May 1, 1851, be repealed. The city of San Francisco has refused to accept the grant made by said Act with its attendant condition; no rights having vested under said Act, it would be proper to repeal it.

The undersigned would also draw attention to a species of grant known as the Leavenworth Grants. They were confirmed by the Act of 26th March, 1851, under the head of grants made by an Alcalde, recorded in due form before a certain day, and confirmed by the Ayuntamiento. The undersigned believe that, whatever may have been the circumstances attending the grants of the original grantees, that the *bona fide* holders of that property, for a valuable consideration, presented equitable claims to the Legislature, which were properly provided for in said Act, and they would add, that since the passage of that law, nearly the whole of the property, held by said grants, has changed hands and has been highly improved, by persons who paid the full value for it, and believed that they were securing a perfect title for themselves.

The owners of Water Lot Property, and the city of San Francisco, as there was some doubts, in the public mind, in regard to the validity of Kearny's Grant, determined to ask the Legislature for a confirmatory Act.

They believed that if this property had not been appropriated and granted by the United States, before the admission of the State of California into the Union, it became, by the act of admission, the property of this State, by virtue of its right of eminent domain. They believed that even if the Kearny Grants were invalid, the State would regard their strong claims to this property, and acting upon the liberal principles in regard to the public domain, which is the policy of the United States, to the citizens of California, would give them a title to that for which they had paid its full price, and had rendered valuable by a heavy expenditure of capital and labor. For the foregoing reasons an application was made to the Legislature, which resulted in the Act of the 26th of March, 1851. It is this Act, which the bill referred to the committee of which the undersigned are members, proposes to repeal.

The undersigned now propose to consider the question, whether that part of the bill introduced by Mr. McMullin, which proposes to repeal the Act of 26th March, 1851, would be valid if passed.

They are decidedly of the opinion, that the repealing Act would be a violation of the Constitution of this State, a violation of the Constitution of the United States, and a transgression of the limits of Legislative power, irrespective of any Constitutional restrictions.

The undersigned take pleasure in referring the Assembly to a case decided in the Supreme Court of the United States, where the question, under consideration, was fully discussed and came up directly for decision.

The case was this: The Legislature of the State of Georgia, by an Act passed on the 7th of January, 1795, made a grant of lands to certain persons. A man named Peck, derived title to a portion of these lands indirectly, from the original grantees, and on the 14th of May, 1803, in consideration of $3,000, sold and conveyed to Fletcher a large tract of land, part of that which was granted by the State of Georgia.

Peck, in his deed to Fletcher, covenanted that the State of Georgia was, at the time of the passing of the Act, aforesaid, legally seized in fee of the lands thereby granted, and had authority to convey the same. "And further that the title to the premises, so conveyed by the State of Georgia, and finally vested in said Peck, has been in no way constitutionally or legally impaired by virtue of any subsequent Act, of any subsequent Legislature of the said State of Georgia."

Fletcher brought an action against Peck, and alleged breach of both covenants. The breach of the second covenant consisted in this: That on the 13th of February, 1796, the Legislature of the State of Georgia, passed an Act reciting that undue influences had been used in procuring the passage of the Act, of the 7th of January 1795, and declaring said Act utterly null and void, for the reason of said improper influences, and ordering it be expunged from the public records, as an usurped Act. The suit was brought in the Circuit Court of the United States, for the District of Massachusetts. and it was there decided that the repealing Act, of the 13th of February, 1796, did not impair the validity of the previous Act.

The plaintiff sued out his writ of error, and the case was twice argued, first by Mr. Luther Martin, for the plaintiff in error, and by Mr. John Quincy Adams and Mr. R. G. Harper, for the defendant at February term, 1809, and again in 1810, by Martin for the plaintiff, and Story and Harper for the defendant.

The judgment of the Supreme Court was delivered by Marshall, Chief Justice.

The opinion by which this judgment was sustained, contains an argument so replete with wisdom, and profound reasoning, that the undersigned will not venture to depart from the words of the judge, the impress of whose great mind this opinion bears. The undersigned will here insert such quotations from the opinion, as refers to the point under discussion.

"The fourth covenant in the deed (referring to the deed from Peck to Fletcher) is, that the title to the premises has been, in no way, constitutionally or legally impaired, by virtue of any subsequent act of any subsequent Legislature of the State of Georgia."

"The third count recites the undue means practiced on certain members of the Legislature, as stated in the second count, and then alleges that, in consequence of these practices, and of other causes, a subsequent Legislature passed an act annulling and rescinding the law under which the conveyance to the original grantees was made, declaring that conveyance void, and asserting the title of the State to the lands it contained."

"After protesting, as before, that no such promises were made as stated in this count, the defendant again pleads, that himself and the first purchaser under the original grantees, and all intermediate holders of the property, were purchasers without notice."

"To this plea, there is a demurrer and joinder."

"The importance and the difficulty of the questions, presented by these pleadings, are deeply felt by the Court."

"The Legislature of Georgia was a party to this transaction; and for a party to pronounce its own deed invalid, whatever cause may be assigned for its invalidity, must be considered as a mere act of power, which must find its vindication in a court of reasoning, not often heard in Courts of Justice."

"But the real party, it is said, are the people, and when their agents are unfaithful, the acts of those agents cease to be obligatory."

"It is, however, to be recollected, that the people can act only by these agents, and that, while within the powers conferred on them, their acts must be considered as the acts of the people."

"In this case, the Legislature may have had ample proof that the original grant was obtained by practices, which can never be too much reprobated, and which would have justified its abrogation so far as respected those to whom crime was imputable. But the grant, when issued, conveyed an estate in fee simple to the grantee, clothed with all the solemnities which the law can bestow. This estate was transferable; and those who purchased parts of it were not stained by that guilt which infected the original transaction."

"Is the power of the Legislature competent to the annihilation of such title, and to a resumption of the property thus held?"

"The principle asserted is, that one Legislature is competent to repeal any act which a former Legislature was competent to pass; and that one Legislature cannot abridge the powers of a succeeding Legislature."

"The correctness of this principle, so far as respects general legislation, can never be controverted. But if an act be done under a law, a succeeding Legislature cannot undo it. The past cannot be recalled by the most absolute power. Conveyances have been made: those conveyances have

vested legal estates; and, if those estates may be seized by the sovereign authority, still, that they originally vested, is a fact, and cannot cease to be a fact."

"When, then, a law is in its nature a contract—when absolute rights have vested under that contract—a repeal of the law cannot devest those rights; and the Act annulling them, if legitimate, is rendered so by a power applicable to the case of every individual in the community."

"It may well be doubted whether the nature of society and of government does not prescribe some limits to the legislative power; and, if any be prescribed, where are they to be found, if the property of an individual, fairly and honestly acquired, may be seized without compensation?"

"To the Legislature all legislative power is granted; but the question, whether the act of transferring the property of an individual to the public be in the nature of the legislative power, is well worthy of serious reflection."

"It is the peculiar province of the Legislature to prescribe general rules for the government of society; the application of those rules to individuals in society would seem to be the duty of other departments. How far the power of giving the law may involve every other power, in cases where the Constitution is silent, never has been, and perhaps never can be, definitely stated."

The undersigned infer, from the foregoing and what follows, in this opinion, that the Constitution of the State of Georgia contained no such restrictions upon the legislative power, as are found in that of the State of California. In the latter will be found the following provisions: In Art. I., Constitution of California, it is declared, that among the inalienable rights, are those of acquiring, possessing and protecting property—(sec. 2): —"That the right of trial by jury shall be secured to all, and remain inviolate forever," (Sec. 3). That no person shall be deprived of life, liberty or property without due process of law; nor shall private property be taken for public uses without just compensation—(Sec. 8). No bill of attainder, ex post facto law, or law impairing the obligations of contracts, shall ever be passed—(Sec. 16).

That title has vested in the grantees under the Act of 26th March, 1851, and in their assigns, cannot be denied. The object of the bill under consideration is to devest these titles, to sell the lands and put the proceeds of sale into the State Treasury. In other words, to confiscate a large amount of private property for public use. It is difficult to conceive that any one object could have been selected out of all the categories, of all the things which are tyranical, unjust, reprobated by good and wise men, and entitled to condemnation, which could violate so many provisions of our Constitution, as that selected by the gentleman who proposes this bill. The inalienable right to acquire, possess and defend property is denied; the right of trial by jury declared to be inviolate forever, is treated with disdain; the privilege of due process of law secured to all men whose life, liberty or property may be jeoparded, is destroyed; the command that private property shall not be taken for public use, unless just compensation be made, is wilfully disobeyed; and the solemn prohibitions of the Constitution of California, and the Constitution of the United States, against the passage of a law in violation of the obligation of contracts, both of which Constitutions we are sworn to maintain, are transgressed in a spirit of lightness, and

treated with an utter disregard, which cannot be reprehended with too much earnestness.

The undersigned would remark, that all the provisions of our Constitution, come in aid of the conclusions drawn by the Supreme Court of the United States, from the nature of the legislative power of a government, and from the eternal principles of truth, reason and justice. Our Constitution adopts those conclusions, and enacts them as the fundamental laws of this State. But independent of such a constitutional provision, the Supreme Court decided such a law as this bill proposes to enact, to be invalid—void because it contravened all purposes of government, and violated the Constitution of the United States.

The opinion in the case of Fletcher *v.* Peck, then proceeds as follows:

"The validity of this rescinding act, (act of Georgia, 17th February, 1796,) then might be well doubted, were Georgia a single sovereign power. But Georgia cannot be viewed as a single, unconnected sovereign power, on whose legislature no other restrictions are imposed than may be found in its own Constitution. She is a part of a large empire; she is a member of the American Union; and that Union has a Constitution the supremacy of which all acknowledge, and which imposes limits to the legislature of the several States, which none claim a right to pass. The Constitution of the United States declares, that no State shall pass any bill of attainder, *ex post facto* law, or law impairing the obligations of contracts.

"Does the case now under consideration come within the prohibitory section of the Constitution?

"In considering this very interesting question, we immediately ask ourselves, what is a contract? Is a grant a contract?

"A contract is a compact between two or more parties, and is either executory or executed. An executory contract is one in which a party binds himself to do, or not to do a particular thing; such was the law under which the conveyance was made by the Governor. A contract executed, is one in which the object of contract is performed; and this, says Blackstone, differs in nothing from a grant. The contract between Georgia and the purchasers was executed by the grant. A contract executed, as well as one which is executory, contains obligations binding on the parties. A grant in its own nature amounts to an extinguishment of the right of the grantor, and implies a contract not to re-assert that right.

"Since, then, in fact, a grant is a contract executed, the obligation of which still continues, and since the Constitution uses the general term contract, without distinguishing between those which are executory and those which are executed; it must be construed to comprehend the latter as well as the former. A law annulling conveyances between individuals, and declaring that the grantors shall stand seized of their former estates, notwithstanding those grants, would be as repugnant to the Constitution as a law discharging the vendors of property from the obligation of executing their contracts by conveyances. It would be strange if a contract to convey was secured by the Constitution, while an absolute conveyance remained unprotected.

"If, under a fair construction of the Constitution, grants are comprehended under the term contracts, is a grant from the State excluded from the operation of the provision? Is the clause to be considered as inhibiting the State from impairing the obligation of contracts between two individuals, but as excluding from that inhibition contracts made with itself?

"The words themselves contain no such distinction. They are general, and are applicable to contracts of every description. If contracts made with the State, are to be exempted from their operation, the exception must arise from the character of the contracting party, not from the words which are employed.

"Whatever respect might have been felt for the State sovereignties, it is not to be disguised that the framers of the Constitution viewed, with some apprehension, the violent acts which might grow out of the feelings of the moment; and that the people of the United States, in adopting that instrument, have manifested a determination to shield themselves and their property from the effects of those sudden and strong passions to which men are exposed. The restrictions on the legislative power of the States, are obviously founded in this sentiment; and the Constitution of the United States contains what may be deemed a bill of rights for the people of each State.

"No State shall pass any bill of attainder, *ex post facto* law, or law impairing the obligations of contracts."

"A bill of attainder may effect the life of an individual, or may confiscate his property, or may do both."

"In this form the power of the Legislature over the lives and fortunes of individuals, is expressly restrained. What motives, then, for implying in words which import a general prohibition to impair the obligation of contracts, an exception in favor of the right to impair the obligation of those contracts into which the State may enter."

"The State Legislatures can pass no *ex post facto* law. An *ex post facto* law is one which renders an Act punishable in a manner in which it was not punishable when it was committed. Such a law, may inflict penalties on the person, or may inflict pecuniary penalties which swell the public treasury. The Legislature is then prohibited from passing a law by which a man's estate, or any part of it, shall be seized for a crime, which was not declared, by some previous law, to render him liable to that punishment. Why, then, should violence be done to the natural meaning of words, for the purpose of leaving to the Legislature the power of seizing, for public use, the estate of an individual in the form of a law annulling the title by which he holds that estate? The Court can perceive no sufficient grounds for making this distinction. The rescinding Act would have the effect of an *ex post facto* law. It forfeits the estate of Fletcher for a crime not committed by himself, but by those from whom he purchased. This cannot be effected in the form of an *ex post facto* law, or bill of attainder; why, then, is it allowable in the form of a law annulling the original grant?

"The argument in favor of presuming an intention to except a case, not excepted by the words of the Constitution, is susceptible of some illustration from a principle originally engrafted in that instrument, though no longer a part of it. The Constitution, as passed, gave the Courts of the United States jurisdiction in suits brought against individual States. A State, then, which violated its own contract was suable in the Courts of the United States for that violation. Would it have been a defence in such a suit, to say that the State had passed a law absolving itself from the contract? It is scarcely to be conceived that such a defence could be set up. And yet, if a State is neither restrained by general principles of our political institutions, nor by the words of the Constitution, from impairing the obligation of its own contracts, such a defence would be a valid one. This feature is no

longer found in the Constitution; but it aids in the construction of those clauses with which it was originally associated.

"It is, then, the unanimous opinion of the Court that, in this case, the estate having passed into the hands of a purchaser, for a valuable consideration, without notice, the State of Georgia was restrained, either by general principles, which are common to our free institutions, or by the particular provisions of the Constitution of the United States, from passing a law whereby the estate of the plaintiff, in the premises so purchased, could be constitutionally and legally impaired and rendered null and void."

Justice Johnston differed, in some particulars, from the opinion of the Court, on points foreign from the question under discussion. With regard to that question, he uses the following language:—"I do not hesitate to declare, that the State does not possess the power of revoking its own grants. But I do it on a general principle, on the reason and nature of things: a principle which will impose laws over the Deity."

The principles established by the foregoing opinion and judgment have been acknowledged and followed in every subsequent decision involving the same question. This case has been a great ruling authority from the moment it was decided. The wisdom, soundness and truth of its doctrine, has challenged universal belief, and its profound reasoning has never been successfully answered. The opinion is ranked among the ablest ever pronounced by the great Jurist who delivered it, and will stand as a monument of his wisdom as long as reason, and truth, and justice prevail.

The undersigned cannot dismiss this subject without referring to certain principles of policy, which have been adopted by the people, and sanctioned by this Assembly, in regard to the disposition of the land within the limits of this State: believing that its consideration will enable the Assembly to arrive at just and equitable conclusions.

In the first place, it is the most wonderful fact in the history of the world, and the one, most illustrative of the free principles and the regard for human rights, which our institutions have engendered, that for the last three years, the citizens of the United States, and, indeed, the comers from all parts of the world, should have been permitted, to take without price or burden, all of the mineral treasures from the richest mines upon earth, which they could find and carry off. During the last year according to the most moderate computations, over $75,000,000 worth of gold dust was thus taken from our soil and sent to foreign countries. For the privilege of working these mines not one cent has been paid.

The Hon. gentleman from San Joaquin, Mr. Crabb, has introduced a bill to give to settlers upon the land subject to overflow, a certain number of acres, free of all costs, except an obligation to dyke and improve them. This bill was favorably received, and will doubtless pass.

It is the opinion of every member of this Assembly, that the best use which can be made of public land is to devote it to the actual settlers thereon; to increase the wealth of the State by promoting the growth of a population of agriculturists; and to cover every acre of it with the homes of honest and industrious citizens. Such a course of policy is doubtless the true one, for the interests of society and even for the pecuniary advantage of the State. It is calculated, by the Surveyor-General, that two millions six hundred thousand acres are comprised within the overflowed or swamp lands. Much of this land is even now very valuable. But no person pro-

poses to sell this public domain for the payment of the State debt, although it would sell for much more than would suffice for that purpose. Why is this?

Resolutions have been introduced in this Assembly, and honorable gentlemen—and even the two great parties—have vied with each other for the honor of offering them, whose object was to request our Representatives and instruct our Senators to use all honorable means, and their best exertions, to procure the passage of a law of Congress *donating* to each settler one hundred and sixty acres in one part of the State, three hundred and twenty in another part, and six hundred and forty in some of the southern counties,—and directing that the mineral lands shall be left forever "free as the air we breathe," to all who seek their treasures. No honorable gentleman has suggested the propriety of asking Congress for a grant of Trinity County to the State of California, to be sold for the payment of her debts. No, not even for a grant of agricultural land for that purpose.

To such a request Congress might well reply: You have already received a donation of two millions six hundred thousand acres of overflowed lands, which you have deemed it politic and just to give away, and we can see no reason why you should make a different use of what you are now asking for. And if the public lands are to be given away, Congress chooses to reap whatever credit may be derived from its donation. No gentleman can doubt, with the unmistakable sentiment pervading this State, and this Assembly, in regard to the disposal of the public lands, that if Congress should convey to California, all the public land within her borders, it would be immediately surrendered freely and without price, to the actual settler. The undersigned would advocate such a disposition, believing it to be best for the interest of the people and for the finances of the State.

Again, but a few days ago, when the bill of the gentleman from Sonoma, Mr. Boggs, concerning the disposition of the Common School Lands, was under discussion, although the object of the bill was the execution of a trust, as sacred and important as any that could have been confided to the care and honor of this Assembly, and when the proper discharge of that duty required that the land should be sold for the highest price, it was openly contended on this floor, that the provisions of the bill should be framed, not with a view to procuring the largest price, but to sell the lands for a small fixed sum, and to limit even the quantity which any one person should purchase; both of which provisions contravened the true object of any bill which might undertake to prescribe the mode of disposing of the lands belonging to the Common School Fund. Allusion is made to this subject to show the influence of the prevailing sentiment in regard to the disposal of lands, and not to cast the slightest reflection on any member of the Assembly.

The undersigned can see no reason why the City of San Francisco should be excepted from the benefit of the liberal sentiments just treated of. They are not aware of any reason why she should be excommunicated from the blessings of fair and liberal treatment, and even from the benefits of the republican form of government guarantied by the Constitution of the United States. They can see no reason why the citizens of San Francisco should be deprived of property for which they paid originally, and have since expended, more than it is worth by many millions of dollars: why the private estates of more than a thousand of her citizens should be confiscated,

sold, and applied to the payment of the debts of this State, which she, least of all contracted, and most of all has contributed to discharge; and that too, when this State, possessed of public domain ample enough to pay all its debts, and to relieve its tax paying citizens from their heavy burdens, chooses to give away its assets; and to rely upon the settlement and growth of California for the future solvency of the State. It was said of Cataline that he was lavish with his own, and greedy after anothers.

"Profusus sui, avidus alieni."

This is the policy recommended by Mr. McMullin's bill. That the State should give away its own land, and rob others of theirs.

But it seems, that the fables of old are to be revived in these latter days, and that cities are to be built up like Thebes by the harp of Amphyon, and to be strown in the ashes of ruin, like Jericho, by the blasts of the Priests on their ram's horns. The music that built up the City of San Francisco, was the crash of falling timber in the forests of Maine, of Carolina, and of Oregon; the noise of ship-yards in all the ports of the world; the busy hum of cities in buying cargoes and freighting vessels; the rush of winds over all the oceans; the splash of waves against a thousand ships; the ripple of the calm; the roar of the tempest; the glorious harmony of labor and art and science; the wondrous stories of California's marvels bruited about the world; the song of the miner, and the ring of his pick among the stony cañons; the whispers of hope; the promptings of ambition; and the firm beatings of stout hearts, that struck their first pulses in our own land of freedom and adventure. Such was the music that reared the City of San Francisco on these western shores.

When we compare the colonization of California, with that of any country known to history, it would seem that the City of San Francisco has given to the world the first consciousness of its own powers—and to this century the first assurance of its mighty progress in every branch of art and science, and industry. It stands a monument of triumph. So was it built, and such is its significance. The Priest who shall destroy it, must speak with a truer voice than is ever heard in monologue directed towards Buncombe. The breath that filled the ram's horns, whence proceeded the blasts that levelled the walls of Jericho, was the spirit of God, and not the gas of politicians. It is not granted to every seven gentlemen who can procure as many ram's horns, that they shall have power to blow tornadoes and demolish cities.

It may be asked, if the repealing Act, which is proposed by the gentleman from Trinity, would be null and void, and not divest the estate of any person, why object to its passage? The answer is ready and strong. It will suggest itself to every just and reasonable mind. It is this: In the first place, it does not become this Assembly to violate the fundamental laws under which and within which it must act. Such a course would lay it open to the charge of gross ignorance or of hasty action, or of deliberate and wilful misconduct, fully as reprehensible as that of any preceding legislation whose action it is intended to rebuke. In the second place, the undersigned regard it as both impolitic and unjust for a State, by a vain act, to attack the titles of a great number of its citizens, thereby creating confusion, doubt, depreciation of value, ruin to the proprietors, and perhaps a collision

between citizens, which may result in war and bloodshed. It is highly condemnable in a State to hold out false hopes to the bidders whom it invites to buy at the proposed auction, and by selling even a nullity to create adverse interests in large numbers of men, whence it is confidently to be expected will ensue, consequences the most disastrous to the peace and welfare of society, and to the advancement of the true interests of the State. In all communities, and most especially in California, men are to be found who are willing to buy up law suits, and to swindle, under the name of law, out of their well-earned property, all who, by industry and econo my, have made an approach to comfort and a competency. That such men will be found, to bid under the provisions of Mr. McMullin's bill, there is no doubt. That the State will derive no more than a mere pittance, is equally undeniable. That every act and device, just and unjust, will be applied to the Courts to procure a favorable decision for the claimant under the proposed Act, who, paying little for their purchases, can afford to part with more than half of what they shall buy, to secure the remainder, is well known to all who are acquainted with the modes of doing things in California.

In the third place, it is notorious that much foreign capital has been invested in the improvement of real estate in San Francisco, and that it is daily coming into that city, with directions for investment in the same way. This capital, seeking investment through the hands of agents, is more timid than that timidity of capital which in all countries has passed into a proverb. The uncertainty of titles, which has bewildered for the last three years, has already prevented the investment of much capital in permanent improvements in San Francisco, which, but for that circumstance, would have been so used, thereby adding to the wealth and population of the State; increasing competition among capitalists, and adding facilities to the transaction of commercial operations, which would swell our revenue and lessen the price of all articles to the consumer. The effect of the passage of the proposed Act, how invalid soever it may be, will be to drive away capital—to confine business to fewer persons—to raise rents—to increase the interest on money—to lower the wages of labor—to put a stop to improvements—to throw thousands of people out of employment—to lessen the revenue of the State—to interpose a thousand obstacles in the transaction of all kinds of business—to make the rich man richer, and the poor man poorer—to strike a death blow at the prosperity of San Francisco,—and to retard the growth and development of this State for a time, whose limits we cannot perceive, and in more respects than we will undertake to learn or to enumerate.

ARCH'D C. PEACHY,
MARIANO PACHECO,
ALFRED J. ELLIS.

Mr. McKim gave notice that he would, on to-morrow, or some time thereafter, introduce a bill to locate the permanent Seat of Justice, in the County of Calaveras, by a vote of the electors of that County.

Mr. Crittenden introduced a bill to be entitled an Act to organize the Courts of Justice of California.

Read a first and second time, and referred to the Judiciary Committee, and two hundred copies ordered to be printed.

On motion of Mr. Crabb, the House considered a bill for an Act to authorize and require the Comptroller to draw Warrants in favor of R. N. Wood, J. C. Tucker, and S. A. McMeans, which was read a first and second time, and,

On motion of Mr. Fowler, the House resolved itself into Committee of the Whole, to consider the bill for the relief of Messrs. Wood, Tucker and McMeans.

After spending a short time in its consideration, on motion of Mr. McMullin, the committee rose, reported the bill back without amendment, and asked to be discharged.

The committee was discharged.

The bill was then considered as engrossed, read a third time and passed.

Joint Resolution in regard to Mail Contracts; considered as engrossed, read a third time and passed.

Mr. Haraz thy asked and obtained leave to withdraw a bill heretofore introduced by him, establishing a State Hospital at San Diego.

An Act to authorize the Comptroller of State to settle the account of Tuolumne County.

Read a third time and passed.

The following message was received from the Governor:

I have this day approved an Act entitled an Act requiring the Comptroller to audit certain bills of the members of the present Legislature.

Also, a Joint Resolution requesting our Senators and Representatives in Congress, to use their best efforts to obtain certain Arms from the General Government.

JOHN BIGLER.

Senate bill an Act amendatory of section first of an Act entitled an Act concerning the salaries of officers and pay of members of the Legislature, passed May 1, 1851.

Read a first and second time and referred to a Select Committee; Messrs. McMullin, Coffroth, Crittenden, Law and Orrick, were appointed.

Senate bill for an Act to amend an Act to regulate Rodeos, approved April 30th, 1851,

Read a first and second time and referred to the Committee on Agriculture, with instructions to report on to-morrow morning.

Senate bill for an Act concerning the deposit of gold dust, money, or other valuables, and to prevent frauds therein,

Read a first and second time, and referred to the Judiciary Committee.

Senate bill for the relief of W. J. Whitney, reported back from Committee on Claims, and, on motion, laid upon the table for the present.

Senate bill for an Act to amend the forty-seventh section of the Act entitled an Act concerning officers, passed April 28th 1851.

Read a first time and ordered to a second reading on to-morrow.

Assembly bill for an Act to protect the Agricultural interest in the Mines.

Read a second time, and referred to the Committee on Mines and Mining Interests.

Mr. Peachy asked leave to alter or modify a report which he submitted this day.

Agreed to.

Mr. Wood, chairman, made the following report which was adopted, and the amendments proposed, concurred in:

Mr. Speaker:

The undersigned, Special Committee, to whom was referred "an Act to enforce the observance of contracts made without the State for the performance of labor within the limits thereof," have had the same under consideration, and conceive that the ends to be attained by the provisions of the bill, are eminently entitled to the favorable consideration of the Legislature, as its tendency will be the relief and convenience of the people, as it some times secures labor, now demanded by their wants.

Your committee recommend the prompt action of the House in the passage of the bill, with the amendments reported.

Your committee, in making the provisions of the bill general in its application, do not deem it necessary to adduce any arguments, than those which will at once forcibly address themselves to the consideration of the House.

All of which is respectfully submitted.

R. N. WOOD, Chairman.

Senate bill for an Act concerning fugitives from justice.

Read a second time and referred to the Judiciary Committee.

The following messages were received from the Senate:

Mr. Speaker:

I am directed to inform the Assembly, that the Senate did, on Saturday last, pass the following bills, which are herewith transmitted.

A bill for "an Act to amend the forty-seventh section of the Act entitled an Act concerning officers," passed April 28th, 1851.

A bill for "an Act to authorize the special election in the County of Shasta for the office of Sheriff."

A. C. BRADFORD,
Secretary of the Senate.

March 8, 1852.

I am also directed to inform the Assembly, that the Senate did, on yesterday, pass Assembly bill for "an Act to provide for the payment of Drewry P. Baldwin, and Thomas J. Green, for expenses incurred in laying off the public grounds at the city of Vallejo."

Also, that they did, on the same day, pass Senate bill for "an Act amendatory of section first of an Act entitled an Act concerning the salaries of officers and pay of members of the Legislature," passed May 1st, 1851.

Also, that they did, on the same day, pass Senate bill for "an Act to amend an Act to regulate Rodeos," approved April 30, 1851.

A. C. BRADFORD,
Secretary of the Senate.

March 5, 1852.

Assembly bill to be entitled an Act to incorporate the town of Alviso.

Considered as engrossed, read a third time and passed.

An Act prohibiting certain violations of the Sabbath; upon its third reading,

Mr. Harazthy moved to strike out 5th and 6th line, relating to Horse Racing.

Not agreed to.

Mr. Peachy moved to strike out the words "Theatrical Exhibitions" in the 7th line.

Upon which Mr. McMullin demanded the ayes and nays.

Mr. Thompson was excused from voting.

Mr. Hammond asked to be excused from voting.

The House refused to excuse him.

Those who voted to strike out were—

Messrs.	Blanchard,	Messrs.	Pacheco,
	Brush,		Paxton,
	Covarrubias,		Peachy,
	Crittenden,		Ridley,
	Dameron,		Smith,
	Del Valle,		Taliaferro,
	Fleming,		Tucker,
	Gardiner,		Wing,
	Harazthy,		Wohler,
	Hinchman,		Wood,
	McKenzie,		Yeiser,
	McMeans,		Young—25.
	Merritt,		

Those who voted in the negative were—

Messrs.	Boggs,	Messrs.	Lyons,
	Canney,		McMullin,
	Caldwell,		Orrick,
	Coffroth,		Parrish,
	Colby,		Stark,
	Gibson,		Stevenson,
	Graham,		Turner,
	Hopkins,		Speaker—17.
	Ingersoll,		

So the motion to strike out was agreed to.

Mr. McMullin moved to indefinitely postpone the bill and amendments.

Upon which Mr. Fowler demanded the ayes and nays.

Mr. Graham asked to be excused from voting.

He was excused.

Those who voted to indefinitely postpone the bill were—

Messrs. Brush,
Canney,
Cook,
Covarrubias,
Crittenden,
Dameron,
Del Valle,
Fleming,
Fowler,
Gardiner,
Harazthy,
Hinchman,
Hopkins,
McMeans,
McMullin,
Merritt,
Pacheco,
Paxton,
Peachy,
Ridley,
Smith,
Taliaferro,
Tucker,
Wing,
Wohler,
Young,
Speaker—27.

Those who voted against the indefinite postponement were—

Messrs. Blanchard,
Boggs,
Caldwell,
Coffroth,
Colby,
Gibson,
Jones,
Law,
Lyons,
McKenzie,
Orrick,
Parrish,
Stark,
Stevenson,
Thompson,
Turner,
Wood,
Yeiser—18.

So the bill was indefinitely postponed.

Mr. Fowler gave notice that, on to-morrow, he would move a reconsideration of the vote just taken.

Assembly bill for an Act for the permanent location of the county seat of Calaveras County,

Read a second time and referred to delegation from the County of Calaveras.

Joint Resolution of instructions to our Senators and Representatives in Congress to obtain an appropriation for the improvement of the San Joaquin River; on its second reading,

Mr. Parrish moved its reference to Committee on Federal Relations.

Mr. Merritt asked and obtained leave to withdraw the resolution.

Mr. Graham offered the following resolution:

Resolved, That a Select Committee of three be appointed with power to send for persons and papers, with a view to examine into all the facts connected with the late mandamus, or other writs served upon the Treasurer of State.

Adopted, and Messrs. Graham, Thompson and Young were appointed said committee.

Mr. Peachy introduced a bill for an Act concerning the administration of oaths.

Read a first and second time, and referred to Judiciary Committee.

Mr. Peachy also introduced the following bill, an Act concerning Jurymen.

Read a first and second time and referred to Judiciary Committee.

Mr. Fowler gave notice that, on to-morrow, he would introduce a bill to amend an Act to prohibit lotteries.

Mr. Wood moved to adjourn.

Mr. Fowler demanded the ayes and nays.

Those who voted to adjourn were—

Messrs. Graham,
Hopkins,
Hudspeth,
Wohler,
Wood,
Yeiser—6.

Those who voted nay were—

Messrs. Boggs,
Brush,
Canney,
Caldwell,
Coffroth,
Colby,
Cook,
Covarrubias,
Crittenden,
Dameron,
Del Valle,
Fleming,
Fowler,
Gardiner,
Gibson,
Harazthy,
Hinchman,
Jones,
Law,
Lyons,
McMeans,
McMullin,
Merritt,
Orrick,
Pacheco,
Parrish,
Paxton,
Peachy,
Ridley,
Smith,
Stark,
Stevenson,
Taliaferro,
Thompson,
Tucker,
Turner,
Wing,
Young,
Speaker—39.

Mr. Hammond moved to take from the table all bills and resolutions and place them among the orders of the day.

Agreed to.

On motion of Mr. Wood, the House resolved itself into Committee of the Whole, Mr. Harazthy in the chair, to consider a bill for the relief of M. C. Dougherty; after spending a short time in its consideration,

On motion of Mr. Fowler, the committee rose, reported the bill back with an amendment, and asked to be discharged.

The committee was discharged.

Mr. Fowler moved that the House concur in the amendment made in Committee of the Whole.

Agreed to.

The bill was then considered as engrossed, read a third time and passed.

Mr. Graham moved to adjourn, upon which Mr. Fowler demanded the ayes and nays.

Those who voted to adjourn were—

Messrs. Boggs, Canney, Colby, Cook, Covarrubias, Gibson, Graham, Hopkins, Hudspeth, Merritt, Pacheco, Ridley, Smith, Tucker, Wing, Wohler, Wood, Yeiser, Young—19.

Those who voted against adjournment were—

Messrs. Brush, Caldwell, Coffroth, Dameron, Del Valle, Fleming, Fowler, Gardiner, Harazthy, Hinchman, Jones, Law, Lyons, McMeans, McMullin, Orrick, Parrish, Paxton, Peachy, Stark, Stevenson, Taliaferro, Thompson, Turner, Speaker—25.

On motion of Mr. Hammond, the House next considered a bill entitled an Act to provide for the establishment of a General State Hospital, which was taken up and referred to Special Committee on Hospitals.

On motion of Mr. Harazthy, the Committee on Military Affairs were allowed to employ a clerk for four days.

Mr. Parrish moved to adjourn at 3 o'clock, P. M.

Mr. Fowler demanded the ayes and nays.

Those who voted to adjourn were—

Messrs. Brush, Canney, Cook, Covarrubias, Crabb, Dameron, Gardiner, Gibson, Pacheco, Parrish, Paxton, Peachy, Ridley, Smith, Stevenson, Tucker,

Messrs. Graham,	Messrs. Wing,
Hopkins,	Wohler,
Hudspeth,	Wood,
McMullin,	Yeiser,
Merritt,	Young,
Orrick,	Speaker—28.

Those who voted against adjournment were—

Messrs. Caldwell,	Messrs. Jones,
Coffroth,	Law,
Crittenden,	McMeans,
Del Valle,	Stark,
Fleming,	Taliaferro,
Fowler,	Thompson,
Harazthy,	Turner,
Hinchman,	Wall—16.

So the House adjourned nntil 10 o'clock, to-morrow.

HOUSE OF ASSEMBLY.

TUESDAY, March 9, 1852.

The House met pursuant to adjournment.

The roll was called by the Clerk and the following members found absent:—Messrs. Brush, Coats, Cook, Covarrubias, Dameron, Del Valle, Gardiner, Gibson, Hinchman, Hopkins, Jones, Kipp, Law, McKenzie, Merritt, Paxton, Peachy, Pearce, Pico, Taliaferro, Tucker, Wall, Yeiser and Young.

Mr. Parrish moved that Mr. Pacheco have leave of absence for the balance of the present session of the Legislature.

Agreed to.

Mr. Boggs moved that the reading of the Journal of yesterday be dispensed with for the present.

Agreed to.

Mr. Stark made the following report:

The Committee on Agriculture, to whom was referred a bill for an Act entitled an Act to regulate Rodeos, approved April 30th, 1851, have had the same under consideration, and return the bill back without amendment, recommend its passage, and ask to be discharged from further consideration of the same.

A bill for an Act to amend an Act to regulate Rodeos, approved April 30th, 1851; on motion, was laid upon the table.

Mr. McMeans, chairman, made the following report:

The Committee on State Prisons, to whom was referred an Act to be entitled an Act to punish State convicts for an escape from custody, beg leave to report—that they have had the same under consideration and respectfully recommend its passage.

A bill for an Act to punish convicts for an escape from custody; upon its third reading.

Mr. Stark introduced a bill entitled an Act concerning Estray Animals.

Read a first and second time and referred to the Committee on Agriculture.

Mr. McConaha introduced a bill to be entitled an Act to protect persons who settle upon and improve unoccupied Lands.

Read a first and second time and referred to the Judiciary Committee, and one hundred copies ordered to be printed.

Mr. Fowler moved a call of the House.

The call was sustained.

On motion, Mr. Graham had leave of absence granted.

Mr. Harazthy had leave granted for eight days.

The roll was called by the Clerk, and the following members were absent:—Messrs. Brush, Coats, Cook, Covarrubias, Del Valle, Gardiner, Gibson, Hopkins, Jones, McKenzie, Merritt, Paxton, Peachy, Pearce, Pico, Smith, Taliaferro, Tucker, Wall, Wood, Yeiser and Young.

Mr. Crabb moved that further proceedings under the call be dispensed with.

Agreed to.

Mr. McMeans offered the following resolution:

Resolved, That a committee of three be appointed to confer with the public authorities of the city of San Francisco, with a view to ascertain the probability of suitable accommodations being furnished, and on what terms, should the Legislature deem it necessary to adjourn to that city for the purpose of completing the unfinished business of the present session.

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

Agreed to.

Mr. Fowler moved to adjourn.

Not agreed to.

Messrs. Boggs and Wood asked leave of absence.

Not agreed to.

Mr. Ford offered the following, which was not agreed to:

Resolved, (by the Assembly, the Senate concurring,) That the Legislature do now adjourn to meet at this place on Wednesday, the 17th of March, 1852.

Mr. Fowler moved to take from the table the resolution offered by Mr. McMeans.

No quorum present.

Mr. Dameron moved that the House take a recess of one hour.

No quorum voting.
Mr. McMeans moved a call of the House.
Not agreed to.
Mr. Wing moved that the House adjourn until Friday next.
Not agreed to.
Mr. McMullin moved to adjourn until 10 o'clock, to-morrow, upon which Mr. Wood demanded the ayes and nays.

Those who voted to adjourn were—

Messrs. Coffroth, Colby, Ingersoll, Kipp, Law, Parrish, Turner, Wing—8.

Those who voted against adjourning were—

Messrs. Blanchard, Boggs, Canney, Caldwell, Crabb, Crittenden, Cutler, Dameron, Fleming, Ford, Fowler, Hinchman, Lyons, McConaha, McMeans, McMullin, Orrick, Pacheco, Ridley, Smith, Stark, Stevenson, Thompson, Wall, Wohler, Wood, Speaker—27.

The House refused to adjourn.
Mr. Hinchman introduced a bill to be entitled an Act to amend an Act to regulate the settlement of the estates of deceased persons, passed May 1st, 1851.
Read a first and second time and referred to the Judiciary Committee.
Mr. Thompson introduced a bill for an Act for the protection of Religious Worship.
Read a first and second time and referred to the Judiciary Committee.
Senate bill to fund the debt of the State, taken up.
Mr. Wood moved to lay the bill upon the table.
No quorum voting.
Mr. Ingersoll moved to adjourn.
Not agreed to.
Mr. Parrish moved a call of the House.
Call sustained.
The Clerk then called the roll and the following members were absent:—Messrs. Blanchard, Brush, Canney, Coats, Cook, Covarrubias, Del Valle, Ford, Gardiner, Gibson, Hopkins, Hudspeth, Jones, McKenzie, Merritt, Paxton, Peachy, Pearce, Pico, Taliaferro, Tucker, Yeiser and Young.

Mr. Hinchman moved that the Sergeant-at-Arms be directed to take into custody all members found within the building, and within fifty yards of the Capitol, who are now absent.

Agreed to.

On motion, Messrs. Blanchard, Hudspeth and Wood were admitted within the bar of the House.

Mr. Fowler moved to suspend the call of the House.

Agreed to.

Upon a motion for a member to leave the hall of the House, the question arose as to the operation of the suspension of the call.

Mr. Coffroth, in the chair, decided that the suspension did not dispense with the call.

Mr. Wood appealed from the decision of the chair.

The vote being taken, the chair announced that there was no quorum voting.

On motion of Mr. McConaha, Mr. Canney was excused from the payment of the usual fees as an absentee.

Mr. Ingersoll moved that further proceedings under the call be dispensed with.

Agreed to.

Mr. Parrish moved a call of the House.

Call was sustained.

The Clerk then called the roll and the following members were absent:—Messrs. Brush, Coats, Cook, Covarrubias, Del Valle, Fowler, Gardiner, Gibson, Hopkins, Jones, McKenzie, Merritt, Paxton, Peachy, Pearce, Pico, Taliaferro, Tucker, Wall, Yeiser and Young.

Mr. Wood moved that the Sergeant-at-Arms be dispatched for absentees.

Not agreed to.

Mr. Wing moved that the Sergeant-at-Arms be authorized and required to arrest all members found within or about the Capitol, and within fifty yards of the Capitol, who may be absent without leave.

Agreed to.

On motion, Mr. Wall was admitted within the bar of the House.

Mr. Ingersoll moved to suspend the call of the House.

Not agreed to.

Mr. McMullin moved that further proceedings under the call be dispensed with.

Agreed to.

Mr. Parrish moved that a Special Committee of three be appointed to wait upon the Treasurer of State and obtain from him a written reason why he refuses to pay out money under the provisions of a bill which has passed the present Legislature.

Agreed to.

Messrs. Crittenden, Crabb and McMeans were appointed said committee.

Mr. Dameron offered the following:

Resolved, That the Select Committee, to whom was referred a bill creating Flour Inspectors in the several Ports in this State, be and are hereby instructed to report to this House on to-morrow.

Mr. Wood moved to lay the resolution, offered by Mr. Dameron, on the table.

Not agreed to.

Mr. Fowler moved to dispense with further proceedings under the call.

Agreed to.

Mr. Fowler moved to adjourn.

Not agreed to.

Mr. Dameron moved the adoption of his resolution.

Agreed to.

On motion of Mr. Parrish, at half-past two o'clock, P. M., the House adjourned until 10 o'clock, to-morrow.

HOUSE OF ASSEMBLY.

WEDNESDAY, March 10, 1852.

The House met pursuant to adjournment.

The roll was called by the Clerk and the following members were found absent, Messrs. Blanchard, Boggs, Cook, Covarrubias, Cutler, Del Valle, Gardiner, Hudspeth, Kipp, Lyons, Taliaferro, Tucker, Wall and Yeiser.

The Journals of Monday and Tuesday, the 8th and 9th, read and approved.

The Speaker announced the House ready to proceed to business.

Mr. McMullin, chairman of the Select Committee, made the following report:

The Select Committee to whom was referred Senate bill entitled "an Act amendatory of section first of an Act entitled an Act concerning the salaries of officers and pay of members of the Legislature, passed May 1st, 1851, have instructed me to report the same to the House, with amendments numbered from 1 to 3, inclusive, and as amended, recommend its passage.

First amendment: Strike out in the thirty-second line, the word "four" and insert three.

Add to the last line of section one, these words: "The Superintendent of Public Instruction shall receive ——— dollars, per annum.

The Private Secretary of the Governor shall receive ——— dollars, per annum.

Nothing contained in this section shall be so construed as to allow the Lieutenant Governor, and Speaker of the Assembly, to draw per diem pay after the adjournment of the Legislature.

Third amendment: The second section of said Act is amended so as to read "Members of the Legislature shall receive ten dollars per diem for the first ninety days, and five dollars per diem for every day that they may sit thereafter, and eight dollars for every twenty miles travel by the nearest

mail route, from their residence to the place of holding the session of the Legislature, and in returning therefrom.

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, without leave, during the session, what number of days shall be deducted from the per diem allowance of such member.

Members absent from the place of holding the Legislature, with or without leave, shall not receive pay for the time they may be absent.

On motion of Mr. Peachy, the House refused to concur in the first amendment offered by the committee, to strike out $4,000 and insert $3000.

Mr. Parrish moved to fill the first blank with two thousand dollars.

Lost.

Mr. Coffroth moved to fill the blank with one thousand seven hundred dollars.

Agreed to.

Mr. McConaha moved to fill the second blank fixing the pay of Superintendant of Public Instruction with three thousand dollars.

Agreed to.

Mr. Parrish moved to strike out the words in the second section: "For the first ninety days and five dollars per diem for every day that they may sit thereafter."

Agreed to.

Mr. Wood moved to strike out in the same section the words: "Members absent from the place of holding the Legislature, with or without leave, shall not receive pay for the time they may be absent."

Agreed to.

Mr. McMeans made the following report:

The Select Committee appointed to call upon the State Treasurer and ascertain his reasons for refusing to comply with the provisions of the Act requiring the Comptroller to audit certain bills of the members of the present Legislature, report, that on yesterday, they addressed a note on the subject to the State Treasurer, and have received his answer thereto, this morning.

Copies of the note and answer, are herewith submitted.

S. A. McMEANS,
H. A. CRABB,
A. P. CRITTENDEN, } Committee.

Letter addressed by the committee to the Treasurer, and the Treasurer's reply read, and also a letter written by the State Treasurer to the Attorney General, and the answer of that officer to the State Treasurer, upon the subject—which letters are filed among the proceedings of the Assembly.

On motion of Mr. Merritt, the report and papers were laid upon the table for the present.

Mr. Merritt asked further time in which to make a report upon the subject of appointing Flour Inspectors, at the different ports of this State.

Time granted.

Mr. Parrish, chairman, made the following report:

The undersigned, members of the Select Committee of five, to whom was referred the bill for an Act to divide the State into Congressional Districts, have had the same under consideration and beg leave to report the same back to the House with the recommendation that the bill be indefinitely postponed, as, in the opinion of the undersigned, there is no necessity for the passage of said bill by the present Legislature.

On motion of Mr. Wood, the bill and report was laid upon the table.

Mr. Hopkins made the following report:

The Committee on Engrossed Bills, have examined and found correctly engrossed the following bills:

An Act to authorize and require Comptroller to draw Warrants in favor of R. N. Wood, J. C. Tucker and S. A. McMeans.

An Act to incorporate the town of Alviso.

An Act for the relief of Jacob C. Kore.

An Act to authorize the Comptroller of State to settle the account of Tuolumne County.

An Act for the relief of M. C. Dougherty.

A bill for an Act to dispose of 500,000 acres of land.

Also, a bill entitled an Act to authorize the funding of the debt of the County of El Dorado, and to provide for the payment of the same.

Mr. Wohler offered the following:

Resolved, By the Assembly, the Senate concurring therein, that the two Houses do now adjourn to meet again at the city of San Francisco, on Monday next, the 15th instant, and that the Governor, Secretary of State, Comptroller of State, and State Treasurer, be requested to proceed forthwith to the city of San Francisco, with such portions of the public archives as may be requisite to enable the Legislature to proceed with the business of the Session, and that a Joint Committee of two from each House, be appointed for the purpose of procuring rooms, in said city, for the use of the two Houses, during the remainder of the present session.

Mr. Parrish moved to lay the resolution on the table, upon which, Mr. Wood demanded the ayes and nays.

Those who voted to lay upon the table were—

Messrs. Blanchard,	Messrs. McKenzie,
Brush,	McMeans,
Coffroth,	McMullin,
Colby,	Merritt,
Dameron,	Parrish,
Fleming,	Paxton,
Fowler,	Ridley,
Gibson,	Stevenson,

Messrs. Hopkins,	Messrs. Turner,
Ingersoll,	Wall,
Kipp,	Wing,
Law,	Yeiser,
Lyons,	Young,
McConaha,	Speaker—28.

Those who voted against laying upon the table were—

Messrs. Canney,	Messrs. Pacheco,
Caldwell,	Peachy,
Crabb,	Pico,
Crittenden,	Smith,
Del Valle,	Stark,
Ford,	Thompson,
Hinchman,	Wohler,
Jones,	Wood—17.
Orrick,	

The resolution was laid upon the table.

Mr. Paxton introduced a bill to authorize the Treasurer of Yuba County to institute legal proceedings against the Treasurer of Nevada County.

Read a first and second time and referred to the Judiciary Committee.

On motion of Mr. McMullin, a bill to repeal the Water Lot Bill in San Francisco, was made the special order of the day for Monday next, instead of to-day.

On motion of Mr. McConaha, the House resolved itself into Committee of the Whole, Mr. Wood in the chair, to consider a bill to provide for an Act to amend an Act to incorporate the city of Sacramento.

After spending a short time in its consideration, on motion of Mr. Hammond, the committee rose, reported the bill back without amendment, and asked to be discharged.

The committee was discharged.

The bill was then considered as engrossed; read a third time and passed.

Mr. Peachy introduced a bill to fund the County Debt of San Francisco.

Read a first and second time and referred to the Judiciary Committee.

Mr. Paxton gave notice that, on to-morrow, or some subsequent day, he would introduce a bill the better to define the boundaries of Yuba County, and defining the boundaries of Sierra County; also a bill to provide for the organization of Sierra County.

On motion of Mr. Merritt, the House resolved itself into Committee of the Whole, Mr. Wood in the chair, to consider a bill for the relief of W. J. Whitney.

After spending a short time, on motion of Mr. Hammond, the committee rose for want of a quorum.

Mr. Merritt moved that the Sergeant-at-Arms be dispatched for absent members.

Agreed to.

Mr. Fowler moved to adjourn.

Not agreed to.

On motion of Mr. Parrish, the House resolved itself into Committee of

the Whole, Mr. Wood in the chair, to consider a bill for the relief of W. J. Whitney.

After spending some time in its consideration, on motion of Mr. McMeans, the committee rose, reported back the bill without amendment, and asked to be discharged.

The committee was discharged.

The bill was then read a third time and passed.

The following communication was received from the State Treasurer:

STATE TREASURER'S OFFICE,
Sacramento City, March 10, 1852.

TO THE HON. R. P. HAMMOND,
Speaker of the Assembly:

Sir:—

I herewith transmit the information called for by one of the Resolutions of your honorable body, passed the 8th instant.

Very Respectfully,
Your obedient servant,
RICHARD ROMAN,
State Treasurer.

Papers transmitted by State Treasurer, showing the amounts received into the State Treasury from the 25th of January to 8th March, and from what sources, received; and a statement of the amount of expenditures during the same period, and to whom expended, were severally read, and one hundred copies ordered to be printed; said papers are filed among the proceedings of the Assembly.

Mr. Blanchard introduced a bill for an Act to repeal an Act entitled an Act concerning County Recorders.

Read a first and second time and referred to the Judiciary Committee.

Mr. Peachy asked leave of absence until Monday next.

Leave granted.

The following message was received from the Senate:

Mr. Speaker:

I am directed to inform the Assembly that the Senate did, on yesterday, pass a bill for "an Act to provide for the payment of the Quarter Master General of the State of California."

Also, that they did, on the same day, pass the following Assembly bill: a bill for "an Act supplementary to 'an Act to incorporate the city of Santa Barbara,' passed April 9th, 1851."

Also, a bill for "an Act for the relief of C. H. Veeder."

A. C. BRADFORD,
Secretary of the Senate.

March 10, 1852.

Senate bill an Act for the relief of C. H. Veeder.

Read a first and second time, and referred to the Committee on Claims.

Assembly bill an Act supplementary to an Act concerning Corporations.

Mr. McMeans offered the following amendment to come in after the word "taken," in the eighth section, "nor shall any company have the exclusive right to the water; but there shall be a pro rata distribution among those who may desire to work under the agency of said water."

Not agreed to.

Mr. McMeans offered the following amendment:

"*Provided*, however, the operations of this Act shall not extend to any mining county in this State."

Not agreed to.

Mr. Fowler moved to refer the bill to one member from each of the mining counties.

No quorum voting.

Mr. McMeans moved to refer the bill to a select committee of five, with instructions to report on Wednesday next.

Agreed to.

Messrs. McMeans, Paxton, Crabb, Young and McMullin, were appointed said committee.

Mr. Parrish moved to adjourn until to-morrow.

Mr. Wood moved to amend by inserting Monday next, at 12 o'clock;

Upon which motion, Mr. Crabb demanded the ayes and nays.

Those who voted to adjourn, were—

Messrs. Brush,	Messrs. Lyons,
Canney,	McConaha,
Caldwell,	Orrick,
Colby,	Peachy,
Crittenden,	Stark,
Del Valle,	Stevenson,
Fleming,	Turner,
Gibson,	Wing,
Hopkins,	Wood—19.
Kipp,	

Those who voted against an adjournment, were—

Messrs. Blanchard,	Messrs. McMullin,
Coffroth,	Merritt,
Crabb,	Parrish,
Dameron,	Paxton,
Fowler,	Pico,
Gardiner,	Ridley,
Hinchman,	Thompson,
Ingersoll,	Wohler,
Law,	Young,
McKenzie,	Speaker—21.
McMeans,	

So the House refused to adjourn.

Mr. Parrish moved to adjourn.
Mr. Canney demanded the ayes and nays.

Those who voted to adjourn, were—

Messrs. Caldwell,
Coffroth,
Dameron,
Gardiner,
Gibson,
Hinchman,
Ingersoll,
Lyons,
McKenzie,
McMullin,
Merritt,
Orrick,
Parrish,
Paxton,
Ridley,
Stark,
Stevenson,
Turner,
Young—19.

Those who voted against adjourning, were—

Messrs. Brush,
Canney,
Colby,
Crabb,
Crittenden,
Del Valle,
Fleming,
Fowler,
Graham,
Hopkins,
Jones,
Kipp,
Law,
McMeans,
Peachy,
Pico,
Thompson,
Wall,
Wing,
Wohler,
Wood,
Speaker—22.

House refused to adjourn.
Mr. Fowler moved to adjourn until Monday next, at 10 o'clock.
Mr. Graham demanded the ayes and nays.

Those who voted to adjourn, were—

Messrs. Brush,
Colby,
Crittenden,
Del Valle,
Fleming,
Fowler,
Gardiner,
Gibson,
Graham,
Hopkins,
Jones,
Kipp,
McKenzie,
Orrick,
Peachy,
Pico,
Stark,
Stevenson,
Thompson,
Turner,
Wing,
Wohler,
Wood—23.

Those who voted against adjournment, were—

Messrs. Canney,	Messrs. McMeans,
Caldwell,	McMullin,
Coffroth,	Merritt,
Crabb,	Parrish,
Dameron,	Paxton,
Hinchman,	Ridley,
Ingersoll,	Wall,
Law,	Young,
Lyons,	Speaker—18.

So the House decided to adjourn until Monday next, at 10 o'clock.

HOUSE OF ASSEMBLY.

THURSDAY, March 11, 1852.

A number of the members meeting in the Assembly Chamber, at 10 o'clock, this day, believing it necessary that the Legislature, under the Constitution, should meet, on motion, Mr. Caldwell was appointed to take the chair.

Mr. Crabb moved to dispense with the call of the roll.

Agreed to.

On motion of Mr. Wall, for want of a quorum, the House adjourned until 10 o'clock, to-morrow.

HOUSE OF ASSEMBLY.

FRIDAY, March 12, 1852.

The House met pursuant to adjournment.

On motion, Mr. Coffroth was appointed to take the chair.

Mr. Hinchman moved to dispense with the call of the roll.

Agreed to.

On motion of Mr. Wall, for want of a quorum, the House adjourned until 10 o'clock, to-morrow.

HOUSE OF ASSEMBLY.

SATURDAY, March 13, 1852.

The House met pursuant to adjournment.

Mr. Coffroth in the chair.

On motion of Mr. Crabb the call of the roll was dispensed with.

On motion of Mr. Coats, for want of a quorum, the House adjourned until Monday next, at 10 o'clock.

HOUSE OF ASSEMBLY.

MONDAY, March 15, 1852.

House met pursuant to adjournment.

The roll was called by the Clerk, and the following members found absent:

Messrs. Boggs, Canney, Chauncey, Cook, Covarrubias, Crittenden, Ellis, of San Francisco, Fleming, Ford, Fowler, Gardiner, Graham, Hinchman, Hudspeth, Kipp, Lyons, Orrick, Pacheco, Peachy, Pearce, Pico, Ridley, Smith, Taliaferro, Wohler, Wood, and Mr. Hammond.

On motion, leave of absence was granted to Messrs. Boggs, Crittenden and Hudspeth, for three days.

Messrs. Gardiner, Graham, Peachy, Ridley and Wohler, were excused for this day.

The journals of Wednesday, Thursday, Friday and Saturday, the 10th, 11th, 12th and 13th, read and approved.

The Speaker pro tempore, Mr. Coffroth, announced the House ready to proceed to business.

Mr. McMeans presented a petition from citizens of Sacramento, protesting against the appointment of Flour Inspectors.

Referred to special committee upon that subject, of which Mr. Merritt is chairman.

Mr. Wall made the following report, accompanying which he presented a bill to create revenue.

Mr. Speaker:

The Committee of Ways and Means, to whom was referred "an Act prescribing the mode of assessing and collecting public revenue," passed May 1st, 1851, have had the same under consideration; and without stating at length the objections thereto, respectfully beg leave to report the accompanying bill, as a substitute for the original Act and the proposed amendments.

In submitting this bill to the earnest consideration of the members of this body, your committee ask leave to submit also, some of their reasons for the change which they propose to make in the revenue system hitherto existing in this State. No evil, perhaps, is fraught with such rapid and inevitable injury to any government, as that of an inefficient or unjust law for the collection of the public revenue. The difficulties of suggesting a proper revenue system for California, can only be appreciated by those who have given the subject their careful and mature consideration. The supreme power vested in the Congress of the United States to levy and collect the public revenue, for the support of the general government, from foreign imports, avoids the almost innumerable difficulties which arise in levying a direct tax upon the population of an immense territory, whose interests are as diversified as those of the different States of the Union. In no other State, nor in the government of the United States, is there so much difficulty in establishing a just, equal and adequate revenue system, as exists at this time in California. We have a vast territory—more extensive than all the New England States together, with a sea-coast not incomparable in extent to the whole Atlantic seaboard of the United States—and yet, we own scarcely one acre of land. Our citizens have not yet been secured even in the right of pre-emptions, which other States have long enjoyed; and all our citizens having grants to lands, have been forced into litigations against the general government. So that almost nowhere can the legal ownership of real property be asserted. Your committee, therefore, may well ask indulgence if they have not been able to perfect a revenue system for California, which must perhaps be the work of years.

If we would have a revenue system honest or equitable in its provisions, your committee see no course to adopt except that which is compelled by the condition of the country. They have, therefore, in the accompanying bill, declared all property within this State to be taxable; whether it be owned by absolute legal title, or whether it be enjoyed with all the rights of ownership; whether it be invested in a vessel navigating the inland seas and rivers of this State, or in a fixture erected upon the public domain. Without adopting this just and equal mode of collecting public revenue, it must be apparent that a sufficient amount cannot be raised, without gross oppression, to administer this government in the most economical manner, much less to defray the enormous expenses which have been incurred under its former administration.

Only twenty-seven months have passed since this State Government was organized, and, during this brief period, the total indebtedness and expenditures of this State have reached a sum of over two millions of dollars—a great portion of which has been expended in repelling the incursions of Indians upon our mining counties and other portions of our frontier. But, entirely aside from all our military liabilities, our annual civil expenditures have been more than one third greater than the amount of revenue annually collected. The Comptroller's estimate of the necessary civil expenditures for the present fiscal year, (ending June 30th, 1852,) is $502,533 70,—being probably an excess of expenditure over the receipts equal to that of any former year. No Government, however economical, however prudent, however fortunate, could sustain itself over our immense territory upon the trifling revenue which has been heretofore collected. And it is worthy of remark, that of all the taxes which have hitherto been raised in this State,

over one third of the entire amount has been raised in one county alone; whilst in other counties, which have produced millions of wealth, the amount of taxes paid for the use of the State has not even equalled the amount of money paid by the State to their Representatives in the Legislature; much less the other expenses which the State has incurred for them in good faith. The simple statement of such facts is a more powerful comment upon the past revenue laws of this State than all the arguments which could be adduced.

Our unfortunate financial condition is not to be attributed to the people;—it is, perhaps, wholly owing to the want of a just revenue system, based upon the extraordinary pursuits and condition of our population. It is not for us to accuse the people of unwillingness to pay their taxes. No American population has ever yet refused to pay taxes, when justly, equally and necessarily imposed. It is their pride to contribute to the necessary expenses of their own Government. If they have never been found to submit to "taxation without representation," so they have never yet been found so unjust as to demand representation without taxation. Neither is the deficiency in our revenue to be attributed to the improper conduct of our county officers. With a very few disgraceful exceptions, our county officers have enforced the collection of taxes, during the past year, with a devotion to duty which the officers of no other Government could surpass—and with a remuneration, in some instances, actually not equal to their necessary expenses. There is, now, a plain principle for us to settle. If we have not the power to collect a *just* revenue, can it be doubted that we should collect none whatever? Is it just that taxation should be equal and uniform, or should the majority enjoy all the advantages of government and impose upon the minority all the burthens of taxation for its support? None can fail to determine what is right, and none dare accuse our people of wishing to maintain unequal and unjust laws. No, sir; if we would have this government just, or even respectable, we must impose its burthens equally upon all who participate in its privileges. But this can never be attained so long as we merely re-enact the laws and systems of the old States, and attempt to apply them to the condition of our population, who are almost wholly absorbed in the labor and excitement of gathering gold from the rocks and the earth.

In the present exigencies of our State, the majority in this Legislature owe it to themselves and to their principles to take that stand for California which shall redeem her government to the respect, the confidence, and the attachment of her citizens, and of relieving us from the dishonest and disgraceful position of taxing one portion of our people more than another.

With a system of equal and uniform taxation the burthens of our government would be rendered trifling and insignificant, for our productive resources exceed, in value, the staple products of the whole Southern States. But our revenue laws have not only operated unequally upon different portions of our State, but they have imposed upon our own citizens greater burthens than even foreigners have sustained, who are totally indifferent to our prosperity. If the principle is to be adopted, that those who are not citizens are to be treated with greater partiality than is bestowed upon our own people, then, indeed, it is an advantage not to become a citizen of this State.

There is annually received and sold, within this State, an immense amount

of merchandise and other property, belonging to the citizens of other States and other countries, which has not hitherto been reached by taxation, whilst our own merchants have contributed largely to the support of our government.

Your committee have therefore made provision that all merchandise and other property of commerce, belonging to persons not residing in this State, which shall be imported or received, to be sold within this State, shall pay the same tax upon its value *when sold*, as is imposed on the property of our own citizens. To levy an import tax or any thing of the nature of a tax upon imports, would exceed the power vested in our State Government, but immediately upon the landing and sale of any merchandise or other property, within this State, it becomes a part and portion of the property of our State, and is unquestionably liable to taxation. Whilst no State can prohibit the citizens of another State, nor even the citizens of a foreign country, from selling goods which have been lawfully imported and landed upon our shores, still it rests within the necessary rights and powers of every State, to prescribe such modes of transacting business within its limits as it may deem just and necessary.

Your committee have, therefore, provided, in the accompanying bill, that no person shall sell goods within this State, all, or any portion of which shall belong to non-residents of this State, without first obtaining a license for such purpose, in like manner as is required, by law, of our own merchants.

Your committee believe that this portion of the bill, though new, cannot be shaken in any one of its positions, which has been adopted with great care and under able legal advice. Your committee cannot too strongly recommend the additional provision for appointing a special Collector to enforce the collection of these taxes, together with the taxes imposed upon auctioneers. They have been informed by some of the leading auctioneers of San Francisco, that whilst some of them have paid the amount of their duties to the State, others have neglected to do so; and they ask, as a matter of justice to themselves, that all auctioneers be compelled to exhibit their accounts of sales to some person officially authorized and acquainted with their mode of transacting business, in order that there may not be a premium offered to dishonesty, by enabling it to cheat the State of a just revenue, and undersell the honest auctioneer to the amount of the duty imposed. And these reasons will apply with equal force to collection of the duties imposed on persons selling consigned goods.

For enforcing the collection of poll tax, your committee earnestly urge the adoption of the stringent provisions of the bill upon that subject; probably not less than thirty thousand aliens are enjoying all the rights of citizenship and property, which are guaranteed to our own citizens, whilst they have hitherto resisted, with impunity, the payment of this just and necessary tax. Nothing has perhaps contributed more to decrease the revenue from this source, than the meagre and absurd compensation which has hitherto been allowed to our Sheriffs for enforcing its collection. The justice and the necessity of the provisions of this part of the bill are believed to be too apparent to need further remark.

It will be perceived, by reference to the bill, that the whole amount of tax levied on real and personal property is appropriated to the payment of the interest which may accrue on the indebtedness of the State, except a small per centage which is levied in behalf of Common Schools. The con-

tinued policy of levying taxes upon the people, merely for the support of the officials of Government, without the slightest reference or attention to any public improvement, or to the welfare of those who desire to become permanent citizens of our State, is so gross, so selfish, so time-serving, that those who wish to be classed among the advocates of such policy, may record their names against this just and popular provision of the bill. But your committee would call attention to the fact that this imposition of five cents for the use of Common Schools, will increase the duty, for State purposes, upon consigned goods, in an equal ratio.

It will be perceived that the rates of taxation have been reduced nearly one third below the amounts hitherto imposed. Whilst this reduction would be enormous, and would render the whole amount of taxes collected comparatively insignificant, under the unequal and inefficient revenue laws hitherto existing in this State, your committee confidently believe that, notwithstanding the proposed reduction in the rates of taxation, the bill herewith submitted will reach so many new and immense sources of revenue, heretofore partially or wholly untouched, that if it be suffered to become a law, without any material alteration, it will redeem the credit of the State in a single year, whilst the burthens which it imposes will fall lightly and equally upon all.

All of which is most respectfully submitted.

ISAAC B. WALL, Chairman.

A bill introduced by Mr. Wall, for an Act to be entitled an Act to provide for levying, assessing and collecting the Public Revenue.

Read a first and second time.

Mr. McMullin moved that five hundred copies of the report, and one hundred copies of the bill be printed.

Mr. Crabb moved to amend by inserting one thousand copies of the report, and two hundred copies of the bill.

Not agreed to.

The vote was then taken upon the motion made by Mr. McMullin, and decided in the affirmative.

Mr. Chauncey, chairman, made the following report:

The Committee on Engrossed Bills, have examined and found correctly engrossed Joint Resolution in regard to Mail Contracts.

Mr. McMeans offered the following which was adopted:

Resolved, That the bill providing for the establishment of a General State Hospital, referred to a Joint Committee of both Houses of the Legislature, be returned to this House on demand of the Clerk of this House.

Mr. Merritt, chairman of a Joint Committee upon the subject of State Hospitals, made the following report:

Mr. Speaker:

The Committee on State Hospitals, appointed by the Assembly, and a like committee on the part of the Senate, having visited the Sacramento State

Hospital, with a view to ascertain its condition, wants, resources and liabilities, ask leave to submit the following report.

The Institution was ready for the reception of patients, in May, 1851, and has been in operation since that period—nearly nine months. The whole number of patients admitted, up to the date of this report, is seven hundred and fifty, (750,) of this number eighty-nine, (89) have died; five hundred and eighty-eight (588) discharged, and seventy-three (73) remain under treatment.

When we take into consideration tho large number admitted and the few deaths, the conclusion follows that the Institution has been of great public utility—a hope and refuge to the indigent and the afflicted. From the report of the visiting and resident Physicians, it will be seen that many of our mining population from the Counties of El Dorado, Shasta and Nevada, a class, from the very nature of their employment, exposed more than any other to the ills of life and the vicissitudes of fortune, have availed themselves of its protection and been the recipients of its charity.

The Trustees, with the limited means at their command, employed in a holy cause, and without a wish or hope of any pecuniary reward, have done all that men could do, to foster and sustain the Institution.

The Hospital buildings, now under rent, are not, probably, surpassed by any in the State, for Hospital purposes. The rooms are numerous, generally well finished, well ventilated, cleanly, and judiciously arranged for the comfort and convenience of the sick. So far as the committee have been able to investigate, the amount of the receipts and disbursements of the Hospital, appears correct, and duly entered by the Secretary, in the books, which he is by law required to keep.

The total receipts, up to January 10, amount to $25,822.29, less the loss sustained by sale of State Scrip and Warrants, $10,108.85, leaving an actual cash receipt of $15,713.44, of which $15,702.44, has been disbursed, leaving a balance of $11.00 in the hands of the Treasurer, at the date above referred to. The entire liabilities of the Hospital amount to the sum of $19,009.51, being for salaries of officers, provisions, furniture, medicine, &c. For the liquidation of this debt there are assets as follows:

State Scrip, - - - - - - - -	$7,500
Gaming and Auction Tax, about - - -	2,500
Cash, in the hands of the Trustees, - - -	4,000
Due by the city of Sacramento, - - -	3,360
	$17,360.00

Should this sum be collected in cash, the entire indebtedness would not exceed $3,000.

Your committee learn that the three first items of assets, above named, have been garnisheed for rent.

In order to realize funds to meet the immediate and necessary expenses, the Trustees were forced to the alternative of disposing of the State Warrants at less than fifty cents on the dollar, thereby subjecting the Hospital to a positive loss, exceeding the sum of ten thousand dollars, hence the principal cause of its embarrassed condition.

The funds anticipated to accrue from the tax imposed upon Auction sales

and Gambling, has fallen far short of the estimate, for the reason that the greater portion of it has been paid into the State Treasury, in the Three per cent. State Bonds, which the Treasurer was, by law, required to cancel. In fact had not the members of the Board of Trustees, advanced from their private funds, sufficient to procure the requisite furniture, provisions, and medicines, the Institution could not have been properly organized or sustained.

In absolute want of means to obtain daily supplies, merely of provisions and medicines, it is now in a sinking condition, and struggling for existence, with no hope but in the speedy action, wisdom, and liberality of the Legislature.

The visiting and resident Physicians, Doctors Brierly and Williams, have, by their constant application to the duties imposed upon them, their manifest ability, skill and unwearied attention to the sick, well merited and sustained the important trust delegated to them by the last Legislature.

The patients inform your committee that in all respects, they were well provided for; that the physicians were able and attentive, the nurses watchful and kind, and that in short, they had no cause whatever of complaint.

The Trustees have been compelled to pay the onerous rent of $1100 per month for the Hospital buildings. This heavy expense absorbs much of the means which would otherwise be used for the purchase of supplies and payment of other current expenses.

The institution can hardly prosper with this heavy burthen of rent resting upon it. Your committee believe that the property might be purchased on terms advantageous to the State. If so, they would recommend an early appropriation for that object.

The number of lunatics admitted is forty-eight (48); of which twenty-one yet remain. Some of these are desperate, raving maniacs, requiring great care, and at times, strong physical force to hold them in subjection.

This class of patients, the most miserable and unfortunate of all, wild and bereft of reason, do, in the opinion of your committee, claim especial legislative protection. The building at present occupied by them, is too small, insecure, and by no means suited to their horrible condition.

Even this asylum, poor and insufficient as it is, must soon be refused them, and these senseless beings in human form will be thrown back upon the world, helpless and unprotected. The only remedy is an improvement in the financial condition of the Hospital.

By Act of the Legislature, the Sacramento State Hospital is required to receive and provide for insane from every part of the State. For this object only, $15,000 has been appropriated. Your committee would respectfully suggest an appropriation sufficient for the purpose of erecting a suitable building for the accommodation of the insane contiguous to the main Hospital, to be in charge of the same officers, and without any additional pay. This plan is recommended especially on the ground of economy. The State being greatly embarrassed in its finances, it is deemed inexpedient at this time to incur the expenses necessary to create a separate institution for the reception of the insane, to be under the government of officers appointed to that duty alone, and for the performance of which they would receive special compensation.

From the reports in possession of the Legislature, it is shown that the entire number admitted into the State Marine Hospital, at San Francisco, is

seven hundred (700); and of these, four hundred and sixty (460) were foreigners. Of the number admitted into the Sacramento State Hospital, two hundred and fifty were foreigners (250), making in the aggregate seven hundred and ten (710), and a large majority of all those who have received the benefits of these institutions. The commutation fund amounting thus far to only $18,297.25, and under the entire control of the State Marine Hospital, is wholly inadequate to provide for the relief of the sick and destitute foreign population arriving within our State. The citizens thereof are consequently heavily taxed, in order to provide means for the succor and support of those who have only a claim upon their philanthropy and sympathy. Your committee therefore recommend that a change in the existing law, increasing the rate of commutation for the benefit and relief of destitute foreigners who may become a charge upon the State. It has been suggested that the State might impose a kind of municipal tax, in the form of tonnage dues, upon foreign vessels arriving within the waters of the State.

Your committee are of opinion that any Act of the kind would be unconstitutional, since it would undoubtedly conflict with the principles of international law, and with existing commercial treaties with foreign powers.

All of which is respectfully submitted.

SAMUEL A. MERRITT,
Chairman Select Committee.

Mr. Paxton introduced a bill for an Act to provide for the organization of Sierra County.

Read a first and second time and referred to the Delegation of Yuba County.

Mr. McMullin introduced a bill for an Act concerning Escheats.

Read a first and second time, and one hundred copies ordered to be printed.

Mr. Wall, chairman, made the following report:

The Committee of Ways and Means, to whom was referred Senate bill for the relief of Soule, Page, and others, have had the same under consideration, and would respectfully submit:—That they have examined the accompanying accounts and have found them correct. They would, therefore, report the bill back to the House with the following amendments, and recommend its passage:—Strike out the word "warrant," and insert "warrants;" and strike out all after the word "Treasury," and insert, "one in favor of Soule and Page for the sum of sixteen hundred and twenty-two dollars and thirty-eight cents, and one in favor of J. Hammond for the sum of three hundred and sixty-nine dollars and ninety-six cents, and one in favor of Lovett and Company for the sum of three hundred and sixty-five dollars and ninety cents."

On motion of Mr. Merritt, the bill was laid upon the table for the present.

Mr. McMeans introduced a bill for an Act to amend an Act entitled an Act to provide a revenue for the State Marine Hospital at San Francisco, passed March 26th, 1851.

Read a first and second time and referred to the Judiciary Committee.

Mr. McMeans introduced the following bill:

An Act explanatory of an Act entitled an Act authorizing the Governor to call out troops to defend our frontier, and providing for their pay and compensation.

Read a first and second time and referred to the Judiciary Committee.

Mr. Tucker introduced a bill for ar. Act entitled an Act creating a State Insane Asylum.

Read a first and second time and referred to a Special Committee of five.

Messrs. McMullin, Tucker, Wing, Cook and Ingersoll were appointed said committee.

Mr. Blanchard presented accounts of Messrs. Cooke and Lecount, and Youngs and Kibbe, which were severally read and referred to the Committee on Accounts.

On motion of Mr. Crabb, the House considered a bill for an Act to authorize married women to transact business in their own name as sole traders.

Mr. Dameron moved to strike out, in the second section, the words—"with the cash capital."

Agreed to.

Mr. Hinchman offered the following amendment, which was agreed to:—Add to the end of third section, "except that no married woman shall be imprisoned on mesne or final process in a civil action."

Mr. McMeans offered the following, as an additional section:—"The provisions of this Act shall not extend to any married woman of this State, unless it shall have been satisfactorily proved that the husband of the woman so claiming the benefit of this Act, is incapable of transacting ordinary business."

Mr. Hinchman moved to lay the amendment on the table.

Agreed to.

Mr. McMullin moved to indefinitely postpone the bill under consideration; upon which motion, Mr. Crabb demanded the ayes and nays.

Those who voted to indefinitely postpone were—

Messrs. Brush,	Messrs. McMullin,
Chauncey,	Merritt,
Colby,	Morse,
Ellis, of San Francisco,	Paxton,
Gibson,	Pearce,
Jones,	Stark,
Kipp,	Stevenson,
Law,	Thompson,
McConaha,	Tucker,
McKim,	Turner,
McMeans,	Yeiser—22.

Those who voted nay were—

Messrs. Coats,	Messrs. Hinchman,
Coffroth,	Hopkins,
Crabb,	McKenzie,
Cutler,	Parrish,
Dameron,	Wing,
Fleming,	Young—12.

So the House indefinitely postponed the bill.

Mr. Yeiser gave notice that he would move a re-consideration of the vote just taken on to-morrow.

Mr. Merritt offered the following, which was adopted:

Resolved, That in accordance with the fifty-seventh rule of the House, the Committee on Public Expenditures be and are hereby instructed to enquire into and examine the accounts of the last and present Comptroller, and of the last and present Treasurer, and particularly if all moneys have been disbursed conformably with law; and said committee are instructed to report to this House as soon as possible.

Mr. McKenzie introduced a bill to provide for the ordering of a Special Election in the County of Trinity.

Read a first and second time and ordered to a third reading on to-morrow.

Senate bill an Act to provide for the payment of the salary of the Quarter-Master General of the State of California.

Read a first and second time.

On motion of Mr. Crabb, the House resolved itself into Committee of the Whole, Mr. Ellis, of San Francisco, in the chair, to consider the bill for the payment of the Quarter-Master.

After spending a short time in its consideration, on motion of Mr. Merritt, the committee rose, reported the bill back without amendment and asked to be discharged.

The committee was discharged.

The bill was then read a third time and passed.

Mr. Hinchman introduced a bill to be entitled an Act to amend the twentieth section of an Act concerning Coroners, passed April 19th, 1850.

Read a first and second time, considered as engrossed, read a third time and passed.

Senate bill an Act to authorize a Special Election in the County of Shasta for the office of Sheriff.

Read a first and second time and ordered to a third reading on to-morrow.

The following message was received from the Governor:

I have the honor herewith to transmit a communication from the Hon. S. R. Harris, Mayor of the city of San Francisco, enclosing a certified copy of a resolution adopted on the 11th instant by the Common Council of said city, entitled "Joint Resolution extending the hospitalities of the city to the Legislature."

JOHN BIGLER.

A letter from the Mayor of San Francisco to the Governor, and the resolution of the Council of San Francisco, were severally read, and, on motion of Mr. McMullin, laid upon the table; and the Clerk ordered to return the thanks of the Assembly to the Council of the city of San Francisco.

A message was received from the Governor, enclosing a letter from the Attorney-General upon the subject of suits brought against the Sheriff of San Francisco, by the Mail Company.

The Speaker announced that there was not a quorum present.

Mr. Ellis, of San Francisco, moved a call of the House.

The call was sustained.

The clerk then called the roll and the following members were found absent, Messrs. Coats, Covarrubias, Ford, Jones, Lyons, McKenzie, Pearce, Pico, Smith, Stark, Stevenson, Turner, Wohler and Yeiser.

Mr. Parrish moved that the Sergeant-at-Arms be dispatched for absent members who answered this morning at roll call.

Agreed to.

On motion, Mr. Stark was admitted within the bar of the House.

Mr. Ellis, of San Francisco, moved that further proceedings under the call be dispensed with.

Not agreed to.

On motion Messrs. Stevenson and Pearce were admitted within the bar of the House, and excused from the payment of the usual fees.

On motion of Mr. Parrish, further proceedings under the call were dispensed with.

Mr. Merritt made the following motion which was adopted:

That the communications from the Governor be referred to the Judiciary Committee, and that they be instructed to confer with the Judiciary Committee of the Senate, and report to the House, by bill or otherwise, some means by which the expenses of suits pending in the United States District Court, against the Sheriff of San Francisco, may be paid.

Mr. Merritt moved to reconsider the vote which ordered one hundred copies of the bill introduced by Mr. Wall to be printed.

No quorum voting.

The question was again put and no quorum voted.

Mr. Merritt then demanded the ayes and nays.

Those who voted to re-consider, were—

Messrs. Brush,	Messrs. Kipp,
Caldwell,	Law,
Chauncey,	McConaha,
Coffroth,	McMeans,
Colby,	Merritt,
Crabb,	Morse,
Cutler,	Parrish,
Dameron,	Paxton,
Ellis, of San Francisco,	Pearce,
Fleming,	Stark,
Gibson,	Stevenson,

Messrs. Hinchman, Hopkins, Ingersoll, Wall, Wing, Young—28.

Those who voted in the negative were—

Messrs. Coats, Cook, Jones, McMullin, Tucker—5.

So the House re-considered the vote.

Mr. Merritt moved to amend the original motion to print, by inserting three hundred copies.

Mr. Thompson moved to insert one hundred and fifty thousand copies.

Mr. Wing moved to insert one thousand copies.

The vote was taken upon the motion of Mr. Thompson to print one hundred and fifty thousand copies, and lost.

Mr. Ellis, of San Francisco, moved to insert five hundred copies, upon which Mr. McMullin demanded the ayes and nays.

Those who voted to print five hundred copies of the bill, were—

Messrs. Brush, Chauncey, Colby, Ellis, of San Francisco, Gibson, Jones, Kipp, Law, McConaha, McKim, McMeans, McMullin, Merritt, Morse, Paxton, Pearce, Stark, Stevenson, Thompson, Tucker, Turner, Yeiser—22.

Those who voted against printing five hundred copies, were—

Messrs. Coats, Coffroth, Crabb, Cutler, Dameron, Fleming, Hinchman, Hopkins, McKenzie, Parrish, Wing, Young—12.

The House decided to print five hundred copies of the bill.

Mr. Tucker offered the following, which was adopted:

Resolved, That the Senate be and are hereby requested to return to this House, Assembly bill entitled "an Act to amend an Act to incorporate the city of Sacramento," passed on Wednesday last, 10th March, in order that a motion to re-consider the vote by which it passed may be made.

Mr. Merritt gave notice to amend the forty-seventh rule to read as follows:

The fees of the Sergeant-at-Arms shall be for every arrest of a member under a call of the House, five dollars; the fees to be paid by the member so arrested, out of his pay, on the certificate of the Clerk of the House to the Comptroller, unless excused by the House, for each day's custody and releasement; one dollar, for travelling expenses, of himself or special messenger, going and returning fifty cents per mile.

Assembly bill, an Act to amend an Act entitled, an Act concerning Courts of Justice of this State, and Judicial Officers; on its third reading, on motion of Mr. Hinchman, it was laid on the table for the present.

The following message was received from the Senate:

Mr. Speaker:

I am directed to inform the Assembly that the Senate did, on Friday last, pass the following bills:

"An Act to fund the debt of the county of San Joaquin, and provide for the payment thereof." Also,

"An Act for the relief of C. C. Richmond." Also,

"A Joint Resolution in relation to swamp lands."

And that they did, on the same day, pass Assembly bill for "an Act for the relief of W. H. Endicott, Under Sheriff of Nevada county." Also,

Assembly bill for "an Act supplemental to an Act entitled 'an Act to provide for the incorporation of Railroad Companies,' passed April 28th, 1852." Also,

Assembly "Joint Resolutions in regard to volunteers informally enlisted in the United States service."

And that they did, on Saturday last, pass Assembly bill for "an Act to establish the county of Siskiyou, and establish the seat of justice therein."

And, "an Act for the repeal of an Act entitled 'an Act to authorize the Court of Sessions of Sacramento county to borrow money.'"

A. C. BRADFORD,
Secretary of the Senate.

March 15, 1852.

Senate bill for an Act to fund the debt of the county of San Joaquin, and provide for the payment thereof.

Read a first and second time and referred to the delegation from San Joaquin county.

Senate bill, an Act for the relief of C. C. Richmond.

Read a first and second time.

Mr. Merrit moved to reject the bill.

Not agreed to.

Mr. Ellis, of San Francisco, moved its reference to Committee on Claims.

Agreed to.

Senate Joint Resolution in relation to swamp lands.

Read a first and second time and referred to the Committe on Public Lands.

On motion of Mr. Wing, leave of absence was granted to Mr. Wall.

Assembly bill for an Act to establish the county of Siskiyou, and establish the seat of justice therein, amended in the Senate.

The House concurred in the amendments made in the Senate.

Senate bill an Act for the repeal of an Act entitled an Act to authorize the Court of Sessions of Sacramento county to borrow money.

Read a first and second time, and referred to the delegation from Sacramento.

Mr. Brush moved to take up the bill concerning Estray Animals.

No quorum voting.

Mr. Merritt moved that the House go into Committee of the Whole upon the Estray bill.

No quorum voting.

Mr. Thompson moved to adjourn.

Not agreed to.

Mr. Brush moved that the House resolve itself into Committee of the Whole upon the Estray Bill, upon which motion Mr. Parrish demanded the ayes and nays.

Those who voted to go into Committee of the Whole, were—

Messrs. Brush,	Messrs. McKim,
Coffroth,	Merritt,
Colby,	Paxton,
Crabb,	Pearce,
Dameron,	Stark,
Gibson,	Stevenson,
Hinchman,	Thompson,
Ingersoll,	Tucker,
Jones,	Turner,
Kipp,	Wing,
Law,	Yeiser,
McKenzie,	Young—24.

Those who voted against going into Committee, were—

Messrs. Caldwell,	Messrs. McConaha,
Coats,	McMeans,
Cutler,	McMullin,
Ellis, of San Francisco,	Morse,
Hopkins,	Parrish—10.

The House resolved itself into Committee of the Whole.

Mr. Caldwell in the chair.

After some time spent in the consideration of the bill and making some amendments thereto,

On motion of Mr. Coffroth, the committee rose, reported the bill as amended, and asked to be discharged.

The committee was discharged.

Mr. Dameron moved that the House concur in the amendments made in the Committee of the Whole.

Agreed to.

Mr. Parrish moved to adjourn

Not agreed to.

Mr. Crabb moved that San Joaquin county be excluded from the operations of the bill.

Agreed to.

Mr. Parrish moved that the bill be engrossed for a third reading on to-morrow.

Agreed to.

On motion of Mr. Ellis, of San Francisco, at 4 o'clock P. M., the House adjourned until 10 o'clock to-morrow.

HOUSE OF ASSEMBLY.

TUESDAY, March 16, 1852.

The House met pursuant to adjournment.

The roll was called by the Clerk and the following members found absent:—Messrs. Blanchard, Canney, Ellis, of San Francisco, Fleming, Ford, Fowler, Gardiner, Graham, Kipp, Lyons, McKenzie, Peachy, Pico, Ridley, Smith, Taliaferro, Thompson, Tucker, Wall, Wohler, Wood and Hammond.

The Journal of Monday, March 15th, read and approved.

The Speaker pro tempore, Mr. Coffroth, announced the House ready to proceed to business.

On motion, leave of absence was granted to Mr. Blanchard for one week.

Mr. Caldwell presented a petition from citizens of the County of Sutter, and also the proceedings of a public meeting in said county, praying to be attached to the County of Yuba.

Referred to Delegation from Yuba and Sutter Counties.

Mr. Paxton presented a remonstrance from the citizens of Yuba against a division of the county.

Referred to the Delegation from the Counties of Yuba and Sutter.

Mr. Dameron moved that the Committee on County Boundaries be authorized to hand over all petitions which have heretofore been referred to that committee upon the subject of division of the County of Yuba, to the Delegation from the Counties of Yuba and Sutter.

Agreed to.

Mr. Merritt presented a petition from citizens of the County of Mariposa, praying for a division of the County.

Referred to the Delegation from the County of Mariposa.

A petition from bakers and other citizens of San Francisco, praying for the appointment of Flour Inspectors.

Read and referred to the Special Committee upon the subject of Flour Inspectors, of which Mr. Merritt is chairman.

Mr. McMeans offered the following, which laid over one day under the rule:

Resolved, That the eighty-ninth rule of this House be so amended as to read as follows:—"No call for the yeas and nays shall be regarded by the Speaker, unless seconded by at least three members, whose names shall be entered on the Journals as the members at whose request the yeas and nays are called."

Mr. Merritt presented a bill for an Act supplementary to an Act entitled an Act to create a State Marine Hospital in the city of Sacramento.

Read a first and second time and referred to the Committee of the Whole House on Thursday next, made the special order for that day.

Mr. Dameron introduced a bill to be entitled an Act to amend the seventeenth section of the Act concerning forcible entry and unlawful detainers.

Read a first and second time and referred to the Judiciary Committee.

Mr. Paxton introduced a bill for an Act supplementary to an Act entitled an Act dividing the State into Counties and establishing the Seats of Justice therein, and to better define the boundaries of Yuba County and the boundaries of Sierra County, and establishing the Seats of Justice therein.

Bill read a first and second time and referred to Delegation from Yuba County.

The following message was received from the Governor:

I have the honor to transmit herewith a communication from P. Dunlap, Esq., Clerk of the County of Sacramento, enclosing an order adopted by the Court of Sessions of said county on the second day of March, A. D., 1852, tendering to the State of California the use of the building now occupied as the State House, in Sacramento city, for the use of the Legislature during the next session; and also, the use of five of the rooms in said building, during the recess, free of charge.

JOHN BIGLER.

Proceedings of the Court of Sessions of the County of Sacramento, in reference to a proposition for the Legislature to hold the next session in the City of Sacramento, was read, and on motion of Mr. McMullin, laid upon the table, and the Clerk ordered to return the thanks of the Assembly to the Court of Sessions.

A motion made by Mr. Merritt, on yesterday, to amend the forty-seventh rule, was taken up, and, on motion, laid upon the table.

Mr. Parrish made the following report:

The Committee on Public Lands, to whom was referred the Joint Resolutions of the Senate in relation to the Swamp Lands, have had the same under consideration and beg leave to report them back to the House and recommend their passage.

Senate Joint Resolution in relation to Swamp Lands.

Read a third time and passed.

Mr. McMeans introduced a bill for an Act to authorize Thomas Orr, John Doherty, William A. Saunders and Thomas Woodward to establish a Ferry

at Salmon Falls, in El Dorado County, on the South Fork of the American River.

Read a first and second time and referred to the Delegation from El Dorado.

A bill to provide for the ordering of a Special Election in the County of Trinity.

Read a third time and passed.

On motion of Mr. McMeans, a bill entitled an Act to provide for the establishment of a General State Hospital, was referred to a Special Committee of five.

Messrs. McMeans, Covarrubias, Ellis, of San Francisco, Merritt and Pico were appointed said committee.

On motion of Mr. Yeiser, the House resolved itself into Committee of the Whole, Mr. Colby in the chair, to consider a bill to be entitled an Act for the relief of J. K. Shafer.

After spending some time in the consideration of the bill, on motion of Mr. Ellis, of San Francisco, the committee rose, reported the bill back without amendment, and asked to be discharged.

The committee was discharged.

Mr. Merritt offered the following, as an amendment to the bill:—"To be paid out of the general fund not otherwise specially appropriated."

Agreed to.

The bill was then read a third time and passed.

Mr. Wood made the following minority report:

Mr. Speaker:

The undersigned, a minority of the Special Committee to whom was referred an Act to divide the State into Congressional Districts, beg leave to report: That in considering this matter, they have been induced to look alone to the ends desired to be attained. When Congress passed the law requiring the respective States to lay them off in Congressional Districts, a reference to the debates had on the passage thereof, will clearly show that it was predicated, with a view to have an immediate representation from particular sections of a State—reasonably presuming that representatives thus coming from an immediate district of country, would be better enabled to represent the district, from a more intimate and particular acquaintance with the geography and topography of the country, and wants of the constituency; and at the same time, to relieve as far as possible a conflict of interest in such districts represented. From which reasoning your committee have seen naught to induce them to entertain a different opinion. Pursuing this train of reasoning, your committee are led to examine the aspect of affairs, and condition of same, as applicable in this State.

There are two distinct interests in this State, and may be classified as

1st. Mining counties.

2d. Agricultural and grazing counties.

And in order to arrive at as proper a division of the State, relative to those two important interests, recommend that the Act be amended by making the Congressional Districts conform to the Senate bill introduced by Hon. Mr. Lewis, of Butte and Shasta.

It will be found that in order to equalize the population as far as possible,

and to conform in the main to the sentiments before expressed in the proposed division, they have been reluctantly forced to include in the 2d District, three mining counties, viz: Tuolumne, Calaveras and Mariposa. This, however, seems from the whole, to be the best that can be devised, and is submitted for consideration.

Your committee, in conclusion, feel great reluctance in being forced, from a sense of duty, to present the proposed division, as it may not meet with favor from some quarters, on account of its effect on some honorable members' ambitious views.

All of which is submitted.

R. N. WOOD,
M. R. HOPKINS.

On motion of Mr. Merritt, the report was laid upon the table for the present.

On motion of Mr. Parrish, the House resolved itself into Committee of the Whole, Mr. Wood in the chair, to consider a bill for the relief of Lyman Leslie.

After spending some time in its consideration, and making an amendment thereto,

On motion of Mr. Coffroth, the committee rose, reported back the bill as amended, and asked to be discharged from its further consideration.

Committee discharged.

On motion, the House concurred in the amendment made in Committee of the Whole.

Mr. McMullin moved that the bill be considered as engrossed, and read a third time.

Agreed to.

The bill was then read a third time and passed.

On motion of Mr. Graham, the title of the bill was amended to read "a bill for the relief of Lyman Leslie."

On motion of Mr. Wood, the House resolved itself into Committee of the Whole, Mr. Wood in the chair, to consider Senate bill an Act for the relief of Hinckley and Davis.

After spending a short time in its consideration, on motion of Mr. Coffroth, the committee rose and asked leave to sit again.

Leave granted.

Assembly bill for an Act to punish convicts for an escape from custody, on its third reading.

On motion of Mr. Ellis of San Francisco, the bill was re-committed to the Committee on State Prison, with instructions to report an enacting clause to the bill.

On motion of Mr. Wall, the House resolved itself into Committee of the Whole, Mr. Wood in the chair, to consider a bill for an Act for the relief of Soule and Page, J. Hammond and Levett and Co.

After spending some time in its consideration, and making amendments thereto, on motion of Mr. Coffroth, the committee rose, reported back the bill as amended, and asked to be discharged from its further consideration.

Committee was discharged.

Mr. Wall moved to concur in the amendments made in Committee of the Whole.

Agreed to.

The bill was then read a third time and passed.

Senate bill for an Act to amend an Act to regulate Rodeos, approved April 30th, 1851.

Read a third time and passed.

Assembly bill to protect the State of California against the introduction of foreigners of bad character.

Mr. McConaha moved to strike out all after the enacting clause.

Not agreed to.

Mr. Ellis moved to refer the bill to the Judiciary Committee.

Not agreed to.

Mr. Parrish moved that the bill be referred to a Select Committee of five.

Agreed to.

Messrs. Yeiser, Crabb, Covarrubias, Lyons and Gibson, were appointed said Committee.

Mr. Wood was excused from serving longer upon the Committee on Corporations.

Senate bill for the relief of Tobin and Duncan; on its third reading.

Mr. McMullin moved to strike out the last section.

Agreed to.

On motion of Mr. Brush the House resolved itself into Committee of the Whole, Mr. Lyons in the chair, to consider a bill for the relief of Tobin and Duncan.

After spending some time in its consideration, on motion of the Mr. Parrish the committee rose, reported the bill back amended, and asked to be discharged.

The committee was discharged.

Mr. Wood moved to re-consider the vote which struck out the last section of the bill.

The vote was re-considered.

Mr. McMullin then withdrew the amendment.

The bill was then read a third time and passed.

On motion of Mr. Parrish, the House resolved itself into Committee of the whole, Mr. Lyons in the chair, to consider a bill for an Act to enforce contracts made without this State.

After spending considerable time in the consideration of the bill, and making sundry amendments thereto, on motion of Mr. Merritt, the committee rose, reported the bill as amended, and asked to be discharged.

The committee was discharged.

Mr. Merritt moved to concur in the amendments, generally.

Mr. Hinchman moved that the amendments be concurred in separately.

Agreed to.

First amendment to section second, agreed to.

Second amendment agreed to.

On the third amendment, which struck out three years and inserted five, Mr. Hinchman demanded the ayes and nays.

Those who voted in favor of the amendment, made in Committee of the Whole, were—

Messrs. Chauncey,	Messrs. McMeans,
Coats,	McMullin,
Colby,	Parrish,
Cook,	Paxton,
Dameron,	Peachy,
Gibson,	Pearce,
Graham,	Stevenson,
Ingersoll,	Thompson—16.

Those who voted against the amendment, were—

Messrs. Brush,	Messrs. McConaha,
Caldwell,	McKim,
Coffroth,	Merritt,
Covarrubias,	Morse,
Crabb,	Orrick,
Ellis, of San Francisco,	Pico,
Fleming,	Stark,
Hinchman,	Tucker,
Hopkins,	Turner,
Jones,	Wall,
Kipp,	Wing,
Law,	Wood,
Lyons,	Young—26.

The House refused to concur in the amendment made in Committee of the Whole.

Amendments fourth, fifth, and sixth, were agreed to.

The bill still under consideration.

On motion of Mr. Parrish, at 4½ o'clock, P. M., the House adjourned until 10 o'clock, to-morrow.

HOUSE OF ASSEMBLY.

WEDNESDAY, March 17, 1852.

The House met pursuant to adjournment.

The roll was called by the Clerk and the following members were found absent, Messrs. Chauncey, Fowler, McKenzie, Peachy, Taliaferro, Tucker, Wall, Wohler and Speaker.

The Journal of Tuesday, 16th, was read and approved.

The Speaker, pro tempore, Mr. Coffroth, announced the House ready to proceed to business.

On motion, Mr. Fowler had leave of absence granted until Friday next.

Mr. Wall presented the proceedings of the corporate authorities of the city of Monterey, proposing the use of a Hall for the Legislature in that city.

Mr. Wood moved to lay the proposition from Monterey upon the table and that the Clerk be instructed to return the thanks of the Assembly, to the corporate authorities of Monterey.

Mr. Hopkins made the following report:

The Committee on Engrossed Bills, have examined and found correctly engrossed the following bills:

An Act concerning estray animals.

An Act to amend the twenty-sixth section of an Act concerning Coroners, passed April 19th, 1850.

A bill to provide for the ordering of a special election in the County of Trinity.

A bill to be entitled an Act for the relief of J. K. Shafer.

A bill for the relief of Lyman Leslie.

Mr. McMeans presented a petition from B. F. Ankeny and others, praying for relief, together with other papers upon the same subject, and, upon his motion, the petition and papers were referred to a Special Committee of five.

Messrs. McMeans, Dameron, Cutler, Pico and Ridley, were appointed said committee.

On motion of Mr. McMeans, the resolution offered by him, on yesterday, to amend the eighty-ninth rule, was taken up and adopted.

Mr. Wall offered a Joint Resolution granting leave of absence to W. Van Voorhies, Secretary of State.

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

Agreed to.

Mr. Merritt, introduced a bill to provide for the collection of papers belonging to the General Government, and for other purposes.

Read a first and second time and referred to Judiciary Committee.

Mr. Young made the following report, which was read, and, on motion, laid upon the table:

Mr. Speaker:

The undersigned, one of the Special Committee, to whom was referred the matter of the removal of the present County Seat of Calaveras County, begs leave to report back to the House, the former report of the Committee on Counties and County Boundaries, locating the Seat of Justice at Mokelumne Hill and recommend its adoption, and the passage of the law therein suggested, with an annexed amendment.

And the undersigned would here ask permission to state some reasons why he recommends this disposition of the matter.

1st. Because of the frauds alleged to have been perpetrated in the two elections that have already been held, the former of which is so clearly shown in the accompanying depositions of Hanson and others, and the latter of which is as equally apparent, in the partial and improper manner adopted by the canvassing officer in the counting of the votes cast, as will be read-

ily seen upon an examination of the certified and verified returns, submitted as testimony to the committee.

2nd. Besides these flagrant frauds which have doubtless defeated the *people's will*, the undersigned sees many reasons why the said report of the Committee on Counties and County Boundaries, recommending the passage of a law fixing the County Seat at the village of Mokelumne Hill, should be adopted.

That place is nearer the geographical centre of the County, and will, if located there or near there, better accommodate a larger portion of the inhabitants of said County.

From the River Stanislaus, the Southern boundary by the public road to the town of Jackson, the present County Seat, it is *forty-three miles;* whereas from Dry Creek, the Northern boundary, to Jackson, the County Seat, it is but *twelve miles!*

For the Southern borders are the large Camps of Murphy's, Carson's, Angel's, Malow's, Cayote, New Albany, Biaceta, Indian Creek, French Gulch, French Camp, and others, the citizens of which have to travel, to reach the present County Seat, upwards of *forty miles*, and the last seven miles of the way is a hard and almost impassable road.

The undersigned confesses that he sees the same hills to pass over in the case of the inhabitants of Jackson and its vicinity in their visits to the Hill, as he does in that of the people from the Hill, or the Calaveras, in their travel to Jackson; still he submits that when it is recollected that the tour of some *thirty-five* miles has to be performed by the citizens living upon the Southern border of the County before they reach these difficulties and but some *fifteen* by those from the Northern line, a great distinction is at once apparent which deserves a just and proper consideration.

As far as the division of the County is concerned, as it is set forth in one or two petitions asking for the same, the undersigned considers it an Act, at present highly detrimental to the interests of said County, and only advocated by a set of political aspirants who are desirous to fill the offices of the new County with a fresh swarm of *office seekers*, that like so many hungry cormorants, will prey upon the pockets of the honest tax-payers.

Under the present embarrassed state of the finances of Calaveras County, the undersigned would protest earnestly against any measure that will have a tendency to cripple the *individual* energies of her population in their future efforts to dispel the *thirty* or *forty thousand dollars* indebtedness which now rests like an incubus upon them.

Again the undersigned believes that a law should be passed by this Legislature, locating the County Seat of Calaveras County at the village of Mokelumne Hill, because *eighteen hundred* of her citizens have petitioned most earnestly for such an enactment.

All of which is respectfully submitted.

G. E. YOUNG, of Calaveras.

An Act for the permanent location of the county seat of Calaveras county.

Reported back by committee, and laid upon the table.

Mr. Wood introduced a bill for an Act to repeal an Act in relation to the the city of San Francisco, passed May 1st, 1851.

Read a first and second time.

Mr. McMullin moved to reject the bill.

The Speaker then put the question.

Shall the bill be rejected?

The House refused to reject the bill.

Bill was then read a second time by title, and ordered to be engrossed for a third reading on to-morrow.

Mr. Harazthy introduced a bill for an Act for the relief of the indigent sick.

Read a first and second time, and made special order of the day for to morrow, in Committee of the Whole.

An Act to enforce the observance of contracts made without this State, for the performance of labor within limits thereof, was taken up for consideration.

The 7th amendment made on yesterday in Committee of the Whole, was concurred in by the House.

Mr. Wood moved to re-consider the vote of yesterday which struck out five years and inserted three, in the bill, upon which motion Messrs. Turner, McKim and Harazthy demanded the ayes and nays.

Those who voted to re-consider, were—

Messrs. Boggs,	Messrs. McMeans,
Canney,	McMullin,
Chauncey,	Parrish,
Coats,	Paxton,
Coffroth,	Peachy,
Cook,	Pearce,
Crabb,	Smith,
Dameron,	Stark,
Ford,	Stevenson,
Gardiner,	Taliaferro,
Gibson,	Thompson,
Harazthy,	Wall,
Ingersoll,	Wood,
Jones,	Yeiser,
McKim,	Young—30.

Those who voted against the re-consideration, were—

Messrs. Brush,	Messrs. McConaha,
Caldwell,	Merritt,
Colby,	Morse,
Cutler,	Orrick,
Ellis, of San Francisco,	Pico,
Fleming,	Ridley,
Hopkins,	Tucker,
Kipp,	Turner,
Law,	Wing,
Lyons,	Wohler—20.

So the vote was re-considered.

The question then came up to strike out three years and insert five years, upon which Messrs. Turner, Parrish and Canney demanded the ayes and nays.

Those who voted in favor of five years, were—

Messrs. Boggs,	Messrs. Parrish,
Canney,	Paxton,
Chauncey,	Peachy,
Coats,	Pearce,
Cook,	Ridley,
Dameron,	Smith,
Ford,	Stark,
Gardiner,	Stevenson,
Gibson,	Taliaferro,
Harazthy,	Thompson,
Ingersoll,	Wall,
Jones,	Wood,
McMeans,	Yeiser,
McMullin,	Young—28.

Those who voted against five years being inserted in the bill, were—

Messrs. Brush,	Messrs. Law,
Caldwell,	Lyons,
Coffroth,	McConaha,
Colby,	Merritt,
Covarrubias,	Morse,
Crabb,	Orrick,
Cutler,	Pico,
Ellis, of San Francisco,	Tucker,
Fleming,	Turner,
Hinchman,	Wing,
Hopkins,	Wohler—23.
Kipp,	

The insertion of five years was agreed to.

Mr. Hopkins moved to indefinitely postpone the bill, upon which motion Messrs. Hopkins, Wood and Jones demanded the ayes and nays.

Those who voted to postpone, were—

Messrs. Brush,	Messrs. Jones,
Caldwell,	Kipp,
Colby,	Law,
Covarrubias,	McKim,
Cutler,	Morse,
Ellis, of San Francisco,	Pico,
Fleming,	Stark,
Hinchman,	Tucker,
Hopkins,	Turner—18.

Those who voted against postponement, were—

Messrs. Boggs,
Canney,
Chauncey,
Coats,
Coffroth,
Cook,
Crabb,
Dameron,
Ford,
Gardiner,
Gibson,
Harazthy,
Ingersoll,
Lyons,
McConaha,
McMeans,
McMullin,
Merritt,
Orrick,
Parrish,
Paxton,
Peachy,
Pearce,
Ridley,
Smith,
Stevenson,
Taliaferro,
Thompson,
Wall,
Wing,
Wohler,
Wood,
Yeiser,
Young—34.

The House refused to indefinitely postpone the bill.

Mr. Peachy offered an additional section, making contracts under this Act assignable.

Mr. Caldwell offered the following as an amendment to the section offered by Mr. Peachy:

"Contracts may be assignable by and with the consent of the employed."

Not agreed to.

Mr. Colby offered an amendment to require all persons contracting with foreigners to give bond that the foreigners thus employed should not become a charge to the State for one year after the expiration of said contract. Lost.

The question then came up upon the additional section offered by Mr. Peachy, upon which Messrs. Hopkins, Ellis, of San Francisco, and Wood, demanded the ayes and nays.

Those who voted in favor of the amendment, were—

Messrs. Boggs,
Chauncey,
Coats,
Coffroth,
Cook,
Crabb,
Dameron,
Ford,
Gardiner,
Gibson,
Graham,
Harazthy,
Ingersoll,
Orrick,
Parrish,
Paxton,
Peachy,
Pearce,
Ridley,
Smith,
Stevenson,
Taliaferro,
Thompson,
Wall,
Wing,
Wohler,

Messrs. Lyons,
McMeans,
McMullin,
Merritt,
Messrs. Wood,
Yeiser,
Young—33

Those who voted against the amendment, were—

Messrs. Brush,
Canney,
Caldwell,
Colby,
Cutler,
Ellis, of San Francisco,
Fleming,
Hinchman,
Hopkins,
Messrs. Jones,
Kipp,
Law,
McKim,
Morse,
Pico.
Stark,
Tucker,
Turner—18.

So the amendment was adopted.

Mr. McKim moved a call of the House.

Call not sustained.

Mr. McKim offered an additional section, requiring parties who may employ laborers under the provisions of this bill, to remove them to their homes at the expiration of their term of service. Providing, at the same time, that if the parties employed shall escape or refuse to perform according to agreement, that they shall be confined in the State Prison.

Not agreed to.

Mr. McConaha offered an amendment requiring the parties employing laborers to pay a poll tax of five dollars.

Mr. Stark offered the following as an amendment:

"One half of said tax to be for the use of the county, and the other half to the use of the State."

Agreed to.

Mr. Ellis, of San Francisco, moved to amend the amendment as follows: to read State and county tax.

Agreed to.

Mr. Paxton moved to re-consider the vote adopting the amendment offered by Mr. Stark.

Vote was re-considered.

The amendment was then lost.

The vote was then taken upon the amendment offered by Mr. McConaha, and decided in the affirmaiive.

Mr. Boggs offered the following amendment:

"Such poll tax as now is, or may hereafter be imposed by law."

Not agreed to.

Mr. Hinchman moved to strike out the word State and insert County.

Not agreed to.

Mr. Crabb offered an amendment to the amendment of Mr. McConaha, as follows:

"To strike out State and insert State and county; and insert one third to to the county and two thirds to the State."

Agreed to.

Mr. Lyons offered a substitute for the first section, which was
Agreed to.

Mr. Canney moved to postpone the further consideration of the bill until to-morrow; upon which motion Messrs. Hinchman, McKim and Canney demanded the ayes and nays.

Those who voted to postpone until to-morrow, were—

Messrs.	Canney,	Messrs.	Law,
	Cutler,		Lyons,
	Hinchman,		McKim,
	Hopkins,		Morse—9.
	Kipp,		

Those who voted against postponement, were—

Messrs.	Boggs,	Messrs.	Merritt,
	Brush,		Orrick,
	Caldwell,		Paxton,
	Coats,		Peachy,
	Coffroth,		Pearce,
	Colby,		Ridley,
	Cook,		Smith,
	Crabb,		Stark,
	Dameron,		Stevenson,
	Ellis, of San Francisco,		Taliaferro,
	Fleming,		Thompson,
	Ford,		Tucker,
	Gardiner,		Turner,
	Harazthy,		Wall,
	Ingersoll,		Wing,
	Jones,		Wohler,
	McConaha,		Wood,
	McMeans,		Yeiser,
	McMullin,		Young—38.

So the House refused to postpone the consideration of the bill until to-morrow.

On motion of Mr. McMullin, the House resolved itself into Committee of the Whole, Mr. Taliaferro in the chair, to consider a bill to enforce contracts within this State, made without this State.

After spending some time in its consideration and making sundry amendments thereto, on motion of Mr. Wood, the committee rose, reported the bill back as amended, and asked to be discharged from its further consideration.

The Committee was discharged.

Mr. Kipp moved a call of the House.

The call was sustained.

The Clerk then called the roll and the following members were absent, Messrs. Boggs, Chauncey, Cutler, Graham, Hopkins, McConaha, McKenzie, Pearce and Yeiser.

On motion, leave of absence was granted to Messrs. Graham and McKenzie.

On motion, Messrs. Boggs, Pearce, Cutler and Chauncey, were admitted within the bar of the House, and excused from the payment of the usual fees.

Mr. Wood moved to dispense with further proceedings under the call.

Mr. Hinchman moved to amend by sending the Sergeant-at-Arms after the absent members.

The motion of Mr. Hinchman was agreed to.

Mr. Parrish moved that further proceedings under the call be dispensed with.

Agreed to.

Mr. Wood moved that the bill be considered as engrossed and read a third time.

Agreed to.

Upon the passage of the bill, Messrs. Ellis, of San Francisco, Turner and Tucker, demanded the ayes and nays.

Those who voted for the passage of the bill, were—

Messrs. Boggs,	Messrs. Orrick,
Canney,	Parrish,
Chauncey,	Paxton,
Coffroth,	Peachy,
Cook,	Pearce,
Crabb,	Ridley,
Dameron,	Smith,
Ford,	Stevenson,
Gardiner,	Thompson,
Haraz thy,	Wall,
Ingersoll,	Wohler,
Lyons,	Wood,
McMeans,	Yeiser,
McMullin,	Young—29.
Merritt,	

Those who voted against the passage of the bill, were—

Messrs. Brush,	Messrs. Jones,
Caldwell,	Kipp,
Coats,	Law,
Colby,	McKim,
Covarrubias,	Morse,
Cutler,	Pico,
Ellis, of San Francisco,	Stark,
Fleming,	Tucker,
Gibson,	Turner,
Hinchman,	Wing—21.
Hopkins,	

So the bill passed.

Mr. Cutler moved to adjourn.

Not agreed to.

Mr. Parrish moved to re-consider the vote just taken upon the passage of the bill.

Mr. McMullin moved to indefinitely postpone the motion to re-consider.

Mr. Cutler moved to adjourn, upon which Messrs. Canney, Turner and Hinchman, demanded the ayes and nays.

Those who voted to adjourn, were—

Messrs. Brush,	Messrs. Kipp,
Canney,	Law,
Caldwell,	McKim,
Coats,	Morse,
Colby,	Orrick,
Covarrubias,	Pearce,
Cutler,	Pico,
Fleming,	Stark,
Gibson,	Tucker,
Hinchman,	Turner,
Hopkins,	Wing—23.
Jones,	

Those who voted against an adjournment, were—

Messrs. Boggs,	Messrs. Merritt,
Chauncey,	Parrish,
Coffroth,	Paxton,
Cook,	Peachy,
Crabb,	Ridley,
Dameron,	Smith,
Ellis, of San Francisco,	Stevenson,
Ford,	Taliaferro,
Gardiner,	Thompson,
Harazthy,	Wall,
Ingersoll,	Wohler,
Lyons,	Wood,
McMeans,	Yeiser,
McMullin,	Young—28.

The House refused to adjourn.

The vote was then taken upon the motion made by Mr. McMullin to indefinitely postpone the motion to re-consider and decided in the affirmative.

Mr. Wall offered the following which was adopted:

Resolved, That until the permanent Speaker, Hon. R. P. Hammond, returns to his duties, that Hon. J. W. Coffroth, be the temporary Speaker of this House.

On motion of Mr. McMullin, the bill to repeal the Water Lot Bill was

made the special order for to-morrow, as soon as the call for reports from committees are concluded.

Mr. Ellis, of San Francisco, gave notice that he would move to re-consider the vote on to-morrow, which indefinitely postponed a motion to re-consider the vote, passing the bill to enforce contracts within this State.

Mr. Merritt moved that the bill to provide for the election of a State Printer, be made the special order for Friday next.

Agreed to.

On motion of Mr. Parrish, at 4 o'clock, P. M., the House adjourned until 10 o'clock, to-morrow.

HOUSE OF ASSEMBLY.

THURSDAY, March 18, 1852.

House met pursuant to adjournment.

The roll was called by the Clerk, and the following members found absent:—Messrs. Coats, Covarrubias, Ellis, of San Francisco, Fleming, Fowler, Gardiner, Graham, Hudspeth, McKenzie, McKim, McMeans, Merritt, Pico, Taliaferro, Wall and Wing.

The Journal of Wednesday, March 17th, read and approved.

Mr. Coffroth, Speaker pro tem., announced the House ready to proceed to business.

On motion, leave of absence was granted to Mr. McKenzie for the remainder of the session.

Mr. Boggs presented a proposition from citizens of Benicia, proposing to remove the State House from Vallejo to Benicia, free of cost to the State.

Read and referred to the Committee on Public Buildings.

Mr. Lyons presented a petition from Wm. T. Barbour, praying relief.

Petition read and referred to the Committee on Claims.

Mr. Peachy presented a memorial from the members of the bar and citizens of the city of San Francisco, against the reduction of the salary of the Judge of the District Court of the Fourth Judicial District.

Memorial read and referred to the Judiciary Committee.

Mr. Peachy presented an account of Smith Brothers and Company, for lost Warrants, which was referred to the Committee on Claims.

Mr. Yeiser made the following report:

The Committee, to whom was referred the claim of E. J. C. Kewen, for services performed in behalf of the State, have investigated the same, and the undersigned beg leave to submit the following Report:—

The first Legislature of California elected E. J. C. Kewen Attorney-General of California, and, as such officer, he served until the period of his resignation—which the records show to have been on the seventh day of October, A. D. 1850. During the interim, between the periods of said

resignation and the election and qualification of his successor, was a lapse of three months and three days. Peter H. Burnett, the then acting Governor of the State, appointed the said E. J. C. Kewen to continue in the performance of the duties of the office of Attorney-General during this interregnum, in the same manner as though his resignation had not taken effect.

We find that Mr. Kewen did continue so to act for the State in good faith and upon the assurance that his services would receive the proper and usual compensation. Since the seventh of October, 1850, the Comptroller's books show that nothing has been received by Mr. Kewen for his services, although the facts appearing, before the committee, clearly indicate that he is entitled to consideration therefor. The salary and office rent, which he would have been entitled to receive, under the law, for his services as Attorney-General, for the period of three months and three days, would be $3,048 33. The necessary disbursements which have been shown to have been expended out of his private resources in the performance of his official duties, amount to the sum of one hundred and sixty-four dollars—reaching, in the aggregate, the sum of three thousand two hundred and twelve dollars and thirty-three cents. The legal interest of ten per cent. per annum upon this sum, for the period of fourteen months—since which time it is claimed to be due—would be the further sum of three hundred and eighty-five dollars and forty-five cents, amounting, in the whole, to within a fraction of three thousand six hundred dollars. The claim of Mr. Kewen is for three thousand dollars, and the committee believe it to be a reasonable charge for his said services as Attorney-General, and that the good faith of the State and the impartial considerations of justice require that the claim should be recognized and discharged.

We therefore recommend the passage of the accompanying bill.

F. YEISER,
J. G. PARRISH,
HENRY A. CRABB,
R. N. WOOD,
A. F. HINCHMAN.

A bill for an Act for the relief of E. J. C. Kewen.

Read a first and second time and ordered to a third reading on to-morrow.

Mr. Dameron made the following report:

The Committee on County Boundaries, to whom was referred an Act amendatory of the twenty-fifth section of an Act entitled an Act dividing the State into Counties and establishing the Seats of Justice therein, passed April the 25th, 1851, have had the same under consideration, and have instructed me to report it back to the House without amendment, and recommend its passage.

The bill was then read a third time and passed.

Mr. Harazthy made the following report upon the subject of claims, arising out of Indian Wars:

The Committee on Military Affairs, to whom was referred the accounts

of the expenses of the expeditions ordered out by his late Excellency John McDougal, generally known as the Utah Expedition, as well as the Coahuillas Expedition, and beg leave to report—first, as to the Utah Expedition. That they have examined the orders of the late Governor to Major-General J. H. Bean, bearing date the first of March, 1851, ordering Gen. Bean to call out, for the "purpose of protecting the southern frontier, fifty able-bodied militia of the County of Los Angeles;" and that in pursuance of said orders, Gen. Bean mustered into service sixty-four men, inclusive of Major J. W. Bird, the Quarter-Master of said expedition, whose appointment was made necessary, as well by the orders of the Governor as by the requirements of this service. Your committee have not, under these circumstances, felt at liberty to audit the accounts of the whole number of sixty-four men, but herewith report the names, number of days of services, rations, &c., including the name of Major Bird, in the list of the fifty men first enlisted by Gen. Bean; and also, in a separate class, have entered the names of the remaining fourteen men, showing the number of days of service performed, and their respective number of rations.

Abstract from Muster Roll of the first fifty men mustered into service in the Utah Expedition, under command of Major General Bean:

NAMES	NO. OF DAYS' SERVICE	NO. OF RATIONS
Major J. W. Bird,		
Captain, John Brunnan,	112	112
1st Lieutenant, Jos. Kemp,	112	112
2d Lieutenant, Henry Malcom,	65	65
1st Sergeant, Ambrose Moses,	112	112
2d Sergeant, Charles Norris,	112	112
3d Sergeant, John W. Whitfield,	112	112
4th Sergeant, Louis Dallun,	112	112
1st Corporal, Alfred Tatum,	112	112
2d Corporal, John Phillburn,	112	112
3d Corporal, Samuel Hudson,	112	112
Privates.		
Lewis C. Anthony,	104	104
Wm. P. Ball,	112	112
John Conway,	112	112
Richard K. Chamberlin,	112	112
Abner Devoe,	112	112
La Fayette Driggers,	112	112
William Elkins,	112	112
William Foreman,	112	112
Stephen Foreman,	112	112
Feorge Fries,	112	112
Martin Gage,	105	105
Elijah Gage,	105	105
Thomas Gordon,	112	112

NAMES.	NO. OF DAYS' SERVICE	NO. OF RATIONS.
George Hart,	112	112
David Brown,	112	112
Henry Hornblower,	112	112
John Lohman,	112	112
John O'Leary,	112	112
John Treadwell,	112	112
Charles Woodruff,	108	108
Fitz Schwoaling,	112	112
Artley Zugler,	112	112
Jas. Stevenson,	75	75
Wm. Nertbholder,	112	112
George Clarke,	41	41
Chas. Lavelle,	41	41
Louis Gamain,	112	112
Joel E. Holman,	73	73
Juan Jose Alviso,	77	77
Juan Jose Lancaster,	77	77
Ignacio Gillegas,	80	80
Pablo Equirra,	80	80
Juan Jose Leibe,	80	80
Francisco Cruz,	80	80
Jose Maria Maretaz,	80	80
Felippe Amparrano,	80	80
Antonio Campus,	112	112
Juan Arispo,	80	80
Joseph P. Bailey,	112	112
	4803	4803
Estimated No. of days' services of Maj. Bird,	247	
Estimated No. of rations of Maj. Bird,		247
	5050	5050

Abstract from Muster Roll of the remaining fourteen men mustered into service, being the excess above the number ordered out by his Excellency John McDougal:

NAMES.	NO. OF DAYS' SERVICE	NO OF RATIONS
4th Corporal, George W. Parker,	99	99
Private, George Bailey,	31	31
" Samuel Brooks,	34	34
" Martin Hall,	101	101
" George Schetzlin,	101	101
" Moses B. Searles,	101	101
" Alfred P. Scott,	31	31
" Jas. E. Smith,	95	95
" John G. Smith,	195	195
" Adolphus Waldanan,	102	102
" Henry W. Wright,	90	90
" George Batchelder,	22	22
" Jas. H. Turner, Hospital Steward,	100	100
" Benjamin Keys,	102	102
	1004	1004

NO OF RATIONS FOR FIFTY FIRST ENLISTED MEN, 5050, AMOUNTS TO	NO. OF RATIONS FOR FOURTEEN REMAINING MEN, 1004, AMOUNTS TO
Pork—18 bbls., 187½ lbs.,	750 lbs.
Beef—6,312½ lbs.,	2,255 lbs.
Flour—28 bbls., 193¾ lbs.,	1,125¾ lbs.
Beans—12 bush., 21 qts.,	2 bush. 16 qts.
Rice—505 lbs.,	100 lbs. 6 oz.
Coffee—303 lbs.,	60¾ oz.
Sugar—606 lbs.,	120½ lbs.
Vinegar—50½ gallons,	10 gallons 1 gill.
Candles—75 lbs. 12 oz.,	15 lbs. 1 oz.
Soap—202 lbs.,	40 lbs. 2 oz.
Salt—4 bush. 1 qt.,	20 qts.

TOTAL RATIONS FOR SIXTY-FOUR MEN, 6054, AMOUNTS TO

Pork,	18 bbls. 937½ lbs.
Beef,	7,567½ lbs.
Flour,	29 bbls. 318½ lbs.
Beans,	15 bush. 5 qts.
Rice,	605 lbs. 6 oz.
Coffee,	363¾ lbs.
Sugar,	726½ lbs.
Vinegar,	60 gallons 17 gills.
Candles,	90 lbs. 13 oz.
Soap,	242 lbs. 2 oz.
Salt,	4 bush. 21 qts.

TABLE

SHOWING THE AMOUNT OF COMMISSARY STORES PURCHASED BY MAJOR J. W. BIRD, FOR USE OF UTAH EXPEDITION.

SHOWING THE AMOUNT OF COMMISSARY STORES ISSUABLE UPON 6054 RATIONS.

Flour—10,490 lbs., - - - - - - -	6,810 lbs.
Bacon—1,625 lbs., - - - - - -	4,537½ lbs.
Beef—8,832 lbs., - - - - - - -	7,567½ lbs.

(Estimating beeves at 300 lbs. each.)

Coffee—1,190 lbs., - - - - - -	363¼ lbs.
Sugar—2,213 - - - - - - -	726½ lbs.

The other articles exceed, in some instances, and in others fall short of the ration quantity, and are not herein set forth.

Excess of flour purchased 3,680 lbs., at 14 cents per lb., amounts to - - - - - - - - - - - - -	$515 20
The meat ration being *either* Beef *or* Pork—the excess of *Beef* purchased over *the whole* ration quantity of meat, amounts to 1,264½ lbs., to which add the amount of Bacon purchased, 1,625 lbs., and add ½ lb. to each pound purchased, to make it equal to Beef, makes - - - - - - -	2,437½ lbs.
Add the above excess in Beef alone, - - -	1,264½ lbs.
	3,702 lbs.
At 15 cents per lb., - - - - - - - -	$555 30
Excess of Coffee, 827¼ lbs. at 37½ cts., - - - - -	310 00
Excess of Sugar, 1,486½ lbs. at 35 cts., - - - - -	520 27
Total cost of supplies purchased above ration quantity, - -	$1,900 77

Your committee find no authority to warrant them in recommending the payment of commissary stores, beyond the ration allowances established by law; nor to include the pay of Major General Bean, commanding the company already commanded by a Captain of their own election; nor to include the pay and rations of the staff of the Major General, with the exception of the Quarter Master, whom we find upon examination, to have been in service 259 days, and the Surgeon, ——. Nor do your committee feel authorized by law, to recommend the payment of certain men employed by the Quarter Master, in addition to the sixty-four soldiers already referred to; but present all these cases to the consideration of the Legislature, that they may do that which in their judgment may prove to be just as well to the State as to the citizen.

Your committee would also call the attention of the Legislature to the

charges of $2,592.00 for keeping and taking care of stock, and furnishing provender for, and coralling the same. The number of men employed in the service of the State would seem to have been sufficient to have taken charge of the public property, and this item of charge is not recommended by your Committee to be paid.

Your committee also find that some of the expenses incurred, have been of such a nature that they should have been properly charged to the individual members of the company, rather than to the State. These amounts, inclusive, with some over charges for arms and other goods furnished, amount to the sum of $1,469, which they recommend to be suspended for explanation by the accounting officers.

The manner in which the public property was disposed of at auction, is not approved of by your committee, on the ground that the return of the auctioneer only shows the whole amount of sales in bulk, without specifying particularly the amount for which every separate article of property was sold.

All of which is respectfully submitted.

AGOSTEN HARAZTHY,
Chairman.

Mr. Hopkins made the following report:

"The Committee on Engrossed Bills respectfully report, that they have examined the following bill: an Act to repeal an Act in relation to the City of San Francisco, and found it correctly engrossed."

Mr. McMeans made the following report:

"The committee to whom was referred the Act to be entitled an Act to punish State convicts for an escape from custody, with special instructions, beg leave to report the bill back with the amendment directed to be added to the bill, and recommend its passage."

Mr. Colby, chairman, made the following report:

"The Select Committee to whom was referred the bill to repeal an Act authorizing the Court of Sessions of Sacramento County to borrow money, have had the same under consideration, and report the same back to the House, and recommend its passage."

The bill was then read a third time and passed.

Mr. Ellis, of San Francisco, moved, in accordance with his motion on yesterday, to re-consider the vote which indefinitely postponed the motion to re-consider a vote that passed a bill, on yesterday, to enforce contracts within this State, made without this State.

Mr. Crabb made a point of order, "that a motion to re-consider a motion to postpone indefinitely a motion to re-consider a bill, resolution or motion passed, cannot be entertained by the Speaker."

The chair, Mr. Coffroth, decided the motion to re-consider in order, as the time for the consideration of the main question had not passed.

Mr. Crabb appealed from the decision of the chair.

Mr. Wood moved a call of the House.

The call was sustained.

The clerk then called the roll, and the following members were absent:

Messrs. Gardiner Graham, Hudspeth, Wall and Mr. Speaker.

On motion, Mr. Graham was excused under the call.

Mr. Hudspeth, on motion, had leave of absence until Monday next.

Mr. Wood moved that the Sergeant-at-Arms be dispatched for absent members.

Agreed to.

On motion, Mr. Hammond and Mr. Wall were admitted within the bar of the House.

Mr. Fowler moved that leave of absence be granted to Mr. Gardiner.

Not agreed to.

Mr. Tucker moved that further proceedings under the call be dispensed with.

Agreed to.

The question was then put—Shall the decision of the chair stand as the judgment of the House? Upon which Messrs. McConaha, Wood and Parris demanded the ayes and nays.

Those who voted to sustain the chair, were—

Messrs.	Canney,	Messrs.	Kipp,
	Caldwell,		Law,
	Coats,		Lyons,
	Colby,		McConaha,
	Covarrubias,		McKim,
	Cutler,		Merritt,
	Ellis, of San Francisco,		Morse,
	Fleming,		Pearce,
	Ford,		Pico,
	Fowler,		Stark,
	Gibson,		Tucker,
	Harazthy,		Turner,
	Hinchman,		Wing,
	Hopkins,		Young—29.
	Jones,		

Those who voted against the decision of the chair, were—

Messrs.	Boggs,	Messrs.	Peachy,
	Chauncey,		Ridley,
	Cook,		Smith,
	Crabb,		Stevenson,
	Dameron,		Taliaferro,
	Gardiner,		Thompson,
	Ingersoll,		Wall,
	McMeans,		Wohler,
	McMullin,		Wood,
	Orrick,		Yeiser,
	Parrish,		Hammond—23.
	Paxton,		

The House sustained the decision of the chair.

The vote then came up to re-consider the vote of yesterday, upon which Messrs. McMullin, Parrish and Fowler, demanded the ayes and nays.

Those who voted to re-consider, were—

Messrs. Brush,	Messrs. Jones,
Caldwell,	Kipp,
Coats,	Law,
Colby,	McConaha,
Covarrubias,	McKim,
Cutler,	Morse,
Ellis, of San Francisco,	Pico,
Fleming,	Stark,
Fowler,	Tucker,
Gibson,	Turner,
Hinchman,	Wing,
Hopkins,	Wohler—24.

Those who voted against a re-consideration, were—

Messrs. Boggs,	Messrs. Orrick,
Canney,	Parrish,
Chauncey,	Paxton,
Coffroth,	Peachy,
Cook,	Pearce,
Crabb,	Ridley,
Dameron,	Smith,
Ford,	Stevenson,
Gardiner,	Taliaferro,
Harazthy,	Thompson,
Ingersoll,	Wall,
Lyons,	Wood,
McMeans,	Yeiser,
McMullin,	Young,
Merritt,	Hammond—30.

The House refused to re-consider the vote.

Mr. Wing had leave granted to change his vote upon the passage of the bill on yesterday, to enforce the observance of contracts.

Mr. Colby, chairman, made the following report:

The Joint Committee on Enrolled Bills, have examined and found correctly enrolled, the following bills:

A bill for an Act to provide for the payment of the salary of the Quarter-Master General, of the State of California.

An Act for the relief of Tobin and Duncan.

Also, an Act for the payment of Drury P. Baldwin and Thomas J.

Greene, for expenses incurred in laying off the Public Grounds in the City of Vallejo.

The following message was received from the Senate:

Mr. Speaker:

I am directed to inform the Assembly that the Senate passed, on the 15th instant, an Act to provide for the obtainment, preservation and distribution of Vaccine Matter.

An Act further to define the duties of County Treasurers.

An Act for the relief of Jesse D. Carr.

An Act to prohibit the erection of Weirs or other obstructions to the run of Salmon.

Also, they have passed a Concurrent Resolution in relation to the contingent fund of the Senate and Assembly.

A. C. BRADFORD,
Secretary of the Senate.

March 16, 1852.

Special order of the day: a bill to repeal the Water Lot Bill, came up.

Mr. McMullin moved a call of the House.

No quorum voting.

The question was again put and the House sustained the call.

The Clerk then called the roll and the following members were absent, Messrs. Brush, Canney, Coats, Cutler, Ford, Kipp, Law, McConaha, Stark, Turner and Wall.

On motion Messrs. Young, Dameron and Ford, were admitted within the bar of the House.

Mr. Hinchman moved that the Sergeant-at-Arms be dispatched for absent members.

Agreed to.

On motion, Mr. Canney was admitted within the bar of the House and excused from the payment of the usual fees.

On motion, Mr. McConaha was also admitted within the bar of the House, and excused from the payment of the usual fees.

Messrs. Law, Turner, Brush, Kipp, Coats, Stark and Wall, were admitted within the bar of the House.

On motion of Mr. Merritt, further proceedings under the call was dispensed with.

On motion of Mr. Merritt, the House resolved itself into Committee of the Whole, Mr. Merritt in the chair, to consider a bill to repeal the Water Lot Bill.

After spending some time in its consideration, on motion of Mr. Yeiser, the committee rose and asked leave to sit again.

Leave granted.

Mr. Merritt moved to go into Committee of the Whole, to consider a bill in reference to the State Hospital at Sacramento.

Not agreed to.

Mr. Parrish moved that the bill to dispose of the Swamp and Overflowed Lands, be made the special order of the day for to-morrow.

Agreed to.

On motion of Mr. Parrish, at 4½ o'clock, the House adjourned until 10 o'clock to-morrow.

HOUSE OF ASSEMBLY.

FRIDAY, March 19, 1852.

The House met pursuant to adjournment.

The roll was called by the Clerk, and the following members were found absent: Messrs. Coats, Colby, Covarrubias, Ellis, of San Francisco, Gardiner, Hopkins, Kipp, McConaha, McMullin, Merritt, Tucker, Wall and Yeiser.

The Journal of Thursday, March 18th, read and approved.

The Speaker announced the House ready to proceed to business.

Leave of absence was granted to Mr. Hopkins for a short period.

Mr. Parrish presented a petition from citizens of Yolo, protesting against the appointment of Flour Inspectors.

Read and laid upon the table.

Mr. Taliaferro, made the following report:

Your committee, to whom was referred the several petitions, remonstrances and bills, relative to the City of Marysville, beg leave to report.

That they look upon the whole matter as a local one, and they believe that the wishes of those inhabiting such localities, should control our action upon all such questions. Acting in accordance with these views, your committee have delayed from day to day, reporting on this subject, on account of the conflicting evidence they have had, as to the true wishes of the people of Marysville.

But the citizens of Marysville did, in a recent election, after the matter had been sufficiently discussed for them to act knowingly and understandingly, vote five to one against a repeal of the charter, and in favor of the following bill, which we now submit to your most favorable consideration.

An Act supplementary to the Act incorporating the City of Marysville.

Laid upon the table.

Mr. Smith, chairman, made the following report:

The Committee on Claims, have had under consideration Senate bill number 65, for the relief of C. H. Veeder, for the sum of two hundred and five dollars, and recommend its adoption, with the following amendment, as follows: Strike out all after the words "out of," and insert "the contin-

gent fund of two thousand five hundred dollars, set apart by this Legislature for contingent expenses."

Senate bill for an Act for the relief of C. H. Veeder, amended, read a third time and passed.

Mr. Chauncey made the following report:

The Committee on Engrossed Bills, have examined an Act entitled an Act to enforce the observance of contracts made without this State, for the performance of labor within the limits thereof, and find the same correctly engrossed. Also, a bill for an Act amendatory of the twenty-fifth section of an Act entitled an Act dividing the State into Counties and establishing the Seats of Justice therein.

Mr. Paxton made the following report:

The delegation of Yuba County, to whom was referred the bill to provide for the organization of Sierra County, and the bill to define the boundaries of Yuba and Sierra County, respectfully report the same back to the House and unanimously recommend their passage.

An Act to provide for the organization of Sierra County, and an Act supplementary to an Act entitled an Act dividing the State into Counties, and establishing the Seats of Justice therein, and better define the boundaries of Yuba County and the boundaries of Sierra County, and establish the Seat of Justice therein; both bills ordered to be engrossed for a third reading on to-morrow.

Mr. Merritt introduced a bill for an Act creating Tulare County and to provide for its organization.

Read a first and second time and laid upon the table.

Mr. Harazthy offered the following, which lies over one day under the rule:

Resolved, That in future when there is a call of the House, that no member shall be excused, who is absent without leave, from paying the usual fees.

Mr. McConaha introduced a bill for the relief of M. Dougherty; read a first and second time and referred to Committee on Claims.

The following message was received from the Governor:

I have this day approved an Act entitled an Act to provide for the payment of Drury P. Baldwin and Thomas J. Greene, for expenses incurred in laying off the Public Grounds in the city of Vallejo.

JOHN BIGLER.

Senate bill, an Act supplementary to an Act to fund the debt of the State, passed April 29th, 1851.

Read a first and second time and referred to Committee on Ways and Means.

Senate bill, an Act concerning Jurors; read a first and second time and referred to Judiciary Committee.

A bill an Act for the relief of E. J. C. Kewen, taken up and made the special order for the 20th inst.

Senate bill, an Act for the relief of Jesse D. Carr; read a first and second time and referred to Committee on Claims.

Senate bill for an Act further to define the duties of County Treasurers; read a first and second time and referred to Committee of Ways and Means.

Senate bill for an Act to amend the forty-seventh section of an Act entitled an Act concerning officers, passed April 28th, 1851.

Read a first and second time and referred to the Judiciary Committee.

The following message was received from the Senate:

Mr. Speaker:

I am directed to inform the Assembly that the Senate, yesterday, passed the amendments of the Assembly to Senate bill for

"An Act for the relief of Soule and Page, J. Hammond, and Lovett and Company."

And that the Senate also passed "an Act supplementary to an Act to fund the debt of the State, passed April 29th, 1851."

And also passed this day, "an Act for the relief of Thomas J. Greene;"

And "an Act concerning Jurors."

Also, "an Act for the relief of E. Barny."

A. C. BRADFORD,
Secretary of the Senate.

Senate bill, an Act for the relief of E. Barny.

Read a first and second time, and referred to the Committee on Claims.

Senate bill, an Act for the relief of Thomas J. Greene.

Read a first and second time, and referred to the Committee on Claims.

Senate bill, an Act to prohibit the erection of Weirs or other obstructions to the run of Salmon.

Read a first and second time, and referred to a Select Committee of five.

Messrs. Wood, Crabb, Morse, Coffroth and Stark were appointed said committee.

Senate bill, an Act to provide for the obtainment, preservation and distribution of Vaccine Matter.

Read a first and second time. Read a third time and passed.

On motion of Mr. Haraźthy, the House resolved itself into Committee of the Whole, Mr. Ellis, of San Francisco, in the chair, to consider an act for the relief of the indigent sick of San Diego.

After spending some time in its consideration, on motion of Mr. Parrish, the committee rose, reported the bill back without amendment, and asked to be discharged from its further consideration.

The committee was discharged.

The bill was then considered as engrossed, read a third time and passed.

On motion of Mr. Ellis of San Francisco, the House resolved itself into Committee of the Whole, Mr. Merritt in the chair, to consider a bill to be

entitled an Act to repeal the Water Lot Bills in relation to the City of San Francisco, passed May 1st, 1851.

Afte spending some time in its consideration, and substituting a bill for the original, on motion of Mr. Hammond, the committee rose, reported the substitute back to the House, and asked to be discharged from its further consideration.

Committee was discharged.

Mr. Wood moved to concur in the amendment made in Committee of the Whole, upon which motion Messrs. McMullin, Peachy and Wood demanded the ayes and nays.

Those who voted to concur in the amendment made in Committee of the Whole, were—

Messrs. Boggs,
Canney,
Caldwell,
Chauncey,
Coats,
Colby,
Covarrubias,
Crabb,
Cutler,
Dameron,
Ellis, of San Francisco,
Fleming,
Ford,
Fowler,
Gardiner,
Gibson,
Haraz thy,
Hinchman,
Ingersoll,
Jones,
Kipp,
Messrs. Morse,
Orrick,
Parrish,
Paxton,
Peachy,
Pearce,
Pico,
Ridley,
Smith,
Stark,
Stevenson,
Taliaferro,
Ten Broeck,
Thompson,
Tucker,
Wall,
Wohler,
Wood,
Young,
Speaker—41.

Those who voted against concurring in the amendment, were—

Messrs. Lyons,
McMeans,
McMullin,
Messrs. Merritt,
Yeiser—5.

The House decided in favor of the substitute.

Mr. Wood moved that the bill be considered as engrossed, read a third time, and put upon its final passage.

Agreed to.

Bill upon its final passage. Messrs. McMullin, Parrish and Wood demanded the ayes and nays.

Those who voted in the affirmative, were—

Messrs. Boggs,	Messrs. McMullin,
Canney,	Merritt,
Caldwell,	Morse,
Chauncey,	Orrick,
Coats,	Parrish,
Colby,	Paxton,
Covarrubias,	Peachy,
Crabb,	Pearce,
Cutler,	Pico,
Dameron,	Ridley,
Ellis, of San Francisco,	Smith,
Fleming,	Stark,
Ford,	Stevenson,
Fowler,	Taliaferro,
Gardiner,	Ten Broeck,
Gibson,	Thompson,
Harazthy,	Wall,
Hinchman,	Wohler,
Ingersoll,	Wood,
Jones,	Yeiser,
Kipp,	Young,
Lyons,	Speaker—45.
McMeans,	

No nays.

So the bill passed.

Mr. Fowler moved a call of the House.

Call not sustained.

On motion of Mr. Wall, the Revenue Bill was made the special order of the day for Monday next, so soon as the call from committees shall have been concluded.

On motion of Mr. Merritt, the House resolved itself into Committee of the Whole, Mr. Boggs in the chair, to consider a bill for an Act supplementary to an Act to create a State Hospital in the City of Sacramento.

After spending some time in its consideration, on motion of Mr. Merritt, the committee rose, reported the bill back without amendment, and asked to be discharged.

The committee was discharged.

Mr. Fowler moved to refer the bill to the Committee of Ways and Means.

Not agreed to.

Mr. Merrit moved its reference to a Select Committee of five, with instructions to report on to-morrow.

Agreed to.

Messsrs. Fowler, Crabb, Harazthy, Wall and Orick, were appointed said committee.

Mr. Brush moved to take up the Estray Bill.

Agreed to.

Mr. Ford moved to re-commit the bill to the Committee of the Whole House, with instructions.

Agreed to.

Mr. Chauncey, chairman, reported that the Committee on Engrossed Bills had examined and found correctly engrossed, an Act to repeal second section of the second Water Lot Bill

Mr. Wall offered the following, which was adopted:

Resolved, That the Committee on Claims be and are hereby instructed to report to this House, on to-morrow, upon the Joint Resolutions for the relief of Messrs. Hartnell and Witherby.

Mr. Wood moved to consider a bill in reference to the Swamp and Overflowed Lands.

Not agreed to.

On motion of Mr. Fowler, 100 copies of the report of the Special Committee to examine the Hospital at San Francisco, was ordered to be printed.

Mr. Wall moved to re-consider the vote just taken to print.

Vote was re-considered, and on motion of Mr. Wall, two hundred and forty copies of the report was ordered to be printed.

On motion of Mr. Crabb, the House resolved itself into Committee of the Whole, Mr. Merritt in the chair, to consider a bill in reference to the Swamp and Overflowed Lands.

After spending some time in its consideration, and adopting a substitute for the original bill, on motion of Mr. Parrish, the committee rose and asked leave to sit again.

Leave granted.

On motion of Mr. Ford, at 4 o'clock P. M., the House adjourned until 10 o'clock to-morrow.

HOUSE OF ASSEMBLY.

SATURDAY, March 20, 1852.

House met pursuant to adjournment.

The roll was called by the Clerk, and the following members found absent:—Messrs. Chauncey, Covarrubias, Ellis, of San Francisco, Fleming, Gardiner, Hinchman, Hopkins, Morse, Pico, Taliaferro, Ten Broeck, Tucker and Wall.

The Journal of Friday, March 19th, read and approved.

The Speaker announced the House ready to proceed to business.

On motion, leave of absence was granted to Mr. Hopkins until Wednesday next.

Mr. Jones presented a petition from citizens of Calaveras, protesting against the removal of the county seat.

Referred to the Delegation from Calaveras County.

On motion of Mr. McKim, all papers and petitions in reference to the removal of the county seat of Calaveras, was referred to the Delegation from that county.

Mr. Smith, chairman, made the following report:

The Committee on Claims, to whom was referred Senate bill No. 72, for the relief of E. Barry, have had the same under consideration, and recommend its passage.

The bill was laid upon the table.

Mr. Smith made a further report as follows:

The Committee on Claims most respectfully report back the following bills to the House and recommend their payment, viz:

The claim of C. C. Richmond, for one thousand nine hundred dollars; also, the claim of C. T. Botts, for three hundred dollars, with interest, as specified in the bill referred to your committee; also, the claim of L. Maynard, for the re-issuing of certain bonds as specified in his memorial now before your committee.

And your committee beg to be discharged from further consideration of the above claims.

Your committee would further report that they have had under consideration the claim of Wm. P. Barbour, for payment of salary as Judge of the Tenth Judicial District, from 3d day of September to 9th day of October, 1851; and find that Gordon N. Mott acted as Judge of said District during the time said Barbour claims his salary, and that Mott has received from the Comptroller of State pay for services as Judge during said time.

Your committee therefore find, that as said Barbour did not perform any service as Judge during the time he claims his salary, he is not entitled to the same, and recommend the rejection of his claims.

Your committee would further report that they have had under consideration the claim of Augustine Olvera, for services rendered as Judge of First Instance in the County of Los Angeles; also the claim of Mariana Malarin, as Judge of First Instance, of Monterey County; also the claim of David Spence, for services as Prefect of the District of Monterey, and feel satisfied that the bills of said parties are correct. But your committee have been unable to decide whether the State of California is liable for the payment of said services, and would therefore report the same back to the House, and beg to be discharged from further consideration of the subject.

Your committee would further report they have had under consideration the Joint Resolution for the payment of William E. G. Hartnell, State Translator.

As your committee have had no evidence before them on the subject, or that the law has in every way been complied with, would beg leave to report the same back to the House, and recommend that the Secretary of State be required to furnish such evidence as the House may require on the subject.

N. B. SMITH, Chairman.

Mr. Lyons moved that the petition of W. P. Barbour be re-committed to the Committee on Claims for further investigation.

Agreed to.

Mr. Stark made the following report:

The Committee on Agriculture, to whom was referred an Act entitled an Act to repeal an Act entitled an Act to provide for reclaiming certain

Swamp or Tule Lands, and for agricultural experiments thereon, passed May 1st, 1851, have had the same under consideration, and respectfully beg leave to report the same back to the House without amendment, and recommend its passage.

Mr. Gibson made the following report:

The Committee on Accounts have examined the accounts of Messrs. Cooke and Lecount, and Messrs. Young and Kibby, for supplies furnished this House, have corrected the same, and beg leave to report them back to the House, and recommend their payment; also, the bill of Ettering and Company.

Mr. Orrick made the following report:

The Committee upon Enrolled Bills have examined the following bills and found them correctly enrolled:

A bill directing the Comptroller to draw his Warrant in favor of J. P. Wyatt, for ninety-five dollars;

An Act to incorporate the city of Santa Barbara, passed April 9th, 1850;

An Act to establish the County of Siskiyou, and to establish the Seat of Justice therein;

An Act for the relief of Wm. H. Endicott, under Sheriff of Nevada County;

An Act supplemental to an Act entitled an Act to provide for the incorporation of Railroad Companies, passed 28th April, 1851.

Mr. Lyons made the following report:

Your committee, to whom was referred the following resolution:

Resolved, That the Committee on Indian Affairs be instructed to examine and report upon the instructions, vouchers and accounts of the Quarter-Master of the Mariposa Expedition against the Indians, commanded by Major James D. Savage, the same being in the Quarter-Master General and Comptroller's Offices.

Having had the same under consideration, have the honor to report:

Upon an examination of the papers on file in Executive Department, the Comptroller and Quarter-Master General's offices, it appears that John G. Marvin, on the 10th day of February, 1851, was appointed, temporarily, Quarter-Master and Commissary of the Mariposa expedition against the Indians, by Colonel Neely Johnson, Aid-de-Camp to the Governor; and, soon after the appointment, entered upon the discharge of his duties. (See Exhibit A.) This temporary appointment was confirmed by a commission from the Governor, bearing date January 25th, 1851. By virtue of this appointment and subsequent instructions, dated Agua Fria, February 14th, the Quarter-Master purchased supplies and the means of transporting, as the exigencies of the service required.

The Quarter-Master was ordered to keep an exact and minute account of

all expenses and liabilities contracted in the performance of his duties, and for these liabilities to execute proper certificates of indebtedness corresponding with the vouchers. (See Exhibit B.) This order, from the evidence before us, we have reason to believe was substantially and faithfully complied with, as follows:—When articles were purchased, a receipted bill of them was obtained, and an order drawn upon the State for the amount corresponding with the bill.

Upon an examination of the vouchers in the Comptroller's office, it appears that supplies and transportation for the Battalion were procured at low rates, averaging about twenty-five per cent. above cash prices, and that was no unreasonable expenditure for articles necessary to render the force in the field effective.

By a letter from the Quarter-Master to the Governor, bearing date March 11th, 1851, and from other sources, it is evident that this officer faithfully and unremittingly discharged his responsible duties to the Battalion and the State. (See Exhibit C.)

By General Orders, bearing date May 3d, the Quarter-Master was ordered to dispose of the public property belonging to the State, and perform other duties. So soon as the Battalion was disbanded, (see Exhibit) these orders, it appears, were promptly and faithfully obeyed.

After the sale of the public property, this officer repaired to Vallejo for the purpose of making a final settlement of his accounts with the Board of Examiners of War Claims, which he was unable to do in consequence of the destruction of a portion of his vouchers in the May fire in Stockton.

The missing papers are a portion of Major Savage's requisitions for supplies and some of the early bills of purchases. (See Exhibit E.)

The Board of Examiners, constituted of the State Treasurer and Comptroller, being satisfied of the correctness of the orders, drawn by the Quarter-Master upon the State, in favor of the venders, at the time the purchases were made, and that they were drawn in good faith, and for necessary supplies, determined to issue War Loan Scrip, upon their keeping the orders in their hands as vouchers, and requiring, in all cases, the endorsement across their face by the Quarter-Master, that they were given for supplies actually received and necessary for the public service.

The vouchers and Quarter-Master's accounts now remaining in the Comptroller's office, are classified in a letter addressed to Major Burney, Pay Master of the Mariposa Expedition, to whom the Quarter-Master, was required to deliver them. (See Exhibit F.)

Your committee have been at considerable pains to inquire into the circumstances of the loss of a portion of the letters and requisitions, not only on account of the State but also on account of the Quarter-Master himself, upon whom some suspicion of fraud might rest were not this subject thoroughly investigated and explained.

From irrefragible and undoubted testimony, your committee are of the opinion that the said papers were lost by an overwhelming and uncontrolable catastrophe and not through any neglect or want of care, or honesty, on the part of the Quarter-Master. (See Exhibit G.)

By reference to Exhibit H, it appears that the Quarter-Master was not able to comply strictly with Article IV. in General Orders (Exhibit D.) in relation to the State Arms.

The Quarter-Master General issued an order, August 1st, (Exhibit I.)

requiring them to be delivered at Vallejo, and by his receipt (Exhibit J.) and a certificate from Major Savage, on file in the Quarter-Master's office, the one hundred stand of Arms, with the accoutrements and amunition, are all accounted for.

Your committee here will take occasion to remark that the Quarter-Master, and acting Commissary, J. G. Marvin, is entitled to unqualified commendation, for the prompt and faithful manner in which he discharged the duties of his office, and it is fortunate for the State that his services in these capacities were secured.

In proof of this it will only be necessary to revert to the fact that on the 14th day of February, 1851, two hundred Volunteers were mustered into the service of the State in Mariposa County, poorly armed and equipped, without supplies, or camp equipage, and without the means of transportation.

Judge Marvin, at first without a dollar of money from the State, or any provisions being made by the same to liquidate the debts that he must necessarily contract for the Battalion, continued to procure the necessary provisions, clothing and camp fixtures, and the animals for transporting them, as we have before remarked, at reasonable rates, and when needed. He appears to have carefully and promptly obeyed the orders given him, and conducted the whole business of his department with fidelity and dispatch.

After the Battalion was disbanded he repaired to the Capital, and in July last, made a partial settlement of his accounts and at that time there was legally found due him, for military services, $1,457, which amount is in the hands of the Comptroller, in the form of a War Warrant.

The liberal disposition made of it was communicated to this House at the commencement of the Session, in his annual report upon Common Schools.

Since 26th, 1851, to January 1st, 1852, this officer has been after and returned the Arms, used in the Battalion to the State Arsenal, attended the Board of Examiners, upon their request, at Vallejo and San Jose, from time to time, to endorse the orders drawn upon the State as they were presented by the Pay-Master to the Board, for the issue of Scrip, which service has been performed at his own expense and without a dollar of pay.

Your committee, therefore, recommend that inasmuch as important and necessary services have been rendered by him, since July, in the discharge of official duties, that he be paid, upon taking the usual oath of a Quarter-Master. In making a final settlement, the sum of $2,036 out of the unappropriated balance of the War Loan Fund, for the Mariposa Expedition, as per Exhibit K.

In accordance with this view, your committee beg leave to introduce the accompanying bill.

All of which is respectfully submitted.

W. H. LYONS, Chairman.

[EXHIBIT A.]

STOCKTON, CALIFORNIA,
February 10th, 1851.

Sir:—

You are hereby temporarily designated, subject to the sanction of the Executive of the State of California, as the Commissary and Quarter-Master of the volunteer forces authorized by the said Executive to be enlisted by the Sheriff of Mariposa County. You are likewise empowered to procure all needful assistance in the proper discharge of the duties of this position, and will proceed at once, with all possible dispatch, to Agua Fria, to there receive further instruction in the performance of your duties.

You will be governed, in the meantime, as well as hereafter, by the most rigid system of economy consistent with the wants of the service; preserve proper vouchers for all indebtedness contracted, and in no case contract debts which are not absolutely necessary.

J. NEELY JOHNSON, Aid-de-Camp.

To JOHN G. MARVIN.

[EXHIBIT B.]

CAMP AGUA FRIA, CAL.,
February 14th, 1851,

To JOHN G. MARVIN, Esq.,
Acting Quarter-Master and Commissary of the Battalion
California Volunteers, commanded by Major Savage.

Sir:

By appointment, bearing date the 10th instant, you were authorized to act, temporarily, as Quarter-Master and Commissary of the Volunteers, which have been called into the service of the State from Mariposa County.

In the performance of these duties you will proceed at once to purchase and furnish for the aid of those troops, all necessary subsistance, clothing and transportation; also arms and ammunition, if the same should be absolutely required, previous to being received from the State Arsenal.

For all supplies so furnished, procure and preserve the requisite vouchers —keeping an exact and minute account of such articles, which are not strictly in the nature of necessary supplies, as may be furnished to each person respectively, so that the same may be deducted from the allowance to be

made for their services—keep an exact and minute account of all expenses and liabilities contracted in the performance of your duties, and for those liabilities execute proper certificates of indebtedness, corresponding with the vouchers received, which vouchers carefully preserve to be returned to the proper department. In the performance of the duties incumbent upon you, it is necessary that the most rigid economy should be observed consistent with the public interest to be subserved, and, so far as the same is practicable, conform to regulations and forms adopted in the United States service. After the troops shall have proceeded to their respective post, establish a general depot for provisions at Cassady's Crossing, on the San Joaquin River, to be transported from thence to such points as the exigencies of the public service require. You are authorized to make a requisition upon Major Savage for an escort for the supply train, whenever the same shall be necessary.

Report as often as the interest of the public service requires.

I have the honor to be, very respectfully,
Your obedient servant,
J. NEELY JOHNSON.

[EXHIBIT C.]

BENICIA, March 11th, 1851.

To HIS EXCELLENCY,
JOHN MCDOUGAL,
San Jose.

Dear Sir:

I left Company No. 3, of the Volunteers, recently called into service, to suppress Indian disturbances in Mariposa County, on the 4th of the present month, to purchase supplies at such a point or points as they might be procurred, having previously purchased all that could be had upon the credit of the State, in the neighborhood of Camps.

Thinking I should find stores and ammunition sufficient for present purposes, upon the Merced and Tuolumne Rivers, both of which we were in want of, and I had sent for this side of the little Mariposa, I did not bring with me my accounts of expenditures, sufficient to enable me to make to you a detailed report of disbursements in my official capacity of Quarter-Master and Commissary of the California Volunteers. I will make this report to your Excellency at an early day, upon my return to the Camp, and forward the same to you. I have been considerably embarrassed in procuring the necessary transportation of provisions, and camp equipage for the Volunteers, for want of funds.

Part of the dealers in the towns of Mariposa, Agua Frio, Burn's Diggings and Indian Gulch, have, with commendable liberalty, furnished me supplies for the Battalion, on the credit of the State, while others prefer

keeping their goods to having any security which I felt authorized to give. In this posture of affairs I was obliged to go to Stockton, or some other market, where the necessary supplies could be had, by pledging the State credit for the payment of the bills. For the present, at Stockton and Empire City, provisions, clothing and camp equipage, has been secured, but unless some immediate steps are taken by the State, to raise funds to meet past bills and current expenses, the Battalion will, of necessity, have to be disbanded for the want of requisite subsistence.

Upon arriving at Stockton, on the 8th, I learned that a quantity of Arms and ammunition, had been deposited in the State Arsenal at San Francisco, and having an order from Major Savage, to get one hundred stand of Arms, with suitable ammunition to supply the unarmed and badly armed, men of the Battalion of California Volunteers, I embraced the earliest opportunity of going below for the same, and arrived in San Francisco, on the morning of the 9th.

Upon the requisition being presented to Quarter-Master General, Morehead, he promptly furnished the guns, accoutrements and ammunition, which I had shipped to Stockton, on the 10th, sending in charge of the same a trusty man in my employ. Upon the 9th I started for San Jose, with the intention of reporting to you, in person, in relation to affairs, but on the road my horse became exhausted and I was obliged to return to San Francisco, late in the evening of the same day.

When I left the Camp of the Volunteers, but a few day's rations were on hand, and I shall have to make all possible dispatch in getting the supplies purchased, forwarded.

The Arms which General Morehead furnished were flint lock muskets, but Major Savage, desiring to have the United States Rifles, with percussion locks, if they could be procured, I came to Benicia for the purpose of getting them, but have been informed, since my arrival, that there are none at this post. I shall leave for Stockton this evening, where I have pack mules, a wagon, and an escort of twelve soldiers, detailed from the Battalion, to guard the train.

Captain Kerkendall with seventy-three men is at Cassady's Crossing or Washington, on the San Joaquin, and Captains Boling and Dill, with their Companies, are about fifteen miles south west of the town of Mariposa, and three miles west of Major Savage's store, on the little Mariposa, near where the Indians were to assemble to make a treaty. It is the opinion of those best acquainted with the situation of affairs that only a part of the Indians will be in favor of making a treaty, and that the Volunteers will have some hard marching as well as fighting to do before a general or durable peace can be effected.

I have the honor to be,
Most respectfully,
Your obedient servant,
JOHN G. MARVIN,
Quarter-Master and Commissary California Volunteers.

[EXHIBIT D.]

HEAD QUARTERS CALIFORNIA MILITIA,
ADJUTANT GENERAL'S OFFICE,
San Jose, May 3d, 1851.

[GENERAL ORDERS—No. I.]

I. Maj. J. G. Marvin, Quarter-Master, will proceed forthwith to the Head Quarters of the volunteers under Maj. Savage, and dispose of, at public sale, all Commissary and Quarter-Master's property belonging to the State.

II. The sales shall be at such times and places as the interests of the State may demand. The officers and soldiers of the command shall be allowed the privilege of purchasing at such sales, and Maj. Marvin will certify the articles purchased and the prices bid by them, to Maj. Burney, Pay-Master, and also to the Quarter-Master General.

III. Maj. Burney will deduct the amount so certified by the Quarter-Marter, from the pay due the officers and soldiers, respectively.

IV. Thirty guns and an proportionate quantity of amunition, will be delivered to Col. Fremont at his ranch, and the remaining guns and ammunition will be left at such places as will best secure the inhabitants of Mariposa County from molestation by Indians. But in all cases undoubted security will be taken, in proper bonds, for the delivery of the same upon the order of the Quarter-Master General.

V. If the command of Major Savage, or any portion thereof, should be continued in service, the proper quantity of public property will be exempted from sale.

VI. The proceeds of sales will be certified by Maj. Marvin to the Head of his Department.

By order of

JOHN McDOUGAL.

E. H. McKINSTRY,
Adjutant General.

[EXHIBIT E.]

VALLEJO, July 19th, 1851.

To Maj. R. ROMAN and J. S. HOUSTON,
Board of Examiners for Indian War Claims,
In Mariposa County.

Gentlemen:

I herewith enclose copies of my instructions from Col. Neely Johnson, Aid-de-Camp. Also, a copy of a letter to His Excellency, John McDougal, bearing date July 19th, 1851, which will explain many matters, and perhaps may give you some information necessary to be known before finally settling my accounts with the State, as Quarter-Master for the Battalion of California Volunteers, commanded by Maj. James D. Savage.

Respectfully yours,
JOHN G. MARVIN,
Quarter-Master Cal. Volunteers.

VALLEJO, July 19, 1851.

To HIS EXCELLENCY JOHN MCDOUGAL,
Commander-in-Chief of the Militia of the State of California.

Sir:

Pursuant to my temporary appointment by Col. Neely Johnson, to the office of Asssistant Quarter-Master and Commissary for the Battalion of California Volunteers, under the command of Major James D. Savage, bearing date Stockton, February 10th, 1851, I immediately entered upon the duties of my office. Upon arriving at Camp No. 1, near Agua Fria, I found some two hundred men mustered into the service of the State, poorly supplied with clothing, camp equippage, arms and ammunition, and with only a few days' provisions or rations on hand. These deficiencies had to be supplied before any effective service could be expected or had from the rank and file of said Battalion. There being no effective provision made by law to put me in funds or its equivalent, and finding the State credit in Mariposa County (where I had to procure my first supplies,) very much below par, made the duties of my office truly complex and in no slight degree difficult to discharge. My instructions from Col. Neely Johnson, accompanying my temporary appointment, required me to give and receive proper vouchers for all liabilities contracted upon the part of the State

This I have in no case neglected to do. But unfortunately, the late disastrous fire in Stockton burned all the earliest bills of purchase, receipts, returns, requisitions, and together with all other papers pertaining to my official acts, and consequently the only early existing evidence of debts contracted by me are the orders I gave upon the State of California, and signed by myself as Quarter-Master and Commissary for Battalion of California Volunteers, and unless these orders be taken as verities, it will be impossible to settle the just claims of the State creditors without irreparable injury to those who have generously furnished supplies for the Battalion. It has been my endeavor, as well as those connected with me in my department, to discharge the duties assigned us with fidelity to the Battalion and for the best interest of the State.

I am your obedient servant,

JOHN G. MARVIN,

Quarter-Master California Volunteers.

[EXHIBIT F.]

VALLEJO, July 26, 1851.

To MAJOR JAMES BURNEY,

Paymaster of California Volunteers,

Sir:

In obedience to my instructions from his Excellency the Governor, I submit to you the accompanying account of disbursements while acting as Quarter-Master and Commissary of Major Savage's Battalion.

I. You will find in the day-book the accounts of the men who have been in my employ, balanced by orders on the State.

II. The accounts of the Staff.

III. The accounts of the rank and file of Companies A, B and C, which have been marked on the pay-rolls as retained pay.

IV. The sales of property belonging to the State, the amounts of which have been charged to the respective accounts of the purchasers in and connected with the Battalion. In addition to this are five packages of papers of accounts, receipts, requisitions and certificates which explain themselves. These are all the vouchers and papers I am now in possession of. Those pertaining to the duties of my office, during the early part of the campaign, were accidentally burned in the late fire in Stockton, and are irretrievably

lost. Whenever purchases were made, I uniformly took a receipted bill, and gave an order on the State, signed by myself, for the amount, and these orders are the only early evidences of State indebtedness—most of which, I doubt not, have been given you by the holders of the same. It will be impossible to restore the bills and requisitions burned, from the fact that some of the supplies were purchased of wagoners having no fixed abode, others of small dealers in the mines, who have removed from the points where the goods were obtained, and the officers kept no copies of their requisitions. It will, therefore, be impossible to settle my accounts in accordance with the army regulations, but upon the principles of equity and justice. Unless the latter course is adopted ,great injustice will inevitably be done to patriotic men in Mariposa County, and elsewhere, who furnished their property upon the faith of the State, when she had no available means to carry on a war which she had undertaken. I will render you, if needed, all the assistance in my power to clear up the accounts of disbursements.

Most respectfully, your obedient servant,

JOHN G. MARVIN, Q. M.

[EXHIBIT G.]

SACRAMENTO CITY, Feb. 18th, 1852.

Dear Sir:

The resolution introduced by you calling for an investigation of the instructions, reports and vouchers, of the Quarter-Master of the Mariposa Expedition, having been referred to the Committee on Indian Affairs, and learning that you are acquainted with the facts of the accidental destruction of a portion of the vouchers, &c., referred to in the resolution, will you have the kindness to communicate to me any facts, within your knowledge, in relation to the same.

I am, Sir,

Respectfully,

Your obedient Servant,

W. H. LYONS,

Chairman of the Committee on Indian Affairs.

To the Hon. W. B. DAMERON,

Member of the Assembly.

[EXHIBIT G.]

SACRAMENTO, Feb. 19th, 1852.

Sir:

In reply to your letter of the 18th, permit me to state that I was connected with the Quarter-Master's Department, in the Mariposa Expedition, and was somewhat familiar with the business of the office. It was the uniform practice of the Quarter-Master to take receipted bills for all purchases made, and draw orders upon the State in payment. A considerable portion of these receipted bills, as well as other papers, were in charge of Mr. McElroy, in Stockton, *in transitu* for the Capital, and were deposited in Mr. Heath's office, for safe keeping. During the night of the May fire Mr. Heath's building was burned and with it the trunk containing a portion of the vouchers and papers belonging to the Quarter-Master's office.

I was in Stockton at the time and am cognizant of the facts herein set forth.

I am,
Respectfully yours,
W. B. DAMERON.

To Hon. W. H. LYONS,
Chairman of the Committee on Indian Affairs.

SACRAMENTO CITY, Feb. 18th, 1852.

Dear Sir:

A Resolution the other day passed the Assembly, and was referred to the Committee on Indian Affairs, calling for an investigation of the instructions, vouchers and accounts of the Quarter Master of the Mariposa Indian Expedition.

Being informed that a portion of his vouchers, while in transit for the State Capital, were accidentally consumed in the May fire in Stockton, and that you are in possession of the facts in relation to the subject, I take the liberty of requesting you to communicate to me what you know about the matter.

Respectfully yours,
W. H. LYONS,
Chairman of the Com. on Indian Affairs.

To R. W. HEATH, Esq.,
Stockton.

SACRAMENTO CITY, Feb, 20th, 1852.

Sir:

In answer to your letter of the 18th, I have the honor to state that in May last Mr. McElroy, one of the clerks of the Quarter-Master of the Mariposa expedition, brought to my office in Stockton a small black box or trunk for safe keeping, which he stated contained papers belonging to J. G. Marvin the Quarter-Master. During the night of the fire in May last, my building was consumed, and so rapid were the flames that I only saved a portion of my property, and I know that the said trunk with its contents was burned. It is within my knowledge that Judge Marvin arrived in town the morning after the fire and made diligent but unavailing attempts to find his papers.

Truly yours,

R. W. HEATH.

To W. H. LYONS, Esq.

Chairman of the Committee on Indian Affairs.

SACRAMENTO, February 19th, 1852.

Sir:

A resolution passed the Assembly on the 17th, instructing the Committee on Indian Affairs to examine and report upon the instructions, vouchers and accounts of the Quarter-Master of the Mariposa expedition.

Upon inquiry, the committee has ascertained that some of the vouchers are wanting, and you will oblige us by communicating what facts have come to your knowledge, as one of the Board of examiners of Claims of the Mariposa expedition, in relation to their loss; and also upon what evidence the claims against the State, pertaining to the Quarter-Master's office, were allowed.

Respectfully your obedient servant,

W. H. LYONS,

Chairman of Committee on Indian Affairs.

To RICHARD ROMAN,

State Treasurer.

SACRAMENTO, February 20, 1852.

To W. H. LYONS,

Chairman of the Committee on Indian Affairs.

Sir:

Your letter of yesterday was duly received, and, in answer, I take occasion to say—That in July last, when the evidence of indebtedness against the State for the expenses of the Mariposa expedition was presented to the Board of Examiners for approval, it was stated by a number of reliable persons acquainted with the circumstances, that a portion of the Quarter-Master's vouchers had been unavoidably destroyed in the May fire, in Stockton, while on their passage to the seat of Government.

The Quarter-Master, also, communicated the same fact in a letter addressed to the Board, and it was determined by the late Comptroller and myself, there being no appearance of fraud in the premises, to allow the orders drawn upon the State by this officer.

We have required the Quarter-Master, from time to time, to certify, across the face of all his orders, that they were given for supplies, or for services, or animals, as the case might be, and necessary for the public service, and that they have been duly accounted for.

For a final settlement, as required by the existing law, it is incumbent on the Quarter-Master, or other officer making purchases, to exhibit proper vouchers, showing the manner in which he has disposed of the property in his hands. In consequence of the destruction of the papers, as above stated, no such exhibit could possibly be made by Major Marvin; and consequently a final settlement with him is impossible, except by the enactment of some law on the subject.

Very respectfully, yours,

RICHARD ROMAN.

To W. H. LYONS, Esq.,

Chairman of the Committee on Indian Affairs.

[EXHIBIT H.]

VALLEJO, July 19, 1851.

To W. H. RICHARDSON,

Quarter-Master General of the State of California.

Sir:

In obedience to instructions from the Adjutant-General, under date of May 3d, 1851, I have the honor to submit the following Report:

In Article IV. of General Orders No. 1., I was instructed to deliver thirty muskets, with a proportionate quantity of ammunition, to Colonel Fremont, at his Ranch in Mariposa County.

Col. Fremont being absent from the County at the time the Mariposa Battalion was disbanded, and leaving no attorney, that I could find, to act for him in his absence, it was impossible for me to comply literally with the instructions. In consideration of this fact, and believing that the object of the order was to deposit within the county a small amount of arms and ammunition for the use of the citizens, in the event of further Indian disturbances, I have deposited with Major Savage, at his trading post on the Fresno, in the San Joaquin Indian Reservation, twenty muskets and one box of one thousand cartridges, for which I herewith transmit you his receipt; also, a certificate for the lost, worn out and used up munitions, signed by Major Savage, together with a receipt from W. J. Howard, Merced River, Indian Reservation, for the balance of the arms, ammunition and accoutrements received from your department on the 19th day of May last.

I have the honor to be,

Your obedient servant,

JOHN G. MARVIN,
Q. M. Cal. Volunteers.

[EXHIBIT I.]

QUARTER-MASTER GENERAL'S OFFICE,
Vallejo, August 1st, 1851.

Sir:

You are hereby ordered to deliver over to this office all arms and munitions of war in your possession belonging to the State.

Respectfully,
Your obedient Servant,
W. H. RICHARDSON,
Quarter-Master General, Cal.

To Maj. J. G. MARVIN,
Acting Q. M. California Volunteers,
Commanded by Maj. J. D. Savage.

[EXHIBIT J.]

VALLEJO, August 20th, 1851.

Received of John G. Marvin, Acting Quarter-Master of Battalion of California Volunteers, commanded by Maj. J. D. Savage:

97 Muskets.
86 Cartridge Boxes.
75 Bayonet Scabbards.
135 Waist Plates.
54 Breast Plates.
85 Cartridge-Box Belts.
37 Waist Belts.
200 Gun Flints.
3000 Musket ball and buck-shot Cartridges.

W. H. RICHARDSON,
Quarter-Master General, Cal.

[EXHIBIT K.]

SACRAMENTO CITY, Jan. 20th, 1852.

The State of California to J. G. Marvin,
Acting Quarter-Master of Battalion California Volunteers,
Commanded by Maj. J. D. Savage. *Dr.*

To services in closing accounts of Quarter-Master's Office, from July 26th, 1851 to Jan. 1st, 1852,	$1,264
" Use of horse 158 days,	158
" Fare from Vallejo to Stockton for arms,	28
" " " Stockton to Benicia with arms,	28
" Expenses to Vallejo and San Jose sundry times to settle Quarter-Master's accounts,	200
" Subsistence for 158 days,	200
" Forage for horse 158 days,	158
	$2,036

An Act for the relief of John G. Marvin.
Read a first and second time and ordered to a third reading on to-morrow

Mr. Colby made the following report:

The Committee on Enrolled Bills have examined and found correctly enrolled an Act for the relief of Soule and Page, J. Hammond, and Lovett and Company.

Mr. McMeans made the following Report upon the subject of B. F. Ankeny's claim against the State:

To the Honorable the
Speaker of the House of Assembly:

The committee to whom was referred the petition and evidences of State indebtedness to B. F. Ankeny, A. W. Cunningham and James T. Griffith, have had the same under consideration, and beg leave to report:

That the State is indebted to the petitioners jointly, as appears by vouchers herewith submitted, marked Doc. (B) in the sum of twelve hundred and ninety-one dollars and fifty-eight cents, ($1,291 58).

The total amount of the claims presented as appears in files marked (A and B) is twenty-seven hundred and fifty dollars and eighty-five cents, (2,750 85).

With the exception of the twelve hundred and ninety-one dollars and

eighty-five cents, above cited as legitimate, your committee beg leave to state, that they do not feel warranted in advising otherwise than the return of the rejected papers to the petitioners, as the greater amount of them, if not all, cannot be considered by this body while in their present shape.

For the purpose of liquidating the just demands of the petitioners aforesaid, we respectfully recommend the passage of the act herewith presented.

J. A. McMEANS, Chairman.

An Act for the relief of B. F. Ankeny, W. A. Cunningham and James T. Griffith.

Read a first and second time and ordered to a third reading on tomorrow.

Mr. Fowler, chairman of Select Committee, asked and obtained longer time to report in reference to a bill upon the subject of the Hospital in Sacramento.

Mr. Colby, from Select Committee, made a minority report in favor of appointing Flour Inspectors.

Mr. Merritt, from the same committee, made the following minority report upon the subject of appointing Flour Inspectors:

Mr. Speaker:

Your committee, to whom was referred the bill creating Flour Inspectors, submit the following report:

From information derived from the most reliable sources, it is ascertained that about one third of the flour imported to this country is damaged upon its arrival.

More or less of every cargo arriving in this country is damaged. Much of it becomes spoiled upon the voyage, while no small quantity is shipped, known to be damaged, by the owners, (from the fact of its being so easily imposed upon the consumer for good flour, under the existing state of affairs.)

Flour, when shipped with lumber or any merchandise liable to create steam or heat in the hold of the vessel, must necessarily become damaged.

Flour, ground in cold climates and shipped to a warmer, generally becomes damaged. Much becomes damaged from exposure after its arrival into our ports.

Damaged flour is frequently repacked in new bags, marked in imitation of favorite brands.

Mouldy and lumpy flour is ground over, in many instances, (upon vessels in our ports) before it is allowed to be landed; others, more bold, (both in San Francisco and Sacramento) carry it to their mills in broad daylight, even before some of their best customers. The mixing of a little sweet flour with the bad—that, together with the heat of the mill, destroys, for a time, the sour or musty taste; it is then re-packed and sold for good flour.

Frequently, when they do not succeed in a proper regeneration of bad flour to the appearance of good, they make holes in the sacks or bags and insert good flour for a sample. Many an honest trader and consumer has felt the evils of this. Many have been prostrated by a lingering disease,

and often fatal, brought upon them by these impositions, they being unconscious of the cause.

The opposition to compulsory inspection comes from large flour dealers—those more or less interested in vending damaged flour. Merchants, bakers, proprietors of hotels, and consumers generally, call for a law which will remedy the evils complained of. So far as we can judge from the petitions referred to the committee, a large majority of the dealers in flour ask for compulsory inspection—this is from a source where we should expect to find opposition, if anywhere.

What shall be done to stop the frauds and evils existing under the present system? Do the opponents of compulsory inspection propose a remedy? They say, give us a bill, but leave out the compulsory feature. Suppose such a law should be passed: will a holder of bad flour avail himself of its provisions to condemn his own stock? Far from it. He would seek rather to cover defects by selling it for good, than to have the Inspector's seal of condemnation marked upon it.

It is said by the opponents of this bill, why establish Inspection Laws here, when they have been abolished in some of the Atlantic States? If the flour market here was the same as there, this argument would have some weight. In the former, the flour is all domestic, while in this country all the flour is imported from foreign ports, and subject, in all cases, to a sea voyage. Does any person contend that any one of the Atlantic States is subject to as large a quantity of sour flour as California?

It is admitted by our largest flour dealers, that not one half of the quantity of sour flour is offered in all the Atlantic cities that there is in this State.

There, it would seem, no law is necessary to protect the consumer, yet the people think differently *there* in many states, while here it is indispensable.

Could the importers and dealers who so strongly oppose this measure, experience the evil effects of bad flour upon the consumers, they could not oppose the passage of a law calculated to remedy the evils existing under the present system, and which are entailing misery, disease and death upon thousands.

It is confidently believed that the bill submitted with this report for the action of the House, if rigorously enforced in all its provisions, will effectually remedy the evils now existing.

The idea entertained by many, of the enormous profits which may arise by compulsory inspection, is greatly exaggerated.

Estimates of the consumption of flour in this State can only be correctly made by computing the population and allowing a proper amount for the consumption of each individual, and not by the quantity which may be imported within a given time, as it is well known that our market has been greatly overstocked for the past year, with not only flour, but almost every article of consumption. Estimating the population of this State at 200,000, allowing one pound of flour per day to each person, to this add 20 per cent. for that fed to stock and waste, makes a daily consumption of 240,000 pounds of flour, which, at an average of five cents per one hundred pounds, would amount to $43,000 per year for the entire inspection of the State, to be divided among the different inspectors. A large amount must be expended for the materials for branding, sacks and barrels; if gentlemen will consider this properly they must see the profits can be but small.

An idea also is entertained that the tyage of flour taken from the sacks will amount to a large sum.

It has been ascertained that an ordinary tryer extracts but two ounces, which amounts to about one cent upon the one hundred pounds, scarcely sufficient to remunerate the care necessary for preserving it, after the sour flour is deducted.

The labor necessary upon inspection (the preparation for stamping, inspecting, sewing up the sacks and refilling,) produces an amount of labor which may not be covered by the amount named above.

In the Atlantic states the law allows from two to six cents for each barrel of flour inspected where the packages are branded with a hot iron, which cannot be used in this country; hence, it will be seen, that there is a great difference in the amount of labor required to mark sacks in comparison to the branding of barrels with a hot iron.

Traders in the northern mines say, that bad flour is sent there in such quantities from this section of the State that unless there is some law passed for their protection, the miners there will be compelled to use Oregon flour exclusively. We hear the same reiterated from the southern mines. This is a universal complaint throughout all of the mines.

The greater portion of the bad flour is carried into the mines. In cities, if a purchaser receives bad flour, he can easily return it. Not so with the miner. The trader, after carrying his flour into the mountains at a large expense, finds it to be musty or sour. In some instances he may get an allowance for the damage, but where does the flour go in the end? Why, it is constantly offered for sale, until some unlucky purchaser consumes it, and who soon becomes sensible of its bad effects by some disease fastening upon his system.

Many suffer an inconvenience and loss rather than have a controversy, and it is too often the case that justice is rendered according to the advantage it may be to the party applied to.

Your committee in view of these considerations, with the many others which must suggest themselves to the mind of every member upon this floor, report the following bill to the House and recommend its passage.

Respectfully submitted,

G. W. COLBY,
D. M. CHAUNCEY,
HENRY A. CRABB.

Mr. Speaker:

The undersigned, members of the Select Committee to whom was referred "a bill to provide for the Inspection of Flour," beg leave to make the following report:

We are well aware of the fact that large quantities of damaged flour is shipped to California for consumption, and that doubtless an evil does exist to a certain degree, but that any bill providing for flour inspection, will remedy that evil, is, in our opinion, perfectly absurd. The same reasons which have induced the Atlantic States to establish flour inspection, do not apply to California. Where flour inspection has been established in the older States, it was not done to protect their own citizens, but to prevent the exportation of flour of an inferior quality to foreign ports, thereby depreciat-

ing the standard of American flour. If, in our opinion, the inspection proposed would effect any good, we would most cheerfully support the bill; but the only consequence attendant upon the passage of the bill, will be to impose a large and unnecessary tax upon flour, thereby enhancing its value, (which tax must be paid by the consumer,) and creating a set of useless officers, who must be paid from the tax imposed upon the hardy miners who consume the flour.

But even if flour is inspected at the ports severally named, in all likelihood it may be damaged in its transmission to other ports. Most of the flour brought to this country, being in sacks, is at all times liable to be damaged by wetting, or otherwise, being but slightly protected by the bag. Flour, for instance, might be inspected at San Francisco, and become damaged by wetting, or otherwise, on its passage to Sacramento, it must then be again inspected; and so it might be again damaged in its transmission to Marysville or other places. So it will be seen that to render the inspection at all effectual, it must take place almost every thirty or forty days.

If persons wish to have their flour inspected, make the inspection voluntary and not compulsory.

Strike out the compulsory feature, and let parties have their flour inspected, if they desire it; but in no case do we think that inspection will remedy the evil complained of. Let the matter stand as it is; and let the purchaser, by personal examination, see that he is not cheated in his purchases; the same care in purchasing flour can certainly be had as in purchasing all other articles of consumption; and the same causes which exist for the establishment of flour inspection, will apply to all other articles of food. But the only way for a purchaser to avoid being cheated by buying damaged articles, is to look out for himself—in other words, "caveat emptor."

Further, we believe that the whole principle is wrong—for the reason that it imposes unnecessary restrictions upon commerce, enhances unnecessarily the price of flour, is anti-republican, and opposed to the best interests of a majority of the citizens of this State.

All of which is respectfully submitted.

SAMUEL A. MERRITT,
Chairman of Committee.

CHANDLER B. FOWLER.

An Act to provide for the appointment of Flour Inspectors.

Read a first and second time and made the special order for Tuesday next at 1 o'clock.

Mr. McMeans, chairman Select Committee, made the following report:

The Select Committee, to whom was referred the bill concerning Corporations, report the same back and recommend its passage with the amendments annexed:

Add Section 9—All Companies found under the provisions of this Act shall be equally liable and subject to the report, immunities and prohibitions of the Act concerning Corporations, passed April 22, 1840.

Strike out "50," in 1st section, 24th line, and insert "20."

Amend Section 7, by adding, "and shall be individually and personally liable for his or their proportion of all the debts and liabilities of the Corporation."

A new section, as follows: "This Act shall not so operate as to prejudice the rights of any person or persons who, in the prosecution of labor in the mines or agricultural regions of the State, are dependant on the waters of any water-course sought to be diverted from its course.

Mr. Coffroth moved to consider the bill just reported by the committee.

No quorum voted.

The first, second, third and fourth amendments made by the committee were concurred in by the House.

Mr. Crabb offered the following amendment to the first section: Strike out all between the words "for," in fourth line, and "by," in sixth line, and insert "mining purposes."

Agreed to.

Mr. Hammond moved to strike out "twenty," and insert "five" years, where it occurs in the bill.

Mr. Stark moved, as an amendment, to strike out "twenty," and insert "ten" years.

Agreed to.

Mr. Lyons moved to strike out "ten," and insert "five" years.

Not agreed to.

Mr. Crabb moved that the bill be considered as engrossed and put upon its third reading.

Agreed to.

Mr. Canney moved to indefinitely postpone the bill; upon which, Messrs. Canney, Lyons and Parrish demanded the ayes and nays.

Those who voted to postpone indefinitely were—

Messrs. Boggs,	Messrs. Lyons,
Canney,	McMeans,
Coats,	Ridley,
Fowler,	Stevenson,
Gardiner,	Wood,
Law,	Speaker—12.

Those who voted against postponement were—

Messrs. Brush,	Messrs. Fleming,
Caldwell,	Ford,
Coffroth,	Gibson,
Colby,	Haraźthy,
Cook,	Hinchman,
Covarrubias,	Kipp,
Crabb,	McConahá,
Cutler,	McMullin,
Dameron,	Orrick,

Messrs. Parrish,
Paxton,
Peachy,
Pearce,
Pico,
Smith,
Stark,
Taliaferro,
Tucker,
Wall,
Wohler,
Yeiser,
Young—31.

The House refused to postpone.

Mr. Hammond moved to re-commit the bill.

Mr. McMullin, in the chair, decided the motion to re-commit not in order, unless with instructions.

Mr. Hammond appealed from the decision of the chair.

The vote being taken, the House sustained the decision of the chair.

Mr. Hammond moved to re-commit, with the following instructions:

That the committee be instructed to engraft a provision in the bill, by which any association of persons desiring to become incorporated under this Act, shall, before any one benefit, privilege or immunity shall accrue to them, make it appear to the District Judge of the particular District or to some other competent and convenient tribunal; that they are able and will proceed forthwith to execute the work, for the performance of which they desire to be incorporated.

Not agreed to.

Mr. Fleming moved a call of the House.

Call not sustained.

Mr. Thompson asked to be excused from voting upon the passage of the bill.

The House refused to excuse him.

Upon the passage of the bill, Messrs. Lyons, Wood and Canney, demanded the Ayes and Nays.

Those who voted for the passage of the bill were—

Messrs. Caldwell,
Cook,
Crabb,
Dameron,
Fleming,
Gibson,
Haraz thy,
Ingersoll,
McMullin,
Merritt,
Orrick,
Parrish,
Paxton,
Pearce,
Smith,
Stark,
Taliaferro,
Wing,
Yeiser,
Young—20.

Those who voted against the passage of the bill were—

Messrs. Boggs,
Canney,
Coats,
Coffroth,
Colby,
Cutler,
Ford,
Fowler,

Messrs. Gardiner,	Messrs. Ridley,
Hinchman,	Stevenson,
Kipp,	Thompson,
Law,	Tucker,
Lyons,	Wall,
McConaha,	Wohler,
McMeans,	Wood,
Peachy,	Speaker—24.

So the bill did not pass.

Mr. Coffroth gave notice that he would, on Monday next, move a re-consideration of the vote just taken.

Mr. Pico gave notice that, on Monday next, he would introduce a bill to be entitled an Act supplementary to an Act to incorporate the city of Los Angelos, passed April 4th, 1850.

Mr. Harazthy moved to take up a resolution which he offered on yesterday in reference to absent members at calls of the House.

Agreed to.

Mr. McConaha moved to indefinitely postpone the resolution.

Not agreed to.

The question was then put to the House upon its passage, and decided in the affirmative.

Mr. Fowler gave notice that on Monday next he would move to re-consider the vote just taken.

Mr. Tucker gave notice that on Tuesday next he would introduce a bill to amend an Act, concerning lawful fences and animals trespassing on premises lawfully enclosed.

Mr. Wall moved to take up a resolution in reference to the payment of the State Translator.

No quorum voting.

The question was again put and no quorum voted.

Mr. Fowler moved to adjourn.

Not agreed to.

Mr. Hammond moved to take up the resolution in reference to the pay of the State Translator.

Agreed to.

On motion of Mr. Wall, the House resolved itself into Committee of the Whole, Mr. Merritt in the chair, to consider a resolution to pay the State Translator. After spending a short time in reading and considering the same,

On motion of Mr. Wood, the committee rose, reported the resolution to the House, without amendment, and asked to be discharged from further consideration of the subject.

Committee was discharged.

The bill was then read a second time, considered as engrossed; read a third time and passed.

On motion of Mr. Coffroth, at 4 o'clock, P. M., the House adjourned until Monday next at 10 o'clock.

HOUSE OF ASSEMBLY.

MONDAY, March 22, 1852.

The House met pursuant to adjournment.

The Clerk called the roll, and the following members were found absent: Messrs. Covarrubias, Crittenden, Cutler, Ellis, of San Francisco, Gardiner, Hinchman, Hudspeth, Peachy, Tucker, Turner, Wall, Wing and the Speaker.

The Journal of Saturday the 20th, read, amended and approved.

Mr. Merritt, Speaker, pro tem., announced the House ready to proceed to business.

On motion, leave of absence was granted to Mr. Ellis, of San Francisco, for the remainder of the session.

On motion, leave of absence was granted to Messrs. Pico, Hudspeth, Hopkins and Gardiner.

On motion, leave of absence was granted to Messrs. Tucker and Turner until to-morrow.

Mr. Canney presented a petition from free negroes of San Francisco, praying a change in the law, to authorize them to give testimony against white men.

Mr. Hammond offered the following resolution:

Resolved, That the House, having heard the petition read, do decline to receive or entertain any petition upon such subject from such source.

Upon the passage of the resolution, Messrs. Wood, Wall and McMullin demanded the ayes and nays.

Those who voted in favor of the resolution were—

Messrs. Boggs,
Brush,
Canney,
Caldwell,
Chauncey,
Coats,
Coffroth,
Colby,
Crabb,
Crittenden,
Dameron,
Fleming,
Ford,
Fowler,
Gibson,
Graham,
Harazthy,
Ingersoll,
Messrs. Jones,
Kipp,
Law,
Lyons,
McConaha,
McKim,
McMeans,
McMullin,
Merritt,
Morse,
Orrick,
Parrish,
Paxton,
Pearce,
Pico,
Ridley,
Smith,
Stark,

Messrs. Stevenson,
Taliaferro,
Ten Broeck,
Thompson,
Wall,
Wing,
Messrs. Wohler,
Wood,
Yeiser,
Young,
Speaker—47.

Mr. Hinchman voted in the negative.

The resolution passed.

Mr. McKim presented a petition from citizens of Calaveras County, praying for a division of the county.

Referred to the delegation from Calaveras County.

Mr. Smith, chairman, made the following report:

The Committee on Claims, to whom was referred a bill for the relief of M. Dougherty, for the sum of one hundred and twenty-five dollars, have had the same under consideration, and would recommend its passage.

Mr. Chauncey, chairman, made the following report:

The Committee on Engrossed Bills, have examined and found correctly engrossed a bill entitled an Act for the relief of the indigent sick of San Diego.

Mr. Coats, chairman, made the following report upon Indian affairs:

Your committee, to whom was re-committed certain resolutions relative to Indian reservations, beg leave to report, that since the re-commitment, they have had an interview with Redick McKee, one of the United States Indian Commissioners. After hearing a full exposition of the policy of the Indian Commissioners, your committee are confirmed in the opinion expressed in their former report, that the reservations of land which have been made within the limits of this State, would, if confirmed, prove most ruinous to the best interests of both the Indian and white population.

It appears from the declaration of Col. McKee, one of the Indian Commissioners, that the special agents appointed to superintend the several reservations, have the authority to grant permits to persons to work mining claims, or pursue other ocupations within the reservations, when they may think proper so to do. This extraordinary power, your committee can well conceive, might be wielded so as to enrich a few special favorites, by permitting them to occupy and work mining claims, to the exclusion of all other persons. In some of the counties your committee have been informed, that about two-thirds of the agricultural lands within their limits have been set apart for the exclusive occupation of the Indians.

In conclusion, your committee would state that, after careful consideration, they have come to the conclusion, that the policy which has been adopted by the commissioners, has been unwise, and would, if confirmed, be subversive of the best interests of this State.

They, therefore, respectfully recommend the adoption of the following resolutions:

Joint Resolutions in reference to Indian reservations, on its third reading.

Mr. Wood moved to lay the resolutions on the table.

Not agreed to.

Mr. McMullin moved to re-commit the resolutions to the committee with instructions to strike out the third resolution.

Not agreed to.

Mr. Coffroth moved to lay the resolutions on the table for the present.

Not agreed to.

Resolutions were then read a third time, upon which Messrs. Crabb, McMeans and Coats, demanded the ayes and nays.

Those who voted for the passage of the resolutions were—

Messrs.	Boggs,	Messrs.	McMeans,
	Brush,		Merritt,
	Coats,		Morse,
	Coffroth,		Parrish,
	Colby,		Paxton,
	Covarrubias,		Peachy,
	Crittenden,		Pearce,
	Cutler,		Ridley,
	Dameron,		Smith,
	Fleming,		Stark,
	Fowler,		Stevenson,
	Gibson,		Taliaferro,
	Harazthy,		Thompson,
	Jones,		Wing,
	Kipp,		Yciser,
	Law,		Young,
	Lyons,		Speaker—35.
	McConaha,		

Those who voted against the resolutions were—

Messrs.	Crabb,	Messrs.	Orrick,
	Hinchman,		Pico,
	McMullin,		Wood—6.

So the resolutions passed.

Mr. Taliaferro, chairman, made the following report:

Your committee, to whom was referred the Senate bill, entitled "A bill for an Act to change the name of the California Wesleyan College, to that of The University of the Pacific, beg leave to report—

That they have given it much consideration, and cannot report favorably to the bill. If it is not inconsistent with the powers they exercise, they beg leave to suggest the name of Collegio Chicito, or Collegisito, as one

more expressive and appropriate than either the name the college now has, or the name proposed. They therefore submit the above, and ask to be discharged from a further consideration of the subject.

Mr. Wood, chairman, made the following report:

The committee, to whom was referred an Act to prohibit the erection of weirs or other obstructions to the run of salmon, have had the same under consideration, report the same back, and recommend its passage.

Senate bill, an Act to prohibit the erection of weirs or other obstructions to the run of salmon; on its third reading.

Mr. Coffroth moved to lay the bill on the table.

Not agreed to.

Mr. Parrish moved to strike out "Bay or," in section seven.

Agreed to.

Mr. Parrish also moved to strike out "July," and insert "October."

Agreed to.

Mr. Fleming offered the following additional section: "This Act shall not apply to any of the Indian tribes in this State."

No quorum voting.

Messrs. Colby and Kipp were excused for half an hour.

Mr. Smith moved to indefinitely postpone the bill.

Not agreed to.

Mr. Covarrubias moved to refer the bill to the Committee on Indian Reservations.

Not agreed to.

The vote was then taken upon the amendment offered by Mr. Fleming.

Not agreed to.

Mr. Thompson moved that the Indians have the exclusive right of fishing.

Not agreed to.

Mr. Fleming offered the following, which was adopted, as an additional section: "This Act shall not apply to any of the Indian tribes bordering on the Klamath or the Sacramento, above the mouth of Red Bluff Creek."

The bill was then read a third time and passed.

Mr. Fowler, chairman, made the following report:

Mr. Speaker:

Your committee, to whom was referred an Act supplementary to an Act entitled an Act to create a State Hospital in the city of Sacramento, approved April 28th, 1851, have given as much attention to the subject as their limited time would allow, beg leave to submit the following report:

We feel deeply sensible of the importance of having necessary provisions, by law, made for the establishment and support of the indigent or friendless sick. In a State like ours, where there are, as yet, so few families, and where a large proportion of our population is migratory, and consequently so few local or family ties, it must, of necessity, often happen that those who are so unfortunate as to be stricken down by disease, have few or no friends to administer that attentive medical aid and nursing which a public Hospital affords. It is, therefore, the humane policy of all States to make liberal

provisions for the sick and those who have been so unfortunate as to be bereft of that God-like attribute, reason, or the mind. To oppose the maintenance of such public institutions, which are alike open to the poor miner or the affluent trader, would evince, in this nineteenth century, particularly in California—burthened and groaning, though she may be, with the incubus of an overwhelming debt—an unchristian and unphilanthropic policy, which your committee, nor no wise man, in their opinion, will venture to advocate.

We assume, then, the unquestioned position, that it is not only a wise and humane policy for the State to aid these public institutions, but an imperious duty and necessity to do it. The mode of establishing and sustaining Hospitals in the State—their number and location—are the questions upon which men will be likely to differ.

Your committee are of the opinion that one or two well endowed Hospitals will accomplish the ends, for which they are established, more efficaciously, and consequently will be capacitated for doing more good than the attempt to establish and support three or four embarrassed and sickly institutions. Entertaining these views, we are naturally led to the conclusion that it is impolitic, at present, for this State to attempt to sustain more than one Hospital, which, with the present appropriations and provisions, your committee believe would accomplish all the ends designed by such public institutions.

In confirmation of this position, let us briefly refer to the resources of the three State Hospitals, as already established.

SAN FRANCISCO STATE MARINE HOSPITAL.

By reference to reports made to the Legislature by the officers of this institution, and from other authentic sources, we find that in San Francisco the State Marine Hospital has been the recipient of the following amounts of money, and is provided with the following sources of revenue:

Received from Dr. J. H. Rodgers, Health Officer, commutation money, from May 5th to December 15th, 1850, -	$56,780 00
Pay from patients, - - - - - - - - -	12,722 00
From J. F. Thorp, Health Officer, - - - - - -	887 00
Total receipts from May 22d to December 31st, 1851,	39,532 25
	$109,921 25

It will be observed that the above receipts do not embrace the entire time since the State extended her fostering care over this institution. The existing sources of revenue for the San Francisco Hospital are one-half of the gaming and peddlers' licenses, and one-half of the auction tax in that city, and five dollars for each cabin passenger, and three dollars for each steerage passenger, that arrived by sea at this port. Each sailor or passenger shipped at San Francisco also pays fifty cents into the Treasury of the Hospital. Any person by paying, when in good health, five dollars, has the privilege of admission into the Hospital within a year after the payment of the same.

Besides these sources of revenue, the city of San Francisco is at liberty to send its sick to the State Marine Hospital by paying an agreed

upon amount, not exceeding $50,000 per annum. The amount agreed upon and paid now is $30,000 per annum.

Notwithstanding all of the moneys accruing from these sources, it appears, from the report of the Trustees of the State Marine Hospital, that the revenue of the same is barely sufficient to meet its expenses.

There is paid for rent alone, $4,000 per annum. The Trustees urgently ask for a more ample revenue to support this institution.

SACRAMENTO CITY STATE HOSPITAL.

Since the organization of this institution in May, 1851, to June 10th, 1852, it has been the recipient, from all sources, of $25,822 29.

The sources of its revenue are an annual appropriation, paid quarterly out of the general fund, of $30,000, one-fourth of all the nett proceeds of the tax on auction sales and gaming licenses accruing to the State Treasury, except in the County of San Francisco, are donated for the support of this Hospital. Besides these sources of accrued revenue, $3,360 is yet due to this institution from the city of Sacramento.

In addition to the above, any person, on the payment of ten dollars to the Treasury, whilst in good health, is admitted to all the benefits of the Hospital for the term of one year from date of the receipt.

The directors or managers of each and every representation of any circus, theatre or show, within the city of Sacramento, are obliged to pay into the Treasury of the Hospital five dollars; and each and every public and subscription ball or concert the sum of ten dollars. Besides these sources, the nett proceeds of all sums of money which may be collected and paid into the State Treasury for forfeited bonds, recognizances and fines, which may be awarded in criminal cases, and for contempt of court, are required to be paid over for the benefit of the Sacramento State Hospital.

The rent of the Hospital building amounts to $13,200 per annum. Notwithstanding these, apparently, liberal provisions for revenue, this institution is financially embarrassed, and the trustees of the same request an additional specific appropriation for the erection of suitable Hospital buildings. Your committee are aware that this institution is charged with the care and sustenance of all the Insane patients in the State, which considerably augments the amount of its disbursements.

STOCKTON STATE HOSPITAL.

The total receipts of this Hospital from May, 1851, to Dec. of the same year, according to the reports of the Trustees, amount to $14,141 07.

Any person in good health, on the payment of ten dollars per annum, to the Treasurer of the Hospital, is entitled to all the benefits of the same.

All directors and managers interested in exhibiting any circus, theatre, or exhibition of any kind, within the limits of the city, to the public, pay for each representation five dollars to the Treasury of the Hospital, and every public and subscription ball or concert, and all lectures and public exhibitions, of any kind, pay the sum of ten dollars, one-fourth of the nett proceeds, throughout the State, of the tax on auction sales and gaming licenses, are donated for the support of this Hospital, except from San Francisco County.

In addition to the above sources of revenue, a special appropriation of $15,000, to be paid out of the general fund, is set aside for the support of this Hospital. The foregoing, together with certain fees, fines, or penalties, constitute the resources for the establishment and maintainance of this Institution. The rent of the premises for the Hospital purposes, per annum, amount to $3,000. The trustees recommend an additional appropriation to purchase grounds and erect suitable buildings for a permanent establishment of the institution.

To recapitulate,—The total revenue paid in for the support of these Hospitals, stands thus:

San Francisco,	$109,921 25
Sacramento,	25,822 29
Stockton,	14,141 07
Total,	$149,884 61

The salaries of the Physicians at the several Institutions, are—

In San Francisco, two visiting, and one resident Physicians, at $5,000 each, per annum,	$15,000
In Sacramento, one resident, and one visiting Physician, at $5,000 each, per annum,	10,000
In Stockton, one resident, and one visiting Physician, both, per annum,	7,000
Total,	$32,000

The salaries of the Treasurers, per annum, are—

In San Francisco,	$3,000
" Sacramento, not to exceed	3,000
" Stockton,	1,500
Total,	$7,500

The rents paid, per annum, for each of the Hospital buildings—

In San Francisco,	$14,000
" Sacramento,	13,200
" Stockton,	3,000
Total,	$30,200

The disbursements, therefore, per annum, for the salaries of the Physicians, Treasurers and rents, amount to the enormous sum of $69,700, to say nothing of the expenses of the employees about these establishments.

Your committee, in view of these facts, have arrived at these conclusions, in consequence of the embarrassed financial condition of the State, and the large amount of revenue received and expended for the support of these

institutions, (the Trustees of each of which ask for more appropriations,) that it is not prudent to make any further provisions by law for the support of either, separately.

But they would recommend that one of the three Hospitals be selected as the State Hospital, which should receive the patients, and the revenues now appropriated to the other two. By this arrangement, a decrease in the number of physicians and employees, might properly be made, and a large amount saved, annually, in rents, and the public have the benefits of a well-endowed and flourishing Hospital.

The curable and hopelessly insane, in an institution of this character, would naturally have a separate ward, and be properly cared for.

Your committee, therefore, recommend that the Hospital bill, presented for their consideration, be indefinitely postponed and rejected, and that a new Hospital bill be introduced in accordance with the recommendation of this report. They would further add, that such a bill will be introduced in this House, to-day, by a gentleman eminently well qualified for its preparation.

If this bill, however, should not meet with the approval of this House, your committee would recommend a special appropriation to meet the wants of the Sacramento State Hospital.

All of which is respectfully submitted.

CHARLES B. FOWLER,
Chairman of Special Committee.

An Act supplementary to an Act entitled an Act to create a State Hospital in the city of Sacramento, upon its third reading; laid upon the table for the present.

Mr. Taliaferro made the following report:

The Special Committee, to whom was referred an Act concerning lawful fences, and animals trespassing on premises lawfully enclosed, respectfully recommend it to the favorable consideration of the House.

The bill was laid upon the table for the present.

Mr. Coffroth offered the following resolution, which was adopted:

Resolved, That Tuesday, Wednesday and Thursday of this week be specially set aside for the consideration of business and bills now upon the Speaker's table.

Mr. McMeans moved a call of the House.

The call was sustained.

The roll was then called by the Clerk, and the following members were absent:—Colby, Fowler, Gardiner, Hopkins, Kipp, McKim, Taliaferro and Wohler.

Mr. Crabb moved to dispense with further proceedings under the call.

Not agreed to.

Mr. Coffroth moved to suspend further proceedings under the call.

Agreed to.

Mr. Coffroth moved to re-consider the vote which indefinitely postponed a bill concerning corporations, on Saturday last.

Messrs. Lyons, Kipp and Canney demanded the ayes and nays.

Those who voted to re-consider were—

Messrs. Brush,	Messrs. Jones,
Caldwell,	McMullin,
Coats,	Merritt,
Coffroth,	Orrick,
Covarrubias,	Parrish,
Crabb,	Paxton,
Crittenden,	Peachy,
Dameron,	Pearce,
Ellis, of Nevada,	Stark,
Fleming,	Wing,
Gibson,	Wood,
Haraszthy,	Yeiser,
Hinchman,	Young—27.
Ingersoll,	

Those who voted against a re-consideration were—

Messrs. Boggs,	Messrs. McConaha,
Canney,	McMeans,
Colby,	Morse,
Cutler,	Ridley,
Fowler,	Smith,
Kipp,	Stevenson,
Law,	Thompson,
Lyons,	Speaker—16.

The House re-considered the vote.

Mr. Crabb moved to re-commit the bill to a Special Committee of five.

Agreed to.

Messrs. Crabb, Crittenden, Peachy, McConaha and Ellis, of Nevada, were appointed said committee.

Mr. Crabb gave notice that would, on to-morrow or an early day thereafter, introduce a bill for an Act to re-incorporate the city of Stockton.

Mr. Lyons gave notice that, on to-morrow or some day soon thereafter, he would introduce a bill to incorporate the city of Vallejo, so as to include the city of Benicia within the same municipality, to be hereafter called and known as the city of Vallejo.

Mr. McMeans, chairman, made the following report upon the subject of a General Hospital:

To the Honorable the
Speaker of the House of Assembly:

The committee, to whom was referred the bill providing for the establishment of a General State Hospital, have had the same under consideration, and the undersigned beg leave to submit the following report:

Being satisfactorily convinced that a radical defect exists in the present

Hospital arrangement, by which the State is annually subjected to heavy expenditures without receiving a corresponding benefit, the undersigned conceived the idea of a thorough change in that department, and with that view submitted the accompanying bill as the incipient step in the attempt at a re-organization.

Through the indulgence of the House, and the kind suggestions of several gentlemen of the profession, as well as of several gentlemen of legal attainments, I have at last succeeded in arranging a bill which, although by no means perfect, it is hoped will afford a permanent foundation upon which to build a system, if not magnificent, at least comprehensive and grand, and at the same time fully calculated to give general, if not universal, satisfaction.

I have, for sufficient reasons, thought it best to strike out the revenue portion of the bill as contained in the thirteenth, fourteenth, fifteenth, sixteenth and seventeenth sections, with a view to substitute the accompanying amendments in the form of additional sections. Instead of the thirteenth section, stricken out, insert the following: All of which is presented to the serious and respectful consideration of the House.

The bill, as reported, made the special order for Saturday next, at 12 o'clock.

Mr. Young offered the following, which was adopted:

Resolved, That the majority of the special committee, composed of the members of the delegation from Calaveras County, be instructed to report to-morrow morning upon all matters to them submitted, touching the location of the Seat of Justice in said county, or relative to the division of the same.

On motion of Mr. Peachy, the House resolved itself into Committee of the Whole, Mr. Colby in the chair, to consider a bill for the relief of E. Barry; after spending some time in its consideration,

On motion of Mr. Parrish, the committee rose, reported the bill back without amendment, and asked to be discharged.

The committee was discharged.

The bill was then read a third time and passed.

Mr. Coats introduced a Joint Resolution in reference to emigrants to California.

Read, and on motion of Mr. McMullin, laid upon the table.

Mr. Peachy, chairman, made the following reports:

The undersigned, members of the Judiciary Committee, to whom was referred a bill to provide for "an Act concerning the offices of County Clerk and County Recorder, of the County of San Francisco, and regulating the fees of said office," and also a bill for "an Act to unite, in the County of San Francisco, the office of County Recorder to that of County Clerk, and to make the same a salaried office," have had the same under consideration, and report as follows:

The objects sought to be attained by the last bill, are all provided for by the former, which also extends its provisions to the creation of a judiciary fund, and provides for the payment of the salaries of the District and County

Judges therefrom. The undersigned would respectfully recommend to the Assembly the passage of the bill first mentioned in this report, believing that it will save many thousands of dollars to suitors in courts of justice, and a considerable sum to the treasury of this State, while the bill makes ample provision in the shape of salary for the County Clerk and his deputy, and does not impose upon him more duties than, with the aid of deputies, can be easily performed.

A. C. PEACHY, Chairman.
A. P. CRITTENDEN.

Mr. Speaker:

The Judiciary Committee, to whom was referred a bill for an Act to amend an Act to regulate the estates of deceased persons, have the honor to report—

That, having duly considered the proposed amendments, and regarding them as highly proper, they would respectfully recommend that the bill shall pass.

A. C. PEACHY, Chairman.

Mr. Speaker:

The Judiciary Committee, to whom was referred the bill to provide for an Act to secure the payment of taxes in the State of California, have the honor to report—

That, having duly considered the bill, and believing its provisions to be too stringent, and such as could not be enforced, would, respectfully, recommend that it shall not pass.

A. C. PEACHY, Chairman.

Mr. Speaker:

The Judiciary Committee, to whom was referred the Bill for "an Act for the authentication of statutes, without the approval of the Governor," have the honor to report—

That they have considered the bill, and recommend that it pass. The object sought to be attained by the bill is not provided for by law. Cases may arise in which the provisions of this bill will be found very useful.

A. C. PEACHY, Chairman.

Mr. Speaker:

The Judiciary Committee, to whom was referred a bill for an Act for the protection of religious worship, have the honor to report—

That they have considered the provisions of this bill, and upon comparing them with those of the law concerning crimes and punishments, they find that the evils sought to be remedied by the bill, are made punishable by the law in the same manner and to the same extent as is provided by the bill.

They would refer to the sections one hundred and seventeen and one hundred and eighteen of the law before cited. For this reason they recommend that the bill shall not pass.

A. C. PEACHY, Chairman.

Mr. Speaker:

The Judiciary Committee, to whom was referred the memorial of Henry A. Caulfield, stating that on the 12th day of August, 1850, he was seized by an armed force and placed on board the Prison Brig, in the river, in front of Sacramento city, whereby he sustained heavy losses; and praying to be remunerated, out of the public Treasury, for the wrongs, injuries and oppressions which he then and there sustained, have the honor to report—

That they have not deemed it necessary to inquire into the truth of the facts set forth in said memorial, because they did not deem it of the slightest importance to the question presented for their consideration. Whether Mr. Caulfield was, or was not, imprisoned by due process of law, for a crime actually committed, has nothing to do, in the opinion of this committee, with his claim against the State for the damages which he alleges he has sustained. His redress is clearly against the persons who inflicted upon him the alleged wrongs, and not against the State of California.

Your committee, therefore, ask that they may be discharged from the further consideration of this subject.

A. C. PEACHY, Chairman.

Mr. Speaker:

The Judiciary Committee, to whom was referred a bill for an Act concerning the administration of oaths, have the honor to report—

That, having duly considered the said bill, they would respectfully recommend that it pass.

A. C. PEACHY, Chairman.

Mr. Speaker:

The Judiciary Committee, to whom was referred Senate bill, for an act concerning Fugitives from Justice, have the honor to report—

That, having duly considered the provisions of this bill, and compared them with those of the act to regulate proceedings in criminal cases, passed May 1st, 1851, Part VI. Title 11, they are of opinion that the present law is quite as good as that which this bill proposes to enact. They, therefore, recommend that this bill shall not pass.

A. C. PEACHY, Chairman.

Mr. Speaker:

The Judiciary Committee, to whom was referred the memorial from certain citizens of the City of San Francisco, against the reduction of the salary of the District Judge of the Fourth Judicial District, have the honor to report—

That they have duly considered the said memorial, and are of opinion that its object is praiseworthy, and can be sustained by many reasons. They would, therefore, respectfully recommend, that the salary of the said judge shall not be reduced.

A. C. PEACHY, Chairman.

Mr. Speaker:

The Judiciary Committee, to whom was referred a bill for an Act to re-

peal the Act for the early publication of the Laws, passed 1st May, 1851, have the honor to report—

That they have examined the Law, the repeal of which this bill contemplates, and find that it provides for the publication of the Laws of the last Session alone. Regarding, therefore, the repeal of this law as unnecessary, they recommend that the bill shall not pass.

A. C. PEACHY, Chairman.

Mr. Speaker:

The Judiciary Committee, to whom was referred "a bill allowing suits against officers for services rendered under illegal orders," have the honor to report—

That they deem its provisions unwise and contrary to the policy of the law hitherto maintained. They can see no reason why subaltern military officers and the deputies of civil officers should be allowed to perform illegal acts, under the orders of their superiors, and then have recourse against them, because they chose to obey those orders. Orders are given and obeyed at the will and peril of the parties. The undersigned are of the opinion that this bill proposes to remove one obstacle which stands in the way of illegal acts, under the orders of a superior, by giving to the subaltern or deputy the means of reimbursing himself for any damages which he may sustain for the wrong which he has done. They therefore recommend that this bill shall not pass.

A. C. PEACHY, Chairman.

Mr. Speaker:

The Committee on the Judiciary, to whom was referred a bill for an Act concerning Jurymen, have the honor to report—

That they have duly considered this bill, and believing its provisions to be productive of the most decided advantages, would respectfully recommend that it pass.

The committee would also recommend, that the title of the bill be changed into the following: "An Act to repeal an Act, entitled 'An Act to exempt firemen from militia service and jury duty,'" passed 28th January, 1851.

A. C. PEACHY, Chairman.

Mr. Speaker:

The Committee on the Judiciary, to whom was referred the Joint Resolution, by which it is proposed to grant leave of absence, from this State, to the Hon. William R. Turner, Judge of the Eighth Judicial District, for the poriod of three months from the first day of September, A. D. 1852, have the honor to report—

That they have consulted with the delegation from the counties composing that district, in this House, and finding it to be their wish that Judge Turner shall have the leave for which he asks, they report in accordance with the views of those gentlemen, and recommend that the joint resolution shall pass.

A. C. PEACHY, Chairman.

Mr. Speaker:

The Judiciary Committee, to whom was referred a bill for "An Act to regulate appeals from Justices' and Recorders' Courts," have duly considered said bill, and have the honor to report—

That it is the intention of this committee to report in a few days, an Act to regulate proceedings in courts of justice of this State, which will provide for the objects contemplated by the said bill. They, therefore, ask, that they may be discharged from the further consideration of the subject.

A. C. PEACHY, Chairman.

Mr. Speaker:

The Judiciary Committee, to whom was referred "a bill to provide for an Act to be entitled an Act to protect persons who settle upon and improve unoccupied lands," have the honor to report—

That they have duly considered the provisions of the bill, and believe them to be unconstitutional—in conflict with the policy of the common law, and productive of litigation and the infringement of the rights of property. They would, therefore, respectfully recommend that the bill shall not pass.

A. C. PEACHY, Chairman,

Mr. Speaker:

The Judiciary Committee, to whom was referred a bill for an Act to amend the seventeenth section of an Act entitled an Act concerning forcible entries and unlawful detainers, have considered the bill, and would recommend that it be amended by striking out the word "magistrate," in the second section of the bill, and insert, in lieu thereof, the words "Justice of the Peace." With this amendment they recommend that it shall pass.

A. C. PEACHY, Chairman.

Mr. Speaker:

The Judiciary Committee, to whom was referred a bill for "An Act explanatory of an act entitled 'An Act authorizing the Governor to call out troops to defend our frontier, and providing for their pay and compensation,'" have the honor to report—

That this subject involves the consideration of facts with which it is presumed the Committee on Indian Affairs is more familiar than the Committee on the Judiciary. They, therefore, ask leave to report this bill, with the recommendation that it be referred to the Committee on Indian Affairs, and ask that they may be discharged from the further consideration of the subject.

A. C. PEACHY, Chairman.

Joint Resolution granting leave of absence to the Hon. W. R. Turner; considered as engrossed. Read a third time and passed.

An Act explanatory of an Act, authorizing the Governor to call out troops to defend the frontier.

Reported back by Judiciary Committee and referred to Committee on Indian Affairs.

An Act concerning Jurymen, on its third reading,

Laid upon the table.

An Act allowing suits against officers for services rendered under illegal orders; on its third reading.

Laid on the table.

A bill to be entitled an Act to amend the 17th section of the Act concerning Forcible Entry and unlawful Detainer; amendment proposed by the committee to strike out Magistrate, and insert "Justice of the Peace."

Agreed to by the House.

Bill read a third time and passed.

An Act to repeal an Act for the early publication of the laws, passed May 1st, 1851.

Upon its third reading, was lost.

Senate bill for an act concerning fugitives from justice; on its third reading.

Mr. Graham moved to lay the bill upon the table.

Not agreed to.

Mr. Graham moved that the bill be read.

Agreed to.

Mr. Wood moved to lay the bill on the table.

Not agreed to.

Mr. Paxton moved its indefinite postponement.

Agreed to.

An Act concerning the administration of oaths; considered as engrossed.

Read a third time and passed.

Memorial of Henry A. Caulfield; reported back by the committee.

Laid upon the table.

An Act for the protection of Religious Worship; on its third reading.

On motion of Mr. Merritt, was indefinitely postponed.

An Act for the authentication of statutes, without the approval of the Governor; considered as engrossed.

Read a third time and passed.

A bill entitled an Act to secure the payment of taxes in the State of California.

On motion of Mr. Parrish, was indefinitely postponed.

A bill entitled an Act to amend an Act to regulate the settlement of the estates of deceased persons, passed May 1st, 1851; considered as engrossed.

Read a third time and passed.

A bill for an Act to regulate appeals from Justices' and Recorders' Courts; on its third reading.

Laid upon the table.

On motion of Mr. Parrish, at 5 o'clock, P. M., the House adjourned until 10 o'clock to-morrow.

HOUSE OF ASSEMBLY.

TUESDAY, March 23, 1852.

House met pursuant to adjournment.

The roll was called by the Clerk, and the following members found absent:—Messrs. Canney, Covarrubias. Crittenden, Lyons, Merritt and Taliaferro.

The Journal of Monday, the 22d March, read and approved.

The Speaker announced the House ready to proceed to business.

On motion, leave of absence was granted to Mr. Harazthy.

The following message was received from the Governor:

I have this day approved the following Acts:

An Act entitled "an Act to establish the County of Siskiyou and establish the Seat of Justice therein.

An Act supplementary to an Act to incorporate the city of Santa Barbara, passed April 9th, 1850.

An Act entitled an Act concerning the Recorder of Santa Barbara County.

An Act entitled an Act for the relief of William H. Endicott, under Sheriff of Nevada County.

An Act supplemental to an Act entitled an Act to provide for the incorporation of Railroad Companies, passed 28th of February, 1851.

Also, a Resolution entitled Concurrent Resolution to stop the pay of Judges while absent on leave from the State.

JOHN BIGLER.

The following message was also received from the Governor:

An Act entitled an Act directing the Comptroller to draw his warrant in favor of J. P. Wyatt, for the sum of ninety-five dollars, is herewith returned without approval.

By reference to the books of the Comptroller, I have ascertained that on the 11th of March instant, warrant No. 1194 was drawn in favor of J. P. Wyatt, for the sum of ninety-five dollars, being for the same services, for the payment of which provision is made in the bill herewith returned.

JOHN BIGLER.

On motion of Mr. Graham, the bill was laid upon the table.

A communication was received from the Comptroller, in reply to a resolution of the Assembly in reference to the expenses of the different state offices.

Read and referred to Special Committee upon contingent purposes, of which Mr. Fowler is chairman.

The following message was received from the Senate:

Mr Speaker:

I am directed to inform the Assembly that the Senate passed, on the 10th instant, Assembly bill for an Act to incorporate the town of Alviso; and

A bill for an Act to extend the time of the acting Treasurer of Mariposa County to make his returns.

And also, on the 20th instant, a Concurrent Resolution to appoint a Joint Committee to investigate the conduct of the Enrolling Committee of the last session of the Legislature; and that Messrs. Lewis, Miller and McKibben have been appointed the committee on the part of the Senate.

A. C. BRADFORD,
Secretary of the Senate.

Senate Concurrent Resolution to appoint a Joint Committee to investigate the conduct of the Enrolling Committee of last session of the Legislature, came up for consideration, and upon its passage, Messrs. Kip, McConaha and Boggs, demanded the ayes and nays.

Those who voted in favor of the resolution from the Senate were—

Messrs. Brush, Canney, Caldwell, Coats, Coffroth, Colby, Cook, Covarrubias, Cutler, Fleming, Fowler, Gibson, Graham, Hopkins, Ingersoll, Jones, Kipp, Law, McConaha, McMeans, McMullin, Merritt, Morse, Peachy, Pearce, Ridley, Taliaferro, Ten Broeck, Tucker, Wing, Wohler, Yeiser, Young, Speaker—34.

Those who voted against the passage of the resolution were—

Messrs. Boggs, Crabb, Crittenden, Dameron, Ellis, of Nevada, Ford, Gardiner, Harazthy, Hinchman, Hudspeth, Orrick, Parrish, Paxton, Smith, Stark, Stevenson, Thompson, Wood—18.

The resolution was concurred in.

Messrs. McConaha, Cutler and Brush, were appointed said Committee.

Senate bill, an Act for the distribution of the laws for 1851. Read a first and second time.

Mr. Wood moved to amend by adding 1850, before 1851.

Agreed to.

The bill was then read a third time and passed.

On motion of Mr. Wood, the title of the bill was so amended as to read 1850 and 1851.

Senate bill, an Act prescribing the time of payment of the salaries of the officers of State.

Read a first, second and third time, and passed.

Senate bill, for an Act to extend the time of the acting Treasurer of Mariposa county to make his returns.

Read a first and 2d time, and ordered to a third reading on to-morrow.

Senate Bill, an Act to authorize persons engaged in the United States Coast Survey, upon the coast of California, to enter on lands within this State, for the purposes of said survey.

Read a first and second time, and referred to Judiciary Committee.

Senate bill, an Act to authorize married women to transact business, in their own name, as sole traders.

Read a first and second time, and referred to Judiciary Committee.

On motion of Mr. Crabb, the House resolved itself into Committe of the Whole, Mr. Merritt in the chair, to consider a bill to grant to actual settlers the swamp and overflowed lands. After spending some time in its consideration, and making amendments thereto,

On motion of Mr. Parrish, the committee rose, reported the bill back as amended, and ask to be discharged from its further consideration.

Committee was discharged.

Mr. Crabb moved to concur in the amendments made in Committee of the Whole, generally.

Agreed to.

The bill was then considered as engrossed, read a third time, and passed.

The following message was received from the Senate:

I am instructed to inform the Assembly, that the Senate, this day, refused to pass the Assembly amendment to Senate bill, for the relief of C. H. Veeder, which is herewith returned.

A. C. BRADFORD,
Secretary of the Senate.

Mr. McMullen moved that the Assembly insist upon their amendment to the bill.

Agreed to.

On motion of Mr. Parrish, the chairman of Committee on Ways and Means, were authorized to withdraw from the possession of the Clerk, the original Bill in reference to collection of revenue, for the purpose of making corrections to the printed bill.

Agreed to.

Mr. Fleming offered the following resolution, which was agreed to:

Resolved, That a committee of three from the House, and two from the Senate may be appointed, to investigate the bills on claims of Mr. Veeder and Mr. Thomas J. Greene.

On motion of Mr. Crabb, the House resolved itself into Committee of the Whole, Mr. Lyons in the chair, to consider a bill for the relief of E. J. C. Kewin. After spending some time in its consideration, and amended the same,

On motion of Mr. Wood, the committee rose, reported the bill back as amended, and asked to be discharged from the further consideration of the subject.

The committee was discharged.

Mr. Crabb moved to concur in the amendment made in Committee of the Whole.

Agreed to.

The bill was considered as engrossed, and read a third time.

Upon the final passage of the bill, Messrs. Lyons, Merritt and Crittenden, demanded the ayes and nays.

Those who voted in favor of the passage of the bill were—

Messrs.	Boggs,	Messrs.	Kipp,
	Caldwell,		Lyons,
	Coffroth,		McConaha,
	Colby,		McMeans,
	Cook,		McMullin,
	Crabb,		Orrick,
	Cutler,		Parrish,
	Dameron,		Pearce,
	Ellis, of Nevada,		Ridley,
	Fleming,		Taliaferro,
	Fowler,		Tucker,
	Gardiner,		Turner,
	Gibson,		Wing,
	Hinchman,		Wood,
	Hopkins,		Yeiser,
	Ingersoll,		Young,
	Jones,		Speaker—34.

Those who voted against the bill were—

Messrs.	Brush,	Messrs.	Peachy,
	Crittenden,		Smith,
	Ford,		Stark,
	Hudspeth,		Stevenson,
	Law,		Thompson,
	Merritt,		Wohler—13.
	Paxton,		

So the bill passed.

The following messages were received from the Senate:

Mr. Speaker:

I am directed to inform the Assembly that the Senate passed on the 18th inst. the following bills:

"An Act for the distribution of the laws of 1851."

"An Act prescribing the time of payment of the salaries of the officers of State."

An Act to authorize persons engaged in the United States Coast Survey upon the coast of California, to enter on lands within this State, for the purposes of said survey; to protect the operations of the same from injury and molestation; to ascertain the mode of assessing damages caused to any property in the progress of the same; and to provide for the punishment of offenders against the provisions of this Act, and for other purposes."

And also a Joint Resolution of instruction to our Senators in reference to the action of the Congress of the United States on Public Lands in this State, and the Treaties made by the United States Indian Commissioners with the Indians of this State; and a Memorial to the United States Congress. And that the Senate passed on the 19th instant—

"An Act to authorize married women to transact business in their own name as sole traders."

A. C. BRADFORD,
Secretary of the Senate.

March 20th, 1852.

Mr. Speaker:

I am directed to inform the Assembly that the Senate passed, yesterday, a substitute for Assembly bill "for an Act to amend an Act, entitled an Act to incorporate the city of Sacramento."

A. C. BRADFORD,
Secretary of the Senate.

March 23d, 1852.

On motion of Mr. Ingersoll, at 4 o'clock, P. M., the House adjourned until 10 o'clock to-morrow.

HOUSE OF ASSEMBLY.

WEDNESDAY, March 24, 1852.

House met pursuant to adjournment.

The roll was called by the Clerk, and the following members found absent: Messrs. Cook, Covarrubias, Crittenden, Gardiner, Graham, Law, McMeans, Merritt, Taliaferro, Wall and Yeiser.

The Journal of Tuesday, March 23d, read, amended and approved.

The Speaker announced the House ready to proceed to business.

Senate bill, an Act for the relief of C. C. Richmond.

Read a third time and passed.

Senate bill, for an Act to change the name of the California Wesleyan College, to that of the University of the Pacific.

Read a third time and passed.

Senate bill, for an Act to extend the time of the acting Treasurer of Mariposa County, to make his returns.

Read a third time and passed.

Senate bill, an Act to authorize a special election in the county of Shasta, for the office of Sheriff.

Read a third time and passed.

Senate Concurrent Resolutions, to divide the Contingent Fund of the Senate and Assembly; amended, so as to give the Assembly $1700, and $800 for the Senate.

Read a third time, as amended, and passed.

On motion of Mr. Wood, the Committee of the Whole was discharged from the further consideration of a bill for the relief of Hinkley and Davis.

The bill was then read a third time and passed.

On motion of Mr. Coffroth, the House resolved itself into Committee of the Whole, Mr. McMeans in the chair, to consider a bill for relief of J. G. Marvin. After spending some time in the consideration of the bill,

On motion of Mr. Lyons, the committee rose, reported back the bill without amendment, and asked to be discharged from its further consideration.

Committee was discharged.

The bill was then considered as engrossed. Read a third time and passed.

Mr. Stevenson made the following report:

The Committee on Engrossed Bills have examined and found correctly engrossed, the following bills:

A bill to be entitled an Act to amend an Act to regulate the settlement of estates of deceased persons, passed May 1st, 1851.

An Act for the authentication of statutes, without the approval of the Governor.

A bill to be entitled an Act to amend the 17th section of the Act concerning Forcible Entry and unlawful Detainer.

An Act concerning the administration of oaths.

Also, a Joint Resolution, granting leave of absence to Wm. R. Turner, Judge of the Eighth Judicial District.

On motion of Mr. Graham, the House resolved itself into Committee of

the Whole, Mr. Paxton in the chair, to consider a bill for the relief of M. Dougherty. After spending some time in its consideration,

On motion of Mr. Graham, the committee rose, reported the bill back, without amendment, and asked to be discharged from its further consideration.

Committee was discharged.

The bill was then considered as engrossed. Read a third time and passed.

On motion of Mr. McMeans, the House resolved itself into Committee of the Whole, Mr. McMullin in the chair, to consider a bill for the relief of B. F. Ankerny, W. A. Cunningham and James T. Griffith. After spending a short time in its consideration,

On motion of Mr. McMeans, the committee rose, reported the bill back, without amendment, and asked to be discharged from the further consideration of the bill.

The committee was discharged.

On motion, the bill was considered as engrossed, and read a third time, and upon its final passage,

No quorum voted.

Messrs. McMeans, Canney and Ford, demanded the ayes and nays.

Those who voted for the passage of the bill were—

Messrs.	Brush,	Messrs.	McMullin,
	Canney,		Merritt,
	Coats,		Pearce,
	Coffroth,		Ridley,
	Colby,		Stephenson,
	Crabb,		Taliaferro,
	Dameron,		Tucker,
	Gibson,		Turner,
	Graham,		Wing,
	Hudspeth,		Wood,
	Lyons,		Yeiser,
	McKim,		Young,
	McMeans,		Speaker—26.

Those who voted against the passage of the bill were—

Messrs.	Boggs,	Messrs.	Kipp,
	Caldwell,		McConaha,
	Crittenden,		Morse,
	Cutler,		Orrick,
	Fleming,		Paxton,
	Ford,		Peachy,
	Fowler,		Smith,
	Gardiner,		Stark,
	Hinchman,		Thompson,
	Ingersoll,		Wohler—20.

The House passed the bill.

Mr. Lyons offered the following:

Resolved, That as many errors occur in the printed Revenue Bill, the State Printer is hereby requested to re-publish Two Hundred copies; provided, no additional charge is made for composition of type, and but half price allowed for press work.

Mr. Peachy moved to amend the resolution by ordering that Two Hundred and Forty corrected copies should be printed.

Mr. McMullin moved to lay the resolution and amendment upon the table.

Agreed to.

Mr. McMeans offered the following:

Resolved, That Two Hundred copies of the amendments, proposed by the Special Committee, to whom was referred the bill providing for a general State Hospital, be printed in time for the use of this House by Saturday next.

Not agreed to.

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

An Act of Limitations to personal actions, &c.

An Act to amend an Act entitled an Act to define the duties of County Clerk.

An Act concerning Lotteries.

Resolutions of instructions to our Senators regarding the passage of a law by Congress, authorizing the levying and collecting a tonnage tax for Hospital purposes.

An Act to amend an Act concerning divorces; on its third reading.

Mr. Ellis, of Nevada, moved, that the bill be considered as engrossed, and put upon its final passage, upon which motion Messrs. Peachy, Merritt and Canney, demanded the yeas and nays.

Those who voted in favor of the passage of the bill were—

Messrs. Brush,
Canney,
Coats,
Coffroth,
Cook,
Crabb,
Dameron,
Ellis, of Nevada,
Fleming,
Ford,
Gibson,
Hinchman,
Hopkins,
Jones,
Kipp,
Lyons,
McMullin,
Merritt,
Parrish,
Pearce,
Ridley,
Taliaferro,
Wall,
Wood,
Yeiser,
Young—26.

Those who voted against the passage of the bill were—

Messrs. Boggs,
Ingersoll,
Law,
McConaha,
McKim,
McMeans,
Morse,
Orrick,
Paxton,
Peachy,
Stephenson,
Thompson,
Wing,
Wohler,
Speaker—15.

So the bill passed.

The following message was received from the Senate:

Mr. Speaker:

I am directed to inform the Assembly, that the Senate did, on yesterday, pass Senate bill for "An Act to legalize acknowledgments of deeds taken before, and certified by, County Recorders." Also, "An Act concerning the courts of justice of this State and judicial officers." And that they did, on the same day, pass Assembly bill, for the relief of M. C. Dougherty."

A. C. BRADFORD,
Secretary of the Senate.

March 24th, 1852.

Senate bill, an Act concerning the Courts of Justice of this State, and Judicial officers.

Read a first and second time, and, on motion of Mr. Boggs, referred to Judiciary Committee.

Mr. Wood moved to re-consider the vote just taken.

Vote re-considered.

Mr. Peachy offered the following amendment to the bill: "Unless the Judge so absent from the State shall have left a power of attorney to some person to act for him in his office."

Not agreed to.

Mr. Hammond moved to refer the bill to the Judiciary Committee.

Not agreed to.

Mr. Merritt objected to a third reading of the bill, which, under the rule, must lie over until to-morrow.

Assembly bill, for the relief of Charles T. Botts, considered as engrossed.

Read a third time and passed.

The following message was received from the Senate:

I am directed to inform the Assembly, that the Senate have appointed a Committee of Conference on the disagreeing vote of the two Houses upon

Senate bill, for an Act for the relief of C. H. Veeder, and have appointed Messrs. Keene, Sprague and Lewis, on the part of the Senate.

A. C. BRADFORD,
Secretary of the Senate.

Mr. Fowler moved to adjourn.
Not agreed to.
Mr. Canney offered the following:

Resolved, That Two Hundred and Forty copies of the Revenue bill, offered by the gentleman from Monterey, (Mr. Wall,) be ordered to be printed for the use of this House, and that the State Printer be ordered to furnish them to this House on Saturday next.

Mr. Merritt moved to lay the resolution on the table.
Agreed to.

On motion of Mr. Hammond, Mr. McMullen being in the chair, at 3 o'clock, P. M., the House adjourned until to-morrow at 10 o'clock.

HOUSE OF ASSEMBLY.

THURSDAY, March 25, 1852.

House met pursuant to adjournment.

The roll was called by the Clerk, and the following members found absent:—Messrs. Coats, Covarrubias, Hopkins, Hudspeth, McKim, McMullin, Parrish, Peachy, Turner and Wood.

The Journal of Wednesday, the 24th, read and approved.

The Speaker announced the House ready to proceed to business.

On motion, leave of absence was granted to Messrs. Parrish, Turner, Peachy, Wood and Hudspeth until Monday next.

Mr. Paxton asked and obtained leave to withdraw two bills in relation to Yuba County, with a view to embrace the provisions of the two bills in one.

A communication from O. Wozencraft was read.

Mr. McMeans moved to reject the communication.

Mr. Wohler offered the following:

Resolved, That the communication be returned to the Hon. Mr. Wozencraft, and that he be politely requested not to trouble the House with any further communications.

Mr. Boggs moved to lay the communication and resolution on the table.
Agreed to.

Mr. Ingersoll gave notice that he would, on to-morrow, introduce a bill for the suppression of gambling.

Mr. Boggs introduced a bill for an Act to establish the office of Public Printer, and fix his compensation.

Read a first and second time, and ordered to a third reading on to-morrow.

Mr. Hopkins made the following report:

The Committee on Engrossed Bills report that they have examined and found correctly engrossed an Act for the relief of E. J. C. Kewen.

Also, a bill for an Act to secure to settlers a pre-emption right to the overflowed and swamp Lands of this State.

Mr. Colby, chairman, made the following report:

The Joint Committee on Enrollment have examined and found correctly enrolled an Act to incorporate the town of Alviso;

An Act for the relief of E. Barry; also,

An Act to regulate rodeos.

On motion of Mr. Fowler, the House resolved itself into Committee of the Whole, Mr. Graham in the chair, to consider a bill in reference to the appointment of Flour Inspectors; after spending some time in its consideration,

On motion of Mr. McMeans, the committee rose, and asked leave to sit again.

Leave granted.

Mr. Dameron moved a call of the House.

The call was sustained.

The Clerk then called the roll, and the following members were absent:—Messrs. Boggs, Covarrubias, Cutler, Fowler, Gibson, Hinchman, Ingersoll, Jones, McConaha, McKim, Morse, Smith, Ten Broeck, Wohler, Yeiser and Young.

Mr. Dameron moved that the Sergeant-at-Arms be dispatched for absent members.

Agreed to.

On motion, Messrs. Gibson, Covarrubias, Cutler, Wohler, Young, Boggs and Ingersoll were admitted within the bar of the House.

Mr. Merritt moved to dispense with further proceedings under the call.

Not agreed to.

On motion of Mr. Dameron, further proceedings under the call were dispensed with.

On motion of Mr. Dameron, the House resolved itself into Committee of the Whole, Mr. Graham in the chair, to consider a bill in reference to the appointment of Flour Inspectors; after spending some time in its consideration, and making amendments thereto,

On motion of Mr. Coffroth, the committee rose, reported the bill back as amended, and asked leave to be discharged from its further consideration.

Committee discharged.

Mr. Merritt moved to concur in the amendments generally, which were made in Committee of the Whole.

Mr. Brush moved that the amendments be taken up separately.

Not agreed to.

The vote was then taken upon the motion made by Mr. Merritt, and agreed to.

Mr. Canney moved to indefinitely postpone the bill, and upon which, Messrs. Canney, Ellis, of Nevada, and Covarrubias, demanded the ayes and nays.

Those who voted for indefinitely postponing the bill were—

Messrs.	Brush,	Messrs.	McMeans,
	Covarrubias,		McMullin,
	Crittenden,		Merritt,
	Cutler,		Morse,
	Ellis, of Nevada,		Orrick,
	Fowler,		Paxton,
	Gardiner,		Stevenson,
	Hinchman,		Thompson,
	Law,		Wing,
	McConaha,		Young—20.

Those who voted against postponement were—

Messrs.	Boggs,	Messrs.	Ingersoll,
	Canney,		Jones,
	Caldwell,		Kipp,
	Coats,		Lyons,
	Coffroth,		Pearce,
	Colby,		Ridley,
	Cook,		Smith,
	Crabb,		Stark,
	Dameron,		Taliaferro,
	Fleming,		Ten Broeck,
	Ford,		Tucker,
	Gibson,		Yeiser,
	Graham,		Speaker—26.

So the bill was not postponed.

Mr. Crabb moved that the bill be considered as engrossed, and put upon its final passage: upon which, Messrs. McMullin, Ellis, of Nevada, and Covarrubias, demanded the ayes and nays.

Those whe voted for the passage of the bill were—

Messrs.	Boggs,	Messrs.	Jones,
	Caldwell,		Kipp,
	Coats,		Lyons,
	Coffroth,		Pearce,
	Colby,		Ridley,
	Crabb,		Smith,
	Dameron,		Stark,
	Fleming,		Taliaferro,

Messrs. Ford,
Gibson,
Graham,
Ingersoll,
Messrs. Ten Broeck,
Tucker,
Yeiser—23.

Those who voted against the passage of the bill were—

Messrs. Brush,
Canney,
Cook,
Covarrubias,
Crittenden,
Cutler,
Ellis, of Nevada,
Fowler,
Gardiner,
Hinchman,
Hopkins,
Law,
Messrs. McConaha,
McMeans,
McMullin,
Merritt,
Morse,
Orrick,
Paxton,
Stevenson,
Thompson.
Wall,
Wing,
Young—24.

So the bill did not pass.

Mr. Canney introduced a bill for an Act to suppress gambling.

Read a first time and laid upon the table.

Mr. Ford introduced a bill for an Act entitled an Act to amend section first of an Act to regulate rodeos.

Read a first time and ordered to a second reading.

Mr. Tucker introduced a bill, an Act to amend an Act concerning lawful fences and animals trespassing on premises lawfully enclosed.

Read a first time and ordered to a second reading on to-morrow.

Senate bill, an Act concerning the Courts of Justice of this State and Judicial Officers, on its third reading.

Mr. Merritt demanded the previous question.

The Speaker asked, "Shall the main question be now put?"

The House decided in the affirmative.

Upon the passage of the bill, Messrs. Canney, Wall and Covarrubias demanded the ayes and nays.

Those who voted for the passage of the bill were—

Messrs. Brush,
Canney,
Caldwell,
Coats,
Coffroth,
Colby,
Crabb,
Cutler,
Dameron,
Fleming,
Fowler,
Messrs. Ingersoll,
Jones,
Kipp,
McMeans,
McMullin,
Morse,
Pearce,
Stark,
Stevenson,
Ten Broeck,
Tucker,

Messrs. Gibson,
Graham,
Hopkins,
Messrs. Wing,
Wohler,
Young—28.

Those who voted against the bill were—

Messrs. Boggs,
Covarrubias,
Crittenden,
Ellis, of Nevada,
Ford,
Gardiner,
Hinchman,
Lyons,
Messrs. Merritt,
Orrick,
Paxton,
Ridley,
Smith,
Thompson,
Wall,
Speaker—16.

So the bill passed.

Mr. Merritt gave notice that he would, on to-morrow, move a re-consideration of the vote in reference to a bill providing for the appointment of Flour Inspectors.

On motion of Mr. Merritt, the bill providing for the appointment of State Printer, was made the special order for to-morrow.

On motion of Mr. Wall, at 9 o'clock, P. M., the House adjourned until 10 o'clock, to-morrow.

HOUSE OF ASSEMBLY.

FRIDAY, March 26, 1852.

House met pursuant to adjournment.

The roll was called by the Clerk, and the following members found absent: Messrs. Coats, Covarrubias, Crittenden, Gardiner, McKim and Merritt.

The Journal of Thursday, March 25th, read, and approved.

The Speaker announced the House ready to proceed to business.

On motion, further leave of absence was granted to Mr. Blanchard.

Mr. Crabb moved to strike from the Journal, a resolution offered by Mr. Wohler, on yesterday, in reference to a letter written by O. Wozencraft.

Not agreed to.

Mr. Graham presented a petition from citizens of Vallejo, upon the subject of a removal of the capitol, and moved that two hundred and forty copies be printed.

Not agreed to.

Mr. Fowler moved to print two hundred and thirty-nine copies of the petition.

Not agreed to.

Mr. Crabb moved to print one hundred copies.

Not agreed to.

Mr. Crabb moved that the Clerk prepare, for the use of the members, one-half dozen copies of the petition.

Not agreed to.

Mr. Coffroth presented a petition from citizens of Sonora, praying a repeal of the charter of that city. He also presented a remonstrance from citizens of Sonora against the repeal of the city charter.

The petition and remonstrance were both referred to Committee on Corporations.

Mr. Ellis, of Nevada, presented a petition from J. C. Morehead, praying for relief.

Petition referred to Committee on Claims.

Mr. McMeans presented a petition from sundry citizens of El Dorado, praying for the passage of a law to authorize the building of a toll bridge in that county.

Referred to delegation of El Dorado.

Mr. Wing presented a remonstrance from citizens of El Dorado, against the erection of a toll bridge above alluded to.

Referred to delegation of El Dorado.

Mr. Boggs presented the proceedings of a public meeting in the city of Benicia, and also the proceedings of the corporate authorities of the city of Benicia, upon the subject of the State Capitol.

Read and referred to Special Committee of five.

Messrs. Boggs, Cutler, Smith, Paxton and Ridley, were appointed said committee.

Mr. McMeans presented a petition from Thomas L. Smith, praying relief.

Referred to Committee on Claims.

Messrs. Graham, Fleming and Paxton were appointed on the part of the Assembly to act with a similar committee on the part of the Senate, upon the disagreeing vote between the two Houses.

Mr. McConaha presented a petition from numerous citizens of Sacramento, praying for the passage of a bill which passed the Senate upon the subject of the salaries of corporate officers of the city of Sacramento.

Laid upon the table for the present.

Mr. Smith, chairman, made the following report:

The Committee on Claims, to whom was referred Senate bill, No. 94, for the relief of Thomas J. Greene, have had the same under consideration and recommend its passage.

Senate bill, an Act for the relief of Thomas J. Greene.

Laid on the table.

Mr. Smith made a further report—

The Committee on Claims, to whom was referred the account of John Cole, have examined the same and would report it back for such action as the House may see proper to take, and ask leave to be discharged from the further consideration of the subject.

Mr. Crittenden, from the Judiciary Committee, made the following report:

The Committee on the Judiciary, to whom was referred an Act to orga-

nize the Courts of Justice of the State of California, have instructed me to report the bill to the House with the accompanying amendments, and recommend its passage as amended.

Bill made the special order for Tuesday next.

Mr. Ellis, of Nevada, made the following report:

Mr. Speaker:

The Judiciary Committee, to whom was referred Senate bill No. 87, entitled "an Act to authorize persons engaged in the United States Coast Survey upon the coast of California, to enter on lands within this State, for the purposes of said survey—to protect the operations of the same from injury and molestation—to ascertain the mode of assessing damages caused to any property in the progress of the same, and to provide for the punishment of offenders against the provisions of this Act, and for other purposes," have had the same under consideration, and believing the object of the bill to be highly meritorious and proper, report the same back to the Assembly without amendment, and recommend its passage.

ED. F. W. ELLIS,
HENRY A. CRABB,
F. YEISER.

Mr. Crabb, from the Judiciary Committee, made the following report:

Mr. Speaker:

The undersigned, members of the Judiciary Committee, to whom was referred a bill to be entitled "an Act concerning the offices of County Clerk and County Recorder of the County of San Francisco, and regulating the fees of said offices," having had the same under consideration—dissenting, with much regret, from the views of the honorable chairman and other members of said committee, ask leave to submit the following report.

This bill, in our opinion, is objectionable in every respect, and should not become a law. With "even-handed justice," we have weighed it in the balance and "found it wanting." We disapprove the principle on which it is founded; we do not hesitate to condemn the attempt to establish an unwise and unjust precedent, and wholly refuse to lend a helping hand to the injurious effects which it would produce, and the gross wrong which it would inflict.

What does the bill propose to do? It is known that on the first Wednesday of September, 1851, a County Recorder for the County of San Francisco, was elected by a majority of the voters of that county, for the term of eighteen months from the first Monday in April of the present year. The successful party was induced to become a candidate, in part, by the fees which a law in existence prescribed and granted, and, after much anxiety and labor and a considerable expenditure of time and money, was elected under the aforesaid law. The effect of this bill is to legislate this party out of office. Is this right,—is it just,—is it honest? It is said that the individual elected is not worthy of the office. With this, we have nothing to do; it does not fall within our province to decide upon the personal or

official merit of a county officer, or of any public officer, except in cases of impeachment. If the County Recorder elect has committed any offence against the laws of the land, he will be tried by a competent tribunal, and if he is found guilty of the charges against him, the office will become vacant. In case of vacancy, it will be filled in the manner pointed out by the statute. It certainly does not become us to pre-judge any officer, more especially when we have not the right to judge at all.

The undersigned are well satisfied that it is a reprehensible rule to lay down, that the Legislature shall abolish an office for the purpose of getting rid of an incumbent, to whom there may be objections, or against whom there may exist prejudice or pique.

Again, a blow is levelled at the County Clerk of San Francisco County, who was elected at the same time and under the same circumstances as the County Recorder. Additional onerous duties are entailed upon the clerk, while his remuneration will be greatly reduced. He is required to perform all the labor of a County Recorder; and yet the profits of his office, which were expressly guaranteed to him by law, are to be diminished from forty thousand to five or ten thousand dollars per annum. Can this be justified by even a perverted standard of reason or right? Such a course would be contrary to a well established principle of law, that one party to a contract cannot alter or annul the terms of the contract, in contravention of the rights and interests of the other party. We hold that the State, by virtue of "an Act to regulate fees in office," passed May 1, 1851, entered into a contract with all the officers elected under it, that they should receive the fees therein prescribed for the whole term of office. Consequently, we do not believe the Legislature will act in good faith, or in pursuance of the dictates of equity and justice, to reduce the compensation of an officer during the term for which he has been elected. If the State could be sued, by any statutory enactments, we are disposed to conclude that the officer so aggrieved could recover damages against the State.

The undersigned cannot refrain from expressing their surprise that the honorable chairman of the Judiciary Committee should introduce this extraordinary bill. No longer than a week ago, when an important measure, in which the constituency of this gentleman was directly and indirectly interested, was under consideration of the Assembly, his voice was heard in eloquent vindication of the sacred character of "vested rights." There is no adage more securely settled, than that "circumstances alter cases." We now find the honorable gentleman attempting, with the battering-ram of law, to overturn and destroy the "vested rights" of two of his own constituents, which were guaranteed to them by a previous legislative enactment.

But the argument of the honorable gentleman is to the effect, that the few should be sacrificed for the good of the many, and that the public interests and the common good, imperatively call for the immediate immolation of two public servants. Now, we emphatically deny the justice and potency of both branches of the argument. In the first place, it is our duty to respect the rights of every citizen in the limits of the State where it is possible to do so; and, secondly, we do not believe that the public interests will be subserved by the passage of any bill of this description. The offices of County Clerk and County Recorder, should never be united, or at least, where the perquisites of each office are sufficient to justify any

honest and capable individual in accepting it and performing its duties. By uniting the two offices, we open the door to frauds, and destroy the wholesome "checks and balances" which each should have over the other. We deem it the safest policy to entrust the various matters touching the rights of property and other important interests of the community, to the hands of two men, rather than to throw every thing into the custody of one person. The County Clerk is, by law, ex-officio Clerk of the District Court, ex-officio Clerk of the Court of Sessions, and ex officio Clerk of the Probate Court, and yet, with an extraordinary proclivity to centralization, this bill is intended to constitute the County Clerk, ex-officio County Recorder, who will thereby be ex-officio County Auditor. We cannot give our approbation to this impolitic and unwise design, without a stronger reason being presented than that of *legislating* one man out of office, and depriving another man of the profits of office positively and solemnly granted to him by law. But if we could, for a moment, yield our countenance to the prominent object and end of the bill, we could not sanction its details. If this bill should become a law, the County Clerk of San Francisco County would be a *salaried* officer, which, we venture to assert, without fear of contradiction, would be unprecedented in the annals of any State in the Union, and would be far from the true policy to be adopted in the premises.

Again, it is declared, that "all the fees, perquisites and emoluments, of the County Clerk of the County of San Francisco and County Recorder of the County of San Francisco," shall constitute a fund, to be entitled the "Judiciary Fund of the County of San Francisco," and shall be paid over into the hands of certain custodians, comprised of the District Judge of the Fourth Judicial District, and the County Judge of San Francisco County. Truly, this *is* the age of progress and invention! How *modest* is this arrangement, and what a shrewd discrimination between the honesty and trustworthiness of the County Clerk, and the two immaculate judges. All the hard earnings of the clerk are to be poured into the lap of the two learned judges, and these robed custodians are not required to give the shadow of a bond for the honest disbursement of the funds. Oh no! it would be an insult to the purity of the judicial ermine, to ask for security! Who ever heard of judges of a court exercising the duties of a treasurer and disbursing officer? This is a new sub-treasury scheme, very considerately gotten up "for the nonce," and we are called upon to endorse it with our favor. But the culminating feature of the bill, which is intended to "cap the climax," is that provision which authorizes the pure and unadulterated custodians to "allow" to the County Clerk "such deputies and assistants," as they, in their pre-eminent wisdom, may deem proper and necessary.

The County Clerk is required to give a heavy bond for the faithful performance of his duty, and yet he must wait upon the discretion or liberality of the District and County Judges, for his "deputies and assistants." What a magnificent concentration of legal acumen is here manifested. What a marked regard for the "general welfare and prosperity" of the County Clerk, is here displayed! If our memory is not treacherous, the learned gentleman who introduced this bill, the effect of which is to drive one officer out of office and destroy the fortunes of another, introduced and procured the passage, through this House, of a bill to *increase* the salary of the District Judge of San Francisco County, who happens to be of these same immaculate custodians. We suppose this effort to raise the salary of

an officer has exhausted the honorable gentleman's benevolence and liberality.

Hoping the bill in question will not receive the sanction of the Assembly, the undersigned beg to be discharged from the further consideration of the subject.

HENRY A. CRABB,
R. N. WOOD,
E. F. W. ELLIS,
F. YEISER.

An Act concerning the officers of County Clerk and County Recorder of San Francisco and regulating the fees of office; on its third reading, laid upon the table.

Mr. Colby, chairman, made the following report:

The Joint Committee on enrollment have examined and found correctly enrolled, an Act for the relief of M. C. Dougherty.

Mr. Hopkins made the following report:

The Committee on Accounts, to whom was referred the papers of the Superintendent of Public Buildings, would most respectfully report that they have found them correct and would ask to be discharged from the further consideration of the same.

They have also examined an account of J. G. Anderson for putting up stoves and pipes, altering pipe, etc., for $6100. Your committee are of opinion this is a charge which belongs to the city of Sacramento and not to the State. Your committee, therefore, ask to be discharged from its further consideration.

Report received and committee discharged.

On motion of Mr. Graham, Mr. Cook was added to the Committee on Claims.

Mr. Boggs presented an account of Capt. Cranston for freight to Vallejo.

Referred to Committee on Accounts.

Mr. Lyons made the following report upon the subject of the Indian war in El Dorado expedition:

Mr. Speaker:

The Committee on Indian Affairs, to whom was referred the report, papers and documents, of Maj. Wm. Rogers and Quarter-Master A. W. Bee, relating to the operations of Second Battalion California Volunteers in El Dorado County, have had the same under consideration and respectfully report—

That upon a careful examination of all the papers relating to the origin of said expedition, your committee are convinced that, after repeated petitions had been forwarded to the Governor by the citizens of El Dorado County, well authenticated, praying for security and protection from Indian depredations, fully justified the Executive in calling into the field such a force as was adequate to repel the incursions of the hostile Indians.

The committee beg leave, herewith, to submit the report of Maj. Wm. Rogers, containing an account of the operations of said Battalion whilst in the field.

Your committee would also report, that they have carefully examined the papers of Quarter-Master A. W. Bee, and find that he has complied, as far as the irregularities of the service in the mountains would admit with the army regulations, in producing vouchers and evidences of the contracting of said indebtedness.

Your committee have given the accounts presented a careful examination; and where, in their opinion, an overcharge was made, they have reduced the price of the article to its actual cash valuation at the time of the purchase.

Your committee would further report that they herewith transmit the Quarter-Master's vouchers, numbering from one to one hundred and eighty-three, inclusive; also, an abstract of the same, showing the amount due each claimant as allowed; and the Pay-Roll, exhibiting the amount due the officers and men, from the rank of captain down, and number of days' service performed by each.

Your committee would further report, that the Exhibit of the Quarter-Master shows an indebtedness for supplies and services rendered, amounting to $175,302 45.

Your committee have not completed the examination of the papers of Maj. William Rogers, relating to the settlement of his accounts as Pay-Master of the 1st Battalion California Volunteers. The report touching that subject will be submitted another day.

In conclusion, your committee would state, that the Executive has discharged his duty, and pledged the faith of the State to discharge this indebtedness.

And your committee, being satisfied that this indebtedness has been contracted in good faith, in actual defence of our frontiers, earnestly recommend that the annexed bill be immediately passed by this House, which provides for a just and equitable liquidation of this indebtedness.

All of which is respectfully submitted.

W. H. LYONS,
S. A. McMEANS,
THOS. E. RIDLEY,
J. H. GIBSON.

HEAD-QUARTERS 2D BAT. CAL. VOL.,
Coloma, El Dorado Co., Dec. 10, 1851.

To His Excellency JOHN McDOUGAL, Governor:

Sir:—

I have the honor to annex herewith my report of the proceedings of the Second Battalion California Volunteers, under my command, in suppressing Indian hostilities in and near El Dorado County,—all of which I respectfully submit.

REPORT.

During the first part of the month of May last, I received several communications from miners, citizens and emigrants, calling on me, as Sheriff of El Dorado County, for protection against the hostile Indians. I immediately, on the 12th May, raised a force of some one hundred and fifty men, and marched them to Johnson's Ranch, that being the nearest point to attack the enemy; at the same time, I wrote to your Excellency the necessity of raising troops to subdue the Indians, and on the 13th May received orders from you to raise a sufficient force to subdue them, which I accordingly carried into effect.

Company A, under command of Capt. William Graham, and Company B, under command of Capt. John C. Tracy, on the 13th May took up the line of march from Johnson's Ranch, to attack the enemy, who were known to be in large bodies near the emigrant road. Thinking it expedient that more men should be called into service, I empowered Capt. William Graham, he being in command of Company A, to take charge of said force whilst I went in person to raise more troops, at the same time giving strict orders that scouting parties should be sent out daily to reconnoitre, which orders were strictly obeyed. Capt. Tracy, he being in command of Company B, took charge of a scouting party, and returned and reported the enemy to be posted in a natural cañon on the north side of the South Fork of the American River.

Capt. Graham, of Company A, thinking the enemy could be dislodged without much difficulty, ordered his Company to march to the north of the enemy's position, by taking a circuitous route by Sly Park, crossing the river five miles above the encampment, leaving Company B to flank them on the south. On the 21st May, a slight skirmish took place with Company A and a small body of the enemy, which resulted in killing one of the Indians.

The evening growing late, the captain thought it expedient to decamp; no news having been heard from the second division, Capt. Tracy sent an express, stated his position, and requested immediate action on the part of Company A, which was at once obeyed. Capt. Tracy was intercepted from crossing the river at the south crossing, by a large body of the enemy, at the time of his request to Company A.

On the 23d, the whole command met. The enemy had left their ranch and moved down near a mile from their first position. The ranches were burned, and a consultation held by Captains Tracy and Graham.

Capt. Tracy, with his command, marched up the mountain, reconnoitering, whilst Capt. Graham's command marched across the river to the camp of Company B. In the mountain Lieut. Frinkboner, of Company B, espied the enemy. A smart engagement ensued; Capt. Tracy coming up with his division, relieved his 1st Lieutenant. One of the men belonging to Company B, was killed, one mortally wounded, (who has since died) and two slightly wounded. Capt. Tracy sent an express immediately to Capt. Graham, which came, unfortunately, too late to assist Capt. Tracy and his command.

Their ammunition being exhausted, they retreated back to camp ere Capt. Graham's Company arrived. After the arrival of Capt. Graham's Company, they had an engagement with the enemy, having one of their men

wounded, and he, like Capt. Tracy, thought it best to retreat, as nightfall was fast approaching.

On the following day, (the 24th) I took command of the forces and marched them to Indian Creek. From a scouting party I learned that the enemy had changed their position by moving across the river. I therefore resolved to attack them on the next morning, but, on arriving, found it impossible to cross the river.

I therefore left part of the command with Capt. Graham, at the same time requesting Major Hall to consult and co-operate with him whilst I took the other part to flank the enemy in the front, leaving Capt. Graham and Major Hall to attack them in the rear.

Before the attack consummated to be made, it was ascertained that the Indians had removed to the Maccosuma, we immediately pursued them as far as the South Fork of the Maccosuma, where a large body of Indians were found concentrated near a ranch.

The enemy, finding the command had an advantage, surrendered, taking a chief, named Santiago, he being the principal and most influential amongst the Tubes, and shortly after succeeded in the surrender of five more of their chiefs. The command then returned to Johnson's Ranch, with the chiefs, and held some as hostages or prisoners, until the arrival of the United States Commissioner, O. M. Wozencraft, Esq., when, on his arrival, June 11th, 1851, they were delivered up to him. Supposing that no more trouble would be had from the Indians, I commenced disbanding the troops, when an express arrived from above Sly Park, a place about nineteen miles from Johnson's Ranch, and signed by a number of emigrants and miners, praying for assistance, as the Indians were committing depredations and murders. I consulted with M. O. Wozencraft and Brig. Gen. A. W. Winn, also with the officers, as to the best course to adopt, when, after deliberate consultation, it was thought best to draft from each company a proportional part of picked men, and to have a company of mounted men organized to proceed, at once, in the direction of Carson Valley, and, if necessary, beyond that, and route the enemy.

The said company, with all possible dispatch, was organized and mounted, under command of Capt. John C. Tracy, who was chosen captain, and marched at once in the direction of Carson Valley in pursuit of the enemy. On the 11th of July, I received a communication from J. N. Johnson, Aid-de-camp to your Excellency, to disband the troops under my command, which order was promptly obeyed, by sending a messenger to the officer, J. C. Tracy, to march his troops in to Johnson's Ranch for the purpose of discharging the same.

On their return, they had a skirmish with the enemy, and one of the troops was killed. His remains were brought to Placerville, and from thence conveyed to Diamond Springs and buried.

As soon as the troops arrived, I had them disbanded. It is with feelings of pride and gratification, that I can inform your Excellency, that the officers, one and all under my command, behaved themselves with the utmost coolness and bravery in all the skirmishes we had with the enemy. The troops were ready, to a man, to obey all orders, and march with alacrity whenever ordered. They came at the first call made, to protect their fellow countrymen from the ruthless and wily savage. They left their mines where they were realizing from $8 to $16 per day and comfortable shelter, to risk their lives for strangers.

The officers, most of them men of business and in affluence, came forward with that same noble feeling, which has always characterized the American people, to protect the stranger when surrounded by a ruthless foe. Enclosed, I send you the copies of communications received by me in relation to the Battalion.

I have the honor to be,
Very respectfully,
Your ob't serv't,
WM. ROGERS,
Major Commanding.

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 incurred in suppressing Indian hostilities in the County of El Dorado, in this State.

Read a first and second time and referred to Committee of the whole House, for Wednesday next.

Mr. Stark made a report from the Committee on Agriculture, upon the subject of establishing a Bureau of Agriculture at the city of Washington, accompanied with a Joint Resolution upon the subject, which was read, and on motion, laid upon the table for the present.

Mr. Hopkins made the following report:

The Committee on Engrossed Bills report that they have examined and found correctly engrossed the following bills:

An Act to amend an Act concerning Divorces;

An Act for the relief of B. F. Ankeny, W. A. Cunningham and James T. Griffith;

An Act for the relief of Charles T. Botts;

An Act for the relief of John G. Marvin; also,

An Act for the relief of M. Dougherty.

Mr. Wing, from the Delegation of El Dorado, made the following report:

Mr. Speaker:

The El Dorado Delegation, to whom was referred a bill entitled an Act to authorize Thomas Orr, John Doherty, William A. Sanders and Thomas Woodward, to establish a Ferry at Salmon Falls, in El Dorado County, on the South Fork of the American River, respectfully submit, that they have had the same under consideration and find the following facts to exist in the matter—

That a bridge was licensed at Salmon Falls by the Court of Sessions of El Dorado County, in July, 1850, and renewed in September, 1851, and has at all times been kept in accordance with the Laws regulating Toll Bridges; and that they have even reduced the rates of toll, or portions of them, below those allowed by the Court granting the License; that the Bridge has always been in a good and safe condition until the late freshet, so generally destructive to bridges in that section of country—in fact, it was the only bridge on that or adjacent rivers that was not wholly swept away; that the same, known as Packwood's Bridge, is now

completely repaired, and at great cost, and is competent for the wants of the travelling public; and further, that a bridge situated one-quarter of a mile below, was swept completely away at the same time, and has not since been re-built; and that the same was not found necessary to the wants of the public when it existed, but was most of the time not used, but shut up; also, that the Law regulating Public Ferries, passed at the last session of the Legislature, provides that an application for a Ferry within the distance prescribed by said law, shall be made to the same court which granted the existing license, and that at least ten days' notice shall be given, in manner prescribed by said law, to the owners of the existing license.

Your committee find that the applicants for said Ferry asked for in the bill, have not complied with any of the steps directed by law, and that they should apply to the Court of Sessions of El Dorado County, instead of this honorable body, if the wants of the people demand such ferry privilege.

That the granting of such privilege would cause great injury to the proprietors of Packwood's Bridge, and would not meet with the views and wishes of the people of Salmon Falls.

Your committee would therefore respectfully and earnestly report against the passage of said bill, and ask to be discharged from further consideration of the same.

AUSTIN WING,
W. R. HOPKINS,
JOHN CUTLER.

Mr. Graham made the following report:

The Joint Committee of the Assembly, appointed to confer with a similar committee of the Senate, upon the amendment offered by the Assembly to the Senate bill, for the relief of C. H. Veeder, have had the same under consideration, and report their agreement as follows:

That the Assembly recede from their amendment, and that the bill be passed in the form in which it originally passed the Senate.

On motion, the House receeded from their amendment to the bill.

Mr. Canney moved to re-consider the vote of yesterday, upon the passage of the bill to appoint Flour Inspectors.

Mr. Fowler moved a call of the House.

Call was sustained.

The Clerk then called the roll, and the following members were absent: Messrs. Coats, Graham and Morse.

Leave of absence was granted to Messrs. Thompson, Tucker, Ford, Smith and Coats.

Mr. Canney moved to dispense with further proceedings under the call.

Agreed to.

Mr. Boggs moved to lay the motion to re-consider, upon the table.

Agreed to.

Mr. McMullin moved to take from the table the motion to re-consider.

Agreed to.

Mr. Crabb moved to lay the motion to re-consider, upon the table.
Not agreed to.
Mr. Ellis, of Nevada, moved to indefinitely postpone the motion to re-consider.
Upon which motion, Messrs. Hopkins, McConaha and Wing, demanded the yeas and nays.

Those who voted to indefinitely postpone were—

Messrs. Brush,	Messrs. McKim,
Cook,	McMeans,
Covarrubias,	McMullin,
Cutler,	Merritt,
Ellis, of Nevada,	Orrick,
Fowler,	Paxton,
Hinchman,	Stark,
Hopkins,	Stevenson,
Law,	Wall,
McConaha,	Wing—20.

Those who voted against postponement were—

Messrs. Boggs,	Messrs. Graham,
Canney,	Ingersoll,
Caldwell,	Kipp,
Coffroth,	Lyons,
Colby,	Pearce,
Crabb,	Ridley,
Crittenden,	Taliaferro,
Dameron,	Ten Broeck,
Fleming,	Tucker,
Gardiner,	Young,
Gibson,	Speaker—22.

The House refused to indefinitely postpone the bill.
The vote was then about to be taken upon re-consideration,
Mr. Boggs moved to lay the motion to re-consider on the table.
Not agreed to.
Upon the vote to re-consider, Messrs. Fowler, Ellis of Nevada and McConaha, demanded the ayes and nays.

Those who voted to re-consider were—

Messrs. Boggs,	Messrs. Graham,
Canney,	Ingersoll,
Caldwell,	Kipp,
Coffroth,	Lyons,
Colby,	Ridley,
Crabb,	Ten Broeck,
Dameron,	Tucker,
Fleming,	Yeiser,
Gibson,	Young—18.

Those who voted against re-consideration were—

Messrs. Brush,	Messrs. McMeans,
Cook,	McMullin,
Covarrubias,	Merritt,
Crittenden,	Orrick,
Cutler,	Paxton,
Ellis, of Nevada,	Pearce,
Fowler,	Stark,
Gardiner,	Stevenson,
Hinchman,	Taliaferro,
Hopkins,	Wall,
Law,	Wing,
McConaha,	Speaker—25.
McKim,	

So the House refused to re-consider the vote.

Mr. Paxton introduced a bill for an Act to provide for the organization of Sierra County, and to define the boundaries thereof.

Read a first and second time, and ordered to a third reading.

Mr. Coffroth introduced a bill for an Act for the relief of William Foster.

Read a first and second time; considered as engrossed,

Read a third time and passed.

Mr. Ellis, of Nevada, introduced a bill for an Act explanatory of an Act repealing the charter of the city of Nevada, approved February 14th, 1852.

Read a first and second time; considered as engrossed,

Read a third time and passed.

Mr. Crittenden introduced a bill to be entitled an Act to change the times of holding the District Court in the County of Santa Clara. Read a first and second time; considered as engrossed,

Read a third time and passed.

Mr. McKim made the following majority report from the delegation of Calaveras County:

To the Honorable the
Speaker of the Assembly:

The committee, to whom was referred the bill on removing the County Seat of Calaveras, by a special Act of the Legislature, as proposed by the Committee on Counties and County Boundaries, consider it a measure which would render great dissatisfaction in the public mind of that county, and a grievance that could not be healed in years to come; and should this Legislature deem this the better way to settle this difficulty, they will see with regret the troubles which it no doubt would cause by such a move.

And the undersigned would respectfully beg the indulgence and ask the permission of this House to present the following as some of the reasons why such an Act should not pass this body, (as proposed by one of our committee who has reported on this bill) which provides the direct removal of the County Seat.

Your committee would further state, in relation to the matter of moving the County Seat of said county, that they have been permitted to examine

certain documents, purporting to be testimony of frauds perpetrated in the two previous elections held in that county, for the location of the County Seat, and that they believe those documents are calculated to convey a false impression to those unacquainted with the circumstances connected with said elections.

At the first election, held in February, 1851, a majority over all others was necessary to a choice, and your body will perceive, by the returns, that Mokelumne Hill failed to receive such a majority by several hundred votes.

It is true that certain returns were proposed to be thrown out, for the reason, (as one of the undersigned was informed at the time, and does verily believe to be true) that the votes at the precincts from which said returns were received, were given to "Jackson," instead of "Jackson Creek:" and certain persons, residing at the Hill, contended that the name of the village, then and now known as "Jackson," (and which is the present County Seat) was not "Jackson," but "Jackson Creek," and that therefore the vote should be thrown out; and your body will perceive that, even if this had been the case, and that the votes could not have been counted as the electors designed they should be, they must still have been counted as scattering, and therefore have prevented Mokelumne Hill from having a majority over all others; and one of the undersigned was also informed by the County Judge of said county, shortly after said canvass, that he had *not* proclaimed Mokelumne Hill the County Seat, but stated to the undersigned, and many others, that as no place had obtained a majority, Double Springs must still remain the County Seat.

The undersigned also state that, several weeks after the canvass, the citizens of Mokelumne Hill petitioned the Legislature for a special election for the same purpose, at which a plurality vote should govern, and such election was ordered by the Legislature for the 28th of May, 1851, at which time it was held, and Jackson received a majority of the legal votes of the county and was duly declared to be the County Seat of Calaveras County, and has remained such since July last. It is also true that the returns of five precincts were thrown out by the County Clerk at the canvass, for the reason that the elections in those precincts were held contrary to the provisions of the law in relation to elections, and not for informality in the manner of making out the returns, with the exception of the returns purporting to be from Mokelumne River or Big Bar, and which were rejected for the reason that they were handed to the County Clerk by a wagoner, stating that he had picked them up in the road and that the election at that precinct was not held on the day prescribed by the law: and the undersigned state, that if the slight informalities mentioned in the documents before your body, did exist in some of the returns allowed by the canvassing officer, they were *not* such as could cause the rejection of them according to the election law of the first session.

The undersigned deny that any fraud was perpetrated by the citizens of Jackson or by the canvassing officer, so far as their knowledge extends, or that any bribes were given, or tendered, to that officer or any others, to induce him or them to commit a fraud in the canvassing or otherwise, but on the contrary, that the said canvassing officer (now deceased,) was, at that time and before, opposed personally to the removal of the County Seat from Double Springs to Jackson.

Your committee would also state that they have examined the petition,

praying for the removal of the County Seat to Mokelumne Hill, and which purports to be from citizens of Calaveras County, yet on it are the names (in Chinese characters,) of several Chinamen, and various other foreign names, whom they verily believe are not citizens of the United States.

Your committee would likewise state, that the summary removal of the County Seat to Mokelumne Hill would, in their opinion, be an act of injustice to the county: that the county is already in debt to a large amount, and that a sacrifice of property and an additional outlay of several thousand dollars would be the inevitable result: that Mokelumne Hill is but five miles from the present County Seat, and that if any advantages to the county could accrue from such removal, they would not be commensurate with the additional outlay that would be incurred: and finally, that if the mass of the people desire another removal, the manner is distinctly prescribed in the law organizing "Counties and locating the Seats of Justice therein," passed at the first session of the Legislature of this State.

Your committee are therefore of the opinion, that unless your honorable body believe frauds have been committed in the location of the County Seat at Jackson, (which they distinctly deny, as far as their own knowledge goes,) it would be an impolitic and unwise act, at the present time, to change the location of the County Seat to Mokelumne Hill—particularly as the citizens of Calaveras are, many of them, favorable to dividing the county, and have forwarded to the Legislature petitions, praying a division. There have been two elections for County Seat, both of which resulted in refusing to locate the Seat of Justice at Mokelumne Hill, and now those interested in that place would use their influence upon your honorable body to take from the people that right, which has been vested in them by the laws, which your predecessors have framed for their government. And your committee do most seriously object to the ordering of any special election, as the county has already been put to the enormous expense of $13,720 for five special elections; of these elections one was for Sheriff, and one for County Clerk, both of which were uncalled for, and ordered without just cause, as all who are familiar with the circumstances, do well know; also two, for County Seat, and one for the election of Township Officers of the different precincts throughout the county. Now for the proof of this expense: there are forty-nine precincts in the county, and the law provides five members for each Election Board—making, in all, two hundred and forty-five members for the county, for which services the Court of Sessions allows each member $8 per diem, making the total amount of $1960 for one day's services in holding those special elections; and for making their returns, one day is allowed for each precinct, (yet some of them claim two, and are paid for the same,) at $16 per diem, which amounts to $784, and thus the actual cost of each special election is the sum of $2744: therefore, it is shown that it has cost this county the enormous sum of thirteen thousand seven hundred and twenty dollars, for the five special elections which have been held within the county. Therefore, we appeal to the good sense of this honorable body, and would respectfully ask them to weigh well the cost before ordering special elections at the request of a single member of a committee, and which carry with them such deleterious effects, increasing the indebtedness of a county already overburthened and weighing down her citizens with excessive taxation.

Under the present odious organization of our county, your committee would

most earnestly protest in behalf of the citizens of that county against any and all special elections, as they are fraught with the most deleterious effects, and seldom accomplish anything to their satisfaction, personal, private, or public. Therefore, your committee would recommend that this honorable body should take no action that would so much destroy the peace and harmony in that section of the county. "Partiality" is charged to the canvassing officer by the minority report, which your committee, in their humble judgment, believe is not the case, as one of them was present at the time of the canvass. And, again, it is charged, that "flagrant frauds" have been practised to defeat the people's will. Your committee do not see where this could have been done, except in Angel's Camp, one of the extreme southern precincts, some forty miles from Jackson, and by the returns they went Jackson to a man for county seat, and now lament and cry "fraud" to your honorable body; and to the present knowledge of the committee, Angel's Camp is the only southern precinct, with one exception, that went for Jackson, the irresistible inference is, that if "fraud" did exist, it must have been in that camp. Now, if they were bought, how much did they get, and how much has the Hill given them to turn traitor? And those who report against the present county seat, in the judgment of your humble committee, voted for Jackson for the seat of justice, and now cry "fraud"!! Wo! when the *Camp* of *Angels* is bribed, what will men do?

It is very correctly stated in the minority report, that "the citizens from the southern portion, have to travel over forty miles to reach the present county seat, and that the last seven miles of the way is hard and almost impassable;" and this is one of the cogent reasons urged for a division of the county, and the people of the north propose to take their proportion of the debt, but in the same breath, in the minority report, those humble citizens who ask for a division are denounced as "a set of political aspirants"—a set of men who would rob the widow, and send the orphan begging bread—and again, they are denounced by the title of "a fresh swarm of office seekers,"—a set of men, who, like the prowling wolf, at night, while the shepherd sleeps, destroy the innocent. And, again, those that delve beneath the burning sun of the torrid zone, endured all the privations of life on the burning sands of an Arabian desert, bled in the wilds of the wilderness by the hand of a savage foe, and suffered by famine and pestilence, and when they dare to put their hands forth and sign their names to a petition for a division of their county, they are in the minority report denounced as "a set of hungry cormorants," preying upon the pockets of the honest tax-payers."

Suppose we examine for a moment and see where originated all this difficulty. The first thing that is found on record, is a petition from the citizens of Mokelumne Hill to our County Judge, praying him to order an election to determine and fix the location of the County Seat. Such an election was ordered; and no place receiving a majority, as was required by the general election law, Double Springs remained the County Seat. Not content with this, they petitioned the Legislature for a special election. One was granted, and the 26th of May, 1851, was the day fixed by the Legislature, and accordingly on that day the election was held, and the returns made.

Jackson received one thousand and thirteen (1013) votes, and Mokelumne Hill nine hundred and eighteen (918); Jackson, therefore, having received the highest number of votes, was duly "declared the Seat of Justice of said County of Calaveras." But after the declaration of the result,

and previous to the time of moving the records, what was done as a last resort when all others failed? Why, during this intervening time some of the good citizens of Mokelumne Hill take, for the benefit of their health, a ride one afternoon in an old-fashioned country wagon, in the direction of Double Springs, and on arriving there they called upon the County Clerk (as his affidavit shows) and invite him into the next house to take a social glass with them at their expense. He accepted the invitation, neglecting to lock the door of his office, or deeming it unnecessary during his absence. This, it appeared, was a great temptation to those who lagged behind, for those records in this office were of great value to said persons in accomplishing their object, therefore they were transferred to the pleasure wagon, and when the County Clerk returned from the bar-room, they were driving in the direction of the Hill at a rapid rate, and the Clerk, not suspecting any thing wrong, walked leisurely to his office. But what a surprise greeted him there; not a scroll left to write his name upon, not even a table, desk, or book-case, or a single vestige of the records of any kind or description, remained in the office. Now this is a fact that no one will deny, and the want of these records was one great cause of the detention of the Hon. E. Heydenfelt, District Judge, who was at the present County Seat on his official business, shortly after this transaction. And now, with a knowledge of these facts, what could be the conclusion of a committee who were disposed to deal justly with those who ask it of them. Could it for a moment be entertained, that they would report a bill removing the County Seat, when two elections have already been held for determining the County Seat, at one of which no choice, according to law, was made; and the second resulted in locating the permanent County Seat at Jackson, where the citizens of that county have built a County Jail, which has cost some eighteen hundred and fifty dollars; or would it be expected that they would report a bill for a special election, when, within the space of some thirteen months, it has cost the people thirteen thousand seven hundred and twenty dollars for special elections, and with the last general election, the sum of sixteen thousand four hundred and sixty-four dollars, as is shown in the first part of this report?

The committee believe that any action this body would take towards a removal of the Seat of Justice from its present location, would be an act of injustice towards the citizens of that portion of the county. The committee, knowing the great difficulties that must always exist in that county, owing to its geographical position, and the peculiar situation of its inhabitants, do not feel at liberty to denounce those that would pray for a division; on the contrary, they believe that there are many and good reasons for the proposed division, some of which are very correctly stated in the minority report. The Mokelumne River is a natural boundary line, and the interests of the two sides of the river are different and conflicting. The County of Calaveras is so large, that no matter where the County Seat may be located, the difficulty of reaching it must prove inconvenient to a great portion of the inhabitants. There, however, existed a rivalry and hostility between the two portions of the county growing out of, and aggravated by, the vexed question of location of the County Seat, and your committee are of opinion, that three-fourths of the inhabitants of both sides of the river desire a division, and that all would be benefitted by it. A petition from citizens of Calaveras County has been referred to this committee, praying that all that

portion of Calaveras County, lying north of the Mokelumne River and certain portions of Sacramento, San Joaquin and El Dorado Counties, should be united in one new County. Your committee, however, believing that the citizens of the counties mentioned, other than Calaveras, are not so generally in favor of the project, will recommend the granting of the prayer of the petitioners, only so far as the division of their own county is concerned, and believing that they are furthering the views and interests of their constituents, and the general good of the present County of Calaveras, they respectfully and earnestly urge upon the Legislature the passage of the annexed bill, dividing their large and ill-shapen county, where nature has constructed a natural boundary by the Mokelumne River, and creating out of that portion north of said river a new county, to be called the County of Amador.

W. L. McKIM,
W. P. JONES.

An Act to create and provide for the organization of the County of Amador.

Read a first and second time and made the special order for Friday next.

Mr. Dameron introduced a bill for an Act concerning the salaries of officers and pay of members of the Legislature.

Read a first and second time and referred to a Special Committee of five.

Messrs. Coffroth, McMullin, Crittenden, Ellis, of Nevada, and Boggs, were appointed said committee.

Mr. Ingersoll introduced a bill, an Act to suppress gambling.

Read a first and second time, and Mr. Taliaferro moved to postpone the bill indefinitely.

Mr. Ingersoll moved to refer the bill to the Judiciary Committee.

No quorum voted.

Mr. Graham moved to refer the bill to a Special Committee of five.

Agreed to.

Messrs. Graham, Canney, Ingersoll, Cook and Kipp were appointed said committee.

Mr. Tucker moved to take up a bill which provides for the repeal of an Act in reference to swamp lands.

Not agreed to.

Mr. Canney moved to take from the table a bill to suppress Gambling.

Agreed to.

The bill was then read a second time and referred to a Special Committee upon that subject.

Mr. Dameron gave notice that, on to-morrow, he would introduce a bill to License Brokers.

Mr. Crabb introduced a bill, an Act to re-incorporate the city of Stockton.

Read a first and second time and referred to the Delegation from San Joaquin.

Mr. Crabb moved to amend the thirty-seventh rule, by adding the following:

"A re-consideration being once moved and the motion lost, the same motion shall not be entertained again by the chair."

Motion lies over one day under the rule.

Mr. Wohler introduced a bill to authorize the Common Council of the city of San Francisco to purchase or erect a City Hall.

Read a first and second time and referred to the Judiciary Committee.

On motion of Mr. Crabb, the House resolved itself into Committee of the Whole, Mr. Kipp in the chair, to consider a bill for the relief of Thomas J. Greene. After spending a short time in its consideration, on motion of Mr. Ellis, of Nevada, the committee rose, reported the bill back without amendment, and asked to be discharged.

The committee was discharged.

The bill was then considered as engrossed, read a third time and passed.

On motion, Mr. Merritt was added to the Committee on Claims.

Mr. Crabb offered the following, which was adopted:

Resolved, That the Senate be requested to return to the Assembly the Assembly bill entitled a bill for an Act to secure to settlers a pre-emption right to the overflowed and swamp lands of this State, in order that errors therein may be corrected.

Mr. Merritt offered the following, which, on motion, was laid upon the table:

Resolved, That Saturday of each week be, and is hereby set apart, for the consideration of private relief bills, and such bills shall not be in order upon any other day of the week, except by unanimous consent of the House.

Special order taken up, an Act defining the duties of State Printer and fixing his compensation, on its third reading.

Mr. Crittenden offered the following amendment to the bill, which was not agreed to:

That the bill be referred back to the Committee on Printing, with instructions to report it to the House to-morrow morning, with the following changes:—

1. A provision authorizing the publication of the Journals out of the State, to be delivered at any time before the first day of January next, and allowing for this publication a profit of twenty per cent. on the cost of publication and transportation by sea.

2. A reduction of thirty per cent. in the rates of compensation for all other work.

Upon the passage of the bill, Messrs. Crittenden, Coffroth and Gardiner demanded the ayes and nays.

Those who voted for the passage of the bill were—

Messrs. Boggs,	Messrs. Merritt,
Brush,	Morse,
Canney,	Paxton,
Caldwell,	Pearce,

Messrs. Coffroth,
Cook,
Dameron,
Fleming,
Gardiner,
Gibson,
Graham,
Law,
Lyons,
McMeans,
Ridley,
Stevenson,
Taliaferro,
Tucker,
Wall,
Wing,
Yeiser,
Young,
Speaker—27.

Those who voted against the bill were—

Messrs. Colby,
Crabb,
Crittenden,
Cutler,
Ellis, of Nevada,
Fowler,
Hinchman,
Hopkins,
Ingersoll,
Jones,
Kipp,
McConaha,
McMullin,
Orrick,
Stark,
Ten Broeck,
Wohler—17.

So the bill passed.

Mr. Ellis, of Nevada, moved to take from the table a concurrent resolution, granting leave of absence to W. Van Voorhies.

Not agreed to.

Mr. Jones moved to adjourn.

Not agreed to.

On motion of Mr. Wall, the House took from the table the resolution granting leave of absence to W. Van Voorhies.

On motion, the resolution was considered as engrossed, read and passed.

On motion of Mr. Cook, an Act supplementary to the Act incorporating the city of Marysville, was taken up for consideration.

Mr. Paxton offered a substitute for the bill entitled an Act to repeal an Act to incorporate the city of Marysville, passed February 5th, 1851, and create a Board of Trustees in lieu thereof.

Pending the consideration of the same, on motion of Mr. Brush, at 5 o'clock, P. M., the House adjourned until to-morrow, at 10 o'clock.

HOUSE OF ASSEMBLY.

SATURDAY, March 27, 1852.

House met pursuant to adjournment.

The roll was called by the Clerk, and the following members were absent: Messrs. Cutler, Ford, Gardiner, Taliaferro and Wall.

The Journal of Friday, the 26th, read, amended and approved.

The Speaker announced the House ready to proceed to business.

Mr. Coffroth presented a petition from citizens of Sonora, in Tuolumne County, praying for the suppression of gambling.

Referred to Special Committee upon that subject, of which Mr. Graham is chairman.

Messrs. Yeiser, Crittenden and Coffroth, members of the Judiciary Committee, made the following report:

The undersigned, members of the Judiciary Committee, to whom was referred "an Act to authorize the Common Council of San Francisco to purchase or erect a City Hall," report the same back, with a recommendation that it pass, or that a similar provision be introduced into the act chartering the City of San Francisco."

F. YEISER,
A. P. CRITTENDEN,
J. W. COFFROTH.

Messrs. Wood and Ellis, from the Judiciary Committee, made the following report:

We concur in the recommendation that such a provision should be introduced into the Act chartering the City of San Francisco, and suggest that Mr. Peachy has a bill now in readiness and ready to be presented on Monday to the Assembly.

WOOD,
ELLIS.

Messrs. Crabb and Hinchman, from the Judiciary Committee, made the following report:

Considering the bill unnecessary, we recommend its indefinite postponement.

H. A. CRABB,
A. F. HINCHMAN.

Mr. Hopkins made the following report:

Mr Speaker:

The Committee on Engrossed Bills report that they have examined, and found correctly engrossed,—

A bill for an Act for the relief of Wm. Foster.

Concurrent Resolution, granting leave of absence to W. Van Voorhies, Secretary of State.

A bill to be entitled an Act to change the times of holding the District Court in the County of Santa Clara.

A bill for an Act explanatory of "an Act repealing the charter of the City of Nevada, and to provide for the disposition of the property and payment of the debts of said city," approved 14th February, 1852.

W. R. HOPKINS, Chairman.

Mr. Colby made the following report:

The Joint Committee on Enrolled Bil's have examined the following bills and found them correctly enrolled;

An Act for the Relief of Hinckley and Davis.

An Act to provide for the obtainment, preservation and distribution of Vaccine Matter.

An Act to authorize a special election in the County of Shasta for the office of Sheriff.

An Act for the repeal of an Act entitled an Act to authorize the court of sessions of Sacramento to borrow money.

An Act concerning courts of justice and judicial officers.

Also a bill for an Act concerning courts of justice in this State and judicial officers.

Amendment to the 37th rule offered by Mr. Merritt on yesterday, taken up, and upon its adoption, Messrs. Boggs, McConaha and Paxton demanded the ayes and nays.

Those who voted for the adoption of the amendment were—

Messrs.	Boggs,	Messrs.	Merritt,
	Coffroth,		Morse,
	Covarrubias,		Orrick,
	Crabb,		Paxton,
	Crittenden,		Ridley,
	Cutler,		Stark,
	Dameron,		Stevenson,
	Ellis, of Nevada,		Taliaferro,
	Fleming,		Ten Broeck,
	Hinchman,		Tucker,
	Law,		Wohler,
	Lyons,		Wood,
	McConaha,		Young—26.

Those who voted in the negative were—

Messrs.	Brush,	Messrs.	Jones,
	Canney,		Kipp,
	Caldwell,		McKim,

Messrs. Colby,
Cook,
Fowler,
Hopkins,
Ingersoll,
Messrs. McMullin,
Pearce,
Wing,
Speaker—15.

So the rule was amended.

Mr. Canny made the following report upon the subject of Licencing Gaming.

The committee to whom was referred the consideration of the bill "to Licence Gaming," beg leave respectfully to make the following report:

Under certain circumstances we would recommend the passage of such a bill; but with the views that we now entertain in relation to gaming we respectfully recommend that no such law will pass, and that all laws licencing gaming will be by this body repealed. We are influenced from a conviction of duty, that this body owe to their constituents, to the world, to the youth of our country, and to mankind, to wipe from our statutes all laws recognizing gaming as a legitimate business, and to pass a law, prohibiting gaming entirely in our State. It should be done for the following reasons, among many that might be urged. First:—The enlightened policy of all governments, and more particularly of the several States of our union are at war with its pursuits, and have determined that it is antagonistic with the best interests of society and the well being of man. Gaming is but the stepping stone of vices that set at defiance all laws, trample upon the rights of citizens, and fosters the feverish excitement that brings in its train the greatest vices and wrongs that exist in our country.

With all due deference, we conceive that our State has arrived at that stage in its social and political history when a public legal approval of gaming is a shame and a reproach to our statute book, and in direct violation of our social prosperity. For the vicious, it affords employment; for the unwary and indolent, a resort; and for the innocent, a seductive trap leading to ruin and disgrace. Unless there are stringent laws prohibiting, it receives the approval of society and proceeds to set at defiance its precepts and policy. As our people have become settled in our midst, with their children and wives, and are desirous of being shielded from its contaminating influence, it becomes our duty, as representatives of the people, to enact such laws as will restrain this, the greatest of all vices. The permanent prosperity of our young State demands it from our hands, and our condition in the scale of social progress renders it necessary. It would be impossible for your committee to enumerate the wrongs inflicted on society and the community in general, by this seductive vice. We will not make the attempt. It is in our power to stop, to some extempt, its evil tendency, and we are not worthy the high and honorable station we occupy, unless we make the attempt. Your committee further believe, that this action on the part of the present Legislature is so strenuously demanded and so confidently looked for by the public opinion of our State, that if now neglected or postponed, that the people in their sovereign capacity will apply for themselves those remedies which have been found necessary on former occasions in our State

and in several of the States of the Union. We need but allude to those tragedies which were enacted in the Southern section of our country, and which were imperatively demanded for the suppression of this vice, to be perfectly understood. With such belief and in view of such probable consequences, flowing from existing laws and their attendant circumstances, will it not be wise for this body to anticipate the evils which always result when an outraged community demand the protection of wholesome laws, and take in their hands the suppression of evils which their representatives should have averted. We have no hesitation in expressing the opinion, that the time is not far distant when our fellow-citizens, whose wishes have been misunderstood and themselves misrepresented in respect to the continuance, under authority of law, of a vice so debasing and at the same time so seducing in all its tendencies and temptations. will assert their opinion in a manner not to be misunderstood and in a way ever to be avoided, so long as forbearance is a virtue.

We, therefore, most respectfully but earnestly recommend that this bill shall not pass, and would express the fervent hope that this House, at least, will enact a law to suppress gambling throughout the State.

All of which we respectfully submit.

P. CANNEY, Chairman.
E. D. PEARCE,
JOHN G. PARRISH.

Mr. McMeans made the following report:

The undersigned, a minority of the committee to whom was referred a bill entitled "an Act authorizing Thomas Orr, and others, to establish a Ferry on the South Fork of the American river, at Salmon Falls, in El Dorado County, respectfully beg leave to report—

That, prompted by a sense of imperative duty to those of my constituents, and many others of equal worth and merit, who have appeared at the bar of this House in the attitude of humble petitioners. Asking at your hands relief from unnecessary, unwarranted, unjust and oppressive taxation, I deem it my duty to place before your honorable body a brief history of the causes which have forced them to do so.

By an unwise and short-sighted policy. the previous Legislatures have conferred on the Court of Sessions an almost unlimited power to regulate and fix, from time to time, the rate of toll on Bridges and Ferries. The only restriction to be found, is in the ninth section of the Act entitled an Act concerning Toll Bridges, passed May 1st, 1851.

Under the provisions of this law, the Court of Sessions of El Dorado County have, in defiance of its injunction to observe *equity* in fixing tolls, authorized from four to six dollars to be charged on all large loaded wagons, and a like proportion on all others. These prices were never satisfactory to the people; unceasing complaints have been made by hundreds, who were directly affected by these stringent exactions; the proprietors never thought it politic to avail themselves of the latitude granted by this conservative of equity, the Court of Sessions; hence, they never required the maximum rates above mentioned, finding the minimum of four dollars amply sufficient to secure them the enormous income of eighteen thousand dollars per annum, on an investment which did not cost above twelve or fourteen thousand at

most, at a time when wages were high, lumber and other materials commanding extraordinary prices, and gold was looked upon as infinitively less valuable than it ever had been before, or even now is.

It would be fair to set down the actual investment now possessed by the proprietors of Packwood's Bridge in that property, at from five to six thousand dollars. On this amount, feeling themselves protected by the sanctions of law, they now seek to fasten a shameful monopoly on the people, by which they are enabled, and will continue to be enabled, to extort from them an amount, in dollars and cents, fully equal to the profits already realized in the past, in regular and equal proportion.

How far it may be to the interest of some of the Courts of Sessions to keep up high tolls and exclusive rights, may be judged by the fact that, in some instances, I have been informed—if not in El Dorado County, in other counties in this State—some interest is owned by members of that august body: and I am not aware that there exists any law on our statute book to prohibit such connection.

This fact is sufficient of itself to open the eyes of the Legislature to the necessity of scrutinizing, properly, every complaint emanating from the people on that question.

It is known to many, that such has been the exasperated feelings of the public on the subject, it required some exertion to prevent the people, on one occasion, from taking the matter into their own hands, and, by violent measures, adopting such a course as would remove the cause of complaint.

As much as five hundred dollars, by one person, was offered to have this matter perfected; many others offered less amounts, and all of them more or less sufferers by the abuses inflicted by the Shylock policy of the Court of Excressences, alias Sessions.

All this, however, has hitherto been endured without any overt action on the part of the people to free themselves of this ruinous policy.

Recently, and since the falling of the lower bridge, it has cost some empty wagons seven dollars to effect a crossing on the flat-boat of the company owning the bridge in question. Other similar abuses were said to have been practised during the dismemberment of the Packwood Bridge in the late freshet. At present I have learned, that they have fallen back upon the old rates, or the rates of the last preceding year. Not less, however, than three dollars is now being charged on loaded wagons of large size, and this low rate, perhaps, extorted by the action now being taken on the subject by this body.

Such is the demand of the public for crossing conveniences at Salmon Falls, it was necessary during a part of the present year, to employ a toll-gatherer at both bridges, standing prior to the late freshet.

A blending of the interests of the proprietors of the two bridges, will render any such arrangement as the erection of another necessary, and the work of extortion can now go on, ad infinitum, or until the Legislature will take the matter into their own hands and by a judicious enactment of law, paralyze the arm of the oppressor, the Court of Sessions.

Believing, as I do, that the request of Messrs. Orr and others, is entitled to serious and respectful consideration, I would humbly urge the passage of

the law authorizing the establishment of a Ferry at Salmon Falls, in El Dorado County.

All of which is respectfully submitted.

S. A. McMEANS,
Minority of Committee.

Mr. Ridley offered the following, which was laid upon the table:

Resolved, That this House will excuse no member who absents himself from the House for a longer time than one day, without leave of the House.

Mr. Wood introduced a Joint Resolution, instructing our Senators and Representatives in Congress, relative to the levying and collecting a tonnage tax for Hospital purposes.

Read a first and second time, and referred to Committee on Federal Relations.

On motion of Mr. Wohler, a bill for an Act to authorize the Common Council of the city of San Francisco, to purchase or erect a City Hall, was taken from the table, on its third reading.

Mr. Crabb moved to indefinitely postpone the bill.

Not agreed to.

Mr. Crittenden offered the following amendment, which was adopted:

Provided, the amount to be expended shall not exceed the sum of one hundred and twenty-five thousand dollars.

The bill was then considered as engrossed.

Mr. Ellis, of Nevada, objected to the bill being read a third time.

The House proceeded to other business.

An Act supplementary to the Act incorporating the city of Marysville, on its 3d reading.

Mr. Paxton offered three additional sections, which were adopted.

The bill, as amended, was considered as engrossed; read a third time and passed.

Senate Bill, an Act to amend an Act entitled an Act to incorporate the city of Sacramento.

Read a first and second time, and referred to the delegation from Sacramento, with instructions to report by Monday next.

An Act creating Tulare County and to provide for its organization, on its third reading.

Mr. Merritt moved a substitute for the second section of the bill, which was adopted.

The bill, as amended, was then considered as engrossed; read a third time and passed.

Mr. Dameron introduced a bill to license Brokers.

Read a first and second time, and referred to Committee of Ways and Means.

Mr. Crabb offered the following which was adopted:

Resolved, That the Clerk be allowed to make the proper corrections in the engrossed bill for an Act to secure to settlers a pre-emption right to

the overflowed and swamp lands of this State, and he be directed to transmit the same, as corrected, forthwith to the Senate.

Mr. Dameron moved to adjourn.

Not agreed to.

Senate bill, an Act to authorize persons engaged in the United States Coast Survey, upon the coast of California, to enter on lands within this State, for the purposes of said survey.

Mr. Coffroth moved a call of the House.

The call was sustained.

The Clerk then called the roll, and the following members were absent:—Messrs. Colby, Gibson, Hinchman, Pearce and Yeiser.

Mr. McConaha asked to be excused.

Not agreed to.

On motion of Mr. Fowler, further proceedings under the call were dispensed with.

Mr. Wohler objected to the bill being read a third time, under the rule.

The Speaker, Mr. McMullin in the chair, decided that it was in order to read the bill a third time, and the bill was so read and passed.

An Act to provide for the organization of Sierra County and to define the boundaries thereof; considered as engrossed, read a third time and passed.

Mr. Ten Broeck introduced a bill for an Act to provide for the appointment of a Guager for the Port of San Francisco.

Read a first and second time and referred to the Committee on Commerce.

Mr. Orrick made the following report:

Your Joint Committee on Enrolled Bills have examined an Act for the relief of C. H. Veeder, and find the same correctly enrolled.

The following message was received from the Senate:

Mr. Speaker:

I am directed to inform the Assembly that the Senate, on the 25th inst., passed Assembly bill for an Act concerning the organization of the Militia, with amendments therein noted.

And that the Senate concurred, on the same day, in the amendment of the Assembly to the Senate bill for an Act for the distribution of the Laws of 1851.

Also, that the Senate did, on yesterday, pass Assembly bill for "an Act for the relief of James L. Bolen, with amendments as therein noted."

Also, that they did, on yesterday, pass the Assembly amendment, with an amendment to the bill for "an Act to prohibit the erection of Weirs or other obstructions to the run of Salmon."

And that they did, on the same day, adopt a report and pass a Joint Resolution in relation to the establishment of a Branch Mint of the United States in this State;

And that the Senate passed, on yesterday, a bill for the relief of Taaffe and McCahill;

And Assembly bill "for an Act to secure to settlers a pre-emption right

to the overflowed and swamp lands of this State," is herewith returned pursuant to the request of the Assembly, this day made.

A. C. BRADFORD,
Secretary of the Senate.

March 27th, 1852.

A bill for an Act concerning the organization of the Militia; amended in the Senate.

The amendments concurred in by the House.

An Act for the relief of James L. Bolen, amended in the Senate; amendments concurred in by the House.

An Act to prohibit the erection of Weirs or other obstructions to the run of Salmon.

The amendment of the Senate to the amendment made in the Assembly concurred in by the House.

Senate Joint Resolution in reference to the establishment of a Branch Mint of the United States in this State.

Read a first, second and third time and passed.

Senate bill, an Act for the relief of Taaffe and McCahill.

Read a first and second time and referred to the Committee on Claims.

Mr. Hinchman introduced a bill, an Act supplementary to an Act to incorporate the city of Los Angeles, passed April 4th, 1850.

Read a first and second time; considered as engrossed; read a third time and passed.

Mr. Wood introduced a bill, an Act to amend an Act entitled an Act to define the duties of County Clerk.

Read a first and second time and referred to the Judiciary Committee.

Mr. Wood introduced a farther bill, an Act of limitation of personal actions upon a cause of action which arose or may arise in another State or foreign country.

Read a first and second time and referred to the Judiciary Committee.

Mr. Crittenden introduced the following bills:

A bill to be entitled an Act to fix the time of Election and term of office of County Recorders in the Counties of San Francisco, Sacramento, Santa Clara, El Dorado and San Joaquin.

Read a first and second time and referred to the Judiciary Committee.

A bill to be entitled an Act to provide for the payment of the salary of the Adjutant General.

Read a first and second time and referred to the Committee on Claims.

Also, a bill to be entitled an Act for the relief of Jacob D. Hoppe.

Read a first and second time and referred to the Committee on Claims.

On motion of Mr. Cutler, at 4 o'clock, the House adjourned until Monday next, at 10 o'clock.

HOUSE OF ASSEMBLY.

MONDAY, March 29, 1852.

House met pursuant to adjournment.

The roll was called by the clerk, and the following members found absent: Messrs. Blanchard, Colby, Fleming, Ford, Gardiner, Hinchman, Lyons, McKim, Peachy, Pearce, Smith, Taliaferro, Wohler, Yeiser and the Speaker.

The Journal of Saturday last, read and approved.

Mr. Coffroth, Speaker pro tem., announced the House ready to proceed to business.

On motion, Messrs. Pearce and Fleming, were excused for this day.

Mr. McKim was excused until Thursday next.

Mr. Coffroth presented a petition from citizens of Tuolumne, praying for the erection of a Hospital in the city of Sonora.

Read and referred to Special Committee upon the subject of Hospitals, of which Mr. Merritt is chairman.

Mr. Boggs presented an account of Weathurs and Company, against the State.

Read and referred to Committee on Indian Affairs.

Mr. Ellis, of Nevada, from the Judiciary Committee, made the following report:

Mr. Speaker:

The Judiciary Committee to whom was referred Senate bill, No. 93, entitled "an Act to authorize married women to transact business in their own name, as sole traders," have carefully examined and considered the same, and believing the object of the Act meritorious and intended to protect deserving wives and children from the oppression of worthless and improvident husbands and fathers, report the same back to the Assembly without amendment, and recommend its passage.

E. F. W. ELLIS,
R. N. WOOD,
H. A. CRABB,
F. A. HINCHMAN,
JNO. G. PARRISH,
A. C. PEACHY.

Bill laid upon the table for the present.

Mr. Wood, from the Judiciary Committee, made the following report:

The committee, to whom was referred "an Act to amend an Act entitled an Act to define the duties of County Clerk," report the same back, and recommend its adoption. The object being to authorize the Clerk of the Superior Court of San Francisco, to appoint a deputy.

Mr. Orrick made the following report:

Mr. Speaker:

Sir: Your Joint Committee on Enrolled Bills, have examined an Act for the relief of C. C. Richmond; an Act to change the name of the California Wesleyan College to that of the University of the Pacific; an Act for the relief of Thos. J. Greene; and an Act to extend the time of the acting Treasurer of Mariposa County to make his return. All of which they find correctly enrolled, and respectfully submit the same.

B. ORRICK,
of Assembly.

JAS. C. McKIBBEN,
of Senate.

On motion of Mr. Wohler, a bill, an Act to authorize the Common Council of the city of San Francisco, to purchase or erect a City Hall, taken up, read a third time and passed.

Mr. Parrish asked and obtained leave of absence for the remainder of the session.

The following message was received from the Governor:

I have this day approved an Act entitled "an Act to incorporate the town of Alviso."

JOHN BIGLER.

March 20th, 1852.

The following report was made by Mr. Merritt, upon the subject of a General State Hospital:

Mr. Speaker:

The undersigned, a majority of the Select Committee, to whom was referred "a bill for an Act to provide for the establishment of a General State Hospital," have had the same, with the amendments thereto, under consideration, and beg leave to submit the following report:

Your committee are of the opinion, after careful consideration, that it would be unwise and injudicious at this time, to interfere with, or change materially, the present system of Hospitals, which, so far as your committee have been able to learn, have been ably and faithfully conducted, and have given very general, if not universal, satisfaction. The first Legislature of California established a "State Marine Hospital," at San Francisco, which was open to the sick and indigent from all parts of the State. The system was found, by experience, to work badly, and afforded but partial relief for the evils complained of. The Legislature of 1851, seeing that a single Hospital, placed at any point in the State, was entirely inadequate to relieve the distresses of the sick of the State, after mature consideration, established the present system of Hospitals. One Hospital was placed at San Francisco, for the accommodation of the sick coming in by sea, and from the southern portion of the State; and, for its support, a commutation tax was levied, and, in addition, a certain portion of the gambling and auc-

tion license was set aside for its support. This sum, so set aside, will be sufficient to support that institution during the present year, by adopting the suggestions of the Trustees, that is, to dispense with the services of one of the Visiting Physicians, which can be easily done, inasmuch as your committee are credibly informed, that Dr. Brent intends resigning in a few days. Moreover, it is known, that the prices of labor and provision is gradually diminishing, and with the present revenue, the institution will be well supported during the coming year.

Another and a similar institution was established at Sacramento city to provide for the afflicted of Sacramento and the northern counties of the State.

By reference to the report of the Trustees of that Institution, and of the Joint Committee of the two Houses of the Legislature, it will be seen that immense benefits have accrued from its establishment; that the lives of many have been doubtless preserved: in short, that it has exceeded, in its benefits, by far, the hopes and expectations of its most sanguine supporters. It is true, that this institution is laboring under some financial embarrassments; but this is not the fault of the system, but owing to the depreciation of the State credit—and from the fact that, in addition to the sick, all of the insane of the State are now at this Hospital: a class of patients who, owing to the nature of their disease, require more than ordinary care and expense in their treatment. Moreover, the expenses of this institution will be materially decreased during the present year, from the fact that large expenses were necessarily incurred in procuring furniture, medicines, instruments, &c., which will not have to be again purchased during the present year; so that, by a well timed and judicious appropriation on the part of the State, this valuable institution will be relieved from its present temporary embarrassments, and be enabled still to dispense its benefits to the sick and afflicted.

From the report of the Trustees of the Stockton State Hospital, we learn that the affairs of that institution are in a flourishing condition; that a large number of patients have been admitted and received the benefits of the Hospital. In short, this institution has been well and ably managed by its Trustees, and every exertion has been used by them to carry out the designs of its projectors. Your committee would take occasion to remark, that too much credit cannot be given to the gentlemen, who compose the Boards of Trustees of these different institutions, for high, noble and disinterested efforts in behalf of our sick and afflicted brethren of every nation. They have never asked or received one dollar of compensation, but their whole efforts have been exerted in the cause of suffering humanity.

Thus it will be seen that the present Hospital system has worked admirably—very few complaints have been made, and those only from persons interested. The system proposed by the gentleman from El Dorado, (Mr. McMeans) is doubtless as good as could be devised, if the present system must be altered, and would be, doubtless, very applicable to the older States, where almost every one has a home and relatives, and comparatively few wish to avail themselves of Hospital benefits, and the majority of those confined to the large cities, and foreigners entering our ports; but in California, we have yearly a large emigration coming in by all routes, by sea and by land—a large number of whom are scarce able to drag their weary and emaciated forms to the frontier settlements; with their finances exhaust-

ed, they are left upon the charity of strangers to transport them to the nearest charitable institution. Now, shall all of the present Hospitals be destroyed? And when the sick and weary emigrant has reached our northern or southern mines he must be told that, instead of a refuge awaiting him at Stockton or Sacramento, he must depend upon the charities of some one to transport him to the General State Hospital. It is true that the bill proposes to provide a system of branches in every town or city of — inhabitants, the patients to be forwarded to the State Hospital at the expense of the General State Hospital; but we think that the expenses of forwarding patients will be more than sufficient to equal the supposed difference of expense between the present and proposed system.

Moreover, the proposed system is but an experiment. It is true that the bill provides for appropriations not to exceed $90,000 during the first year, exclusive of the fines and penalties accruing under the provisions of the Act. Now, this may or may not be sufficient to meet the wants of so extensive an establishment, and, in all likelihood, the next Legislature will be asked to make still farther appropriations to defray expenses; so that, even on the score of economy, we can see nothing to recommend the proposed system. It is but an experiment at best, and may result in great good or great evil.

Now, all that is asked, is to give the present system of Hospitals a fair trial. They have been in operation scarce ten months; and have, so far as we can learn, worked admirably, yet it is proposed to tear them down and build up a new system upon their ruins, which, in all probability, will share the fate of its predecessors at the hands of the next Legislature. We believe, therefore, that it would be unwise, on the part of this Legislature, to tear down a system which has worked well, and build up a new one whose effects and workings are, at best, but problematical; and, so far as Hospitals are concerned, we are of the opinion that we should "let well enough alone." If the present system has any defects, let us amend the defective part, and so by continued experience, in a few years, our system of Hospitals will be as perfect as human wisdom can devise. We therefore recommend, with all due respect to the framer of the bill, that it be rejected. All of which is respectfully submitted.

S. A. MERRITT,
JOSE M. COVARRUBIAS,
ANDRES PICO,
Majority of Committee.

The following message was received from the Senate:

Mr. Speaker:

I am directed to inform the Assembly, that the Senate did, on Saturday last, the 27th inst., pass Assembly bill, for "an Act to change the time of holding the District Court, in the County of Santa Clara." Also, Senate bill, for "an Act respecting the Trustees of the city of San Diego." And that the Governor did, on the 26th inst., approve "an Act to amend an Act

entitled an Act to regulate rodeos." Also, "Joint Resolution, in relation to swamp lands."

A. C. BRADFORD,
Secretary of the Senate.

March 29th, 1852.

On motion of Mr. Dameron, the House resolved itself into Committee of the Whole, Mr. Lyons in the chair, to consider a bill to be entitled an Act to provide for levying, assessing and collecting, the public revenue. After spending some time in the consideration of the bill, and making amendments thereto,

On motion of Mr. Wood, the committee rose, and asked leave to sit again.

Leave granted to sit again.

Mr. McMullin moved, that the Sergeant-at-Arms be dispatched for the Page of the House.

Agreed to.

Mr. McMullin moved to re-consider the vote of the House, which concurred in the amendments made by the Senate to the Military bill.

Agreed to.

Mr. Merritt moved to lay the bill upon the table for the present.

Agreed to.

On motion of Mr. Wood, the House resolved itself into Committee of the Whole, Mr. Lyons in the chair, to consider a bill to raise revenue. After spending some time in its consideration, and making amendments thereto,

On motion of Mr. Boggs, the committee rose, for want of a quorum.

Mr. Boggs moved a call of the House.

The call was sustained.

The Clerk called the roll and the following members were absent: Messrs. Covarrubias, Ford, Hudspeth, Ingersoll, Peachy, Smith, Taliaferro and the Speaker.

On motion, leave of absence was granted to Mr. Morse, until Wednesday next, in consequence of ill-health.

Mr. Wood moved to dispatch the Sergeant-at-Arms, for absent members.

Mr. Boggs moved, as an amendment, that further proceedings under the call, be dispensed with.

No quorum voted.

Mr. Wood's motion to dispatch the Sergeant-at-Arms, was then put, and no quorum voted.

Mr. McMullin moved to dispense with further proceedings under the call.

Agreed to.

Mr. Colby made the following report:

The Joint Committee on Enrollment, have examined and found correctly enrolled, an Act to change the times of holding the District Court of Santa Clara County.

Mr. Merritt made the following report, upon the subject of the petition of W. T. Barbour:

Mr. Speaker:

The Committee on Claims, to whom was referred the petition of W. T. Barbour, Judge of the Tenth Judicial District, praying for compensation from the time of his election until qualified, have had the same under consideration, and report as follows:

It has been shown to your committee that the petitioner, W. T. Barbour, was, at the general election in September last, elected Judge of the Tenth Judicial District, but that he was prevented from qualifying and entering upon the duties of his office, by Gordon N. Mott, Esq., the then incumbent of the office. The case being brought before the Supreme Court, was decided in favor of the claims of W. T. Barbour, who qualified and entered upon the duties of his office about the 9th of October, 1851, when the petitioner applied for his pay as Judge. The Comptroller refused to audit his account for September, stating, that G. N. Mott had drawn the pay for that period. Now, although Judge Mott has been paid, he was not legally paid, and it would be unjust, to say the least, to Judge Barbour, to say, that he should not receive his pay for the entire term of an office, which the highest tribunal (the Supreme Court,) in this State, has decided he was legally entitled to. We would, therefore, recommend the passage of the following bill, for the payment of Judge Barbour's salary from the 9th day of September, when he received his certificate of election, up to the 9th day of October, when he entered upon the duties of his office, in accordance with the decision of the Supreme Court. The bill is for six hundred and twenty-five (625) dollars, one month's salary, at the rate of $7,500 per annum, the salary allowed by law.

All of which is respectfully submitted.

S. A. MERRITT,
JNO. COOK,
ALPHEUS KIPP,
Of the Committee.

Mr. Fowler offered the following resolution:

Resolved, That the office of Page is hereby declared vacant.

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

Not agreed to.

Messrs. Crabb, Merritt and Graham, demanded the ayes and nays, upon the passage of the resolution.

Those who voted for the resolution were—

Messrs. Canney,
Caldwell,
Fowler,
Ingersoll,
Kipp,
Law,
Paxton,
Stevenson,
Wohler,
Wood,
Young—11.

Those who voted against its passage were—

Messrs. Blanchard,	Messrs. Lyons,
Boggs,	McConaha,
Brush,	McMeans,
Coffroth,	McMullin,
Colby,	Merritt,
Crabb,	Orrick,
Dameron,	Stark,
Ellis, of Nevada,	Ten Broeck,
Gardiner,	Tucker,
Gibson,	Wall,
Graham,	Wing,
Hopkins,	Yeiser—25.
Jones,	

The resolution did not pass.

Mr. Boggs offered the following, which lies over one day under the rule:

Resolved, (until otherwise ordered) That this House will meet at 9 o'clock, A. M., of each day, take a recess of one hour at 1 o'clock, P. M., and meet again at 2 o'clock, P. M.

Mr. Graham presented a petition for the relief of John H. Harper, for losses sustained in supporting the Laws of California.

Read and referred to the Committee on Claims.

Mr. Ellis, of Nevada, moved that the House take a recess until 3 o'clock, P. M.

Mr. McMullin moved to lay the motion of Mr. Ellis upon the table.

Not agreed to.

The vote was then taken for a recess, and agreed to.

3 o'CLOCK. The House met pursuant to adjournment.

Mr. Crabb offered the following, which was adopted:

Resolved, That Mr. Speaker Hammond have leave of absence until Wednesday next, and that Mr. Coffroth be appointed Speaker pro tempore.

Mr. Wohler made the following report:

The Committee on Commerce and Navigation, to whom was referred a bill for an Act to provide for the appointment of a Guager for the Port of San Francisco, having had the same under consideration, and made the following amendments, report the bill to the House, and recommend its passage as amended.

Your committee are informed that scarcely a cask of liquor arrives in San Francisco, containing the number of gallons or of the quality which it proposes to be; nearly every barrel has some gallons out; much of it is greatly reduced in strength, and so adulterated with drugs and dyes as to be unsafe, as medicine, and wholly unfit for use. A series of impositions

are thus practised, both upon and by the mercantile community of that city, by which parties, in all parts of this State, trading at San Francisco, or receiving their wines and liquors therefrom, become the sufferers.

Your committee are of opinion, finally, that, by the passage of this bill, the evils herein enumerated will be remedied—much bad headache and suffering prevented, and the interest of the drinking public greatly promoted.

Bill and amendments laid upon the table.

On motion of Mr. Merritt, the House resolved itself into Committee of the Whole, Mr. Lyons in the chair, to consider a bill to raise revenue. After spending much time in its consideration, and making amendments thereto,

On motion of Mr. Merritt, the Committee rose for want of a quorum.

Mr. Fowler moved that the House adjourn.

Not agreed to.

Mr. Wall moved that the Sergeant-at-Arms be dispatched for absent members.

Not agreed to.

Mr. Hopkins moved a call of the House.

Not agreed to.

Mr. Wood moved to adjourn.

Not agreed to.

Mr. Wood asked leave of absence for the balance of the day.

Not agreed to.

Mr. Merritt moved to adjourn.

Not agreed to.

On motion of Mr. Crabb, the House resolved itself into Committee of the Whole, Mr. Lyons in the chair, to consider the revenue bill. After spending some time in its consideration, and making amendments thereto,

On motion of Mr. Merritt, the committee rose, reported the bill back, and asked leave to sit again.

Leave granted.

Mr. Merritt moved to adjourn at 6 o'clock, P. M.

The House adjourned until 10 o'clock, to-morrow.

HOUSE OF ASSEMBLY.

TUESDAY, March 30, 1852.

House met pursuant to adjournment.

The roll was called by the Clerk, and the following members found absent:—Messrs. Colby, Covarrubias, Crittenden, Fleming, Ford, Gardiner, Graham, Smith, Stark, Taliaferro, Tucker and Yeiser.

The Journal of Monday, 29th, read and approved.

The Speaker pro tempore announced the House ready to proceed to business.

Mr. Coffroth, from the Judiciary Committee, made the following report:

The Judiciary Committee, to whom was referred an Act concerning the deposit of gold dust, money, or other valuables, and to prevent fraud therein, report the same back and recommend its passage.

Mr. Coffroth, chairman, made the following report:

The Committee on Federal Relations, to whom was referred resolution of instructions to our Senators and Representatives in Congress, relative to the levying and collecting a Tonnage Tax for Hospital purposes, report the same back, with a recommendation that they pass.

Mr. Hopkins made the following report from the Committee on Engrossed Bills:

Mr. Speaker:

The Committee on Engrossed Bills report that they have examined and found correctly engrossed the following bills:

An Act creating Tulare County and to provide for its organization;

An Act supplementary to the Act incorporating the city of Marysville;

An Act to provide for the organization of Sierra County and to define the boundaries thereof;

An Act supplementary to an Act to incorporate the city of Los Angeles, passed April 4th, 1850;

An Act to authorize the Common Council of the city of San Francisco to purchase or erect a City Hall.

All of which is respectfully submitted.

Mr. Orrick made the following report:

Mr. Speaker:

Your Joint Committee on Enrolled Bills have examined an Act prescribing the time of payment of the salaries of the officers of State, and an Act for the distribution of the Laws of 1850 and 1851, all of which they find correctly enrolled, and respectfully submit the same.

B. ORRICK,
of the Assembly.

JOS. C. McKIBBIN,
of the Senate.

Mr. Wing made the following report:

The Committee on Roads and Highways have had under consideration a

bill entitled an Act to appoint commissioners to lay out a State Road, and recommend its passage, with the following amendments.

Mr. Canney offered the following resolution, which was adopted:

Resolved, That the Clerk be ordered to furnish the members of the House with a printed copy of all unfinished business now before the Assembly and in the hands of committees.

Resolution offered by Mr. Boggs, on yesterday, to change the time of meeting of the Assembly, taken up for consideration and laid upon the table.

Mr. Paxton introduced a bill, an Act to authorize the County Surveyors of Yuba, Nevada, Butte, Sierra and Trinity to survey the county lines.

Read a first and second time and referred to the delegation from the counties named in the bill.

A bill to provide for the payment of the salary of W. T. Barbour.

Read a first and second time.

On motion of Mr. Fowler, the House resolved itself into Committee of the Whole, Mr. Boggs in the chair, to consider a bill to provide for the payment of the salary of W. T. Barbour. After spending some time in its consideration,

On motion of Mr. Merritt, the committee rose and reported the bill back without amendment, and asked to be discharged.

Committee discharged.

The bill was then considered as engrossed, read a third and passed.

On motion of Mr. Merritt, the title of the bill was amended to read as follows:—A bill to provide for the payment of the salary of W. T. Barbour.

Mr. Ellis, of Nevada, offered the following resolution, which was adopted:

Resolved, That the Committee of Ways and Means be instructed to report a bill for an Act to provide for the payment of the interest due on War Loan Bonds, issued under the Act of February 15th, 1851.

On motion of Mr. Wall, the House resolved itself into Committee of the Whole, Mr. Lyons in the chair, to consider the Revenue Bill. After spending some time in its consideration, and making amendments thereto,

On motion of Mr. Coffroth, the committee rose, reported progress, and asked leave to sit again.

Leave granted.

Mr. McConaha made the following report upon the subject of a bill from the Senate, in reference to amendments to city charter of the city of Sacramento:

Mr. Speaker:

The undersigned, a member of the Select Committee, to whom was referred the substitute of the Senate for Assembly bill, No. 60, it being a bill to provide for an Act to amend an Act entitled an Act to incorporate the city of Sacramento, after mature deliberation, most respectfully begs leave to submit the following report:

The first act of the Legislature, incorporating the city of Sacramento, became a law on the 27th day of February, A. D. 1850. The resources of the city and her advantageous locality, as well as the rapidly increased wealth of her citizens, was then thought to present a sure guaranty that her course would be prosperous and onward, that she would not only at all times be found solvent and able to meet all her liabilities, but that under anything like an honest and faithful administration of affairs, her treasury would always be full to overflowing, and that the intelligent and producing classes of her citizens would not be subject to onerous and unjust taxation. Vain hope, false calculation, of the enterprising and industrious tax-payers, for, owing to the extraordinary powers conferred upon the Mayor and Common Council, the beautiful city of Sacramento is found in a short time to be burthened with the enormous debt of some four hundred thousand dollars, and paying interest, as the undersigned believes, on much of that sum, at the rate of from three to ten per cent. per month.

The undersigned finds, by examination of the first act of incorporation, that the Common Council had unrestricted power to vote themselves whatever salary they pleased, which power they exercised by voting themselves, respectively, the sum of two hundred dollars per month as councilmen, and the further sum of twenty-five dollars per day, as committeemen; they also had power, by the same act, to regulate the salaries of the different charter officers, without limitation; hence, the bankruptcy of the city: hence, the depreciation of her credit: hence, the field opened to those who had voted themselves large and unprecedented salaries to buy up her depreciated scrip: hence, the total ruin of every industrious citizen who had trusted the city authority with his money or his labor. Mechanics, laborers and all classes, find that all at once the city is insolvent and that their all is gone forever; for the city scrip has fallen so as to be worth no more than some thirty cents on the dollar, and no one having capital is willing to invest his means in such stock, owing to the still unfaithful management of her affairs; and here we see the cause of the mournful truth, that so much of the city's paper is in the hands of those who have ruled her destiny for their own private interest.

The statement of these facts and the presentation of the past history of the city of Sacramento, is anything else than pleasing to the undersigned, but a strict regard for truth and justice, and a desire to represent fairly a watchful and intelligent constituency, compels the undersigned to pay a passing notice to the cause of the people.

On the 26th day of March, A. D. 1851, the first act of incorporation was repealed, and the present act of incorporation became a law. By the present law, councilmen are allowed no compensation whatever, but they are still allowed to regulate the salaries of the different officers of the city, with this limitation, that is to say, that the council shall not allow the Mayor or Recorder a salary of more than five thousand dollars per annum; nor shall they allow any of the rest of the charter officers more than three thousand dollars per annum. This is the difference between the old and new charters, with respect to the powers of the council on the subject of salaries; but it will be observed that, by the terms of the late charter, the salaries of the charter officers cannot be increased or diminished during the time for which they shall have been elected, so that the incoming council will have no power to reduce their salaries; and it is well known to every representa-

tive of Sacramento County, that the present council cannot act upon any matter, whatever, between this time and the approaching charter election; that they are without a quorum, and must remain so until after that time. But, it is well known to all, that the 30th section of the act of incorporation, is a mere humbug, and that the same never has been, and never will be, enforced by the Common Council.

But for the history of the present bill, as passed by the Senate and sent into this House for concurrence, the bill for which the one under consideration is a substitute, was introduced by the undersigned in the Assembly a short time since, which was passed by a vote approaching unanimity. The bill was somewhat objected to by the honorable members, on the grounds that the Common Council had the whole subject matter within the scope of their powers; therefore, as it is now fully understood, that there can be nothing done in the premises by the present council, it is hoped by the undersigned, that the objections of those honorable members are fully removed.

The undersigned would most respectfully call the attention of the Assembly to the fact, that the passage of the bill under consideration, will save the tax-paying population the sum of eleven thousand three hundred dollars annually; whilst, at the same time, the salary for each office will be left amply sufficient to secure competent and trustworthy officers.

The undersigned would repeat, that the present city indebtedness, is some four hundred thousand dollars, and that each tax-payer within the city already pays at least a tax of four per centum, whilst in addition thereto, the butcher, blacksmith, tinner, cabinet-maker, carpenter, joiner, tailor, painter, paper-hanger, &c., whose business will merely support itself, is compelled to pay, at least, ten dollars per quarter, or forty dollars per year, for the liberty of working at his trade; and the owner of every dray, cart, baggage-wagon, truck, or other vehicle, engaged in hauling freight within the city, is compelled to pay twenty dollars tax on the same for the first quarter, and the sum of ten dollars for each succeeding quarter.

This is but a faint sketch of the present onerous and burthensome system of taxation which now prevails in this city, and, will it be thought unreasonable, that a people thus oppressed, should petition the law-making power for redress of grievances? They have petitioned their legislators. Shall their numerous petitions be disregarded? shall their prayers be spurned? shall the influence of a few interested office-holders and office-seekers, frustrate the supremacy of popular will? shall the manœuvering of a few interested and non-producing persons trample upon the will of the whole tax-paying community? — the undersigned trusts not. He has too much confidence in the intelligence and integrity of the people's representatives.

The undersigned regards that provision of the bill, which unites the offices of Mayor and Recorder, as a most salutary and indispensable provision. It will have a tendency to elevate men of character and ability to the mayoralty of the city. Men of competent, legal attainments, will make every honorable effort to obtain such an officer whilst it will make a saving to the tax-payers of six thousand dollars, per annum, in this item alone.

The undersigned had hoped that his colleagues, after seeing the unexampled unanimity with which their constituents had prayed for the passage of the bill,—together with the fact that the two Senators, Messrs. Robinson and Ralston, who have had much legislative experience, and who represent so ably the immediate interest of the city, would have been found sufficient

argument in favor of the bill, to have induced their unanimous and hearty support; in this, however, the undersigned was mistaken.

Having thus shown that the measure is demanded by wisdom—that it is but matter of justice to the people—and that it has received the entire sanction of the entire representation of the city;—the undersigned, therefore, urgently recommends the speedy passage of the bill without any amendment whatever.

All of which is most respectfully submitted.

G. N. McCONAHA.

Mr. Graham moved to adjourn.

Not agreed to.

Mr. Blanchard moved to take a recess of one hour.

Not agreed to.

Mr. Tucker made the following report, as one of the committee of the delegation from Sacramento:

Mr. Speaker:

The undersigned, a member of the committee to whom was referred the Senate bill entitled "an Act to amend an Act to incorporate the city of Sacramento," would respectfully make the following minority report:

The undersigned has, in examining the important subject submitted to his consideration—inasmuch it would appear, from the memorials of many citizens of Sacramento city, both in favor of, and remonstrating against, the passage of this bill—that there was a division of opinion regarding its expediency. The undersigned has endeavored to examine into and duly weigh the merits and demerits of the change proposed to be effected by the bill, in the municipal government, and compensation of its officers; and in so doing, divesting himself entirely of all external influences, after a careful investigation of the bill, has, while he much regrets the difference of opinion which has divided the delegation and caused three reports upon this subject, himself, arrived at the following conclusions:

That the first and most important change proposed by the bill is the uniting of the offices of Mayor and Recorder, and allowing the person performing the duties of both offices a salary of four thousand dollars per annum.

The undersigned, while he can clearly perceive the saving which would be likely to result to the city by the blending of these two offices, and could conceive the possibility of one person performing, at present, the duties of both Mayor and Recorder, still, does not feel himself competent to say if such a union of offices would be advisable or not, living as he does out of the city, and being consequently but little acquainted with the extent of the duties performed by these two offices; he would, however, call the attention of your honorable body to the fact that, during the past year, the number of cases disposed of by the Recorder show a great increase over those of last year. With regard to the propriety of reducing the salaries of the city officials, the undersigned has nothing to say—believing, as he does, that this matter lies entirely within the power of the citizens of Sacramento city to control—the law only limiting the salaries of the officers within a certain

amount, and the City Council fully possessing the power to reduce the compensation of incoming officers. The undersigned would therefore respectfully suggest that, in his humble opinion, the reduction of the salaries of the city officers is a matter which does not necessarily come within the latitude of the Legislature, and which should be respectfully referred to the citizens of Sacramento, believing, as he does, that the City Council, upon an appeal from the tax payers of the city, would take all proper and satisfactory action in the matter.

The undersigned would further state that, since drafting the above report, he has learned through a member of the City Council that, at the last meeting of that body, a resolution was offered and adopted, proposing to reduce the salaries of the city officials, which measure will be acted upon by the Board before the city election.

The undersigned would therefore, under these circumstances, respectfully recommend that all action upon the bill be deferred until that of the Board of Councilmen be ascertained.

All of which is respectfully submitted.

JOSEPH C. TUCKER.

Sacramento city, March 30, 1852.

Messrs. Kipp and Colby made the following report:

The Select Committee, to whom was referred Senate bill to amend an Act to incorporate the city of Sacramento, have had the same under consideration, and report it back to the House, and ask leave to be discharged from further consideration of the subject.

Mr. Merritt offered an additional rule, providing that absent members at roll call, under a call of the House, shall be fined five dollars.

Lies over one day under the rule.

Leave of absence was granted to Mr. McConaha for the remainder of this day.

Mr. Blanchard moved to adjourn.

Not agreed to.

Mr. Wall asked for leave of absence for the remainder of the day.

Not granted.

Mr. Dameron moved to adjourn.

Not agreed to.

Mr. Kipp asked leave of absence for a short time; the House refused to grant leave of absence.

On motion of Mr. Merritt, the bill for an Act concerning the organization of the Militia, was taken up.

Mr. Merritt moved to concur in the amendments made by the Senate to the bill.

Messrs. Paxton, Graham and Lyons, demanded the ayes and nays.

Those who voted to concur were—

Messrs. Blanchard,
Boggs,
Chauncey,
Coffroth,
Colby,
Lyons,
Merritt,
Paxton,
Stark,
Stevenson,
Ten Broeck—11.

Those who voted against concurring were—

Messrs. Brush,
Canney,
Caldwell,
Cook,
Crabb,
Crittenden,
Cutler,
Dameron,
Fowler,
Gardiner,
Graham,
Hinchman,
Hopkins,
Hudspeth,
Ingersoll,
Jones,
Law,
McMeans,
McMullin,
Orrick,
Peachy,
Ridley,
Taliaferro,
Tucker,
Wall,
Wing,
Wood,
Young—28.

So the House refused to concur in the amendments made in the Senate.

Mr. Peachy introduced a bill, an Act to fix the place of holding the Supreme Court; read a first and second time.

Mr. Crittenden offered the following amendment which was not agreed to:

That the next term of the Supreme Court shall be held in the city of San Francisco, and all provisions of any act requiring it to be held elsewhere, are repealed.

On motion of Mr. Merritt, the bill was ordered to be engrossed for a third reading.

Mr. Fowler moved, that the House resolve itself into Committee of the Whole, upon the Revenue bill.

Not agreed to.

On motion of Mr. McMullin, an Act concerning escheats, was referred to the Judiciary Committee.

On motion of Mr. Brush, at 4 o'clock, P. M. the House adjourned until to-morrow morning at 10 o'clock.

HOUSE OF ASSEMBLY.

WEDNESDAY, March 31, 1852.

House met pursuant to adjournment.

The roll was called by the Clerk, and the following members found absent: Messrs. Covarrubias, Crittenden, Ford, Hinchman, Kipp, Merritt, Peachy, Taliaferro, Ten Broeck and Yeiser.

The Journal of Tuesday 30th, read and approved.

The Speaker, pro tem., announced the House ready to proceed to business.

A communication was received from Mr. Morse, resigning his seat as a member of the Legislature.

Resignation received by the House.

Mr. Wall presented the petition of A. G. Kimball, for a claim against the State.

Referred to Committee on Claims.

Mr. Ellis, of Nevada, offered the following, which was adopted:

Resolved, That the revenue bill be taken up and considered, until finally disposed of, at eleven o'clock every morning, and that no new matter shall be introduced during its pendency, unless by unanimous leave.

Mr. Boggs offered the following, which was adopted:

Resolved, That the Secretary of State be requested to furnish this House with a list of the titles of such Acts as have been passed by the present Legislature, and approved by the Governor, up to this date.

Mr. Graham offered the following:

Resolved, By the Assembly, the Senate concurring, that so soon as this Legislature shall adjourn, the State officers are hereby directed to repair to the City of Vallejo, where they shall keep their offices until otherwise directed by law.

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

Not agreed to.

Messrs. Lyons, McMullin and Paxton, demanded the ayes and nays.

Those who voted for the passage of the resolution were—

Messrs. Blanchard,	Messrs. Graham,
Boggs,	Hudspeth,
Brush,	Law,
Canney,	McMeans,
Caldwell,	McMullin,
Chauncey,	Orrick,
Coffroth,	Ridley,

Messrs. Cook,	Messrs. Stark,
Crabb,	Ten Broeck,
Dameron,	Wohler,
Gardiner,	Wood—22.

Those who voted against the resolution were—

Messrs. Crittenden,	Messrs. McConaha,
Cutler,	Merritt,
Ellis, of Nevada,	Paxton,
Fleming,	Pearce,
Fowler,	Smith,
Gibson,	Stevenson,
Hopkins,	Tucker,
Ingersoll,	Wall,
Jones,	Wing,
Lyons,	Young—20.

The resolution was adopted.

Resolution offered by Mr. Merritt on yesterday, in reference to absent members at roll call, taken up and indefinitely postponed.

The following message was received from the Governor:

I have this day approved an Act entitled an Act for the relief of M. C. Dougherty. Also, an Act to change the times of holding the District Court in the county of Santa Clara.

JOHN BIGLER.

March 27th, 1852.

The following message was received from the Senate:

Mr. Speaker:

I am directed to inform the Assembly, that the Senate, yesterday, concurred in the Assembly resolution, "granting leave to W. Van Voorhies, Secretary of State."

And passed a Joint Resolution, "For the passage of a law by Congress, allowing drawback to the shippers of Pig and Bloom Iron into this State."

That a message was received from the Governor, informing the Senate, that he approved, on the 27th instant,—

"An Act to provide for the obtainment, preservation and distribution of Vaccine matter:"

"An Act to authorize a special election, to be held in the county of Shasta, for the office of Sheriff:"

"An Act for the repeal of an Act entitled an Act to authorize the Court of Sessions, of Sacramento County, to borrow money:"

"An Act for the relief of Hinckley and Davis:"

"An Act concerning the Courts of Justice of this State, and Judicial Officers:"

And on the 29th instant, "an Act for the relief of Thomas J. Greene."

A. C. BRADFORD,
Secretary of the Senate.

March 30th, 1852.

Senate bill, for an Act to change the time of holding the terms of the District Court in the county of Yuba. Read a first, second and third time, and passed.

Senate Joint Resolution, for the passage of a law, by Congress, allowing drawback to the shipping of Pig and Bloom Iron into this State,

Read a first and second time, and referred to Committee on Federal Relations.

Mr. Crabb introduced a Joint Resolution, concerning the redwood lands in the State.

Read a first and second time, and referred to Committee on Agriculture.

Mr. Gardiner gave notice, that he will, on to-morrow, introduce a bill for the relief of John Craycroft and Company, and Delmas Garnesset and Company.

An Act to provide for the appointment of a Guager for the port of San Francisco, taken up, and, on motion, ordered to be engrossed for a third reading.

Mr. Brush moved to re-consider the vote just taken.

Agreed to.

Mr. Wohler moved to concur in the amendments made by the committee.

Mr. Crittenden moved to indefinitely postpone the bill, upon which Messrs. Tucker, Ten Broeck and Wohler, demanded the ayes and nays.

Those who voted to indefinitely postpone were—

Messrs.	Colby,	Messrs.	Gardiner,
	Cook,		Hopkins,
	Crabb,		Hudspeth,
	Crittenden,		McMeans,
	Cutler,		Paxton,
	Ellis, of Nevada,		Pearce,
	Fowler,		Stevenson—14.

Those who voted against indefinite postponement were—

Messrs.	Blanchard,	Messrs.	Law,
	Boggs,		Lyons,
	Brush,		Merritt,
	Canney,		Orrick,
	Caldwell,		Ridley,
	Chauncey,		Smith,
	Coffroth,		Stark,
	Dameron,		Ten Broeck,
	Fleming,		Tucker,
	Gibson,		Wing,

Messrs. Ingersoll, Messrs. Wohler,
Jones, Wood,
Kipp, Young—26.

The House refused to indefinitely postpone.

Mr. Crabb moved to lay the bill upon the table.

Not agreed to.

Mr. Graham asked leave of absence for the remainder of the day.

Leave not granted.

Mr. Wood moved, that Mr. Ten Broeck be excused for absent time from this House heretofore, on account of ill-health.

Agreed to.

On motion of Mr. Wall, the House resolved itself into Committee of the Whole, Mr. Lyons in the chair, to consider the Revenue bill. After spending some time in its consideration, and making amendments thereto,

On motion of Mr. Wood, the committee rose, reported progress, and asked leave to sit again.

Leave granted.

The following message was received from the Senate:

Mr. Speaker:

I am directed to inform the Assembly that the Senate did, on yesterday, pass Assembly bill, for "an Act to amend the 17th section of the Act concerning Forcible Entry and unlawful Detainer." Also, that they did, on the same day, pass Senate bill, for "an Act to change the time of holding the terms of the District Court in the county of Yuba."

A. C. BRADFORD,
Secretary of the Senate.

March 31st, 1852.

On motion of Mr. Cutler, at 5 o'clock, P. M., the House adjourned until ten o'clock to-morrow.

HOUSE OF ASSEMBLY.

THURSDAY, April 1, 1852.

House met pursuant to adjournment

The roll was called by the Clerk, and the following members found absent:—Messrs. Chauncey, Covenhoven, Ford, Fowler, Gibson, McConaha, Merritt, Peachy, Ridley, Taliaferro, Ten Broeck, Tucker, Yeiser and the Speaker.

The Journal of Wednesday, the 31st March, read and approved.

The Speaker pro tem. announced the House ready to proceed to business.

Mr. Smith, chairman, made the following report:

The Committee on Claims, to whom was referred a bill for the relief of Manuel Garfies, and also a bill for the relief of D. L. Carkaux for attendance on Supreme Court, and also a bill to be entitled an Act to provide for the payment of the salary of the Adjutant General, your committee have had the same under consideration and report the same back to the House for their consideration, and asked to be discharged from further consideration of this subject.

Bill laid upon the table.

Mr. Fowler made the following report in reference to the expenditures of the different officers of State:

Mr. Speaker:

The committee to whom was referred Senate bill No. 21, entitled "an Act appropriating moneys to meet the contingent expenses of Government," having had the same under careful consideration, have the honor to submit the following report:

Your committee has been delayed in making its report, in consequence of having to wait several weeks for information from the Comptroller's Office, asked for under a resolution passed February 18th, and necessary to be known in order to make suitable and proper provisions for the contingent expenses of the Government for the ensuing year.

STATE OFFICERS.

Your committee, upon an examination of the existing provisions of law, find that most of the offices have been amply provided with contingent funds to meet their expenses, and that in some instances amounts of considerable magnitude have been expended, whilst in others the appropriations have not sufficed to cover the necessary expenses for the proper discharge of official duties.

In public as well as in private disbursements too great prodigality is as much to be deprecated as illiberal and pinching parsimony.

The several enactments relating to the subject under consideration are as

follows: by an Act passed February 9th, 1850, the Secretary of State, Comptroller, Treasurer, Surveyor General and Attorney General are authorized to rent suitable rooms, providing that the sum for each office does not exceed four thousand dollars per annum, which Act also provides for the payment of the necessary furniture, books and stationery for said offices. By an Act passed February 20th, 1850, sections eleven, twelve and thirteen, it is also provided that "the expenses of the necessary furniture, stationery, fire-wood, book-binding, printing, and postage of the Governor, Secretary of State, Comptroller, Treasurer, Attorney General, Superintendent of Public Instruction, Surveyor General and State Translator, Clerks of the Supreme and District Courts, shall be paid out of the general fund according to law; and annually out of the general fund to the order of the Governor a sum not exceeding five thousand dollars, for defraying the contingent expenses of administering the General Government of the State."

An Act was passed February 28th, 1850, authorizing the Clerk of the Supreme Court to rent a room in which to hold the March Term of the Court, at a rent not exceeding one thousand dollars per month, as well as to purchase furniture, stationery, &c., for the same.

By a concurrent resolution, approved March 11th, 1850, the State Translator was authorized to rent a suitable office at an amount not to exceed one hundred and fifty dollars per month.

An Act was passed May 1, 1851, setting aside one thousand dollars annually for the payment of office rent, clerk's hire and contingent expenses of the Superintendent of Public Instruction, and a further provision was made for the expenses of this office, in Art. III. Sec. 6, of an Act concerning Common Schools and Public Instruction, passed May 1, 1851.

Under the foregoing enactments the contingent expenses of the State officers are audited and paid, except that of the Superintendent of Public Instruction. By the decision of the Comptroller, as will be seen at the close of Appendix (A), this office has been restricted to the appropriation of only one thousand dollars per annum for all expenses, notwithstanding the preceding provisions alluded to.

The laws then, it will be observed, provide that most of the State officers may rent offices at a rent not exceeding the maximum of four thousand dollars per annum, with additional provisions for other expenses, while the lowest or minimum rate, as is construed by the auditing officer, is that of one thousand dollars, for all expenses of rent, furniture, stationery, fuel, lights, postage, &c.

It is well known that, while the laws have provided that liberal allowances should be paid supernumerary clerks and large gratuities for a small amount of services rendered, and extravagant prices for various purposes, several highly important objects of legislative beneficence have hitherto been wholly or nearly neglected.

Your committee believe that, on the one hand too great latitude is given by existing laws for excessive expenditures, for the purposes under consideration, while on the other little, or no aid is afforded to offices that demand and require protection and sustenance.

In order properly to provide for the office expenses in future, it may be well to take a retrospective view of the past.

Commencing with the office of the Governor, we find that the contingent

expenses, including rent, fuel, lights, stationery, furniture, and printing, are as follows:

OFFICE OF THE GOVERNOR.

Contingent expenses from July 1 to December 15, 1850, - -	$873 13
" " " January 22, 1851, to Feb. 18, 1852,	6,991 47
	$7,884 60

It will be observed that this amount does not include all of the time since the organization of the State Government, nor the compensation allowed the private secretary.

OFFICE OF THE SECRETARY OF STATE.

Rent, from the creation of the office in 1850, to Feb. 18, 1852,	$5,100 00
Expenses of State Library, - - - - - - -	152 00
Other incidental expenses, - - - - - - -	1,126 09
	$6,378 09

COMPTROLLER'S OFFICE.

Rent, from creation of office in 1850, to Feb. 18, 1852, -	$4,217 67
Other expenses, - - - - - - - - - -	3,350 68
	$7,568 53

SURVEYOR GENERAL'S OFFICE.

Rent, from creation of office in 1850, to Feb. 18, 1852, -	$3,470 00
Other expenses, - - - - - - - - - -	695 00
	$4,165 00

TREASURER'S OFFICE.

Rent, from creation of office in 1850, to Feb. 18, 1852, -	$3,426 66
Other expenses, - - - - - - - - - -	3,471 56
	$6,898 22

ATTORNEY GENERAL'S OFFICE.

Rent, from creation of office in 1850, to Feb. 18, 1852, -	$4,015 33
Other expenses, - - - - - - - - - -	932 00
	$4,947 33

SUPERINTENDENT OF PUBLIC INSTRUCTION.

Rent, from creation of office in 1850, to Feb. 18, 1852, -	$333 00
Other expenses, - - - - - - - - - -	371 45
	$704 45

OFFICE OF STATE TRANSLATOR.

Rent and contingent expenses from creation of office in 1850, to Feb. 18, 1852, - - - - - - - - - -	$495 62

SUPREME COURT ROOM.

Rent, from creation of Court, to Feb. 18, 1852, - -	$6,000 00
Other expenses, - - - - - - - - - -	6,012 63
	$12,012 63

OFFICE OF SUPERINTENDENT OF PUBLIC BUILDINGS.

Expense of removing the State Archives from San Jose to Vallejo, - - - - - - - - - - - - - -	$1,500 00

According to the provisions of an Act passed April 25th 1851, and a Joint Resolution approved May 1, of the same year, the Superintendent of Public Buildings was authorized to contract certain expenses, among which was the planting of shade trees and otherwise beautifying the Capitol grounds at Vallejo: *Provided*, that no more than five hundred dollars be expended for this purpose. Whether the Superintendent has contracted any indebtedness under the provisions of this Act, is not within the knowledge of your committee.

QUARTER-MASTER GENERAL'S OFFICE.

The Quarter-Master General is wholly unprovided with the means of renting a building suitable for preserving the State Arms and ammunition. The General Government has turned over to the State of California some twenty thousand dollars' worth of munitions of war, and for want of a suitable appropriation to procure a room and an armorer, this class of State property is becoming seriously injured.

RECAPITULATION.

Total amount of rent paid for State offices, - - -	$29,877 66
Other expenses, exclusive of Clerks' hire, - - -	22,575 76
Total, - - - - - - - - - -	$52,453 42

It will be remarked that the item of rents is considerable larger than the other contingent expenses of the State offices, and your committee believe that the laws pertinent to the subject should be repealed, restricting the amounts that may be used for some of the offices and making suitable provision for others inadequately or wholly unprovided for.

The accompanying Report from the Comptroller of State, a similar report made out last winter to the Legislature, the Comptroller's and Treasurer's annual Reports, and the existing Laws, furnish the *data* from which the foregoing statistics have been deduced.

Your committee, in accordance with the suggestion in this Report, ask leave to introduce the accompanying bill, as a substitute to Senate bill No. 21, and recommend its passage.

All of which is respectfully submitted.

CHANDLER B. FOWLER, Chairman.

TO THE HON. R. P. HAMMOND,

Speaker of Assembly:

SIR: In obedience to a resolution of your body, I herewith transmit a "Statement of the contingent expenses of the several Officers of State," with copies of correspondence, in relation to allowances for such bills as were rendered by the various officers.

WINSLOW S. PIERCE,
Comptroller of State.

March 19th, 1852.

CONTINGENT EXPENSES FROM JANUARY 22, 1851 TO FEBRUARY 18, 1852.

GOVERNOR'S OFFICE.

Private Secretary,	$2,000 00
Office rent and expenses of same,	492 00
Furniture,	279 00
Printing and Advertising,	4,914 50
Stationery,	517 00
Postage,	210 00
Porter,	258 97
Fuel,	320 00
	$8,991 47

OFFICE OF SECRETARY OF STATE.

Salary of Clerk,	$3,460 00
Extra Clerk hire,	988 58
Postage,	121 05
Stationery,	18 00
Furniture,	47 50
Office Rent and Expenses,	1,800 00
Fuel,	260 50
Freight on Books,	231 13
Travelling expenses to Vallejo,	100 00
Labor, fitting up of Office, &c.,	133 00
	$7,159 76

TREASURER'S OFFICE.

Salary of Clerk,	$3,460 00
Office Rent and Expenses,	1,160 00
Fuel and Lights,	284 00
Stationery,	323 40
Printing,	74 37
Furniture,	384 13
Travelling Expenses,	150 00
Postage,	54 50
Labor, fitting up Office, &c.,	20 00
	$5,910 40

COMPTROLLER'S OFFICE.

Salary of Clerk,	$3,460 00
Office Rent and Expenses,	1,836 00
Record Book,	125 00
Printing Blanks and Advertising,	1,322 64
Fuel,	242 00
Stationery,	26 50
Freight,	20 75
Furniture,	25 00
Postage,	152 32
Labor, fitting up office, &c.,	69 00
	$7,279 21
Travelling Expenses to Vallejo,	150 75
	$7,429 96

ATTORNEY GENERAL'S OFFICE.

Office Rent and Expenses,	$1,765 33
Fuel and Lights,	170 00
Furniture,	300 00
	$2,235 33

SURVEYOR GENERAL'S OFFICE.

Office Rent and Expenses,	$1,160 00
Fuel,	75 00
One Theodolite,	400 00
	$1,635 00

SUPERINTENDENT OF PUBLIC INSTRUCTION.

Clerk hire,	$600 00
Stationery,	253 50
Postage,	61 97
Office Rent,	333 00
Freight,	40 00
Fuel,	16 00
	$1,304 45

SUPREME COURT.

Rent of Court Room,	$4,000 00
Stationery,	951 00
Fuel,	100 00
Seal,	50 00
Attendance of Sheriff,	1,005 00
Furniture,	2,528 85
	$8,604 85

I certify to the correctness of the above, which is respectfully submitted.

WINSLOW S. PIERCE,
Comptroller of State.

OFFICE OF THE SUPERINTENDENT OF PUBLIC INSTRUCTION.
Sacramento City, February 17th, 1852.

SIR:

There are some contingent expenses of my office necessarily incurred, in arrears, and have been so for several months. I have been obliged to hire

an office in this city, at my own expense, none having been furnished me, and the first month's rent will soon be due; the expenses of the office, for some time past, have been paid out of my own pocket.

I now need some furniture, fuel and lights, but am unwilling to incur any more personal liabilities in the discharge of my official duties.

Please inform me in writing, at your earliest convenience, whether you consider rent, furniture, stationery, fuel, postage, printing and clerk hire, such reasonable expenditures of money as will warrant you in auditing the bills for the same, under Section VI., Article III., of "an Act concerning Common Schools and Public Instruction," approved May 1, 1851.

Respecfully yours,
J. G. MARVIN.

To DR. W. S. PIERCE,
Comptroller of State,
Sacramento City.

COMPTROLLER'S OFFICE,
Sacramento City, February 17th, 1852.

HON. J. G. MARVIN,
Superintendent of Public Instruction,

SIR: In reply to your note of this date, calling on me to audit reasonable expenditures necessarily incurred in discharging the duties of your office, such as office rent, for furniture, stationery, fuel, postage, printing and clerk hire, &c., now paid by yourself, while, as stated, you are under the firm conviction that such necessary expenditures should and could be audited and paid under the "Act concerning Common Schools and Public Instruction," Art. III., Sec. VI., I have to state, that I believe that it was the intention of the Legislature who passed the Act, to authorize such a course on my part, nor do I think that any just blame could be attached to an officer for so doing, *with the exception of Clerk hire.* I am fully persuaded also, that every consideration of sound policy growing out of a general diffusion and liberal extension of education so potent in its effect to sustain all the interests of a State, would bear me out in giving much latitude to its construction. Still, during the session of the Legislature, I would much rather that my limits in this particular, should be better defined, as I feel constrained to adopt a rigid construction of law authorizing the auditing of all claims, and, more especially, at a time when the Legislature could speedily remedy the evil by a special enactment in reference thereto.

Very truly and sincerely,
Your obd't servant,
WINSLOW S. PIERCE.

Mr. Paxton, chairman, made the following report:

The Special Committee, composed of the Delegations of Yuba, Nevada, Butte and Trinity, to whom was referred the bill to authorize the County

Surveyors of the above named counties to run the County Lines, have had the same under consideration; report it back, and respectfully recommend its passage.

The bill was then considered as engrossed, and read a third time and passed.

Mr. Dameron introduced a bill for the relief of Thomas H. Coats.

Read a first and second time and referred to a Special Committee of five.

Messrs. Dameron, Cook, Stark, Stevenson and Jones were appointed said committee.

Mr. Gardiner introduced a bill, an Act for the relief of Craycroft and Company, and Delmas, Garnesset and Company.

Read a first and second time and referred to the Judiciary Committee.

Mr. Hopkins made the following report:

The Committee on Engrossed Bills report that they have examined and found correctly engrossed the following:

A bill for an Act to fix the place of holding the Supreme Court;

A bill for an Act to provide for the payment of the salary of W. T. Barbour, Judge of the Tenth Judicial District; also,

Resolutions of Instruction to our Senators and Representatives in Congress, relative to the levying and collecting a Tonnage Tax for Hospital purposes.

Mr. Peachy, from the Judiciary Committee, made the following report:

The undersigned, a member of the Judiciary Committee, to whom was referred a bill for an Act supplementary, entitled an Act concerning County Recorders, &c., has the honor to report that he has duly considered the said bill, and would recommend that it pass.

A. C. PEACHY,
Chairman Judiciary Committee.

Bill on its third reading; laid upon the table.

Mr. Crabb moved to take from the table Senate bill to authorize married women to transact business in their own name as sole traders.

Not agreed to.

Mr. Lyons introduced a bill, an Act for the permanent location of the Seat of Government.

Read a first time.

Mr. McMullin moved to reject the bill.

Not agreed to.

The bill was then read a second time and made the special order for the 8th instant, in Committee of the Whole.

On motion of Mr. Crabb, Senate bill to allow married women to act as sole traders, was taken up on its third reading.

Mr. Colby moved the indefinite postponement of the bill; upon which, Messrs. Wall, Kipp, and Ellis, of Nevada, demanded the ayes and nays.

Those who voted to indefinitely postpone were—

Messrs.	Brush,	Messrs.	McKim,
	Caldwell,		McMeans,
	Colby,		Stevenson,
	Hudspeth,		Taliaferro,
	McConaha,		Wohler—10.

Those who voted against indefinite postponement were—

Messrs.	Blanchard,	Messrs.	Ingersoll,
	Boggs,		Jones,
	Canney,		Kipp,
	Coats,		Law,
	Coffroth,		Lyons,
	Cook,		Merritt,
	Crabb,		Orrick,
	Crittenden,		Paxton,
	Cutler,		Peachy,
	Dameron,		Pearce,
	Ellis, of Nevada,		Ridley,
	Fleming,		Smith,
	Fowler,		Stark,
	Gardiner,		Wall,
	Gibson,		Wing,
	Graham,		Wood,
	Hinchman,		Yeiser,
	Hopkins,		Young—36.

The House refused to indefinitely postpone the bill.

Messrs. Paxton, Ellis, of Nevada, and Wood, demanded the ayes and nays upon the final passage of the bill.

Those who voted for the bill were—

Messrs.	Blanchard,	Messrs.	Hudspeth,
	Boggs,		Ingersoll,
	Canney,		Kipp,
	Coats,		Law,
	Coffroth,		Lyons,
	Cook,		Merritt,
	Crabb,		Orrick,
	Crittenden,		Peachy,
	Dameron,		Pearce,
	Ellis, of Nevada,		Ridley,
	Fleming,		Smith,
	Fowler,		Wall,
	Gardiner,		Wing,
	Gibson,		Wood,
	Hinchman,		Yeiser,
	Hopkins,		Young—32.

Those who voted against the passage of the bill were—

Messrs. Brush,
Caldwell,
Colby,
Cutler,
Graham,
Jones,
McConaha,
McMeans,
Paxton,
Stark,
Stevenson,
Taliaferro,
Wohler—13.

So the bill passed.

On motion of Mr. Wood, the House resolved itself into Committee of the Whole, Mr. Lyons in the chair, to consider the Revenue Bill. After spending some time in consideration of the same, and making amendments thereto,

On motion of Mr. Merritt, the committee rose, reported the bill as amended, and asked to be discharged from its further consideration.

Committee discharged.

Mr. Wood offered the following which was adopted:

Resolved, That a Joint Committee of three from the Assembly, and a like number of the Senate, be appointed for the purpose of carrying into effect the provisions of the Act providing for the translation of the Laws into the Spanish language, passed March 15th, 1851.

Messrs. Wood, Covarrubias and Ingersoll were appointed on the part of the Assembly.

On motion, the amendments, made in Committee of the Whole, to the Revenue Bill, were ordered to be read and considered as agreed to, unless objections be made while reading.

In the seventeenth section of the bill, the seventh line, the amendment adopted to strike out five per cent. for school purposes, in Committee of the Whole,

On motion to concur in that amendment, Messrs. Boggs, Ellis, of Nevada, and Fowler, demanded the ayes and nays.

Those who voted to concur in the amendment made in Committee of the Whole, were—

Messrs. Blanchard,
Boggs,
Brush,
Gibson,
Graham,
Hopkins,
Hudspeth,
Jones,
Kipp,
Lyons,
Merritt,
Peachy,
Stevenson,
Taliaferro,
Wing,
Wohler,
Wood,
Yeiser,
Young—19.

Those who voted against concurring were—

Messrs. Canney,	Messrs. Hinchman,
Caldwell,	Law,
Chauncey,	McConaha,
Coffroth,	McMeans,
Colby,	McMullin,
Covarrubias,	Orrick,
Crabb,	Paxton,
Crittenden,	Pearce,
Cutler,	Ridley,
Dameron,	Smith,
Ellis, of Nevada,	Stark,
Fleming,	Tucker,
Fowler,	Wall—26.

So the House refused to concur in the amendment made in committee.

Mr. Crittenden offered an amendment to the thirteenth section, in reference to mortgaged property, which was adopted.

Mr. Crittenden moved to add to the fourth section of the bill, a provision in reference to those who have settled upon the public domain, which was adopted.

Mr. Crabb moved to amend the thirty-eighth section, by adding the following: "and prescribing the manner of assessing and collecting Taxes and License Taxes for county purposes."

Adopted.

Mr. Kipp offered the following amendment to the thirty-ninth section: Strike out "County," where it occurs, and insert the word "State;" and strike out "County Auditor," where it occurs, and insert "Comptroller of State;" upon which, Messrs. Wall, McMullin and Kipp demanded the ayes and nays.

Those who voted for the amendment were—

Messrs. Boggs,	Messrs. Ingersoll,
Brush,	Jones,
Caldwell,	Kipp,
Chauncey,	McConaha,
Coats,	McMullin,
Coffroth,	Pearce,
Colby,	Taliaferro,
Covarrubias,	Yeiser,
Crabb,	Young—19.
Crittenden,	

Those who voted against the amendment were—

Messrs. Blanchard,	Messrs. McKim,
Canney,	McMeans,
Cook,	Orrick,
Cutler,	Paxton,
Dameron,	Ridley,
Ellis, of Nevada,	Smith,
Fowler,	Stark,
Gardiner,	Stevenson,
Gibson,	Tucker,
Hinchman,	Wall,
Law,	Wing,
Lyons,	Wood—24.

The House refused to adopt the amendment.

Mr. Crittenden moved an amendment to the thirty-seventh section, in reference to the fees of Sheriffs, which was adopted.

Mr. Colby moved to amend the fourth section by striking out all after the word "in," in the sixth line, to the word "any," in the seventh line.

Not agreed to.

Mr. Paxton moved to re-consider the vote which adopted the amendment of Mr. Crittenden, in reference to the fees of Sheriffs.

Vote was re-considered.

Mr. Crittenden then withdrew his amendment, and offered the following as an amendment in lieu thereof: "The Sheriff shall be entitled to one dollar for making a levy upon property, and one dollar for advertising it for sale." Upon which, Messrs. Crittenden, Wood and Blanchard demanded the ayes and nays.

Those who voted to adopt the amendment were—

Messrs. Boggs,	Messrs. Hopkins,
Brush,	Ingersoll,
Coffroth,	Kipp,
Colby,	Law,
Covarrubias,	McMeans,
Crittenden,	Pearce,
Cutler,	Stevenson,
Gardiner,	Wing—17.
Hinchman,	

Those who voted against the amendment were—

Messrs. Blanchard,	Messrs. McMullin,
Caldwell,	Merritt,
Chauncey,	Orrick,
Coats,	Paxton,
Cook,	Ridley,
Crabb,	Smith,
Dameron,	Stark,
Ellis of Nevada,	Taliaferro,

Messrs. Fleming,
Fowler,
Gibson,
Jones,
Lyons,
Messrs. Tucker,
Wall,
Wood,
Young—25.

Motion to amend not agreed to.

Mr. Colby made the following report:

The Joint Committee on Enrolled Bills have examined and found correctly enrolled the following:

An Act to amend the seventeenth section of an Act concerning forcible entry and unlawful detainer;

An Act for the relief of James L. Bolin;

Also, a Concurrent Resolution granting leave of absence to Mr. Van Voorhies, Secretary of State.

Mr. Merritt moved to amend the section as follows, which was agreed to: Strike out the words "Dam, Canal, or other thing, for mining purposes."

Mr. Caldwell offered the following amendment to the twenty-first section: "Two-thirds of which shall be for the use of the State, and one-third for the use of the County in which said poll tax shall be collected."

Upon which Messrs. Wall, McMullin and McMeans demanded the ayes and nays.

Those who voted in favor of the amendment were—

Messrs. Brush,
Caldwell,
Chauncey,
Coffroth,
Colby,
Cook,
Cutler,
Fleming,
Fowler,
Messrs. Hopkins,
Ingersoll,
Jones,
Kipp,
McMeans,
McMullin,
Pearce,
Wing,
Young—18.

Those who opposed the amendment were—

Messrs. Blanchard,
Boggs,
Coats,
Covarrubias,
Crabb,
Crittenden,
Dameron,
Ellis, of Nevada,
Gardiner,
Gibson,
Graham,
Hinchman,
Messrs. Law,
Lyons,
Merritt,
Orrick,
Paxton,
Ridley,
Smith,
Stark,
Stevenson,
Taliaferro,
Wall,
Wood—24.

So the amendment was not adopted.

Mr. Hinchman offered an amendment to the first line in Section 55, as follows, which was adopted.

Mr. Jones offered the following amendment to the ninety-fourth section, ninth line; add after the word "to," "on application of."

Agreed to.

Mr. Jones offered a further amendment in the same section, fifteenth line, by adding after the word "improvements," "after deducting the amount of indebtedness of said company or association."

Not agreed to.

Mr. Colby moved to amend the ninety-fourth section, second line, to strike out "and of each mining company or association." Also, in the fifth and sixth lines, "dam or dams, canal or canals, or other work for mining purposes."

Not agreed to.

Mr. Hinchman moved to amend the sixty-fourth section, second line, by striking out all after "Board," and insert the words, "according to law."

Agreed to.

Mr. Wood moved, that the bill be ordered to be engrossed for a third reading.

Agreed to.

Assembly bill, an Act to fix the place of holding the Supreme Court, on its third reading.

Mr. Dameron moved to postpone its consideration until to-morrow.

Not agreed to.

Bill was then read a third time, and passed.

Mr. Graham moved to adjourn.

Not agreed to.

Mr. Merritt gave notice that he would move, on to-morrow, to re-consider the vote in reference to the Supreme Court.

Mr. Wood moved to re-consider the vote which passed the bill to fix the place of holding the Supreme Court.

Mr. McMullin moved to indefinitely postpone the motion to re-consider.

Not agreed to.

Mr. Fowler moved to adjourn.

Not agreed to.

The vote was then taken upon re-consideration and agreed to.

On motion of Mr. Lyons, the bill was laid upon the table.

Mr. Crittenden offered the following:

Resolved, That the Senate be respectfully requested to return to this House, the Concurrent Resolution directing the Officers of State to go to Vallejo, on the adjournment of the Legislature.

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

Not agreed to.

Messrs. Crabb, Graham and Boggs, demanded the ayes and nays on the passage of the resolution.

Those who voted for the resolution were—

Messrs. Canney,
Coats,
Coffroth,
Colby,
Covarrubias,
Crittenden,
Cutler,
Dameron,
Ellis, of Nevada,
Fleming,
Fowler,
Gibson,
Hinchman,
Hopkins,
Ingersoll,
Jones,
Kipp,
Lyons,
McKim,
Merritt,
Paxton,
Pearce,
Smith,
Stevenson,
Taliaferro,
Tucker,
Wall,
Wing,
Young—29.

Those who voted against the resolution were—

Messrs. Boggs,
Brush,
Caldwell,
Chauncey,
Crabb,
Gardiner,
Graham,
Law,
McMeans,
McMullin,
Orrick,
Ridley,
Stark,
Wood,
Yeiser—15.

So the resolution passed.

Mr. McMullin moved to adjourn.

Not agreed to.

Mr. Dameron moved to re-consider the vote of yesterday, which passed a concurrent resolution, requiring the State Officers to go to Vallejo.

Mr. Coffroth, Speaker pro tem., decided the motion not in order, because the resolution was not in the possession of the House.

Mr. Crittenden appealed from the decision of the chair.

The Speaker put the question: Shall the decision of the chair be the judgment of the House?

Upon which Messrs. Wood, Tucker and Chauncey, demanded the ayes and nays.

Those who voted to sustain the chair were—

Messrs. Boggs,
Brush,
Canney,
Caldwell,
Chauncey,
Crabb,
Dameron,
Fleming,
McMeans,
McMullin,
Merritt,
Orrick,
Paxton,
Pearce,
Ridley,
Smith,

Messrs. Gardiner,
Graham,
Hinchman,
Hopkins,
Ingersoll,
Jones,
Law,
Messrs. Stark,
Tucker,
Wall,
Wing,
Wood,
Yeiser,
Young—30.

Those who voted against the decision of the chair were—

Messrs. Coats,
Colby,
Covarrubias,
Ellis, of Nevada,
Fowler,
Messrs. Gibson,
Kipp,
Lyons,
Taliaferro—9.

So the decision of the chair was sustained.

On motion of Mr. Merritt, at 6 o'clock, P. M. the House adjourned until 10 o'clock to-morrow.

HOUSE OF ASSEMBLY.

FRIDAY, April 2, 1852.

House met pursuant to adjournment.

The roll was called by the Clerk, and the following members found absent:—Messrs. Chauncey, Coats, Covarrubias, Crittenden, Ellis, of Nevada, Ford, Gardiner, Hinchman, Hudspeth, Peachy, Taliaferro, Ten Broeck and Thompson.

The Journal of Friday April 1st, 1852, read, amended and approved.

The Speaker, pro tem., announced the House ready to proceed to business.

On motion, leave of absence was granted to Mr. Ellis, of Nevada, for the remainder of the session.

Mr. McConaha presented a petition from sundry citizens of Sacramento praying for the repeal of a portion of the revenue law.

Read and laid upon the table.

Mr. McKim presented a petition from citizens of Calaveras, praying for a division of the county.

Petition laid upon the table.

Mr. Smith, chairman, made the following report:

The Committee on Claims, to whom was referred Senate bill for the relief

of Jesse D. Carr, have examined the same and report it back, and recommend its passage.

Bill was then read a third time and passed.

Mr. Crabb made the following report:

The Judiciary Committee, to whom was referred a bill for an Act to regulate the terms of the District Court for the Tenth Judicial District, have examined and considered the same, and report the same back with the accompanying substitute, and recommend its adoption, in place of the original bill.

Substitute read a first and second time.

Mr. Wood, from the Judiciary Committee, made the following report:

The committee to whom was referred "an Act for the relief of John Craycroft and Company, and Delmas Garnest and Company," have examined the same, report it to the House without amendment, and recommend its passage.

Bill, on its third reading, laid upon the table.

Mr. Hopkins made the following report:

The Committee on Engrossment, have examined and found correctly engrossed, "an Act to authorize the County Surveyors of Yuba, Nevada, Butte, Sierra and Trinity, to survey the county lines."

Mr. Crittenden introduced a bill, an Act in relation to State Prison Convicts."

Read a first and second time; considered as engrossed; read a third time and passed.

Mr. McMeans offered the following, which was adopted:

Resolved, That the Committee on Military Affairs, be requested to return to this House, all the papers relative to the Los Angeles expedition against the Indians.

Referred to them.

Mr. Chauncey gave notice, that on Monday next, he would introduce a bill, entitled an Act for the appointment of an Inspector of Lumber, for the city of San Francisco.

Mr. Merritt introduced a bill for an Act authorizing the Comptroller of State to return to Major James Burney the War Loan Warrants paid by him to the Comptroller, and extending the time of payment.

Read a first and second time.

A communication was received from the Secretary of State, in answer to

a resolution of the Assembly, calling for information in reference to the number of Bills and Joint Resolutions which have received the approval of the Governor the present session of the Legislature.

The following message was received from the Senate:

Mr. Speaker:

I am directed to inform the Assembly, that the Senate, yesterday, passed Assembly bill, for "an Act for the relief of Charles T. Botts," with an amendment:

And, Assembly "Joint Resolution in regard to Mail Contracts:"

And that the Senate refused to recede from their amendments to Assembly bill, for "an Act concerning the organization of the Militia;" and have appointed Messrs. Van Buren, Lind and Keyser, on their part, as a Committee of Conference:

And that the Senate refused to concur in the amendment of the Assembly to Senate Concurrent Resolution, to divide the Contingent Fund of the Senate and Assembly:

And passed a bill for "an Act to provide for the payment of the members of the Monterey County Expedition, commanded by S. E. Woodworth; and also to provide for the payment of supplies furnished said expedition:"

And that the Senate this day concurred in the Assembly resolution, to appoint a Joint Committee, for the purpose of carrying into effect the provisions of the Act providing for the translation of the Laws into the Spanish language, passed March 15th, 1851; and have appointed Messrs. Warner, Roach and Robinson, to act on the part of the Senate.

A. C. BRADFORD,
Secretary of the Senate.

April 1st, 1852.

Senate amendment to the bill for the relief of Charles T. Botts, concurred in by the Assembly.

Messrs. Lyons, Graham and Yeiser, were appointed to act with the Senate Committee upon the disagreeing vote between the two Houses, in reference to the amendments made by the Senate to the Act concerning the organization of the Militia.

The House refused to recede from their amendment made to a Concurrent Resolution of the Senate to divide the Contingent Fund, and appointed Messrs. McMullin, Hudspeth and Young, as a Committee of Conference.

Senate bill, an Act to provide for the payment of the members of the Monterey ounty Expedition, commanded by S. E. Woodworth; and also to provide for the payment of supplies furnished said expedition.

Read a first and secone time, and referred to Committee on Claims.

Mr. Tucker moved to take from the table two bills, upon the subject of Lawful Fences, and refer them to the Committee on Agriculture.

Agreed to.

Mr. Lyons moved to take from the table Joint Resolutions in reference to furnishing supplies to immigrants to California, and refer them to Committee on Federal Relations.

Agreed to.

On motion of Mr. Crittenden, the House resolved itself into Committee of the Whole, Mr. Merritt in the chair, to consider a bill to organize the Courts of Justice of this State. After spending considerable time in the discussion of the bill, and making amendments thereto,

On motion of Mr. McMullin, the committee rose, reported the bill as amended, and asked to be discharged from the further consideration of the subject.

The committee was discharged.

Mr. Merritt moved to concur in the amendments made in Committee of the Whole, severally.

No action by the House.

Mr. Merritt moved to lay the bill and amendments upon the table.

Agreed to.

Mr. Crittenden moved to take the bill from the table and refer it to a committee composed of one delegate from each Judicial District.

Agreed to.

Mr. McConaha moved to make a bill to provide for appeals in certain cases, the special order of the day for Monday next.

Agreed to.

The following message was received from the Senate:

Mr. Speaker:

I am directed to inform the Assembly that the Senate this day acceded to the request of the Assembly, and return herewith the resolution requiring the State officers to keep their offices at Vallejo when this Legislature adjourns.

The Senate also passed, this day, a resolution, which is herewith presented, requesting the Assembly to transmit to the Senate, Assembly bill to provide for an Act entitled, an Act to amend an Act to incorporate the city of Sacramento.

A. C. BRADFORD,
Secretary of the Senate.

Mr. Lyons moved to lay the resolution, just sent back by the Senate, upon the table.

No action.

Mr. Crabb moved to take from the table the Estray Bill.

Not agreed to.

Mr. Brush moved to adjourn.

Not agreed to.

Mr. Lyons moved that the Clerk be instructed not to return the resolution to the Senate.

Mr. Coffroth, chairman, decided the motion not in order, inasmuch as the House had passed the resolution and it was now the property of the Senate.

Mr. Lyons appealed from the decision of the chair.

The chair then put the question, "Shall the decision of the chair stand as the judgment of the House?" upon which, Messrs. Kipp, Blanchard and Wood demanded the ayes and nays.

Those who voted in favor of sustaining the chair were—

Messrs.	Blanchard,	Messrs.	Law,
	Boggs,		McMeans,
	Brush,		McMullin,
	Canney,		Orrick,
	Caldwell,		Pearce,
	Chauncey,		Smith,
	Cook,		Stark,
	Covarrubias,		Taliaferro,
	Crabb,		Wohler,
	Gardiner,		Wood,
	Graham,		Yeiser,
	Hinchman,		Young—25.
	Jones,		

Those who voted against the chair's decision were—

Messrs.	Coats,	Messrs.	Lyons,
	Colby,		McConaha,
	Crittenden,		McKim,
	Cutler,		Merritt,
	Dameron,		Paxton,
	Fleming,		Ridley,
	Fowler,		Stevenson,
	Gibson,		Tucker,
	Hopkins,		Wing,
	Ingersoll,		Speaker—21.
	Kipp,		

So the House sustained the Speaker.

Mr. Hammond offered the following:

Whereas, a Concurrent Resolution, passed yesterday, April 1st, directing the removal of the State Offices to Vallejo after the adjournment of this Legislature—being, in effect, to repeal a law of the State—and such resolution having been sent to the Senate, and being now returned to this body, at its request, and before any action of the Senate had been taken upon the subject: and *Whereas*, a Concurrent Resolution cannot affect a Law: therefore,

Resolved, That such Resolution, being in fact of no force and effect, it is hereby rescinded.

Mr. McMullin moved to lay the Preamble and Resolution upon the table; upon which, Messrs. Kipp, Wood and Wing demanded the ayes and nays.

Those who voted to lay on the table were—

Messrs. Blanchard,	Messrs. Graham,
Boggs,	McMeans,
Caldwell,	Smith,
Chauncey,	Stark,
Covarrubias,	Wohler,
Crabb,	Wood,
Gardiner,	Yeiser—14.

Those who voted against laying upon the table were—

Messrs. Canney,	Messrs. Lyons,
Coats,	McConaha,
Coffroth,	McKim,
Colby,	McMullin,
Cook,	Merritt,
Crittenden,	Orrick,
Cutler,	Paxton,
Dameron,	Pearce,
Fleming,	Ridley,
Fowler,	Stevenson,
Gibson,	Taliaferro,
Hinchman,	Tucker,
Hopkins,	Wing,
Ingersoll,	Young,
Jones,	Speaker—31.
Kipp,	

The House refused to lay the resolution on the table.

Mr. Wohler moved to adjourn.

Not agreed to.

Mr. Crabb made a question of order: it was, whether the resolution, offered by Mr. Hammond, could be entertained by the House, inasmuch as the subject matter belonged to the Senate and not the House.

The Speaker decided that the resolution was in order.

Mr. Crabb appealed from the decision of the chair; pending which,

On motion of Mr. McMullin, at 4 o'clock, P. M., the House adjourned until 10 o'clock, to-morrow.

HOUSE OF ASSEMBLY.

SATURDAY, April 3, 1852.

House met pursuant to adjournment.

The roll was called by the Clerk, and the following members found absent: Messrs. Blanchard, Colby, Ford, Gardiner, Harazthy, Peachy, Taliaferro, Thompson and the Speaker.

Mr. Wood moved to suspend the reading of the Journal for the present, to allow him to introduce a bill.

Agreed to.

A bill, an Act in reference to the Supreme Court.

Read a first and second time; amended, considered as engrossed, read a third time and passed.

The Journal of Friday, the 2d April, read and approved.

The Speaker pro tem. announced the House ready to proceed to business.

Mr. Jones presented a petition from citizens of Calaveras, praying for a division of the county.

Read and laid upon the table.

Mr. Yeiser presented a petition from citizens of San Joaquin County, praying for a grant of Swamp and Tule Lands.

Read and referred to Committee on Public Lands.

Mr. Graham presented a petition from Nathaniel M. C. Menifee, praying for relief.

Read and referred to Committee on Claims.

Messrs. Harazthy, Hinchman, Crittenden, Wood, Crabb, McConaha, Boggs, McMullin, Law, Turner and Wing were appointed a Special Committee, created on yesterday, in relation to Judiciary Act.

Mr. Smith presented a proposition from citizens of Martinez, in reference to the location of the Seat of Government.

Read and referred to Committee on Public Buildings and Grounds.

Messrs. Wood, Crabb, Hinchman and Yeiser made the following report:

The undersigned, members of the Judiciary Committee, to whom was referred the Act uniting the offices of County Clerk and County Recorder in Tuolumne County, have had the same under consideration, and, differing with other members of the committee, offer the following report:

For many good and potent reasons we are opposed to the passage of the bill. The principal reason of our opposition is, that it will *legislate* out of office a good man and responsible officer, who has just been elected by a large majority of the citizens of the county. Again, no possible good can be derived from this act of injustice. We therefore hope the bill will not receive the favor and sanction of the Assembly.

Mr. Chauncey made the following report:

The Committee on Engrossed Bills report that they have examined and found correctly engrossed:

A bill for an Act in relation to State convicts.

Mr. Law introduced a bill for an Act to be entitled an Act directing the removal of the Archives and State Offices to the city of Vallejo.

Read a first and second time and referred to Select Committee of five.

Messrs. Law, Lyons, Brush, Graham and Orrick were appointed said committee.

On motion of Mr. Law, a bill to authorize the appointment of a Guager in the city of San Francisco, was taken up for consideration.

Mr. Orrick offered the following amendment to the bill:

"It shall be the duty of said officers, when called upon by any person desiring his services, to guage and inspect all wines and liquors which such person may desire to have guaged and inspected, and to mark distinctly upon the casks or cases the quantity and quality of the same, for which service he may charge and receive——per gallon for the quantity so inspected."

Upon the passage of the amendment, Messrs. Ten Broeck, Canney and Wohler demanded the ayes and nays.

Those who voted in favor of the amendment were—

Messrs. Blanchard,
Caldwell,
Cutler,
Fowler,
Hinchman,
Hopkins,
Jones,
McMeans,
Orrick,
Pearce,
Smith,
Stevenson,
Turner—13.

Those who voted against the adoption of the amendment were—

Messrs. Boggs,
Brush,
Canney,
Chauncey,
Coats,
Coffroth,
Colby,
Cook,
Covarrubias,
Dameron,
Fleming,
Gibson,
Ingersoll,
Kipp,
Law,
Lyons,
McConaha,
McKim,
McMullin,
Merritt,
Paxton,
Ridley,
Ten Broeck,
Tucker,
Wing,
Wohler,
Young,
Speaker—28.

Amendment not agreed to.

Mr. Colby offered the following as an amendment to the first section of the bill, to come in after the word Guager, "five competent Flour Inspec-

tors, one to reside at each of the ports that may be designated by the Governor."

Not agreed to.

Mr. Crabb moved to go into Committee of the Whole, to consider a bill to appoint a Guager.

No quorum voted.

Mr. Lyons moved to lay the bill upon the table.

Not agreed to.

On motion of Mr. Fowler, the House resolved itself into Committe of the Whole, Mr. McMullin in the chair, to consider a bill to provide for the appointment of a Guager for San Francisco. After spending a short time in its consideration, and making amendments thereto,

On motion of Mr. Boggs, the committee rose, and reported the bill back as amended, and asked to be discharged from its further consideration.

Committee was discharged.

Mr. Boggs moved to refer the bill back to the Committee on Commerce, with instructions to frame a bill so as to produce as large a nett revenue to the State as possible, which revenue shall be appropriated towards the erection of a State Prison.

Not agreed to.

Mr. Wohler moved that the House concur in the amendments made in Committee of the Whole.

Agreed to.

Mr. Colby moved to strike out "half cent," and insert "quarter."

Not agreed to.

On ordering the bill to be engrossed, Messrs. Wall, Paxton and Wohler demanded the ayes and nays.

Those who voted to have the bill engrossed were—

Messrs.	Blanchard,	Messrs.	Law,
	Boggs,		McConaha,
	Brush,		McKim,
	Canney,		McMullin,
	Chauncey,		Merritt,
	Coats,		Orrick,
	Coffroth,		Paxton,
	Dameron,		Pearce,
	Fleming,		Smith,
	Fowler,		Stark,
	Gibson,		Ten Broeck,
	Hopkins,		Wing,
	Ingersoll,		Wohler,
	Jones,		Young,
	Kipp,		Speaker—30.

Those who voted against the engrossment of the bill were—

Messrs.	Colby,	Messrs.	McMeans,
	Crabb,		Ridley,
	Crittenden,		Stevenson,

Messrs. Cutler,
Hinchman,
Lyons,
Messrs. Wall,
Yeiser—11.

The bill was ordered to be engrossed for a third reading.

Mr. Wohler then moved that the bill be considered as engrossed and read a third time.

Agreed to.

Upon the passage of the bill, Messrs. Wall, Ten Broeck and Wohler demanded the ayes and nays.

Those who voted for the passage of the bill were—

Messrs. Blanchard,
Boggs,
Brush,
Canney,
Chauncey,
Coats,
Coffroth,
Dameron,
Fleming,
Fowler,
Gibson,
Graham,
Ingersoll,
Messrs. Jones,
Kipp,
Law,
McKim,
Merritt,
Pearce,
Smith,
Stark,
Taliaferro,
Ten Broeck,
Wing,
Wohler,
Young—26.

Those who voted against the passage of the bill were—

Messrs. Colby,
Cook,
Covarrubias,
Crabb,
Crittenden,
Cutler,
Hinchman,
Hopkins,
Lyons,
Messrs. McMeans,
McMullin,
Orrick,
Paxton,
Ridley,
Stevenson,
Wall,
Yeiser,
Speaker—18.

So the bill passed.

Mr. Fowler gave notice that he would move, on Monday next, to reconsider the vote just taken on the passage of the bill.

On motion of Mr. Coffroth, a bill for an Act to repeal an Act supplementary to an Act entitled an "Act concerning County Recorders," was taken up for consideration on its third reading.

Mr. Coffroth moved that the bill be considered as engrossed, and put upon its third reading.

Agreed to.

On the passage of the bill, Messrs. Crabb, Coffroth and Hopkins, demanded the ayes and nays.

Those who voted for the passage of the bill were—

Messrs. Blanchard,	Messrs. McKim,
Brush,	Merritt,
Coats,	Pearce,
Covarrubias,	Wing,
Crittenden,	Wohler,
Fleming,	Young,
Law,	Speaker—15.
Lyons,	

Those who voted against the bill were—

Messrs. Boggs,	Messrs. Kipp,
Canney,	McMeans,
Caldwell,	McMullin,
Chauncey,	Orrick,
Coffroth,	Paxton,
Crabb,	Ridley,
Dameron,	Stark,
Fowler,	Stevenson,
Gardiner,	Taliaferro,
Hinchman,	Ten Broeck,
Hopkins,	Turner,
Ingersoll,	Wood,
Jones,	Yeiser—26.

So the bill did not pass.

Mr. Coffroth gave notice, that on Monday next, he would move to re-consider the vote just taken.

An Act to regulate the terms of the District Court of the Tenth Judicial District, on its third reading.

Mr. Lyons offered a substitute for Section 6, of the bill, which was adopted.

The bill was then considered as engrossed; read a third time and passed.

On motion, leave of absence was granted to Mr. McMullin for one hour.

Mr. Fowler moved to adjourn.

Not agreed to.

Mr. Boggs presented a communication from Gen. Vallejo, upon the subject of the State Capitol.

Referred to Special Committee raised to-day, of which Mr. Law is chairman.

On motion of Mr. Wing, a bill, entitled an Act to appoint Commissioners to lay out a State Road, was taken from the table and re-committed to Committee on Roads and Highways.

A bill for an Act for the relief of Craycroft and Company, and Delmas Garnassett and Company, on its third reading.

Mr. Cook offered to amend the bill, by inserting the names of Van Reed, Talmon and McDuffie, of Marysville.

Agreed to.

Mr. Lyons moved that the bill be considered as engrossed, and read a third time.

Agreed to.

Mr. Brush moved a call of the House.

Call was not sustained.

The bill was then read a third time, and passed.

On motion of Mr. Merritt, the title of the bill was amended by inserting the names of Van Reed, Talmon and McDuffie.

The following message was received from the Governor, upon the subject of Immigrants to California: (See Appendix.)

On motion of Mr. Lyons, the communication was referred to Committee on Federal Relations.

Mr. Tucker moved to have five hundred copies of the message printed.

Mr. Canney moved to amend by inserting one thousand.

Not agreed to.

Mr. Coffroth moved to insert nine hundred and fifty.

No quorum voted.

On motion of Mr. Wood, at 3 o'clock, P. M., the House adjourned until 10 o'clock on Monday next.

HOUSE OF ASSEMBLY.

MONDAY, April 5, 1852.

House met pursuant to adjournment.

The roll was called by the Clerk, and the following members found absent: — Messrs. Covarrubias, Crittenden, Ford, Gardiner, Gibson, Harazthy, Peachy, Smith, Stark, Taliaferro, Thompson and Yeiser.

On motion, leave of absence was granted to Mr. Harazthy, in consequence of ill-health.

On motion, leave of absence was granted to Mr. Gibson, for the balance of the present week.

The Journal of Saturday, April 3d, read and approved.

The Speaker announced the House ready to proceed to business.

Mr. McConaha moved to adjourn.

Not agreed to.

Mr. Crabb presented a protest from citizens of San Joaquin, against a petition which was presented some days since, praying for a grant of swamp and Tule Lands.

Read and referred to Committee on Public Lands.

Mr. Wing made the following report:

The Committee on Roads and Highways, to whom was re-committed a bill providing for the appointment of Commissioners for the survey of a State Road, report as follows:

They have had the same under consideration, and report it back to the House, with amendments, and recommend its passage.

The bill was then taken up for consideration.

Mr. Crabb moved to amend by inserting "the Commissioners shall not be allowed any compensation, nor be any expense to the State.

Agreed to.

On motion of Mr. Fowler, Mr. Brown, of Butte County, was added to the number of Commissioners.

Mr. McKim moved to strike out the word "State," before Road, in first section.

Not agreed to.

Mr. Dameron moved to amend, by inserting "that no toll shall be charged and collected upon said road."

Agreed to.

Mr. Dameron moved further to amend, by inserting "that any other five citizens in the counties named, or any other county, shall have the same privileges extended to them.

Agreed to.

Mr. McMullin moved that the bill be engrossed for a third reading on to-morrow.

Agreed to.

Mr. Dameron made the following report:

The Special Committee, to whom was referred a bill for the relief of Thomas H. Coats, have had the same under consideration, and beg leave to report in favor of the claim, but finding the bill not sufficiently specific, recommend the adoption of the accompanying substitute.

The substitute was then read a first and second time; considered as engrossed; read a third time, and passed.

Mr. Hinchman made the following report:

The Special Committee, to whom was referred the twelfth and seventeenth sections of a bill to organize Courts of Justice, submit the following report:

They respectfully recommend the adoption of the accompanying sections, as substitutes for the twelfth and seventeenth sections of the bill.

Bill and amendments made the special order for to-morrow.

The following message was received from the Senate:

Senate Chamber, Sacramento City,
April 5th, 1852.

Mr. Speaker:

I am directed by the Senate to inform the Assembly that the Senate did, on the 3d instant, pass Assembly Joint Resolution granting leave of absence to William R. Turner, Judge of Eighth Judicial District; and Assembly bills, severally entitled, for an Act in relation to State Prison convicts; for an Act to authorize the Common Council of the city of San Francisco to purchase or erect a City Hall; for an Act for the relief of J. K. Shafer.

And that the Senate passed the same day, an Act prescribing the mode of maintaining and defending possessory actions on public lands in this State.

And passed, on the 2d instant, an Act concerning the collection of certain taxes from vessels trading within the waters of the State of California, and in relation to suits therefor.

And an Act to fund the debt of the County of Calaveras and to provide for the payment thereof.

And the Senate this day appointed Messrs. Keene, Fry and Foster to confer with the committee of the Assembly upon the disagreeing vote of the two Houses, on Senate Concurrent Resolution to divide the contingent fund.

And passed this day Assembly bill for an Act concerning the Supreme Court, with an amendment.

A. C. BRADFORD,
Secretary of the Senate.

April 5th, 1852.

Mr. McMullin made the following report:

The Committee of Conference, appointed on the disagreeing vote of the two Houses, on Senate's Concurrent Resolution to divide the contingent fund of the Senate and Assembly, report that they have agreed that the Assembly recede from its amendment, and recommend such action on the part of the House.

The House received the report, and receded from their amendment.

Mr. Hinchman made the following report:

The undersigned, members of the Judiciary Committee, to whom was referred a bill to be entitled An Act to fix the time of election and term of office of County Recorders in the Counties of San Francisco, Sacramento, Santa Clara, El Dorado and San Joaquin; also, a bill for an Act to amend the fourteenth section of an Act concerning County Recorders, passed March 26th, 1851, respectfully recommend the bill, herewith transmitted, as a substitute for both of the bills referred.

April 3d, 1851.

The substitute was, by order, laid upon the table.

Mr. Orrick made the following report:

The Joint Committee on Enrolled Bills have examined the Act to change the time of holding the Terms of the District Court in the County of Yuba, report the same correctly enrolled.

Mr. Law made the following report upon the subject of the city of Vallejo:

Mr. Speaker:

A majority of the Select Committee of five, to whom was referred the bill providing for the removal of the Archives of the State from Sacramento city to Vallejo, the Seat of Government, have duly considered the same.

The committee deeming the preamble prefacing the bill, expressing fully the object of the bill, and containing conclusive argument why the same ought to pass, might reasonably and very justly submit it to the House on its own intrinsic merits; but considering this a subject of vast importance to the States, one in which every citizen therein has a greater or less interest, we have therefore taken the privilege of expressing our views on the subject. The imperative necessity of having some specific place designated as a permanent Seat of Government, where the Executive Department of State shall reside, and keep the public archives thereof, is certainly too apparent to all to admit of argument. Stability in any government is highly essential to its future prosperity and happiness. All history clearly exhibits the fact, that a vacillating and unsettled policy of any government is decidedly detrimental to its future prosperity. Governed by this principle, our Representatives, in convention assembled, for the purpose of framing a Constitution, truly considering the importance of constituting some definite point for the Seat of Government, not liable to be effected by trivial causes, or the whimsical caprices of designing demagogues, or vociferous politicians, wisely engrafted in that instrument, in the eleventh Article and first Section, the following provision, viz: "The first session of the Legislature shall be held at the Pueblo de San Jose; which place shall be the permanent Seat of Government until removed by law: *Provided*, however, that two-thirds of all the members elected to each House of the Legislature shall concur in the passage of such law." Here, then, Sir, is the only specific mode by which a removal of the State Capitol can be effected. In causing the removal of the Capitol from San Jose, has this provision of the Constitution been complied with? We deem it unnecessary to say it has, as every member of this House is fully conversant with the fact. It is not our province to enquire into the causes that brought about the change of the Seat of Government from San Jose to the city of Vallejo; it is sufficient to know that such change has been effected; and that, in connection with the expressed condition of the provisions of the Constitution. The people of California, in their sovereign capacity, through the ballot box almost unanimously declared that the city of Vallejo, on the Bay of Napa, should be the future permanent Seat of Government. Their Representatives, in their legislative capacity, assembled, carried into effect the mandate of the people by confirming their decision with the constitutional vote, at the same time exacting of Gen. Vallejo a bond with approved security for the payment of $370,000 in cash, and an additional donation to the State of Lands for public purposes, agreeably to proposition by him made to the people of California, in the event of the city of Vallejo being made the future Capitol.

Then here exists a compact, a solemn agreement, between the State of California and Gen. Vallejo. Is not a contract between private citizens sacred and binding? And does not a non-compliance on the part of either subject the defaulting party to an action at law? Has Gen. Vallejo his remedy against the State of California, in case of forfeiture on her part? We deem it scarcely necessary to state here, that he has not. The State of California, in her sovereign capacity, can mantle herself under the broad shield of the Constitution of the United States, and bid defiance to her creditors.

The exemption of States from harrassing suits by private individuals, being no longer a subject of doubt, this point being conceded as definitely settled by the expressed opinion of our most eminent jurists: first, by the Hon. Daniel Webster, in reply to the European bond-holders of the States of Mississippi and Pennsylvania, and afterwards confirmed by the opinion of several gentlemen of high legal attainments. It is true, the Constitution of California has provided, that "suits may be brought against the State in such manner and in such Courts as shall be directed by law." But is not that provision a dead letter, until it receives vitality from the Legislative body? — most assuredly it is. Is it probable that the Legislature of California would bring into vitality that provision of the Constitution, and thereby vest a creditor with power to sue her? We presume not, on the principle that she would never give her consent to have her sovereignty arraigned before the Judiciary of the country. In past experience, we have only one single isolated case, wherein a sovereign State has ceded to her private citizens the right of trial in courts, for damages sustained, viz: the State of Indiana. Pennsylvania, Ohio, Kentucky, and other States, to the knowledge of a portion of your committee, have heretofore positively refused to grant that power. And yet, their respective Constitutions contain no opposing provisions to the right of the Legislative body to grant the same! What remedy, then, has General Vallejo? — none, legally speaking. The committee are well aware that numerous individuals entertain the opinion, that the provisions of the Bond will not be complied with on the part of Vallejo and his respective sureties. That, with many, is a powerful argument in favor of changing the location of the capitol. In reply thereto, the committee would state, that they consider the position so untenable, that it is almost unnecessary to allude to it: it being a well-settled maxim in law never to prejudge guilt; consequently, we have no right to anticipate a non-compliance on the part of Vallejo and his sureties. But, by every principle of honor and integrity, we are honorably bound to carry out all the provisions of the contract on our part, patiently awaiting the maturity of the Bond; and if, when due, the Bond should prove forfeited and unavailable, the Seat of Government would then naturally revert back to San Jose.

The committee entertain the opinion, that every unprejudiced mind must concede the fact, that Vallejo is the permanent Seat of Government; but if additional argument would prove essential to establish the fact, then the committee would respectfully refer this House to the vote given on the resolution presented to both branches of the Legislative body, while in session at the city of Vallejo, declaring it to be the Seat of Government; said resolution only receiving a few dissenting votes in either branch of the Legislature. In conclusion, we would state, that, by law, the Executive Officers are positively required to keep their respective offices at the Seat of Gov-

ernment. And your committee being fully convinced that the city of Vallejo is the permanent Seat of Government of California, would respectfully recommend the passage of the bill requiring the removal of the Public Archives to the city of Vallejo.

JAMES S. LAW, Chairman.
E. ORRICK,
JAMES A. GRAHAM,
JESSE BRUSH.

Mr. Lyons moved that the bill and report be laid upon the table.
Agreed to.
Mr. Crabb moved to print two hundred and forty copies of the report.
Agreed to.

Mr. Chauncey made the following report:

The Committee on Engrossed Bills have examined and find correctly engrossed the following bills:
An Act to regulate the Terms of the District Court of Tenth Judicial District;
An Act for the relief of Craycroft and Company, Delmas, Garnesset and Company, and others;
An Act to provide for the appointment of a Guager for the port of San Francisco;
An Act to provide for levying, assessing and collecting public revenue.

Revenue bill was taken up, read a third time and passed.

Mr. Coffroth made the following report:

The Committee on Federal Relations, to whom was referred Joint Resolutions of Instructions to our members of Congress, requesting the passage of a Law allowing drawback to the shippers of pig and bloom iron into this State, referred the same back, and earnestly recommend their adoption.
The peculiar position which our State occupies at present—the fact that we import every necessary and every luxury of life, and export nothing but gold—demand that the Federal Government should lighten the excessive burdens heaped upon the people by unjust tariff exactions. The passage of an Act similar to the one contemplated in these resolutions will have some efficacy in lessening the federal taxation. now weighing heavily upon us, and your committee therefore recommend their adoption.

Joint Resolution on its third reading.
Mr. Wood moved to amend by inserting after the word iron, "thereafter."
Agreed to.
Upon the passage of the resolutions, Messrs. Crabb, McMeans and Wood demanded the ayes and nays.

Those who voted for the passage of the resolutions were—

Messrs. Brush,
Canney,
Caldwell,
Coats,
Coffroth,
Colby,
Cook,
Crabb,
Cutler,
Dameron,
Ingersoll,
Jones,
Kipp,
Lyons,
McKim,
McMeans,
Paxton,
Pearce,
Ten Broeck,
Wing,
Wohler—21.

Those who voted against the passage of the resolutions were—

Messrs. Boggs,
Crittenden,
Fleming,
Fowler,
Hinchman,
Hopkins,
Orrick,
Ridley,
Smith,
Stark,
Stevenson,
Taliaferro,
Wall,
Young,
Speaker—15.

After the Clerk had finished a call of the roll, he was directed to call the name of Mr. Wood, who had not voted when his name was called.

The Clerk called the name of Mr. Wood, and and he declined to vote.

Mr. McMeans moved that Mr. Wood be compelled to vote.

Mr. Coats moved to indefinitely postpone the motion made by Mr. McMeans.

No quorum voted.

Mr. Dameron moved to lay the motion, made by Mr. McMeans, and the motion to indefinitely postpone, upon the table.

Agreed to.

The motion was then put to the House "Shall the Clerk call over the names of those who have voted?"

The House decided in the negative.

Mr. Coffroth moved to re-consider the vote just taken.

No quorum voted.

The question for re-consideration was again put to the House and agreed to.

The Clerk then called the roll and the resolutions passed.

An Act concerning the Supreme Court, amended in the Senate, concurred in by the House.

An Act in addition to the several Acts of the State to regulate Elections.

Read a first time.

Mr. Brush moved to reject the bill.

Agreed to.

Mr. Wood introduced a bill to divide the State of California.

Read a first time.

Mr. Hinchman moved to reject the bill.

Upon which, Messrs. Wood, McMeans and Ingersoll, demanded the ayes and nays.

Those who voted to reject the bill were—

Messrs. Brush,
Canney,
Caldwell,
Coats,
Coffroth,
Colby,
Cutler,
Fleming,
Hinchman,
Hopkins,
Kipp,
Lyons,
Merritt,
Orrick,
Pearce,
Stark,
Wing,
Young,
Speaker—19.

Those who voted against rejection were—

Messrs. Blanchard,
Boggs,
Chauncey,
Cook,
Crittenden,
Dameron,
Fowler,
Gardiner,
Graham,
Ingersoll,
Jones,
Law,
McKim,
McMeans,
McMullin,
Paxton,
Ridley,
Smith,
Stevenson,
Taliaferro,
Ten Broeck,
Wall,
Wood,
Yeiser—24.

The House refused to reject the bill.

Mr. McMullin moved to read the bill a second time.
Agreed to.
Mr. Brush moved to refer the bill to the Committee on Federal Relations.
Not agreed to.
Mr. Wohler moved to refer it to a committee of thirteen.
Not agreed to.
Mr. Lyons moved to refer the bill to a committee of the whole House.
Not agreed to.
Mr. Law moved to refer the bill to a committee of ten.
Not agreed to.
Mr. Brush moved to refer to the Judiciary Committee.
Not agreed to.
Mr. McMullin moved to refer the bill to a committee of seven.
No quorum voted.
Mr. Dameron moved to lay the bill upon the table.
Agreed to.
Mr. Fowler moved to re-consider the vote of Saturday last, which passed a bill in reference to a Guager for San Francisco.

Upon which motion, Messrs. Ten Broeck, Kipp and Wohler, demanded the ayes and nays.

Those who voted to re-consider were—

Messrs. Caldwell,
Colby,
Cook,
Crittenden,
Cutler,
Fowler,
Gardiner,
Hinchman,
Hopkins,
McMeans,
Orrick,
Paxton,
Stevenson,
Wall—14.

Those who voted against re-consideration were—

Messrs. Blanchard,
Boggs,
Brush,
Canney,
Chauncey,
Coffroth,
Dameron,
Fleming,
Graham,
Ingersoll,
Jones,
Kipp,
Law,
Lyons,
McKim,
McMullin,
Merritt,
Pearce,
Ridley,
Smith,
Stark,
Ten Broeck,
Wing,
Wohler,
Yeiser,
Young,
Speaker—27.

The House refused to re-consider.

Mr. McKim moved to take up a bill in reference to a division of the County of Calaveras.

Not agreed to.

Mr. Paxton moved to re-consider a vote taken on Saturday last in reference to the Recorder and Clerks' offices of Tuolumne County.

Mr. Canney moved to adjourn.

Not agreed to.

Mr. McMeans moved to indefinitely postpone the motion to re-consider.

Not agreed to.

Mr. Fowler moved a call of the House.

Not agreed to.

Mr. Fowler moved to adjourn.

Not agreed to.

The question was then taken upon a re-consideration, upon which, Messrs. Fowler, Canney and Wood, demanded the ayes and nays.

Those who voted to re-consider were—

Messrs. Blanchard,
Brush,
Coffroth,
Colby,
Crittenden,
Fleming,
Gardiner,
Kipp,
Law,
Lyons,
Merritt,
Paxton,
Pearce,
Smith,
Ten Broeck,
Wing,
Wohler,
Young,
Speaker—19.

Those who voted against re-consideration were—

Messrs. Boggs,
Canney,
Caldwell,
Cook,
Crabb,
Dameron,
Fowler,
Graham,
Hinchman,
Hopkins,
Ingersoll,
Jones,
McMeans,
McMullin,
Orrick,
Ridley,
Stark,
Stevenson,
Wall,
Wood,
Yeiser—21.

The House refused to re-consider.

Mr. Crittenden made the following report:

I am directed, by the Committee on the Judiciary, to report to the Assembly, the accompanying Act to revise the "Act to regulate proceedings in civil cases in the Courts of Justice of this State," approved April 29, 1851, and recommend its passage.

And, on his motion, so much of the bill as changes the former law, was ordered to be printed two hundred and forty copies.

The unfinished business from Saturday, taken up. The question pending was to print five hundred copies of the Governor's Message.

Mr. Wood moved to lay the subject of printing the Message, upon the table.

No quorum voted.

Mr. Lyons moved that five hundred copies be printed, provided no charge is made by the printer for composition.

No quorum voted.

Messrs. Lyons, Canney and McMeans, demanded the ayes and nays.

Those who voted to print were—

Messrs. Blanchard,
Canney,
Coffroth,
Law,
Lyons,
McMeans,

Messrs. Colby,	Messrs. Paxton,
Dameron,	Pearce,
Fleming,	Ridley,
Gardiner,	Ten Broeck,
Ingersoll,	Young,
Kipp,	Speaker—18.

Those who voted against printing were—

Messrs. Boggs,	Messrs. Jones,
Caldwell,	McMullin,
Cook,	Orrick,
Covarrubias,	Smith,
Crittenden,	Stark,
Cutler,	Stevenson,
Graham,	Wing,
Hinchman,	Wood—16.

So the House decided to print five hundred copies.

On motion of Mr. Blanchard, at 3 o'clock, P. M., the House adjourned until 10 o'clock to-morrow.

HOUSE OF ASSEMBLY.

TUESDAY, April 6, 1852.

House met pursuant to adjournment.

The roll was called by the Clerk, and the following members found absent:—Messrs. Coats, Colby, Covarrubias, Crittenden, Ford, Hopkins, Kipp, McConaha, McKim, Merritt, Peachy, Pearce, Taliaferro, Tucker, Turner, Wohler and Yeiser.

The Journal of Monday, 5th instant, read and approved.

The Speaker announced the House ready to proceed to business.

Mr. Wood made the following report:

The committee, to whom was referred an Act to fund the debt of the County of San Francisco, having examined the same, report it back without amendment, and recommend its passage.

The bill was then considered as engrossed, read a third time and passed.

Mr. Hinchman made the following report:

The Judiciary Committee, to whom was referred a bill to amend section one hundred and forty-two, of an Act concerning crimes and punishments, report back the same with an amendment, and recommend its passage.

Amendment agreed to.
Bill considered as engrossed, read a third time and passed.

Mr. Coffroth made the following report from a Select Committee, upon the subject of Salaries of Officers and Pay of Members of the Assembly:

The committee, to whom was referred "an Act concerning the Salaries of Officers and Pay of Members of the Legislature," having had the same under consideration, submit the following report:

In order to establish the rates of salaries for the various officers paid by the State, it is necessary to take into consideration the amount of time, talent and labor necessarily devoted to official duties, having in view also the relative positions of the several officers to be provided for.

That the salaries of all officers in California should be higher than the same class of officers in other States, arises from the well known fact, that in no other part of the world does labor command so high a price as here, nor are the expense of living elsewhere so exorbitantly high. Whenever, therefore, the time and talents of our fellow-citizens are withdrawn from private pursuits and devoted to the public weal, it is but ordinary justice that time and that talent should be fairly paid for out of the public coffers.

"There is no tax that the American people pay more cheerfully than that which is imposed for the suitable maintenance of their public servants, who faithfully, ably and honestly perform the duties imposed upon them.

Industry and the ability commensurate to the performance of any laudable pursuit uniformly, and should always, receive a suitable reward.

That "the laborer is worthy of his hire," is as true now as it was eighteen centuries ago, when this sentiment was promulgated, and the converse of the proposition is equally true, that the indolent are unworthy of compensation.

Upon the organization of our State Government the salaries of officers were high, and we shall not attempt to controvert a generally known fact, that much money has been profusely, if not improvidently, disbursed under legislative provisions, for trivial services rendered the public in consideration of the same. Nor is an equally well known fact less concealed, that, from the high rates of former salaries we have in some instances at least verged into the opposite extreme of providing the most meagre salaries for some of our public officers, or no salaries at all.

The one extreme is as culpable as the other, and in order the better to illustrate our views, and the positions which we have taken, let us appeal to the past and to the present situation of the salaries of the State officers, from the Governor down, and by these means and by comparison we shall see that inequalities exist that need the corrective hand of legislation.

GOVERNOR'S SALARY.

Under Act of 1850, $10,000 per annum, or $27 39 per day.
Paid to Governor, under this Act:—

Salary from organization of Government to June 30th, 1850,	$2,766 39
Ditto to June 30th, 1851,	12,500 00
From June 30th, to Jan. 1st, 1852,	5,000 00
	$20,266 39

Rate of salary per annum, under existing laws, $6,000, or $16 43 per day.

GOVERNOR'S PRIVATE SECRETARY.

Salary from the organization of Government to Jan. 1st, 1852,	$3,453 33
Salary per annum,	2,000
Salary per day, about,	5 50

SALARY OF SECRETARY OF STATE.

Under Act of 1850, $7,000 per annum, or $19 18 per day.

Paid salary from creation of office 1850, to Jan. 1st, 1852,	$14,167 45
Clerk hire from creation of office to Jan. 1st, 1852, at $300 per month, or $3,600 per annum,	7,697 00
	$21,864 45

Rate of Secretary's salary under existing law, $3,500 per annum, or $9 64 per day.
Salary of Clerk $1,700 per annum, or $4 65 per day.

SALARY OF TREASURER.

Under Act of 1850, $9,000 per annum, or $24 65 per day.

Paid salary from creation of office 1850, to Jan. 1st, 1852,	$18,166 00
Clerk hire from creation of office to Jan. 1st, 1852, at $300 per month, or $3,600 per annum,	5,525 02
	$23,691 02

Rate of salary under existing law, $5,000 per annum, or $13 69 per day.
Salary of Clerk, $1,700 per annum, or $4 65 per day.

SALARY OF COMPTROLLER.

Under Act of 1850, $8,000 per annum, or $21 91 per day.

Paid salary from creation of office 1850 to Jan. 1st, 1852,	$16,147 91
Clerk hire from creation of office to Jan. 1st, 1852, at $300 per month, or $3,600 per annum, - - -	4,342 73
	$20,490 64

Rate of salary under existing law, $5,000 per annum, or $13 69 per day.
Salary of Clerk, $1,700 per annum, or $4 65 per day.

SALARY OF SURVEYOR GENERAL.

Under Act of 1850, $7,500 per annum, or $20 54 per day.

Paid salary from creation of office 1850 to Jan. 1852,	$13,263 68

Rate of salary under existing law, $500 per annum, or $1 36 per day.

SALARY OF ATTORNEY GENERAL.

Under Act of 1850, $7,000 per annum, or $19 19 per day.

Paid salary from creation of office 1850, to Jan. 1st, 1852,	$10,254 62

Rate of salary under existing law, $1,000 per annum, or $2 73 per day.

SUPERINTENDENT OF PUBLIC INSTRUCTION.

No salary yet established.

Clerk hire, - - - - - -	$600 00

SALARIES OF THE JUDGES OF THE SUPREME COURT.

Salaries of Judges under law of 1850, $10,000 each, per annum, or $27 40 each, per day.

Salaries paid to Jan. 1852, about - - -	$52,219 17

SALARIES OF THE QUARTER-MASTER GENERAL.

Paid J. C. Morehead, - - - - -	$1,910 95
" W. M. Richardson, - - - -	2,000 00
	$3,910 95

The law in relation to the Militia, Section 17, provides, that this officer

shall receive the annual salary of $1,000, to be paid out of the Military Fund. No moneys having accrued to this fund, the above salaries were paid out of the General Fund, by special appropriations.

SALARY OF STATE TRANSLATOR.

Under Act of 1850, $8,000 per annum, or $21 91 per day.
Salary paid under this Act, - - - - $10,165

By an Act passed March 15, 1851, the mode of compensating this officer is changed, and the previous Act repealed.

SALARIES OF THE DISTRICT JUDGES AND ATTORNEYS.

From the organization of the Courts to June 30th, 1851,		$80,010 83
Under the existing salary bill—		
Eight of the District Judges receive, each, per annum,	-	$5,000
Two of them receive, each, per annum, - -	-	3,000
One of them receives, per annum, - -	-	4,000
Three of the District Attorneys receive, per annum,	-	1,500
Eighteen " " " "	-	1,000
One " " " "	-	2,000
Four " " " "	-	500

LEGISLATIVE DEPARTMENT.

Two Chaplains,—salaries paid during the first session of the Legislature, at the rate of $16 per day in each House, - $4,096
No Chaplain second Session.
Third Session, Chaplain in Senate, at $16 per day.

SENATE.

Lieutenant-Governor:—
Salary per day during the Session of the Legislature for the years 1850 and 1851, $32.

Paid for Session 1850, one hundred and twenty-eight days,	$4,096 00
" " 1851, one hundred and fifteen days,	3,680 00
	$7,776 00

Present salary, per day, $15.
The Act concerning the salaries of officers, passed May 1st, 1851, gives the Lieutenant Governor $15 a day during the year, which will amount an-

nually, to $5,475. At $32 per day, salary will amount to $11,680 per annum.

Chief Clerk of Senate, during the session of 1850 and 1851, received $25 per day, or at the rate of $9,125 per annum.

The Assistant Clerk received the same pay.

Paid Chief Clerk, first session,	$3,200 00
" " " second "	2,875 00
Donation by resolution of Senate,	500 00
	$6,575 00

Porters of the Senate received during the sessions of 1850 and 1851, $12 per day, or at the rate of $4,380 per annum; other officers of the Senate from $16 to $22 per day.

SENATE.

Expenses per day of the Senate during the session of 1852:—

Chaplain, per day,	$16 00
President, per day,	15 00
Seven Senators, at $16 each per day,	112 00
Twenty " " 5 " "	100 00
One Clerk, " 22 " "	22 00
One Clerk and Sergeant-at-Arms, each per day, $20,	40 00
Four Clerks, at $16 each per day,	64 00
Five " " 17 " "	85 00
Two Porters, at 14 " "	28 00
Two Pages, " 13 " "	26 00
Cost per day,	$508 00

Cost per hour, allowing sessions of six hours per day, $84 66⅔; Pages' salaries, at $13 per day, is at the rate of $4,745 per annum.

HOUSE OF ASSEMBLY.

Speaker of the House, the same as Lieutenant-Governor for the years 1850 and 1851,	$7,776 00
Present salary per day, at the rate of	
Per annum, $5,475.	

Expenses per day of the House during the session of 1852:—

Speaker, per day,	15 00
Sixty-three members, at $5 each per day,	315 00
One Clerk,	20 00
Eight Clerks, each per day $18,	144 00
Four employees, each per day $16,	64 00
Two Pages, " " $10,	20 00
Three Porters, " " $10,	30 00
Cost per day,	$608 00

Cost per hour, allowing session of six hours per day, $99 66⅔.

Pages' salary, at $10 per day, is at the rate of $3,600 per annum.

From the foregoing statistics it will be noticed that the highest sum that has ever been paid a State officer is at the rate of $11,680 per annum, or $32 per day; and the lowest rate of payment to any officer is $500 per annum, or $1 36 per day. The highest rate now paid is to the Chief Justice of the Supreme Court, $10,000 per annum, or $27 40 per day; and the lowest, that of the Surveyor-General, $500 per annum, or $1 36 per day.

To the three Clerks of the offices of Secretary of State, Treasurer and Comptroller, is now paid $1,700 per annum, an amount equal to that paid Committee Clerks for three months' service.

The Pages of this House are paid $10 each per day, while the Attorney-General receives $2 75, the Surveyor-General $1 36, and the Superintendent of Public Instruction not a farthing. Is this dealing out equal and exact justice? Ought we to permit State officers, who have important duties to perform, and are required to live at the Capitol, be paid such contemptible salaries? Is it policy, is it wisdom, is it common sense, to run from the former exorbitant rates of salaries into the opposite extreme? What incentives have your public servants to laudable exertion, when treated in this wise? Because a former Surveyor-General wrote two short reports, comprised in three pages, and received for his services $13,263 68 salary, and $4,165 for contingent expenses—making, in the aggregate, $17,428 68. Should we disgrace the statute book by the present salary provided for this officer, and even the office itself? Have we no use for the services of this officer? Cast up the bills of the contested seats during the present session, which have arisen from doubts as to where the county boundary lines run, and consider whether a small appropriation might not be properly made towards defraying the expenses of a State Map. The cost of the contested elections of Messrs. Harper, Denver, Lisle, Hawks and McCandless, according to unofficial information, amount to $19,426 00. Is not this officer needed in selecting the School Lands and in surveying our rich Tule Meadows? Should we not have maps of the public domain belonging to the State? and who should make them, and where should they be kept but in the Surveyor-General's office? Has not the present Surveyor-General given evidence of his ability, in his report to this Legislature, and willingness to work? How much will he receive for this important State paper? Less, by one-half, than the clerk for copying it on to the Journals. Then change the salary bill from $500, and make it what it should be, $4,000 per annum.

Change, also, the salary of the Attorney-General, and place it at a figure above the pay of a Page or a Porter. He has numerous and important duties to perform. Look at the Act creating his office, pointing those duties out, and other Laws now on their passage through the Legislature.

What shall we say of the officer who is at the head of the School Department? Is the subject of Common Schools one of no interest or importance to the people in this State? Are there no children to educate? Look at the Superintendent's Report of 1851 and that of 1852, at the passenger

lists of our almost daily arrivals of vessels, bringing fathers, mothers, and children, who have come to make California their homes! What encouragement have we given to schools up to this period in the history of our legislation? Has this officer shown any lack of industry, or manifested any want of interest in the great subject of popular education? His Reports—the large and valuable collection of legislative and educational works, collected in his office during the past year—his extensive correspondence with the friends of education in this State, and all of those States east of the mountains—his contribution to the School Fund—do not indicate it. What encouragement has he had in his labors thus far? Not a dollar of salary has been appropriated, no adequate provision been made, to meet the actual and necessary expenses of his office. Packages of school books and works upon education, donated or sent in exchange from the other side of the mountains, are now lying at an express office for want of means to pay the freight, and the Superintendent is actually paying his own office rent for want of a suitable appropriation to meet the expenditure.

Your committee, therefore, in consideration of these facts, believe that the bill referred to them for consideration should become a law. It reduces the salaries of two of the Judges of the Supreme Court from seven to six thousand dollars per annum. It fixes the pay of members of the Legislature at $10 per day. It provides that no officers or employees of either branch of the Legislature shall hereafter receive more than $10 per diem. It would be a little difficult to show upon what ground the man who lights the lamps in this hall should receive more than the members upon the floor. In the aggregate the salaries in this bill will not amount to more than by the Act of last year. This bill equalizes the salaries and provides for a great retrenchment in the pay of Clerks, Pages and Porters. All of these subjects require legislation, and are provided for in this bill.

The committee have made several amendments to the bill, to which they respectfully ask the concurrence of the House.

JAS. W. COFFROTH, Chairman;
GEO. O. McMULLIN,
E. F. W. ELLIS.

Bill laid upon the table and two hundred and forty copies of the report ordered to be printed.

Mr. Coffroth offered the following:

Resolved, By the Assembly, the Senate concurring, that this Legislature will adjourn, sine die, on Monday the 19th inst.

Mr. Wood moved to lay the resolution upon the table.

Agreed to.

Mr. Paxton offered the following, which was adopted:

Resolved, That Tuesday, Wednesday and Thursday, of this week, be set apart to dispose of the unfinished business on the Speaker's desk and Clerk's table.

On motion of Mr. Wood, the House proceeded to consider an Act en-

titled an Act to define the duties of County Clerk. It was amended, considered as engrossed; read a third time, and passed.

The following message was received from the Governor:

I have, this day, approved the following bills:

An Act entitled an Act for the relief of James L. Bolen:

An Act entitled an Act to amend the seventeenth section of the Act concerning Forcible Entry and unlawful Detainer:

Also, resolution granting leave of absence to W. Van Voorhies, Secretary of State.

JOHN BIGLER.

The following was also received from the Governor:

To the Senate and Assembly,
of the State of California:

I have the honor herewith to transmit for your consideration a communication from the Governor of Alabama, and Joint Resolutions passed by the Legislature of the same State on the 6th of February, 1852, in reference to the construction of a Ship Canal across the peninsula of Florida.

JOHN BIGLER.

Resolutions of the Legislature of Alabama, referred to Committee on Federal Relations.

The following was also received from the Governor:

I have the honor herewith to transmit a report and resolutions, adopted at a meeting of citizens of this State, held in Washington City, District of Columbia, in reference to the Block of Gold-bearing Quartz, furnished by the State of California, to be placed in the Washington National Monument.

JOHN BIGLER.

Proceedings of the meeting referred to Committee on Federal Relations.

The Speaker laid before the House a report of the Board of Inspectors. Two hundred and forty copies of the report ordered to be printed.

The following message was received from the Senate:

Mr. Speaker:

I am directed to inform the Assembly, that the Senate have, this day, passed Assembly bill for "an Act supplementary to the Act incorporating the city of Marysville," with amendments as therein noted, to which the concurrence of the Assembly is respectfully asked:

Also, that the Senate did, on yesterday, pass Assembly bill, for "an Act

for the relief of the indigent sick of San Diego," with an amendment as therein noted.

A. C. BRADFORD,
Secretary of the Senate.

April 2d, 1852.

An Act supplementary to an Act, incorporating the city of Marysville, amended in the Senate.

Amendment concurred in by the House.

Mr. McMullin gave notice, that on to-morrow, or some future day, he would introduce a bill to authorize William Morehead, Thomas Palmer and Company, to collect tolls on a bridge across Trinity River in Trinity County.

Mr. Crabb made the following report:

The Special Committee composed of the delegation from San Joaquin County, to whom was referred the Act to re-incorporate the city of Stockton, have had the same under consideration, and report back the accompanying substitute, and recommend its passage.

Substitute considered as engrossed; read a third time and passed.

The following message was received from the Senate:

Mr. Speaker:

I am directed to inform the Assembly, that the Senate did, on the 31st of March, pass a bill, for "an Act to prevent certain public nuisances:"

Also, "an Act for the relief of Cook and Lecount:"

And that they did, on yesterday, pass Assembly bill, for "an Act to amend an Act entitled an Act to incorporate the city of Sacramento:"

Also, Assembly "Joint Resolution of instruction to our Senators and Representatives in Congress, relative to levying and collecting a tonnage tax for Hospital purposes:"

And also, that the Governor did, on yesterday, return to the Senate "an Act for the distribution of the Laws of 1850 and 1851," with his objections to same becoming a law; and that the Senate refused to pass the bill contrary to the objections of the Governor:

Also, that the Senate did, on yesterday, pass "an Act to authorize James L. Freanor to construct a wagon road, from Sacramento Valley to Oregon line, and to regulate the tolls to be collected on the same."

A. C. BRADFORD,
Secretary of the Senate.

April 3d, 1852.

Senate Bill, an Act to prevent certain public nuisances.

Read a first and second time, and referred to Committee on Corporations.

Senate bill, an Act for the relief of Cook and Lecount,

Read a first and second time, and referred to Committee on Claims.

Senate bill, an Act to authorize James L. Freanor to construct a wagon road from Sacramento Valley to Oregon line,

Read a first and second time, and referred to a Special Committee of five. Messrs. Coffroth, Fleming, Coats, McMullin and Cook, were appointed said committee.

On motion of Mr. Crittenden, the House resolved itself into Committee of the Whole, Mr. McMullin in the chair, to consider a bill to be entitled an Act to organize the Courts of Justice of California. After spending some time in its consideration and making sundry amendments thereto,

On motion of Mr. Crittenden, the committee rose, reported the bill as amended, and asked to be discharged from its further consideration.

Committee was discharged.

Mr. Merritt moved a call of the House.

The call was sustained.

The Clerk then called the roll, and the following members were absent:—Messrs. Blanchard, Chauncey, Coats, Coffroth, Covarrubias, Ford, Gardiner, Graham, Hopkins, Hudspeth, Ingersoll, Kipp, McKim, Peachy, Pearce, Smith, Ten Broeck, Wall and Wohler.

On motion, leave of absence was granted to Mr. Coffroth.

On motion of Mr. Tucker the Sergeant-at-Arms was dispatched after absentees.

Mr. Merritt moved to dispense with further proceedings under the call.

Not agreed to.

On motion, Messrs. McKim and Wohler were admitted within the bar of the House.

On motion of Mr. Crittenden, further proceedings under the call was dispensed with.

On motion of Mr. Crittenden, the House concurred in the amendments made in Committee of the Whole.

Mr. Colby moved to insert "Sacramento," in the fifty-seventh section.

Agreed to.

Mr. Wood moved to amend the fifty-seventh section, twenty-sixth line, by inserting after the word limited, the words "in the Counties of Sacramento and Sonoma," and after word dollars, in twenty-seventh line, insert, "in the County of San Francisco three hundred dollars."

Not agreed to.

Mr. Colby, chairman, made the following report:

The Joint Committee on Enrollment have examined and found correctly enrolled an Act concerning the Supreme Court.

Joint Resolutions in regard to Mail Contracts.

Joint Resolutions of Instructions in relation to levying and collecting a a Tonnage Tax for Hospital purposes.

Also, Joint Resolution relative to Volunteers informally enlisted in the United States service.

On motion, leave of absence was granted to Mr. Graham for the remainder of the present session.

Mr. Hammond moved to take from the table a resolution, offered this day, to adjourn sine die.

Agreed to.

Upon the passage of the resolution, Messrs. Brush, Wood and Stark demanded the ayes and nays.

Those who voted for the passage of the resolution were—

Messrs. Blanchard,
Caldwell,
Coffroth,
Cook,
Crabb,
Dameron,
Fleming,
Ford,
Fowler,
Hinchman,
Hudspeth,
Jones,
Law,
McMeans,
Merritt,
Orrick,
Paxton,
Ridley,
Smith,
Stark,
Stevenson,
Taliaferro,
Thompson,
Wohler,
Wood,
Young,
Speaker—27.

Those who voted against the passage were—

Messrs. Boggs,
Brush,
Canney,
Coats,
Colby,
Cutler,
Gardiner,
Lyons,
McKim,
McMullin,
Wing,
Yeiser—12.

So the House passed the resolution.

Mr. Wood gave notice that he would move, on to-morrow, a re-consideration of the vote just taken.

Mr. Merritt moved that the bill, providing for the establishment of a General State Hospital, be made the special order for to-morrow, immediately after the reading of the Journal.

Agreed to.

Mr. Wohler introduced a bill amendatory of an Act to authorize the funding of the Floating Debt of San Francisco.

Read a first and second time.

A bill for an Act authorizing the Comptroller of State to return to Major James Burney the War Loan Warrants paid by him to the Comptroller, and extending the time of payment.

Read a third time and passed.

Mr. McMeans moved to take up a bill, 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 incurred in suppressing Indian hostilities in the County of El Dorado, in this State; made the special order for Thursday next.

Senate bill, an Act to legalize acknowledgments of deeds taken before, and certified by, County Recorders.

Read a first, second and third time and passed.

Senate bill, an Act concerning the deposit of Gold Dust, Money, or other

valuables, and to prevent fraud therein; taken up and made the special order for Thursday next, at 2 o'clock.

An Act entitled an Act to amend section first of an Act to regulate Rodeos; on its second reading;

On motion of Mr. Hinchman, it was indefinitely postponed.

Senate bill, an Act to Fund the Debt of the County of Calaveras, and provide for the payment thereof,

Read a first and second time and referred to Delegation from Calaveras County.

Senate Joint Resolutions of Instructions to our Senators in reference to the action of the Congress of the United States on Public Lands in this State, and the Treaties made by the United States Indian Commissioners with the Indians of this State.

Read a first and second time and referred to Committee on Indian Reservations and on Public Lands.

Senate bill, an Act concerning the collection of certain Taxes from vessels trading within the waters of the State of California, and in relation to suits therefor.

Read a first and second time and referred to Committee on Commerce.

A bill to be entitled an Act to provide for the payment of the salary of the Adjutant Generals; on its third reading;

On motion of Mr. Merritt, it was re-committed to Committee on Claims.

An Act to fix the place of holding the Supreme Court;

On motion, was indefinitely postponed.

Senate bill, an Act prescribing the mode of maintaining and defending possessory actions on Public Lands in this State.

Read a first and second time and referred to Judiciary Committee.

Mr. Wall introduced a bill to amend an Act to apportion Senatorial and Assembly Districts.

Read a first and second time and referred to Judiciary Committee.

On motion of Mr. Fowler, the House resolved itself into Committee of the Whole, Mr. Fowler in the chair, to consider a bill for an Act concerning Estray Animals. After spending some time in its consideration, and making amendments thereto,

On motion of Mr. McMullin, the committee rose, and reported the bill back as amended, and recommended its indefinite postponement, and asked to be discharged from the further consideration of the subject.

The committee was discharged.

The vote was then taken and the bill indefinitely postponed.

On motion of Mr. Wood, one hundred copies of a bill to divide the State of California, was ordered to be printed.

Mr. Chauncey made the following report:

Your Committee on Engrossed Bills have examined and found correctly engrossed the following bills:

A bill for the relief of Thomas H. Coats;

Also, a bill entitled an Act to appoint Commissioners to lay out a State Road from Marysville to Humboldt River.

On motion of Mr. Fowler, at 5 o'clock, P. M., the House adjourned until 10 o'clock, to-morrow.

HOUSE OF ASSEMBLY.

WEDNESDAY, April 7, 1852.

House met pursuant to adjournment.

The roll was called by the Clerk, and the following members found absent:—Messrs. Canney, Chauncey, Covarrubias, Crittenden, Gardiner, Lyons, Taliaferro and Yeiser.

The Journal of Tuesday, 6th of April, read and approved.

The Speaker announced the House ready to proceed to business.

Mr. Crabb made the following report:

The Select Committee, composed of the delegation from San Joaquin County, to whom was referred a bill for an Act to fund the debt of the county of San Joaquin, and provide for the payment thereof, have had the same under consideration, and report it back with the accompanying substitute, to be entitled, an Act to provide for funding the debt of San Joaquin County, for the payment of the interest thereon, and for the gradual liquidation of the debt, and recommend the passage of the said substitute.

The substitute was adopted; considered as engrossed; read a third time and passed.

Mr. Coffroth made the following report:

The undersigned, from the Judiciary Committee, to whom was referred an Act to provide for appeals in certain cases, report the same back with amendments, and recommend its adoption.

Mr. Wood moved to re-consider the vote of yesterday on the passage of a resolution to adjourn.

Upon which motion, Messrs. Wohler, Chauncey and McKim, demanded the ayes and nays.

Those who voted to re-consider were—

Messrs. Canney,	Messrs. McKim,
Caldwell,	McMullin,
Chauncey,	Wood,
Coats,	Yeiser—9.
Graham,	

Those who voted against re-consideration were—

Messrs. Blanchard,	Messrs. McMeans,
Boggs,	Merritt,
Brush,	Orrick,
Coffroth,	Paxton,
Crabb,	Peachy,

Messrs. Crittenden,
Cutler,
Dameron,
Fleming,
Fowler,
Hinchman,
Hopkins,
Hudspeth,
Ingersoll,
Jones,
Kipp,
Law,
Lyons,
Pearce,
Ridley,
Smith,
Stark,
Stevenson,
Taliaferro,
Ten Broeck,
Thompson,
Wing,
Wohler,
Young,
Speaker—35.

The House refused to re-consider the vote.

Mr. Tucker presented a petition from citizens of Sacramento, praying for an amendment to the city charter.

Referred to delegation from Sacramento.

On motion of Mr. Merritt, the House resolved itself into Committee of the Whole, Mr. Fowler in the chair, to consider a bill to create a General State Hospital. After spending some time in the consideration of the bill, and making amendments thereto,

On motion of Mr. Canney, the committee rose, reported the bill back, amended, and asked to be discharged from the further consideration of the subject.

Committee discharged.

Mr. Wood moved a call of the House.

Call sustained.

On motion of Mr. Brush, further proceedings under the call were dispensed with.

Mr. McMeans moved to concur generally in the amendments made in Committee of the Whole.

Agreed to.

Mr. Crabb moved that the bill be considered as engrossed, and put upon its third reading.

Agreed to.

Mr. Ten Broeck moved a call of the House.

Call was sustained.

The Clerk then called the roll, and the following members were absent: Messrs. Boggs, Canney, Cutler, Ford, Jones, McConaha and McKim.

Mr. Wood moved to dispense with further proceedings under the call.

Agreed to.

Upon the passage of the bill, Messrs. Wohler, Chauncey and Merritt demanded the ayes and nays.

Those who voted for the passage of the bill were—

Messrs. Blanchard,
Boggs,
Brush,
Ingersoll,
Law,
McMeans,

Messrs	Canney,	Messrs.	Paxton,
	Coats,		Pearce,
	Fleming,		Stevenson,
	Fowler,		Tucker—14.

Those who voted against its passage were—

Messrs	Caldwell,	Messrs.	McKim,
	Chauncey,		McMullin,
	Coffroth,		Merritt,
	Colby,		Orrick,
	Cook,		Peachy,
	Covarrubias,		Ridley,
	Crabb,		Smith,
	Crittenden,		Stark,
	Dameron,		Taliaferro,
	Ford,		Ten Broeck,
	Gardiner,		Thompson,
	Graham,		Wall,
	Hinchman,		Wing,
	Hopkins,		Wohler,
	Hudspeth,		Wood,
	Jones,		Yeiser,
	Kipp,		Young,
	Lyons,		Speaker—36.

The House refused to pass the bill.

The following message was received from the Governor:

I have this day signed Joint Resolutions of Instructions to our Senators and Representatives in Congress, relative to the levying and collecting a Tonnage Tax for Hospital purposes.

Also, Joint Resolutions in regard to Volunteers informally enlisted in the United States service.

Also, an Act entitled an Act concerning the Supreme Court.

JOHN BIGLER.

Mr. Peachy introduced a bill, an Act for the relief of L. Maynard.

Read a first and second time, considered as engrossed, read a third time and passed.

Mr. Brush moved to adjourn.

Not agreed to.

The following report was made by Mr. Boggs from Select Committee:

The undersigned, a member of the Select Committee, to whom was referred the "Assembly bill concerning the salaries of officers and pay of the members of the Legislature," begs leave to dissent from so much of the report and bill as reported by the majority of said committee as contemplates

allowing an annual salary of five thousand dollars to each of the offices of Surveyor-General and Superintendent of Public Instruction, for the reason that this State has in reality no need of them, especially for the office of Surveyor-General, that officer having already been provided by the General Government for each of the States in which the Public Lands of the United States are situated, (including California); and it is idle and absurd to entertain for a moment the proposition that the Government of the United States will ever recognize any surveys made under the authority of any of the States. The Government of the United States have established a certain system or mode of surveying the public domain of the United States in the several States in which such lands are situated, which system has been in operation for the last thirty or forty years; it is ridiculously absurd, therefore, to suppose that the Government of the United States will suffer that system to be interfered with by any other authority.

The office, therefore, of Surveyor-General should be abolished; but as it is an office created by the Constitution, it consequently cannot be abolished by an ordinary legislative enactment. Nor can the salary be either increased or diminished during the term of its incumbency. The last Legislature fixed the salary of this officer at five hundred dollars per annum, which will be the salary of the present incumbent until the end of his present term of office, unless the Supreme Court should decide that law to be unconstitutional; in that event, the salary allowed his predecessor will govern in his case. The proposition in the present bill, which the undersigned dissents from, allowing to the Surveyor-General the sum of five thousand dollars per annum, is intended to apply to the Surveyor-General who is to be elected after the expiration of the term of the present incumbent. Seeing no probability of any increase of duties to devolve upon that officer to justify any increase of salary, the undersigned would respectfully recommend to the House to strike out of the bill the sum of five thousand dollars as the salary of the Surveyor-General, and insert the sum of five hundred dollars in its stead.

There being no necessity at this time for the office of Superintendent of Public Instruction, the State having as yet no funds available for public schools, and no proper school system established that would render it necessary to provide a salary for an officer of that kind, and as the last Legislature did not think proper to provide any pay for that officer, doubtless for the reason that his services were not needed or would be of any public utility. The undersigned believes that it would be right and proper that, so far as the salary of that officer concerned that it should be left to the decision of next Legislature, more especially as it cannot affect the interests of the present worthy incumbent, whose services have all been of a gratuitous character. The undersigned would therefore recommend the striking out of the bill, all that portion proposing to allow to the Superintendent of Public Instruction a salary of five thousand dollars per annum.

All of which is respectfully submitted.

L. W. BOGGS.

The following message was received from the Senate:

Mr. Speaker:

I am directed to inform the Assembly that the Senate passed, on the 5th instant, an Act to create the County of Sierra, establish the Seat of Justice therein, to define its boundaries, and provide for its organization:

And passed, this day, Assembly bill for the relief of M. Dougherty, with an amendment, as therein shown:

And also Assembly bill for an Act for the relief of Thomas H. Coats, with an amendment, as therein noted.

A. C. BRADFORD,
Secretary of the Senate.

Amendment made in the Senate to an Act for the relief of Thomas H. Coats, concurred in by the House.

Senate amendment to a bill for the relief of M. Dougherty, concurred in by the House.

Senate bill for an Act to create the County of Sierra, establish the Seat of Justice therein.

Read a first, second and third time and passed.

Mr. Tucker moved to adjourn.

Not agreed to.

Mr. Wall moved to take a recess until 6 o'clock.

Not agreed to.

Assembly bill to be entitled an Act to repeal the third section of an Act concerning County Recorders, passed March 26th, 1851, and to amend the fifteenth section of the same Act.

Read a first and second time, considered as engrossed, read a third time and passed.

Mr. Merritt presented an account of C. H. Veeder against the State.

Referred to Committee on Claims.

On motion of Mr. Merritt, a bill to Fund the Debt of the State was made the special order for Friday next.

A report was read from the Committee on Enrolled Bills, which the Speaker, Mr. McMullin in the chair, decided not in order.

Mr. Hammond offered the following:

Resolved, (the Senate concurring) That a Committee of the two Houses be appointed to take into consideration and report what shall be done in respect to a bill passed by both Houses, and directed to be enrolled, but which bill, as passed, is incorrect in its date.

Mr. McMullin decided the resolution out of order.

From which decision Mr. Hammond appealed.

The chair then put the question, "Shall the decision of the chair be the judgment of the House?"

Upon which Messrs. Coffroth, Merritt and Fowler demanded the ayes and nays.

Those who voted to sustain the chair were—

Messrs. Boggs,	Messrs. McKim,
Brush,	McMeans,
Caldwell,	Merritt,
Coffroth,	Orrick,
Cook,	Pearce,
Cutler,	Taliaferro,
Fowler,	Wall,
Graham,	Wing,
Jones,	Wohler,
Law,	Yeiser—20.

Those who voted against the decision of the chair were—

Messrs. Chauncey,	Messrs. Lyons,
Coats,	McConaha,
Colby,	Paxton,
Covarrubias,	Peachy,
Crittenden,	Ridley,
Dameron,	Smith,
Fleming,	Stark,
Ford,	Stevenson,
Gardiner,	Thompson,
Hinchman,	Tucker,
Ingersoll,	Young,
Kipp,	Speaker—24.

So the House refused to sustain the chair.

Mr. Hammond moved the adoption of the resolution.

Agreed to.

On motion of Mr. Merritt, at 5 o'clock, P. M., the House adjourned until 10 o'clock, to-morrow.

HOUSE OF ASSEMBLY.

THURSDAY, April 8, 1852.

House met pursuant to adjournment.

The Clerk called the roll, and the following members were found absent: Messrs. Colby, Cook, Covarrubias, Dameron, Ford, Fowler, Gardiner, McKim, Peachy, Smith, Tucker and Wall.

The Journal of Wednesday, April 7th, read and approved.

The Speaker announced the House ready to proceed to business.

The following report was made by Mr. Taliaferro, chairman of Committee on Corporations:

Your committee, to whom was referred the interesting Senate bill concerning nuisances, have weighed it well, and beg leave to submit—

That the evident object of this bill is to be down upon defunct pigs, and other animals in the like situation. For by referring to it, we find it says that the carcasses of these creatures shall not lay in either river, creek, pond, road, street, alley, lot, field, meadow, or common. Now, we have had, from infancy up, great respect for things dead; and, entertaining such respectful sentiments, we cannot view with any other feeling than that of great horror the disposition this bill makes of that respectable class of inanimate beings. It cuts off all places of rest from these carcasses, and we *apprehend* that when the spirits of these animals shall have quit their earthly tabernacle, they will find their bodies as unsettled as their souls. Death is terrible, from the fact that, after death the soul goes to some strange, unknown place. This bill would render death doubly terrible to these pigs and other animals, because it sets adrift both their souls and bodies. It should be our earnest endeavor to soften the pangs of death, to smooth and rub off its rugged edges, not to increase them; and if we can make no provision for the soul, we should at least let the body alone. This is taking a corporate, but true view of the subject.

We are at a loss to understand the action of that grave and honorable body, the Senate, upon this bill. Did they think that these animals could do as Elijah of old did, quit this world in a chariot? or did they vest them with the powers Mahomet—that is, the capability of living half way between heaven and earth? or, in fine, had they in their mind's eye that portion of our globe to consign these creatures that your committee have very frequently heard spoken of in the prayers of a very reverend gentleman? We mean that part of our mundane sphere that the eye of God has never seen, or the foot of man has never trod.

Not thinking, resting, or having in our mind's eye any such impossibilities, we are opposed to the bill, for we are anxious that these carcasses should have some place of rest after their spirits have winged their way to remoter and higher parts.

We would therefore move the indefinite postponement of the bill, express-

ing the wish that these animals may go on, and live and die, as they have always been living, and dying.

A. TALIAFERRO, Chairman.

Senate bill, an Act to prevent certain public nuisances.
Reported back by committee and laid upon the table.

Mr. Peachy made the following report:

The Committee on the Judiciary, to whom was referred an Act of limitation of personal actions upon a cause of action which arose, or may hereafter arise, in another State or foreign country, report herewith a substitute to be entitled an Act defining the time of commencing civil actions in certain cases, and recommend its passage.

Mr. Crittenden made the following report:

The Committee on the Judiciary, to whom was referred the Act prescribing the mode of maintaining and defending possessory actions on public lands in this State, report the same back to the House with certain amendments, and recommend its passage as amended.

Mr. Stark made the following report:

Your Committee on Agriculture, to whom was referred certain Joint Resolutions concerning the Redwood Lands in this State, have had the same under consideration, and beg leave to report the same back with some amendments, and recommend its passage.

Mr. Stark made a farther report:

Your Committee on Agriculture, to whom was referred an Act concerning lawful Fences, and animals trespassing on premises lawfully enclosed, have had the same under consideration, and find that it differs but very little with a Law already upon our State books, and that to pass the present bill would not pay; therefore we, your committee, beg leave to report the same back to the House and recommend that it be indefinitely postponed.

Mr. Stark made a farther report:

Your committee, to was whom referred an Act to amend an Act concerning lawful Fences, and animals trespassing on premises lawfully enclosed, have had the same under consideration, and beg leave to report the same with an amendment, and recommend its passage.

Mr. Coffroth made the following report:

The Committee on Federal Relations, to whom was referred the special message of the Governor, recommending that an appropriation be made for the relief of immigrants travelling overland to California during the present year; also, Joint Resolutions authorizing the Governor to furnish supplies of

provisions, clothing, &c., to said immigrants, or to such of them as shall be in need of aid, beg leave to report,—

That, after a due consideration of the subject, they have determined to report a bill to this House, conformably to the recommendation contained in the Governor's special message. Your committee are deeply impressed with the importance of placing means at the disposal of the Executive, to be applied to the benevolent purposes expressed in his message. Objects, worthy of our sympathy and benevolence, can always be found among these immigrants, and your committee fully concur in the opinion expressed by the Executive, that a small appropriation of public money to be applied specifically to the purposes mentioned, will be regarded by our constituents "as a necessary and judicious exercise of State benevolence."

Your committee feel that they need not enumerate reasons to show the propriety of such a measure; they feel that it is unnecessary to remind the Assembly that, during past years, a little timely aid would have saved the lives of many immigrants, whose bones are now bleaching upon the sands of the desert. Death has placed them beyond the reach of our friendly aid; but we may still help the living, and perhaps relieve them from such sufferings. With that view, your committee ask leave to introduce the accompanying bill.

JAMES W. COFFROTH, Chairman.

An Act for the relief of immigrants travelling overland to California,

Read a first and second time, and referred to committee of the whole House, for Saturday next.

Mr. Orrick made the following report:

The Committee on Enrolled Bills, have examined the Act for the relief of Jesse D. Carr, and the Joint Resolution in relation to the establishment of a Branch Mint of the United States in this State, and report the same correctly enrolled; all of which is respectfully submitted.

Mr. Coats made the following report upon Senate bill, to authorize James L. Freaner to open a road:

The Special Committee, to whom was referred the Senate bill, to authorize James L. Freaner to construct a road from the Sacramento River to the Oregon line, have carefully considered the same, and herewith report it back without amendment, and recommend its passage.

Your committee deem it unnecessary to enumerate, in detail, the many advantages which would result to this State, by the construction of the proposed road. The bare perusal of the bill will recommend itself to the favorable consideration of every member on this floor.

Such road would open a direct wagon communication between the Sacramento valley, Shasta valley, the upper Klamath and Oregon. It would facilitate the introduction of quartz machinery into that region, which now has to be shipped from San Francisco to Oregon, and from thence conveyed on wagons, at immense expense, a distance of about four hundred miles, through a country abounding in hostile Indians. Such obstacles present many objections to the investment of capital in that species of enterprize, and would, if no wagon road should be established between the Shasta and

Sacramento valleys, forever prevent the working of vast stratas of gold-bearing quartz.

It would divert a trade amounting at present, to more than a million of dollars annually to the Sacramento Valley, which is now monopolized by Oregon, the authorities of which territory are unremitting in their exertions to facilitate intercourse and cheapen transportation to that section of country; and unless our State counteracts their exertions by the construction of a convenient wagon road, it will be almost totally deprived of a trade which, in the course of five years, will doubtless amount to six or seven millions of dollars.

In conclusion, your committee would state that the bill is clothed with such restrictions as to prevent any impositions upon travellers or persons engaged in any occupation. It is provided that five per cent. of the moneys collected for tolls on said road shall be paid into the State Treasury, which would be a permanent and accumulating source of revenue to the State. Such are but few of the many advantages which would flow from the construction of said road—considering the proverbial energy of character, and the acknowledged scientific attainments of Mr. Freaner, your committee have no hesitation in asserting their belief, that the condition provided in the bill would be strictly complied with. In a short period of time we would be gratified at beholding immense trains of wagons, freighted with miners' supplies, and traversing a mountainous region of country, now almost impassable for pack mules. An immense trade would be diverted to this State, which now flows to Oregon. A mining region of country as extensive as the Counties of El Dorado, Nevada, Placer and Yuba, would be brought into a close and speedy communication with the cities on the Sacramento River,

THOS. H. COATS,
JAMES W. COFFROTH,
SAMUEL FLEMING,
JOHN COOK.

Mr. Crittenden offered the following resolution which was adopted.

Resolved, That the Clerks of all the Committees, except the Committee on Indian Affairs, shall be discharged, and that the Clerk of the Assembly is authorized to employ assistant Enrolling and Engrossing Clerks when necessary.

Mr. Peachy made the following report:

Mr. Speaker:

The Committee on the Judiciary, to whom was referred "an Act to amend an Act entitled an Act to apportion the Senatorial and Assembly Districts," have the honor to report, that they have duly considered the subject submitted to them, and can see no reason why the apportionment fixed by law should be changed. The Constitution requires that representation shall be proportioned to the population, and directs that a census shall be taken of the inhabitants of the State in the years 1852 and 1855, and thereafter every ten years.

Your committee would, therefore, recommend that no change shall be made in the present apportionment until the census to be taken this year shall afford some data, by which the present apportionment may be changed with advantage and justice.

ARCH'D C. PEACHY,
Chairman.

Mr. Colby made the following report in reference to Military Affairs in Los Angeles.

The Committee on Military Affairs, to whom was referred the accounts of the expenses of the "Fitzgerald Volunteers," of San Diego County, and of the Los Angeles Volunteers called into service to suppress Indian hostilities upon the Southern Frontier, ask leave to report:—That we recommend the payment of the officers and privates,) with the exception of the Quarter-master and Commissary, S. A. Franklin, who proved a defaulter in refusing to render an account of his disbursements; therefore, your committee would recommend the non-payment of said Franklin's demand,) as returned on the muster roll of the Fitzgerald Volunteers, at the rates prescribed by law, from the 24th day of November, 1851, to the 7th day of January, 1852, as certified to be correct by Captain Cave J. Coutts. We would more earnestly recommend the immediate settlement of these claims, from the fact that the citizens of San Diego County, forming said company, freely furnished their own horses and subsistence, and have made no charge upon the State either for their transportation or supplies.

Your committee would also recommend the payment of the officers and privates of the Los Angeles Volunteers, commanded by Capt. George B. Fitzgerald, as certified on the muster roll of said company to be correct, with the exception of the company Adjutant, the amount of which is four hundred and fifty-six dollars, ($456,) there being no authority, by law, to authorize the pay or appointment of any such officer to so small a number of men.

Your committee have examined the following accounts and find them correct:

No. 1, Russell Sackett,	$600 00
2, John R. Scott,	200 00
4, Wheeler and Morgan,	200 00
5, Peter Mangus,	150 00
6 and 7, P. Roy Bean,	342 00
9, Jos. D. Barder,	285 00
10, Geo. R. Searls,	120 00
11, Henry Smith,	245 00
12, J. Bennett,	285 00
13, Geo. Shutzlan,	285 00
14, A C. Mullah,	285 00
15, Simon Cox,	285 00
16, B. Eaton,	285 00
17, Geo. Bailey,	96 00

18 and 19,	Thos. Rand,	228 00
20,	Wm. H. Rand,	96 00
21 and 22,	L. McDonald,	228 00
23,	Wm. Carr,	96 00
24,	John Conway,	228 00
25,	S. H. Barrhn,	228 00
26,	Pio Silves,	228 00
27,	Jesus Lemon,	228 00
28,	Wm. H. Inge,	96 00
29,	David Brown,	228 00
31,	Sibero Himomes,	228 00
32,	Henry Martin,	228 00
33,	M. N. Chapman,	164 00
34,	Hiram Olmstead,	196 00
35,	Thos. M. Mathews,	196 00
36,	Jas. O. Custul,	196 00
		$6745 00

37,	Jas. N. Castul,	196 00
38,	Jas. R. Heath,	196 00
39,	H. Rolf,	196 00
40,	Wm. Hyde,	196 00
41,	Wm. B. Lewis,	196 00
42,	Henry Cressneno,	196 00
43,	Aug. S. Shaw,	104 00
44 and 45,	Wm. Burk,	104 00
46,	P. Clifford,	104 00
47,	Wm. Slater,	104 00
48,	John Weimer,	104 00
49,	Sam'l Kirkhoff,	104 00
50,	John D. Piersons,	228 00
51,	Geo. R. Searle,	20 00
52,	Geo. R. Searle,	50 00
53,	W. A. Slater,	26 00
54,	Geo. B. Fitzgerald,	57 00
55,	Geo. B. Fitzgerald,	456 00
56 and 57,	John F. Jones,	342 00
58,	John F. Jones,	125 00
59,	Lewis and Rand,	125 00
60,	H. W. Wright,	50 00
63,	A. C. Mullah,	29 50
65,	Peter Mangus,	228 00
66,	Wheeler and Morgan,	1443 25
68,	Wheeler and Morgan,	3183 00
70,	McFarland and Downey,	789 50
71,	Pablo Apiso,	40 00
73,	Rufus Bledsro,	248 00
		$9230 25

74, J. H. Bean,	150 00
75, Albert Packard,	48 00
76, B. Eaton,	82 00
77, J. H. Hughes,	75 00
78, John Conway,	32 00
79, H. Melcomb,	160 00
80, Jas. Peacock,	66 00
81, A. W. Hope,	350 25
82, A. W. Hope,	332 00
83, A. P. Hodges,	536 00
84, John Mooney,	90 00
86, Russell Sackett,	71 00
	$1992 25

88 and 89, suspended for explanation.	
92, Ambrosio Castillo,	165 00
97, suspended for explanation.	
98, Louis Rubidox,	182 00
99, Morris Miner,	228 00
100, Abert Packard,	240 00

Also to Maj. Ira W. Bird, Quarter-master and A. Commissary to said Expedition:

For services as Quarter-master and A. Com., 150 days at $8 per day,	$1200 00
For services of 2 horses as per bill, No. 1,	120 00
" money expended as per bill, No. 2,	337 50
" money expended as per bill, No. 4,	90 00
	$1737 50

In further examining the accounts of the expenses of the Los Angeles Volunteers, your committee feel obliged to recommend that the following bills be cut down as there appears to be exorbitant prices charged.

	Original.	Cut Down.	Allowed.
No. 3, Wheeler and Morgan,	$4800	$1200	$3600
" 61, P. R. Bean,	250	100	150
" 62, David Brown,	300	300	200
" 64, Geo. B. Fitzgerald,	250	100	150
" 69, Abel Stearns,	900	150	750
" 72, Abel Stearns,	120	60	60
" 85, Russell Suckett,	500	116	384
" 87, Russell Suckett,	855	427 50	427 50
			$5721 50

Your committee feel obliged to recommend the suspension of the accounts of Gen. Bean and Staff, (with the exception of Quarter-master and Surgeon,) as we have found no orders authorizing him to take the command of so small a number of Volunteers in person.

Respectfully submitted.

G. W. COLBY,
HENRY L. FORD,
E. D. PEARCE,

Recapitulation of allowances of the Quarter-master's Accounts, - - - - -

	$6745 00
	9230 25
	1992 25
	1737 50
	5721 50
Total,	$25,426 50

Messrs. McMullin, Lyons and Coffroth were appointed on the part of the Assembly to act with a similar committee of the Senate in reference to the passage of a bill, by both houses, which is incorrect in date.

On motion of Mr. Wood, the house resolved itself into Committee of the Whole, Mr. Boggs in the chair, to consider a bill, an Act authorizing the Treasurer of State to negotiate a loan to defray the expenses incurred in suppressing Indian hostilities in the County of El Dorado; after spending some time in the consideration of the bill, and making amendments thereto,

On motion of Mr. Hammond, the committee rose, reported the bill back as amended, and recommend that the bill be re-committed to Committee on Indian Affairs with instructions.

Agreed to.

On motion of Mr. Coffroth, a bill to authorize James L. Freaner to construct a wagon road from Sacramento valley to Oregon line, was taken up for consideration on its third reading.

Mr. Wood offered the following as an amendment in the form of a new section, No. 14.

"That no exclusive right shall be considered as granted, neither shall it be construed as to prevent any person or persons who may desire to become possessed of the same rights and privileges, from having and exercising the same by him, or their filing in the office of Secretary of State, and offices of clerks of such counties as the contemplated road may pass through, the same statements as herein required of said Freaner."

Mr. Crabb moved to lay the bill upon the table.

Not agreed to.

Mr. Crabb moved to print one hundred copies, upon which motion Messrs. Fowler, Wood and Canny demanded the ayes and nays:

Those who voted to print were—

Messrs.	Brush,	Messrs.	Law,
	Canney,		McConaha,
	Caldwell,		McMeans,
	Crabb,		McMullin,
	Crittenden,		Orrick,
	Cutler,		Ridley,
	Fowler,		Ten Broeck,
	Hinchman,		Wall,
	Hudspeth,		Wing,
	Ingersoll,		Wohler,
	Jones,		Wood—22.

Those who voted against printing were—

Messrs.	Blanchard,	Messrs.	Merritt,
	Boggs,		Paxton,
	Chauncey,		Peachy,
	Coats,		Pearce,
	Coffroth,		Smith,
	Cook,		Stevenson,
	Dameron,		Taliaferro,
	Fleming,		Thompson,
	Ford,		Yeiser,
	Kipp,		Young,
	Lyons,		Speaker—23.
	McKim,		

The house refused to print the bill.

Mr. Wood moved to print seventy-five copies, upon which Messrs. Wood, Fowler and Canny demanded the ayes and nays:

Those who voted for printing were—

Brush,	Law,
Canney,	McConaha,
Caldwell,	McMeans,
Covarrubias,	McMullin,
Crabb,	Orrick,
Crittenden,	Ridley,
Cutler,	Stevenson,
Fowler,	Ten Broeck,
Hinchman,	Wall,
Hopkins,	Wing,
Hudspeth,	Wohler,
Ingersoll,	Wood,
Jones,	Speaker—26.

Those who voted against printing were—

Messrs. Blanchard,
Boggs,
Chauncey,
Coats,
Coffroth,
Cook,
Dameron,
Fleming,
Ford,
Kipp,
Lyons,
McKim,
Merritt,
Paxton,
Peachy,
Pearce,
Smith,
Taliaferro,
Thompson,
Yeiser,
Young—21.

So the house decided to print seventy-five copies.

Mr. Stark introduced a bill, an Act for the relief the County of Napa.

Read a first and second time, and referred to Committee on Claims.

An Act to fix the times of holding the General Election and the Election of Representatives in Congress.

Read a first and second time, and referred to a Select Committee of five—Messrs. Crittenden, Coffroth, Wood, Crabb and Peachy were appointed said committee.

Mr. McMullin gave notice that, on to-morrow, or some future day, he would introduce a bill to authorize Lewis P. Mooney to collect tolls on a Ferry across Trinity River, in Trinity County, or to substitute a Toll Bridge for the same.

Mr. Wall made the following report:

The Committee of Ways and Means, to whom was referred Senate bill for an Act supplementary to an Act to fund the debt of the State, passed April 29th, 1851, beg leave to report that they have had the same under consideration, have made no amendments thereto, and would recommend its passage.

Bill laid upon the table.

Mr. Wall made a farther report:

The Committee of Ways and Means, to whom was referred Senate bill for an Act further to define the duties of County Treasurers, beg leave to report the same back without amendment and recommend its passage.

Bill laid upon the table.

On motion of Mr. Fowler, the House resolved itself into Committee of the Whole, Mr. Fowler in the chair, to consider a bill to locate the seat of government; after spending some time in its consideration,

On motion of Mr. Wood, the committee rose, reported a substitute for the bill, and recommended its adoption.

Mr. McMullin moved to concur in the amendment made in Committee of the Whole.

No action.

Mr. Canny moved to adjourn, Messrs. Canny, Wohler and Kipp demanded the ayes and nays:

Those who voted to adjourn were—

Messrs. Blanchard,	Messrs. Ingersoll,
Canney,	Jones,
Coats,	Kipp,
Colby,	Orrick,
Cook,	Smith,
Crittenden,	Stevenson,
Cutler,	Thompson,
Fleming,	Tucker,
Ford,	Wall,
Hinchman,	Wing—21.
Hopkins,	

Those who voted against adjourning were—

Messrs. Boggs,	Messrs. Merritt,
Brush,	Paxton,
Caldwell,	Peachy,
Chauncey,	Pearce,
Coffroth,	Ridley,
Crabb,	Stark,
Dameron,	Taliaferro,
Fowler,	Ten Broeck,
Gardiner,	Wohler,
Graham,	Wood,
Law,	Yeiser,
McMeans,	Young,
McMullin,	Speaker—26.

So the House refused to adjourn.

Mr. Tucker moved a call of the House, upon which Messrs. Crittenden, Canny and Tucker demanded the ayes and nays:

Those who voted to sustain the call were—

Messrs Blanchard,	Messrs. Ingersoll,
Canney,	Jones,
Caldwell,	Kipp,
Coats,	McKim,
Colby,	McMeans,
Crittenden,	Stevenson,
Cutler,	Thompson,
Fleming,	Tucker,
Hinchman,	Wall—19.
Hopkins,	

Those who voted against a call were—

Messrs. Boggs,
Brush,
Chauncey,
Coffroth,
Cook,
Crabb,
Ford,
Fowler,
Gardiner,
Graham,
Law,
McMullin,
Merritt,
Orrick,
Paxton,
Peachy,
Pearce,
Ridley,
Smith,
Stark,
Taliaferro,
Ten Broeck,
Wing,
Wohler,
Wood,
Yeiser,
Young,
Speaker—28.

So the House did not sustain the call.

Mr. Brush moved to adjourn, upon which Messrs. Crittenden, Tucker and Canney demanded the ayes and nays:

Those who voted to adjourn were—

Messrs. Blanchard,
Canney,
Coats,
Colby,
Crittenden,
Cutler,
Fleming,
Ford,
Hinchman,
Hopkins,
Ingersoll,
Jones,
Kipp,
McKim,
McMeans,
Pearce,
Smith,
Stevenson,
Thompson,
Tucker,
Wall—21.

Those who voted against adjournment were—

Messrs. Boggs,
Brush,
Caldwell,
Chauncey,
Coffroth,
Cook,
Crabb,
Dameron,
Fowler,
Gardiner,
Graham,
Law,
McMullin,
Merritt,
Orrick,
Paxton,
Peachy,
Ridley,
Stark,
Taliaferro,
Ten Broeck,
Wing,
Wohler,
Wood,
Yeiser,
Young,
Speaker—27.

So the House refused to adjourn.

Mr. Merritt moved the previous question, upon which motion Messrs. Crittenden, Jones and Tucker demanded the ayes and nays:

Those who voted to sustain the call for the previous question were—

Messrs. Boggs,	Messrs. Orrick,
Brush,	Paxton,
Caldwell,	Peachy,
Chauncey,	Ridley,
Cook,	Stark,
Crabb,	Taliaferro,
Fowler,	Ten Broeck,
Gardiner,	Tucker,
Graham,	Wohler,
Law,	Wood,
McMeans,	Yeiser,
McMullin,	Young,
Merritt,	Speaker—26.

Those who opposed the previous question were—

Messrs. Blanchard,	Messrs. Ingersoll,
Canney,	Jones,
Coats,	Kipp,
Coffroth,	McKim,
Colby,	Pearce,
Crittenden,	Smith,
Fleming,	Stevenson,
Ford,	Thompson,
Hinchman,	Wall,
Hopkins,	Wing—20.

The House sustained the previous question.

Mr. Tucker moved to reconsider the vote just taken.
Mr. Fowler moved to lay the motion on the table.
Agreed to.
The Speaker asked, "shall the main question be now put?" upon which Messrs. Crabb, Canney and Wood demanded the ayes and nays:

Those who voted that the main question should be put were—

Messrs. Boggs,	Messrs. Merritt,
Brush,	Orrick,
Caldwell,	Paxton,
Chauncey,	Peachy,
Coffroth,	Ridley,
Cook,	Stark,
Crabb,	Taliaferro,
Dameron,	Ten Broeck,
Ford,	Thompson,

Messrs. Fowler,
Gardiner,
Graham,
Law,
McMeans,
McMullin,
Wohler,
Wood,
Yeiser,
Young,
Speaker—29.

Those who voted against the main question were—

Messrs. Blanchard,
Canney,
Coats,
Colby,
Crittenden,
Cutler,
Fleming,
Gibson,
Hinchman,
Hopkins,
Ingersoll,
Jones,
Kipp,
McKim,
Pearce,
Smith,
Stevenson,
Tucker,
Wall,
Wing—20.

So the substitute was adopted.

Mr. McMullin moved that the bill be considered as engrossed and put upon its final passage.

Mr. Crittenden objected to the third reading of the bill.

The Speaker decided that as objections have been made, the bill cannot be read a third time to day.

Mr. McMullin appealed from the decision of the chair.

The Speaker then put the question, "shall the decision of the chair be the judgment of the House?" upon which Messrs. Wohler, Coffroth and Law demanded the ayes and nays:

Those voted to sustain the chair were—

Messrs. Canney,
Coats,
Colby,
Cook,
Crabb,
Cutler,
Dameron,
Fleming,
Ford,
Fowler,
Gibson,
Hinchman,
Hopkins,
Ingersoll,
Kipp,
McMeans,
Merritt,
Orrick,
Peachy,
Pearce,
Ridley,
Smith,
Stark,
Stevenson,
Taliaferro,
Ten Broeck,
Thompson,
Wall,
Wing,
Yeiser—30.

Those who voted against the decision of the chair were—

Messrs. Boggs,
Brush,
Caldwell,
Chauncey,
Coffroth,
Crittenden,
Gardiner,
Graham,
Law,
McKim,
McMullin,
Paxton,
Wohler,
Wood,
Young—15.

So the House sustained the chair.

On motion of Mr. Merritt, at 6 o'clock, P. M., the House adjourned until 10 o'clock to-morrow.

HOUSE OF ASSEMBLY.

FRIDAY, April 9, 1852.

House met pursuant to adjournment.

The roll was called by the Clerk, and the following members found absent—Messrs. Cook, Covarrubias, Crittenden, Fleming, Gardiner, McConaha, McKim, Pearce and Tucker.

The Journal of Thursday, April 8th, read and approved.

The Speaker announced the House ready to proceed to business.

Mr. Smith made the following report:

The Committee on Claims, to whom was referred a bill for the relief of A. G. Kimble, have had the same under consideration, and recommend the passage of the same, allowing one thousand dollars.

Mr. Chauncey made the following report:

Your committee on Engrossed Bills have examined a bill entitled an Act for the relief of Lafayette Maynard, and find it correctly engrossed.

Mr. Wall made the following report:

The Committee of Ways and Means, to whom was referred Senate bill for an Act to provide for the payment of a Translator, respectfully beg leave to report the same back without amendment, and recommend its passage.

Mr. Wood from Judiciary Committee made the following reports:

Mr. Speaker:

The Judiciary Committee, to whom was referred the message of his Excellency the Governor, and the Attorney General, relative to providing means for the payment of costs of court in the Federal Courts, in suits now pending, wherein the validity of a tax is contested, have had the same under consideration, report the accompanying bill, and recommend its adoption.

The circumstances of those cases under this bill should pass, in order that the State should be fairly represented in said courts without trespassing on the private means of the Attorney General—all of which is respectfully submitted.

The Judiciary Committee, to whom was referred a bill "for an Act to amend section first of an Act entitled an Act to amend an Act entitled an Act to regulate elections, passed April 26th, 1851," have had the same under consideration, and entertaining favorable views of a bill upon the same subject now before the Assembly, for the reason that a more full expression of popular will can be had at the time therein specified, at a greatly reduced expense to the State, recommend that the bill herewith returned, do not pass—all of which is submitted.

A. C. PEACHY,
Chairman.

Mr. Speaker:

The Judiciary Committee, to whom was referred an Act entitled "an Act to amend an Act, entitled an Act to provide for the punishment of embezzlement of public moneys and other purposes," passed April 10th, 1851, beg leave to report, that the cases contemplated by said bill are sufficiently provided for by existing laws, they, therefore, recommend that said bill do not pass—all of which is submitted.

The Judiciary Committee, to whom was referred "an Act appropriating money out of the General Fund to pay members of the present Legislature and Officers," beg leave to report, that they consider there is no necessity for the passage of any law, other than those now existing, and recommend the same do not pass—all of which is respectfully submitted.

A. C. PEACHY,
Chairman.

The following report was made by Mr. Coffroth, chairman of Committee on Federal Relations.

Mr. Speaker:

The Committee on Federal Relations, to whom was referred the memorial of numerous citizens praying the Legislature of the State of California to pass a law, "whereby every occupant of a town lot within this State shall be secured in the peaceable possession thereof, as against any

and all persons claiming the same under incomplete Spanish or Mexican titles, until such alleged titles shall have been adjudicated by the board of Commissioners appointed to settle private land claims in California," have had the same under consideration, and the committee being unanimous in the opinion that it is entirely beyond the power of the Legislature to pass any law in accordance with the prayer of the memorialists, beg leave to report back the same, and ask to be discharged from the further consideration thereof.

J. W. COFFROTH,
Chairman.

Mr. Colby, chairman, made the following report:

The Joint Committee on Enrollment have examined, and found correctly enrolled an Act to authorize the Common Council of the City of San Francisco to purchase or erect a City Hall.

An Act for the relief of J. K. Shafer;

Joint Resolution granting leave of absence to Wm. R. Turner, Judge of the Eighth Judicial District;

An Act supplementary to the Act Incorporating the City of Marysville;

An Act for the relief of Thomas H. Coats;

An Act for the relief of M. Dougherty;

An Act in relation to State Prison Convicts;

Also an Act for the relief of Charles T. Botts.

Mr. Merritt moved to reconsider the vote of yesterday in reference to dismissing committee clerks.

Vote reconsidered.

Mr. Merritt offered the following resolution:

Resolved, That the clerks of the different committees be, and are hereby instructed to assist in enrolling and engrossing bills when not actually engaged in committee business.

Mr. Wood offered as an amendment the following:

"And should it be found necessary, the clerk is hereby authorized to employ such additional number of clerks as may be required."

Agreed to.

Resolution as amended agreed to.

Mr. Coats presented a Joint Resolution in reference to Indian troubles in Shasta Plains, read a first and second time.

The following message was received from the Senate:

Mr. Speaker:

I am directed to inform the Assembly that the Senate passed yesterday "an Act for the relief of insolvent debtors and protection of creditors;"

And refused to concur in Assembly amendment to Senate Joint Reso-

lution "for the passage of a law by Congress allowing drawback to the shippers of pig and bloom iron into this State;

And passed this day an Act amendatory of section first of an Act for the relief of C. C. Richmond.

A. C. BRADFORD,
Secretary of the Senate.

April 8, 1852.

Mr. Merritt moved to re-commit to the Committee on Claims, the accounts of Messrs. Bailey and others against the State.

Agreed to.

Senate bill, an Act for the relief of insolvent debtors and protection of creditors. Read a first and second time, and referred to Judiciary Committee.

The House adhered to their amendment made to Senate resolution in relation to drawback upon pig and bloom iron shipped into this State.

Senate bill, an Act amendatory of section first of an Act for the relief of C. C. Richmond. Read a first and second time.

Assembly bill, an Act for the relief of James S. Raines. Read a first and second time, and referred to Committee on Claims.

A bill for an Act to establish the County of Amador, was taken up for consideration.

Mr. Wood moved a call of the House.

Call not sustained.

Mr. Young moved to strike out all after the enacting clause, and substitute an Act for the permanent location of the County seat of Calaveras County in lieu thereof, upon the adoption of the substitute, Messrs. Young, Taliaferro and Merritt demanded the ayes and nays:

Those who voted for the substitute were—

Messrs	Blanchard,	Messrs.	McMullin,
	Boggs,		Merritt,
	Brush,		Paxton,
	Canney,		Ridley,
	Coffroth,		Stark,
	Crittenden,		Taliaferro,
	Dameron,		Wall,
	Fleming,		Wing,
	Gibson,		Yeiser,
	Lyons,		Young,
	McMeans,		Speaker—22.

Those who voted against the substitute were—

Messrs.	Caldwell,	Messrs.	McKim,
	Coats,		Orrick,
	Colby,		Peachy,
	Crabb,		Pearce,
	Hinchman,		Thompson,

Messrs. Hopkins,	Messrs. Tucker,
Ingersoll,	Wall,
Jones,	Wing,
Kipp,	Wood—18.

The House adopted the substitute.

Mr. Wood offered the following amendment as a proviso:

Provided, That at the next General Election, the people of the County of Calaveras shall vote for a county seat, and that place receiving the highest number of votes shall be declared to be the county seat of said county. The election shall be conducted in same manner as provided by existing laws for the General Election. The returns shall be made to the county Judge, who shall in the presence of the county Clerk and Sheriff, on the tenth day after the election proceed to estimate the same, and certify the result thereof, which shall be filed in the office of the county Clerk of said county.

Upon the passage of the amendment offered by Mr. Wood, Messrs. Wood, Crabb and Jones demanded the ayes and nays:

Those who voted for the amendment were—

Messrs. Canney,	Messrs. Kipp,
Caldwell,	McKim,
Coats,	McMullin,
Colby,	Orrick,
Crabb,	Peachy,
Fleming,	Pearce,
Hinchman,	Thompson,
Hopkins,	Wood,
Jones,	Speaker—18.

Those who vored against the amendment were—

Messrs. Blanchard,	Messrs. McConaha,
Boggs,	McMeans,
Brush,	Merritt,
Chauncey,	Paxton,
Coffroth,	Ridley,
Covarrubias,	Stevenson,
Crittenden,	Taliaferro,
Dameron,	Wall,
Ford,	Wing,
Gardiner,	Wohler,
Gibson,	Yeiser,
Ingersoll,	Young—25.
Lyons,	

So the amendment was lost.

On motion, the bill was ordered to be engrossed for a third reading on to-morrow.

On motion of Mr. Wood, the house resolved itself into Committee of the Whole, Mr. Ingersoll in the chair, to consider an Act to authorize the Comptroller of State to audit accounts of officers of courts in certain cases; after spending some time in its consideration,

On motion of Mr. Wood, the committee rose, reported the bill back without amendment, and asked to be discharged from the further consideration of the subject.

Committee was discharged, the bill was then considered as engrossed, and ordered to a third reading.

On motion of Mr. Wood, the House resolved itself into Committee of the Whole, Mr. Lyons in the chair, to consider Senate bill, an Act concerning the deposit of gold dust, money, or other valuables, and to prevent fraud therein; after spending some time in its consideration,

On motion of Mr. Crittenden, the committee rose, reported the bill back, and asked leave to sit again.

Leave granted.

On motion of Mr. Crittenden, the bill was re-committed to Judiciary Committee.

On motion of Mr. Thompson, Joint Resolution concerning the red-wood lands in the State. was taken up for consideration.

Mr. McMullin moved to strike out the proviso in the bill.

Agreed to.

Resolution considered as engrossed, read a third time and passed.

Mr. Wood moved to take up an Act to be entitled an Act directing the removal of the Archives and State Offices to the City of Vallejo.

Agreed to.

Mr. Hopkins moved a call of the House.

No quorum voted.

The question was again put and decided in the affirmative.

The clerk then called the roll and the following members were absent—Messrs. Coats, Cook, Fleming, Gibson, Graham, McKim, Pearce, Smith, Stevenson and Ten Broeck.

On motion, Messrs. Smith, Cook and Ten Broeck, had leave of absence granted.

Mr. McMullin moved that further proceedings under the call be dispensed with.

No quorum.

Mr. Fowler moved that the Sergeant-at-Arms be dispatched after absent members.

Not agreed to.

On motion of Wood, further proceedings under the call were dispensed with.

On the passage of the bill, Messrs. Wood, Wall and Graham demanded the ayes and nays:

Those who voted for the passage of the bill were—

Messrs. Boggs,	Messrs. McMullin,
Brush,	Merritt,
Caldwell,	Orrick,

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Messrs. Coffroth,
Covarrubias,
Crabb,
Dameron,
Fowler,
Gardiner,
Graham,
Hudspeth,
Law,
Lyons,
McMeans,
Paxton,
Peachy,
Ridley,
Stark,
Taliaferro,
Wohler,
Wood,
Yeiser,
Young,
Speaker—27.

Those who opposed the bill were—

Messrs. Blanchard,
Canney,
Colby,
Crittenden,
Cutler,
Ford,
Hinchman,
Hopkins,
Ingersoll,
Jones,
Kipp,
McConaha,
Stevenson,
Thompson,
Wall,
Wing—16.

So the bill passed.

Senate amendment to an Act respecting fugitives from labour and slaves brought to this State prior to her admission into the Union, concurred in by the House.

Senate amendment to an Act amendatory of the twenty-fifth section of an Act entitled an Act dividing the State into counties and establishing the seats of Justice therein, passed April 25th, 1852.

Concurred in by the Assembly.

On motion of Mr. Wood, the House resolved itself into Committee of the Whole, Mr. Lyons in the chair, to consider a bill to fund the debt of the State; after spending some time in its consideration and making some amendments thereto,

On motion of Mr. Peachy, the committee rose, and reported the bill back to the House as amended and asked to be discharged from its further consideration.

Committee was discharged.

Mr. Merritt moved to adjourn.

Not agreed to.

Mr. Boggs moved a call of the House.

Not agreed to.

Mr. Coffroth moved to concur generally in the amendments made in Committee of the Whole; upon which Messrs. Crabb, McConaha and Merritt demanded the ayes and nays:

Those who voted to concur were—

Messrs. Blanchard,	Messrs. Lyons,
Brush,	McConaha,
Chauncey,	Orrick,
Coats,	Peachy,
Coffroth,	Ridley,
Dameron,	Taliaferro,
Ford,	Wall,
Gardiner,	Wing,
Ingersoll,	Wood,
Kipp,	Young,
Law,	Speaker—22.

Those who voted against concurring were—

Messrs. Boggs,	Messrs. Hudspeth,
Caldwell,	Jones,
Covarrubias,	McMullin,
Crabb,	Merritt,
Crittenden,	Stark,
Fleming,	Stevenson,
Hinchman,	Thompson,
Hopkins,	Wohler—16.

The House concurred in the amendments generally.

Mr. Merritt moved to adjourn.
Not agreed to.
Mr. Merritt moved to lay the bill on the table.
Agreed to.
Mr. Chauncey made the following report:

Your committee on Engrossed Bills, have examined and found correctly engrossed, the following bills;

A bill for an Act to Fund the Debt of San Francisco;

A bill to amend an Act entitled an Act concerning Crimes and Punishments;

An Act to amend an Act entitled an Act to define the duties of County Clerks;

A bill to be entitled an Act to repeal the third section of an Act concerning County Recorders;

Also an Act authorizing the Comptroller of State to return to Major James Burney the War Loan Warrants, paid by him to the Comptroller, and extending the time of payment.

Mr. Crittenden made the following reports:

The Select Committee, to whom was referred "an Act to fix the times of holding the General Election, and the Election of Representatives in Congress," report back to the Assembly as a substitute therefor, the two accompanying acts, severally entitled, "an Act to alter the times of holding the General Election," and "an Act fixing the times at which Representatives in Congress shall be elected," and recommended their passage.

The Committee on the Judiciary, to whom was referred "an Act to provide for choosing Electors of President and Vice President of the United States," report herewith a substitute, and recommend its passage.

A. P. CRITTENDEN,
One of the Committee.

Mr. Conaha made the following report:

The Committee on Commerce, to whom was referred Senate bill, an Act concerning the collection of taxes from vessels trading within the waters of the State of California, and in relation to suits therefor, having had the same under consideration, report it back, and unanimously recommend its passage.

On motion of Mr. Coffroth, at 6 o'clock, P. M., the House adjourned until 10 o'clock to-morrow.

HOUSE OF ASSEMBLY.

SATURDAY, April 10, 1852.

House met pursuant to adjournment.

The roll was called by the clerk and the following members found absent—Messrs. Coats, Colby, Cook, Covarrubias, Crittenden, Cutler, Gardiner, Ingersoll, Kipp, Orrick, Peachy, Taliaferro, Wall and the Speaker.

The Journal of Friday, April 9th, read and approved.

The Speaker pro tem., Mr. Merritt, announced the House ready to proceed to business.

Mr. Lyons presented a memorial from the Court of Sessions of Nevada County in reference to the boundaries of said County, read and referred to the delegation from Yuba and Nevada Counties.

Mr. Hopkins made the following report:

The Committee on Engrossed Bills, respectfully report that they have examined and found correctly engrossed, the following bills;

A bill to be entitled an Act to provide for funding the debt of San Joaquin County for the payment of the interest thereon, and for the gradual liquidation of the debt;

Also a bill for an Act to re-incorporate the City of Stockton.

Mr. McMeans from the Committee on Indian Affairs made the following report:

To the Honorable the
Speaker of the Assembly:

The Committee on Indian Affairs, to whom was referred the bills providing for the payment of the present indebtedness of the State arising in the prosecution of the late Indian war in the County of El Dorado, with special instructions to provide for and include the expeditions of Mariposa, Utah and Monterey, and to estimate the amount necessary to pay the expenses of the same, beg leave to report, that they have had the same under consideration, and find that it will require the sum of five hundred thousand dollars to meet said liabilities, as the following estimate will prove.

For the Mariposa Expedition,	- -	$235,000
For the El Dorado	do. - - -	215,000
For the Utah	do. - - -	100,000
For the Monterey	do. - - -	3,000
Making a grand total of		$553,000

The committee have deemed it proper to recommend the amount above set down as necessary, believing that there exists other unaudited accounts, in addition to the amount last above stated, which should be provided for.

The committee respectfully suggest to your honorable body, that although the Mariposa expedition, in a great measure has been settled by warrants drawn upon the State, still they are of the opinion that justice has not been done in this particular case, and that no adequate provision has been made for any of the abovementioned debts, although justly due to honest creditors of the State, who influenced by implicit confidence in the good faith of the State, pledged to them by the Executive authority, and guarantee of the law, have either rendered personal service, or furnished from their private resources the means by which the State was enabled to prosecute, to a successful termination, the aforesaid expeditions; therefore, the committee are of the opinion that the State cannot fail to provide for the payment of these claims, without subjecting herself to the foul charge of repudiating an honest debt.

After mature reflection the, committee have agreed to recommend that the bill referred be not passed, and that the accompanying bill be substituted. All of which is respectfully submitted.

WM. H. LYONS,
THOS. E, RIDLEY,
S. A. McMEANS.

Mr. Fowler made the following reporss:

The Committee on Claims, to whom was referred the account of Taaffe & McCahill, have had the same under consideration, and find that the articles specified in said account were purchased by the superintendent of public buildings for the use of the State at the lowest market prices.

Your committee report the same back and recommend the passage of the accompanying bill.

All of which is respectfully submitted.

CHANDLER B. FOWLER.

Mr. Speaker:

Your Committee on Claims, to whom was referred the account of Messrs. Cooke & Le Count for Stationery, have had the same under consideration. Your committee would say for the information of the House that the account has been reduced to *cash prices*, and would recommend the passage of the accompanying bill.

All of which is respectfully submitted.

CHANDLER B. FOWLER.

Mr. McMullin introduced a bill for an Act entitled an Act to authorize Dennis B. Mooney to collect tolls on a Ferry across Trinity River in Trinity County, or to substitute a toll bridge for the same.

Read a first and second time, and referred to Committee on Roads and Highways.

Mr. McMullin introduced a second bill for an Act to authorize William Morehead, and Thomas, Palmer & Co., to collect tolls on a bridge across Trinity River in Trinity County

Read a first and second time, and referred to Committee on Roads and Highways.

Mr. Stark moved to re-consider the vote of yesterday, which concurred Senate amendment to an Act amendatory of the twenty-fifth section of an Act entitled an Act dividing the State into Counties.

Vote re-considered.

Mr. Stark offered an amendment explanatory of the Senate amendment.

Agreed to.

Senate amendment as explained, concurred in by the House.

Mr. Chauncey made the following report:

The Committee on Engrossed Bills have examined the bill to be entitled an Act to organize the Courts of Justice of the State of California, and find it correctly engrossed.

The following message was received from the Governor:

I have this day approved a Joint Resolution entitled Joint Resolution in regard to mail contracts.

JOHN BIGLER.

Mr. Graham presented a concurrent resolution to authorize him to withdraw from the office of the Secretary of State, certain papers of Nathaniel McMenifee.

Resolution adopted.

On motion of Mr. McMeans, the House resolved itself into Committee of the Whole, Mr. Fowler in the chair, to consider Senate bill to authorize James L. Freaner to construct a road; after spending some time, and making some amendments thereto,

On motion of Mr. Coffroth, the committee rose, reported the bill back as amended, and asked leave to sit again.

Leave granted.

Mr. Crittenden moved to take up a bill to be entitled an Act to organize Courts of Justice of the State of California on its third reading.

Agreed to.

Mr. Peachy moved to re-commit the bill to the Judiciary Committee, with instructions to report instanter, an amendment to the eighth section; upon which motion Messrs. Wood, Peachy and Crittenden demanded the ayes and nays:

Those who voted to re-commit with instructions were—

Messrs. Blanchard,	Messrs. McMeans,
Boggs,	Merritt,
Brush,	Orrick,
Chauncey,	Peachy,
Covarrubias,	Ridley,
Crabb,	Taliaferro,
Gardiner,	Wing,
Hinchman,	Wood,
Ingersoll,	Yeiser,
Law,	Young,
Lyons,	Speaker—23.
McConaha,	

Those who opposed the re-commitment were—

Messrs. Canney,	Messrs. Hopkins,
Caldwell,	Jones,
Coats,	McMullin,
Crittenden,	Stark,
Ford,	Thompson—11.
Fowler,	

So the House re-committed the bill with instructions.

Mr. Boggs gave notice that he would move a re-consideration, on to-morrow of the vote just taken.

Mr. Peachy made a report in conformity to instructions given.

Mr. Peachy moved to re-consider the vote to re-commit the bill, and the House refused to re-consider.

Mr. Crittenden moved to re-commit the bill to a Select Committee of three, to make certain corrections to the Engrossed Bill, with instructions to report instanter.

Agreed to, and Messrs. Crittenden, Lyon and McMullin, were appointed said Committee.

Mr. Orrick made the following report:

Your Committee on Enrolled Bills have examined the Acts to prohibit the erection of Weirs or other obstructions to the run of Salmon;

An Act to authorize Married Women to transact business in their own name as sole Traders;

An Act to authorize persons engaged in the United States Coast Survey upon the Coast of California to enter lands within this State for the purposes of said survey, to protect the operations of the same from injury or molestation; to ascertain the mode of assessing damages caused to any property in the progress of the same, and to provide for the punishment of offenders against the provisions of this act, and for other purposes, and report the same correctly enrolled.

B. ORRICK, Assembly.

JAS. C. McKIBBIN, Senate.

Mr. Chauncey made the following report:

The Committee on Engrossed Bills have examined and find correctly engrossed the following:

A bill for an Act to be entitled an Act directing the removal of the Archives and State Offices to the City of Vallejo;

Also an Act for the permanent location of the seat of Justice of Calaveras County;

An Act to authorize the Comptroller of State to audit accounts of officers of court in certain cases;

Also a Joint Resolution concerning the red-wood lands in the State.

Mr. Crittenden from the Select Committee, reported that the committee had made the corrections to the bill referred to them in accordance with the instructions of the House.

On motion of Mr. Fowler, the House resolved itself into Committee of the Whole, Mr. Fowler in the chair, to consider a bill for the relief of Cook & Le Count; after spending a short time in its consideration,

On motion of Mr. Merritt, the committee rose, reported the bill back without amendment, and asked to be discharged from the further consideration of the subject.

Committee was discharged.

The bill was then read a third time and passed.

Mr. Peachy introduced a bill for an Act to re-incorporate the City of San Francisco.

Read a first and second time, and referred to the delegation from San Francisco County.

Mr. Coats moved to take up for consideration Joint Resolutions in reference to Indian Reservations on their third reading.

Agreed to.

Resolutions considered as engrossed, read a third time and passed.

Mr. McMullin moved to strike out the preamble.

Agreed to.

Mr. Fowler moved to take up a bill for the relief of Taaffe and McCahill.

Not agreed to.

Mr. McKim moved to adjourn.
Not agreed to.
Mr. Fowler moved to take up a bill for the relief of A. J. Kemble.
No quorum voted.
Mr. Merritt moved to take up a bill to provide for pay of expenses incurred in the Indian Wars.
Not agreed to.
Mr. Fowler moved to take up a bill for the relief of A. J. Kemble.
No quorum voted.
On motion of Mr. Merritt, at 4 o'clock, P. M., the House adjourned until Monday next, at 10 o'clock.

HOUSE OF ASSEMBLY.

MONDAY, April 12, 1852.

House met pursuant to adjournment.
The roll was called by the clerk and the following members found absent—Messrs. Blanchard, Colby, Cook, Gibson, Hudspeth, Peachy, Taliaferro and Wall.
The Journal of Saturday the 10th of April, read and approved.
The Speaker announced the House ready to proceed to business.
On motion, leave of absence was granted to Mr. Gibson for the remainder of the week.
Mr. Crittenden made the following report:

The Committee on the Judiciary, to whom was referred Senate bill to amend the forty-seventh section of an Act entitled an Act concerning officers, passed April 28, 1851, report herewith as a substitute, an Act to provide for the filling of vacancies in county offices and recommend its passage.

Mr. Crittenden made a further report:

The Committee on the Judiciary, to whom referred a bill to be entitled an Act to regulate Practice at Law in Courts of Record, report the same back to the House, and ask to be discharged from the further consideration of the subject.
The bill proposes an entire change in the system of practice which has heretofore prevailed in our courts of justice. Your committee are of opinion that this should not be attempted, but that we should be content to make such amendments to the present law as experience has shown to be necessary.

A bill has been already introduced, and is now before the Assembly, which it is believed will remove most of the objectional features of our system of procedure.

Mr. Crittenden made a still further report:

The Committee on the Judiciary, to whom was referred Senate bill for an Act concerning Jurors, report the same back to the House with sundry amendments and recommend its passage as amended.

The bill was laid upon the table.

Mr. Chauncey made the following report:

The Committee on Engrossed Bills report that they have examined and found correctly engrossed, Joint Resolutions in regard to Indian Reservations.

Mr. McConaha made the following report:

Your Committee on Commerce, to whom was referred an Act for the relief of Frank Maynard, report back the same and recommend its passage.

Mr. Pierce offered the following resolution:

Resolved, That the Governor be, and is hereby requested to transmit to this House, at his earliest convenience, copies of any correspondence which may have passed between him and the Commander of the United States Military Forces in this State, and the United States Indian Agents, relative to Indian disturbances in the Counties of Shasta, Klamath, Siskiyou and Trinity.

Adopted.

Mr. McMullin offered the following:

"Upon the last day of the session it shall not be competent for any member to prevent the passage of a bill by objecting to its several readings on that day.

Mr. Crittenden moved to amend by inserting the three last days.

Agreed to.

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

No quorum voted.

On the adoption of the resolution, Messrs. Wood, Canney and Boggs demanded the ayes and nays:

Those who voted for the adoption of the rule were—

Messrs. Blanchard,
Canney,
Coats,
Colby,
Covarrubias,
Crabb,
Crittenden,
Dameron,
Fleming,
Ford,
Gardiner,
Graham,
Hopkins,
Ingersoll,
Law,
McMeans,
Orrick,
Paxton,
Pearce,
Ridley,
Stark,
Stevenson,
Ten Broeck,
Thompson,
Tucker,
Wing,
Wood,
Speaker—28.

Those who voted against the adoption of the rule were—

Messrs. Boggs,
Brush,
Caldwell,
Chauncey,
Coffroth,
Cutler,
Fowler,
Hinchman,
Jones,
Kipp,
McConaha,
McKim,
McMullin,
Merritt,
Wohler,
Young—16.

So the rule was adopted.

Mr. McMullin offered the following resolution:

Resolved, That on the last three days of the session no member shall be allowed to introduce a bill without unanimous consent of the House.

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

Agreed to.

Mr. McMeans introduced a bill for the relief of B. F. Ankeny. Read a first and second time, and referred to Committee on Claims.

Mr. Wood introduced a bill for an Act in relation to Port Wardens.

Read a first and second time, and referred to Committee on Commerce.

Mr. Wood introduced the following bill, an Act making Notaries Public elective.

Read a first and second time, and referred to Judiciary Committee.

Mr. Boggs introduced a bill for an Act to prohibit State, County and City Officers from Gambling.

Read a first and second time, and referred to a special committee of five, Messrs. Boggs, Peachy, Wood, Hinchman and Wing were appointed said committee.

Mr. Crittenden introduced a bill to be entitled an Act to amend an Act to regulate proceedings in Criminal Cases, approved May 1st, 1852.

Read a first and second time, one hundred copies ordered printed, and the bill referred to Judiciary Committee.

Mr. Fowler introduced a bill for an Act to prohibit Lotteries and Raffles.

Read a first and second time, and referred to Judiciary Committee.

Assembly bill, an act to authorize the Comptroller of State to audit accounts of Officers of Court in certain cases, on its third reading. Read a third time and passed.

Mr. McKim introduced a Joint Resolution for the rejection of the precinct of Kelly & Co.'s Store.

Read a first and second time, and laid upon the table.

Mr. McKim introduced a farther Joint Resolution for the rejection of the precinct of Forman's Ranch.

Read and laid upon the table.

Mr. McMullin made the following report from the Select Committee:

The Select Committee, to whom was referred "an Act creating a State Insane Asylum," have had the same under consideration, and respectfully report that the State's present finances being in a crippled condition, it is not possible to make an appropriation such as the bill requires. The committee are fully sensible of the necessity of an institution for the protection and comfort of the insane of the State, and deeply regret that they are compelled to do violence to their feelings by reporting adversely to the passage of the bill. In order to administer to the temporary relief of this class of our citizens, the committee have instructed me to report a substitute for said bill and recommend its passage.

GEO. O. McMULLIN,
Chairman.

The substitute was read a first and second time, and referred to Committee of the Whole House on to-morrow.

On motion of Mr. Coffroth, the House resolved itself into Committee of the Whole, Mr. Wood in the chair, to consider a bill to authorize James L. Freaner to open a road; after spending some time in its consideration, and making some amendments thereto,

On motion of Mr. Fowler, the committee rose and reported the bill back as amended, and the committee asked to be discharged from its further consideration.

Committee discharged.

Mr. Wood moved to concur in the first amendment made in Committee of the Whole; upon which Messrs. Crabb, Fowler and Brush demanded the ayes and nays:

Those who voted to concur were—

Messrs. Brush,	Messrs. McConaha,
Caldwell,	McMeans,
Crabb,	McMullin,
Crittenden,	Merritt,
Cutler,	Ridley,

Messrs. Fowler,
Hinchman,
Ingersoll,
Messrs. Stark,
Thompson,
Wood—16.

Those who voted against concurring were—

Messrs. Blanchard,
Boggs,
Coats,
Coffroth,
Colby,
Dameron,
Fleming,
Ford,
Gardiner,
Graham,
Hopkins,
Kipp,
Messrs. Law,
Lyons,
Paxton,
Peachy,
Pearce,
Taliaferro,
Wall,
Wing,
Yeiser,
Young,
Speaker—23.

So the House refused to concur in the amendment.

Mr. Brush moved a call of the House.
No quorum voted.
Messrs. Crabb, Wood and Fowler, demanded the ayes and nays upon the second amendment made in Committee of the Whole.

Those who voted to concur were—

Messrs. Brush,
Caldwell,
Colby,
Crabb,
Crittenden,
Cutler,
Fowler,
Hinchman,
Ingersoll,
McConaha,
Messrs. McMeans,
McMullin,
Peachy,
Ridley,
Stark,
Thompson,
Wing,
Wohler,
Wood,
Speaker—20.

Those who voted against concurring were—

Messrs. Blanchard,
Boggs,
Canney,
Chauncey,
Coats,
Coffroth,
Covarrubias,
Dameron,
Fleming,
Messrs. Hopkins,
Kipp,
Law,
Lyons,
Merritt,
Paxton,
Pearce,
Taliaferro,
Wall,

Messrs. Ford,
Gardiner,
Graham,
Messrs. Yeiser,
Young—23.

The house refused to concur in the amendment made in Committee of the Whole.

Mr. Wood offered the following amendment to the twelfth section, "by striking out all after the word act, and insert, provided nothing in this Act shall be construed as granting an exclusive right to said Freaner or his assigns," upon which Messrs. Crabb, Fowler and Wood demanded the ayes and nays:

Those who voted for the amendment were—

Messrs. Brush,
Caldwell,
Covarrubias,
Crittenden,
Messrs. Cutler,
Fowler,
Wohler,
Wood—8.

Those who opposed the amendment were—

Messrs. Blanchard,
Boggs,
Canney,
Chauncey,
Coats,
Coffroth,
Colby,
Crabb,
Dameron,
Fleming,
Ford,
Gardiner,
Graham,
Hinchman,
Hopkins,
Ingersoll,
Kipp,
Law,
Lyons,
Messrs. McConaha,
McMeans,
McMullin,
Merritt,
Orrick,
Paxton,
Peachy,
Pearce,
Ridley,
Stark,
Stevenson,
Taliaferro,
Thompson,
Tucker,
Wall,
Wing,
Yeiser,
Young,
Speaker—38.

The amendment was lost.

Mr. Crabb offered the following amendment to the fourth section, "to strike out five in the third line and insert three—and strike out eight in the third line and insert three—and strike out one in the fourth line and insert one-half; upon which Messrs. Blanchard, Fowler and Crabb demanded the ayes and nays:

Those who voted for the amendment were—

Messrs. Brush,
Canney,
Caldwell,
Colby,
Crabb,
Crittenden,
Cutler,
Fowler,
Hinchman,
Ingersoll,
McMeans,
McMullin,
Merritt,
Orrick,
Ridley,
Stark,
Thompson,
Wohler,
Wood—19.

Those who voted against the amendment were—

Messrs. Blanchard,
Boggs,
Chauncey,
Coats,
Coffroth,
Covarrubias,
Dameron,
Fleming,
Ford,
Gardiner,
Graham,
Kipp,
Law,
Lyons,
Paxton,
Peachy,
Pearce,
Stevenson,
Taliaferro,
Tucker,
Wall,
Wing,
Yeiser,
Young,
Speaker—25.

The amendment was not agreed to.

Mr. Crabb moved to amend section fourteen by adding the words, "and at the expiration of the said term of years, the said wagon road herein provided for, and all ferries, bridges, and toll-gates, upon the line of said road appertaining thereto, shall be held and possessed by the State of California, as fully as the said James L. Freaner, or his assigns, may, or can hold and possess the same by virtue of this act; and the said road, with the ferries, bridges, and toll-gates aforesaid upon the line of said road, shall, at the expiration of said term, be held and used by the State of California for the purposes of State revenue, or for the free passage of all persons who may travel upon said road, as the State may hereafter determine," upon which Messrs. Crabb, Fowler and Wood demanded the ayes and nays:

Those who voted for the amendment were—

Messrs. Brush,
Canney,
Colby,
Covarrubias,
Crabb,
Crittenden,
McConaha,
McMullin,
Merritt,
Orrick,
Ridley,
Stark,

Messrs. Cutler,
Fowler,
Hinchman,
Ingersoll,
Thompson,
Wohler,
Wood—19.

Those who voted against the amendment were—

Messrs. Blanchard,
Boggs,
Caldwell,
Chauncey,
Coats,
Coffroth,
Dameron,
Fleming,
Ford,
Gardiner,
Graham,
Kipp,
Law,
Lyons,
Paxton,
Peachy,
Pearce,
Stevenson,
Taliaferro,
Tucker,
Wing,
Yeiser,
Young,
Speaker—24.

The amendment was not agreed to.

Mr. Lyon demanded the previous question upon the third reading of the bill.

The Speaker but the question, "shall the main question be now put?" upon which Messrs. Wood, Crabb and Fowler demanded the ayes and nays:

Those who voted to sustain the previous question were—

Messrs. Blanchard,
Boggs,
Chauncey,
Coats,
Coffroth,
Dameron,
Fleming,
Ford,
Gardiner,
Kipp,
Law,
Lyons,
Paxton,
Pearce,
Stevenson,
Taliaferro,
Tucker,
Wing,
Yeiser,
Young—20.

Those who opposed the previous question were—

Messrs. Brush,
Canney,
Caldwell,
Colby,
Covarrubias,
Crabb,
Crittenden,
Cutler,
McConaha,
McMullin,
Merritt,
Orrick,
Peachy,
Ridley,
Stark,
Thompson,

Messrs. Fowler,
Graham,
Hinchman,
Ingersoll,
Messrs. Wohler,
Wood,
Speaker—23.

So the House did not sustain the previous question.

Mr. Brush offered the following as a new section:

"Be it further enacted that at any time after the expiration of ten years after the completion of said road, the State shall have the privilege of possessing herself of the same by paying unto the said Freaner, or his assigns, the original outlay or cost on said road, and ten per centum interest per annum on said original cost of the same, until she takes the same into her possession."

Upon the passage of the amendment, Messrs. Brush, Crabb and Fowler demanded the ayes and nays:

Those who voted in favor of the amendment were—

Messrs. Brush,
Canney,
Caldwell,
Colby,
Crabb,
Crittenden,
Cutler,
Fowler,
Ingersoll,
Messrs. McConaha,
McMeans,
McMullin,
Merritt,
Orrick,
Ridley,
Thompson,
Wohler,
Speaker—18.

Those who voted against the amendment were—

Messrs. Blanchard,
Boggs,
Chauncey,
Coats,
Coffroth,
Covarrubias,
Dameron,
Fleming,
Ford,
Gardiner,
Hinchman,
Hopkins,
Kipp,
Messrs. Law,
Lyons,
Paxton,
Peachy,
Pearce,
Stark,
Stevenson,
Taliaferro,
Tucker,
Wing,
Wood,
Yeiser,
Young—26.

The amendment was not agreed to.

Mr. Merritt offered the following amendment—"in the fourteenth sec-

tion strike out twenty-five and insert fifteen, section will read fifteen years instead of 25 years.

Not agreed to.

Mr. Wood moved to strike out all after the word act in twelfth section; upon which Messrs. Wood, Wohler and Fowler demanded the ayes and nays:

Those who voted in favor of the amendment were—

Messrs. Brush,	Messrs. Ingersoll,
Canney,	McMeans,
Caldwell,	Merritt,
Colby,	Peachy,
Covarrubias,	Thompson,
Crittenden,	Wing,
Cutler,	Wohler,
Fowler,	Wood—16.

Those who opposed the amendment were—

Messrs. Blanchard,	Messrs. Law,
Boggs,	Lyons,
Chauncey,	McMullin,
Coats,	Orrick,
Coffroth,	Paxton,
Crabb,	Pearce,
Dameron,	Ridley,
Fleming,	Stark,
Ford,	Stevenson,
Gardiner,	Taliaferro,
Graham,	Tucker,
Hinchman,	Yeiser,
Hopkins,	Young,
Kipp,	Speaker—28.

The House refused to adopt the amendment.

Mr. Coffroth moved that the bill be read a third time, upon which Messrs. Crabb, Crittenden and Fowler demanded the ayes and nays:

Those who voted to read the bill a third time were—

Messrs. Blanchard,	Messrs. Kipp,
Boggs,	Law,
Canney,	Lyons,
Caldwell,	McMullin,
Chauncey,	Merritt,
Coats,	Paxton,
Coffroth,	Peachy,
Colby,	Pearce,
Covarrubias,	Ridley,

Messrs. Crabb,	Messrs. Stark,
Cutler,	Stevenson,
Dameron,	Taliaferro,
Fleming,	Tucker,
Ford,	Wing,
Gardiner,	Wohler,
Graham,	Wood,
Hinchman,	Yeiser,
Hopkins,	Young,
Ingersoll,	Speaker—38.

Those who voted against the third reading of the bill were—

Messrs. Brush,	Messrs. McMeans,
Crittenden,	Orrick,
Fowler,	Thompson—6.

So the House ordered the bill to be read a third time.

Mr. Brush objected to the passage of the bill, in consequence of which, the bill lies over until to-morrow.

Mr. McMeans moved to consider a bill for an Act authorizing the Treasurer of State to issue bonds for the payment of the expenses of the Mariposa, El Dorado, Utah and Monterey Expeditions.

No quorum voted.

Mr. Coffroth moved to make a bill to regulate appeals in certain cases the special order for Wednesday next.

Agreed to.

On motion of Mr. McMeans, the bill in reference to War Loan Bonds was made the special order for to-morrow, at 11 o'clock.

Mr. McMullin introduced a bill for an Act to authorize the construction of a Wagon Road from Humboldt Bay to the Sacramento Valley. Read a first and second time.

Mr. Merritt moved to refer the bill to Committee on Claims.

Not agreed to.

Mr. McMullin moved its reference to Committee on Roads and Highways.

Agreed to.

Mr. Young moved to take up a bill to permanently locate the county seat of Calaveras County.

Not agreed to.

Mr. Thompson moved to take up a bill for the relief of A. G. Kimble.

Agreed to.

Bill read a first and second time.

Mr. Merritt, moved to go into Committee of the Whole to consider the bill.

No quorum voted.

On motion of Mr. McMeans, at 4 o'clock, P. M., the House adjourned until to-morrow, at 10 o'clock.

HOUSE OF ASSEMBLY.

TUESDAY, April 13, 1852.

House met pursuant to adjournment.

The roll was called by the Clerk, and the following members found absent—Messrs. Colby, Crittenden, Gardner, McConaha, Orrick, Peachy and Smith.

The Journal of Monday the 12th, read, amended, and approved.

The Speaker pro tem. Mr. Coffroth, announced the House ready to proceed to business.

On motion, leave of absence was granted to Messrs. Hudspeth, Peachy and Smith.

On motion of Mr. Boggs, Mr. Young was appointed on the Special Committee in place of Mr. Peachy, who is absent on account of ill health.

Mr. Wohler presented two petitions from the citizens of San Francisco in reference to the City Charter.

Read and referred to the delegation from San Francisco.

Mr. McMeans presented a petition from citizens of El Dorado, praying for the passage of a law providing for the payment of the soldiers engaged in the Indian Wars.

Read and laid upon the table.

Mr. Wood made the following report:

The Judiciary Committee, to whom was referred "an Act authorizing suit to be brought against the Treasurer of Nevada County," have had the same under consideration, and report herewith a substitute for the same.

Your committee report the substitute at the suggestion of the representatives from the counties interested.

Substitute read a first and second time, and ordered to a third reading on to-morrow.

Mr. Stark made the following report:

Your Committee on Agriculture, to whom was referred a bill entitled "an Act concerning Estray Animals," have had the same under consideration, and beg leave to report the same back, and recommend it to the favorable consideration of the House.

Mr. Colby made the following report:

The Joint Committee on Enrollment, have examined and found correctly enrolled "an Act to amend an Act entitled an Act to incorporate the City of Sacramento."

Mr. Boggs made the following report:

The Select Committee, to whom was referred a bill to be entitled "an

Act to prohibit State, County and City Officers from Gambling," have had the same under consideration, and have instructed me to report the bill back to the House and earnestly recommend its passage.

Bill laid upon the table.

Mr. Tucker made the following report:

The undersigned, a member of the Special Committee, to whom was referred a bill entitled "an Act to create a State Insane Asylum," have the honor to report as follows—

The undersigned, feeling the importance of the subject submitted to his consideration, and fully appreciating the imperative necessity of some action upon this matter, has, while he clearly perceives that the pecuniary liabilities and bankrupt condition of the State Treasury, renders it impossible to create, at present, an entirely separate institution for the insane—felt it a sacred duty due that helpless class of human beings, to urge upon your honorable body, the absolute necessity for some further relief to that institution. To promote this object, the undersigned is ready to sacrifice any hopes which he may have entertained of establishing a permanent institution of this character, under the present financial embarrassments of the State, will cheerfully lend his aid towards assisting any measure, which has for its object the amelioration of the present condition of that class of our fellow beings, whom an All-wise Creator has, in his wisdom, seen proper to deprive of his richest gift to man—Intellect.

In no land upon the face of the globe, are there as many predisposing causes to insanity, as in this, and though they come from the sunny land of Spain, the burning deserts of Asia and Africa, or the frigid zones of Russia, they are all, still, our brothers; and hard and callous must be the heart, and devoid of every sentiment kindred to sympathy and charity, that would refuse to pity or succor that most pitiable creature—a helpless maniac—and "a stranger in a strange land." Let California extend the hand of succor, fettered though it be by poverty's chains, and small the purse it grasps—still let her give her "widow's mite" to these unfortunates, and like "bread cast upon the waters, it will return again after many days."

As the undersigned had not the pleasure of perusing the substitute offered by the chairman of the committee, to the bill referred for their consideration, it was impossible to say if it met his views;—but having, since its presentation to the House, been kindly furnished with a copy of it by the clerk, he candidly admits, that with but a few exceptions, it meets his approbation; the most prominent among those existing objections, is the proposition to locate an Insane Asylum in the midst of a city, subject, not only to flood and fire, but in this particular location, deprived of proper grounds for the inmates of the Asylum to exercise themselves in, and subject to the malarious influences of the valley. The undersigned could enumerate many other reasons why such an institution should not be located in a city, but will content himself here, with simply recommending that the building be erected on some one of the surrounding hills of this city, and proper, sufficient grounds be attached thereto—the duties of the visiting physician at the Hospital, would not, in such a case, prevent his attending to those of the Insane Asylum likewise. This building could be temporarily built of wood, and at a far less

cost than the one proposed in the substitute. Lots can be purchased at $20 apiece upon some high land in the suburbs of the city, remote from the noise and excitement of the city, and yet sufficiently near it to allow the resident physician of the State Hospital to take charge of that institution.

J. C. TUCKER.

Sacramento City, April 13, 1852.

Mr. Graham introduced a bill to be entitled an Act to amend the twenty-fourth and twenty-seventh sections of an Act dividing the State into Counties.

Read a first and second time, considered as engrossed, read a third time and passed.

Mr. Thompson moved a call of the House.

Not agreed to.

Senate bill, an Act to authorize James L. Freaner to construct a wagon road from Sacramento valley to Oregon line, and to regulate the tolls to be collected on the same; upon its final passage Messrs. Brush, Graham and Fowler demanded the ayes and nays:

Those who voted for the passage of the bill were—

Messrs. Blanchard, Boggs, Caldwell, Chauncey, Coats, Coffroth, Cook, Covarrubias, Crabb, Dameron, Fleming, Ford, Gardiner, Graham, Hopkins, Ingersoll, Jones, Law, Lyons, McKim, McMullin, Merritt, Paxton, Pearce, Ridley, Stark, Stevenson, Taliaferro, Tucker, Wing, Wood, Yeiser, Young, Speaker—34.

Those who voted against the passage of the bill were—

Messrs. Brush, Fowler, McMeans, Thompson, Wohler—5.

So the bill passed.

Senate bill, an Act for the relief of C. C. Richmond, on its third reading.

Read a third time and passed.

On motion of Mr. McMeans, the House resolved itself into Committee of the Whole, Mr. Ingersoll in the chair, to consider a bill to provide for issuing War Loan Bonds; after spending some time in the consideration of the bill, and making sundry amendments thereto,

On motion of Mr. Wood, the committee rose, reported the bill as amended and asked to be discharged.

Committee discharged.

Mr. Hammond moved to consider the amendments made in Committee of the Whole separately.

Agreed to.

First amendment. Concurred in.

Second amendment. Not concurred in.

Third and fourth amendments. Concurred in.

Fifth amendment, which declares that Major Burney, shall be paymaster; upon a motion to concur, Messrs. Hammond, Crittenden and Chauncey demanded the ayes and nays:

Those who voted to concur were—

Messrs.	Boggs,	Messrs.	Graham,
	Caldwell,		Hopkins,
	Coffroth,		Jones,
	Colby,		McConaha,
	Cook,		McMullin,
	Crabb,		Merritt,
	Cutler,		Orrick,
	Dameron,		Pearce,
	Fleming,		Ridley,
	Gardiner,		Stevenson—20.

Those who voted against the amendment in Committee of the Whole were—

Messrs.	Blanchard,	Messrs.	Stark,
	Brush,		Taliaferro,
	Canney,		Thompson,
	Chauncey,		Tucker,
	Coats,		Wall,
	Crittenden,		Wing,
	Ford,		Wohler,
	Hinchman,		Wood,
	Ingersoll,		Yeiser,
	Kipp,		Young,
	Lyons,		Speaker—23.
	Paxton,		

So the House refused to concur in the amendment made in Committee of the Whole.

Mr. Wood gave notice that he would move to re-consider the vote just taken on to-morrow.

Mr. Hammond moved to re-consider the vote just taken; upon which motion Messrs. Canney, Wing and McMullin demanded the ayes and nays:

Those who voted to re-consider were—

Messrs. Boggs,
Caldwell,
Cook,
Crabb,
Cutler,
Dameron,
Gardiner,
Graham,
Hinchman,
Hopkins,
Jones,
McMeans,
McMullin,
Merritt,
Orrick,
Pearce,
Ridley,
Stevenson,
Wood—19.

Those who voted against a re-consideration were—

Messrs. Blanchard,
Brush,
Canney,
Chauncey,
Coats,
Coffroth,
Colby,
Crittenden,
Fleming,
Ford,
Ingersoll,
Kipp,
Law,
Lyons,
McConaha,
Paxton,
Stark,
Taliaferro,
Thompson,
Tucker,
Wing,
Wohler,
Yeiser,
Young,
Speaker—25.

The House refused to re-consider the vote.

The sixth amendment upon the motion to concur.

No quorum voted.

The question was again put, and upon which Messrs. Hammond, Paxton and Kipp demanded the ayes and nays:

Those who voted in favor of the sixth amendment were—

Messrs. Boggs,
Caldwell,
Coffroth,
Colby,
Cook,
Crabb,
Cutler,
Hopkins,
McMullin,
Pearce,
Wing,
Wood—12.

Those who voted against concurring in the amendment were—

Messrs. Blanchard,	Messrs. McConaha,
Brush,	McMeans,
Coats,	Merritt,
Crittenden,	Orrick,
Dameron,	Paxton,
Fleming,	Ridley,
Ford,	Stark,
Hinchman,	Stevenson,
Ingersoll,	Thompson,
Jones,	Wohler,
Kipp,	Yeiser,
Law,	Young,
Lyons,	Speaker—26.

The House refused to concur in the amendment made in committee.

Amendments seventh, eighth, ninth and tenth made in Committee of the Whole, concurred in by the House.

Mr. Hammond offered a substitute for eleventh section, requiring the Treasurer to pay out warrants, which was agreed to.

Mr. McMullin offered a Joint Resolution of Instructions to our Senators and Representatives in Congress as a substitute for the whole bill.

Not agreed to.

Mr. Crittenden moved to amend the ninth section by striking out all after the word bond.

Agreed to.

Mr. Crittenden moved an amendment to the fourteenth section, which was agreed to.

Mr. McMeans moved to strike out the thirteenth section.

Agreed to.

Mr. Wood moved to amend the bill by making the interest payable in San Francisco.

Agreed to.

Mr. Merritt moved to re-consider the vote just taken.

Agreed to.

Mr. Wood asked leave to withdraw his motion.

Leave granted.

Mr. McMeans moved to insert New York.

Agreed to.

Mr. Hammond moved that the bill be considered as engrossed, and read a third time.

Agreed to.

The bill was read a third time and passed.

Mr. McMeans moved to amend the title by inserting Los Angeles.

Agreed to.

Mr. Wood made the following report:

The Joint Committee of the two Houses appointed to examine and decide upon the qualifications of persons making proposals for the State translating, beg leave to report, that they having rejected the proposals

submitted for their consideration, recommending the adoption of the following resolution, which has been introduced into the Senate.

Resolved, (by the Senate and Assembly), that the Secretary of State be, and is hereby allowed until the 19th instant to receive proposals for the State translation.

No action.
Mr. Merritt moved to adjourn.
Not agreed to.
Mr. Kipp moved to adjourn.
Not agreed to.
The following messages were received from the Senate.

Mr. Speaker:

I am directed to inform the Assembly, that the Governor approved on the 12th instant, the following acts:

"An Act entitled an Act to authorize married women to transact business in their own name as Sole Traders;"

"An Act entitled an Act to authorize persons engaged in the United States Coast Survey upon the Coast of California to enter on lands within this State for the purposes of said survey to protect the operations of the same from injury and molestation; to ascertain the mode of assessing damages caused to any property in the progress of the same, and to provide for the punishment of offenders against this Act, and for other purposes;"

"And an Act entitled an Act to prohibit the erection of Weirs or other obstructions to the run of Salmon;"

And that the Senate passed on the 10th instant, a bill for "an Act amendatory of an Act entitled an Act concerning Corporations," passed April 22, 1850.

And passed on the 12th instant, Assembly bill to be entitled "an Act to provide for Funding the Debt of San Joaquin County, for the payment of the interest thereon, and for the gradual liquidation of the debt;"

And Senate bill for "an Act to provide for the construction of Telegraph Lines within the State of California;"

And Senate Joint Resolution, "authorizing the Secretary of State to receive proposals for the State Translating until the 19th of April 1852."

A. C. BRADFORD,
Secretary of the Senate.

April 13, 1852.

Mr. Speaker:

I am directed to inform the Assembly, that the Senate did on the 8th instant, pass a bill for "an Act for the relief of Nathaniel Coombs of the County of Napa;"

Also that the Governor did on the 9th instant, approve "an Act for the relief of Jesse D. Carr;"

Also "a Joint Resolution in relation to the establishment of a Branch Mint in this State;"

And that the Senate passed on the 9th instant, Assembly bill, for "an Act for the relief of John G. Marvin;"
And on the same day concurred in the Assembly amendments to Assembly bill for "an Act amendatory of the twenty-fifth section of an Act entitled an Act dividing the State into Counties, and establishing the seats of Justice therein; passed April 25th, 1851.

And appointed on the 10th instant, Messrs. Tingley, Hubbs and Snyder, a committee of conference on their part, upon the disagreeing vote of the two Houses on Senate "Joint Resolution for the passage of a law, by Congress, allowing drawback to shippers of pig and bloom iron into this State."

A. C. BRADFORD,
Secretary of the Senate.

April 12, 1852.

Mr. Law moved to take up Senate bill for an Act to provide for the construction of Telegraph Lines within the State of California.

Agreed to.

The bill was read a first and second time, and referred to Committee on Corporations.

On motion of Mr. McMullin, at 6 o'clock, P.M., the House adjourned until 10 o'clock to-morrow.

HOUSE OF ASSEMBLY.

WEDNESDAY, April 14, 1852.

House met pursuant to adjournment.

The roll was called by the clerk and the following members found absent—Messrs. Colby, Covarrubias, Crittenden, Ford, Fowler, Hopkins, Lyons, Merritt and Wall.

The Journal of Tuesday, the 13th, read and approved.

The Speaker announced the House ready to proceed to business.

Mr. Taliaferro make the following report:

Your committee, to whom was referred the Senate bill providing for the construction of Telegraph Lines within the State of California, would recommend that as this is rather a *flashy* subject, we should pass it like a flash. To a people so progressive and go-a-head as we Californians are, the annihilation of space and time should meet with the most particular favor. Leaving out the consideration of its invaluable good to the country, we like it because it will give the lie to those stage lines that

have had the impudence to call themselves "the telegraph line." And further, the powers and influences of electro magnetism will be a fine theme of philosophical contemplation to our Digger Indians. But, to be serious, we recommend this bill to the most favorable consideration of the House, and hope it will pass.

Mr. Coffroth made the following report:

The undersigned, a minority of the Judiciary Committee, to whom was referred the claim of H. A. Caulfield for relief, respectfully reports, that while he differs with the majority of the committee in several conclusions at which they arrive, he will admit that there exists no direct authority or precedent to bring the claim within the pale of legislative action. The undersigned has learned, from reliable authority, that the persons who have committed the aggression complained of by the petitioner, are beyond the jurisdiction of our Courts, and, therefore, the undersigned believes the subject legitimate for the action of the Assembly.

JAMES W. COFFROTH,
From the Judiciary Committee.

Mr. McKim made the following report:

The Committee on Roads and Highways have had under consideration the following bills:

"An Act entitled an Act to authorize Dennis B. Mooney to collect tolls on a ferry across Trinity River, in Trinity County, or to substitute a toll bridge for the same;"

And a bill for "an Act entitled an Act to authorize William Morehead, Thomas Palmer & Co., to collect tolls on a bridge across Trinity River, in Trinity County;" report the same back to the House, and recommend their passage.

Mr. Crittenden made the following report:

Mr. Speaker:

The Committee on the Judiciary, to whom was referred "an Act to amend an Act entitled an Act to provide a revenue for the State Marine Hospital at San Francisco," passed March 26th, 1851, report herewith a substitute, and recommend its passage.

In the course of their investigation of this subject, the attention of your committee has been drawn to the Act under which this institution is organized. This Act also, in the opinion of your committee, needs amendment. To effect such changes as appear to be required, the accompanying bill is submitted to the House, entitled "an Act to amend an Act to provide for the establishment of a State Marine Hospital, at San Francisco," approved April 30, 1851.

A. P. CRITTENDEN,
One of the Committee.

Mr. Merritt introduced a Concurrent Resolution to go into an election of State Printer on the 15th instant.

Agreed to.

Mr. McMeans introduced a bill for the relief of the Poor and Indigent Sick.

Read a first and second time, and referred to special committee of five, Messrs. McMeans, Tucker, Ingersoll, Stevenson and Wing were appointed said committee.

Mr. Coffroth made the following report:

The Committee on Federal Relations, to whom was referred a communication from the Governor of the State of Delaware, enclosing resolutions passed by the Legislature of said State, favorable to the Compromise Measures, adopted by the 31st Congress, report the same back, and respectfully ask the concurrence of the House to the accompanying Joint Resolutions.

Joint Resolutions in reference to the Compromise Measures, passed by the 31st Congress.

Read a first and second time.

Mr. Wing introduced a bill for an Act to prevent foreigners becoming chargeable to the State of California.

Read a first and second time, and referred to Committee on Federal Relations.

Mr. Crittenden introduced a bill to be entitled an Act to provide for the payment of certain expenses of the Comptroller's Office.

Read a first and second time.

Assembly bill for an Act for the permanent location of the seat of justice of Calaveras County; on its third reading Messrs. Jones, Merritt and Ten Broeck demanded the ayes and nays:

Those who voted for the bill were—

Messrs. Boggs,	Messrs. Lyons,
Brush,	McMeans,
Chauncey,	McMullin,
Coffroth,	Merritt,
Cook,	Paxton,
Covarrubias,	Ridley,
Crittenden,	Stevenson,
Dameron,	Wing,
Ford,	Yeiser,
Gardiner,	Young,
Ingersoll,	Speaker—22.

Those who opposed the bill were—

Messrs. Canney,	Messrs. McKim,
Caldwell,	Orrick,
Coats,	Pearce,
Crabb,	Stark,
Fleming,	Ten Broeck,

Messrs. Hinchman,
Hopkins,
Jones,
Kipp,
Messrs. Thompson,
Tucker,
Wood—17.

So the bill passed.

Mr. Hopkins made the following report:

The Committee on Engrossed Bills, report that they have examined and find correctly engrossed, a bill to be entitled an Act to amend the twenty-fourth and twenty-seventh sections of an Act dividing the State into Counties and establishing the seats of justice therein, passed April 26th, 1851.

The following message was received from the Governor:

EXECUTIVE DEPARTMENT,
Sacramento City, April 10, 1852.

To the Assembly of the
State of California:

I have this day approved the following bills, viz:

An Act entitled "an Act for the relief of M. Dougherty."

An Act entitled "an Act in relation to State Prison Contracts."

An Act entitled "an Act to authorize the Common Council of the City of San Francisco to purchase or build a City Hall."

An Act entitled "an Act for the relief of J. K. Shafer."

An Act entitled "an Act Supplementary to the Act incorporating the City of Marysville."

An Act entitled "an Act for the relief of Thomas H. Coats"

An Act entitled "an Act for the relief of Charles T. Botts."

Also "Joint Resolution granting leave of absence to Wm. R. Turner, Judge of the Eighth Judicial District."

JOHN BIGLER.

Assembly bill, to be entitled an Act to provide for choosing electors of President and Vice President of the United States.

Read a first and second time, and ordered to be engrossed for a third reading.

Assembly bill, to be entitled an Act to alter the times of holding the General Election.

Read a first and second time, and ordered to be engrossed for a third reading.

Mr. McMullin offered a substitute for the bill to alter the times of holding the General Elections.

Substitute not agreed to.

Mr. Crabb moved to indefinitely postpone the bill.

Not agreed to.

Assembly bill, to be entitled an Act fixing the times at which Representatives in Congress shall be elected.

Read a first and second time, considered as engrossed, read a third time and passed.

Mr. Colby made the following report:

The Joint Committee on Enrollment, have examined and found correctly enrolled, "an Act respecting Fugitives from Labor, and Slaves brought into this State prior to her admission into the Union. Also "an Act for the relief of John G. Marvin, late Quarter-master in the Mariposa War."

A bill to provide for Appeals in certain cases on its third reading, considered as engrossed, and read a third time.

On motion of Mr. McMeans, the House resolved itself into Committee of the Whole, Mr. Yeiser in the chair, to consider an Act prescribing the mode of maintaining and defending possessory actions on public lands in this State: after spending some time in its consideration, the committee rose for want of a quorum.

Mr. McMeans moved a call of the House.

Call was sustained.

The clerk called the roll and the following members were absent. Messrs. Chauncey, Coffroth, Covarrubias, Ford, Fowler, McKim, Taliaferro and Ten Broeck.

Mr. Fowler, on motion, had leave granted until Saturday next.

Mr. Gardner was excused under the call.

Mr. McMullin moved that further proceedings under the call be dispensed with.

Agreed to.

On motion of Mr. Ingersoll, the House resolved itself into Committee of the Whole, to consider the bill in reference to maintaining and defending Possessory Actions; after spending some time, and concurring in amendments made to the bill;

On motion of Mr. Hammond, the committee rose, reported the bill back as amended, and asked to be discharged.

The committee was discharged.

Mr. Bush moved to concur in the amendments generally.

Agreed to.

The bill was then read a third time and passed.

Senate bill for an Act amendatory of an Act concerning Corporations, passed April 22d, 1850.

Read a first and second time, and referred to Committee on Corporations.

Mr. Dameron moved a call of the House.

Call was sustained.

The clerk called the roll and the following members were absent, Messrs. Canney, Caldwell, Chauncey, Coats, Crabb, Crittenden, Cutler, Ford, Jones, McConaha, McKim, Paxton, Ten Broeck and Wohler.

Mr. Crittenden, on motion was excused.

Leave of absence was granted to Mr. Coats for two days.

Messrs, Caldwell, Crabb, Ten Broeck, Paxton and Canney, on motion, were admitted within the bar.

Mr. Crabb moved to dispense with further proceedings under the call.

Not agreed to.

A motion was made to dispatch the Sergeant-at-Arms for absent members.

No quorum voted.

Mr. Lyons moved to dispense with further proceedings under the call.

No quorum voted.

Mr. Dameron moved that the Sergeant-at-Arms be dispatched after absentees.

No quorum voted.

On motion, Mr. Ford was admitted within the bar of the House.

On motion of Mr. McMeans, further proceedings under the call were dispensed with.

An Act for the relief of the Indigent Sick of San Diego, amended in the Senate, amendment concurred in by the House.

Mr. Wood moved to adjourn; upon which Messrs. Coffroth, Lyons and Canney demanded the ayes and nays:

Those voting to adjourn were—

Messrs. Boggs,	Messrs. Ridley,
Colby,	Tucker,
Covarrubias,	Wohler,
Jones,	Wood,
Law,	Speaker—10.

Those who opposed an adjournment were—

Messrs. Blanchard,	Messrs. Lyons,
Brush,	McMeans,
Canney,	McMullin,
Caldwell,	Merritt,
Coffroth,	Orrick,
Crabb,	Paxton,
Cutler,	Pearce,
Dameron,	Stark,
Fleming,	Stevenson,
Ford,	Ten Broeck,
Gardiner,	Thompson,
Hinchman,	Wing,
Hopkins,	Young—27.
Kipp,	

The House refused to adjourn.

Mr. McMullin moved to consider the special order of the day. The Speaker then took up the bill.

Mr. Coffroth moved to lay the bill on the table.

Messrs. McMeans, Stark and Ridley demanded the ayes and nays:

Those who voted to lay on the table were—

Messrs. Blanchard,	Messrs. Jones,
Boggs,	Kipp,
Coffroth,	Stevenson,
Cutler,	Thompson,
Dameron,	Tucker,
Graham,	Wohler—12.

Those who opposed laying upon the table were—

Messrs. Caldwell,	Messrs. Merritt,
Colby,	Orrick,
Cook,	Paxton,
Crabb,	Pearce,
Ford,	Ridley,
Hinchman,	Stark,
Hopkins,	Ten Broeck,
Law,	Wing,
Lyons,	Wood,
McMeans,	Young,
McMullin,	Speaker—22.

The House refused to lay the bill on the table.

Mr. Coffroth moved a call of the House.
No quorum voted.
Question put again, and the House sustained the call.
Mr. Merritt moved that further proceedings under the call be dispensed with.
Agreed to.
Mr. Wood moved to adjourn.
Not agreed to.
Mr. Coffroth moved a call of the House.
Mr. McMullin moved to lay the motion on the table.
Agreed to.
Mr. Brush moved to suspend the farther reading of the bill.
Agreed to.
Mr. Hinchman moved to lay the bill on the table.
Agreed to.
At 2 o'clock, P. M., Mr. Brush moved to adjourn; upon which motion, Messrs. Thompson, Stark and Coffroth demanded the ayes and nays:

Those who voted to adjourn were—

Messrs. Blanchard,	Messrs. McMeans,
Brush,	Merritt,
Chauncey,	Orrick,
Colby,	Paxton,
Cook,	Pearce,
Cutler,	Ridley,
Dameron,	Ten Broeck,
Ford,	Tucker,

Messrs. Hinchman, Messrs. Wing,
Jones, Wood,
Law, Young—22.

Those who opposed the adjournment were—

Messrs. Caldwell, Messrs. Lyons,
Coffroth, McMullin,
Crabb, Stark,
Crittenden, Stevenson,
Graham, Taliaferro,
Hopkins, Thompson,
Ingersoll, Wall—15.
Kipp,

So the House adjourned until 10 o'clock to morrow.

HOUSE OF ASSEMBLY.

THURSDAY, April 15, 1852.

House met pursuant to adjournment.

The roll was called by the clerk and the following members found absent—Messrs. Covarrubias, McKim, Merritt, Wall, Wohler and Yeiser.

The Journal of Wednesday the 14th of April, read and approved.

The Speaker announced the House ready to proceed to business.

Leave of absence was granted to Mr. McKim until Monday next.

Mr. Chauncey presented a petition from sundry citizens of San Francisco, in reference to the City Charter.

Read and referred to delegation from San Francisco.

Mr. Crittenden made the following report:

The Committee on the Judiciary, to whom was referred "an Act to provide for the transfering of Causes which County Judges may be disqualified from trying," report that the necessary provisions on this subject will be contained in the Act to regulate proceedings in civil cases now before the Assembly, and they recommend the indefinite postponement of this bill.

Mr. Wing made the following report:

The Committee on Roads and Highways, to whom was referred an Act to authorize the construction of a wagon road from Humboldt Bay to the Sacramento Valley, respectfully report, that they have examined the same, and recommend its passage.

Mr. Crittenden made the following report:

The Committee on the Judiciary, to whom was referred "an Act to amend an Act regulating the duties of Harbor Master of the Port of San Francisco, and for other purposes," report herewith a substitute, entitled "an Act regulating the duties of Harbor Master of the Port of San Francisco," and recommend its passage."

A. P. CRITTENDEN,
From the Committee.

The bill was read a first and second time, considered as engrossed, read a third time and passed.

An Act to authorize the construction of a wagon road from Humboldt Bay to the Sacramento Valley, on its third reading made the special order for to-morrow.

Mr. Colby made the following report:

The Joint Committee on Enrollment, have examined and found correctly enrolled, "an Act amendatory of the twenty-fifth section of an Act entitled an Act dividing the State into Counties, and establishing the seats of Justice therein;"

"An Act to create the County of Sierra, establish the seat of Justice therein, and to define its boundaries and provide for its organization;"

"An Act amendatory of section first of an Act for the relief of C. C. Richmond;"

Also "an Act to legalize acknowledgements of deeds taken before, and certified by County Recorders;" which is respectfully submitted.

Mr. Hopkins made the following report:

The Committee on Engrossed Bills, report that they have examined and found correctly engrossed the following bills:

"An Act authorizing the Treasurer of State to issue bonds for the payment of the expenses of the Mariposa, second El Dorado, Utah, Los Angeles and Monterey Expeditions against the Indians;"

"An Act to alter the time of holding the General Elections;"

"An Act fixing the time at which Representatives in Congress shall be elected;"

"An Act to provide for Appeals in certain cases;"

And also "an Act to provide for choosing Electors of President and Vice President of the United States."

Mr. Caldwell offered the following resolution:

Resolved, (by the Senate and Assembly of the State of California,) that the Secretary of State be, and he is hereby required to distribute to each member of the present Legislature, a copy of the laws of eighteen hundred and fifty-one, except to such members as have been already supplied with the same.

Mr. McConaha introduced a bill to provide for an Act for the relief of Henry A. Caulfield.

Read a first and second time, and referred to Committee on Claims with instructions to report on to-morrow.

An Act to amend an Act concerning Courts of Justice of this State and Judicial Officers; on its third reading, indefinitely postponed.

An Act to regulate appeals from Justices' and Recorders' Courts; on its third reading, indefinitely postponed.

An Act prescribing the mode of maintaining and defending Possessory Actions on lands belonging to the United States; indefinitely postponed.

A bill to be entitled an Act to regulate practice at law in Courts of Record: on its third reading, indefinitely postponed.

An Act to punish State Convicts for an escape from custody; on its third reading, indefinitely postponed.

Joint Resolutions in reference to the Compromise Measures, passed by the 31st Congress.

Mr. Hinchman moved to re-commit the resolutions to the Committee on Federal Relations, with instructions to strike out the fourth resolution; upon which Messrs. McMullin, Wood and Crabb demanded the ayes and nays:

Those who voted to re-commit were—

Messrs. Blanchard,	Messrs. Lyons,
Brush,	McConaha,
Caldwell,	McMullin,
Cook,	Orrick,
Crabb,	Stark,
Cutler,	Ten Broeck,
Hinchman,	Wohler,
Hopkins,	Wood,
Jones,	Yeiser—18.

Those who voted against re-committing were—

Messrs. Boggs,	Messrs. Merritt,
Canney,	Pearce,
Coffroth,	Ridley,
Colby,	Stevenson,
Covarrubias,	Taliaferro,
Crittenden,	Thompson,
Dameron,	Tucker,
Gardiner,	Turner,
Graham,	Wall,
Ingersoll,	Wing,
Kipp,	Young,
McMeans,	Speaker—24.

The House refused to re-commit.

Upon the passage of the resolutions, Messrs. McMullin, Wood and Crabb demanded the ayes and nays:

Those who voted for the passage of the resolution were—

Messrs. Blanchard,	Messrs. Law,
Boggs,	Lyons,
Canney,	McMeans,
Caldwell,	McMullin,
Coffroth,	Merritt,
Colby,	Orrick,
Cook,	Pearce,
Covarrubias,	Ridley,
Crabb,	Stevenson,
Crittenden,	Taliaferro,
Cutler,	Thompson,
Dameron,	Tucker,
Fleming,	Turner,
Graham,	Wall,
Hinchman,	Wing,
Hopkins,	Wood,
Ingersoll,	Yeiser,
Jones,	Young,
Kipp,	Speaker—38.

Those who voted against its passage were—

Messrs. Brush,	Messrs. Ten Broeck,
McConaha,	Wohler—5.
Stark,	

So the resolution pass ed.

Mr. Hammond moved to re-consider the vote just taken.

Mr. Crittenden moved a call of the House.

Call was sustained.

The clerk then called the roll and the following members were absent, Messrs. Canney, Chauncey, Colby, Cook, Cutler, Hopkins, Kipp, Pearce, Ridley, Turner, Wing and Wohler.

On motion, Mr. Paxton was excused under the call.

On motion of Mr. Dameron, the Sergeant-at-Arms was dispatched after absent members.

Mr. Wing, on motion, was admitted within the bar and excused.

Messrs. Hopkins, Colby and Kipp, were admitted within the bar of the House.

Mr. Graham moved to dispense with further proceedings under the call.

Not agreed to.

Messrs. Chauncey, Pearce, Ridley and Canney, were admitted within the bar of the House.

On motion of Mr. Crittenden, further proceedings under the call were dispensed with.

Mr. Crittenden moved to lay the motion to re-consider on the table.

Not agreed to.

Mr. Wohler moved to indefinitely postpone the motion to re-consider.
Not agreed to.

The question was then taken upon a re consideration, and decided in the affirmative.

Mr. Crittenden moved to re-commit the resolutions to the Committee on Federal Relations, with instructions to strike out the fourth resolution and report instanter.

Agreed to.

Mr. Coffroth, chairman of Committee on Federal Relations, made a report in conformity to instructions upon the resolutions just referred to the committee.

The vote was then taken and the resolutions read a third time and passed.

The following message was received from the Governor:

I have this day approved "an Act entitled an Act for the relief of John G. Marvin, Quarter-master in the Mariposa War."

Also "an Act entitled an Act respecting Fugitives from Labor and Slaves brought into this State prior to her admission into the Union."

JOHN BIGLER.

The following message was received from the Senate:

Mr. Speaker:

I am directed to inform the Assembly, that the Senate passed on the 12th instant, "an Act to re-incorporate the City of Stockton," as a substitute to Assembly bill, for "an Act to re-incorporate the City of Stockton."

And passed on the 13th instant, "an Act amendatory of an Act to provide for the Translation of the Laws into the Spanish Language, passed 15th of March, 1851."

And Assembly bill for "an Act explanatory of an Act repealing the Charter of the City of Nevada, and to provide for the disposition of the property, and payment of the debts of said city," approved February 14th, 1852, with amendments.

And passed on the 14th instant, Assembly bill for "an Act to be entitled an Act directing the removal of the Archives and State Offices to the City of Vallejo."

And Assembly bill, "an Act creating Tulare County, and to provide for its organization," with an amendment.

A. C. BRADFORD,
Secretary of the Senate.

April 15, 1852.

Senate bill for an Act amendatory of an Act to provide for the Translation of the Laws into the Spanish Language, passed March 15th, 1851.

Read a first and second time, and referred to Messrs. Covarrubias and Hinchman.

Assembly bill, an Act creating Tulare County, and to provide for its

organization: amended in the Senate—amendment concurred in by the House.

Assembly bill for an Act to provide for Appeals in certain cases,

Read a third time and passed.

Assembly bill to be entitled an Act to provide for choosing Electors of President and Vice President of the United States.

Read a third time and passed.

Assembly bill to be entitled an Act to alter the times of holding the General Elections; upon its third reading, Messrs. Crabb, McMullin and McMeans demanded the ayes and nays:

Those who voted for the passage of the bill were—

Messrs. Blanchard,	Messrs. McMeans,
Chauncey,	Merritt,
Coffroth,	Pearce,
Colby,	Ridley,
Crittenden,	Stevenson,
Cutler,	Thompson,
Dameron,	Wall,
Gardiner,	Wing,
Kipp,	Wohler,
Law,	Yeiser,
Lyons,	Young,
McConaha,	Speaker—24.

Those who voted against its passage were—

Messrs. Boggs,	Messrs. Hopkins,
Caldwell,	McMullin,
Crabb,	Orrick,
Graham,	Stark—9.
Hinchman,	

So the bill passed.

Senate Joint Resolution authorizing the Secretary of State to receive proposals for the State Translating, until 19th April, 1852.

Read a first and second time.

Mr. McMullin moved to amend by striking out the nineteenth, and insert the 25th.

Agreed to.

The resolution was then read a third time and passed.

Senate bill, an Act to provide for the construction of Telegraph Lines within the State of California, on its third reading.

Mr. Lyons moved to lay the bill on the table.

Not agreed to.

On motion of Mr. Colby, the House resolved itself into Committee of the Whole, Mr. Boggs in the chair, to consider a bill in reference to Telegraph Lines: after spending some time in its consideration, and making amendment therein,

On motion of Mr. Wall, the committee rose, reported the bill back as amended, and asked to be discharged.

Committee discharged.

Mr. McMeans moved to indefinitely postpone the bill; upon which motion Messrs. Wohler, Law and Canney demanded the ayes and nays:

Those who voted to postpone were—

Messrs. Brush,	Messrs. McMeans,
Covarrubias,	Merritt,
Crittenden,	Orrick,
Cutler,	Wall—9.
Hinchman,	

Those who voted against postponement were—

Messrs. Boggs,	Messrs. Law,
Canney,	Lyons,
Caldwell,	Pearce,
Chauncey,	Ridley,
Colby,	Stark,
Cook,	Stevenson,
Crabb,	Taliaferro,
Dameron,	Ten Broeck,
Fleming,	Thompson,
Ford,	Tucker,
Gardiner,	Wing,
Graham,	Wohler,
Ingersoll,	Wood,
Jones,	Young,
Kipp,	Speaker—30.

The House refused to postpone indefinitely.

Mr. Kipp moved to lay the bill on the table.

Agreed to.

An Act to appoint Commissioners for the purpose of ascertaining and determining the amount of indebtedness of Sutter County justly chargeable to Placer County.

Read a first and second time, considered as engrossed, read a third time and passed.

On motion of Mr. McMeans, the House resolved itself into Committee of the Whole, Mr. McMeans in the chair, to consider a bill for the relief of A. G. Kimball; after spending a short time in its consideration,

On motion of Mr. Merritt, the Committee rose, reported the bill back, without amendment, and asked to be discharged.

Committee was discharged.

The bill was then considered as engrossed, read a third time and passed.

Mr. Wohler introduced a bill to create and organize the County of San Lorenzo.

Read a first and second time, and referred to Committee on County Boundaries.

The following message was received from the Senate:

Mr. Speaker:

I am instructed to inform the Assembly that the Senate, this day, re fused to concur in the Assembly amendments to Senate bill for "an Act prescribing the mode of maintaining and defending possessory actions on Public Lands in this State," and have appointed Messrs. Cooke, Hubbs and Estill, as a committee of conference, on their part, on the disagreeing vote of the two Houses;

And passed yesterday the following bills: "an Act concerning the offices of Comptroller and Treasurer of State;"

"An Act amendatory of an Act concerning Coroners, passed April 19, 1850;"

"An Act for the relief of Wm. E. P. Hartnell;"

"An Act for the relief of Wm. Rodgers, Sheriff of El Dorado County;"

"An Act defining the boundary of the County of Shasta, and to amend the twenty-second section of an Act entitled an Act dividing the State into Counties and establishing the seats of Justice therein;" passed April 25, 1851." And

"An Act to amend the fourth section of an Act dividing the State into Counties, and establishing the seats of Justice therein;" passed April 25, 1851."

A. C. BRADFORD,
Secretary of the Senate.

April 15, 1852.

Assembly bill for an Act explanatory of an Act repealing the Charter of the City of Nevada; amended in the Senate—concurred in by the House.

Senate bill for an Act prescribing the made of maintaining and defending Possessory Actions on Public Lands, amended in Assembly 14th inst. Senate refused to concur, and appointed a committee of conference. The House insisted upon their amendments, and appointed Messrs. Crittenden, McConaha and Crabb as a committtee of conference to meet Senate committee.

Senate bill, an Act to re-incorporate the City of Stockton.

Read a first and second time, amended on motion of Mr. Crabb, read a third time and passed.

Senate bill, an Act concerning the offices of Comptroller and Treasurer of State.

Read a first and second time, and referred to Committee of Ways and Means.

Senate bill, an Act amendatory of an Act concerning Coroners, passed April 19, 1850.

Read a first, second and third time and passed.

On motion of Mr. Wall, the House resolved itself into Committee of

the Whole, Mr. Taliaferro in the chair, to consider an Act for the relief of William E. P. Hartnell; after spending some time in its consideration,

On motion of Mr. Wall, the committee rose, reported the bill back without amendment, and asked to be discharged.

Committee was discharged.

The bill was then read a third time and passed.

Senate bill, an Act for the relief of Wm. Rogers, Sheriff of El Dorado County.

Read a first and second time, and referred to Committee on Claims.

Senate bill, an Act defining the boundary of the County of Shasta, and to amend the twenty-second section of an Act dividing the State into Counties.

Read a first and second time, and referred to delegation from Shasta County.

Senate bill, an Act to amend the fourth section of an Act dividing the State into Counties; passed April 25, 1851.

Read a first and second time, and referred to Committee on County Boundaries.

Mr. Ingersoll introduced a bill, an Act entitled an Act to prevent Frauds in the sale of Flour.

Read a first and second time, and referred to Committee on Commerce.

A bill for the relief of C. D. Wooly.

Read a first and second time, and referred to Committee on Claims.

Substitute for Senate bill, an Act to provide for the filling of vacancies in County Offices.

Read a first and second time, considered as engrossed, read a third time and passed.

An Act defininig the time of commencing Civil Actions in certain cases.

Read a first and second time, considered as engrossed, read a third time and passed.

On motion of Mr. Crittenden, the bill to regulate proceedings in Civil Actions, was made the special order for 12 o'clock to morrow.

On motion of Mr. Lyons, leave of absence was granted to Mr. Paxton until Monday next.

Mr. Brush moved to make the bill to fund the debt of the State the special order for to-morrow.

Agreed to.

On motion of Mr. Cutler, at 4 o'clock, P. M., the House adjourned until 10 o'clock to-morrow.

HOUSE OF ASSEMBLY.

FRIDAY, April 16, 1852.

House met pursuant to adjournment.

The roll was called by the Clerk, and the following members found absent Messrs. Colby, Covarrubias, Crittenden, Graham, Law, Pearce, Taliaferro and Wall.

The Journal of Thursday the 15th, read and approved.

The Speaker announced the House ready to proceed to business.

Mr. Coffroth made the following report:

The Committee on Federal Relations, to whom was referred an Act to prevent Foreigners becoming chargeable to the State of California,—report the same back, and owing to the variety of views entertained, individually, by each member of the committee, respectfully recommend the bill to the consideration of a Committee of the Whole House.

Mr. Colby made the following report:

The Joint Committee on Enrollment have examined, and found correctly enrolled, an Act for the permanent location of the seat of Justice of the County of Calaveras.

An Act directing the removal of the Archives and State Offices to the City of Vallejo.

Also an Act for the relief of the Indigent Sick.

Mr. McMullin made the following report:

Mr. Speaker:

The Committee on Indian Affairs, to whom was referred the accounts of Major William Rogers, paymaster of the first El Dorado Expedition, have had the same under consideration and beg leave to report:

By reference to the Act of 7th March, 1851, 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 committee find, that Major Rogers was appointed paymaster for said expedition, and also that the Treasurer of State was required to, and did, furnish the said paymaster with bonds to the amount of $100,000 to liquidate the indebtedness incurred by said expedition. Section eight of said act appointed the Comptroller and Treasurer of State a board of examiners, to whom the accounts and vouchers of the paymaster should be returned to for examination and approval. In compliance with this section, the board examined said accounts and returned them to the Assembly, but previously made a report to the Governor.

The committee being unable to arrive at a correct conclusion as to the disbursements made by Major Rogers, addressed a letter to the board of examiners requesting them to report upon the subject. The committee respectfully submit said report.

To the Hon. W. H. Lyons and others,

Committee on Indian Affairs of the Assembly:

Gentlemen—

We have the honor to acknowledge the receipt of your note of this date, desiring from us a statement of the "manner in which Major Rogers (paymaster) of the first El Dorado Expedition has disbursed the War Loan Bonds, placed in his hands for the purpose of discharging the debts due by the State on claims arising under said Expedition, &c. &c. &c." In reply to which, we beg leave to submit the following:—

The law by which we were guided in that settlement, only authorizes us to recognize such vouchers for disbursements as are "strictly in conformity to the rules and regulations in force for like disbursements to volunteers in the service of the United States." (See section fifteenth, act before mentioned.) In the "application and construction" of payments therein contemplated, however much we might be impressed with the belief that they were really genuine, or however strong the circumstantial evidence confirming them, still for want of the legal requisites, rendered indispensable under the construction of the law, as well as the requirements of the Legislature, we could exercise no discretion, and only allow those which were perfectly formal and correct, more especially, as the same was not to be final, there being matters involved connected with the alleged disbursement which was made to the Second Expedition by executive authority, and requiring legislative sanction.

Of the foregoing, there have been rendered in vouchers, &c. which could be allowed, the amount reported to his credit the sum of (refer to recapitulation) $40,763 52. Of the next class, in which the receipts were informal and were not allowed, the amount was (refer to recapitulation) $15,258 57. Of this class, the board have subsequently seen several persons, among whom are, Hon. B. F. Keene, Mr. Ankeny, and learn by their admissions, that payments were made to them, or in their knowledge, and who confirmed the statements made by Col. Rogers, with regard to pasted receipts, taken before the printing of those subsequently used in the payments made.

By the act referred to, and under which said disbursements were made, those pesons only were to be paid, and in such amounts as were at that time of file in the Adjutant General's Office. The name of Major Rogers himself not being on the roll, (although he is referred to in the act as commander of the expedition,) is consequently refused for the reason named, any payment for services amounting to $24,012 99, (refer to recapitulation.)

It also appears that a discrepancy exists between the original roll of file in the Adjutant General's Office, and the copy which was placed in the hands of the paymaster, Col. Rogers. By whom the copy was furnished, we have no means of ascertaining; in some instances, the amounts on the copy were greater, and in others less than on the original. Hence, the

payments were, necessarily, in some instances, more or less than allowed by law. With the over-payments made, he has been charged by the board of examiners; while, at the same time, the defects in the roll (which he had personal knowledge of them, and which would have given more, in many instances, than was given by him) he might have taken advantage of—without the possibility of its knowledge on the part of the board, who, as before stated, could only settle by the original roll. In these cases, the paymaster has made correct deductions and only paid what he knew to be due and saved the State from loss.

The amount disallowed, not being on pay-roll in Adjutant General's office was $85 00, (see re-capitulation)

The per centage allowed by law was $7,000, which could only be allowed on final settlement.

Of the remaining amount of about $23,526 99, (see re-capitulation,) said to have been expended as a necessary outfit to the second expedition by the order of Governor McDougall, we have no official cognizance.

The amount claimed for clerk hire, could not be allowed under the law, although it would have been impossible to have made said disbursements, without the aid of such an assistant.

In conclusion, we would respectfully state, in justice to Major Rogers, that in the course of our examination we found no evidence of any fraud on his part, and are disposed to attribute the existing errors, in part, to the misconstruction of the law referred to, and also the Act of the 17th of March, 1851, as well as the unavoidable causes before specified in this, as well as a former statement made to your body.

A re-capitulation of the foregoing is appended below:

	Amount.
First—Legal Disbursements,	$40,763 52
Second—Amount of Informal Receipts,	15,258 57
Third—Not on Pay Roll,	24,012 99
Fourth—Overpaid [according to original Roll,]	85 00
Fifth—Per centage,	7,000 00
Sixth—Amount claimed for Clerk hire,	8,550 00
Seventh—Amount said to have been disbursed by the order of Gov. McDougall to 2d Batallion California Volunteers,	23,526 99

Respectfully submitted.

RICHARD ROMAN,
WINSLOW S. PIERCE,
Board of Examiners.

The committee find that by the law already alluded to, Major Rogers was to be allowed seven per cent. for all disbursements, this amount to include the entire compensation, but by reference to the vouchers we find he employed a clerk at the rate of $25 per day, for 342 days, being $8,550; the law providing for no such compensation. We also find that some of the vouchers, amounting to $15,258 57, are not strictly in accordance

with law, the names of persons who should have signed the receipts, appear to have been written on a slip of paper, and afterwards stuck by wafers to the receipt. The informality of said accounts induced the committee to examine witnesses, and are assured that some, if not all, of said vouchers have been paid. We also find that Major Rogers has paid $21,012 99 to persons not on the pay roll. $11,000 of said amount the committee have already allowed and reported on. We also find that the paymaster, under an order of Governor McDougal, disbursed to the second El Dorado Expedition $23,526 99.

The committee have deemed it their duty to report the facts to the House, and recommend that the Board of Examiners be instructed to obtain, if possible, further information relative to the informal receipts, and allow all such as appear to have been paid; also that they be instructed to allow such compensation to the disbursing clerk as they may deem just.

The committee take this occasion to remark, that the accounts of paymaster Rogers, although they are not returned in compliance with law, yet we do not attach wilful misconduct to said paymaster, but rather think it was from a want of a knowledge of the requirements of law, and the duties of his office, that such informality has occurred.

Mr. Gardner made the following report:

The Committee on Mines and Mining Interests, beg leave to submit for the consideration of the House the following report:

They have the honor to report back the accompanying resolutions, which have been referred to their investigation, and which were introduced by Mr. Ridley of Mariposa, and respectfully recommend their passage, and in connection with the subject would further report:

It is evident to any observing and reflecting mind, that of all the different subjects upon which we have been called to legislate, not one is involved in so much doubt and difficulty as is that which relates immediately to the mineral wealth of our State, and which requires, at our hands, if practicable, the formation of a system of policy, calculated to promote the sure and speedy development of the mines themselves, and to provide for the just protection of those, whose courage, industry and energy, may induce them to undertake such labor.

The subject opens a new field for legislative wisdom, and in its investigation, we find the best settled rules of Political Economy to be at fault, and to avail us nothing.

Reward does not always follow labor; nor do results invariably repay for the necessary expenditure of an undertaking; we might almost say that cause, in this new land of novelty and wonder, has ceased to be followed by its accustomed and legitimate effect.

In a mineral country of almost unlimited extent and resources, presenting an infinite variety of surface and formation, and great inequality in richness, enticing together, in one heterogeneous mass, all the science, and energy, and enterprize of the American people to develope its wealth, and alluring within its borders the avarice, the impudence, and the dishonesty of all creation to take advantage of and profit by this wonderful development; it almost surpasses human ingenuity and intellect to devise

a system of laws, effective in their operation, and co-extensive with the rights and wants of the citizen.

Mining Interests present themselves to our consideration in two different relations:

First—In respect of the proper policy to be pursued by the Federal Government, and

Secondly—As regards a just system of legislation under the State authority; and we propose to consider these subjects in this order, and as briefly as may be:

The Federal Government, has, thus far, wisely left the mines of California free to American citizens, subject to their own laws and regulations, devised under novel and unprecedented circumstances, and by those whose intuition rendered them the best judges of what was necessary and right in the emergency.

We say such course has been wise, heretofore, upon the part of the General Government, because the anomalous state of things here has been such as to render just legislation, on the part of Congress, absolutely impossible; experience, and accurate information, to be derived from experience only, could have enabled the Federal Legislature to pass salutary and efficient laws to control our mining interests and population.

But this "masterly inactivity," to which we accord the best results in the past, will soon, in the future, cease to be that virtue which we have hitherto learned to honor.

Keep up with the times—a maxim sound in philosophy, and one to which the American people, in this age of human progress and improvement, listen with more than ordinary attention. *We* should not be unmindful nor heedless of the lesson which it teaches, but as the times and circumstances about us have varied, let it be now our care to conform our policy to the change.

It may not be denied, that whilst the previous system of free mines has worked in the main advantageously, there have been many accompanying evils;—against these evils experience alone could protect us, and we have hitherto patiently borne with them, rather than by hasty legislation, to fly to others we know not of.

Amongst these evils we class pre-eminent—the concentration, within our State limits, of vast numbers of the Asiatic races, and of the inhabitants of the Pacific Islands—and of many others dissimilar from ourselves in customs, language and education.

The dissimilarity is in all respects so great, that there can exist by possibility, on their part, no desire to become citizens of our country; nor, in most cases, would it be wise in us to promote such wish should any exist.

They come amongst us almost always with different purposes, and different intentions, from those which bring to us *him*, as on the Atlantic coast, our congeners of European countries. To the latter, who came as *freemen* to seek a home, to find religious and political liberty, and to become citizens of a government they have learned to know, to honor and to love, we have ever the ready right hand of best fellowship.

But there are no reasons of justice or propriety, which should induce us longer to permit the indiscriminate immigration of that class of foreigners to which we have first referred. Most of them arrive here, not as freemen seeking liberty and the pursuit of happiness, but are brought as

absolute slaves by their foreign masters, and by foreign capitalists, and are held to labor under contracts which our laws do not recognize, and whose penalties are revolting to our sympathies.

It is but now, after the lapse of several years, that these inhabitants of China and the East, have begun to know the fact, to them sufficiently astounding, that there is a country whose institutions will permit their free ingress and egress, and whose policy has hitherto permitted the whole world to gather, without money and without price, the richest treasures of her mines.

As this fact becomes the better known, and more extensively learned, we must expect a greater increase in this tide of population, and the time is not far distant, when absolute prohibition of entry will be necessary for our own protection.

In the first place then, we respectfully recommend that the attention of Congress shall be called to this subject, and that we forward to our own representatives instructions to seek a remedy at the hands of the Federal Government by proper treaty provisions, or as their wisdom may suggest; determining, here at home, to exercise the right of our State sovereignty, and protect ourselves, should necessity demand.

And believing, as your committee do, that it is both right and proper to protect American labor upon its own soil, against the labor of imported and untaxed slaves, we would further recommend the passage of a law which shall prevent our mines from being overrun by the class above described.

The next evil or inconvenience which demands our attention, and asks a speedy remedy, is the absence of all provision by the Federal Government, by which our citizens may acquire a title to the mineral lands which they have in possession.

Hitherto, a want of experience has prevented, and wisely too, all positive legislation upon this subject, but we respectfully submit that the teachings of the past three years have so developed and ascertained the facts in reference thereto, that we may now look to Congress to commence such system of legislative policy as will best promote the interests of the State, and the general good.

Laws should be passed which would lead to permanent and vested rights in the mineral lands; and which would tend to identify the prosperity of the State with the interests of the miner himself. To secure vested rights would induce American citizens to emigrate with their families—would bring a class of hardy, honest, and permanent laborers into our mining regions, and instead of the nomadic and wandering population we now have, we should see our hills, as well as valleys smiling in the possession of delightful homes, and permanent settlers.

To effect this object is of paramount importance, as it must be apparent that our State is fast becoming a mere Treasury from which the world is supplied without cost, and without any corresponding advantage to California, and with no adequate return to the common country.

A year or two years ago, this was not so strongly the case, for a large portion of the precious metal extracted from our mines was then invested in our beautiful valleys and flourishing cities. Speculators being as much tempted to try their fortunes by the rapid increase of value of such property, as they had been to make the venture into the bowels of the earth to gain the first possession of the gold itself.

Again, two years ago but little was known of the extent and richness of the quartz veins, now fully ascertained to constitute the principal wealth of our mineral resources.

As information is being collected in respect to these veins, and the closest attention being drawn to them, we are becoming more and more aware, every day, of the amount of capital which will be required to work them. As they now exist, parcelled out in small divisions to many persons, held simply by the right of possession, they are of no service to the claimants, and no advantage to the State.

In the large majority of cases, it has been found impossible to form a company, or raise the necessary means to work them successfully, and there are now thousands upon thousands of feet of quartz rock in our mountains, known to contain many millions of money, and yet valueless to the rightful possessors, because unable themselves to furnish the necessary means to work their shares, they are also prevented from realizing any portion of their value by sale or lease, as they can transfer no title, sufficiently ascertained and assured to induce such investment of capital.

In legislating upon this subject, and for this purpose the greatest care should be had so to frame the law and regulations, as will prevent and guard against an unwise and unjust interference with present possessory rights.

It is known that these quartz-veins are now regulated by the rules which have been adopted in various sections of the mineral regions, and which allow to the discoverer No. of feet, and to others No. of feet; these rules differing in different places, and the number of feet allowed, varying with the circumstances of the peculiar locality.

We would respectfully suggest, also, upon the subject, that the law shall conform as to the extent to be granted to each individual—to the ruler and legislators—recognized and established by the miners themselves in the particular locality.

The extent or size of claim which each man should be allowed, should, in all cases, be exactly that which he is recognized to hold in possession by the local law established by the miners of the neighborhood.

Their rules are founded in equity and justice, and grants made by the General Government, as we recommend, would secure to the claimants that extent to which they are recognized to be in rightful possession.

This mode of regulating the extent of the donation is absolutely essential to the ends of justice, and is particularly advisable, in view of the fact now well ascertained, that the quartz rock varies in its value, and in the facility of working it, in different regions; and as these considerations chiefly govern the miners in determining their possessory claims, we shall be sure to do that which is just and right by adopting the rules which their experience has suggested.

We do not advocate the donation, by the General Government, of a title in fee, but for a term of years not less than twenty—permitting the original grantee to transfer or work his claim at pleasure, and continuing in the Federal Government the title in reversion at the expiration of the term.

The State of California to be authorized to levy and collect such taxes upon the assessed value of this property, when held and possessed by individuals, as the Legislature may direct.

In respect to the placers, your committee would respectfully recommend

that the policy of free mines, for the present, be undisturbed. Let the rules and regulations, established by the miners themselves, in their conventions and assemblies, be regarded as the Law, and be enforced as such by the proper authorities. We doubt not that the time will come when these mines, or the quartz veins, will require to be protected by title; such necessity will exist where a concentration of labor and capital shall become requisite for their successful development, and will be abundantly foreshadowed by the sagacity and experience of practical miners.

But, for the present, we are sufficiently convinced, by our own knowledge as working men, and by the most careful investigation of the subject, that no change is necessary or desired in the regulation of placer diggings.

As regards that system of legislation to be pursued by the State authorities, we beg respectfully to ask that we may be protected by the State from the encroachments of that class of foreigners to which we have before alluded, and that some law may be passed which may prevent American citizens, and those of European descent, whom they recognize and are willing to receive as brothers, from being crowded from the soil of their own, or their adopted country, by this alarming inroad of hired serfs.

We recommend, too, that the State shall enact a law to provide for the collection of some slight tax from all persons, not American citizens, who may be permitted to enjoy the privilege of working in the mines; and this tax might well be graduated to fall more lightly upon those who have in good faith recorded their intention of becoming permanent citizens of the country.

The levying of this tax is imperiously demanded by the mining population, and the propriety of so doing is abundantly vindicated by every consideration of justice.

Nor will those who come amongst us from strange lands, if they deserve that protection which our laws extend to them, decline to contribute their support to the government whose protection they ask.

Let not the tax be onerous, and provide amply that when the person has once paid his quota, he may not be imposed upon by a renewed demand for the same period, with such other guards and checks as your wisdom may suggest, and we feel convinced your law will work both well and wisely.

In conclusion, we may not leave this subject without adverting to a reproach which has more than once, during this session of the Legislature, been sought to be cast upon the mining counties and the mining population.

We have been charged, at various times, and from various quarters, with evading the payment of those taxes which were justly due from us to the State: and this assertion has been repeated here and elsewhere, until many, who looked at first but lightly upon the charge, have almost come to believe it true. If all could understand, by knowing, as we do, what has been, heretofore, the peculiar and unsettled condition of our mountain counties,—how our people have been led about from place to place by varying causes, and how difficult has been the enforcement of any law, from the very uncertainty of what the law was, and how many things, indeed how every thing, has contributed and conspired to produce the results we have witnessed, then might we expect those allowances to be made for us which our situation has deserved.

As each year, however, brings with it a more permanent and fixed population, and increases those facilities of intercourse and communication, which

ever knit more closely our own people, we shall find that all causes of distrust, and coldness, and jealousy, will have disappeared.

And, as time and experience shall make known our wants, and enable us to frame a system of law which will work with oppression to none, and advantageously to all, we shall see gradually gliding away that spirit of discontent, which has threatened the best interests of California and the Pacific by an unwise and too hasty division of our State territory.

Respectfully submitted.

JAMES H. GARDINER, Chairman;
AUSTIN WING,
THOMAS E. RIDLEY,
GEORGE E. YOUNG,
J. N. TURNER,
JESSE BRUSH,
P. CANNEY.

Mr. Merritt made the following report:

The Committee on Claims ask leave to submit the following report:

They have examined the bill for the relief of James S. Rains, for military services, and find that he is justly entitled to the sum of $453. The bill authorizes the Comptroller to audit his account for the sum of $1,077 22; your committee beg leave to submit the accompanying bill as a substitute, and recommend its passage. They have also examined the bill for the relief of J. D. Hoppe, for $1,200, rent of room in the city of San Jose, for use of Quarter-Master General. Your committee have reduced the account to $600, and report a bill for that amount, and recommend its passage.

Your committee have also examined the petition of Nathaniel McC. Menifee, praying for remuneration for moneys expended in relief of emigrants. Your committee are of the opinion that he must apply to the United States Government for relief, and therefore report the petition back to the House, with the recommendation that the prayer of the petitioner be not granted.

Your committee have also examined, and report adversely to, the claim of Smith and Brothers, and recommend that the prayer of the petitioners be not granted.

Your committee would take occasion to remark, that the House and committee should examine and scrutinize carefully accounts submitted to the House, or larger sums may be (as has been the case) uselessly expended.

All of which is respectfully submitted.

SAM'L A. MERRITT,
Chairman of Committee on Claims.

Mr. Crittenden made the following report:

The Committee of Conference, appointed by the House to confer with a corresponding committee on the part of the Senate, in relation to the disagreeing votes of the two Houses on Senate bill No. 20, "An Act prescribing the mode of maintaining and defending possessory actions on public lands in this State," report—

That they have agreed with one of the committee on the part of the Senate to recommend the adoption of all the amendments made to the bill in the Assembly, with the exception of the amendment, which adds a new section numbered eight, and recommend the adoption of that section with an amendment, viz: by inserting, after the word "lands," the words "south of thirty-eight degrees and thirty minutes."

A. P. CRITTENDEN,
HENRY A. CRABB,
G. N. McCONAHA.

Mr. Crittenden made the following reports:

Mr. Speaker:

The Committee on the Judiciary, to whom was referred an Act concerning Escheats, report—

That a bill has passed the Senate, on this subject, and, in the opinion of your committee, it would be advisable to take no action in the matter until this bill comes before the Assembly.

They ask to be discharged from the further consideration of the subject.

A. P. CRITTENDEN,
From the Committee.

Mr. Speaker:

The Judiciary Committee, to whom was referred "a bill to provide for the collection of papers belonging to the General Government, and for other purposes," have had the same under consideration, and report—

That the bill proposes to confer upon the Surveyor-General of the United States a power which it is certainly wholly unnecessary to confer upon him for the promotion of any interest of the people of this State, and the exercise of which might be vexatious and annoying, and even dangerous. The committee can perceive no reason why such authority should be vested in any officer of the General or State Government, and therefore recommend the indefinite postponement of the bill.

A. P. CRITTENDEN,
From the Committee.

The bill was indefinitely postponed.

Mr. Speaker:

The Judiciary Committee, to whom was referred a bill for "an Act making Notaries Public elective," have had the same under consideration, and beg leave to report—

That they see no necessity for such a law, and therefore recommend the indefinite postponement of the bill.

A. P. CRITTENDEN,
From the Committee.

The bill was indefinitely postponed.

Mr. Speaker:

The Judiciary Committee, to whom was referred a bill to be entitled "an Act to amend an Act to regulate proceedings in criminal cases," have had the same under consideration, and beg leave to report the same back without amendment, and recommend its passage.

A. P. CRITTENDEN,
From the Committee.

Mr. Fleming made the following report:

The committee, to whom was referred Senate bill, describing and defining the lines and boundaries of Shasta County, have had the same under consideration, and report the bill back to the House, and recommend its passage.

Bill read a third time and passed.

Mr. Crittenden made the following report:

The Select Committee, to whom was referred Senate bill for an Act amendatory of an Act to provide for the translation of the Laws into the Spanish language, passed March 15th, 1851, return the same back and recommend its passage.

The bill was then read a third time and passed.

Mr. Hinchman made the following report:

The Judiciary Committee, to whom was referred Senate bill, an Act concerning the deposit of gold dust, money, or other valuables, and to prevent fraud therein, report that the evils, against which the bill seeks to guard, are already substantially provided for by existing laws. Certain provisions of the bill are dangerous, and susceptible of great abuses. The committee therefore recommend its indefinite postponement.

Bill laid upon the table.

Mr. Dameron offered the following, which was adopted:

Resolved, That all unfinished business now on the Clerk's table be placed on the Speaker's desk.

Mr. Hinchman moved to re-consider the vote of yesterday, which passed Senate bill in reference to Coroners.

Vote re-considered.

On his motion the bill was re-committed to Special Committee of three, with instructions to amend the bill by striking out ten dollars, and insert two dollars; Messrs. Hinchman, Wall and Tucker were appointed said committee.

Mr. Gardner introduced a Joint Resolution in respect to elections of President and Vice President of the United States.

Read a first, second and third time and passed.

Mr. Hopkins made the following report:

The Committee on Engrossed Bills, have examined and found correctly engrossed the following bills:

An Act defining the time of commencing Civil Actions in certain cases.

An Act to provide for the filling of vacancies in County Offices.

An Act for the relief of A. G. Kimble.

An Act to appoint commissioners for the purpose of determining the amount of indebtedness of Yuba County, justly chargeable to Nevada County at the time of the organization of Nevada County.

Also Joint Resolutions in reference to the Compromise Measures passed by the 31st Congress.

Mr. Merritt introduced a bill for an Act amendatory of an Act entitled an Act to create a State Hospital in the City of Sacramento.

Read a first and second time.

Mr. Lyons introduced a bill for an Act to amend the twentieth section of an Act entitled an Act dividing the State into Counties and establishing the seats of justice therein, passed April 25th, 1851.

Read a first and second time, considered as engrossed, read a third time and passed.

On motion of Mr. Tucker, the House resolved itself into Committee of the Whole, Mr. Boggs in the chair, to consider a bill creating a State Insane Asylum; after spending a short time in the consideration of the bill, the committee rose for want of a quorum.

Mr. McMeans moved a call of the House.

The call was sustained.

The clerk called the roll and the following members were absent, Messrs. Blanchard, Coats, Coffroth, Covarrubias, Crittenden, Gardiner, Graham, Hudspeth, Kipp, Law, Orrick, Pearce, Taliaferro, Thompson, Turner, Wohler, Wood and Yeiser.

On motion, leave of absence was granted to Messrs. Canney and Orrick for the present.

On motion, the Sergeant-at-Arms was dispatched for absent members.

On motion, leave of absence was granted to Mr. Law in consequence of ill health.

On motion, Messrs. Canney, Ten Broeck and Kipp, were admitted within the bar of the House.

Messrs. Coats, Blanchard, Cook and Orrick were admitted within the bar of the House.

On motion of Mr. McMullin, further proceeding under the call was dispensed with.

The following message was received from the Senate:

I am directed to inform the Assembly that the Senate passed, on yesterday, a bill for an Act for the payment of freight to the steamer Empire;

And passed this day Assembly Joint Resolution in respect to Electors of President and Vice President of the United States;

And concurred in the Assembly amendments to Senate bill for an Act to re-incorporate the City of Stockton.

A. C. BRADFORD,
Secretary of the Senate.

On motion, the House resolved itself into Committee of the Whole, Mr. Boggs in the chair, to consider a bill to establish an Insane Hospital; after spending some time in its consideration, the committee rose for want of a quorum.

Mr. Tucker moved a call of the House.

The call was sustained.

The clerk then called the roll and the following members were absent, Messrs. Brush, Canney, Chauncey, Cutler, Gardner, Graham, Hudspeth, Ten Broeck, Thompson, Turner, Wall and Wood.

On motion of Mr. Crabb, the doors were closed, and the Sergeant-at-Arms was dispatched for absent members.

Messrs. Brush and Ten Broeck were admitted within the bar of the House.

Mr. Brush moved that farther proceedings under the call be dispensed with.

Agreed to.

Mr. McMullin moved that the House resolve itself into Committee of the Whole, to consider a bill in reference to an Insane Hospital.

Mr. Hinchman moved to adjourn.

Not agreed to.

Mr. McMullin moved that the Committee of the Whole be dismissed from the further consideration of the bill to create an Insane Hospital.

Agreed to.

Mr. Hinchman made the following report:

The Select Committee, to whom was referred Senate bill, No. 91, with special instructions, have amended the same by striking out the word "ten" in the last sentence and inserting "two" in accordance with instructions of the Assembly.

The bill was then read a third time and passed.

Mr. Wall made the following report:

The Committee of Ways and Means, to whom was referred Senate bill for an Act concerning the offices of Comptroller and Treasurer of

State, have had the same under consideration, and beg leave to report the same back without amendment, and recommend its passage.

Bill was read a third time and passed.

Mr. McMullin moved a substitute for the bill to establish an Insane Asylum.

Mr. Boggs offered the following resolution:

Resolved, That the bill for the establishment of a State Insane Asylum, and the substitute as reported by the Committee of the Whole, be re committed to a Joint Committee of the Senate and Assembly, to consist of the Physicians of the two Houses, with instructions (at the earliest possible period) to report a bill for the establishment of a State Insane Asylum, of such a character as will meet the wishes and wants of the people of this State, and that the Senate be requested to concur with this House on this subject.

Mr. McConaha offered the following as an amendment to the resolution offered by Mr. Boggs:

"That the Committee be requested to report on the same to-morrow, and that the report so made, together with all the bills and substitutes in relation to hospitals in general, be made the special order of the day for every day, until the close of the session to the exclusion of all other business.

Mr. Merritt moved to lay the resolution and the amendment on the table.

Agreed to.

The question was then taken upon the adoption of the substitute, Messrs. Coffroth, Crabb and Ford demanded the ayes and nays:

Those who voted for the substitute were—

Messrs. Canney,	Messrs. McConaha,
Caldwell,	McMullin,
Chauncey,	Merritt,
Colby,	Orrick,
Cook,	Ridley,
Crabb,	Stark,
Cutler,	Taliaferro,
Dameron,	Ten Broeck,
Fleming,	Wing,
Hinchman,	Wood,
Hopkins,	Yeiser,
Kipp,	Young,
Lyons,	Speaker—26.

Those who voted against the substitute were—

Messrs. Blanchard,
Boggs,
Brush,
Coffroth,
Crittenden,
Ford,
Gardiner,
Ingersoll,
Jones,
McMeans,
Stevenson,
Thompson,
Tucker,
Wall,
Wohler—15.

So the House adopted the substitute.

Mr. Crabb moved to strike out Sacramento and insert Stockton.
Mr. Cutler moved to amend by inserting Martinez.
Mr. Wall called for a division of the question.
The question was then put upon striking out and agreed to.
Mr. Thompson moved to fill the blank by inserting Santa Clara.
No action.
The question was then put to fill the blank with Stockton; upon which Messrs. Kipp, Dameron and Hammond demanded the ayes and nays:

Those who voted to insert Stockton were—

Messrs. Blanchard,
Brush,
Caldwell,
Chauncey,
Cook,
Covarrubias,
Crabb,
Cutler,
Dameron,
Hinchman,
Ingersoll,
Lyons,
McMeans,
McMullin,
Merritt,
Orrick,
Ridley,
Stark,
Wing,
Wood,
Yeiser,
Young,
Speaker—23.

Those who opposed filling the blank with Stockton were—

Messrs. Boggs,
Canney,
Coats,
Colby,
Crittenden,
Fleming,
Ford,
Gardiner,
Hopkins,
Jones,
Kipp,
Stevenson,
Ten Broeck,
Thompson,
Tucker,
Wall,
Wohler—17.

So the House filled the blank with Stockton.

Mr. McMullin moved to amend by adding the following:

"At the last end of section four, the word and 'one thousand dollars for the transportation of the insane from Sacramento to Stockton.'"

Agreed to.

Mr. Tucker offered to amend the third section by striking out 8,000 dollars, and insert 10,000 dollars.

Agreed to.

Mr. Crabb moved to amend the fourth section, ninth line by striking out 9, and inserting 10.

Agreed to.

Mr. McMullin moved that the bill be considered as engrossed for a third reading.

Agreed to.

On the passage of the bill, Messrs. Kipp, Tucker and Crabb, demanded the ayes and nays:

Those who voted for the passage of the bill were—

Messrs. Blanchard,	Messrs. McMeans,
Boggs,	McMullin,
Brush,	Merritt,
Caldwell,	Orrick,
Coats,	Ridley,
Coffroth,	Stark,
Cook,	Ten Broeck,
Covarrubias,	Wing,
Crabb,	Wohler,
Dameron,	Wood,
Ford,	Yeiser,
Hinchman,	Young,
Ingersoll,	Speaker—26.

Those who opposed the passage of the bill were—

Messrs. Chauncey,	Messrs. Lyons,
Colby,	Stevenson,
Crittenden,	Thompson,
Gardiner,	Tucker,
Jones,	Wall—11.
Kipp,	

So the bill passed.

Mr. McMullin moved to amend the title by striking out Sacramento, and inserting Stockton.

Agreed to.

Mr. Colby made the following report:

The Joint Committee on Enrollment have examined and found correctly enrolled, an Act explanatory of an Act repealing the charter of the

City of Nevada, and to provide for the disposition of the property and payment of the debts of said City, approved February 14, 1852.

Also Joint Resolutions in relation to the meeting of Presidential Electors.

On motion of Mr. Coffroth, at 5 o'clock, P. M., the House adjourned until 10 o'clock, to-morrow.

HOUSE OF ASSEMBLY.

Saturday, April 17, 1852.

House met pursuant to adjournment.

The roll was called by the Clerk, and the following members were absent: Messrs. Covarrubias, Gardiner, Graham, McKim, Stevenson, Taliaferro and Wall.

The Journal of Friday, the 16th, read and approved.

Mr. Hinchman made the following report:

The Judiciary Committee, to whom was referred a bill for an Act for the relief of Andreas Pico and Antonio Maria Pico, return the same, and propose the adoption of the accompanying substitute.

Although your committee cannot heartily advocate the passage of the substitute, they deem it less dangerous and less unjust than the original bill.

Mr. Dameron made the following report:

The Committee on County Boundaries, to whom was referred a bill to be entitled an Act to amend the fourth section of an Act dividing the State into counties and establishing the Seats of Justice therein, passed April 25, 1851, have had the same under consideration, and beg leave to report it to the favorable consideration of the House, and recommend its passage.

Bill read a third time and passed.

Mr. McConaha made the following report:

Your Committee on Commerce, to whom was referred an Act entitled "to prevent fraud in the sale of flour," beg leave to report back the same, but cannot recommend its passage, for the following reasons:

That, under the present statutory law of the State, as well as under the long and well settled principles of the common law, every remedial right sought to be protected and enforced by this Act, is fully guarded, and it is a well established maxim that useless laws should not be enacted.

G. N. McCONAHA.

The bill was indefinitely postponed.

Mr. Lyons made the following report:

Mr. Speaker:

The Committee of Conference, to whom was referred the Senate amendments to the Assembly bill for an Act concerning the organization of the Militia, have had the same under consideration and beg leave to make the following report:

Your committee would recommend that section ninth of said bill be amendeded so as to read as follows:

Section 9. He shall report to the Governor, on the fifteenth day of December, annually, to be laid before the Legislature—

1. An account of all arms, ordnance, ammunition, military clothing, military supplies, musical instruments, colors, and other effects, which may have come into his possession—how, when, and from what source—since the commencement of his term of office.

2. An account of all articles issued or expended since the last annual report; to whom issued, or how expended, and by whose orders.

3. A statement of the present condition of all effects in his possession.

4. How much money has been expended for the care, repairs and preservation of the arms and other effects of the State since his last annual report: but in no case shall he expend for rent, taking care of arms, or for any purpose whatsoever, a sum exceeding one thousand dollars over and above the amount of his salary.

Your committee would also recommend that the House concur in Senate amendments to sections twenty-two and twenty-three of this bill.

All of which is respectfully submitted.

W. H. LYONS,
F. YEISER.

Mr. Wood made the following report:

Mr. Speaker:

The undersigned, a majority of the committee, to whom was referred "an Act to re-incorporate the city of San Francisco," as also the various petitions for and remonstrances against the same, after careful consideration re-

port the bill back with the accompanying amendments, thereby retaining in the charter all the officers existing under the present charter.

Your committee recommend the adoption of the bill as amended.

All of which is submitted.

R. N. WOOD,
B. ORRICK,
D. M. CHAUNCEY,
A. C. PEACHY.

Mr. Wohler read the following minority report:

Mr. Speaker:

The undersigned, from the Special Committee, to whom was referred Assembly bill for "an Act to re-incorporate the city of San Francisco," ask leave to present the following report:

The undersigned have carefully compared the bill committed to them, with the existing charter, and have given to the subject the consideration and patience which, in their opinion, the nature of the case and the importance of the interests to be effected by the proposed bill requires.

The present charter has been a subject of vituperation from the day of its passage. The public newspapers of San Francisco, and disappointed politicians in general, have been heaping upon it wholesale abuse, without having ever pointed out, or even attempted to point out, its objectionable provisions; and we do not hesitate to say, that it is altogether the most consistent and carefully guarded charter that has ever been in force in this State. And to the existence of its useful and stringent provisions may be attributed much of the opposition that has been arrayed against it.

During the administration which preceded its passage, under the old charter, and whilst John W. Geary was Mayor, the city of San Francisco was saddled, by wasteful extravagance, with a debt of nearly a million of dollars—that, too, whilst the people were burthened with heavy taxation, and whilst all the valuable property of the city was being alienated, without securing any permanent public improvements. And yet neither newspapers nor politicians found fault with the laxity of the old charter. But so soon as the new charter was proposed, the public vampyres, whose hopes of plunder were disappointed by its restrictive provisions, raised a hue and cry against it. The people of San Francisco—the industrious tax-paying citizens—do not find time to read statutes, and many of them are unacquainted, save through report, with the provisions of their own charter.

Under this charter a new set of officers were elected, and, we cordially admit, that they administered the affairs of the city faithfully. They were compelled to do so by a charter which prohibited stealing from the public coffers under heavy penalties. But when their terms of office expired, by the limitations of the law, these officials, relying upon friendly judges and courts, refused to call an election as required by law, and attempted to disfranchise the citizens of San Francisco by holding over. And yet these are the men who come here and ask you to turn their successors out of office—successors elected by the people, and admitted to their rights after a tedious litigation. These new officials, like the old ones, are prevented, by the stringent provisions of the charter, from plundering the city. But they have

done more: they have increased the revenue of the city by equal legislation, and reduced the annual expenditures, for ordinary purposes, nearly one hundred thousand dollars. What, then, has been their offence, that a new charter should be made, solely to drive them from office? The undersigned find that they have been guilty of the following scandalous acts: They have superseded a whole batch of hungry office-holders; they have diminished the number of useless offices; they have consulted public economy by giving the official printing of the city to one newspaper instead of any other; and finally, the Common Council have attempted to interfere with a powerful land monopoly by accepting a law donating to the city of San Francisco rights to the value of several hundred thousand dollars.

The friends of this bill have been denouncing the present charter as a batch of inconsistencies. Now let us look at the bill before us. With three or four *so-called* amendments, this bill is copied, word for word and letter for letter, from the present charter, retaining even its ambiguous expressions, and its grammatical and typographical errors.

First, it proposes to change the time of election. A moment ago, they were declaiming against the frequency of elections, because two happened to occur in one year; now, they modestly ask for three.

One of the arguments urged in favor of legislating out of office the present incumbents, is, that the law requiring their election is so ambiguous that the people were not apprized of its meaning. But the language of the amendment is copied, word for word, from the old law, preserving the ambiguity complained of, and even the false grammar of the old provision. It next proposes to dispense with the office of Recorder, and to transfer his jurisdiction to the Mayor; but it provides a corresponding increase of the Mayor's salary, and gains nothing, either in cheapness or speed, to the administration of criminal justice.

This wise and model bill, that obviates all incongruities—this charter, that annihilates all other charters—next provides for the funding, by the Common Council, of a debt already funded by special statute, and for transferring to the Common Council all the property now held inviolably in trust by the Fund Commissioners.

Again, in Section 2, Article I, it violates the constitution of this State by creating qualifications and disqualifications of electors others than those known to that instrument.

Again, it defines the duties of City Assessor, but provides no mode for his election, and expressly prohibits the election of any officer, except as therein provided.

Another of its wise and important amendments is, that whereas the old charter declares that the charter officers shall be "elected," this bill declares that they shall be "elected by the people."

Again, whilst the charter requires the Mayor to countersign all warrants upon the Treasury, and all licenses, this bill allows the Mayor to countersign warrants on the Treasury, and the Comptroller to countersign licenses.

The present charter, recognizing the democratic doctrine of self-government, wisely provides a mode in which the charter may be revised and amended by the people of San Francisco, who alone understand their own wants and interests. That provision this democratic bill proposes to expunge.

And finally, this famous bill proposes, in one section, to change the expression "Common Council" to "City Council."

These, so far as your committee are advised, are all the changes proposed by this bill, ambitiously styled a *new charter*

The undersigned are convinced that this attempt at legislating out of office public servants, who have proved themselves, thus far, worthy and capable, is dictated less by a regard for the interest of the city than by partizan and personal hostility; and that a majority of the people of San Francisco, a constituency which the undersigned in part represent, are opposed to the contemplated amendments to the charter.

For these, amongst other reasons, they would recommend that the bill be indefinitely postponed.

All of which is respectfully submitted.

HERMAN WOHLER,
G. W. TEN BROECK.

On motion of Mr. Wood, the House resolved itself into Committee of the Whole, Mr. Lyons in the chair, to consider a bill to amend the charter of the City of San Francisco; after spending some time in the consideration, and making some amendments thereto,

On motion of Mr. Wohler, the committee rose for want of a quorum.

Mr. Wohler moved a call of the House.

Call was sustained.

The clerk then called the roll and the following members were absent, Messrs. Coats, Ford, Gardiner and Yeiser.

On motion, Messrs. Crabb, Jones, Tucker and Hopkins were excused.

On motion of Mr. Wohler further proceedings under the call were dispensed with.

The House resolved itself into Committee of the Whole, Mr. Lyons in the chair, to complete the business in reference to the City Charter,

On motion of Mr. Wood, the committee concurred in the amendment made in committee, and

On motion of Mr. Kipp, the committee rose, reported the bill as amended, and asked to be discharged from the further consideration of the bill.

Committee discharged.

Mr. Wohler moved to concur generally in the amendments made in Committee of the Whole.

Agreed to.

Mr. Canney moved to indefinitely postpone the bill under consideration.

Mr. Hinchman offered the following amendment to fifth section of article eleven, by adding "the present city officers shall continue in office until the first Wednesday of September next.

Mr. Canney demanded the previous question.

The speaker put the question, "shall the main question be now put?"

The House decided in the affirmative.

The question recurring upon the amendment, Messrs. Wood, Ten Broeck and Canney demanded the ayes and nays:

Those who voted for the amendment were—

Messrs. Blanchard,
Boggs,
Caldwell,
Chauncey,
Coats,
Cook,
Covarrubias,
Crabb,
Cutler,
Hinchman,
Jones,
McMullin,
Orrick,
Stark,
Stevenson,
Taliaferro,
Wood—17.

Those who voted against the amendment were—

Messrs. Brush,
Canney,
Coffroth,
Colby,
Crittenden,
Dameron,
Fleming,
Hudspeth,
Ingersoll,
Kipp,
Law,
Lyons,
McConaha,
McMeans,
Merritt,
Pearce,
Ridley,
Ten Broeck,
Thompson,
Wing,
Wohler,
Young,
Speaker—23.

The House refused to adopt the amendment.

The question then came up upon the motion to indefinitely postpone; upon which Messrs. Canney, McMullin and Wood demanded the ayes and nays:

Those who were in favor of indefinite postponement were—

Messrs. Blanchard,
Brush,
Canney,
Coats,
Coffroth,
Colby,
Covarrubias,
Crittenden,
Dameron,
Fleming,
Hudspeth,
Ingersoll,
Kipp,
Law,
Lyons,
McConaha,
McMeans,
Merritt,
Pearce,
Ridley,
Stevenson,
Taliaferro,
Ten Broeck,
Thompson,
Wing,
Wohler,
Young,
Speaker—28.

Those who voted against indefinite postponement were—

Messrs. Boggs,
Caldwell,
Chauncey,
Cook,
Crabb,
Cutler,
Messrs. Hinchman,
Jones,
McMullin,
Orrick,
Stark,
Wood—12.

So the House indefinitely postponed the bill.

Mr. McMeans introduced a Joint Resolution authorizing the Board of Examiners to settle the accounts of Major Wm. Rogers for the first and second El Dorado Expeditions against the Indians.

Read a first and second time, and referred to Select Committee of three, Messrs. McMeans, McMullin and Boggs were appointed said committee.

The following messages were received from the Governor:

EXECUTIVE DEPARTMENT,
Sacramento City, April 17, 1852.

To the Assembly of the
State of California:

I have this day signed "Joint Resolution in respect to Electors of President and Vice President."

JOHN BIGLER.

EXECUTIVE DEPARTMENT,
Sacramento City, April 16, 1852.

To the Assembly of the
State of California:

I have this day approved an Act entitled "an Act for the permanent location of the seat of justice of the County of Calaveras."

JOHN BIGLER.

EXECUTIVE DEPARTMENT,
Sacramento City, April 16, 1852.

To the Assembly of the
State of California:

I have this day approved the following acts which originated in the Assembly, viz:—

An Act entitled "an Act for the relief of the Indigent Sick."

An Act entitled "an Act amendatory of the twenty-fifth section of an

Act entitled an Act dividing the State into Counties, and establishing seats of justice therein."

JOHN BIGLER.

EXECUTIVE DEPARTMENT,
Sacramento City, April 16, 1852.

To the Senate and Assembly of the State of California:

I transmit herewith, a communication from the Hon. S. R. Harris, Mayor of the City of San Francisco, covering a letter addressed to him by a committee of his fellow-citizens, and a memorial to "Congress upon the subject of constructing a Railway from the Pacific to the Valley of the Mississippi."

The great importance to California of the enterprize to which the early attention of Congress is here invited, cannot be doubted. I therefore recommend that you take such action as you may deem necessary to secure a favorable consideration of the subject by Congress.

JOHN BIGLER.

Communication from the Mayor of the City of San Francisco, with a memorial in reference to railroad from the Pacific to the Mississippi Valley.

Read and referred to Committee on Federal Relations.

Mr. Ridley offered the following resolution, which lies over one day under the rule.

Resolved, That the hours of meeting of this House shall for the residue of the session be at 9 o'clock, A. M., adjourn at half past 12, meridian, and meet again at half past 1 in the afternoon.

Mr. Canney introduced a bill, an Act authorizing C. E. McNair, and Wm. F. McLean to establish a steam ferry at the City of San Francisco.

Read a first and second time, and referred to Committee on Corporations.

Mr. Covarrubias introduced a bill to be entitled an Act for the relief of W. E. P. Hartnell.

Read a first and second time, and referred to Committee on Claims.

On motion, the House resolved itself into Committee of the Whole, Mr. Lyons in the chair, to consider a bill, an Act to revise the Act to regulate proceedings in Civil Cases; after spending some time in its consideration, and making amendments thereto, the committee rose for want of a quorum.

Mr. Brush gave notice that he would, on Monday next, introduce a bill granting Joseph Gibson, or his assigns, the right to erect a boom on the American River.

The following message was received from the Senate:

I am directed by the Senate to inform the Assembly, that they have passed, this day, Assembly bill entitled a bill to provide for levying, assessing and collecting the Public Revenue with sundry amendments, which are herewith attached to the bill.

A. C. BRADFORD,
Secretary of the Senate.

The House refused to concur in the amendments made in the Senate to the bill to levy, assess and collect Revenue, and have appointed Messrs. Wall, Hinchman and Orrick on their part as a Committee of Conference.

On motion of Mr. Merritt, at 4 o'clock, P. M., the House adjourned until 10 o'clock on Monday next.

HOUSE OF ASSEMBLY.

MONDAY, April 19, 1852.

House met pursuant to adjournment.

The roll was called by the Clerk, and the following members were absent:—Messrs. Coats, Ford, Hinchman, Jones, McKim, Orrick, Turner, Wall and the Speaker.

The Journal of Saturday, the 17th, read and approved.

The Speaker pro tempore, Mr. Coffroth, announced the House ready to proceed to business.

On motion of Mr. Canney, leave of absence was granted to Mr. Gibson for the remainder of this week.

On motion, leave of absence was granted to Messrs. Pearce, Fowler, Jones, Ford and Coats.

Mr. Taliaferro made the following report:

Your committee, to whom was referred the Senate bill, amendatory of an Act entitled an Act concerning corporations, passed April 22, 1850, have examined the subject closely and recommend its passage.

Bill laid upon the table.

Mr. Merritt, from the Committee on Claims, made the following report:

The Committee on Claims, to whom was referred an Act for the relief of W. E. P. Hartnell, State Translator, beg leave to report that they have had the same under consideration, and find, upon examination, that the claim is for extra services in making fair copies of Laws translated for the "Los Angeles Star," for publication; the bill calls for eleven hundred and fifty dollars for copying twenty-three hundred folios, at fifty cents per folio; upon consultation with gentlemen acquainted with the Spanish language, your committee have instructed me to reduce the amount to thirty cents per folio, and report a bill for the sum of six hundred and ninety dollars, and recommend its passage as a substitute for the original bill proposed by Mr. Covarrubias of Santa Barbara.

Your committee are of the opinion that the claim for extra services is just, and that thirty cents per folio is a fair compensation.

All of which is respectfully submitted.

SAMUEL A. MERRITT,
Acting Chairman of Committee on Claims.

Substitute adopted.

On motion of Mr. Wohler, the House resolved itself into Committee of the Whole, Mr. McMullin in the chair, to consider a bill to be entitled an Act for the relief of W. E. P. Hartnell, State Translator. After spending some time in the consideration of the bill,

On motion of Mr. Lyons, the committee rose, reported the bill back without amendment, and asked to be discharged.

Committee discharged.

The bill was then considered as engrossed, read a third time and passed.

Mr. Crittenden made the following report:

The Committee on the Judiciary, to whom was referred an Act to prohibit Lotteries and Raffles, report—

That, finding the provisions of this bill somewhat indefinite, they have prepared, and herewith submit, a substitute for the consideration of the Assembly. At the same time, they would not be considered as expressing any opinion as to the necessity or propriety of legislation upon the subject.

Mr. Hopkins made the following report:

The Committee on Engrossed Bills report that they examined and found correctly engrossed—

An Act to authorize the construction of a Wagon Road from Humboldt Bay to the Sacramento Valley;

An Act to amend the twentieth section of an Act entitled an Act dividing the State into Counties and establishing the Seats of Justice therein;

An Act to authorize the Trustees of the Stockton State Hospital to erect a building for the insane of the State, and to provide for their support.

Mr. Merritt made the following report:

Mr. Speaker:

The Committee on Claims have had under consideration a bill introduced by Mr. McConaha, entitled "an Act for the relief of Henry A. Caulfield," and beg leave to report as follows:

Your committee find that the claim is predicated on injuries to person and property, alleged to have been sustained by Mr. Caulfield in the so-called "squatter riot," in August, 1850. We do not intend, nor do we consider it pertinent to the case now under consideration, to examine the causes which led to those unfortunate difficulties, which must ever be deplored by every good citizen; but the only question which we have to consider is, whether or not Mr. Caulfield can, either in law or equity, claim from the State remuneration for his alleged grievances. Your committee are fully of the opinion that we cannot grant this claim. And what will be the result? Hundreds of claims, of a similar character, having equal claims upon our sympathies, will pour in upon us until our already embarrassed State will be hopelessly bankrupt.

Here is a claim presented by an individual who asserts that he has been unjustly and unlawfully imprisoned by the city and county authorities of Sacramento; that his property and home has been destroyed; that his health has been greatly impaired by long confinement and cruel treatment; in short, that he has suffered every indignity.

Now this may all be true. And if it is, he has a plain and simple remedy, by an appeal to the courts; if an officer has, contrary to law, imprisoned him, he can recover damages by an action for false imprisonment; if a citizen, or a number of citizens, have assaulted and mistreated him, he has his redress by a civil or criminal action.

The laws have provided that officers shall give good and sufficient bonds for the faithful performance of their duties. Now, if an officer exceeds his authority, or does an illegal and unjust act to a citizen, he can be prosecuted. If one citizen unjustly injures the person or property of another, he can be made to suffer; so that if Mr. Caulfied *has been improperly treated*, his remedy is not by an application to the Legislature for relief, but by application to the courts for redress.

Grant the prayer of the petitioner, and you, by that act, say that the State becomes responsible for every illegal act of any county, township, or city officers. Now, your committee do not wish to be understood as asserting that the officers and citizens of Sacramento have acted unjustly and wrongfully towards Mr. Caulfield,—with that we have nothing to do; there are various and different opinions in regard to that matter, and it is one which it is not the province of this committee to inquire into.

Your committee are therefore clearly of the opinion that this Legislature has nothing to do with the matter, and that Mr. Caulfield has no claim whatever upon the State. As we have before stated, if Mr. Caulfield has been wronged, he has his remedy; on the contrary, if his imprisonment was

just, he has nothing to complain of. We therefore recommend that the bill before the House be indefinitely postponed.

All of which is respectfully submitted.

MERRITT, Chairman;
COOK, of Yuba;
GRAHAM, of Solano.

Bill laid upon the table.

Resolution offered by Mr. Ridley on Saturday proposing to change the hours of meeting of the Assembly, taken up for consideration.

Mr. McMullin moved to indefinitely postpone the resolution; upon which Messrs. Boggs, Brush and McKim, demanded the ayes and nays:

Those who voted to indefinitely postpone were—

Messrs. Chauncey,	Messrs. McMullin,
Cook,	Merritt,
Crittenden,	Taliaferro,
Dameron,	Tucker,
Lyons,	Wood,
McConaha,	Yeiser—12.

Those who voted against postponement were—

Messrs. Blanchard,	Messrs. Ingersoll,
Boggs,	Kipp,
Brush,	Law,
Canney,	McKim,
Caldwell,	McMeans,
Coffroth,	Ridley,
Covarrubias,	Stark,
Crabb,	Stevenson,
Cutler,	Ten Broeck,
Fleming,	Thompson,
Graham,	Wing,
Hopkins,	Wohler,
Hudspeth,	Young—26.

The House refused to indefinitely postpone.

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

Not agreed to.

Mr. Wing offered the following as an amendment, "to take a recess at half past 12 o'clock until 2 o'clock.

Mr. Wood moved to amend by striking out half past 12 and 2, and insert 5 and 7.

Not agreed to.

Mr. Boggs moved the previous question.

Not agreed to.

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

Not agreed to.

The question was then put upon the amendment offered by Mr. Wing, and agreed to.

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

Not agreed to.

Mr. Tucker offered as a substitute, the following:

"That hereafter, the Assembly will meet at 10 o'clock, A. M., and adjourn, or take such recess as soon after as they may from day to day determine.

Not agreed to.

Mr. Brush moved the previous question.

The Speaker put the question, "shall the main question be now put?" and the House decided in the affirmative.

The main question was upon the adoption of the resolution as amended; upon which Messrs. Wood, Hopkins and McKim demanded the ayes and nays:

Those who voted for the resolution were—

Messrs. Boggs,	Messrs. McConaha,
Brush,	McKim,
Caldwell,	McMeans,
Chauncey,	Ridley,
Coffroth,	Stark,
Covarrubias,	Stevenson,
Crabb,	Thompson,
Cutler,	Wing,
Fleming,	Wohler,
Hudspeth,	Young—21.
Law,	

Those who opposed the resolution were—

Messrs. Blanchard,	Messrs. Kipp,
Canney,	Lyons,
Cook,	McMullin,
Crittenden,	Merritt,
Dameron,	Taliaferro,
Gardiner,	Ten Broeck,
Graham,	Tucker,
Hopkins,	Wood,
Ingersoll,	Yeiser—18.

The resolution passed.

Mr. Crabb introduced a bill to be entitled an Act to amend the twenty-second section of "an Act to create a State Hospital in the City of Stockton, passed April 30th, 1851.

Read a first and second time, and referred to Committee of Ways and Means.

Mr. Chauncey gave notice that on to-morrow, he would introduce a bill for the relief of Mrs. Woodland and children, widow of the late Mr. Woodland, who lost his life while defending the peace of the City of Sacramento, and protecting his family.

The following message was received from the Senate:

Mr. Speaker:

I am directed to inform the Assembly that the Senate passed on the 12th instant, "an Act exempting the members of legally organized Fire Companies, and Uniformed Militia Companies from service upon juries;"

Also that they did on yesterday pass "an Act concerning Escheated Estates;"

"An Act to create a Board of Supervisors for the County of San Diego and define their duties;"

Also that they refused to concur in Assembly amendment to "Joint Resolution authorizing the Secretary of State to receive proposals for the State Translating until April 19th, 1852;"

Also that they did on the same day pass Assembly bill for "an Act for the payment of the salary of Wm. T. Barbour, Judge Tenth Judicial District;"

And have also concurred in Assembly "Resolution relative to the distribution of the Laws of 1851;"

Also that the Senate did on the same day concur in the report of the committee on the disagreeing vote of the two Houses on the bill for "an Act prescribing the mode of maintaining and defending Possessory Actions to Public Lands in this State;"

Also that the Governor did on yesterday approve "an Act amendatory of section first of an Act for the relief of C. C. Richmond;"

"An Act to create the County of Sierra and establish the seat of justice therein to define the boundaries, and provide for its organization;"

Also "an Act to legalize acknowledgments of deeds taken before, and certified by County Recorders."

A. C. BRADFORD,
Secretary of the Senate.

April 17, 1852.

Senate bill, an Act exempting the members of legally organized Fire Companies and Uniformed Militia Companies from service upon juries.

Read a first and second time, and referred to Judiciary Committee.

Senate bill for an Act concerning Escheated Estates.

Read a first and second time, and referred to Judiciary Committee.

Senate bill, "an Act to create a Board of Supervisors for the County of San Diego, and to define their duties.

Read a first and second time.

Senate Joint Resolutions, authorizing the Secretary of State to receive proposals for the State Translating until the 19th of April, 1852. House receded from their amendment of the 15th inst.

Assembly bill for an Act for the relief of James S. Rains on its third reading, considered as engrossed, read a third time and passed.

On motion of Mr. Chauncey, the House resolved itself into Committee of the Whole, Mr. Wood in the chair, to consider a bill for the relief of Taaffe and McCahill; after spending a short time in its consideration,

On motion of Mr. Chauncey, the committee rose, reported the bill back without amendment, and asked to be discharged.

Committee discharged.

Bill was then read a third time and passed.

The House took a recess until 2 o'clock, P. M.

House met pursuant to adjournment at 2 o'clock.

Assembly bill for an Act entitled "an Act to authorize William Morehead, Thomas Palmer & Co., to collect tolls on a bridge across Trinity River, in Trinity County; on its third reading, Messrs. Crittenden, Brush and Kipp demanded the ayes and nays:

Those who voted for the passage of the bill were—

Messrs. Boggs,	Messrs. Graham,
Canney,	Hopkins,
Caldwell,	Hudspeth,
Coffroth,	Ingersoll,
Cook,	McMullin,
Covarrubias,	Stark,
Crabb,	Taliaferro,
Cutler,	Thompson,
Dameron,	Wing,
Fleming,	Wood—21.
Gardiner,	

Those who voted against the passage of the bill were—

Messrs. Blanchard,	Messrs. McConaha,
Brush,	McMeans,
Colby,	Merritt,
Crittenden,	Ridley,
Kipp,	Stevenson,
Law,	Wohler,
Lyons,	Young—14.

So the bill passed.

Assembly bill for an Act entitled "an Act to authorize Dennis B. Mooney to collect tolls on a ferry across Trinity River, in Trinity County, or to substitute a toll bridge for the same on its third reading, Messrs. Crittenden, Lyons and Brush demanded the ayes and nays,

Those who voted in favor of the passage of the bill were—

Messrs. Boggs,
Canney,
Caldwell,
Coffroth,
Colby,
Cook,
Covarrubias,
Crabb,
Cutler,
Dameron,
Fleming,
Graham,
Hopkins,
Hudspeth,
Ingersoll,
McMullin,
Stark,
Taliaferro,
Thompson,
Wing,
Wood—21.

Those who voted against the bill were—

Messrs. Blanchard,
Brush,
Crittenden,
Kipp,
Law,
Lyons,
McConaha,
McMeans,
Merritt,
Ridley,
Stevenson,
Wohler,
Young—13.

So the bill passed.

Mr. Crittenden asked leave of absence for the remainder of this session. Leave granted.

Mr. Colby made the following report:

The Joint Committee on Enrollment, have examined and found correctly enrolled, the following:

An Act to provide for the payment of the salary of Wm. S. Barbour, Judge of the Tenth Judicial District.

An Act for the relief of A. G. Kimble.

An Act prescribing the mode of maintaining and defending Possessory Actions on Public Lands in this State.

Also Joint Resolution relative to the distribution of the Laws of 1851.

Mr. Hinchman moved to take up a bill to fund the debt of the State.

Not agreed to.

On motion of Mr. Stark, the House resolved itself into Committee of the Whole, Mr. Lyons in the chair, to consider a bill to revise the Act to regulate proceedings in Civil Cases; after spending some time in its consideration and sundry amendments being made thereto,

On motion of Mr. McMullin, the committee rose and asked leave to sit again.

Leave granted.

Mr. Merritt made the following report:

The Committee on Claims have examined Senate bill No. 134, entitled an Act for the relief of Wm. Rogers, Sheriff of El Dorado County, and beg

leave to report it back to the House and recommend its passage, believing that it is just and proper.

The committee have also examined a bill to provide for the payment of the salary of the Adjutant-General, and recommend that it be indefinitely postponed, as the salary of that officer is payable out of the military fund; and, moreover, we are of the opinion that the gentleman who holds the office of Adjutant-General, has performed no service of any consequence; and that he has, for a great while, been engaged in the transaction of private business, and we believe that he is not entitled to compensation.

All of which is respectfully submitted.

MERRITT,
Acting Chairman of Committee on Claims.

The following message was received from the Senate:

Mr. Speaker:

I am directed to inform the Assembly that the Senate this day concurred in the amendments to Assembly bill for levying, assessing and collecting the public revenue, agreed upon by the Committee of Conference of the two Houses, and the bill is herewith returned.

A. C. BRADFORD,
Secretary of the Senate.

April 19th, 1852.

Mr. Taliaferro introduced a bill for an Act for the protection of game. Read a first and second time and referred to a Select Committee of three. Messrs. Taliaferro, Wall and Wood were appointed said committee.

Mr. McMeans made the following report:

The committee to whom was referred the Joint Resolutions authorizing the Board of Examiners to settle the accounts of Major William Rodgers, in the first and second El Dorado expeditions against the Indians, have had the same under consideration and beg leave to report the accompanying bill, and recommend its adoption as a substitute for the resolution.

Mr. Wall made the following report from the Committee of Conference:

The Committee of Conference, upon the disagreeing votes of the two Houses on Senate amendments to the Assembly bill for "an Act to provide for levying, assessing and collecting public revenue," report as follows:

The committee recommend that the Assembly shall concur in the first amendment to section one, and in the amendments to sections four, five, seventeen, twenty-five, thirty-one, forty-seven, fifty, eighty-three, ninety-three, ninety-four, ninety-six, and one hundred.

The committee recommend that the Assembly shall not concur in the

second amendment to section one, nor in the amendments to sections twenty, twenty-six, twenty-seven, and ninety-nine.

The committee recommend the adoption of the following, as a substitute for Senate amendment to section twenty-one:

Amend section twenty-one, by adding thereto, "ninety cents of each poll tax collected under the provisions of this Act shall be paid into the County Treasury for the use of the county. The remainder, after deducting the ten per cent. allowed to the Assessor, or the fee of one dollar allowed to the Sheriff, as the case may be, shall be paid over for the use of the State."

The committee recommend the following, as a substitute for Senate amendment to section fifty-six:

After the words, "for the use of the State," insert "and county, to be divided in the manner specified in section twenty-one." And in the same section, after the words "five dollars for the use of the State," insert, "and county."

And in case section twenty-five be stricken out, as recommended, the committee advise that section one hundred shall be numbered twenty-five, and that section one hundred and two shall be numbered ninety-nine.

All of which is respectfully submitted.

ISAAC B. WALL,
Chairman of Assembly Committee.

H. E. ROBINSON,
Chairman of Senate Committee.

Report received and amendments concurred in.

Mr. Ridley made the following report upon mines and mining interests—three thousand copies ordered to be printed. (See Appendix.)

Mr. Hopkins made the following report:

The Committee on Engrossed Bills beg leave to report that they have examined and found correctly engrossed the following bills:

An Act for the relief of W. E. P. Hartnell;

An Act for the relief of James S. Rains;

An Act to authorize William Morehead, Thomas Palmer and Company, to collect tolls on a bridge across Trinity river, in Trinity County;

An Act to authorize Dennis B. Mooney to collect tolls on a ferry across Trinity river, in Trinity County, or to substitute a toll bridge for the same.

All of which is respectfully submitted.

W. R. HOPKINS.

On motion of Mr. Chauncey, at 6 o'clock, P. M., the House adjourned until 9 o'clock, to-morrow.

HOUSE OF ASSEMBLY.

TUESDAY, April 20, 1852.

House met pursuant to adjournment.

The roll was called by the clerk and the following members found absent—Messrs. Chauncey, Colby, Covarrubias, Crittenden, Gardiner, Hinchman, McKim, McMullin, Merritt, Tucker, Wall and Yeiser.

The Journal of Monday, the 19th, read and approved.

The Speaker announced the House ready to proceed to business.

Mr. Kipp made the following minority report upon the subject of a bill granting relief to Henry A. Caulfield.

Mr. Speaker:

Your Committee on Claims, to whom was referred the bill to provide for an Act for the relief of Henry A. Caulfield, unfortunately differed in opinion, hence the undersigned feels it a duty which he owes to his position as an impartial representative, to submit the following minority report; it will be observed, that by the terms of the majority report, it is argued that Mr. Caulfield claims remuneration from the State, on the ground that he was imprisoned, and his property destroyed by a lawless mob, now the undersigned does not understand this as the language or argument urged by Mr. Caulfield in favor of his claim; the undersigned for a moment will recur to the facts of the case. After the bill was referred to your committee, Mr. Caulfield was called upon to make a written statement of facts; this he did, and by reference to that statement, it will be found that the same is mild and temperate, setting forth the following facts: First, that he was imprisoned and put in irons without any authority of law: and Secondly, that whilst thus imprisoned, his house, his grocery and his lumber, his books and clothing, horses, mules, bridles, saddles and harness, and carpenter tools were destroyed, and that he never received any remuneration for the same: Thirdly, that when he was afterwards prosecuted on behalf of the State, he was compelled to expend over two thousand dollars in his defence, and that after he had been thus imprisoned, and his property destroyed, that a *nol. pros.* was entered on behalf of the State, and the prosecution dismissed, from the fact that no violation of law appeared to have been committed by said Caulfield; this statement was submitted to your committee directly certified by the signature of Mr. Caulfield, and several other highly honorable citizens, besides this, the Hon. L. A. Aldrich, Judge of the Sixth Judicial District, as well as other reputable persons, certify to the truth of the material parts of said statement, now these were the facts before the committee, yet the majority report argues, that Mr. Caulfield is not only barred from any legal, but from any equitable claim against the State. The undersigned trusts, that the facts fully show, that by every equitable principle, the petitioner is fully entitled to the remuneration prayed for. And the undersigned does not, in the least, doubt that the State is bound by every legal,

equitable and moral obligation to refund the petitioner for the loss and irreparable injury which has been inflicted upon him; it is a well and long settled legal principle, that wherever a party has a right, the law will confer a remedy; now if it be admitted, and it is not denied, that the property of the petitioner was destroyed and that he never received any compensation therefor; still to this, it may be answered, that this was all done by individuals; but if the State commences an unfounded and unjust prosecution against a citizen, imprisons and indicts him, and afterwards dismisses the prosecution, thereby virtually admitting the same to be unfounded—can it be said, either in law or equity, that the citizen is without any redress? surely not—but says the opponents of this measure, if any officer of the State is guilty of malfeasance, or falsely imprisons a citizen, he has his remedy against the officer—this is very beautiful, indeed—but the reasoning not quite so obvious. Now it occurs to the undersigned, that all officers created by law are only governmental agents, and that the government is legally and equitably bound to the citizen for injuries done by her agents; in short, is not the principal bound by the acts of the agent, and will it be contended that the State should be released from performing an obligation which every honest man would be bound by every rule of law, as well as every moral consideration, to observe and perform; such reasoning appears to the undersigned as extremely fallacious. But in addition to all this, it is well known that those who inflicted the wrong upon Mr. Caulfield, are either *dead*, without the jurisdiction of the State, or independent of the law; hence it is, that the property of a citizen has been destroyed, his liberty restrained, his person imprisoned and weighed down with chains, his health forever impaired by confinement in the unwholesome dungeon of the prison-ship of Sacramento County. Precedents innumerable might be cited in proof of the positions assumed by the undersigned, but he will content himself with the recitation of two very memorable precedents, directly in point.

Under the administration of the Elder Adams, and during the operation of the sedition law, one Matthew Lyons was imprisoned and fined for having exercised the privilege of publishing certain matters said to be seditious. He was imprisoned in accordance with the then existing law of the land, and was arraigned and prosecuted by the proper and legally constituted officers, or government agents; yet some forty years thereafter, the Congress of the United States refunded to the heirs of Mr. Lyons his fine, with legal interest thereon from the time the same had been imposed until its refundment. The next precedent, is that of the act of Congress during the administration of John Tyler, in refunding the fine imposed upon an individual known as one General Andrew Jackson, for an alleged contempt of Court; no member of Congress denied the power of Judge Hall to inflict the fine of one thousand dollars upon General Jackson, nor was it disputed that Hall was a legally constituted Judge, or that he had transcended his judicial powers, neither was it contended by those members of Congress, who opposed the refunding of the fine that General Jackson had his remedy against Judge Hall by civil action. Yet Congress, by the solemn enactment of law, did refund General Jackson's fine, together with interest thereon from the time of its imposition until it was refunded.

Now the cases cited are directly in point, and as the undersigned believes, places the equity and law of the matter beyond the possibility of

a cavil, or a doubt. Precedents without number might be shown where the States have afforded relief to their citizens under circumstances of peculiar hardship; the undersigned feels that the present case is one of rare peculiarity and hardship, that addresses itself to the equity of the State, and the magnanimity of her legislators; it surely ought not be allowed as an argument against the claims of Mr. Caulfield, that if this claim is allowed, it will open the door to the claim of others, for it is well known, that Mr. Caulfield is the only one of the party, known as settlers, who pretends to ask for relief, he having been the only considerable sufferer, nor should his rights be disparaged by any attempt on the part of those who wish to prevent his relief, by introducing the pretended claims of those who pretended to have been acting under direction of the civil authorities of Sacramento City, on the day when the unfortunate difficulty occurred between certain citizens of Sacramento County in 1850. Believing that the petitioner is justly entitled to the relief which he asks, and believing that the State will not be injured by performing this simple act of justice, to an unfortunate and worthy citizen, the undersigned respectfully recommends the passage of the bill referred to.

ALPHEUS KIPP.

Mr. McConaha made the following report:

Your Committee on Commerce, to whom was referred an Act in relation to Port Wardens, report back the same, and believe that the same should become a law; for, by the provisions of this Act, there would be no possibility of incompetent persons filling the office of Port Warden. Another great principle contained in the provisions of this Act, is, that it relieves the Executive from the appointing of this grade of officers, and vests that trust in the hands of the people.

Your committee fully believe in the capacity of the people to govern themselves, and to choose their own public servants: and your committee further believe that the people, residing in the respective places where the office of Port Warden exists, know better how to choose a competent public agent than the Executive.

McCONAHA.

Mr. McMeans made the following report:

To the Honorable the
Speaker of the Assembly:

The Special Committee, to whom was referred a bill to be entitled an Act for the relief of the poor and indigent sick, have had the same under consideration, and respectfully ask leave to report—

That they regard the objects contemplated by the bill as of serious moment, and such as should elicit—as it doubtless will do—feelings of the deepest interest in the bosom of every citizen of the State. These subjects, it is well known, have engaged the minds and called into active exercise the inventive genius of the wisest legislators of Europe and the United States.

While the statute books of England groan under the weight of laws

enacted at various times for the relief and proper protection of the poor, the State of New York alone, among the many others of the Union which have numerous laws on this subject, has had, and now has, more than forty Acts spread upon her statute books for the same purposes. These facts only serve to prove how very important this subject is to other States and countries, and must be—sooner or later—to this.

The history of every mining country on earth, so far, except California alone, is a history of poverty, distress and violence; and we have no assurance that such is not in store for her. Indeed, all submit it as the present conviction of our minds that that state of things must obtain in the end.

Shall it, then, be said that the Eureka State of this proud Republic, with all her unbounded resources and incalculable wealth—when her horn of plenty is full to overflowing—shall longer delay to do her duty in this regard? We have the poor and dependent among us, and that class of pitiable objects are destined to grow more numerous as our country grows older; and to this hour there does not exist a statute for their protection in the State, of any general practical utility, to alleviate their sufferings.

Let the Legislature take the first step in this great scheme of philanthrophy. Let your talents, wisdom and energy be freely contributed to the furtherance of this great object, and a lambent flame of gratitude, springing from the hearts of the unfortunate of our people, will cast a cheering influence around the dismal hearths of the destitute and friendless.

Never, sir, in the opinion of your committee, do men so nearly approximate the character of Deity as when laboring to promote the peace and happiness of their fellows. Never did a nation appear more interesting to the philanthropist than did this of ours in her late acts of benevolence to starving Europe—to Ireland, particularly.

It requires no argument to prove that what is just and honorable in a great nation, in relation to such matters, must necessarily be the same in one of powers more limited and influence less extensive; and your committee most sincerely trust that California may not hesitate to do her duty in this regard, but will promptly engage in the free exercise of that most supernal of all virtues, Charity for the poor and indigent sick.

Such is the inefficiency of her present system of dispensing public charities, there are but comparatively few who derive any advantage from them. The means necessary to sustain the State, in her present policy, far exceed her revenues, and hence must, sooner or later, fail to meet the philanthropic wishes of society.

How is this to be remedied? We answer, by the abandonment, to a very great extent, of the present Hospitals, and the enactment of some such law as the accompanying bill proposes. In this way, every part of our State will participate in the benefits of our public acts of benevolence, and will bear, with becoming dignity, any reasonable exactions for these purposes.

Your committee sincerely believe the idea supremely absurd that the tax-paying portion of our State will tamely submit to forced contributions for benevolent State purposes, when they know they are not to be the recipients of any benefits from this quarter.

To protect her citizens in their persons, property, rights, and privileges,

is the true policy and legitimate duty of every State and Nation. It is thus she secures their respect, their love and their support.

The Federal Government has taken the first step in this commendable purpose, predicating her actions on convictions of this kind. California has nobly responded to this suggestion, and it remains for us to say how the greatest amount of benefits are to be secured to the proper objects of our charity.

Believing the accompanying bill, as amended, will greatly promote the object of our wishes to a degree highly creditable to our State, as it proposes an efficient adjunct to our greater acts of public relief, your committee deem it their duty to earnestly recommend its passage.

All of which is respectfully submitted.

S. A. McMEANS, Chairman.

Bill made the special order for Saturday next.

Mr. Taliaferro made the following report:

Your committee, to whom was referred the bill for the protection of game, take great pleasure in recommending its passage. The work of extermination that has been carried on, for the last two or three years, upon the game of this State, imperitively demands some restriction of this sort. We hope, therefore, the bill will pass.

On motion of Mr. Taliaferro, the bill was amended, considered as engrossed, read a third time and passed.

Mr. Boggs made the following report:

The Select Committee, to whom was referred the memorial of the Authorities of the City of Benecia, recommending that the two cities of Benicia and Vallejo may be incorporated into one, have had the same under consideration, and have instructed me report, that your committee are decidedly of the opinion that the best interests of this State, demand at your hands, a prompt and early settlement of the vexed question of the permanent location of the permanent seat of government.

Your committee are of opinion, that by adopting the propositions contained in the bill herewith submitted, you will at once settle this question in a manner, to suit the wishes and convenience of the great body of the people of this State; they therefore have instructed me to report the following bill, and earnestly recommend its immediate passage.

L. W. BOGGS, Chairman,
PAXTON,
RIDLEY,

Bill read a first and second time, and referred to Special Committee of three. Messrs. Lyons, Boggs and Wood were appointed said committee.

Joint Resolutions in reference to the mineral lands, on their third reading, considered as engrossed for a third reading on to-morrow.

The following message was received from the Senate:

I am directed to inform the Assembly that the Senate did on the 17th instant pass a "Joint Resolution of instructions to our Representatives in Congress in relation to the claim of Elias Waldron;"

Also a bill for "an Act to amend the one hundred and thirty-eighth section of an Act concerning Corporations;" approved April 22, 1851;

And that they did on the same day concur in Assembly amendments to the Senate bill for "an Act amendatory of an Act concerning Coroners;" passed April 19, 1850;

Also that they passed a bill for "an Act to create a Board of Supervisors for the Counties of this State and to define their duties and powers;"

Also "an Act to enumerate the Inhabitants of the State of California;"

Also Assembly bill for "an Act for the relief of A. G. Kimble;"

Also Assembly bill for "an Act for the relief of Lafayette Maynard;"

Also Assembly bill for "an Act to appoint commissioners for the purpose of determining the amount of indebtedness of Yuba County justly chargeable to Nevada County at the time of the organization of Nevada County, and to determine also the amount of indebtedness of Sutter County justly chargeable to Placer County at the time of the organization of Placer County;"

Also that the Senate did appoint on the same day, Messrs. Robinson, Walton and Hubbs as a Committee of Conference on the disagreeing vote of the two Houses, on the bill for "an Act to provide for the Levying, Assessing and Collecting the Public Revenue;"

And that the Senate passed on the 16th instant, "an Act to provide for the Public Printing, as a substitute for Assembly bill for an Act defining the duties of State Printer and fixing his compensation."

A. C. BRADFORD,
Secretary of the Senate.

April 19, 1852.

Senate Joint Resolutions to our Representatives in Congress in relation to the claim of Elias Waldron.

Read a first and second time, and referred to Committee on Federal Relations.

Senate bill, an Act to amend the one hundred and thirty-eighth section of an Act concerning Corporations, approved April 22, 1851.

Read a first and second time, and referred to Committee on Corporations.

Senate bill for an Act to create a Board of Supervisors for the Counties of this State and to define their duties and powers.

Read a first and second time, and referred to Judiciary Committee.

Senate bill for an Act to enumerate the Inhabitants of the State of California.

Read a first and second time, and referred to Judiciary Committee.

Senate bill, an Act to provide for the Public Printing.

Read a first and second time.

Mr. Crittenden moved that the bill be referred to Committee of the Whole, and made the special order for 2 o'clock this day; upon which

motion Messrs. Wood, Crabb and McMullin demanded the ayes and nays:

Those who voted in favor of the motion of Mr. Crittenden were—

Messrs. Brush,	Messrs. McConaha,
Caldwell,	McKim,
Colby,	McMeans,
Covarrubias,	McMullin,
Crabb,	Orrick,
Crittenden,	Stark,
Hopkins,	Thompson,
Hudspeth,	Wohler,
Ingersoll,	Wood—18.

Those who opposed the motion were—

Messrs. Blanchard,	Messrs. Law,
Boggs,	Lyons,
Canney,	Merritt,
Chauncey,	Paxton,
Coffroth,	Ridley,
Cook,	Stevenson,
Dameron,	Taliaferro,
Fleming,	Tucker,
Ford,	Wall,
Gardiner,	Wing,
Graham,	Speaker—22.

The House refused to adopt the motion.

Mr. McMullin moved that the bill be made the special order for tomorrow; upon which motion Messrs. McMullin, Wood and Crabb demanded the ayes and nays:

Those who voted in favor of the motion were—

Messrs. Blanchard,	Messrs. McConaha,
Brush,	McKim,
Caldwell,	McMeans,
Colby,	McMullin,
Cook,	Orrick,
Covarrubias,	Stark,
Crabb,	Stevenson,
Crittenden,	Thompson,
Ford,	Wohler,

Messrs. Boggs,
Canney,
Chauncey,
Coffroth,
Dameron,
Fleming,
Gardiner,
Hudspeth,
Law,
Lyons,
Merritt,
Paxton,
Ridley,
Taliaferro,
Tucker,
Wall,
Wing,
Young—18.

So the House sustained the motion.

Mr, Wood moved to insert 10 o'clock, as the hour for consideration in Committee of the Whole.

Mr. Lyons moved as an amendment, 2 o'clock.

Not agreed to.

Mr. Lyons moved to amend, by inserting quarter past 12 o'clock; upon which motion Messrs. Coffroth, McConaha and Crabb demanded the ayes and nays:

Those who voted in favor of the motion were—

Messrs. Blanchard,
Boggs,
Brush,
Canney,
Chauncey,
Coffroth,
Dameron,
Fleming,
Ford,
Gardiner,
Hudspeth,
Law,
Lyons,
Merritt,
Paxton,
Ridley,
Taliaferro,
Wing,
Yeiser—19.

Those who were opposed to the motion were—

Messrs. Caldwell,
Colby,
Cook,
Crabb,
Crittenden,
Cutler,
Hinchman,
Hopkins,
Ingersoll,
Kipp,
McConaha,
McKim,
McMeans,
McMullin,
Orrick,
Stark,
Stevenson,
Thompson,
Tucker,
Wohler,
Wood,
Young,
Speaker—23.

The House refused to adopt the motion.

The question then came up upon the original motion to insert 10 o'clock;

upon which Messrs. McMeans, Wood and Crabb demanded the ayes and nays:

Those who voted in favor of the motion were—

Messrs. Blanchard,
Brush,
Caldwell,
Colby,
Cook,
Covarrubias,
Crabb,
Crittenden,
Cutler,
Ford,
Hinchman,
Hopkins,
Hudspeth,
Ingersoll,
Kipp,
McConaha,
McKim,
McMeans,
McMullin,
Orrick,
Stark,
Stevenson,
Thompson,
Wohler,
Wood,
Young,
Speaker—27.

Those who voted against the motion were—

Messrs. Canney,
Chauncey,
Coffroth,
Dameron,
Fleming,
Gardiner,
Law,
Lyons,
Merritt,
Paxton,
Ridley,
Taliaferro,
Tucker,
Wing,
Yeiser—15.

So the House determined that 10 o'clock should be the hour to consider the bill in Committee of the Whole.

The following message was received from the Governor:

EXECUTIVE DEPARTMENT,
Sacramento City, April 19, 1852.

To the Assembly of the State of California;

I have this day approved an Act entitled "an Act explanatory of an Act repealing the charter of the city of Nevada, and to provide for the disposition of the property and payment of the debts of said city," approved February 14th, 1852.

JOHN BIGLER.

On motion of Mr. Wood, the House resolved itself into Committee of the Whole, Mr. McMullin in the chair, to consider a bill for an Act to revise the Act to regulate proceedings in civil cases in the Courts of Justice of

this State. After spending some time in its consideration, and making sundry amendments thereto,

On motion of Mr. Lyons, the committee rose, reported progress, and asked leave to sit again.

Leave granted.

Mr. Colby made the following report:

The Joint Committee on Enrollment have examined and found correctly enrolled an Act for the relief of Lafayette Maynard;

An Act to appoint commissioners for the purpose of determining the amount of indebtedness of Yuba County justly chargeable to Nevada County at the time of the organization of Nevada County;

An Act to provide for funding the debt of San Joaquin County, for the payment of the interest thereon, and for the gradual liquidation of the debt; also,

An Act creating Tulare County, and to provide for its organization.

On motion of Mr. Coffroth, the House adjourned until 2 o'clock, P. M.

House met at 2 o'clock, pursuant to adjournment.

Mr. McMullin offered the following:

Resolved, (the Senate concurring,) That this Legislature will adjourn sine die on the 22d instant.

On motion, laid upon the table.

Mr. Coffroth introduced a bill to be entitled an Act concerning the salary of the District Attorney of the County of San Francisco.

Read a first and second time, and referred to Committee of the Whole House, and made special order for two o'clock, on to-morrow.

Mr. Thompson asked leave of absence for the remainder of the session.

Leave granted.

Joint Resolutions, directing the Board of Examiners to examine and settle with Major William Rodgers his accounts as Paymaster in the first El Dorado expedition, on its third reading; a substitute was adopted in the shape of a bill, which was considered as engrossed, read a third time and passed.

The following message was received from the Senate:

Mr. Speaker:

I am directed to inform the Assembly that the Senate did, on yesterday, pass Assembly bill for "an Act to provide for the ordering of a special election of the County of Trinity," with amendments, as in the margin noted; also,

"An Act to amend the twentieth section of an Act entitled an Act dividing the State into Counties, and establishing the Seats of Justice therein;" also, Assembly bill for

"An Act for the relief of E. J. C. Kewen," with an amendment, as therein shown.

Also, that the Senate did, on yesterday, pass Senate bill for "an Act to prohibit the exercise of banking privileges, and the issue of warrants or scrip to circulate as money;" also a bill for

"An Act to provide for the protection of foreigners, and to define their liabilities and privilges," and passed.

An Act authorizing the Treasurer of State to receive any moneys that may be set apart to the State of California by Congress, to be applied to the payment of debts incurred by this State prior to being admitted into the Union, and the mode of appropriating the same.

A. C. BRADFORD,
Secretary of the Senate.

April 20th, 1852.

House concurred in the amendment made by the Senate to an Act for the relief of E. J. C. Kewen.

Senate bill, an Act to prohibit the exercise of banking privileges, and the issue of warrants or scrip to circulate as money.

Read a first and second time, and referred to Committee of Ways and Means.

Senate bill, an Act authorizing the Treasurer of State to receive any moneys that may be set apart to the State of California by Congress, to be applied to the payment of debts incurred by this State prior to being admitted into the Union, and the mode of appropriating the same.

Read a first and second time, and referred to Committee of Ways and Means.

House concurred in the amendment made by the Senate to Assembly bill to provide for the ordering of a special election in the County of Trinity.

Mr. McMullin moved to re-consider the vote just taken, which concurred in Senate amendment.

Vote was re-considered.

The bill was then referred to a Special Committee of three.

Messrs. McMullin, Merritt and Paxton were appointed said committee.

On motion, the House resolved itself into Committee of the Whole, Mr. Lyons in the chair, to continue the consideration of the Practice Act. After spending some time in its consideration, and making amendments thereto,

On motion of Mr. Crittenden, the committee rose, reported the bill back as amended, and asked to be discharged from its further consideration.

The committee discharged.

Mr. Wood moved to concur generally in the amendments made in Committee of the Whole.

Agreed to.

On motion of Mr. Crabb, the bill was ordered to be engrossed for a third reading on to-morrow.

On motion of Mr. Coffroth, the House resolved itself into Committee of the Whole, Mr. Boggs in the chair, to consider a bill in reference to criminal law. After spending some time in its consideration, and making sundry amendments thereto,

On motion of Mr. Crabb, the committee rose, reported the bill back as amended, and asked to be discharged from its further consideration.

Committee was discharged.

Mr. Kipp moved a call of the House.

The call was sustained.

The Clerk called the roll, and the following members were absent:—Messrs. Blanchard, Cook, Cutler, Dameron, Gardiner, Hopkins, Hudspeth, McConaha, Paxton, Taliaferro, Ten Broeck, Tucker, Wall, Wohler, Wood, Yeiser and the Speaker.

Mr. Lyons moved to dispense with further proceedings under the call.

Agreed to.

Mr. Kipp moved to adjourn, upon which motion Messrs. Covarrubias, Canney and McKim demanded the ayes and nays.

Those who voted to adjourn were—

Messrs. Boggs,	Messrs. Ingersoll,
Brush,	Kipp,
Caldwell,	Law,
Chauncey,	Lyons,
Coffroth,	Merritt,
Colby,	Orrick,
Fleming,	Ridley,
Ford,	Stark—16.

Those who opposed the adjournment were—

Messrs. Canney,	Messrs. McMeans,
Crabb,	Stevenson,
Crittenden,	Wing,
Hinchman,	Young—9.
McKim,	

So the House, at 6 o'clock, P. M., adjourned until 9 o'clock, on to-morrow.

HOUSE OF ASSEMBLY.

WEDNESDAY, April 21, 1852.

House met pursuant to adjournment.

The roll was called by the clerk and the following members found absent—Messrs. Colby, Crittenden, Cutler, Gardiner, Hinchman, Ridley, Tucker, Wall and Wohler.

The Journal of Tuesday the 20th of April, read and approved.

The Speaker announced the House ready to proceed to business.

Mr. Smith presented a petition from citizens of the County of Contra Costa, protesting against a division of the County.

Referred to delegation from Contra Costa and San Francisco.

Mr. Paxton made the following report:

Your Committee on Public Lands and Indian Reservations, to whom was referred the Senate memorial and accompanying resolutions upon the subject of the disposal of the public domain of the United States in the State of California, have had the same under consideration, report them back, and respectfully recommend their adoption.

JOHN A. PAXTON,
Com. on Public Lands.

JAMES W. COFFROTH,
Com. on Indian Affairs.

Mr. Coffroth made the following report:

The Committee on Federal Relations, to whom was referred "Joint Resolutions of Instructions to our Representatives in Congress, in relation to the claim of Elias Waldron," report the same back, and most earnestly recommend its passage. The committee are led to believe that the petitioner's claim is just, and that it should be audited and paid by the General Government.

JAMES W. COFFROTH, Chairman.

Resolution read a third time and passed.

Mr. Hopkins made the following report:

The Committee on Engrossed Bills report that they have examined and found correctly engrossed, Joint Resolutions in respect to mineral lands, and an Act for the protection of game.

Mr. Chauncey made the following report:

The Committee on Engrossed Bills have examined and found correctly engrossed the following bills:

An Act to authorize the Board of Examiners to settle the accounts of Major Williams Rogers in the first and second El Dorado expedition against the Indians;

A bill to be entitled an Act for the relief of W. E. P. Hartnell, State Translator.

Mr. Crabb made the following report:

The Judiciary Committee, to whom was referred the Senate bill for "an Act exempting the members of legally organized fire companies and uniformed militia companies from service upon juries." After considering the same, report it back, and recommend its indefinite postponement.

Your committee believe the fire companies, and uniform, and militia companies, are generally composed of the best citizens; and it being important to have the best men upon our juries, it would be bad policy to exempt this numerous class from jury service. The duties of jurors, and firemen, or members of uniform and militia companies, are by no means incompatible.

Mr. Crabb made a further report:

The Judiciary Committee, to whom was referred Senate bill for an Act concerning escheated estates, have had the same under consideration, and herewith report it back, and recommend its passage.

Mr. McMeans introduced a bill for an Act for the relief of El Dorado County.

Read a first and second time, and referred to Committee on Claims.

Mr. Lyons asked leave to withdraw, from among the papers of the House, the original printing bill; upon which, Messrs. Graham, Wood and McMullin demanded the ayes and nays.

Those who voted in favor of the proposition were—

Messrs.	Blanchard,	Messrs.	Law,
	Boggs,		Lyons,
	Canney,		McMullin,
	Chauncey,		Paxton,
	Coffroth,		Pearce,
	Crabb,		Taliaferro,
	Dameron,		Ten Broeck,
	Fleming,		Wing,
	Ford,		Wohler,
	Gardiner,		Yeiser,
	Kipp,		Young—22.

Those who voted in the negative were—

Messrs. Brush,
Caldwell,
Colby,
Covarrubias,
Crittenden,
Cutler,
Fowler,
Graham,
Hinchman,
Hopkins,
Hudspeth,
Messrs. Ingersoll,
McConaha,
McKim,
McMeans,
Orrick,
Smith,
Stark,
Stevenson,
Thompson,
Wood,
Speaker—22.

The motion was lost by a tie vote.

Mr. Hopkins introduced a bill for an Act authorizing the Comptroller to draw on the Treasurer of Sacramento County.

Read a first and second time.

Mr. Graham presented sundry papers for the relief of Nathaniel McMenifee, which were referred to Committee on Claims.

On motion of Mr. Coffroth, the House resolved itself into Committee of the Whole, Mr. McMullin in the chair, to consider Senate bill in reference to the Public Printing. After spending some time in its consideration, and making sundry amendments thereto,

On motion of Mr. McConaha, the committee rose, reported the bill as amended, and asked to be discharged from the further consideration of the bill.

Committee was discharged.

Mr. Wall moved a call of the House.

The call was sustained.

Mr. Coffroth moved to dispense with further proceedings under the call.

Agreed to.

Mr. Wood moved to consider the amendments made in Committee of the Whole, separately.

Agreed to.

Mr. Crittenden offered a substitute for the first amendment, "to strike out Comptroller and Secretary of State," and "insert Governor and Comptroller; upon which motion Messrs. Coffroth, Lyons and McConaha demanded the ayes and nays:

Those who were in favor of the substitute were—

Messrs. Brush,
Canney,
Caldwell,
Colby,
Covarrubias,
Crabb,
Crittenden,
Cutler,
Fowler,
Messrs. McConaha,
McKim,
McMeans,
McMullin,
Orrick,
Smith,
Stark,
Stevenson,
Ten Broeck,

Messrs. Hinchman,
Hopkins,
Ingersoll,
Jones,
Kipp,
Messrs. Wall,
Wohler,
Wood,
Young,
Speaker—28.

Those who voted against the substitute were—

Messrs. Blanchard,
Boggs,
Chauncey,
Coffroth,
Cook,
Dameron,
Fleming,
Ford,
Gardiner,
Graham,
Messrs. Law,
Lyons,
Merritt,
Paxton,
Pearce,
Ridley,
Taliaferro,
Wing,
Wood—19.

So the substitute to the amendment was agreed to.

The question was then put upon the adoption of the substitute; upon which Messrs. Lyons, Gardiner and Wall demanded the ayes and nays:

Those who were in favor of the substitute were—

Messrs. Brush,
Caldwell,
Colby,
Covarrubias,
Crabb,
Crittenden,
Cutler,
Fowler,
Graham,
Hinchman,
Hopkins,
Ingersoll,
Jones,
Kipp,
Messrs. McConaha,
McKim,
McMeans,
McMullin,
Orrick,
Smith,
Stark,
Stevenson,
Ten Broeck,
Wall,
Wohler,
Wood,
Young,
Speaker—28.

Those who were opposed to the adoption of the substitute were—

Messrs. Blanchard,
Boggs,
Canney,
Chauncey,
Coffroth,
Cook,
Dameron,
Messrs. Law,
Lyons,
Merritt,
Paxton,
Pearce,
Ridley,
Taliaferro,

Messrs. Fleming,
Ford,
Gardiner,
Messrs. Wing,
Yeiser—19.

So the substitute was adopted, as an amendment to the bill.

Second amendment made in committee, concurred in by the House.
Third amendment concurred in.
Fourth amendment was amended on motion of Mr. Crittenden.
Fifth amendment, Mr. Boggs moved to strike out six hundred and insert four hundred and eighty, pending which, the House adjourned until 2 o'clock, P. M.

House met pursuant to adjournment.

Assembly bill, to be entitled an Act concerning the salary of the District Attorney of the County of San Francisco, on its third reading.
Mr. Wood moved to strike out five thousand dollars and insert four thousand dollars; upon which motion Messrs. Wood, McMullin and Jones demanded the ayes and nays:

Those who voted to strike out and insert were—

Messrs. Boggs,
Caldwell,
Colby,
Crabb,
Cutler,
Gardiner,
Hinchman,
Jones,
Messrs. McKim,
McMullin,
Orrick,
Smith,
Stark,
Stevenson,
Thompson,
Wood—16.

Those who voted against the amendment were—

Messrs. Blanchard,
Brush,
Canney,
Coffroth,
Covarrubias,
Crittenden,
Dameron,
Fleming,
Ford,
Fowler,
Hopkins,
Kipp,
Lyons,
Messrs. McMeans,
Merritt,
Paxton,
Pearce,
Ridley,
Taliaferro,
Wall,
Wing,
Wohler,
Yeiser,
Young,
Speaker—25.

The House refused to strike out and insert.

The bill was then considered as engrossed, read a third time and passed.

The House resumed the consideration of the printing bill; the fifth amendment which was under consideration when the House adjourned, was agreed to.

Sixth amendment made in Commit ee of the Whole under consideration, Messrs. Coffroth, Lyons and Cutler demanded the ayes and nays:

Those who voted to concur in the amendment were—

Messrs. Blanchard,	Messrs. Law,
Boggs,	Lyons,
Canney,	Merritt,
Coffroth,	Pearce,
Caldwell,	Paxton,
Dameron,	Ridley,
Fleming,	Taliaferro,
Gardiner,	Yeiser—16.

Those who opposed the amendment were—

Covarrubias,	Messrs. McConaha,
Cutler,	McMullin,
Colby,	Orrick,
Crabb,	Smith,
Crittenden,	Stevenson,
Fowler,	Stark,
Hopkins,	Thompson,
Hinchman,	Wall,
Ingersoll,	Wing,
Jones,	Wood,
Kipp,	Wohler,
McKim,	Young,
McMeans,	Speaker—26.

The House refused to concur in the amendment made in Committee of the Whole.

Seventh amendment concurred in.

Eighth amendment to sixth section offered by Mr. Crittenden,

Agreed to.

Mr. Colby made the following report:

The Committee on Enrollment beg leave to report that they have examined and found correctly enrolled, "an Act to re-incorporate the City of Stockton.

Amendment to section eighth concurred in.

Amendment to tenth section concurred in.

Amendment to eleventh section amended and concurred in.

Mr. Coffroth moved that the marginal notes be not more than 6 em's wide.

Agreed to.

The twelfth amendment made in Committee of the Whole was not agreed to.

The thirteenth amendment requiring the printing to be done within the State of California.

Agreed to.

Mr. Law moved to strike out two years and insert nine months, from the 1st of May next; upon which motion Messrs. McMullin, Law and Boggs demanded the ayes and nays:

Those who voted in favor of the motion were—

Messrs.	Blanchard,	Messrs.	Hopkins,
	Brush,		Law,
	Boggs,		Lyons,
	Covarrubias,		McMullin,
	Canney,		Pearce,
	Cutler,		Paxton,
	Crabb,		Ridley,
	Dameron,		Smith,
	Fleming,		Taliaferro,
	Ford,		Thompson,
	Graham,		Wood,
	Gardiner,		Speaker—24.

Those who voted against the motion were—

Messrs.	Caldwell,	Messrs.	McMeans,
	Coffroth,		McConaha,
	Colby,		Merritt,
	Cook,		Orrick,
	Crittenden,		Stevenson,
	Fowler,		Stark,
	Hinchman,		Ten Broeck,
	Ingersoll,		Wing,
	Jones,		Wohler,
	Kipp,		Yeiser,
	McKim,		Young—22.

So the House adopted the amendment.

Mr. Coffroth offered the following amendment to the third section, "all Journals, Laws, Messages, Reports, and other documents, in book form, shall be printed solid.

Agreed to.

Mr. Lyons offered a substitute for the bill.

Mr. Covarrubias moved a re-consideration of the vote offered by Mr. Law to strike out two years and insert nine months; upon which motion Messrs. Law, McKim and Canney demanded the ayes and nays:

Those who voted for a re-consideration were—

Messrs. Blanchard,
Brush,
Covarrubias,
Caldwell,
Coffroth,
Colby,
Cook,
Crittenden,
Fleming,
Fowler,
Hinchman,
Ingersoll,
Jones,
Kipp,
McKim,
McMeans,
McConaha,
Orrick,
Pearce,
Stevenson,
Stark,
Ten Broeck,
Wall,
Wohler—24.

Those who were opposed to a re-consideration were—

Messrs. Boggs,
Canney,
Cutler,
Crabb,
Dameron,
Ford,
Graham,
Gardiner,
Hopkins,
Law,
Lyons,
Merritt,
McMullin,
Paxton,
Ridley,
Smith,
Taliaferro,
Thompson,
Wing,
Wood,
Yeiser,
Young,
Speaker—23.

So the House re-considered the vote.

The question was again put upon the motion of Mr. Law; upon which Messrs. Law, Kipp and McConaha demanded the ayes and nays:

Those who voted in favor of the motion to strike out and insert were—

Messrs. Blanchard,
Boggs,
Canney
Cutler,
Crabb,
Dameron,
Fleming,
Ford,
Gibson,
Graham,
Gardiner,
Lyons,
Law,
Merritt,
McMullin,
Pearce,
Paxton,
Ridley,
Smith,
Taliaferro,
Thompson,
Wing,
Wood,
Yeiser,
Young,
Speaker—26.

Those who were opposed to striking out and inserting were—

Messrs. Brush,	Messrs. Kipp,
Covarrubias,	McKim,
Caldwell,	McMeans,
Colby,	McConaha,
Cook,	Orrick,
Crittenden,	Stevenson,
Hopkins,	Stark,
Hinchman,	Ten Broeck,
Ingersoll,	Wall—19.
Jones,	

So the House agreed to strike out two years and insert nine months.

Mr. Merritt moved to adjourn.
Not agreed to.
Mr. Coffroth moved a call of the House.
The call was sustained.
On motion, further proceedings under the call was dispensed with.
The question was then taken upon the substitute offered by Mr. Lyons, Messrs. Wood Kipp and Paxton demanded the ayes and nays:

Those who voted for the substitute were—

Messrs. Blanchard,	Messrs. Lyons,
Boggs,	Law,
Canney,	Merritt,
Coffroth,	McMullin,
Crabb,	Pearce,
Cook,	Paxton,
Dameron,	Ridley,
Fleming,	Smith,
Ford,	Taliaferro,
Gibson,	Wing,
Graham,	Yeiser,
Gardiner,	Speaker—24.

Those who were opposed to the substitute were—

Messrs. Brush,	Messrs. McConaha,
Covarrubias,	McKim,
Cutler,	McMeans,
Caldwell,	Orrick,
Colby,	Stark,
Crittenden,	Stevenson,
Fowler,	Thompson,
Hopkins,	Ten Broeck,
Hinchman,	Wall,
Ingersoll,	Wood,
Jones,	Wohler,
Kipp,	Young—24.

Substitute lost by a tie vote.

Mr. Wood moved to read the bill a third time; upon which Messrs. Boggs, Coffroth and Kipp demanded the ayes and nays:

Those who voted in favor of the motion were—

Messrs. Brush,	Messrs. McMeans,
Covarrubias,	McConaha,
Caldwell,	McMullin,
Colby,	Orrick,
Cutler,	Stevenson,
Crabb,	Stark,
Crittenden,	Taliaferro,
Fowler,	Thompson,
Hopkins,	Ten Broeck,
Hinchman,	Wall,
Ingersoll,	Wood,
Jones,	Wohler,
Kipp,	Young,
McKim,	Speaker—28.

Those who opposed the third reading of the bill were—

Messrs. Boggs,	Messrs. Lyons,
Canney,	Law,
Coffroth,	Merritt,
Cook,	Pearce,
Dameron,	Paxton,
Fleming,	Ridley,
Ford,	Smith,
Gibson,	Wing,
Graham,	Yeiser—19.
Gardiner,	

So the House ordered the bill to a third reading.

Mr. Coffroth moved to adjourn; upon which Messrs. Wall, Kipp and Coffroth demanded the ayes and nays:

Those who voted to adjourn were—

Messrs. Brush,	Messrs. Law,
Boggs,	Lyons,
Canney,	Merritt,
Coffroth,	Paxton,
Cook,	Pearce,
Dameron,	Ridley,
Fleming,	Smith,
Gibson,	Wing,
Graham,	Yeiser—18.

Those who opposed adjournment were—

Messrs. Covarrubias,
Caldwell,
Colby,
Cutler,
Crabb,
Crittenden,
Fowler,
Hinchman,
Hopkins,
Ingersoll,
Jones,
Kipp,
McKim,
Messrs. McMeans,
McConaha,
McMullin,
Orrick,
Stark,
Stevenson,
Thompson,
Wall,
Wood,
Wohler,
Young,
Speaker—25.

The House refused to adjourn.

Mr. Coffroth moved a call of the House, Messrs Lyons, Coffroth and Paxton demanded the ayes and nays:

Those who voted to sustain the call were—

Messrs. Canney
Coffroth,
Cook,
Dameron,
Ford,
Gibson,
Graham,
Law,
Lyons,
Messrs. Merritt,
McMullin,
Pearce,
Paxton,
Smith,
Wing,
Yeiser,
Speaker—17.

Those who were opposed to a call were—

Messrs. Brush,
Boggs,
Covarrubias,
Caldwell,
Colby,
Crabb,
Cutler,
Crittenden,
Fleming,
Fowler,
Hopkins,
Hinchman,
Ingersoll,
Jones,
Messrs. Kipp,
McConaha,
McKim,
McMeans,
Orrick,
Ridley,
Stark,
Stevenson,
Thompson,
Wall,
Wood,
Wohler,
Young—27.

The House did not sustain the call.

Mr. Coffroth objected to the passage of the bill.

The Speaker decided that as objections had been made to the passage of the bill that it must lie over until to-morrow; from which decision Mr. Crabb appealed, and upon which appeal Messrs. Coffroth, Law and Lyons demanded the ayes and nays:

The Speaker then put the question, "shall the decision of the chair be the judgment of the House?"

Those who voted to sustain the chair were—

Messrs.	Blanchard,	Messrs.	Law,
	Boggs,		Lyons,
	Canney,		Merritt,
	Coffroth,		Pearce,
	Cutler,		Paxton,
	Cook,		Ridley,
	Dameron,		Smith,
	Fleming,		Thompson,
	Ford,		Wing,
	Gibson,		Yeiser—20.

Those who voted against the decision of the chair were—

Messrs.	Brush,	Messrs.	McKim,
	Caldwell,		McMeans,
	Covarrubias,		McConaha,
	Colby,		McMullin,
	Crabb,		Orrick,
	Crittenden,		Stevenson,
	Fowler,		Stark,
	Graham,		Wall,
	Hopkins,		Wood,
	Hinchman,		Wohler,
	Ingersoll,		Young—23.
	Kipp,		

So the House did not sustain the decision of the chair.

The question then came up upon the passage of the bill, and Messrs. McMeans, Kipp and Colby demanded the ayes and nays:

Those who voted for the passage of the bill were—

Messrs.	Brush,	Messrs.	McMeans,
	Covarrubias,		McConaha,
	Cutler,		McMullin,
	Caldwell,		Orrick,
	Colby,		Paxton,
	Crabb,		Ridley,

Messrs. Crittenden,
Fowler,
Graham,
Hopkins,
Hinchman,
Ingersoll,
Jones,
Kipp,
McKim,
Messrs. Stevenson,
Stark,
Thompson,
Wall,
Wing,
Wood,
Wohler,
Yeiser,
Young—30.

Those who opposed the passage of the bill were—

Messrs. Blanchard,
Canney,
Cook,
Dameron,
Fleming,
Messrs. Ford,
Pearce,
Smith,
Speaker—9.

So the bill passed.

On motion of Mr. Coffroth, at 8 o'clock, P. M., the House adjourned until 9 o'clock to-morrow.

HOUSE OF ASSEMBLY.

THURSDAY, April 22, 1852.

House met pursuant to adjournment.

The roll was called by the Clerk, and the following members found absent:—Messrs. Chauncey, Colby, Crittenden, Gibson, Gardiner, Hinchman, Hudspeth, Kipp, Orrick, Taliaferro, Tucker, Wall, Wood and Yeiser.

The Journal of Wednesday, the 21st, read and approved.

The Speaker announced the House ready to proceed to business.

Mr. Wall made the following report:

The Committee of Ways and Means, to whom was referred Joint Resolutions for the relief of J. J. Warner, beg leave to report that they have had the same under consideration, and report the accompanying Act, as a substitute for the resolution, and recommend its passage.

Mr. Wood made the following report:

The undersigned, a minority of the Judiciary Committee, to whom was referred an Act exempting firemen and military companies from jury duty, etc., dissenting from the majority, recommend that the bill do pass, believing that the provisions are such as should receive a favorable consideration.

Mr. Paxton made the following report from Committee on Public Lands:

Mr. Speaker:

Your committee on Public Lands, to whom was referred the petition of certain citizens of San Joaquin County, asking for a grant, of the title of the State, to a certain island in the San Joaquin river, and the remonstrance protesting against granting said title, have had the same under consideration, and believe, by granting the prayer of said petitions, would be detrimental to the interest of persons who have settled on said island, respectfully report adversely to the prayer of the petitioners, and ask to be discharged from further consideration of the subject.

JOHN A. PAXTON, Chairman.

Mr. Hopkins made the following report:

The Committee on Engrossed Bills have examined and found correctly engrossed a bill to be entitled an Act concerning the salary of the District Attorney of the County of San Francisco.

Mr. Colby made the following report:

The Joint Committee on Enrollment have examined and found correctly enrolled an Act to provide for the levying, assessing and collecting public revenue.

Mr. McMullin made the following report:

The Select Committee, to whom was referred a bill to provide for the ordering of a special election in the County of Trinity, with Senate's amendment, return the bill and recommend that the House concur in Senate amendment, with the following amendment: "Strike out the provisio to the first section."

Report received and amendment concurred in.

Mr. Wood made the following report:

The Joint Committee of both Houses, directed to examine specimens of translation and proposals for executing the translating of the State, beg leave respectfully to report, that they have performed the task assigned them, and have awarded the translating to W. E. P. Hartnell, at one dollar and fifty cents per folio.

Joint Resolution in relation to the mineral lands, on its third reading.
Mr. Wood moved to recommit the bill, with instructions.
Agreed to.

The following messages were received from the Senate:

Mr. Speaker:

I am directed to inform the Assembly that the Senate passed, on the 19th instant, an Act to authorize William Moody and Morgan Hart to build a wharf in the County of Solano.

And on the 20th instant, Assembly bill for an Act supplementary to an Act to incorporate the city of Los Angeles, passed April 1st, 1851, with amendments as therein noted.

And Senate bill for an Act providing for the erection of a powder magazine in San Francisco.

And a Joint Resolution to provide for the printing and distribution of the Revenue Law of 1852.

And a Concurrent Resolution to appoint a Joint Committee of three, of the two Houses, to inquire into the amount of printing ordered by the Legislature, and have appointed Messrs. Denver, Lott and Ralston to act on the part of the Senate.

A. C. BRADFORD,
Secretary of the Senate.

April 21st, 1852.

Mr. Speaker:

I am directed to inform the Assembly that the Senate passed, yesterday, an Act to incorporate the Sacramento Water Company.

And passed, this day, an Act to provide that the Treasurer of the County of Calaveras, shall be Collector of Taxes for said county, until it shall be decided, by the proper tribunal, who is Sheriff of said county.

And Assembly bill for an Act fixing the times at which Representatives in Congress shall be elected.

And Assembly bill for an Act to provide for choosing Electors of President and Vice President of the United States.

And Assembly bill for an Act to alter the times of holding the General Election.

A. C. BRADFORD,
Secretary of the Senate.

April 21, 1852.

Mr. Speaker:

I am directed to inform the Assembly that the Senate passed, yesterday, Assembly bill for an Act to authorize William Morehead, Thomas Palmer and Company, to collect tolls on a bills on a bridge across Trinity river in Trinity County.

And Assembly bill for an Act to authorize Dennis B. Mooney to collect

tolls on a ferry across Trinity river in Trinity County, or to substitute a toll bridge for the same.

And passed, on the 20th instant, a Joint Resolution approving the Compromise measures of the last Congress.

And on the same day the following Senate bills:

An Act for the relief of Lorenzo Hubbard:

An Act for the relief of Cronin and Markley;

An Act providing for a fund for the use of the State Library;

An Act giving the consent of the Legislature of the State of California to the purchase, by the United States, of land within this State, for public purposes; and

An Act amendatory of an Act entitled an Act to incorporate the city of Sacramento; and on the 19th instant,

An Act to amend an Act for the establishment of Pilots and pilot regulations for the Port of San Francisco, passed February, 1850.

A. C. BRADFORD,
Secretary of the Senate.

April 22, 1852.

Senate bill an Act to authorize Wm. Moody and Morgan Hart to build a wharf in the County of Solano.

Read a first and second time and referred to the Judiciary Committee.

Senate bill, an Act providing for the erection of a powder magazine in San Francisco.

Read a first and second time and referred to the delegation from San Francisco.

Senate Joint Resolution to provide for the Printing and distribution of the Revenue Law of 1852. Read a first and second time.

Senate Concurrent Resolution to appoint a Joint Committee of the two Houses to inquire into the amount of printing ordered by the Legislature.

Concurred in by the House.

Mr. Merritt moved to re-consider the vote just taken.

Agreed to.

Mr. Lyons moved to amend by inserting a committee of five from the Assembly.

Agreed to.

Resolution, as amended, concurred in by the House.

Messrs. Brush, Crittenden, Wohler, Cook and Hinchman were appointed on the part of the Assembly.

Senate bill, an Act to incorporate the Sacramento Water Committee.

Read a first time.

Mr. Brush moved to reject the bill; upon which, Messrs. Brush, Lyons and Law, demanded the ayes and nays.

Those who voted to reject the bill were—

Messrs. Brush,	Messrs. Lyons,
Crittenden,	McMeans,
Gibson,	Paxton,
Hinchman,	Speaker—9.
Law,	

Those who were opposed to the rejection of the bill were—

Messrs. Boggs,	Messrs. McConaha,
Canney,	McMullin,
Caldwell,	Merritt,
Colby,	Orrick,
Cook,	Ridley,
Covarrubias,	Smith,
Crabb,	Stevenson,
Fleming,	Taliaferro,
Ford,	Ten Broeck,
Graham,	Wall,
Ingersoll,	Wohler,
Jones,	Wood,
Kipp,	Young—26.

The House refused to reject the bill.

The bill was read a second time and referred to the Committee on Corporations.

Senate bill, an Act to provide that the Treasurer of the County of Calaveras shall be Collector of Taxes for said county, until it shall be decided by the proper tribunal, who is Sheriff of said county.

Read a first and second time and referred to the Judiciary Committee.

Senate bill, an Act for the payment of freight to the steamer Empire.

Read a first and second time and referred to the Committee on Claims.

Assembly bill for an Act supplementary to an Act to incorporate the city of Los Angeles, passed April 1st, 1850.

Amended in the Senate.

Bill, as amended, referred to Messrs. Hinchman and Wall.

Senate Joint Resolutions approving the compromise measures of the last Congress.

Read a first and second time and referred to the Committee on Federal Relations.

Senate bill, an Act for the relief of Lorenzo Hubbard.

Read a first and second time and referred to the Committee on Claims.

Senate bill, an Act for the relief of Cronin and Markley.

Read a first and second time and referred to the Committee on Claims.

Senate bill, an Act providing for a fund for the use of the State Library.

Read a first and second time and referred to the Committee on Education.

Senate bill, an Act amendatory of an Act entitled an Act to amend an Act to incorporate the city of Sacramento.

Read a first and second time and referred to delegation from Sacramento.

Senate bill for an Act to amend an Act for the establishment of Pilots and pilot regulations for the Port of San Francisco, passed February, 1850.

Read a first and second time and referred to the Committee on Commerce.

Senate bill, an Act giving the consent of the Legislature of the State of

California to the purchase, by the United States, of land within this State, for public purposes.

Read a first and second time and referred to the Committee on Federal Relations.

A bill to be entitled an Act to amend an Act to regulate proceedings in criminal cases, approved May 1st, 1851.

Amendments made in Committee of the Whole.

Concurred in by the House.

Mr. Crittenden moved an additional section to come in between sections twenty-three and twenty-four.

Agreed to.

Mr. Wood moved that the bill be engrossed for a third reading.

Agreed to.

At half-past 12 o'clock the House adjourned until 2 o'clock, P. M.

House met, pursuant to adjournment, at 2 o'clock.

Mr. Orrick moved to take up a bill to be entitled an Act to amend an Act to provide a revenue for the State Marine Hospital at San Francisco, passed March 26th, 1851.

Read a first and second time.

On motion of Mr. McMeans, the House resolved itself into Committee of the Whole, Mr. Lyons in the chair, to consider the above bill, upon the subject of the Hospital. After spending some time in its consideration, and amending the same,

On motion of Mr. Wood, the committee rose, reported the bill back as amended, and asked to be discharged from the further consideration of the subject.

Committee was discharged.

The bill was under consideration, and, pending an amendment offered by Mr. McMeans,

On motion of Mr. Wood, at 5 o'clock, P. M., the House adjourned until 9 o'clock, to-morrow.

HOUSE OF ASSEMBLY.

FRIDAY, April 23, 1852.

House met pursuant to adjournment.

The roll was called by the clerk and the following members were absent—Messrs. Chauncey, Covarrubias, Cutler, Gardiner, Hinchman, Hudspeth, Kipp, Ten Broeck and Yeiser.

The Journal of Thursday the 22d, read and approved.

The Speaker announced the House ready to proceed to business.

Mr. Smith moved that the petition from citizens of Contra Costa be referred from the delegation of San Francisco to the Committee on County Boundaries.

Agreed to.

Mr. Taliaferro made the following report:

Your committee, to whom was referred the Senate bill to amend the one hundred and thirty-eighth section of an Act concerning Corporations, have given it its due consideration and recommend its passage.

Mr. Smith made the following report:

The Committee on Claims, to whom was referred Senate bill entitled an Act for the payment of freight to the steamer Empire, have examined the same, find it to be correct, and would recommend its passage.

Mr. Taliaferro made the following report:

Your committee, to whom was referred an Act authorizing C. E. McNair, and Wm. F. McLean to establish a Steam Ferry at San Francisco, respectfully submit:

That this bill is asking for an exclusive privilege for five years, to establish a ferry between San Francisco and San Antonio Creek of "Contra Costa;" and asks further, that we should fix the charges per passenger as follows: Two dollars a-head for the first year, one dollar and a-half for the second year, and one dollar for the remaining three years. Your committee anxious to obtain all information on this subject possible, have consulted with the San Francisco delegation, and the delegate from Contra Costa, and have been told that they have a boat running now between these two places charging only one dollar a passenger, and in accordance with our general law regulating ferries. They are of opinion that the present ferry law works most admirably for them, and are opposed to granting, by special legislation, a privilege for any term of years, and fixing also the prices during that term, when the Court of Sessions is now empowered to grant this privilege from year to year, and fixing the rates of ferriage according to the progress of events.

We think the indefinite postponement of this bill is the best thing that

can be done for it, we move it, and asked to be discharged from a further consideration of the subject.

A. TALIAFERRO, Chairman.

The bill to authorize C. E. McNair and Wm. F. McLean to establish a Steam Ferry at San Francisco, was on motion, indefinitely postponed.

Mr. Crabb made the following report:

The Judiciary Committee, to whom was referred the Senate bill for an Act to enumerate the inhabitants of the State of California, have had the same under consideration, and report it back, with the recommendation that a similar bill introduced into the Assembly be adopted as a substitute for the same.

Mr. Blanchard made the following report:

The Committee of Accounts, to whom was referred the account of the Schooner Tarcis against the State, have examined the same, and find it to be a charge of 186 dollars for the transportation of freight on one hundred and twenty chairs from San Francisco to Vallejo, intended for the use of the Legislature.

The Committee are of the opinion that fifty dollars is a sufficient charge, and would recommend that amount be paid, and for that purpose would report the following bill:

A bill for the relief of Capt. Cranston. Read a first time.

Mr. Ridley made the following report:

The Committee on Mines and Mining Interest, to whom was referred Joint Resolutions in respect to Mineral Lands, with instructions to amend the same, report that they have performed the duties assigned them, and herewith submit the resolutions as amended, and recommend their passage.

THOM. E. RIDLEY.

Joint Resolution in respect to Mineral Lands, amended and read a third time and passed.

Mr. Coffroth made the following report:

The Committee on Federal Relations, to whom was referred Senate Joint Resolutions approving the Compromise Measures of the last Congress, would respectfully ask the adoption of the enclosed substitute for the same.

Substitute adopted, and read a first and second time.

Mr. Crabb moved to amend the first section by striking out Compromise Measures, and insert Fugitive Slave Laws; upon which motion Messrs. Crabb, Boggs and McKim demanded the ayes and nays:

Those who voted to strike out and insert were—

Messrs. Boggs,	Messrs. McMullin,
Canney	Orrick,
Crabb,	Paxton,
Crittenden,	Ridley,
Ford,	Stevenson,
Graham,	Wall,
Hinchman,	Wood,
Ingersoll,	Speaker—17.
McKim,	

Those who opposed the motion were—

Messrs. Blanchard,	Messrs. Law,
Brush,	Lyons,
Caldwell,	McConaha,
Coffroth,	McMeans,
Cutler,	Merritt,
Dameron,	Pearce,
Fleming,	Smith,
Fowler,	Stark,
Gibson,	Wing,
Hopkins,	Wohler,
Kipp,	Young—22.

The House refused to strike out and insert.

Mr. Wall made the following report:

The Committee of Ways and Means, to whom was referred Senate bill for an Act entitled "an Act to prohibit the exercise of Banking Privileges, and the issue of Warrants or Scrip to circulate as money," have had the same under consideration, and respectfully report:

That in the opinion of your committee, the passage of any such law would be a flagrant violation of individual rights, without being attended with any public good. The act under consideration provides, that after the first day of December, 1852, no Comptroller's warrant, or Soldiers discharge, or order on the State Treasurer, shall be negotiable or assignable, either by sale or otherwise, so as to vest any right or title thereto, or cause of action in law or equity, in behalf of the person or persons to whom such transfer or assignments are made, but all such assignments or transfers are declared to be null and void. The act further provides that after the first day of July, 1852, no warrant, order, or check, or other indebtedness of any County, City or Corporation shall be negotiable or assignable, and that the same shall not be redeemed unless in the hands of the original holder or holders, or their legally appointed assignee or assignees in *bankruptcy*, or executors or administrators.

Your committee deem it unnecessary to state at length their many objections to the bill. But would merely add, that in most cases, the origi-

nal holders of the indebtedness of Counties and Corporations, and in many instances, the original holders of State indebtedness, are that class of individuals whose necessities compel them to dispose of their claims to third parties; the State, Counties and Corporations being overwhelmed with debt and unable to redeem their issues. And if this bill is to become a law, we ought at once to relieve the State, Counties and Corporations from their burthens of debt, so as to enable them to redeem their issues from and after the period fixed by law, prohibiting sales or transfers of the same; if not, the poor creditor has but two ways left of obtaining anything for his claim; one is to go into bankruptcy—the other—to go into the "valley and shadow of death!"

Your committee would, therefore, recommend that the bill be indefinitely postponed.

ISAAC B. WALL,
Chairman of Com. of Ways and Means.

A bill from the Senate, an Act to prohibit the exercise of Banking Privileges, and the issue of Warrants or Scrip to circulate, on its third reading, indefinitely postponed.

Mr. Wall made a farther report:

The Committee of Ways and Means, to whom was referred Senate bill for an Act authorizing the Treasurer of State to receive any monies that may be set apart to the State of California by Congress, to be applied to the payment of debts incurred by this State prior to being admitted into the Union, and the mode of appropriating the same, respectfully report that they have had the same under consideration, and report it back without amendment, and recommend its passage.

Mr. Hinchman made the following report:

The Select Committee, to whom was referred a bill for an Act supplementary to an Act to incorporate the City of Los Angeles, passed April 1st, 1850, with Senate amendments, recommend that the Assembly shall concur in the amendments of the Senate, and that the bill be passed.

The amendments concurred in by the Assembly.

Mr. Orrick made the following report:

The Committee, to whom was referred an Act providing for the erection of a Powder Magazine in San Francisco, have had the same under consideration, agreed on sundry amendments thereto, and respectfully recommend their adoption.

All the amendments proposed were concurred in, except two, and the bill laid upon the table.

Mr. Crittenden made the following report:

Mr. Speaker:

The Committee on the Judiciary, to whom was referred Senate bill, No. 163, entitled "an Act to provide that the Treasurer of the County of Calaveras shall be the collector of taxes of said County, until it shall be decided by the proper tribunal who is Sheriff of said County," report; that it appears from the provisions of this bill that there is a contest in regard to the office of Sheriff, in the County of Calaveras, and until this contest is settled, the Treasurer of the County is required by this bill, to perform some of the duties of Sheriff.

In providing for the case of a contested election to an office, it is competent for the Legislature to make any arrangements it may deem advisable for the temporary performance of its duties, unless restricted by some constitutional provision. In this instance there is no such provision. The subject is wholly under the control of the Legislature. Its power to pass such a law as this cannot be doubted. As to the propriety of exercising this power, your committee cannot speak, having no knowledge of the facts of the case; they would remark, however, that it does not necessarily result from a contest that the office of Sheriff remains vacant temporarily; on the contrary, the person who has apparently received the highest number of votes is, under all circumstances, entitled to the certificate of election. On the tenth day after the day of election, the County Clerk is required to make up a statement of the votes returned to him, and immediately to issue a certificate to the person who has received the highest number of votes. The clerk has no power to withhold the certificate on the ground of a probable contest, and the person to whom it is issued, upon taking the oath of office, and giving the proper bond, has the same right to enter upon the duties of his office, as if no ground of contest existed. If he is disqualified, if, in fact, he did not receive a majority of votes cast, if from any cause he is not legally entitled to hold the office, it must be so declared by the judgment of the proper court. Until this is done he is in office.

Your committee do not know whether the office of Sheriff of Calaveras County is, or is not, vacant; a question which might affect the propriety of the action contemplated to be taken by this bill, but could not affect the power of the Legislature, nor create any constitutional difficulty. The collection of taxes is no necessary part of the duties of a Sheriff, and it is clearly competent for the Legislature to take from this officer all authority in relation to this subject, and to vest it elsewhere, either permanently or temporarily.

Your committee ask to be discharged from the further consideration of the bill.

A. P. CRITTENDEN,
From the Committee.

Senate bill, an Act to provide that the Treasurer of the County of Calaveras shall be collector of taxes for said County, until it shall be decided by the proper tribunal who is Sheriff of said County. Read a third time and passed.

Mr. Wood made the following report:

The committee, to whom was referred Senate bill for an Act to amend an Act for the establishment of Pilots and Pilot Regulations for the Port of San Francisco, passed February, 1850, have had the same under consideration, report the same back, and recommend its passage.

Bill read a third time and passed.

Mr. McConaha made the following report:

The Select Committee, to whom was referred Senate bill, being an Act amendatory of an Act entitled an Act to amend an Act to incorporate the City of Sacramento, have had the same under consideration, and report it back with the recommendation of its immediate passage without any amendment.

Bill read a third time and passed.

Mr. Coffroth offered a resolution to adjourn *sine die* on the 26th.

Mr. Crabb offered a resolution to adjourn on the 28th.

Mr. Coffroth accepted the 28th.

Mr. Tucker moved to lay the resolution on the table; upon which Messrs. Stark, Crabb and McConaha demanded the ayes and nays:

Those who voted to lay on the table were—

Messrs. Blanchard,	Messrs. McMullin,
Brush,	Tucker,
Caldwell,	Wing,
Cutler,	Wohler,
Ingersoll,	Wood,
Kipp,	Young—13.
McConaha,	

Those who opposed laying on the table were—

Messrs. Boggs,	Messrs. Lyons,
Coffroth,	McMeans,
Crabb,	Merritt,
Crittenden,	Orrick,
Fleming,	Paxton,
Ford,	Ridley,
Gardiner,	Smith,
Gibson,	Stark,
Graham,	Stevenson,
Hinchman,	Speaker—21.
Law,	

So the House refused to lay the resolution on the table.

Mr. McMullin moved to strike out the 28th, and insert Monday 3d of May; upon which motion, Messrs. Stark McConaha and Blanchard demanded the ayes and nays:

Those voting to strike out and insert were—

Messrs. Boggs,	Messrs. Ingersoll,
Brush,	McConaha,
Caldwell,	McMullin,
Colby,	Orrick,
Crittenden,	Wing,
Cutler,	Wohler,
Fleming,	Wood,
Graham,	Yeiser—17.
Hinchman,	

Those who voted against the proposition were—

Messrs. Blanchard,	Messrs. Merritt,
Coffroth,	Paxton,
Crabb,	Ridley,
Dameron,	Smith,
Ford,	Stark,
Gardiner,	Stevenson,
Gibson,	Tucker,
Law,	Young,
Lyons,	Speaker—19.
McMeans,	

So the House refused to strike out and insert.

The question then came up upon the passage of the resolution; upon which Messrs. Crabb, Stark and Gardiner, demanded the ayes and nays:

Those who voted for the passage of the resolution were—

Messrs. Blanchard,	Messrs. Lyons,
Boggs,	McMeans,
Caldwell,	Merritt,
Coffroth,	Paxton,
Colby,	Ridley,
Crabb,	Smith,
Dameron,	Stark,
Ford,	Thompson,
Gardiner,	Wing,
Gibson,	Wood,
Jones,	Young,
Law,	Speaker—24.

Those who opposed the passage of the resolution were—

Messrs. Brush,	Messrs. McConaha,
Crittenden,	McMullin,
Cutler,	Orrick,
Fleming,	Stevenson,

Messrs. Graham, Hinchman, Ingersoll, Messrs. Tucker, Wohler, Yeiser—14.

So the resolution passed.

Mr. Merritt moved to re-consider the vote just taken.
Mr. Wood moved a call of the House.
Call not sustained.

Mr. Colby made the following report:

The Joint Committee on Enrollment, have examined and found correctly enrolled, an Act for the relief of E. J. C. Kewen;
An Act concerning the salary of the District Attorney of San Francisco County;
An Act fixing the times at which Representatives in Congress be elected;
An Act dividing the State into Counties and establishing the seats of justice therein;
An Act to alter the times of holding the General Election.

Your Committee on Enrolled Bills, have examined and find correctly enrolled, the "Act amendatory of an Act to provide for the Translating of the Laws into the Spanish Language;"
"An Act to authorize James L. Fremer to construct a wagon road from Sacramento valley to Oregon line, and to regulate the tolls to be collected;"
"An Act amendatory of an Act concerning Coroners;"
"An Act for the relief of Cook & Le Count:"
"An Act concerning the Offices of Comptroller and Treasurer of State;"
"An Act authorizing the Secretary of State to receive proposals for the State Translating;"
"An Act to amend the fourth section of an Act dividing the State into Counties and establishing the seats of justice therein;"
"An Act for the relief of William E. P. Hartnell:"
"An Act for the relief of Taaffe & McCahill;"
"An Act defining the Boundary of the County of Shasta, and to amend the twenty-second section of an Act entitled an Act dividing the State into Counties, and establishing the seats of justice therein."
Which is respectfully submitted.

G. W. COLBY, Assembly.

FRANK SOULE, Senate.

Mr. Jones moved to lay the motion to re-consider the resolution to adjourn, on the table. Pending which the House adjourned until 2 o'clock, P. M.

2 o'clock, P. M.

House met pursuant to adjournment.

The question to re-consider the vote adopting the resolution to adjourn, was then taken and decided in the affirmative.

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

Agreed to.

Mr. Crittenden moved that the accounts of the Los Angeles Indian Expeditions be referred to the Committee on Military Affairs.

Agreed to.

The following messsage was received from the Governor:

I have this day approved the following Acts;—an Act entitled "an Act to appoint commissioners for the purpose of determining the amount of indebtedness of Yuba County, justly chargeable to Nevada County at the time of the organization of Nevada County; and to determine also the amount of indebtedness of Sutter County, justly chargeable to Placer County at the time of the organization of Placer County;"

An Act entitled "an Act for the relief of L. Maynard;"

An Act entitled "an Act creating Tulare County and to provide for its organization;"

An Act entitled "an Act to provide for funding the debt of San Joaquin County, for the payment of interest thereon, and for the gradual liquidation of the debt;"

An Act entitled "an Act concerning the salary of the District Attorney of San Francisco County;"

"An Act to provide for Levying, Assessing and Collecting Public Revenue;"

Also "an Act to re-incorporate the City of Stockton."

JOHN BIGLER.

The following message was received from the Senate:

Mr. Speaker:

I am directed to inform the Assembly, that the Senate passed yesterday an Act to repeal "an Act entitled an Act to provide for the disposition of certain property of the State of California," passed March 26th, 1851.

A. C. BRADFORD,
Secretary of the Senate.

The bill was read a first and second time.

Mr. Crabb moved to indefinitely postpone the bill.

Mr. McMullin moved to lay the motion to indefinitely postpone, on the table; upon which Messrs. McMullin, Wohler and Kipp demanded the ayes and nays:

Those who voted to lay on the table were—

Messrs. Brush,
Canney,
Caldwell,
Coats,
Coffroth,
Cutler,
Fowler,
Hopkins,
Ingersoll,
Jones,
Kipp,
Law,
Lyons,
McConaha,
McMeans,
McMullin,
Merritt,
Pearce,
Ridley,
Smith,
Tucker,
Wing,
Wohler,
Yeiser,
Young,
Speaker—26.

Those who voted against laying on the table were—

Messrs. Blanchard,
Boggs,
Crabb,
Crittenden,
Dameron,
Fleming,
Ford,
Gardiner,
Gibson,
Hinchman,
Orrick,
Paxton,
Stark,
Stevenson,
Taliaferro,
Wall,
Wood—17.

The motion was laid upon the table.

Mr. Hammond moved that the bill be made the special order of the day for Tuesday next, in Committee of the Whole; upon which Messrs. Kipp, Canney and Fowler demanded the ayes and nays:

Those who voted to make the bill the special order for Tuesday next were—

Messrs. Blanchard,
Boggs,
Brush,
Canney,
Caldwell,
Coats,
Coffroth,
Cook,
Crabb,
Crittenden,
Cutler,
Dameron,
Fleming,
Ford,
Gardiner,
Gibson,
Law,
Lyons,
McConaha,
McMullin,
Merritt,
Orrick,
Paxton,
Pearce,
Ridley,
Smith,
Stark,
Stevenson,
Taliaferro,
Tucker,
Wall,
Wing,

Messrs. Graham, Hinchman, Ingersoll, Jones, Kipp, Messrs. Wohler, Wood, Yeiser, Young, Speaker—42.

Those who voted against referring to Committee of Whole, and making the bill the special order for Tuesday next, were—

Messrs. Fowler, Hopkins, Mr. McMeans—3.

The House referred to Committee of the Whole, and made special order.

The following messages were received from the Senate:

Mr. Speaker:

I am directed to inform the Assembly, that the Senate this day concurred in the amendments of the Assembly to Senate bill for "an Act to provide for the Public Printing;"

And refused to concur in Assembly amendment to Senate amendment to Assembly bill, "to provide for the ordering of a Special Election in the County of Trinity," and have appointed Messrs. Denver, Lott and McKibben a Committee of Conference.

And concurred in Assembly amendment to Senate Concurrent Resolution "to appoint a Joint Committee of the two Houses to enquire into the amount of printing ordered by the Legislature.

A. C. BRADFORD,
Secretary of the Senate.

April 23d, 1852.

Mr. Speaker:

I am directed to inform the Assembly, that the Senate passed on the 17th instant, "an Act concerning Common Schools;"

And on the 21st instant, "an Act concerning the Salaries of Officers and pay of Members of the Legislature;"

And passed this day Assembly bills, "an Act for the Protection of Game," and "an Act concerning the salary of the District Attorney of the County of San Francisco."

A. C. BRADFORD,
Secretary of the Senate.

April 22, 1852.

Senate bill, an Act concerning the Salaries of Officers and pay of Members of the Legislature.

Read a first and second time, and referred to Committee of the Whole House for to-morrow, made special order.

The following special message was received from the Governor. [See Appendix.]

Mr. McMullin moved the appointment of a Committee of Conference upon the disagreeing vote between the two Houses, upon the bill to provide for the ordering of a Special Election in the County of Trinity.

Agreed to.

Messrs. McMullin, Lyons and Fowler were appointed.

Mr. Graham moved to take up for consideration, a bill to pay for freight upon the Steamer Empire.

Not agreed to.

On motion of Mr. Wood, the House resolved itself into Committee of the Whole, Mr. Fowler in the chair, to consider an Act authorizing the Comptroller to draw on the Treasurer of Sacramento County; after spending some time in its consideration,

On motion of Mr. Wood, the committee rose, reported the bill back without amendment, and asked to be discharged.

Committee discharged.

On motion of Mr. Tucker, the bill was referred to Committee on Accounts.

Senate bill, for an Act concerning Common Schools.

Read a first and second time, and referred to Special Committee of five, Messrs. Boggs, Stevenson, Kipp, Orrick and Hinchman were appointed said committee.

Mr. Wood introduced a bill for an Act for the relief of Jesse D. Carr.

Read a first and second time, and referred to Judiciary Committee.

Mr. Hammond moved to take up for consideration a bill to divide the State of California.

Agreed to.

Pending the consideration of the bill on motion of Mr. McMeans, at 6 o'clock, P. M., the House adjourned until 9 o'clock to-morrow.

HOUSE OF ASSEMBLY.

Saturday, April 24, 1852.

House met pursuant to adjournment.

The roll was called by the Clerk, and the following members were absent:—Messrs. Coats, Covarrubias, Gardiner, Gibson, Graham, McMullin, Merritt, Taliaferro, Ten Broeck, Tucker, Wall and Yeiser.

The Journal of Friday, the 23d, read and approved.

The Speaker announced the House ready to proceed to business.

Mr. Hinchman made the following report:

The Judiciary Committee return to the Assembly the Senate bill No. 62, with amendments, and recommend the passage of the bill when so amended.

Mr. Dameron made the following report:

The Committee on Counties and County Boundaries, to whom was referred an Act to create and organize the County of San Lorenzo, have had the same under consideration, and have instructed me to report against its passage, and recommend its indefinite postponement.

The bill was, on motion, indefinitely postponed.

Mr. Crabb made the following report:

The Judiciary Committee, to whom was referred a memorial of Jesse D. Carr, and a bill for an Act for the relief of Jesse D. Carr, report back memorial and bill, and recommend the passage of the bill.

The bill was considered as engrossed, read a third time and passed.

Mr. Blanchard made the following report:

The Committee of Accounts, to whom was referred an Act authorizing the Comptroller to draw his warrant on the Treasurer of Sacramento County, for nine hundred dollars, payable out of any money now or which may hereafter accrue to the general fund, and to be appropriated towards paying the contingent expenses of the present Legislature, report the same back and recommend its adoption.

Bill considered as engrossed, read a third time and passed.

Mr. Stark introduced a bill, an Act to legalize the acts of the Court of Sessions of Napa County.

Read a first and second time, and referred to Committee on Corporations, with instructions to report on Monday next.

Mr. Coffroth made the following report:

The Committee on Federal Relations, to whom was referred Senate bill No. 122, entitled "an Act giving the consent of the Legislature of the State of California to the purchase, by the United States, of land within this State, for public purposes," would respectfully report the same back and recommend its adoption, with one or two unimportant amendments. By section eight, of article one, of the Constitution of the United States, such a law is found necessary, before the erection of "forts, arsenals," etc. etc., can be commenced by the Federal Government.

JAMES W. COFFROTH, Chairman.

Senate bill, an Act giving the consent of the Legislature of the State of California to the purchase, by the United States Government, of land within this State, for public purposes.

Amended, read a third time and passed.

Mr. Fleming introduced a bill, an Act to amend the eighteenth section of an Act entitled to apportion the Senatorial and Assembly Districts.

Read a first and second time, considered as engrossed, read a third time and passed.

Mr. Wood introduced a bill, an Act in relation to the articles of association of the Mountain Lake Water Company.

Read a first and second time and referred to the Committee on Corporations.

Mr. McConaha introduced a bill for an Act creating the office of Clerk of the Recorder's Court of the city of Sacramento.

Read a first and second time, considered as engrossed, read a third time and passed.

Mr. Chauncey introduced a bill, an Act for the relief of Mrs. Jane Woodland.

Read a first and second time and referred to the Committee on Claims.

Mr. Merritt presented a petition from citizens of Mariposa, praying for an increase of the salary of the Judge of the County Court of that county.

Referred to the delegation from Mariposa County.

Senate bill, an Act to pay freight to the steamer Empire.

Read a third time and passed.

On motion of Mr. Boggs, the House resolved into Committee of the Whole, Mr. Fowler in the chair, to consider a bill to pay freight to Captain Cranston, of the schooner Taccio. After spending some time in its consideration, and making amendments thereto,

On motion of Mr. Graham, the committee arose, reported the bill back as amended, and asked to be discharged from its further consideration.

The committee was discharged.

The amendment, made in committee, concurred in by the House; the bill considered as engrossed, read a third time and passed.

On motion of Mr. Merritt, all matters connected with the Hospitals were made the special order for Monday next.

On motion of Mr. McMeans, the House resolved itself into Committee of the Whole, Mr. Merritt in the chair, to consider a bill, an Act for the relief of Wm. Rogers, Sheriff of El Dorado County. After spending a short time in its consideration,

On motion of Mr. Fowler, the committee rose, reported the bill back without amendment, and asked to be discharged from its further consideration.

Committee was discharged.

The bill was then read a third time and passed.

Senate Joint Resolution to provide for the printing and distribution of the Revenue Law of 1852.

Read a third time and passed.

On motion of Mr. Blanchard, the House resolved itself into Committee of the Whole, Mr. Ingersoll in the chair, to consider Senate bill, an Act concerning the salaries of officers and pay of members of the Legislature. After spending some time, and adopting a substitute for the bill,

On motion of Mr. Hammond, the committee rose, reported the substitute, and asked leave to sit again.

Leave granted.

Half-past 12 o'clock, House adjourned until 2 o'clock, P. M.

At 2 o'clock, P. M., House met pursuant to adjournment.

Mr. Hinchman offered the following resolution, which was adopted:

Resolved, That the afternoon session of Monday, Tuesday and Wednesday next shall be exclusively devoted to the consideration of bills on the Speaker's table and Clerk's desk, in such order as the Speaker may determine.

Mr. McMeans introduced a bill for an Act relative to Poor Laws and Charitable Institutions.

Read a first and second time and referred to the physicians of the House.

Mr. Crittenden introduced a bill to be entitled an Act to declare Arroyo Del Medo navigable,

Read a first and second time, considered as engrossed, read a third time and passed.

Mr. Lyons introduced a bill, an Act amendatory of the twentieth section of an Act dividing the State into Counties, and establishing the Seats of Justice therein, passed April 25th, 1851.

Read a first and second time, considered as engrossed, read a third time and passed.

On motion of Mr. Wood, the House resolved itself into Committee of the Whole, Mr. Fowler in the chair, to consider a bill, an Act to pay Translator. After spending some time in its consideration,

On motion of Mr. Wood, the committee rose, reported the bill back without amendment, and asked to be discharged from its further consideration.

Committee was discharged.

The bill was then read a third time and passed.

Mr. Colby made the following report:

Your committee on Enrolled Bills have examined an Act for the payment of freight to the steamer Empire, and find the same correctly enrolled.

On motion of Mr. Dameron, the House resolved itself into Committee of the Whole, Mr. Lyons in the chair, to consider a bill upon the subject of salaries of officers and pay of members of the Legislature. After spending some time in its consideration, and making amendments thereto,

On motion of Mr. Hinchman, the committee rose, reported the bill back as amended, and asked leave to sit again.

Leave granted.

Mr. Hinchman moved that the report of criminal cases which have been tried in the different counties of this State, be referred to a committee of one, to make a report on Monday next, showing the number of cases upon the court calendar of each county in this State.

Agreed to.

Mr. Hinchman was appointed to perform that duty.

On motion of Mr. Coffroth, the House resolved itself into Committee of the Whole, Mr. Fowler in the chair, to consider a bill for the relief of emigrants crossing the Plains in coming into the State of California. After spending some time, and filling a blank in the same,

On motion of Mr. Lyons, the committee rose, reported the bill back as amended, and asked to be discharged from the further consideration.

The committee was discharged.

Mr. Wood moved to re-commit the bill to the Committee of the Whole.

Not agreed to.

The first amendment, made in Committee of the Whole, concurred in by the House.

Mr. Tucker moved to amend the second amendment, which was made in Committee of the Whole, by striking out "five thousand dollars," and insert "eight thousand dollars."

Not agreed to.

Upon a motion to concur in the amendment made in Committee of the Whole, Messrs. Coffroth, Lyons and Paxton demanded the ayes and nays.

Those who voted in favor of the amendment were—

Messrs. Brush,	Messrs. Law,
Caldwell,	McConaha,
Coats,	McMullin,
Coffroth,	Orrick,
Colby,	Smith,
Crittenden,	Stark,
Ford,	Stevenson,
Fowler,	Wood,
Hinchman,	Yeiser,
Jones,	Young,
Kipp,	Speaker—22.

Those who voted against the amendment were—

Messrs. Boggs,	Messrs. Merritt,
Canney	Paxton,
Chauncey,	Ridley,
Crabb,	Taliaferro,

Messrs. Dameron, Gardiner, Ingersoll, Lyons, McMeans, Messrs. Tucker, Wall, Wing, Wohler—17.

The House adopted the amendment made in Committee of the Whole.

Mr. Coffroth gave notice that he would move to re-consider the vote, just taken, on Monday next.

Mr. McMullin moved to re-consider the vote this day.

Mr. Brush moved a call of the House.

The call not sustained.

Pending the motion to re-consider, on motion of Mr. Paxton, at 6 o'clock, P. M., the House adjourned until Monday, at 9 o'clock.

HOUSE OF ASSEMBLY.

MONDAY, April 26, 1852.

House met pursuant to adjournment.

The roll was called by the Clerk, and the following members were absent: Messrs. Crittenden, Fleming, Gardiner, McKim, Peachy, Tucker and Wall.

The Journal of Saturday, the 24th, read and approved.

The Speaker announced the House ready to proceed to business.

Mr. Taliaferro made the following report:

The Committee on Corporations, to whom was referred an Act to legalize the acts of the Court of Sessions of Napa County, report the same back and recommend its passage.

The bill was considered as engrossed, read a third time and passed.

Mr. Coffroth made the following report:

The Committee on Federal Relations, to whom was referred Joint Resolutions instructing our Senators and Representatives in Congress relative to foreigners, report the same back, with a recommendation that they be tabled for the present, as the Assembly has now under consideration enactments which more properly meet the exigencies of the case.

The resolutions were laid upon the table.

Mr. Crabb made the following report in reference to foreigners:

The Committee on Federal Relations, to whom was referred the Senate

bill to be entitled "an Act to provide for the protection of foreigners, and to define their liabilities and privileges" respectfully submit the following report:

In the investigation of the all-absorbing topic presented to us, we have met with much difficulty. The principal object to be arrived at, is the full and entire protection of the American miner in his rights, immunities, and interests: and to this end we have bent our whole deliberations. We all feel deeply impressed with the fact, that it is necessary, for the prosperity, wealth and greatness of California, that her mining interests should be fostered, and that the American miner should be protected; and the only question for us to decide, is, which is the best, most effective, and speedy means of accomplishing the purpose we so earnestly desire.

Three plans are presented to our view, all of them having much to commend them. The first, is to exclude all foreigners, except those of European nations or of European descent, from the State. This policy would fully accomplish our object. But it is, in the first place, doubtful whether the State of California has power to prevent the immigration of aliens. This is a right which has been delegated, in the United States Constitution, by the different States, to the Federal Government, and we must perforce look to Congress to stop this rapid influx of foreigners by the passage of stringent naturalization laws and a rigid enforcement of them.

Again: the attempt to exclude the class of foreigners alluded to, would prove a failure, in the natural course of things; they would constantly make their way into the country, as sailors, merchants, supercargoes of vessels, and transient visitors, and by landing upon secluded or distant spots upon our extensive sea-coast. Moreover, we would greatly injure our commerce by adopting this plan, and would conflict with the laws of nations and of existing commercial treaties.

Our State now occupies a grand central position in the commerce of the world, and we should jealously guard our advantages, and have an eye to future, as increase and extension of the rich benefits springing from our locale, which are already building up the commerce of California with unparalleled progress, to the standard of the oldest and mightiest nations. Our mercantile and trading intercourse with China should especially be looked to:—and should not be interrupted, retarded, or endangered by hasty and ill-advised legislation. For these reasons,—forcible and irresistible as they are,—we must abandon the first plan proposed. The second plan is, to admit all foreigners into the country, (until Congress may deem it advisable to prohibit them from coming,) but to pass a law to exclude altogether all hereafter arriving, (except Europeans, and those of European descent,) from the working of the mines; and to permit those that are already there, who will, in legal form, declare their intention of becoming citizens of the United States, to engage in mining pursuits, upon the payment, to the State Government, of a moderate license tax. This policy we decidedly prefer, inasmuch as it may be adopted in strict justice to those foreigners who have come to our shores, upon the tacit and time-honored invitation of our Government to all the nations of the earth, and for the reason that those who reap the advantages of protection from our State Government, will, by this mode, contribute their mite towards its support, and because it will effectually guard the rights of the American miners from the further and increasing inroads upon their own peculiar property, in

which light we regard the whole mining region. The third and last plan, is the one embodied in the bill which has been submitted to us for our views and opinions. We are willing to adopt it, if nothing better is offered; but, as we have stated, we consider the second plan, referred to above, as better and more desirable. The only objection to the bill is, that it does not go far enough: it should positively prohibit all foreigners, (not Europeans, or of European descent,) who may hereafter arrive in our State, from working in the mines, gold, silver, coal, or quicksilver. We recommend a slight reduction of the license tax proposed in the bill, believing that twenty-four dollars per annum will raise an immense revenue for the State, and being of the opinion, also, that a larger income will be derived from a moderate tax, which will be willingly paid, than will be yielded from exorbitant rates, which will in every possible manner be avoided. With one other unimportant amendment, we report back the bill; and if one of the kind, pointed out as having our preference, is not introduced, we are favorable to the passage of the bill herewith reported.

Mr. Chauncey made the following report:

The Committee on Engrossment have examined and found correctly engrossed, an Act authorizing the Comptroller to draw on the Treasurer of Sacramento County.

Also, an Act creating the office of Clerk of the Recorder's Court of the city of Sacramento.

Also, an Act for the relief of Jesse D. Carr.

Also, a bill for an Act to pay freight to the schooner Taccio.

Also, an Act to amend the eighteenth section of the Act to apportion the Senatorial and Assembly Districts, passed May 1, 1851.

All of which is respectfully submmitted.

D. M. CHAUNCEY, Chairman.

Mr. Orrick made the following report:

Your Committee on Enrolled Bills have examined the Act to provide that the Treasurer of the County of Calaveras shall be Collector of Taxes for said county, until it shall be decided, by the proper tribunal, who is Sheriff of said county, and report the same correctly.

Also, a Joint Resolution authorizing the Secretary of State to receive proposals for the State Translating.

All of which is respectfully submitted.

B. ORRICK, of Assembly;
FRANK SOULE, of Senate.

Mr. Taliaferro made the following report:

The Committee of Physicians, to whom was referred the Act relative to Poor Laws and Charitable Institutions, respectfully submit—

That this bill proposes to send some one to the older States to obtain *Hospital* information. Now it seems to us, we are not at all lacking in that

article, and an acute observer in this House will see at once that if the Governor would only try *some* of us, he could be abundantly supplied without sending to the older States, or any where else.

We therefore report adversely to it, because we think it is a direct reflection upon our Hospital knowledge.

The bill was indefinitely postponed.

Mr. Hinchman made the following report:

The Select Committee, instructed to make an abstract of the report of the Secretary of State, containing statements of business done in the courts, reports that he has made an abstract of that report, and of all returns now in the office of the Secretary which have been filed since the report was made. The returns are so imperfect that the abstract proves nothing. In but one county has the clerk distinguished the civil cases from the criminal, on the calendar of the District Court; from many counties there are no returns.

Mr. Fowler asked leave to withdraw a report made in reference to the claim of Mr. Hubbard.

Agreed to.

Mr. Ford asked leave to withdraw a report heretofore made upon the subject of military expeditions in Los Angeles, to alter the same.

Agreed to.

Mr. Coffroth offered the following resolution, which was adopted:

Resolved, That a session be held this evening at half-past seven o'clock, to take under consideration a bill creating a Board of Supervisors, etc., in each of the counties of this State.

Mr. Kipp offered the following, which lies over one day under the rule:

Resolved, That hereafter the Assembly adjourn to meet at ten o'clock, A. M., and that the House will take no recess during the day.

Mr. Coffroth introduced a bill, an Act concerning the possessory right in quartz mines.

Read a first and second time and referred to Committee on Mines and Mining Interests, and two hundred copies ordered to be printed.

Mr. Taliaferro introduced a bill for an Act concerning Ferries.

Read a first and second time.

Mr. Crittenden moved to reject the bill.

Upon which motion, Messrs. Crittenden, Canney and Boggs demanded the ayes and nays.

Those who voted in favor of rejecting the bill were—

Messrs. Boggs,	Messrs. Jones,
Brush,	Law,
Colby,	Lyons,
Crittenden,	Paxton,

Messrs. Cutler,
Dameron,
Ford,
Fowler,
Gardiner,
Hudspeth,
Ingersoll,
Pearce,
Ridley,
Stevenson,
Yeiser,
Young,
Speaker—21.

Those who voted against rejecting the bill were—

Messrs. Blanchard,
Canney,
Chauncey,
Coats,
Coffroth,
Cook,
Covarrubias,
Crabb,
Hinchman,
Hopkins,
Kipp,
McConaha,
McMeans,
McMullin,
Merritt,
Orrick,
Smith,
Stark,
Taliaferro,
Ten Broeck,
Wall,
Wing,
Wohler,
Wood—24.

So the House refused to reject the bill.

Mr. Wohler moved to suspend the rule, and read the bill a second time; upon which motion, Messrs. Crabb, Canney and Wohler demanded the ayes and nays.

Those who voted to order the bill to a second reading were—

Messrs. Blanchard,
Boggs,
Canney,
Caldwell,
Coffroth,
Covarrubias,
Crabb,
Hinchman,
Kipp,
McConaha,
McMeans,
Merritt,
Orrick,
Pearce,
Smith,
Stark,
Taliaferro,
Ten Broeck,
Wall,
Wing,
Wohler,
Wood—22.

Those who voted against ordering the bill to a second reading were—

Messrs. Brush,
Coats,
Colby,
Crittenden,
Cutler,
Dameron,
Ingersoll,
Law,
Lyons,
McKim,
Paxton,
Ridley,

Messrs. Ford,
Fowler,
Gardiner,
Hopkins,
Hudspeth,
Messrs. Stevenson,
Yeiser,
Young,
Speaker—21.

The House refused to order the bill to a second reading.

The following message was received from the Senate:

Mr. Speaker:

I am directed to inform the Assembly that the Senate passed, on the 24th instant, the following Assembly bills:

"An Act for the relief of W. E. P. Hartnell;"

"An Act for the relief of James S. Raines;"

"An Act to provide for the appointment of a Guager for the Port of San Francisco;"

"An Act to authorize the construction of a Wagon Road from Humboldt Bay to the Sacramento Valley;"

"An Act for the relief of J. Winchester;"

A. C. BRADFORD,
Secretary of the Senate.

Senate bill, an Act for the relief of J. Winchester.

Read a first and second time and referred to Committee on Claims.

Mr. Crabb moved to withdraw from the Committee of Ways and Means a bill to be entitled an Act to amend the twenty-second section of an Act to create a State Hospital in the city of Stockton, passed April 30th, 1851, and make it the special order, to be considered in connexion with the Hospital subject, this day.

Agreed to.

Mr. Fowler moved that the House go into Committee of the Whole, to consider the Hospital bills.

Not agreed to.

On motion of Mr. Merritt, the House resolved itself into Committee of the Whole, Mr. Boggs in the chair, to consider the Governor's message, in reference to the great number of foreigners arriving in California, and also to consider a bill for an Act to prohibit foreigners becoming chargeable to the State of California. After spending some time in the consideration of the subject, and adopting a substitute for the bill,

On motion of Mr. Crabb, the committee rose, reported the substitute as amended, and asked to be discharged from its further consideration.

The committee was discharged.

The substitute was adopted by the House, and, on motion of Mr. Crabb, the bill was referred to Committee on Mines and Mining Interests, with instructions to report on to-morrow.

Half-past 12 o'clock, the House adjourned until 2 o'clock, P. M.

At 2 o'clock, P. M., the House met pursuant to adjournment.

Senate bill for an Act respecting the Trustees of the city of San Diego.

Read a first, second and third time and passed.

Senate bill, an Act for the relief of Nathan Coombs, of the County of Napa.

Read a first and second time and referred to the Committee on Claims.

Senate bill, an Act authorizing the Treasurer of State to receive any moneys that may be set apart to the State of California by Congress, to be applied to the payment of debts incurred by this State prior to being admitted into the Union, and the mode of appropriating the same.

Read a third time and passed.

Senate bill, an Act providing for the erection of a Powder Magazine in San Francisco,

Mr. Wohler moved that the bill be re-committed to the delegation from San Francisco, with instructions to amend the same and report instanter.

Agreed to.

Senate bill, an Act exempting the members of legally organized fire companies and uniformed militia companies from service upon juries.

Upon motion, the bill was indefinitely postponed.

Senate bill for an Act to prevent certain public nuisances.

Referred to Committee of Physicians.

Mr. Wohler reported, from the delegation from San Francisco, that the committee had amended the bill referred to them, as directed by the House.

Bill providing for the erection of a Powder Magazine in San Francisco.

Read a third time and passed.

Senate bill, an Act to amend the one hundred and thirty-eighth section of an Act concerning Corporations, approved April 22, 1850.

On motion, was indefinitely postponed.

Senate bill, an Act to amend an Act entitled an Act to incorporate the city of Sacramento.

On motion, indefinitely postponed.

Mr. Canney moved to re-consider the vote, which required a meeting of the House this evening at half-past 7 o'clock.

Vote re-considered.

Mr. Coffroth moved to strike out "this evening," and insert "Tuesday evening."

No quorum voted.

On motion of Mr. Tucker, the resolution was laid upon the table.

On motion of Mr. Merritt, the House resolved itself into Committee of the Whole, Mr. Lyons in the chair, to consider several bills upon the subject of Hospitals. After spending some time in the consideration of the subject,

On motion of Mr. McMeans, the committee rose, reported the bills back without any amendment, and asked to be discharged from the further consideration of the subject.

The committee was discharged.

The bill for an Act amendatory of an Act entitled an Act to create a State Hospital in the city of Sacramento; taken up for consideration.

A motion was made to strike out "eighteen hundred," and insert "three thousand dollars."

Mr. Law moved to strike out "eighteen hundred," and insert "fifteen hundred dollars."

Mr. Hinchman moved to adjourn.

Not agreed to.

Upon the question to strike out "eighteen hundred," and insert "three thousand dollars," Messrs. Brush, Canney and Fowler demanded the ayes and nays.

Those who voted to strike out and insert were—

Messrs. Blanchard,
Coffroth,
Colby,
Cook,
Covarrubias,
Crabb,
Crittenden,
Dameron,
Gardiner,
Gibson,
Graham,
Hinchman,
Lyons,
McConaha,
McMullin,
Orrick,
Paxton,
Pearce,
Taliaferro,
Ten Broeck,
Wood,
Yeiser,
Speaker—23.

Those who voted against striking out and inserting were—

Messrs. Boggs,
Brush,
Canney,
Caldwell,
Fowler,
Ingersoll,
Jones,
Kipp,
Law,
McKim,
McMeans,
Merritt,
Ridley,
Smith,
Stark,
Stevenson,
Tucker,
Wall,
Wing,
Young—20.

The House decided to strike out and insert three thousand dollars.

Mr. Tucker offered the following amendment to the fourth section: "At least one of whom shall be a regular graduate of medicine and a practising physician in said city."

Agreed to.

Mr. Crabb moved that the bill be considered as engrossed for a third reading.

Agreed to.

On a motion to read the bill a third time,

On motion of Mr. Coffroth, at 6 o'clock, P. M., the House adjourned until 9 o'clock, to-morrow.

HOUSE OF ASSEMBLY.

TUESDAY, April 27, 1852.

House met pursuant to adjournment.

The roll was called by the clerk and the following members found absent—Messrs. Colby, Crittenden, Gardiner, Peachy, Taliaferro and Yeiser.

The Journal of Monday the 26th, read and approved.

The Speaker announced the House ready to proceed to business.

Mr. Fowler made the following report:

The Committee on Claims, to whom was referred the account of J. Winchester, have had the same under examination, and they find that in the Statutes of 1851, Chapter 26th, an Act defining the duties of State Printer, and fixing his compensation; the fourth article of that Act reads thus: "on the fulfilment of any order for printing, folding, stitching or binding, or for any materials furnished by the State Printer, for the use of the State, in the execution of any work ordered to be printed, or printed and bound, the Comptroller on the presentation of a bill for the same, shall issue his warrant on the Treasury for the amount, which shall be paid out of any moneys not otherwise appropriated.

It is made the duty of the Comptroller to examine, adjust, and settle all claims against the State, payable out of the Treasury, your committee report back the Senate bill, No. 166, and recommend that it be indefinitely postponed.

Mr. Kipp made the following report:

The Committee on Education, to whom was referred Senate bill, No. 55, an Act providing for a fund for the use of the State Library, have examined the same and report it back to the House and recommend its passage.

Mr. Orrick made the following report:

The Committee on Enrolled Bills, have examined and find correctly enrolled "an Act to amend an Act for the establishment of pilots and pilot regulations for the Port of San Francisco;"

"An Act to provide for the payment of a Translator;"

"An Act giving the consent of the Legislature of the State of California, to the purchase by the United States of land within this State for public purposes;"

"An Act for the relief of Wm. Rogers, Sheriff of El Dorado County;"

"Joint Resolution to provide for the printing and distribution of the Revenue Law of 1852;"

"An Act amendatory of an Act entitled an Act to amend an Act to incorporate the City of Sacramento;"
Also "an Act to provide for the Public Printing."

Mr. Chauncey made the following report:

The Committee on Engrossed Bills, report that they have examined and found correctly engrossed, the following bills, viz:
An Act to amend "an Act to regulate proceedings in Criminal Cases," approved May 1st 1851;"
"An Act to declare the Arroyo del Medo navigable;"
An Act amendatory of the twentieth section of "an Act dividing the State into Counties and establishing the seats of justice therein," passed April 25th, 1851;
An Act to revise the "Act to regulate proceedings in Civil Cases in the Courts of Justice of this State," approved April 29th, 1851.
All of which is respectfully submitted.

D. M. CHAUNCEY, Chairman.

Mr. Gardiner made the following report upon the subject of a bill regulating Mining Claims:

Your committee, to whom was referred the consideration of an Act entitled "an Act to protect Mining Claims," beg leave to report as follows:

The object of the bill referred to your committee, is to prevent the mining regions of this State from being overrun by a class of persons now being imported in large numbers from the Chinese Empire, and other countries of the East.

Your committee have had this whole subject under careful investigation, during the present session, and abundantly impressed with its vital importance to the interests of the people of this State, have had the honor to report at length on a previous occasion.

They deem it now but necessary to state, that they consider this bill is better calculated to effect the result contemplated, than is any other plan which has been presented to the consideration of the Assembly.

The bill, too, in its provisions, is strictly within the limits of State Legislative power;—and is, therefore, to be preferred to any mode doubtful in a constitutional point of view.

We have confidence in this remedy, especially, if in connection with it, the Governor of the State be authorized to issue his proclamation, setting forth, to all whom it may concern, that California will not hereafter protect by her laws, this class of foreigners, who are swarming to the mines.

We believe that the denial of a legal remedy to enforce any possession

of a mining claim, will effectually prevent this evil, which we are called upon to remedy; and we, therefore, recommend the passage of the bill.

JAMES H. GARDINER,
Chairman.
JESSE BRUSH,
E. D. PEARCE,
J. N. TURNER,
A. WING.

Mr. Dameron offered the following resolution, which was adopted:

Resolved, That the Sergeant-at-Arms is hereby allowed extra pay of two dollars per diem during the present session of the Legislature.

Mr. Graham introduced a bill, "an Act to make the books of public officers open to inspection."

Read a first and second time, and referred to Judiciary Committee.

On motion of Mr. Fowler, the House resolved itself into Committee of the Whole, Mr. Coffroth in the chair, to consider a bill to repeal Water Lot Bill; after spending a short time in the consideration of the bill,

On motion of Mr. Fowler, the committee rose, reported the bill back without amendment, and asked to be discharged from its further consideration.

The committee was discharged.

Mr. Peachy moved the indefinite postponement of the bill.

He also moved a call of the House.

The call was sustained.

The clerk then called the roll and the following members were absent, Messrs. Coats, Ford and Gibson.

A motion was made to excuse Mr. Gibson.

The House refused to excuse him.

On motion of Mr. McMullin, further proceedings under the call were dispensed with.

Mr. McMullin moved a call of the House.

Call was sustained.

The clerk then called the roll and the following members were absent, Messrs. Canney, Coats, Coffroth, Flemming, Ford, Fowler, Graham, Jones and Tucker.

On motion of Mr. Crabb, further proceedings under the call were dispensed with.

Mr. Ingersoll moved to take a recess.

Not agreed to.

Mr. Canney moved a call of the House.

Call was not sustained.

The question then came up upon the indefinite postponement of the bill; upon which Messrs. McMullin, Canney and Kipp demanded the ayes and nays:

Those who voted to postpone were—

Messrs. Blanchard,
Boggs,
Chauncey,
Coffroth,
Cook,
Covarrubias,
Crabb,
Crittenden,
Dameron,
Gardiner,
Graham,
Hinchman,
Hudspeth,
Law,
Lyons,
McKim,
Orrick,
Paxton,
Peachy,
Pearce,
Ridley,
Smith,
Stark,
Stevenson,
Taliaferro,
Ten Broeck,
Wall,
Wood,
Young,
Speaker—30.

Those who opposed the indefinite postponement were—

Messrs. Brush,
Canney,
Caldwell,
Colby,
Cutler,
Fleming,
Gibson,
Hopkins,
Kipp,
McConaha,
McMeans,
McMullin,
Merritt,
Turner,
Wing,
Wohler,
Yeiser—17.

So the House indefinitely postponed the bill.

On motion, the House adjourned until 2 o'clock, P. M.

2 o'clock, P. M.

House met pursuant to adjournment.

The following message was received from the Governor:

EXECUTIVE DEPARTMENT,
Sacramento City, April 27, 1852.

To the Assembly of the
State of California:

I have this day approved an Act entitled "an Act for the relief of James S. Raines."

An Act entitled "an Act amendatory of the twentieth section of an Act entitled an Act dividing the State into Counties, and establishing the seats of justice therein," passed April 25, 1851.

An Act entitled "an Act to alter the times of holding the General Election."

An Act entitled "an Act for the relief of E. J. C. Kewen."

An Act entitled "an Act fixing the times at which Representatives in Congress shall be elected."

JOHN BIGLER.

The following messages were received from the Senate:

Mr. Speaker:

I am directed to inform the Assembly, that the Governor approved on the 24th instant the following acts:

An Act entitled "an Act for the relief of Cook and Le Count."

An Act entitled "an Act to amend an Act entitled an Act to provide for the Translation of the Laws into the Spanish Language," passed March 15th, 1851.

An Act entitled "an Act amendatory of an Act concerning Coroners," passed April 19th, 1850.

An Act entitled "an Act to amend the fourth section of an Act dividing the State into Counties, and establishing the seats of justice therein," passed April 25th, 1851.

An Act entitled "an Act for the relief of Taaffe & McCahill."

An Act entitled "an Act to authorize James L. Freaner to construct a wagon road from Sacramento valley to the Oregon line, and to regulate the tolls to be collected on the same."

An Act entitled "an Act defining the Boundary of the County of Shasta, and to amend the twenty-second section of an Act entitled an Act dividing the State into Counties, and establishing the seats of justice therein," passed April 25th, 1851.

An Act entitled "an Act for the relief of William E. P. Hartnell."

And passed yesterday Assembly bill for

"An Act creating the office of Clerk of the Recorders Court of the city of Sacramento" with an amendment; and Assembly bill for

"An Act to amend the eighteenth section of the Act to apportion the Senatorial and Assembly Districts," passed May 1st, 1851.

And passed Senate bill for "an Act appropriating money out of the General Fund to defray the expenses of the Government of the State of California."

And on the 24th instant, Senate bill for "an Act concerning passengers arriving in the Ports of the State of California."

And passed this day Assembly bills, "an Act to provide for Appeals in certain cases."

And "an Act authorizing the Comptroller to draw on the Treasurer of Sacramento County."

A. C. BRADFORD,
Secretary of the Senate.

April 27, 1852.

Mr. Speaker:

I am directed to inform the Assembly, that the Senate passed on Saturday, 24th instant, a concurrent resolution to adjourn the two Houses *sine die*, on Monday, third day of May next.

And passed this day Assembly bill, an Act regulating the duties of Harbor Master of San Francisco, with amendments as agreed upon by the San Francisco delegation.

Also Assembly bill entitled an Act to authorize the funding of the debt of the County of El Dorado; and to provide for the payment of the same with sundry amendments attached to the bill, in which they ask the concurrence of the Assembly.

A. C. BRADFORD,
Secretary of the Senate.

Concurrent Resolution from the Senate, to adjourn on the third of May, 1852.

Mr. Boggs moved to lay the resolution on the table; upon which Messrs. Crabb, Dameron and Coffroth demanded the ayes and nays:

Those who voted to lay upon the table were—

Messrs.	Boggs,	Messrs.	Fowler,
	Brush,		Ingersoll,
	Canney,		Jones,
	Caldwell,		Kipp,
	Coats,		McConaha,
	Colby,		McKim,
	Fleming,		Stevenson—14.

Those who were opposed to laying upon the table were—

Messrs.	Coffroth,	Messrs.	Pearce,
	Cook,		Ridley,
	Covarrubias,		Smith,
	Crabb,		Stark,
	Crittenden,		Stevenson,
	Dameron,		Taliaferro,
	Hinchman,		Ten Broeck,
	Law,		Tucker,
	Lyons,		Turner,
	McMeans,		Wall,
	McMullin,		Wohler,
	Merritt,		Yeiser,
	Orrick,		Young,
	Paxton,		Speaker—29.
	Peachy,		

The House refused to lay the resolution on the table.

The resolution was then concurred in by the House.

Mr. Law gave notice that, on to-morrow, or some day thereafter, he would introduce a bill for the reduction of certain salaried officers in this State.

Assembly bill, an Act regulating the duties of Harbor Master of the Port of San Francisco—amended in the Senate, concurred in by the House.

Senate bill, an Act appropriating money out of the General Fund to defray the expenses of the Government of the State of California.

Read a first and second time, and referred to Committee of Ways and Means.

Senate bill, an Act concerning passengers arriving in the Ports of the State of California.

Read a first and second time, and referred to Judiciary Committee.

Assembly bill to be entitled an Act to amend an Act to regulate proceedings in Criminal Cases, approved May 1st, 1851.

Mr. Crittenden moved to refer the bill to a special committee with instructions to amend the same and report instanter.

Agreed to.

Messrs. Crittenden, McConaha and Fowler were appointed said committee.

Mr. Crittenden reported that the committee had amended the bill as directed by the House.

The bill was then read a third time and passed.

A bill for an Act to revise the Act to regulate proceedings in Civil Cases in the Courts of Justice of this State, approved April 29th, 1851.

Mr. Crittenden moved that the bill be referred to a special committee of three, with instructions to amend the same, to report instanter.

Agreed to.

Messrs. Crittenden, McMullin and McConaha were appointed said committee.

Mr. Crittenden reported that the committee had amended the bill as instructed by the House.

The bill was then read a third time and passed.

Assembly bill for an Act concerning the organization of the Militia, upon which the two houses had disagreed as to sundry amendments, a committee of conference heretofore appointed made a report, and the House concurred in the report of said committee.

Senate bill, an Act appropriating moneys to meet the contingent expenses of government; and also Assembly bill as a substitute to Senate bill upon the same subject.

Read a first and second time, and referred to Committee of Ways and Means

On motion of Mr. Wood, the House resolved itself into Committee of the Whole, Mr. McMullin in the chair, to consider a bill to provide for the relief of H. A. Caulfield; after spending a short time in its consideration,

On motion of Mr. Graham, the committee rose, reported the bill back without amendment, and asked to be discharged from its further consideration.

The committee was discharged.

On motion of Mr. Wohler, the bill was considered as engrossed, and

read a third time, and upon its final passage Messrs. Kipp, Blanchard and Graham demanded the ayes and nays:

Mr. McMullin asked to be excused from voting.

He was excused.

Those who voted for the passage of the bill were—

Messrs. Boggs,	Messrs. McKim,
Coats,	McMeans,
Coffroth,	Ten Broeck,
Colby,	Turner,
Covarrubias,	Wohler,
Jones,	Wood—13.
Kipp,	

Those who opposed the passage of the bill were—

Messrs. Blanchard,	Messrs. Lyons,
Brush,	McConaha,
Caldwell,	Merritt,
Chauncey,	Orrick,
Cook,	Paxton,
Crabb,	Peachy,
Crittenden,	Pearce,
Dameron,	Ridley,
Fleming,	Smith,
Fowler,	Stark,
Gibson,	Stevenson,
Graham,	Taliaferro,
Hinchman,	Tucker,
Hopkins,	Wall,
Hudspeth,	Yeiser,
Ingersoll,	Young,
Law,	Speaker—34.

So the bill did not pass.

Resolution offered yesterday by Mr. Kipp, to alter the time of meeting and adjourning, was taken up for consideration.

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

Not agreed to.

Mr. Wohler moved to strike out 10, and insert 9 o'clock.

Not agreed to.

Mr. Tucker offered the following, which was adopted: "That the House will hold a session every evening at 7 o'clock."

Mr. McKim moved a call of the House.

Call not sustained.

On motion of Mr. Fowler, the resolution as amended was laid upon the table.

Mr. Blanchard moved to adjourn.

Not agreed to.

Assembly bill for an Act amendatory of an Act entitled an Act to create a State Hospital in the City of Sacramento.

Mr. Boggs moved to indefinitely postpone the bill; upon which motion Messrs. Boggs, McKim and McMeans demanded the ayes and nays:

Those who voted to postpone were—

Messrs. Boggs,	Messrs. Ingersoll,
Coats,	Jones,
Hudspeth,	McMeans—6.

Those who opposed the indefinite postponement were—

Messrs. Blanchard,	Messrs. McMullin,
Brush,	Merritt,
Canney,	Orrick,
Caldwell,	Paxton,
Chauncey,	Peachy,
Coffroth,	Pearce,
Cook,	Ridley,
Covarrubias,	Smith,
Crabb,	Stark,
Crittenden,	Stevenson,
Dameron,	Taliaferro,
Fleming,	Ten Broeck,
Fowler,	Tucker,
Gibson,	Turner,
Graham,	Wall,
Hinchman,	Wohler,
Hopkins,	Wood,
Kipp,	Yeiser,
Law,	Young,
Lyons,	Speaker—41.
McKim,	

The House refused to indefinitely postpone the bill.

The bill then came up upon its final passage, and Messrs. Law, McMeans and Fowler demanded the ayes and nays:

Those who voted for the passage of the bill were—

Messrs. Blanchard,	Messrs. Lyons,
Canney,	McMullin,
Caldwell,	Merritt,
Chauncey,	Orrick,
Coffroth,	Peachy,
Colby,	Ridley,
Cook,	Stark,
Covarrubias,	Taliaferro,
Crabb,	Ten Broeck,

Messrs. Crittenden,
Dameron,
Fleming,
Gibson,
Graham,
Hinchman,
Hopkins,
Kipp,
Messrs. Tucker,
Wall,
Wohler,
Wood,
Yeiser,
Young,
Speaker—33.

Those who opposed the passage of the bill were—

Messrs. Boggs,
Brush,
Coats,
Fowler,
Hudspeth,
Ingersoll,
Jones,
Law,
Messrs. McKim,
McMeans,
Paxton,
Pearce,
Smith,
Stevenson,
Turner—15.

So the bill passed.

Mr. Brush moved to adjourn.

Not agreed to.

Assembly bill to be entitled an Act to amend the twenty-second section of an Act to create a State Hospital in the City of Stockton, passed April 30th, 1851; on its final passage, Messrs. Fowler, Canney and McMeans demanded the ayes and nays:

Those who voted for the passage of the bill were—

Messrs. Blanchard,
Canney,
Caldwell,
Chauncey,
Coffroth,
Colby,
Cook,
Covarrubias,
Crabb,
Crittenden,
Dameron,
Fleming,
Gibson,
Graham,
Hinchman,
Hopkins,
Ingersoll,
Messrs. Kipp,
McMullin,
Merritt,
Orrick,
Peachy,
Ridley,
Stark,
Taliaferro,
Ten Broeck,
Tucker,
Wall,
Wohler,
Wood,
Yeiser,
Young,
Speaker—33.

Those who opposed the bill were—

Messrs. Boggs,
Brush,
Coats,
Fowler,
Hudspeth,
Jones,
Law,
McMeans,
Paxton,
Pearce,
Smith,
Stevenson—12.

So the bill passed.

Assembly bill to be entitled an Act to amend an Act to provide a revenue for the State Marine Hospital at San Francisco, passed March 26th, 1851.

Mr. Crittenden offered an amendment to the first section to strike out and insert.

Agreed to, and on his motion the bill was considered engrossed and read a third time, on its passage, Messrs. McMeans, Fowler and Coats demanded the ayes and nays:

Those who voted for the passage of the bill were—

Messrs. Blanchard,
Caldwell,
Chauncey,
Colby,
Cook,
Covarrubias,
Crabb,
Crittenden,
Dameron,
Gibson,
Graham,
Hinchman,
Hopkins,
Kipp,
Lyons,
McMullin,
Merritt,
Orrick,
Peachy,
Ridley,
Taliaferro,
Ten Broeck,
Tucker,
Wall,
Wohler,
Wood,
Yeiser,
Young,
Speaker—29.

Those who opposed the passage of the bill were—.

Messrs. Boggs,
Brush,
Canney
Coats,
Coffroth,
Fleming,
Fowler,
Hudspeth,
Ingersoll,
Jones,
Law,
McMeans,
Paxton,
Pearce,
Smith,
Stevenson—16.

So the bill passed.

An Act to amend an Act to provide for the establishment of a State Marine Hospital at San Francisco, approved April 30th, 1851.

Mr. McMeans offered the following amendment to the bill: "To strike out five thousand dollars where it occurs, and insert three thousand five hundred, and three thousand; on which motion Messrs. Fowler, McMeans and Brush demanded the ayes and nays:

Those who voted in the affirmative were—

Messrs. Boggs,
Brush,
Coats,
Coffroth,
Fowler,
Ingersoll,
Jones,
Kipp,
Law,
McMeans,
Smith—11.

Those who voted in the negative were—

Messrs. Caldwell,
Chauncey,
Colby,
Covarrubias,
Crabb,
Crittenden,
Dameron,
Fleming,
Gibson,
Graham,
Hinchman,
Hudspeth,
McMullin,
Merritt,
Orrick,
Paxton,
Peachy,
Pearce,
Ridley,
Stevenson,
Taliaferro,
Ten Broeck,
Wohler,
Wood,
Yeiser,
Young,
Speaker—27.

So the amendment was lost.

The bill was then considered as engrossed, and read a third time.

Mr. Brush objected to the passage of the bill, which under the rule lies over until to-morrow.

Mr. Colby made the following report:

Your Committee on Enrolled Bills have examined, and found correctly enrolled, an Act respecting the Trustees of the City of San Diego.

Joint Resolution of Instructions to our Representatives in Congress in relation to claim of Elias Waldron.

An Act authorizing the Treasurer of State to receive any moneys that may be set apart to the State of California by Congress, to be applied to the payment of debts incurred by the State prior to being admitted into the union, and the mode of appropriating the same.

An Act to provide for choosing Electors of President and Vice President of the United States.

An Act for the Protection of Game.

An Act for the relief of Wm. E. P. Hartnell.

An Act for the relief of James S. Raines

An Act for the appointment of a Guager for the Port of San Francisco.

Also an Act to authorize the construction of a wagon road from Humboldt Bay to the Sacramento Valley.

An Act entitled an Act to authorize the funding of the debt of the County of El Dorado, and to provide for the payment of the same; amended in the Senate, amendment concurred in by the House.

An Act creating the office of Clerk of the Recorder's Court of the City of Sacramento; amended in the Senate, amendment concurred in by the House.

On motion of Mr. Wohler, at 7 o'clock, P. M., the House adjourned until 9 o'clock to-morrow.

HOUSE OF ASSEMBLY.

WEDNESDAY, April 28, 1852.

House met pursuant to adjournment.

The roll was called by the clerk and the following members were absent—Messrs. Blanchard, Camey, Coats, Colby, Covarrubias, Cutler, Ford, Gardiner, McMullin, Peachy, Tucker, Turner, Wing and Yeiser.

The Journal of Tuesday, 27th, read and approved.

The Speaker announced the House ready to proceed to business.

Mr. Hinchman made the following Report:

The Judiciary Committee return to the Assembly a Bill for the establishment of a Board of Supervisors in each of the counties of this State, and recommend that it be considered in connection with the Senate Bill on the same subject.

Mr. Boggs made the following Report:

The Select Committee, to whom was referred the Bill to be entitled an "Act to incorporate the cities of Benicia and Vallejo into one municipality to be styled the city of Vallejo," have had the same under consideration and have instructed me to report the bill back to the House without amendment and to recommend its passage. Your Committee are decidedly of the opinion, that the enlargement of the boundaries of the permanent Seat of Government, as proposed in the bill, will be greatly to the advantage of the people of this State, and to the safety of the public archives and funds of the State.

Mr. Wood moved to amend the bill by adding Martinez.

Agreed to.

Mr. Covarrubias offered the following amendment, "Add all that part of Santa Clara County known as San Jose."

Not agreed to.

Mr. Covarrubias offered a further amendment as follows: "Add all that part of Mariposa County known as Quartzburg, and of Tuolumne County known as Shaws Flat, and Klamath County known as Scott's Bar.

Not agreed to.

Mr. Merritt moved the indefinite postponement of the bill, upon which motion Messrs. Boggs, Merritt and Graham demanded the ayes and nays.

Those voting in the affirmative were—

Messrs. Coats,	Messrs. Peachy,
Coffroth,	Pearce,
Cook,	Ridley,
Crittenden,	Smith,
Fowler,	Ten Broeck,
Graham,	Tucker,
Jones,	Turner,
Kipp,	Wall,
McKim,	Wohler,
McMullin,	Speaker—21.
Merritt,	

Those voting in the negative were—

Messrs. Boggs,	Messrs. Ingersoll,
Brush,	McConaha,
Caldwell,	McMeans,
Chauncey,	Orrick,
Covarrubias,	Paxton,
Crabb,	Stark,
Dameron,	Stevenson,
Fleming,	Taliaferro,
Gibson,	Wood,
Hinchman,	Young—21.
Hopkins,	

The House refused to indefinitely postpone by a tie vote.

On motion of Mr. Graham, the bill was considered as engrossed and read a third time, and upon its final passage, Messrs. Merritt, Wall and Graham demanded the ayes and nays.

Those who voted for the passage of the bill were—

Messrs. Boggs,	Messrs. Orrick,
Brush,	Paxton,
Dameron,	Pearce,
Fleming,	Smith,
Gibson,	Stark,
Hudspeth,	Stevenson,

Messrs. Ingersoll,
Lyons,
McConaha,
McMeans,
Messrs. Taliaferro,
Turner,
Wood,
Young—20.

Those who voted against the passage of the bill were—

Messrs. Caldwell,
Coats,
Coffroth,
Colby,
Covarrubias,
Crabb,
Crittenden,
Fowler,
Gardiner,
Graham,
Hinchman,
Hopkins,
Jones,
Messrs. Kipp,
McKim,
McMullin,
Merritt,
Peachy,
Ridley,
Ten Broeck,
Tucker,
Wall,
Wohler,
Yeiser,
Speaker—25.

So the House refused to pass the bill.

Mr. Young, from Special Committee, made the following Report:

The Special Committee, composed of the members from the county of Calaveras, to whom was referred Senate bill entitled "An Act to fund the debt of the county of Calaveras and provide for the payment thereof," have had the same under consideration and report it back to the House with the following amendments and recommend its passage.

The amendments were concurred in, the bill read a third time and passed.

The following message was received from the Governor:

EXECUTIVE DEPARTMENT,
Sacramento City, April 28, 1852.

I have this day approved an act entitled "an Act to authorize the construction of a wagon road from Humboldt Bay to the Sacramento Valley."

JOHN BIGLER.

The following Report was made by Mr. Taliaferro:

The Corporation Committee, to whom was referred the Senate bill to incorporate the "Sacramento Water Company," beg leave to report back the same, and ask to be discharged from a further consideration of the subject.

Your committee cannot help here deprecating the action of the Senate upon the Convention Bill," for it has deprived us of the opportunity of reforming an instrument that weighs most heavily upon all wholesome legisla-

tion. The cry of Constitution falls as appallingly upon everything good we are attempting, as does the midnight cry of fire upon our ears, or the roaring of a lion upon those animals that know too well his rapacious and voracious propensities. It comes upon us like a besom of destruction, to blight and nip in the bud of youth and promise, every good idea that attempts to shoot in this House.

We will indulge in the privilege of expressing a hope that this bill may pass.

ALFRED W. TALIAFERRO, Chairman.

Mr. Talliaferro made a further Report:

Your committee to whom was referred the act relative to the articles of association of the "Mountain Lake Water Company," respectfully recommend its passage.

Mr. Tucker offered the following:

Resolved, That for the remainder of the Session the House of Assembly will meet at 10 o'clock, A. M., and adjourn as soon after as they may from time to time determine.

Adopted.

Mr. Colby made the following Report:

The committee on Military Affairs, to whom were referred the accounts of the Utah and Los Angeles volunteers, in their former reports recommended the suspension of the payment of the accounts of Gen. Bean and staff for further information. Since then having been presented with papers and evidence which, in the opinion of your committee, legally entitles him to pay according to the returns made by him in the muster-rolls of said expedition. They would therefore most respectfully recommend the payment of the accounts of said Bean and staff, as set forth in the accompanying papers.

They would also recommend the payment of the Forage, (reported against in the Utah expedition in a former report.) Also, the payment of the men for services rendered in the Quartermaster's Department, (the absolute necessity of such services having since been shown to your committee.

All of which is respectfully submitted.

G. W. COLBY,
E. D. PEARCE.

Assembly Bill, to be entitled an Act to amend an Act to provide for the establishment of a State Marine Hospital, at San Francisco, approved, April 30th, 1851. Upon its passage, Messrs. McMeans, Boggs and Fowler demanded the ayes and nays.

Those who voted in the affirmative were—

Messrs. Caldwell,	Messrs. McMullin,
Chauncey,	Merritt,
Colby,	Orrick,
Covarrubias,	Peachy,

Messrs. Crabb,
Crittenden,
Dameron,
Gardiner,
Gibson,
Hinchman,
Ingersoll,
Kipp,
Lyons,
Ridley,
Taliaferro,
Ten Broeck,
Tucker,
Wall,
Wood,
Yeiser,
Young,
Speaker—26.

Those who voted in the negative were—

Messrs. Boggs,
Brush,
Coats,
Coffroth,
Fleming,
Fowler,
Hudspeth,
Jones,
Law,
McKim,
McMeans,
Pearce,
Smith,
Stark,
Stevenson,
Turner,
Wing—17.

So the Bill passed.

Assembly Bill, an Act for the relief of the poor and indigent sick on its second reading.

Mr. Hammond offered the following amendment which was adopted:

Provided, That the salaries to be paid to the physicians and all the expenses incurred, shall be paid out of the county fund of each county respectively.

Mr. McMeans offered the following amendment as an additional section:

All laws and parts of laws contravening the provisions of this act are hereby repealed.

Upon which Messrs. McMeans, McConaha and Wood demanded the ayes and nays.

Those who voted in the affirmative were—

Messrs. Boggs,
Brush,
Fleming,
Ingersoll,
Jones,
Law,
Lyons,
McConaha,
McMeans,
Paxton,
Pearce,
Smith,
Stark,
Stevenson—14.

Those who voted in the negative were—

Messrs. Caldwell,
Chauncey,
Coffroth,
Colby,
Cook,
Covarrubias,
Crabb,
Crittenden,
Dameron,
Gardiner,
Hinchman,
Hopkins,
Kipp,
McMullin,
Merritt,
Orrick,
Peachy,
Ridley,
Taliaferro,
Ten Broeck,
Wohler,
Wood,
Yeiser,
Young,
Speaker—25.

So the House refused to adopt the amendment.

The bill on motion was considered as engrossed and read a third time, and upon its final passage, Messrs. Boggs, McMeans and McConaha demanded the ayes and nays.

Those who voted in the affirmative were—

Messrs. Boggs,
Brush,
Coats,
Coffroth,
Fleming,
Ingersoll,
Jones,
Law,
Lyons,
McMeans,
Paxton,
Pearce,
Smith,
Stevenson—14.

Those who voted in the negative were—

Messrs. Caldwell,
Chauncey,
Colby,
Cook,
Covarrubias,
Crabb,
Crittenden,
Dameron,
Gardiner,
Hinchman,
Kipp,
McConaha,
McMullin,
Merritt,
Orrick,
Peachy,
Ridley,
Stark,
Taliaferro,
Ten Broeck,
Wall,
Wood,
Yeiser,
Young,
Speaker—25.

So the House refused to pass the Bill.

Mr. Caldwell introduced a bill, an Act to amend the eighteenth section of an Act, entitled an Act dividing the State into Counties and establishing the

Seats of Justice therein, passed, April 25th, 1851. Read a first and second time, considered as engrossed, and read a third time and passed.

Mr. Merritt moved to take up for consideration a bill to fund the debt of the State.

Agreed to.

Mr. Merritt moved that the House resolve itself into Committee of the Whole to consider the bill.

Agreed to.

At half past twelve o'clock the House adjourned until two o'clock, P. M.

At two o'clock, P. M. the House met pursuant to adjournment.

Mr. Gardiner made the following Report:

The Committee on Mines and Mining Interests, beg leave to report back the bill concerning possessory rights in quartz mines; and as a variety of opinions exist in reference to the details of the act, recommend that it be considered in Committee of the Whole.

On motion of Mr. Coffroth, the bill was made the special order for to-morrow.

On motion of Mr. Wall, the House resolved itself into Committee of the Whole, Mr. Coffroth in the chair, to consider a bill to fund the debt of the State. After spending some time in its consideration, and making sundry amendments thereto, on motion of Mr. Fowler, the committee rose, reported the bill back as amended, and asked to be discharged from its further consideration.

The committee was discharged.

Mr. Coffroth moved to concur generally in the amendments made in Committee of the Whole.

Agreed to.

The bill was then read a third time and passed.

On motion of Mr. Boggs, the Clerk was directed to report the bill forthwith to the Senate.

Mr. Wall introduced a bill for an Act to be entitled, an Act to regulate the shipping of Gold Dust.

Read a first and second time and referred to the Committee of Ways and Means, and one hundred copies ordered to be printed.

Mr. Tucker introduced a bill to authorize the Comptroller of State to issue his warrant upon the State Treasurer in favor of Voorhees and Grant. Read a first and second time and referred to Committee on Claims.

Mr. Coffroth introduced a bill, an Act to authorize the Treasurer of State to make special deposits. Read a first and second time and referred to Judiciary Committee.

Mr. Law introduced a bill entitled, "an Act for the reduction of salaries." Read a first time.

Mr. Wood moved to reject the bill.

Upon which motion Messrs. Kipp, Law and Boggs demanded the ayes and nays.

Those who voted in the affirmative were—

Messrs. Caldwell,	Messrs. Hopkins,
Chauncey,	Hudspeth,
Coats,	McMullin,
Covarrubias,	Merritt,
Crittenden,	Ridley,
Dameron,	Wood,
Gardiner,	Young—15.
Hinchman,	

Those who voted in the negative were—

Messrs. Boggs,	Messrs. McKim,
Brush,	McMeans,
Canney,	Paxton,
Coffroth,	Peachy,
Colby,	Pearce,
Fleming,	Smith,
Fowler,	Stark,
Gibson,	Stevenson,
Graham,	Taliaferro,
Ingersoll,	Ten Broeck,
Jones,	Tucker,
Kipp,	Turner,
Law,	Wall,
Lyons,	Yeiser,
McConaha,	Speaker—30.

So the House refused to reject the bill.

The bill was then read a second time and referred to the Special Committee upon the subject of Hospitals, with instructions to report on to-morrow.

The following message was received from the Senate:

Mr. Speaker:

I am directed by the Senate to inform the Assembly that the Senate postponed indefinitely the following Assembly bills, according to the dates endorsed thereon:

A bill to be entitled an Act to amend an Act to regulate the settlement of the estates of deceased persons, passed May 1, 1851;

An Act to divide the County of Colusi, and define its boundaries;

An Act to provide for the filling of vacancies in county offices;

A bill for an Act authorizing the Comptroller of State to return to Major James Burney the War Loan Warrants, paid by him to the Comptroller, and extending the time of payment;

A bill for an Act to authorize the Comptroller of State to settle the account of Tuolumne County;

A bill to be entitled an Act recommending to the electors to vote for or against calling a convention to revise and change the entire Constitution of this State;

A bill to be entitled an Act to protect the State Treasurer against vexatious suits and proceedings;

A bill for an Act authorizing the County Surveyors of Yuba, Nevada, Butte, Sierra, and Trinity, to survey the county lines;

A bill for an Act for the relief of Wm. Foster;

A bill for an Act to amend an Act concerning Divorces; and

A bill for an Act ceding jurisdiction over certain lands to the United States, and exempting the same from taxation.

And that the Senate, on the 27th instant, passed the following Assembly bills:

A bill for an Act to amend an Act entitled an Act concerning crimes and punishments, passed April 16, 1850, with an amendment;

An Act for the authentication of Statutes without the approval of the Governor;

An Act concerning the administration of oaths;

An Act to amend the twentieth section of an Act concerning Coroners, passed April 19, 1850;

An Act for the relief of Jacob C. Kore;

An Act for the relief of Lyman Leslie.

And passed, on the 16th instant, Senate bill for an Act providing for the erection of a State Prison.

And on the 27th instant, Senate bill, an Act to grant the right of way to the United States for Railroad purposes.

And a substitute for Assembly bill for an Act to authorize and require the Comptroller to draw warrants in favor of R. N. Wood, J. C. Tucker, and S. A. McMeans.

Joint Resolution on the subject of the overland Railway to the Pacific Ocean.

An Act amendatory of an Act entitled an Act to regulate the settlement of the estates of deceased persons, passed May 1st, 1851.

An Act to repeal an Act authorizing the Secretary of State, Comptroller, Treasurer, Surveyor-General, and Attorney-General, to rent offices and procure the necessary office furniture for their respective offices, passed February 9th, 1850.

And an Act to regulate the mode of petitioning the Legislature in certain cases.

A. C. BRADFORD,
Secretary of the Senate.

April 28th, 1852.

House concurred in the Senate amendment made to Assembly bill to amend an Act entitled an Act concerning crimes and punishments, passed April 16th, 1850.

Senate bill, an Act providing for the erection of a State Prison.

Read a first and second time and referred to the Committee on State Prison.

Senate bill for an Act to grant the right of way to the United States for Railroad purposes.

Read a first and second time and referred to the Committee on Federal Relations.

Senate bill, substitute for Assembly bill for an Act to authorize and require the Comptroller to draw warrants in favor of R. N. Wood, J. C. Tucker, and S. A. McMeans

Read a first, second and third time and passed.

Senate Joint Resolution on the subject of the overland Railway to the Pacific Ocean.

Read a first, second and third time and passed.

Senate bill for an Act to regulate the mode of petitioning the Legislature in certain cases.

Read a first and second time, and indefinitely postponed.

Senate bill, an Act to repeal an Act authorizing the Secretary of State, Comptroller, Treasurer, Surveyor-General, and Attorney-General, to rent offices and procure the necessary office furniture for their respective offices, passed February 9th, 1850.

Read a first, second and third time and passed.

Senate bill, an Act amendatory of an Act entitled an Act to regulate the settlement of the estates of deceased persons, passed May 1st, 1851.

Read a first and second time and referred to the Judiciary Committee.

Mr. McConaha moved to re-consider the vote taken on yesterday, in reference to the bill for the relief of Henry A. Caulfield.

Upon which motion, Messrs. Boggs, Smith and Fowler demanded the ayes and nays.

Those who voted in the affirmative were—

Messrs. Boggs,	Messrs. Kipp,
Canney	Law,
Coats,	McConaha,
Coffroth,	McKim,
Colby,	McMeans,
Crabb,	Ten Broeck,
Fleming,	Turner,
Gardiner,	Wohler,
Ingersoll,	Wood,
Jones,	Young—20.

Those who voted in the negative were—

Messrs. Brush,	Messrs. Paxton,
Caldwell,	Peachy,
Chauncey,	Pearce,
Crittenden,	Ridley,
Dameron,	Smith,
Fowler,	Stark,
Gibson,	Stevenson,
Graham,	Taliaferro,
Hinchman,	Tucker,

Messrs. Hopkins,	Messrs. Wall,
Hudspeth,	Yeiser,
Merritt,	Speaker—25.
Orrick,	

So the House refused to re-consider the vote.

Senate bill, an Act providing for a fund for the use of the State Library,
Read a third time and passed.
Assembly bill, an Act concerning Ferries,
Read a second time.
Mr. Taliaferro moved that the bill be referred to a Select Committee.
Agreed to.
Mr. Taliaferro moved to refer to the delegation from San Francisco and Contra Costa.
Mr. Fowler moved to add the delegation from Santa Clara.
Agreed to.
Mr. Hopkins moved to re-consider the vote by which Santa Clara delegation was added to the committee.
Not agreed to.
The question was then taken upon the motion as amended, and decided in the affirmative.
The committee was instructed to report on to-morrow.
Mr. Coffroth moved that the Committee on Claims be instructed to report on to-morrow in the case of Orrin Bailey, and others.
Agreed to.
Assembly bill, an Act for the relief of emigrants travelling overland to California, on its final passage.
Messrs. McMullin, McKim and Taliaferro demanded the ayes and nays.

Those who voted in the affirmative were—

Messrs. Boggs,	Messrs. McMullin,
Canney,	Merritt,
Caldwell,	Orrick,
Chauncey,	Paxton,
Coats,	Peachy,
Coffroth,	Pearce,
Colby,	Ridley,
Gardiner,	Smith,
Ingersoll,	Stark,
Jones,	Tucker,
Kipp,	Turner,
Law,	Wall,
Lyons,	Wohler,
McConaha,	Wood,
McKim,	Young,
McMeans,	Speaker—32.

Those who voted in the negative were—

Messrs. Brush,
Crittenden,
Fowler,
Hinchman,
Hopkins,
Stevenson,
Taliaferro—7.

So the bill passed.

Mr. McConaha presented a petition from the corporate authorities of Sacramento, in reference to the city limits.

Referred to delegation from Sacramento.

Mr. Paxton gave notice that he would, on to-morrow, or some day thereafter, introduce a bill to fund the debt of Yuba County.

Mr. Lyons gave notice that he would, on to-morrow, or some subsequent day, introduce a bill for the permanent location of the Seat of Government.

On motion of Mr. Law, the House took a recess until 8 o'clock this evening.

At 8 o'clock the House met pursuant to adjournment.

Mr. Merritt moved to adjourn.

Not agreed to.

Mr. Law introduced a bill, an Act entitled an Act to separate the office of Recorder, in Butte County, from the office of County Clerk.

Read a first and second time, considered as engrossed, read a third time and passed.

Mr. McKim introduced a bill, a special Act to locate the permanent Seat of Justice in that county.

Read a first time.

Mr. Young moved to reject the bill; upon which motion, Messrs. Jones, McKim and Canney demanded the ayes and nays.

Those who voted in the affirmative were—

Messrs. Boggs,
Colby,
Covarrubias,
Dameron,
Ingersoll,
Lyons,
McMeans,
Merritt,
Paxton,
Stevenson,
Wall,
Wing,
Young—13.

Those who voted in the negative were—

Messrs. Blanchard,
Canney,
Caldwell,
Coats,
Fowler,
Gibson,
Hinchman,
Hopkins,
McKim,
McMullin,
Orrick,
Peachy,
Pearce,
Ridley,
Smith,
Stark,

Messrs. Jones,
Law,
McConaha,
Messrs. Tucker,
Speaker—21.

The House refused to reject the bill.

The bill was then read a second time and referred to the Committee on County Boundaries.

Mr. McMullin made the following report:

The Committee of Conference, appointed on the disagreeing vote of the two Houses, on the bill to provide for the ordering of a special election in the County of Trinity, report that they have agreed that the Senate do concur in the House amendment.

On motion of Mr. Merritt, the House resolved itself into Committee of the Whole, Mr. McMeans in the chair, to consider a bill to establish a Board of Supervisors in the different counties of this State. After spending some time in its consideration, and making amendments thereto,

On motion of Mr. Coffroth, the committee rose, reported the bill as amended, and asked to be discharged.

The committee was discharged.

On motion, the House concurred in the amendments generally which were made in Committee of the Whole.

Mr. Hinchman moved to strike out the sixteenth section.

Agreed to.

Mr. Coffroth moved to adjourn.

Not agreed to.

On motion of Mr. Merritt, at half-past 10 o'clock, the House adjourned until 10 o'clock, to-morrow.

HOUSE OF ASSEMBLY.

THURSDAY, April 29, 1852.

The House met pursuant to adjournment.

The roll was called by the Clerk, and the following members were absent:—Messrs. Coats, Cook, Crittenden, Gardiner, Peachy, Taliaferro, Wall and Wohler.

The Journal of Wednesday, the 28th, read and approved.

The Speaker announced the House ready to proceed to business.

Mr. Merritt, from the Committee on Claims, reported back the papers and accounts of Orrin Bailey, without any recommendation, but reduced the amount as therein shown.

Mr. Crittenden made the following report:

The Committee on the Judiciary, to whom was referred a bill to be entitled an Act to authorize the Treasurer of State to make special deposits, report the bill back to the House and recommend its passage.

Mr. Caldwell made the following report:

The undersigned, a member of the Committee on Counties and County Boundaries, to whom was referred a bill for an Act to locate the Seat of Justice in Calaveras County, begs leave to make the following minority report:

That, after making the same examination as the other members of the committee, has come to a different conclusion, being entirely unable to determine, from such examination, where the citizens of that county had said their Seat of Justice should be. I am now of opinion that there is no injustice in again submitting that matter to the people, as I think they are the correct tribunal for the decision of that question. All of which is respectfully submitted.

Mr. Dameron made the following report:

The Committee on Counties and County Boundaries, to whom was referred a bill entitled an Act to locate the Seat of Justice of the County of Calaveras, beg leave to report as follows:

After a careful examination of all the papers heretofore referred to the committee when the subject was before them, we found that the people of that county have voted twice for a county seat; the last time, it was at a special election—the officers deciding to locate the Seat of Justice at Jackson; the people appealed to this Legislature by petition, and placed before the Committee on Counties and County Boundaries, the election returns. By a careful examination of said returns, your committee believe that a

majority vote was given for Mokelumne Hill. The canvassing officer rejecting votes which were cast for Mokelumne Hill, because they were not returned in form. Now, your committee believe, that, in deciding that Mokelumne Hill should be the County Seat, was merely deciding what the people had done. And in deciding, in regard to the latter bill referred, we have no evidence that the people want to be troubled with another election, except by two of the Representatives, who at first wished no election and no change; next, they wished to have the county divided; and now they wish an election. As the Legislature have decided that the County Seat shall be at Mokelumne Hill, we believe that it would be doing the people injustice to trouble them with another special election; and to have them vote at the general election, would not be a fair expression of the people: therefore it would not be satisfactory. Your committee would therefore recommend that the bill be indefinitely postponed.

W. B. DAMERON.
JOHN A. PAXTON,
C. P. STEVENSON,
G. E. YOUNG.

Bill referred to delegation from Calaveras County.

Mr. Young made the following report:

Mr. Speaker:

The Committee on Public Buildings, to whom was referred the memorial of Beebe, Robinson and Company, of Benicia; also, the memorial of Wm. N. Smith, and others, relative to the State Capital, and tender of necessary offices, beg leave to report—

That they are of the opinion that the Seat of Government should be located on the Straits of Carquinez, for the reason of its central position, as also for the additional reason that such location would be on the main thoroughfare between the northern and southern portion of the State, the northern and southern mines, and the Bay of San Francisco, thus affording an expeditious transit from all portions of the State, should the selection be made as herein suggested: finally, your committee believe that a very large portion of the people desire such location, and that every reason of public policy demands it.

In the selection of a suitable place, your committee begs leave to suggest, that Benicia has many advantages, such as before enumerated, being a thriving place, with an enterprising class of citizens, and well adapted as a place for the permanent Seat of Government of this great State; yet, while your committee admit these facts, they cannot refrain from expressing their opinion, that the sister city of Martinez has all the advantages of Benicia, with the addition of having a more beautiful and congenial climate, protected from the rude blasts and chilling winds that the city of Benicia is subjected. They also suggest that the town of Martinez, in addition to the advantages of being located in one of the most beautiful and fertile valleys in the State, with an extensive valley, in the rear, of thousands of acres—affording active employment for thousands of hardy, industrious and energetic citizens—

tillers of the soil,—with commodious wharves, and a depth of water at the beach sufficient for the navigation of the largest class of steamers: is a flourishing town, and is rapidly increasing in population, commerce and wealth; that a fine mountain stream courses through the valley, affording abundance of water; that the vast amount of building materials, timber, etc., recommends it, in an eminent degree, to a favorable consideration by this honorable body, as the most suitable and proper place for the location of the permanent Seat of Government within the limits of the State.

In conclusion, your committee commend the memorial of the citizens of Martinez, and confidently assert that the lands proposed are ample, and can be well located for the purposes intended.

G. E. YOUNG, Chairman.

Mr. Coffroth made the following report:

The Committee on Federal Relations, to whom was referred Senate bill No. 26, for an Act to grant the right of way to the United States for Railroad purposes, report the same back, and recommend its passage.

It is a needless task for the committee to remind the House of the extraordinary advantages which will accrue to California by the completion of a Railway from the Mississippi Valley to the Pacific Coast. Its practicability has ceased to be a matter of speculation, and its immediate commencement and speedy completion is called for by an almost unanimous voice of the people.

JAS. W. COFFROTH, Chairman.

The bill was read a third time and passed.

Mr. Chauncey made the following report:

The Committee on Engrossment have examined and found correctly engrossed the following bills:

A bill to be entitled an Act to amend an Act to provide for the establishment of a State Marine Hospital at San Francisco, approved April 30, 1850.

Also, a bill for an Act to amend the eighteenth section of an Act entitled an Act dividing the State into Counties and establishing the Seat of Justice therein, passed April 25, 1851

Also, a bill for an Act for the relief of immigrants travelling overland to California.

Also, a bill for an Act amendatory of an Act entitled an Act to create a State Hospital in the city of Sacramento.

Also, a bill to be entitled an Act to amend the twenty-second section of an Act to create a State Hospital in the city of Stockton, passed —— 30, 1851.

Also, a bill to be entitled an Act to amend an Act to provide a revenue for the State Marine Hospital at San Francisco, passed March 26, 1851.

Also, an Act to separate the office of Recorder, in Butte County, from the office of County Clerk.

All of which is respectfully submitted.

D. M. CHAUNCEY, Chairman.

Mr. Merritt, from the Committee on Claims, reported a bill for an Act to authorize the Comptroller of State to issue his warrant upon the Treasurer of State in favor of Voorhies and Grant, and recommend its passage.

Read a first time and ordered to a second reading.

Mr. McMeans made the following report:

The Committee to whom was referred a bill for an Act to prevent certain public nuisances, have had the same under consideration, and beg leave to report the same back with amendments, and recommend its passage.

The amendment was adopted, and the bill read a third time and passed.

Mr. Crabb made the following report:

The Special Committee, to whom was referred a bill to be entitled an Act concerning free persons of color, have had the same under consideration, and report back the same, and recommend its passage.

The amendment was adopted.

Mr. Kipp offered to amend the bill by striking out "fifteen days," and insert "sixty."

Agreed to.

Mr. Hopkins moved to strike out "free," where it occurs in the bill.

Not agreed to.

Mr. Ingersoll moved to insert, after the words public house, the words "gambling."

Agreed to.

The bill was then considered as engrossed, and read a third time, and upon its final passage, Messrs. Wohler, McKim and McMeans demanded the ayes and nays.

Those who voted in the affirmative were—

Messrs. Blanchard,
Boggs,
Brush,
Canney,
Chauncey,
Coats,
Coffroth,
Crabb,
Crittenden,
Dameron,
Fleming,
Fowler,
Gardiner,
Gibson,
Graham,
Hinchman,
Haraz thy,
Ingersoll,
Jones,
Messrs. Kipp,
Law,
Lyons,
McKim,
McMeans,
McMullin,
Merritt,
Orrick,
Paxton,
Peachy,
Pearce,
Ridley,
Smith,
Stevenson,
Wall,
Wood,
Yeiser,
Speaker—37.

Those who voted in the negative were—

Messrs. Caldwell,	Messrs. Ten Broeck,
Hopkins,	Turner,
Stark,	Wohler—6.

So the bill passed.

Mr. Crabb moved to re-consider the vote just taken on the passage of the bill.

Vote was re-considered.

Mr. Crabb moved further to re-consider the vote which ordered the bill to be engrossed.

Vote re-considered.

Mr. Crabb moved to amend the bill by striking out "sixty days," and insert "six months."

Agreed to.

The bill was then considered as engrossed, read a third time; and upon its passage, Messrs. Wood, McMeans and Coats demanded the ayes and nays.

Those who voted in the affirmative were—

Messrs. Blanchard,	Messrs. Lyons,
Boggs,	McConaha,
Brush,	McKim,
Canney,	McMeans,
Chauncey,	McMullin,
Coats,	Merritt,
Coffroth,	Orrick,
Crabb,	Paxton,
Dameron,	Peachy,
Fleming,	Pearce,
Fowler,	Ridley,
Gardiner,	Smith,
Gibson,	Stark,
Graham,	Stevenson,
Haraz thy,	Turner,
Hinchman,	Wall,
Ingersoll,	Wood,
Jones,	Yeiser,
Kipp,	Young,
Law,	Speaker—40.

Those who voted in the negative were—

Mr. Caldwell,	Mr. Hopkins—2.

So the bill passed.

Mr. Gardiner introduced a bill, an Act to authorize John Craycroft and Company to construct a Wagon Road from Utah Territory to the Sacramento Valley, via Downieville, Sierra County, and to regulate the Tolls to be collected on the same.

Read a first and second time and referred to Committee on Roads and Highways.

Mr. Fowler made the following report:

Mr. Speaker:

The Committee on Claims, to whom was referred "an Act for the relief of Mrs. Jane Woodland," have had the same under consideration, and beg leave to report—

That, in our opinion, this claim is one of a similar character as that of Mr. Caulfield, which this House rejected. The only difference is, that Mr. Caulfield claims for himself, and this bill is for the relief of a lady, the widow of an unfortunate man who was killed in August, 1850. While feelings of gallantry towards the fair sex, and of humanity for our suffering kind, would impel your committee to report favorably on this bill, yet our stern sense of justice towards the State compels us to recommend the rejection of this bill as one which it is not the province of this State to recognize or pay.

All of which is respectfully submitted.

MERRITT,
FLEMING,
FOWLER
Committee on Claims.

Mr. Hinchman introduced a bill for an Act to amend the one hundred and eighty-second section of an Act concerning corporations, passed April 22d, 1850.

Read a first and second time, considered as engrossed, read a third time and passed.

Mr. Paxton introduced a bill, an Act to fund the debt of Yuba County and provide for the payment thereof.

Read a first and second time, considered as engrossed, read a third time and passed.

Mr. Boggs made the following report upon the subject of School Bill:

The Select Committee, to whom was referred Senate bill No. 67, for an Act concerning Common Schools, report as follows:

The Senate bill embraces two distinct subjects. The first is the survey and sale of lands granted for the use and benefit of Common Schools. At the present time we have no such lands except the five hundred thousand acres to which we are entitled under the Act of Congress, approved April 4th, 1841. It would be a useless expense for the State to survey these lands, because they cannot be located and specifically appropriated by us until after their survey by the United States. But even if we could now appropriate them, the mode of effecting their sale, as prescribed in this bill, would be found cumbrous and unnecessarily expensive.

The Governor, the Superintendent of Public Instruction, and the Surveyor General, are constituted a Board of Education. It is the duty of this Board to select these lands in the agricultural portions of the State. One-fourth of the school lands within the limits of any county, town, city, or village, may be sold, under the superintendence of this Board. They must designate and set apart suitable school sites in the several counties, towns, cities and villages. Sales must be made in the county where the land is situated, after a published notice, specifying the lots to be sold, their numbers, locations and *qualities*. If the lands consist of village or city lots, the minimum price at the sale shall not be less than the market price, which is to be ascertained by this bond. The minimum price of other lands is fixed at two dollars. All sales must be made in the presence of a member of the Board, and he gives a certificate of sale to the purchaser. The purchaser must, within ten days, file the certificate with the Treasurer of State, or his agent, and pay the purchase money. Then armed with the Treasurer's receipt, he can demand a patent from the Board of Education, at his head-quarters, wherever the great common seal of the Board may be. Here we have a Board composed of State officers, with important regular duties; flitting from one to another of our thirty counties, to be present at public sales; hasting from city to city to ascertain the market value and fix the minimum price of lands; and visiting every county, city, town, and petty village to designate and set apart suitable school sites. The certificate of sale must be filed with the Treasurer, or his agent, within ten days. In order to accomplish this, if the lands be situated in Trinity, or San Diego, the purchaser must beforehand establish relays of horses, or else the travelling member of the Board must be furnished and equipped with a peregrinating supernumerary deputy Treasurer. If the latter plan be adopted, the purchaser, after having paid his money, must still look to the place of the great common seal for his patent. If these migrations were attended with no expense, they would still be objectionable. But all expenses incurred in carrying out the provisions of the Act, including travelling expenses, wages of clerks, and other assistants, are to be paid by the State: *Provided*, the the amount does not exceed five thousand dollars. Five thousand dollars is not a large sum. But if we indeed possessed these lands, and the provisions of this bill should be fully and faithfully complied with, five times five thousand dollars would not pay all the unavoidable expenses. A bill for relief would surely follow, and might, with great justice, become a law. Many objections have been urged against the passage of the bill introduced by the gentleman from Sonoma, Mr. Boggs, which provides for the disposition of the five hundred thousand acres of land. Without now discussing the soundness or justice of those objections, we deem it proper here to insist that the last mentioned bill is, when compared with the Senate bill now under consideration, plain, practicable, and inexpensive. The Senate bill has other faults. For instance: after the lands have been located, surveyed, divided, numbered, mapped and classified, after much expense has been incurred, it still remains in the good will and discretion of the Board of Education to sell fifty thousand acres, five acres, or none. But this report is not the proper place for a full discussion of all the demerits of the Senate bill.

The latter part of the bill is devoted to the creation and organization of Common Schools. Your committee have studiously examined this portion of the bill, and willingly testify that the plan proposed is one better adapted

to New York, or some one of the populous and wealthy States of the Atlantic, but somewhat too complicated, too minute in its details, and too grand in its outlines, to be enforced in California in her present condition. She has a vast territory thinly settled, few children in proportion to her population, small as it is; many counties not yet fully organized, and her organized counties heavily in debt. She has no money in the treasury; has no school fund; and has mortgaged her expected resources to pay existing liabilities. It is said that the new Revenue Law will provide a sufficient fund to meet the wants of this bill. We believe it will be better to receive the money first, and dispose of it afterwards. We shall thus be one year in advance of our disbursements. It is certain that in but few towns would the plan of the bill be carried out without assistance from the State. If the money be actually in the treasury ready for distribution, there will be no disappointment on the part of those who may labor under the implied guaranties of this bill. The Common Schools will not, in the end, suffer by this prudent delay. It does not follow, as a matter of necessity, that our children should, meantime, remain in barbarous ignorance. If their parents or neighbors are as patriotic and energetic as Americans should be, the children will be cared for during the next two years, and the State will not be asked for money or cursed for not giving it. In the present condition of affairs in this country, ten thousand dollars spent in private schools would accomplish more than one hundred thousand distributed by this bill. But if it is deemed best that the disposable moneys of the State School Fund should be distributed as soon as they are received, your committee beg leave to suggest the following plan: After the completion of the census, which is to be made during the present year, let the just proportion of the school money due to each county, according to its number of children, be placed at the disposal of its Board of Supervisors, to be used for the benefit of schools in the county, in whatever way the Board may deem expedient.

Your committee recommend that the bill shall be amended by striking out the first article, and by substituting for the last section of the bill the following:

"This Act shall take effect from and after the first day of May, one thousand eight hundred and fifty-three."

To prevent any misconstruction of their motives, the committee conclude their report by declaring themselves faithful friends of Common Schools and loyal lovers of children.

L. W. BOGGS, Chairman.
B. ORRICK,
A. F. HINCHMAN,
ALPHEUS KIPP,
C. P. STEVENSON.

Mr. Lyons introduced a bill for an Act for the permanent location of the Seat of Government of this State.

Read a first and second time and referred to Committee of the Whole House, and made special order for to-morrow.

Mr. Smith introduced a bill, an Act to incorporate the town of Oakland.

Read a first and second time, considered as engrossed, read a third time and passed.

Mr. McConaha made the following report:

The Select Committee, composed of the Representatives of Sacramento County, to whom was referred the petition of the Common Council of Sacramento city, praying the passage of a law by which the boundaries of said city may be more accurately defined, have instructed me to report back the same to the House, and recommend the passage of the accompanying bill.

The bill was read a first and second time and ordered to a third reading.

On motion of Mr. Fowler, the House resolved itself into Committee of the Whole, Mr. Fowler in the chair, to consider a bill for the relief of Lorenzo Hubbard. After spending some time in its consideration,

On motion of Mr. Crabb, the committee rose, reported the bill back without amendment, and asked to be discharged from its further consideration.

The committee was discharged.

The bill was amended in the House, read a third time and passed.

On motion of Mr. Crabb, the House resolved itself into Committee of the Whole, Mr. Jones in the chair, to consider a bill for an Act concerning the possessory right to quartz mines. After spending some time in its consideration, and making amendments thereto,

On motion of Mr. Boggs, the committee rose, reported the bill as amended, and asked to be discharged from its further consideration.

The committee was discharged.

Mr. Colby made the following report:

The Joint Committee on Enrollment have examined and found correctly enrolled—

An Act authorizing the Comptroller to draw on the Treasurer of Sacramento County, to defray the contingent expenses of the present Legislature.

Also, an Act to amend the eighteenth section of an Act entitled an Act to apportion the Senatorial and Assembly Districts, passed May 1st, 1851.

Also, an Act creating the office of Clerk of the Recorder's Court of the city of Sacramento.

Also, an Act to provide for appeals in certain cases.

An Act concerning the organization of Militia.

An Act for the relief of Jacob C. Kore.

An Act for the relief of Lyman Leslie.

An Act concerning the administration of oaths.

An Act for the authentication of statutes without the approval of the Governor.

An Act to amend the twentieth section of an Act concerning Coroners.

An Act concerning crimes and punishments, passed April 16th, 1850.

An Act supplementary to an Act to incorporate the city of Los Angeles, passed April 1st, 1850.

An Act providing for the erection of a Powder Magazine in San Francisco.

An Act to authorize Dennis B. Mooney to collect Tolls on a Ferry across Trinity river, in Trinity County, or to substitute a Toll-Bridge for the same.

Also, an Act entitled an Act to authorize Wm. Morehead, Thomas Palmer and Company, to collect Tolls on a Bridge across Trinity river, in Trinity County.

The following message was received from the Governor:

EXECUTIVE DEPARTMENT,
Sacramento City, April 28, 1852.

I have this day approved the following Acts:

An Act entitled an Act for the relief of W. E. P. Hartnell.

An Act entitled an Act to provide for choosing Electors of President and Vice President of the United States.

Also, an Act entitled an Act to provide for appeals in certain cases.

JOHN BIGLER.

Mr. Peachy made the following report from the Judiciary Committee:

Mr. Speaker:

Your committee, to whom was referred the Senate bill for an Act concerning Passengers arriving in the Ports of the State of California, have considered the same, and report as follows:

In the judgment of the committee, the main questions to be examined in reference to the proposed bill are—First, the power of the State to pass such a law; and Second—the expediency of exercising the power, if possessed.

First: As to the power of the State. In the cases of Smith *v.* Turner, and Norris *v.* The City of Boston, 7 Howard's Reports, Sup. Court, U. S., pp. 283, 573, the power of the States to impose an absolute tax per head upon aliens landing within their borders, was reviewed by the whole Supreme Court of the United States, with an extent of research and of argument nearly unequalled in the annals of the Court. By a majority of five judges against four, the power of the States to impose such a tax was denied. It is not proposed, in this report, to bring in question that decision, by which, in the opinion of many, a great right of the States was overthrown, and in which the numbers of the majority of the court prevailed over the learning, wisdom and authority of a minority, composed of such men as Judges Daniel, Nelson, Woodbury, and the venerable Chief Justice Taney.

By a large majority of the court, however, in the same cases, the power of the States to require of aliens coming within their limits, security that they shall not become a public charge through pauperism or disease, was expressly conceded and affirmed.

This is the bonding feature in the Senate's bill.

The provisions contained in the bill for commutation by the payment of a sum of money of from five to ten dollars, are equally unobjectionable. They are purely voluntary—are left entirely to the discretion of the owners or consignees of vessels, and possess none of the absolute and peremptory character of the provisions in the New York and Massachusetts Laws, de-

clared unconstitutional by the Supreme Court of the United States, in the cases just cited.

As a confirmation of the views here expressed as to the constitutionality of the Senate's bill, your committee desire to remark that, since the decisions of the Supreme Court, in the cases already referred to, new laws on the same subject have been enacted by the States of New York and Massachusetts, for the purpose of meeting the constitutional difficulty, in which are embodied the same provisions, substantially, as in the Senate's bill, for a compulsory binding and voluntary commutation.

Second: The power of the State being established, there is, in the judgment of your committee, no doubt as to the expediency of its exercise. So very large a proportion of the expenses of the State Hospital is increased on account of foreigners, that there is an obvious propriety in making those for whom this expenditure is imposed, contribute something towards its payment.

Your committee have made some amendments, which they believe will increase the usefulness and efficiency of the bill. With these amendments, they report the bill to the Assembly, and recommend its passage.

Senate bill, an Act concerning Passengers arriving in the Ports of the State of California.

Amended by the Judiciary Committee.

The House adopted the amendments so made.

The bill was read a third time and passed.

The following message was received from the Senate:

Mr. Speaker:

I am directed to inform the Assembly that the Senate passed, this day, Senate bill for an Act entitled an Act to provide for a Map of the State of California.

A. C. BRADFORD,
Secretary of the Senate.

The bill was then read a first time, and, on motion of Mr. Boggs, the bill was rejected.

Mr. Chauncey made the following report:

The Committee on Engrossed Bills have examined and found correctly engrossed an Act to amend the one hundred and eighty-second section of an Act concerning corporations, passed April 22d, 1851.

Also, an Act to incorporate the town of Oakland, and to provide for the construction of wharves thereat.

A bill to be entitled an Act concerning the establishment of a Board of Supervisors in each of the counties of this State, on its third reading.

The bill was indefinitely postponed.

Mr. Chauncey made the following report:

The Committee on Engrossed Bills, report that they have examined and found correctly engrossed a bill for an Act concerning free persons of color.

Mr. Wohler introduced a bill concerning costs and fees in criminal cases.

Read a first and second time and referred to Committee of the Judiciary.

Mr. Coffroth moved that a bill upon the subject of escheated estates be made the special order for to-morrow.

Agreed to.

Senate bill, an Act to create a Board of Supervisors for the Counties of this State, and to define their duties and powers.

Read a third time and passed.

Mr. Wall gave notice that he would, on to-morrow, move a re-consideration of the vote, which passed the Senate bill, respecting a Board of Supervisors.

On motion of Mr. Wood, the House resolved itself into Committee of the Whole, Mr. Fowler in the chair, to consider Senate bill for Common Schools. After spending some time in its consideration and amending the same,

On motion of Mr. Wood, the committee rose, reported the bill back as amended, and asked to be discharged from its further consideration.

The committee was discharged.

Mr. Wood moved to concur generally in the amendments made in Committee of the Whole.

Agreed to.

Mr. Hammond offered the following amendment to the second section:

The Treasurer of the State shall cause the said Land Warrants to be offered for sale by public auction to the highest bidder, in the different Judicial Districts of this State in such places and at such times as he may think will promote the convenience of purchasers, and advance the price of the land: *Provided*, public notice of such intended sale shall be made through the public papers, or in other advantageous manner, for thirty days next preceding the sale: and *Provided*, no warrant be sold for less than two dollars per acre: and *Provided*, further, no purchaser of Land Warrants, under this Act, shall be entitled to locate the land to the prejudice or injury of any bona fide settler or owner of land within this State.

Upon which, Messrs. Hammond, Paxton and Boggs demanded the ayes and nays.

Those who voted in the affirmative were—

Messrs. Coffroth,	Messrs. Law,
Colby,	Merritt,
Crittenden,	Turner,
Dameron,	Wall,
Graham,	Speaker—11.
Hinchman,	

Those who voted in the negative were—

Messrs. Boggs,	Messrs. Kipp,
Brush,	Lyons,
Canney	McMeans,
Caldwell,	McMullin,
Chauncey,	Orrick,
Crabb,	Paxton,
Fleming,	Pearce,
Fowler,	Ridley,
Gardiner,	Smith,
Gibson,	Stark,
Harazthy,	Stevenson,
Hopkins,	Wing,
Ingersoll,	Wood,
Jones,	Young—28.

The House refused to adopt the amendment.

The bill was then read a third time, and, upon its final passage, Messrs. Coffroth, Hammond and McMeans demanded the ayes and nays.

Those who voted in the affirmative were—

Messrs. Boggs,	Messrs. Kipp,
Brush,	Lyons,
Canney,	McMeans,
Caldwell,	McMullin,
Chauncey,	Orrick,
Crabb,	Paxton,
Fleming,	Pearce,
Fowler,	Ridley,
Gardiner,	Smith,
Gibson,	Stark,
Graham,	Stevenson,
Harazthy,	Wing,
Hopkins,	Wood,
Ingersoll,	Young,
Jones,	Speaker—30.

Those who voted in the negative were—

Messrs. Coffroth,	Messrs. Law,
Crittenden,	Merritt,
Dameron,	Turner,
Hinchman,	Wall—8.

So the bill passed.

Mr. Boggs moved to amend the title of the bill.
Agreed to.

Mr. McMeans made the following report, from Committee on State Prison:

The committee to whom was referred a bill to be entitled an Act providing for the erecting of a State Prison, have had the same under careful consideration, and beg leave to report it back without amendment, and earnestly recommend its immediate passage.

S. A. McMEANS, Chairman.

On motion of Mr. McMeans, the House resolved itself into Committee of the Whole, Mr. McMullin in the chair, to consider a bill providing for the erection of a State Prison. After spending a short time in its consideration,

On motion of Mr. Law, the committee rose, reported the bill back without amendment, and asked to be discharged.

The committee was discharged.

The bill was then read a third time and passed.

On motion of Mr. Coffroth, the House took a recess until 8 o'clock this evening.

At 8 o'clock, the House met pursuant to adjournment.

On motion of Mr. Crabb, the House resolved itself into Committee of the Whole, Mr. Harazthy in the chair, to consider a bill, an Act to provide for the protection of foreigners and levying a tax upon the same. After spending some time in its consideration, and making amendments thereto,

On motion of Mr. Merritt, the committee rose for want of a quorum.

Mr. Crabb gave notice that, on to-morrow, he would move to re-consider the vote which passed a bill in reference to the erection of a State Prison.

On motion of Mr. McMullin, at 12 o'clock at night, the House adjourned until 10 o'clock, to-morrow.

HOUSE OF ASSEMBLY.

FRIDAY, April 30, 1852.

House met pursuant to adjournment.

The roll was called by the clerk and the following members were absent—Messrs. Colby, Covarrubias, Cutler, Gardiner, Graham, Lyons, Merritt, Taliaferro, Turner and Yeiser.

The Journal of Thursday, the 29th, read and approved.

The Speaker announced the House ready to proceed to business.

On motion, Mr. Cutler was excused for this day.

Mr. Wall made the following report:

The Committee of Ways and Means, to whom was referred a bill for an Act to be entitled an Act to regulate the shipping of Gold Dust, beg leave to report that they have had the same under consideration, and respectfully report the same back to the House with an amendment, and recommend its reference to a Committee of the Whole House.

Bill made order for to-morrow in Committee of Whole.

Mr. Hinchman made the following report:

The Judiciary Committee return to the Assembly Senate bill, No. 159, for an Act to authorize Moody and Hart to build a wharf in the County of Solano with an amendment, and recommend its passage.

Bill read a third time and passed.

Mr. Peachy made the following report:

The Judiciary Committee, to whom was referred a bill for an Act concerning Escheated Estates, have had the same under consideration, and beg leave to submit the accompanying bill as a substitute, and recommend its passage.

The substitute was accepted. Read a first, second and third time and passed.

Mr. Hinchman made the following report:

The Judiciary Committee, to whom was referred a bill for an Act to establish a water line in the City of Benicia, and defining the titles in certain property within said water line, respectfully report: That nothing which appears in the bill itself, and that nothing which has come to the knowledge of the committee from other sources, would warrant opposi-

tion to the bill. The committee, therefore, recommend the bill to the consideration of the Assembly.

The bill on motion was made the special order for 8 o'clock this evening.

Mr. McKim made the following report:

The Committee on Roads and Highways, to whom was referred a bill an Act to authorize John Craycroft & Co., to construct a wagon road from Utah Territory to the Sacramento Valley, via Downieville, Sierra County, and to regulate the tolls to be collected on the same, have had the same under consideration and report the same back to the House and recommend its passage.

The bill was then considered as engrossed, and read a third time, and upon its final passage, Messrs. Crittenden, Chauncey and Fowler demanded the ayes and nays:

Those who voted for the passage of the bill were—

Messrs. Blanchard,
Boggs,
Canney,
Caldwell,
Chauncey,
Coats,
Coffroth,
Cook,
Crabb,
Dameron,
Fleming,
Gardiner,
Gibson,
Graham,
Harazthy,
Hopkins,
Hudspeth,
Messrs. Kipp,
Law,
Lyons,
McKim,
Paxton,
Peachy,
Pearce,
Ridley,
Taliaferro,
Ten Broeck,
Tucker,
Wall,
Wing,
Wood,
Yeiser,
Young,
Speaker—34.

Those who opposed the passage of the bill were—

Messrs. Brush,
Crittenden,
Fowler,
Hinchman,
Ingersoll,
Jones,
McConaha,
Messrs. McMeans,
Orrick,
Smith,
Stark,
Stevenson,
Turner—13.

So the bill passed.

Mr. Chauncey made the following report:

The undersigned from the Select Committee, to whom was referred Assembly bill for an Act concerning Ferries, having had the same under consideration, and made the following amendments thereto, report the bill back to the House and recommend its passage.

The amendments recommended by the committee were adopted.

Mr. Fowler moved to amend by inserting after San Francisco, "Contra Costa."

Not agreed to.

The bill was then considered as engrossed, and read a third time.

Mr. Peachy moved to re-consider the vote just taken to read the bill a third time.

Vote re-considered.

On motion of Mr. Crittenden, the bill was referred to Select Committee of five—Messrs. Crittenden, Peachy, Crabb, Wood and Ridley were appointed.

The committee was instructed to report on to-morrow.

Mr. Chauncey from Committee of Engrossment made the following report:

The committee have examined and found correctly engrossed, the following bills:

A bill for an Act to fund the debt of Yuba County, and provide for the payment thereof.

Also an Act concerning the Possessory Rights to Quartz Mines.

Mr. McKim made the following report:

The majority of the delegation from Calaveras, to whom was referred the bill for a special Act to locate the permanent seat of that County, report the same back and recommend its passage.

On motion of Mr. Young, the bill was laid upon the table for the present.

Mr. Coffroth moved to re-consider the vote of yesterday, which passed an Act creating a Board of Supervisors.

Vote re-considered.

Mr. Wall moved that the bill be referred to a special committee of five with instructions.

Agreed to.

Messrs. Coffroth, Boggs, Stark, Paxton and Wall were appointed.

Mr. Tucker offered the following resolution:

Resolved, That in pursuance of the requirements of second section of an Act to create a State Hospital in Sacramento City, the Assembly (the Senate concurring) do hereby declare Samuel Young and Harvey Houghton, duly elected trustees of said Hospital for the term of one year.

Laid upon the table.

Mr. Taliaferro moved to re-consider the vote of yesterday, which indefinitely postponed an Act entitled an Act to provide for a map of the State of California.

Vote was re-considered.

Mr. Boggs moved a call of the House.

Call not sustained.

The bill was then read a second time, and referred to Committee of Ways and Means.

Mr. Law offered the following resolution, which was adopted.

Resolved, That the Door Keeper of the House be allowed $2 extra for each days services.

A communication was received from the corporate authorities of the City of Sacramento, proposing to donate to the State certain lots for the use of the State.

Communication read, and on motion, the clerk was ordered to return to the corporate authorities the thanks of the Assembly.

Mr. Wall reported that the select committee had made the amendments to the bill referred to them, to establish a Board of Supervisors.

The bill was then read a third time and passed.

Mr. Fleming introduced a bill to be entitled an Act amending the Election Law of 1850 and 1851.

Read a first and second time, and referred to Committee on Elections, with instructions to report on to-morrow.

Mr. Taliaferro moved to take up for consideration a bill in reference to the Mountain Lake Water Company.

No quorum voted.

Mr. Merritt offered the following resolution:

Resolved, That the Committee of Ways and Means be instructed to report on to-morrow a bill regulating licenses.

On motion of Mr. Merritt, the House resolved itself into Committee of the Whole, Mr. Fowler in the chair, to consider a bill in reference to salary of Officers, and pay of Members of the Legislature; after spending a short time in consideration, the committee rose for want of a quorum.

Mr. Jones moved a call of the House.

The call was sustained.

The clerk then called the roll, and the following members were absent, Messrs. Boggs, Brush, Canney, Coffroth, Crabb, Fleming, Ford, Gibson, Hinchman, Hopkins, Hudspeth, Law, Lyons, McConaha, McKim, Pearce, Smith, Stark, Ten Broeck, Tucker, Turner, Wing, Wohler and Young.

On motion, the Sergeant-at-Arms was dispatched after absentees.

Messrs. Brush, Coffroth, Stark and Smith, on motion were admitted within the bar of the House.

On motion of Mr. Coffroth, further proceedings under the call were dispensed with.

Mr. Merritt moved that the House sit with closed doors, so far as the

members of the House are concerned; upon which motion Messrs. McMullin, Law and Canney demanded the ayes and nays:

Those who voted in the affirmative were—

Messrs. Canney,	Messrs. Lyons,
Chauncey,	McMeans,
Coats,	Merritt,
Coffroth,	Orrick,
Crabb,	Paxton,
Crittenden,	Ridley,
Fowler,	Taliaferro,
Harazthy,	Wall,
Kipp,	Speaker—18.

Those who voted in the negative were—

Messrs. Blanchard,	Messrs. Law,
Boggs,	McMullin,
Brush,	Peachy,
Caldwell,	Smith,
Cook,	Stark,
Dameron,	Stevenson,
Fleming,	Ten Broeck,
Gardiner,	Wing,
Gibson,	Wohler,
Ingersoll,	Wood,
Jones,	Yeiser—22.

The motion was not agreed to.

On motion of Mr. Dameron, the House resolved itself into Committee of the Whole, Mr. Fowler in the chair, to consider the bill in reference to salaries of Officers and pay of Members of the Legislature; after spending some time in its consideration, and making sundry amendments thereto,

On motion of Mr. Blanchard, the committee rose, reported the bill back as amended, and asked to be discharged.

The committee was discharged.

Mr. Crabb moved to strike out five thousand in the fifth, seventh, eighth, ninth, tenth and eleventh Judicial Districts, and insert six thousand; upon which motion Messrs. Harazthy, Smith and McConaha demanded the ayes and nays:

Those who voted in the affirmative were—

Messrs. Brush,	Messrs. Law,
Canney,	Lyons,
Chauncey,	Paxton,
Coats,	Peachy,
Coffroth,	Taliaferro,

Messrs. Colby,
Crabb,
Dameron,
Fleming,
Gardiner,
Gibson,
Graham,
Ingersoll,
Messrs. Ten Broeck,
Tucker,
Wall,
Wing,
Wohler,
Wood,
Young—25.

Those who voted in the negative were—

Messrs. Blanchard,
Boggs,
Caldwell,
Cook,
Crittenden,
Fowler,
Haraźthy,
Hinchman,
Hudspeth,
Jones,
Kipp,
Messrs. McConaha,
McMullin,
Merritt,
Orrick,
Pearce,
Ridley,
Smith,
Stark,
Stevenson,
Thompson—21.

The House agreed to strike out five thousand dollars and insert six thousand dollars.

Mr. Haraźthy moved to strike out three thousand in the first Judicial District, and insert four thousand.

Not agreed to.

The amendments made in Committee of the Whole, adopted by the House.

The bill was then considered as engrossed and read a third time; and upon its passage, Messrs. McMullin, Blanchard and Canney demanded the ayes and nays:

Those who voted in the affirmative were—

Messrs. Brush,
Canney,
Caldwell,
Chauncey,
Coats,
Coffroth,
Colby,
Crabb,
Crittenden,
Dameron,
Fleming,
Fowler,
Gardiner,
Gibson,
Messrs. Law,
Lyons,
McMullin,
Orrick,
Paxton,
Peachy,
Pearce,
Ridley,
Taliaferro,
Tucker,
Turner,
Wall,
Wing,
Wohler,

Messrs. Hinchman,
Hopkins,
Ingersoll,
Jones,
Kipp,
Messrs. Wood,
Yeiser,
Young,
Speaker—37.

Those who voted in the negative were—

Messrs. Blanchard,
Boggs,
Harazthy,
Hudspeth,
McConaha,
Messrs. Merritt,
Smith,
Stark,
Stevenson,
Thompson—10.

So the bill passed.

The following reports were made by Mr. Colby:

Mr. Speaker:

The Joint Committee on Enrollment, have examined and found correctly enrolled, "an Act regulating the duties of Harbor Master of San Francisco."

Also "an Act for the relief of Jesse D. Carr."

Also "an Act to declare the Arroyo del Medo navigable."

Also "an Act to authorize the Board of Examiners to settle the accounts of Major William Rogers for the first and second El Dorado Expeditions against the Indians."

Also "an Act to provide for the ordering of a Special Election in the County of Trinity."

Also an Act entitled "an Act to authorize the funding of the debt of El Dorado County, and to provide for the payment of the same."

G. W. COLBY, Assembly.

FRANK SOULE, Senate.

Mr. Speaker:

Your Committee on Enrolled Bills, have examined and find correctly enrolled, "an Act providing for a fund for the use of the State Library."

"An Act to repeal an Act authorizing the Secretary of State, Comptroller, Treasurer, Surveyor-General, and Attorney-General to rent offices, and procure the necessary office furniture for their respective offices."

"An Act to authorize and require Comptroller to draw warrants in favor of R. N. Wood, J. C. Tucker, and S. A. McMeans."

"Joint Resolution on the subject of the overland Railway to the Pacific Ocean."

"An Act for the relief of Lorenzo Hubbard."

Which is respectfully submitted.

G. W. COLBY, Assembly.
FRANK SOULE, Senate.

The following message was received from the Senate:

Mr. Speaker:

I am directed to inform the Assembly, that the Senate did, on the 28th inst., pass the following Assembly bills, to wit:

An Act to authorize the Board of Examiners to settle the accounts of Maj. William Rogers in the first and second El Dorado Expeditions against the Indians.

An Act for the relief of Jesse D. Carr.

An Act to declare the Arroyo del Medo navigable.

An Act amendatory of the twentieth section of an Act dividing the State into Counties, and establishing the seats of justice therein, passed April 25, 1851, with an amendment;

And that the Senate passed on the 27th instant, a bill for an Act defining the duties of the Clerk of the Superior Court of the City of San Francisco, as a substitute to Assembly bill, No. 103;

And an Act authorizing the Governor of the State of California to procure a block of California marble to be forwarded to the Washington Monument Society;

And on the 28th instant, a bill for an Act for the relief of Benjamin Chapman;

And that the Senate, this day, concurred in the Assembly amendments to Senate bill for an Act to fund the indebtedness of the State which has accrued, or may accrue, from April 29th, 1852, to December 31st, 1852, inclusive, and to provide for the payment of the three per cent. bonds;

And concurred in the Assembly amendments to Senate bill for an Act to fund the debt of the County of Calaveras and to provide for the payment thereof, except the following, which they refused to concur in, to wit: in section seven, line ten, strike out "fifteen," and insert "seven;"

And that the Governor approved on the 27th instant, an Act providing for the erection of a Powder Magazine in San Francisco.

An Act to amend an Act to establish pilot regulations for the Port of San Francisco, passed February 25th, 1850

An Act to provide for the payment of a Translator.

An Act giving the consent of the Legislature of the State of California, to the purchase by the United States, of land within this State for public purposes.

An Act for the relief of Wm. Rogers, Sheriff of El Dorado County.

Joint Resolution to provide for the printing and distribution of the Revenue Law of 1852;

And on the 28th instant, an Act amendatory of an Act entitled an Act to incorporate the City of Sacramento;

And an Act to provide that the Treasurer of the County of Calaveras, shall be collector of taxes for said County, until it shall be decided who is Sheriff of said County.

A. C. BRADFORD,
Secretary of the Senate.

April 29, 1852.

Senate amendment to Assembly bill, an Act amendatory of the twentieth section of an Act dividing the State into Counties.

Concurred in by the House.

Senate substitute for Assembly bill, an Act defining the duties of the Clerk of the Superior Court of the City of San Francisco.

Read a first and second time, and referred to Judiciary Committee.

Senate bill, an Act authorizing the Governor of the State of California to procure a block of California marble to be forwarded to the Washington Monument Society.

Read a first and second time, and referred to Committee on Public Expenditures.

Senate bill, An Act for the relief of Benjamin Chapman.

Read a first and second time, and referred to Committee on Claims, with instructions to report on to-morrow.

The House receded from that part of their amendment to Senate bill, an Act to fund the debt of the County of Calaveras; which the Senate refused to adopt.

Assembly bill, an Act concerning Escheats, on motion was indefinitely postponed.

Assembly bill, an Act providing for the erection of a State Marine Hospital at San Francisco, on motion, was indefinitely postponed.

A bill to provide for an Act to be entitled an Act to protect persons who settle upon and improve unoccupied lands, made special order for to-morrow early.

An Act in relation to the articles of association of the Mountain Lake Water Company, on motion, it was indefinitely postponed.

Senate bill, an Act to incorporate the Sacramento Water Company; upon its third reading, Messrs. Coffroth, Crittenden and Chauncey demanded the ayes and nays:

Those who voted in the affirmative were—

Messrs.	Boggs,	Messrs.	Kipp,
	Caldwell,		McConaha,
	Coats,		Stark,
	Cook,		Taliaferro,
	Crabb,		Tucker,
	Gardiner,		Wing,
	Graham,		Wood—15.
	Hopkins,		

Those who voted in the negative were—

Messrs.	Brush,	Messrs.	McMullin,
	Canney,		Merritt,
	Chauncey,		Orrick,
	Coffroth,		Paxton,
	Crittenden,		Peachy,
	Dameron,		Pearce,
	Fleming,		Ridley,
	Ford,		Stevenson,

Messrs. Hinchman,	Messrs. Thompson,
Haraz thy,	Turner,
Hudspeth,	Wall,
Ingersoll,	Wohler,
Jones,	Young,
Lyons,	Speaker—29.
McMeans,	

So the house refused to pass the bill.

Mr. Coffroth introduced a bill for an Act to be entitled an Act concerning the printing of the reports of the Supreme Court of the State of California.

Read a first and second time, and referred to Committee on Printing.

Mr. Kipp gave notice that he would on to-morrow introduce a bill granting James L. Freaner the exclusive privilege to furnish Sacramento City with good and wholesome water.

Mr. Smith made the following report:

Mr. Speaker:

The committee, to whom was referred the petition of Thomas L. Smith, have had the same under consideration, and beg leave to make the following report:

That they have carefully examined said petition, and believing that in view of the important services rendered by Capt. Thomas L. Smith, to the "Overland Emigrants" to California and Oregon, together with his great sacrifices of property, and the irreparable injury which he has sustained in a conflict with the Indians of this State, whose depredations upon the white inhabitants of the same, he gallantly and efficiently resisted, he is entitled to the gratitude and protection of his country, earnestly recommend the immediate adoption of the accompanying Concurrent Resolution.

N. B. SMITH, Chairman.

The resolution was adopted.

An Act to establish the office of Public Printer, and fix his compensation; on motion, the bill was indefinitely postponed.

On motion of Mr. Wood, the House resolved itself into Committee of the Whole, Mr. Coffroth in the chair, to consider a bill, an Act concerning Jurors; after spending some time in its consideration, and making an amendment thereto,

On motion of Mr. Fowler, the committee rose, reported the bill back as amended, and asked to be discharged.

The committee was discharged,

The bill was then read a third time and passed.

Mr. Ten Broeck moved to adjourn.

Not agreed to.

The following message was received from the Senate:

Mr. Speaker:

I am directed to inform the Assembly, that the Senate passed yesterday Assembly bill for "an Act to amend the twenty-fourth and twenty seventh sections of an Act dividing the State into Counties, and establishing the seats of justice therein," passed April 25th, 1851, with amendments;

And that the Senate concurred in the report of the Committee of Conference on the disagreeing votes of the two Houses on Assembly bill, "to provide for the ordering of a Special Election in the County of Trinity;"

And that the Governor approved yesterday "an Act to provide for the Public Printing."

"An Act entitled an Act authorizing the Treasurer of State to receive any moneys that may be set apart to the State of California, by Congress, to be applied to the payment of debts incurred by the State prior to being admitted into the Union, and the mode of appropriating the same."

"An Act entitled an Act respecting the trustees of the City of San Diego."

Joint Resolution entitled "Joint Resolution of instructions to our Representatives in Congress in relation to the claim of Elias Waldron;"

And that the Senate this day refused to concur in Assembly amendments to Senate bill for "an Act to create a Board of Supervisors for the Counties of this State, and to define their duties and powers;"

And refused, this day, to concur in Assembly amendments to Senate bill for an Act concerning Common Schools;"

And concurred in the amendments of the Assembly to Senate bill for "an Act concerning passengers arriving in the Ports of the State of California."

A. C. BRADFORD,
Secretary of the Senate.

April 30, 1852.

House insisted upon their amendments made to Senate bill for an Act to create a Board of Supervisors for the Counties of this State, and to define their duties and powers; and have appointed a Committee of Conference, and Messrs. Hinchman, Coffroth and Tucker were appointed on the part of the House.

House insisted upon their amendment made to Senate bill, an Act concerning Common Schools, and have appointed Messrs. Boggs, Crabb, Peachy, Brush and Orrick, as a Committee of Conference.

Assembly bill, an Act to amend the twenty-fourth and twenty-seventh sections of an Act dividing the State into Counties, amended in the Senate.

Bill referred to the delegation from Sonoma and Solano.

An Act to increase the jurisdiction of the Recorder of the City of Sacramento, and defining the duties, and fixing the compensation of City Attorney in certain cases,

On motion, the bill was indefinitely postponed.

Mr. Ten Broeck moved to adjourn.

Not agreed to.

Mr. Colby made the following report:

Your Committee on Enrollment, have examined, and found correctly enrolled, "an Act providing for the Erection of a State Prison."

"An Act to grant the right of way to the United States for Railroad purposes."

An Act to authorize the Governor to appoint Commissioners to survey and define the boundaries of Sacramento City.

Read a third time and passed.

On motion, the Committee on Claims was instructed to report bill in favor of Messrs. Corbet and Bailey,

Mr. Chauncey made the following report:

The Committee on Engrossed Bills report that they have examined, and found correctly engrossed, a bill for an Act concerning Escheated Estates.

Also a bill for an Act to authorize John Craycroft & Co., to construct a wagon road from Utah Territory to Sacramento Valley via Downieville, Sierra County, and to regulate the tolls to be collected on same.

Mr. Ten Broeck moved to adjourn.

Not agreed to.

Mr. Wood moved to take a recess until 8 o'clock this evening.

Not agreed to.

Mr. Hinchman made the following report:

The Judiciary Committee, to whom was referred Senate bill for an Act amendatory of an Act entitled an Act to regulate the settlement of the Estates of deceased persons, passed May 1st, 1851, return the same with an amendment, and recommend its passage.

The amendment was concurred in, and the bill read a third time and passed.

Mr. Gardiner moved to adjourn.

Not agreed to.

Mr. Wood moved to take a recess until 8 o'clock.

Not agreed to.

On motion of Mr. Crabb, the House resolved itself into Committee of the Whole, Mr. McMeans in the chair, to consider a bill for the relief of Mrs. Jane Woodland; after spending some time in its consideration,

On motion of Mr. Wood, the committee rose reported the bill back, and asked to be discharged.

The committee was discharged.

Mr. Stark moved to strike out five thousand, and insert twenty-five hundred dollars.

Not agreed to.

The bill was then considered as engrossed, read a third time: upon the final passage of the bill, Messrs. Merritt, McConaha and Kipp demanded the ayes and nays:

Those who voted in the affirmative were—

Messrs. Blanchard,
Boggs,
Caldwell,
Coats,
Colby,
Crabb,
Dameron,
Fowler,
Gardiner,
Gibson,
Graham,
Kipp,
Lyons,
McConaha,
McKim,
McMeans,
McMullin,
Pearce,
Smith,
Wall,
Wing,
Wood—22.

Those who voted in the negative were—

Messrs. Brush,
Canney,
Crittenden,
Fleming,
Harazthy,
Hinchman,
Hopkins,
Jones,
Merritt,
Orrick,
Paxton,
Peachy,
Ridley,
Stark,
Stevenson,
Taliaferro,
Thompson,
Wohler,
Speaker—19.

So the bill passed.

On motion of Mr. Peachy, at 7 o'clock, the House adjourned until 10 o'clock to-morrow.

HOUSE OF ASSEMBLY.

SATURDAY, May 1, 1852.

The House met pursuant to adjournment.

The roll was called by the Clerk, and the following members were absent:—Messrs. Blanchard, Chauncey, Coffroth, Colby, Cook, Crittenden, Fleming, Graham, Hinchman, Merritt, Taliaferro, Wall and Wohler.

The Journal of Friday, the 30th April, read and approved.

The Speaker announced the House ready to proceed to business.

Mr. Peachy made the following report:

Mr. Speaker:

The Judiciary Committee, to whom was referred a bill for an Act to be entitled an Act concerning costs and fees in criminal cases, have the honor to report—

That they have considered the subject referred, and are of the opinion that the evils really existing which have led to the introduction of this bill, would not find a proper remedy, if the bill were to become a law. The evil to be complained of is not the amount of fees to officers. It consists in the nature of the objections which the law allows to be made against jurymen, and the want of proper provisions for a change of venue. Your committee would therefore recommend that the bill be indefinitely postponed.

A. C. PEACHY, Chairman.

The bill, on motion, was indefinitely postponed.

Mr. Crittenden made the following report:

The Committee on the Judiciary, to whom was referred Senate bill No. 169, entitled an Act defining the duties of the Clerk of the Superior Court of the city of San Francisco, which is a substitute for Assembly bill No. 103, report the Senate bill back and recommend its passage.

The bill was then read a third time and passed.

Mr. Fowler made the following report:

The committee, to whom was referred Senate bill authorizing the Governor to provide a block of marble for the Washington Monument, at Washington city, respectfully submit—

That the heroic patriotism that lighted up the souls of the American people in their struggles for independence, still exists in the breast of their

descendants up to the present day. Although we, the sons and descendants of those who fought side by side with the immortal Washington, the Father and Preserver of our country, are located on the shores of the Pacific, far distant from our mother country, yet retain a portion of the blood in our veins that caused our Forefathers to sacrifice life and property in defence of their rights, and chastise wrongs inflicted upon them; and as evidence of the gratitude of the American people, they have concluded to erect a monument to the memory of George Washington, the Hero of the American Revolution—the Father of his Country. He who was first in war, first in peace, and first in the hearts of his countrymen. Said monument is now under progress of erection at Washington city, the Capital of our Republic. Each of our sister Atlantic States, in order to manifest their gratitude to the memory of the immortal Washington, have caused to be placed in the hands of the Committee of the National Monument Society, a block of marble, or granite, bearing upon it a proper inscription, emblematical of their attachment to the country and the principles of self-government, under which the American citizens have prospered even beyond the imagination of man, and to the amazement of the world; also, thereby forming an imperishable memento of the name of Washington, to be handed down to posterity as a talisman to guide them. Shall California be an exception in this case, and refuse to forward a memento of her gratitude. We trust not. Therefore, unanimously urge the passage of the bill.

LAW, Chairman.
TALIAFERRO,
McCONAHA,
STARK.

Mr. Coffroth, from Committee of Conference, made the following report, which was adopted:

The Committee on Conference on the part of the House, to meet a similar committee from the Senate, upon Assembly amendments to the bill "creating a Board of Supervisors," respectfully report that they have agreed as follows:

1st amendment. First section—Senate concurs.
2d and 3d amendments. Second section—Senate concurs.
4th amendment. Third section—House will recede.
5th amendment. Fourth section—Senate concurs.
6th amendment. Seventh section—House will recede.
7th amendment. Seventh section—Senate concurs.
8th amendment. Seventh section—Senate concurs.
9th amendment. Seventh section—Senate concurs.
10th amendment. Tenth section—House recedes, but the committee agree that the proviso in the section be stricken out.
11th amendment. Fifteenth section—Senate concurs.
12th amendment. Sixteenth section—Senate concurs.
13th amendment. Seventeenth section—Senate concurs.
14th amendment. Twentieth and twenty-first sections—House recedes.

15th amendment. Twenty-second section—Senate concurs.
16th amendment. Twenty-third section—Senate concurs.

All of which is respectfully submitted.

JAMES W. COFFROTH,
From the Conference Committee.

Mr. Crittenden made the following reports :

I am instructed, by the Committee on the Judiciary, to report to the Assembly and recommend the passage of the accompanying bill entitled an Act to amend an Act entitled an Act concerning Corporations, passed April 22, 1850.

A. P. CRITTENDEN,
From the Committee.

The bill was read a third time and passed.

The undersigned, members of the Select Committee, to whom was referred an Act concerning Ferries, report herewith a substitute, and recommend its adoption.

They are opposed to the original bill, for the reason that they believe it contrary to public policy.

A. P. CRITTENDEN,
THOS. E. RIDLEY.

Mr. Crabb made the following report:

The Special Committee, to whom was referred a bill to be entitled an Act concerning Ferries, having had the same under consideration, submit the following report:

We find, by examination, that the simple object of this bill is to allow any person or persons who have procured a license to run a ferry on a route exceeding six miles, to renew the same for a period of four years. By the Ferry Law of 1851, a license, in such case, (and, in fact, in all cases,) can be renewed for one year; so that the bill will operate to extend the privilege for three years. In the case contemplated, we are satisfied that the great addition of expense necessary to establish a ferry, and keep it in good repair and readiness for the convenience of the public, the party or parties concerned should have a license for a longer period, than in cases of ferries over rivers, creeks, or sloughs. The existing Ferry Law (of 1851) provides that "no ferry shall be established within two miles, immediately above or below a regularly established ferry," except in certain specified cases; and the bill before us reduces this distance to one half of one mile, and by this provision one important privilege is restricted.

Again: By the operation of this bill, no exclusive monopoly can exist, as some gentlemen of this Assembly seem to apprehend, for the reason that the Court of Sessions of any county in which the party procures license resides, under the laws now in force, can and may grant any number of licenses required by the public convenience, or rendered necessary by the situation of

a town or village, the crossing of a public highway, or the intervention of some creek or ravine.

Taking this view of the matter, we report back the bill with amendments, and recommend its passage.

HENRY A. CRABB,
R. N. WOOD,
A. C. PEACHY.

The bill was then taken up and the amendments adopted.

The question then came up upon the adoption of the substitute offered by Mr. Crittenden.

Mr. Fowler moved to add to an amendment offered by Mr. Crabb the word passengers. Which was adopted.

Mr. Graham moved to lay the whole subject upon the table.

Agreed to.

Mr. Brush offered the following resolution which was laid upon the table.

Resolved, That the per diem pay of the Chief, Assistant, Reading, Engrossing and Enrolling Clerks of this House, be increased each in the sum of two dollars per diem during the present session of the Legislature.

Mr. Graham made the following Report:

The committee to whom was referred a bill regarding the boundaries of Solano and Sonoma counties, have examined the same and recommend that the House non-concur in the amendment made by the Senate.

Report received and adopted.

Mr. Peachy introduced a bill, an Act in relation to actions wherein the State is a party.

Read a first and second time, considered as engrossed, read a third time and passed.

Mr. Peachy introduced a bill, an Act to ratify and confirm an ordinance passed by the city of San Francisco, on the 11th day of June, 1851, authorizing A. D. Merrifield and his assigns, to introduce water into the city of San Francisco.

Read a first and second time, considered as engrossed, read a third time and passed.

Mr. Wohler introduced a bill for an Act to authorize the Common Council of San Francisco to make certain contracts.

Read a first and second time and referred to delegation from San Francisco.

Mr. Peachy introduced a bill for an Act to authorize Breed & Dennis to extend Market street wharf.

Read a first and second time and referred to Judiciary Committee.

Mr. Chauncey made the following Report:

The Committee on Engrossed Bills report, that they have examined and found correctly engrossed the following bills:

An Act to authorize the Governor to appoint Commissioners to survey and define the boundaries of Sacramento city;

An Act to amend an Act concerning Corporations, passed April 22d, 1850;

An Act for the relief of Frank Maynard;

Concurrent Resolutions for the relief of Thomas L. Smith.

Assembly bill, an Act appropriating money out of the general fund to pay members of the present Legislature.

On motion, indefinitely postponed.

Assembly bill, an Act to license Gaming.

On motion, indefinitely postponed.

Assembly bill to be entitled an Act to provide for the payment of the salary of the Adjutant General.

On motion, was indefinitely postponed.

Assembly bill, an Act to amend section first of an Act to amend an Act entitled an Act to regulate Elections, passed April 26th, 1851,

On motion, indefinitely postponed.

Assembly bill, an Act to prohibit State, County and City Officers from gambling; on its third reading.

A motion was made to indefinitely postpone the bill.

Upon which motion, Messrs. Boggs, Jones and Harazthy demanded the ayes and ayes.

Those who voted in the affirmative were—

Messrs.	Brush,	Messrs.	Pearce,
	Crittenden,		Ridley,
	Dameron,		Ten Broeck,
	Fleming,		Turner,
	Graham,		Wall,
	Hinchman,		Wohler,
	Merritt,		Yeiser,
	Peachy,		Speaker—16.

Those who voted in the negative were—

Messrs.	Boggs,	Messrs.	Lyons,
	Canney		McConaha,
	Caldwell,		McKim,
	Coats,		McMeans,
	Colby,		McMullin,
	Crabb,		Orrick,
	Fowler,		Paxton,
	Harazthy,		Smith,
	Hopkins,		Stark,
	Ingersoll,		Thompson,
	Jones,		Wing,
	Kipp,		Wood,
	Law,		Young—26.

The House refused to indefinitely postpone.

Mr. Haraz thy offered the following as an amendment:
Who have control ove · public moneys.
Not agreed to.
The bill was then considered engrossed, and read a third time.
Upon its passage. Messrs. Boggs, Wall and Turner demanded the ayes and nays.

Those who voted in the affirmative were—

Messrs. Blanchard,	Messrs. McConaha,
Boggs,	McKim,
Canney,	McMeans,
Caldwell,	Orrick,
Chauncey,	Stark,
Coats,	Stevenson,
Fowler,	Thompson,
Ingersoll,	Wing—17.
Jones,	

Those who voted in the negative were—

Messrs. Brush,	Messrs. McMullin,
Colby,	Merritt,
Cook,	Paxton,
Crabb,	Peachy,
Crittenden,	Pearce,
Dameron,	Ridley,
Fleming,	Ten Broeck,
Graham,	Tucker,
Haraz thy,	Turner,
Hinchman,	Wall,
Hopkins,	Wohler,
Kipp,	Young,
Lyons,	Speaker—26.

So the bill did not pass.

Senate bill for an Act to enumerate the inhabitants of the State of California.
Mr. Tucker offered the following amendment:
"Then the County Assessor."
Not agreed to.
Mr. Hinchman moved to strike out the word, "white."
Agreed to.
Mr. Tucker moved to strike out "ten dollars," and insert "sixteen dollars."
Agreed to.
On motion of Mr. Tucker, the House resolved itself into Committee of the

Whole, Mr. Jones in the chair, to consider a bill to enumerate the inhabitants of the State. After spending some in its consideration and making amendments thereto,

On motion of Mr. Coffroth, the committee rose, reported the bill back as amended, and asked to be discharged.

The committee was discharged.

The amendment made in Committee of the Whole, to third section, authorizing the Governor to appoint a suitable person to take the census in the different counties.

Upon a motion to concur in the House, Messrs. Hinchman, Wood and Jones demanded the ayes and nays.

Those who voted in the affirmative were—

Messrs. Blanchard,	Messrs. Kipp,
Boggs,	Law,
Brush,	Lyons,
Canney,	McConaha,
Coats,	McMeans,
Coffroth,	Paxton,
Colby,	Peachy,
Crittenden,	Ridley,
Dameron,	Stevenson,
Fleming,	Ten Broeck,
Fowler,	Thompson,
Gardiner,	Tucker,
Harazthy,	Wohler,
Ingersoll,	Speaker—28.

Those who voted in the negative were—

Messrs. Caldwell,	Messrs. McMullin,
Cook,	Orrick,
Crabb,	Turner,
Graham,	Wall,
Hinchman,	Wing,
Hudspeth,	Wood—13.
Jones,	

So the amendment was concurred in.

Second amendment, which proposed to pay sixteen dollars to the census-taker, upon its adoption, Messrs. Wood, Crabb and Jones demanded the ayes and nays.

Those who voted in the affirmative were—

Messrs. Blanchard,	Messrs. Lyons,
Brush,	McKim,
Canney,	McMeans,
Coats,	Paxton,

Messrs. Coffroth, Colby, Dameron, Fleming, Fowler, Gardiner, Harazthy, Kipp, Law, Messrs. Peachy, Ridley, Stevenson, Taliaferro, Ten Broeck, Tucker, Wing, Wohler, Yeiser—26.

Those who voted in the negative were—

Messrs. Boggs, Caldwell, Cook, Crabb, Crittenden, Graham, Hinchman, Hudspeth, Ingersoll, Jones, Messrs. McConaha, McMullin, Orrick, Smith, Stark, Thompson, Turner, Wall, Wohler, Speaker—20.

So the House adopted the second amendment.

Mr. Hinchman moved to amend by inserting "not more than sixteen and not less than ten dollars."

The amendment of Mr. Hinchman not agreed to.

Amendment to fifth line, fifth section, agreed to.

Mr. Harazthy moved to amend as follows:

The per diem pay to the persons for taking the census shall be paid by the State.

Agreed to.

Mr. Graham offered the following amendment:

Provided, that no census-taker shall receive pay for more than sixty days, and no pay at all if it should be made apparent that he has neglected his duty.

Not agreed to.

Mr. Crabb then offered the following amendment:

Provided, the County Assessor shall be the person appointed, if his official duties are not so onerous as to prevent him from accepting the appointment.

Upon which, Messrs. Crabb, Wood and Turner demanded the ayes and nays.

Those who voted in the affirmative were—

Messrs. Boggs, Caldwell, Cook, Messrs. Jones, McMullin, Orrick,

Messrs. Crabb,
Hinchman,
Hudspeth,
Ingersoll,
Messrs. Smith,
Stark,
Turner,
Wood—14.

Those who voted in the negative were—

Messrs. Blanchard,
Brush,
Canney,
Coats,
Coffroth,
Crittenden,
Dameron,
Fleming,
Fowler,
Gardiner,
Kipp,
Law,
Messrs. McConaha,
McKim,
McMeans,
Merritt,
Peachy,
Ridley,
Taliaferro,
Ten Broeck,
Thompson,
Young,
Speaker—23.

The House refused to adopt the amendment.

The bill was then read a third time, and, upon its final passage, Messrs. Wood, Coffroth and Crabb demanded the ayes and nays.

Those who voted in the affirmative were—

Messrs. Blanchard,
Boggs,
Brush,
Canney,
Coats,
Coffroth,
Colby,
Crittenden,
Dameron,
Fleming,
Fowler,
Gardiner,
Haraz thy,
Ingersoll,
Messrs. Kipp,
Law,
McMeans,
Merritt,
Peachy,
Ridley,
Taliaferro,
Ten Broeck,
Tucker,
Wing,
Wohler,
Young,
Speaker—27.

Those who voted in the negative were—

Messrs. Caldwell,
Cook,
Crabb,
Graham,
Hinchman,
Hudspeth,
Jones,
Messrs. McMullin,
Orrick,
Smith,
Stark,
Thompson,
Turner,
Wood—14.

So the bill passed.

Mr. Wood offered the following amendment to the title:

An Act authorizing the appointment of certain officers to take the census, to provide for their payment, and to establish a cordon of political emissaries throughout the State.

Not agreed to.

Mr. Crittenden moved to re-consider the vote which indefinitely postponed a bill in reference to Water Company in Sacramento city.

Vote re-considered, and the bill, on motion, was referred to Sacramento delegation.

Mr. Colby introduced a bill, an Act amendatory of an Act entitled an Act concerning the Courts of Justice of this State and Judicial Officers, passed March 11th, 1851.

Read a first and second time and referred to Select Committee of three.

Messrs. ———, ———, and ———, were appointed said committee.

Mr. Boggs made the following report from Committee of Conference, upon disagreeing vote upon Land Bill.

The Committee of Conference, upon the disagreeing vote between the two Houses, to the Senate bill, for an Act concerning Common Schools, make the following report:

The committee recommend that the two Houses pass the Senate bill by striking out the first article thereof, with the exception of the second section of said article, which second section of first article shall constitute the first article. The Act to take effect from its passage, and to be entitled an Act to establish a system of Common Schools.

The Committee also recommend that the two Houses shall pass, in a separate bill, embracing the provisions contained in the amendment of the Assembly to the Senate bill, which was inserted by the Assembly in the Senate bill, in lieu of the first article thereof, in relation to the sale of the five hundred thousand acres of land granted to this State by Act of Congress. The said Act to take effect on the first day of June, 1852, and to be entitled an Act to provide for the disposal of the five hundred thousand acres of land granted to this State by Act of Congress; and that the Committee of Enrollment be instructed to cause the said two Acts to be enrolled in conformity with this report:

J. M. ESTILL,
JOHN WALTON,
Committee of the Senate.

L. W. BOGGS,
B. ORRICK,
JESSE BRUSH,
HENRY A. CRABB,
A. C. PEACHY.
Committee of the Assembly.

Mr. Wall made the following report:

The Committee of Ways and Means, to whom was referred Senate bill for an Act entitled an Act to provide for a Map of the State of California, beg leave to report—

That, in the opinion of your committee, an accurate Map of the State is of the highest importance to our citizens; and they believe that the Surveyor General should be required by law to "report to the next Legislature as complete a map of this State as can be made from the data which may be collected in his office, and to include in said map all the data that can be procured from the United States Coast Surveys, United States Land Surveys, and astronomical observations." The Coast Survey within the limits of this State will soon be completed, and considerable progress has been made in the Land Surveys. Several parties are now in the field, engaged in surveying; and it is probable that, during the ensuing summer and fall, these surveying parties will be able to furnish such data as will, together with the materials already collected in the office of the Surveyor General, enable that officer to make a valuable, though not perfectly accurate, map of the State, in time to report the same to the next Legislature. The bill under consideration, with one or two important modifications, should become a law. In the opinion of your committee, the fifth section of the bill which proposes to appropriate the sum of eight thousand dollars for the purpose of carrying out the provisions of the Act, should be stricken out. They believe that no appropriation should be made by the Legislature to pay the Surveyor General for carrying out the design and requirement of the law; he was elected to perform this duty; the law creating his office requires it of him; and it is, perhaps, the only important service that will be required of him during his term of office. This officer was elected for the term of two years, and receives a salary of seven thousand five hundred dollars per annum to perform this very service, and yet it is seriously asked of this Legislature to appropriate an additional sum of eight thousand dollars for the purpose of paying this officer to perform one of the duties for which we elected him. The law under which he was elected, and under which he accepted office, not only requires that he should perform this, but that "he shall perform all such other and further duties as may be prescribed to him by law." But your committee are fully of opinion that, if any further duties are to be required of this officer, and if they are to be paid for at the rates proposed in this bill, then that it would be good economy in the Legislature to adopt the "contract system," and make a sinecure of the General.

Your committee respectfully report back the bill with the accompanying amendments, and recommend its passage.

ISAAC B. WALL, Chairman.

Mr. Tucker made the following minority Report:

We, the undersigned, a portion of the committee to whom was referred a bill for an Act entitled an Act to provide for a Map of the State of California, having had the same under consideration, beg leave to submit the following Report:

Your committee believe that all thinking persons will agree as to the

necessity of having an accurate Map of the State at as early a period as is practicable, with due regard to economy and the interests of the State. All existing maps of this State, being so very imperfect in their details that no reliance can be placed upon them in cases of disputed boundaries, is a sufficient argument that some steps should be taken to remedy the evil.

From an examination of the data which the Surveyor General can command, by the passage of this bill, your committee are satisfied that the same should be collected and compiled into a map at as early a day as possible.

To wait for the United States' Survey, will put the matter off for years, and then they will not give us the lines of our county boundaries, owing to their boundaries being so very irregular, and not conforming to the U. S. Surveys, as is the case with the States in the Valley of the Mississippi.

From an examination, your committee find that it has cost the State at this session, from contests arising from disputed boundaries, no less than from fifteen to eighteen thousand dollars.

For these and many other reasons, your committee would therefore recommend the passage of the bill, after striking out the word "eight," in the first line of the fifth section and inserting "three," so that the whole appropriation will read five thousand dollars.

All which is respectfully submitted.

JAS. S. LAW,
JOSEPH C. TUCKER,
D. C. BLANCHARD.

Mr. Merritt reported a bill for an Act to be entitled an Act concerning the printing of the Reports of the Supreme Court of the State of California.

Bill was read a third time and passed.

Mr. Wall made the following Report:

The Committee of Ways and Means, to whom was referred Senate Bills, Nos. 21, and 167; also, Assembly substitute for Senate Bill, No. 21, beg leave to Report, that they have had the same under consideration and have made some amendments to Assembly bill, and they recommend that the bill, as amended, be substituted for both of the Senate bills, and that it be passed.

Amendments adopted; the bill considered as engrossed, read a third time and passed.

Mr. Canney made the following report:

Your committee, to whom was referred the bill for an Act concerning the Printing of the Reports of the Supreme Court, have to report—

That, upon examination of the subject, and of the several laws relating thereto, they find that the State Printer is required by law to print the reports of the Supreme Court; that the first volume of those reports, prepared by Judge Bennet, (late of the Supreme Court,) is now in course of being printed according to law; and that the work would long ago have been completed, but for the continued indisposition of Judge Bennet, under whose supervision they are being printed.

They also report that the publication and distribution of the reports of the Supreme Court will be of marked usefulness to the State.

They report the bill back, therefore, without amendment, and recommend its passage.

P. CANNEY, Chairman.
C. B. FOWLER,
HERMAN WOHLER.

May 1, 1852.

The bill was read a third time and passed.

The following message was received from the Senate:

Mr. Speaker:

I am directed to inform the Assembly that the Senate passed, on yesterday, Senate bill for an Act to prevent certain officers from dealing in certain securities of, or evidences of, debt.

And an Act to incorporate the town of Oakland.

And passed, this day, Assembly bill to provide for the disposal of the five hundred thousand acres of land granted by the General Government, the interest of which, by the Constitution of this State, has been appropriated as a permanent fund for the support of Common Schools, with amendments, as therein shown.

Also, that they have passed a Concurrent Resolution to elect Trustees of Sacramento State Hospital, herewith transmitted.

Also, that they have passed Assembly Concurrent Resolution for the relief of Thomas L. Smith.

Also, Senate bill, to amend an Act prescribing the time of payment of the salaries of officers of State, passed April 1, 1852.

And that the Senate this day adopted the report of the Committee of Conference on the disagreeing vote of the two Houses on Senate bill for an Act concerning Common Schools.

And that the Senate receded from its amendment to Assembly bill for an Act to amend the twenty-fourth and twenty-seventh sections of an Act dividing the State into Counties and establishing the Seats of Justice therein, passed April 25th, 1851.

A. C. BRADFORD,
Secretary of the Senate.

May 1, 1852.

Senate bill, an Act concerning the place of holding the Supreme Court.

Read a first and second time.

Assembly bill, an Act to provide for the disposal of the five hundred thousand acres of land granted to this State by Act of Congress.

Amended in the Senate.

Mr. Hammond moved to lay the bill upon the table.

Not agreed to.

The amendments made in the Senate were concurred in by the House.

Senate Concurrent Resolution to elect Trustees of Sacramento State Hospital.

On motion, laid upon the table.

Senate bill to amend an Act entitled an Act prescribing the time of payment of the salaries of the officers of State, passed April 1st, 1852.

Read a first, second and third time and passed.

The following messages were received from the Governor:

EXECUTIVE DEPARTMENT,
Sacramento City, May 1, 1852.

To the Assembly of the State of California;

I have this day approved the following Acts, viz:

An Act entitled an Act concerning the organization of the Militia.

An Act entitled an Act to amend the eighteenth section of an Act entitled an Act to apportion the Senatorial and Assembly Districts, passed May 1, 1851.

An Act entitled an Act concerning the administration of oaths.

An Act entitled an Act authorizing the Comptroller to draw on the Treasurer of Sacramento County, to defray the contingent expenses of the present Legislature.

An Act entitled an Act creating the office of Clerk of the Recorder's Court of the city of Sacramento.

An Act entitled an Act for the authentication of Statutes without the approval of the Governor.

An Act entitled an Act to authorize Wm. Morehead, Thomas Palmer and Company, to collect Tolls on a Bridge across Trinity River, in Trinity County.

An Act entitled an Act for the relief of Jacob C. Kore.

An Act entitled an Act to authorize Dennis B. Mooney to collect Tolls on a Ferry across Trinity River, in Trinity County, or to substitute a Toll Bridge for the same.

An Act entitled an Act supplementary to an Act to incorporate the city of Los Angeles.

An Act entitled an Act for the relief of Lyman Leslie.

An Act entitled an Act for the protection of Game.

JOHN BIGLER.

EXECUTIVE DEPARTMENT,
Sacramento City, May 1, 1852.

To the Assembly of the
State of California:

I have this day approved the following Acts, viz:

An Act entitled an Act to authorize the Board of Examiners to settle the accounts of Major William Rogers, for the first and second El Dorado Expeditions against the Indians.

An Act entitled an Act for the relief of Jesse D. Carr.

An Act to authorize the funding of the Debt of the County of El Dorado, and to provide for the payment of the same.

An Act entitled an Act to declare the Arroyo del Medo navigable.

JOHN BIGLER.

EXECUTIVE DEPARTMENT,
Sacramento City, April 30, 1852.

To the Assembly of the
State of California:

I have this day approved an Act entitled an Act to amend an Act concerning crimes and punishments, passed April 16, 1850.

Also, an Act entitled an Act to amend the twentieth section of an Act concerning Coroners, passed April 19, 1850.

JOHN BIGLER.

EXECUTIVE DEPARTMENT,
Sacramento City, May 1, 1852.

To the Assembly of the
State of California:

I have this day approved the following Acts, viz:

An Act entitled an Act to provide for the ordering of a special Election in the County of Trinity.

An Act entitled an Act regulating the duties of Harbor Master of the Port of San Francisco.

JOHN BIGLER.

The following message was received from the Senate:

Mr. Speaker:

I am directed to inform the Assembly that the Senate did, on yesterday, pass Assembly bill for an Act to legalize the acts of the Court of Sessions of Napa County.

Also, Assembly bill for an Act to amend the eighteenth section of an Act entitled an Act dividing the State into Counties and establishing the Seats of Justice therein.

Also, Assembly bill for an Act to amend an Act to provide for the establishment of a State Marine Hospital at San Francisco.

Also, Assembly bill for an Act to amend the one hundred and eighty-second section of an Act concerning Corporations.

Also, Assembly bill for an Act amendatory of an Act entitled an Act to create a State Hospital in the city of Sacramento.

Also, Assembly bill for an Act to amend an Act to provide a revenue for the State Marine Hospital at San Francisco.

Also, Assembly bill for an Act to amend the twenty-second section of an Act to create a State Hospital in the city of Stockton.

Also, Assembly bill for an Act to authorize the Trustees of the Stockton State Hospital to erect a building for the insane of the State, and to provide for their support.

And that the Senate concurred, yesterday, in Assembly amendment to Senate bill for an Act to authorize Wm. Moody and Morgan Hart to build a wharf in the County of Solano.

And also an Assembly amendment to a bill for an Act to prevent certain public nuisances.

And that the Senate refused to adopt Assembly substitute to Senate bill for an Act concerning escheated estates; and have appointed Messrs. Fry, Soule and Broderick as Committee of Conference.

And passed, yesterday, Assembly bill for an Act for the relief of emigrants travelling overland to California.

And appointed, as a Committee of Conference on the disagreeing vote of the two Houses upon Senate bill for an Act concerning Common Schools, Messrs. Estill, Walton and Hubbs.

And have appointed Messrs. Ralston, Broderick and Hubbs as a Committee of Conference on the disagreeing vote of the two Houses on Senate bill for an Act to create a Board of Supervisors for the counties of this State, and to define their duties and powers.

And that the Senate passed this day an Act concerning the place of holding the sessions of the Supreme Court.

A. C. BRADFORD,
Secretary of the Senate.

Mr. Colby made the following report:

Your Committee on Enrolled Bills have examined the Act to fund the indebtedness of the State which has accrued or may accrue from April 29, 1851, to December 31, 1852, inclusive, and to provide for the payment of the three per cent. Bonds, and report the same correctly enrolled.

Senate bill for an Act to prevent certain officers from dealing in certain securities of, or evidences of, debt.

Read a first and second time and passed.

Senate bill, an Act entitled an Act to provide for a Map of the State of California.

On its second reading.

Mr. Peachy moved to indefinitely postpone the bill; upon which motion, Messrs. Coffroth, Tucker and Wohler demanded the ayes and nays.

Those who voted in the affirmative were—

Messrs. Boggs,	Messrs. Orrick,
Canney,	Paxton,
Caldwell,	Peachy,
Chauncey,	Smith,
Crabb,	Stark,
Crittenden,	Stevenson,

Messrs. Dameron,
Hinchman,
Hudspeth,
Jones,
Merritt,
Messrs. Thompson,
Wall,
Wood,
Yeiser—21.

Those who voted in the negative were—

Messrs. Blanchard,
Brush,
Coffroth,
Colby,
Cook,
Fleming,
Gardiner,
Gibson,
Haraźthy,
Hopkins,
Ingersoll,
Kipp,
Law,
Lyons,
McConaha,
McKim,
McMeans,
McMullin,
Pearce,
Ridley,
Taliaferro,
Ten Broeck,
Tucker,
Wing,
Wohler,
Young,
Speaker—27.

The House refused to indefinitely postpone.

On motion, eight thousand dollars was stricken out, and three thousand inserted.

On motion of Mr. Coffroth, the House resolved itself into Committee of the Whole, Mr. Coffroth in the chair, to consider a bill for an Act to provide for a Map of the State of California. After spending some time in the consideration of the bill and making sundry amendments thereto,

On motion of Mr. Canney, the committee rose, reported the bill back as amended, and asked to be discharged.

The committee was discharged.

The bill was then read a third time.

Upon its passage, Messrs. Merritt, Wall and Canney demanded the ayes and nays.

Those who voted in the affirmative were—

Messrs. Blanchard,
Brush,
Coffroth,
Colby,
Fleming,
Fowler,
Gardiner,
Gibson,
Haraźthy,
Ingersoll,
Kipp,
Law,
Lyons,
McConaha,
McKim,
McMeans,
Pearce,
Ten Broeck,
Tucker,
Wall,
Wing,
Wohler,
Young,
Speaker—24.

Those who voted in the negative were—

Messrs. Boggs,	Messrs. Merritt,
Canney,	Orrick,
Caldwell,	Peachy,
Chauncey,	Ridley,
Cook,	Smith,
Crabb,	Stark,
Crittenden,	Stevenson,
Dameron,	Thompson,
Hinchman,	Wood,
Jones,	Yeiser—20.

So the bill passed.

Mr. Wall gave notice that on Monday next he would move to re-consider the vote just taken.

Mr. Wohler moved to re-consider the vote now.

Mr. Wall moved to lay the motion to re-consider upon the table.

Agreed to.

Mr. Merritt offered the following, which was adopted:

The Clerk of the House is instructed to report to the Senate immediately all bills as they pass this House unless notice be given that a motion to re-consider will be made on Monday or at some future time during this day.

Mr. Taliaferro made the following report:

The Committee on Corporations, to whom was referred the petition of the citizens of Sonoma, praying for a repeal of their city charter, beg leave to submit the following bill, repealing the said charter.

The bill was read a third time and passed.

Mr. Crittenden gave notice that on Monday next he would move a re-consideration of the vote of to-day by which the bill was passed, entitled an Act amendatory of an Act concerning the Courts of Justice of this State and Judicial Officers, passed March 11, 1851.

Senate bill, an Act to provide for the construction of Telegraph Lines within the State of California; on its second reading.

Mr. Tucker moved to strike out "fifteen years," and insert "eight."

Agreed to.

Mr. McMullin moved to re-consider the vote just taken, with a view to insert "twenty-five years."

Not agreed to.

Mr. Crittenden moved to indefinitely postpone the bill; upon which, Messrs. Law, Kipp and Canney demanded the ayes and nays.

Those who voted in the affirmative were—

Messrs. Blanchard,
Caldwell,
Chauncey,
Crittenden,
Hinchman,
Messrs. McMullin,
Merritt,
Orrick,
Wall—9.

Those who voted in the negative were—

Messrs. Boggs,
Brush,
Canney,
Crabb,
Dameron,
Fleming,
Fowler,
Gardiner,
Graham,
Haraźthy,
Hopkins,
Ingersoll,
Jones,
Kipp,
Law,
Lyons,
Messrs. McConaha,
McKim,
McMeans,
Peachy,
Ridley,
Smith,
Stark,
Taliaferro,
Ten Broeck,
Thompson,
Tucker,
Wing,
Wohler,
Wood,
Young,
Speaker—32.

The House refused to indefinitely postpone the bill.

Mr. Crittenden offered the following as an amendment:

First section, strike out words, "But lines shall not be constructed, nor offices established, so as to do business, directly or indirectly, between the cities aforesaid; but said lines may establish offices in said cities for the transmission of communications to and from the main line." Upon which, Messrs. Crittenden, Chauncey and Wall demanded the ayes and nays.

Those who voted in the affirmative were—

Messrs. Brush,
Chauncey,
Crittenden,
Haraźthy,
Hinchman,
Ingersoll,
McMullin,
Messrs. Merritt,
Orrick,
Peachy,
Wall,
Wing,
Yeiser,
Speaker—14.

Those who voted in the negative were—

Messrs. Blanchard,
Boggs,
Canney,
Caldwell,
Messrs. Lyons,
McConaha,
Ridley,
Smith,

Messrs. Coats,
Colby,
Crabb,
Fleming,
Gardiner,
Graham,
Hopkins,
Kipp,
Law,
Messrs. Stark,
Taliaferro,
Ten Broeck,
Thompson,
Tucker,
Turner,
Wohler,
Wood,
Young—26.

The amendment was not agreed to.

Mr. Crittenden moved to concur in the amendment made in Committee of the Whole, to strike out "two miles," and insert "twenty feet."

Not agreed to.

Mr. Crittenden moved to amend by a new section No. 6, "Nothing in this Act shall be construed to give any exclusive privileges."

Agreed to.

Mr. Crittenden offered the following additional section seven: "The rates of charge may be regulated, from time to time, by the Legislature."

Agreed to.

Mr. Ingersoll moved to strike out "two miles," and insert "half of a mile."

Agreed to.

Mr. Kipp moved to lay the bill on the table.

Not agreed to.

The bill was then put upon its final passage. Upon which, Messrs. McMullin, Kipp and Merritt demanded the ayes and nays.

Those who voted in the affirmative were—

Messrs. Boggs,
Canney,
Caldwell,
Chauncey,
Coats,
Coffroth,
Colby,
Crabb,
Dameron,
Fleming,
Gardiner,
Graham,
Haraz thy,
Hopkins,
Ingersoll,
Jones,
Messrs. Law,
Lyons,
McMeans,
Peachy,
Pearce,
Ridley,
Smith,
Stark,
Ten Broeck,
Thompson,
Turner,
Wing,
Wohler,
Wood,
Young,
Speaker—32.

Those who voted in the negative were—

Messrs. Blanchard,
Brush,
Crittenden,
Fowler,
Hinchman,
Kipp,
McMullin,
Merritt,
Orrick,
Stevenson,
Taliaferro,
Tucker,
Wall,
Yeiser—14.

So the bill passed.

Mr. Hammond gave notice that he would move, on Monday, to re-consider the vote which passed the telegraph bill.

Mr. Fowler moved to re-consider the vote which passed a bill for the relief of Mrs. Jane Woodland. Upon which motion, Messrs. Merritt, Fowler and Canney demanded the ayes and nays.

Those who voted in the affirmative were—

Messrs. Brush,
Canney,
Coats,
Colby,
Crittenden,
Fleming,
Fowler,
Gibson,
Haraźthy,
Ingersoll,
Jones,
Kipp,
Law,
Merritt,
Orrick,
Peachy,
Pearce,
Stevenson,
Ten Broeck,
Tucker,
Turner,
Speaker—22.

Those who voted in the negative were—

Messrs. Blanchard,
Boggs,
Caldwell,
Chauncey,
Coffroth,
Crabb,
Dameron,
Gardiner,
Graham,
Hopkins,
Lyons,
McConaha,
McMeans,
McMullin,
Ridley,
Smith,
Taliaferro,
Wall,
Wing,
Wohler,
Wood,
Yeiser,
Young—23.

The House refused to re-consider.

Mr. Coffroth made the following report:

Mr. Speaker:

The Committee of the Judiciary, to whom was referred "an Act to ratify and confirm an ordinance passed by the city of San Francisco on the eleventh day of June, 1851, authorizing Azro D. Merrifield and his assigns to introduce Water into the city of San Francisco," have the honor to report—

That they have considered the said bill, and deeming its provisions just and proper, under the circumstances of the case, recommend that it pass.

A. C. PEACHY, Chairman.

The bill was then read a third time.

Mr. Wohler moved to lay the bill on the table.

Not agreed to.

On motion of Mr. Graham, the House adjourned until 8 o'clock.

At 8 o'clock, P. M., the House met pursuant to adjournment, and on motion, Mr. Coffroth was called to the chair.

The following message was received from the Senate:

Mr. Speaker:

I am directed to inform the Assembly that the Senate have this day concurred in the Assembly amendments to Senate bill for "an Act concerning Jurors."

Also, that the Senate have concurred in the amendments made by the Assembly to the Senate bill for "an Act amendatory of an Act entitled an Act to regulate the settlement of the estates of deceased persons," passed May 1, 1851.

Also, that the Senate have passed Assembly bill for "an Act to fund the Debt of Yuba County, and provide for the payment thereof."

And that the Senate have passed the Senate bill No. 67, entitled "a bill for an Act to establish a system of Common Schools," with an amendment, striking out article first, from section one to section sixteen, inclusive; and that they refuse to concur in the Assembly amendments to said bill; and the bill is herewith transmitted to the Assembly.

A. C. BRADFORD,
Secretary of the Senate.

May 1, 1852.

The Assembly concurred in the first amendment made by the Senate to Senate bill, concerning Common Schools, and the disposition of the five hundred thousand acres of land, but insist upon their second amendment to the second article, which appoints the Governor, Superintendent of Public Instructions, and Surveyor General, as a Board of School Commissioners, and appointed Messrs. McMullin, Crabb, Merritt, Boggs and Ingersoll, as a Committee of Conference.

Mr. Yeiser introduced a bill for the relief of J. C. Smith.
Read a first and second time.

Mr. Hopkins made the following report:

The Committee on Engrossment have examined and found correctly engrossed an Act in relation to actions whenever the State is a party.

Mr. Chauncey reported, from same committee, an Act amendatory of an Act entitled an Act concerning the Courts of Justice of this State and Judicial Officers, passed March 11, 1851.

Also, an Act to be entitled an Act concerning the Printing of the Reports of the Supreme Court of the State of California.

Mr. Crittenden offered a substitute to the bill for the relief of J. C. Smith.

Not agreed to.

Objections were made to the passage of the bill under the rule.

The Speaker, Mr. Coffroth in the chair, decided the objections groundless.

Mr. Brush appealed from the decision of the Chair.

The Speaker then put the question—shall the decision be the judgment of the House?

The House sustained the decision.

The bill was then considered as engrossed and read a third time, and upon its passage Messrs. Fowler, Hopkins and Merritt demanded the ayes and nays.

Those who voted in the affirmative were—

Messrs.	Blanchard,	Messrs.	Gibson,
	Boggs,		Graham,
	Canney		Harazthy,
	Caldwell,		Hopkins,
	Chauncey,		Lyons,
	Coffroth,		McMullin,
	Cook,		Taliaferro,
	Crabb,		Wall,
	Dameron,		Wood,
	Fleming,		Yeiser,
	Gardiner,		Speaker—22.

Those who voted in the negative were—

Messrs.	Brush,	Messrs.	Kipp,
	Coats,		Merritt,
	Crittenden,		Smith,
	Cutler,		Turner,
	Fowler,		Wing,
	Hinchman,		Wohler,
	Jones,		Young—14.

So the bill passed.

r. Orrick made the following Report:

Your Joint Committee on Enrolled Bills have examined an Act entitled, an Act prescribing the time of payment of salaries of officers of State, passed 1st April, 1852, and find the same correctly enrolled.

Mr. Chauncey made the following Report:

The Committee on Engrossment have examined and found correctly engrossed, an Act for the relief of J. C. Smith.

Mr. Chauncey made the following Report:

The Committee on Engrossment report, that they have examined and found correctly engrossed the following bills: for

An Act to repeal the charter of the city of Sonoma.

An Act appropriating moneys to meet the contingent expenses of Government.

An Act for the relief of Mrs. Jane Woodland.

All of which is respectfully submitted.

An Act appropriating moneys to meet the contingent expenses of Government.

Also an Act to repeal the charter of the city of Sonoma.

Mr. McMullin, from Committee of Conference upon the disagreeing vote between the two Houses, on Senate bill to be entitled an Act to establish a system of Common Schools, reported that the committee had agreed that the Senate concur in Assembly amendment.

Report adopted.

An Act to establish a Water Line in the city of Benicia.

On its second reading, Mr. Crittenden moved to strike out the third section.

Agreed to.

Mr. Fowler moved to indefinitely postpone the bill.

Not agreed to.

The bill was then read a third time and passed.

Assembly bill, to ratify and confirm an Ordinance passed by the City of San Francisco, on the 11th day of June, 1851, authorizing Azro D. Merrifield, and his assigns to introduce water into the city of San Francisco.

On its third reading, Mr. Brush objected to the passage of the bill, under the Rule.

The Speaker, Mr. Coffroth in the chair, decided that it was in order to pass the bill to-day.

Mr. Brush appealed from the decision of the Chair.

The Speaker then put the question, shall the decision of the Chair be the judgment of the House.

Upon which, Messrs. Fowler, Canney and Brush demanded the ayes and nays.

Those who voted in the affirmative were—

Messrs. Blanchard,
Boggs,
Caldwell,
Cook,
Crittenden,
Dameron,
Gardiner,
Gibson,
Graham,
Harazthy,
Hinchman,
Hopkins,
Lyons,
McMullin,
Orrick,
Paxton,
Ridley,
Smith,
Taliaferro,
Wall,
Wood,
Yeiser,
Speaker—23.

Those who voted in the negative were—

Messrs. Brush,
Canney,
Chauncey,
Coats,
Cutler,
Fowler,
Kipp,
Law,
McConaha,
Merritt,
Stark,
Tucker,
Turner,
Wing,
Wohler,
Young—16.

The decision of the Chair was sustained.

The bill was then considered as engrossed and read a third time, and upon its passage Messrs. Fowler, Canney and Brush demanded the ayes and nays.

Those who voted in the affirmative were—

Messrs. Blanchard,
Boggs,
Brush,
Caldwell,
Chauncey,
Coats,
Colby,
Cook,
Crittenden,
Cutler,
Dameron,
Gardiner,
Gibson,
Harazthy,
Hinchman,
Ingersoll,
Jones,
Law,
Lyons,
McMullin,
Orrick,
Paxton,
Ridley,
Smith,
Taliaferro,
Wall,
Wing,
Wohler,
Wood,
Yeiser,
Young,
Speaker—32.

Those who voted in the negative were—

Messrs. Canney,
Fowler,
Mr. Merritt—3.

So the bill passed.

The following message was received from the Senate:

Mr. Speaker:

I am directed to inform the Assembly, that the Senate have appointed on their part, Messrs. Van Buren, Soule, Warner, Robinson and Hubbs on the disagreeing vote of the two Houses on the Bill for an Act for establishing a system of Common Schools.

Also, That the Senate have this day passed a bill for an Act concerning Licences.

Also, an Act to provide for the payment of State Prison Inspectors.

Also, an Act to repeal the third section of an Act concerning County Recorders, passed March 26, 1851, and to amend the 15th section of the same Act.

Also, an Act for the relief of Craycroft & Co., Delmas, Garnesset & Co., and others.

A. C. BRADFORD,
Secretary of Senate.

May 1st, 1852.

Senate bill, an Act concerning Licences.

Read a first and second time and referred to Committee of Ways and Means.

Senate bill, an Act to provide for the payment of State Prison Inspectors.

Read first and second time and referred to Committee on State Prisons.

The following message was received from the Senate:

Mr. Speaker:

I am directed to inform the Assembly that the Senate has this day passed an Act to provide for the Inspection of Flour.

A. C. BRADFORD,
Secretary of the Senate.

May 1st, 1852.

The bill was then read a first, second and third time.

Mr. Wall moved to commit the bill to a Special Committee, with instructions to strike out fourth section.

Not agreed to.

On the passage of the bill Messrs. Paxton, Fowler and Cutler demanded the ayes and nays.

Those who voted in the affirmative were—

Messrs. Boggs,
Brush,
Caldwell,
Chauncey,
Coats,
Coffroth,
Colby,
Crabb,
Dameron,
Fleming,
Fowler,
Gibson,
Graham,
Harazthy,
Ingersoll,
Kipp,
Law,
Lyons,
McConaha,
Merritt,
Ridley,
Smith,
Taliaferro,
Wall,
Wing,
Wohler,
Yeiser,
Young,
Speaker—29.

Those who voted in the negative were—

Messrs. Cannoy,
Cutler,
Hinchman,
Jones,
McMullin,
Orrick,
Paxton,
Wood—8.

So the bill passed.

The following message was received from the Senate:

Mr. Speaker:

I am directed by the Senate to inform the Assembly that the Senate has refused to concur in the substitute of the Assembly, to an Act concerning the salaries of officers and pay of members of the Legislature, and have appointed as a committee of conference, Messrs. Robinson, McKibben, Miller, Soule and Walton, and request that the Assembly will appoint a like committee.

A. C. BRADFORD,
Secretary of the Senate.

Messrs. Coffroth, Fowler, Crabb, Law and Harazthy were appointed a committee of conference as above.

Mr. Chauncey made the following Report:

The Committee on Engrossment report, that they have examined and found correctly Engrossed, a bill to be entitled an Act to ratify and confirm an Ordinance passed by the city of San Francisco, authorizing A. D. Merrifield to introduce water into said city.

All of which is respectfully submitted.

The following report was made by Mr. Orrick:

The Joint Committee on Enrollment have examined and found correctly enrolled, an Act to incorporate the town of Oakland, and to provide for the construction of wharves thereat.

Mr. Merritt introduced a bill for an Act for the relief of Messrs. Bailey, Corbet and others.

Read a first and second time.

Mr. Wohler made the following Report:

The undersigned from the San Francisco delegation, to whom was referred a bill for an Act to authorize the Common Council of San Francisco to make certain contracts, having had the same under consideration, ask leave to report the bill to the House and recommend its passage.

The bill on motion was laid upon the table.

Mr. Wall gave notice that he would move a re-consideration, on Monday next, of the vote which passed a bill in relation to the inspection of Flour.

On motion of Mr. Harazthy, the House resolved itself into Committee of the Whole, Mr. Merritt in the chair, to consider a bill for the protection of foreigners.

After spending a short time in its consideration the committee rose for want of a quorum.

Mr. Canney moved a call of the House.

The call was sustained.

The Clerk then called the Roll and the following members were absent: Messrs. Colby, Cook, Cutler, Gardiner, Graham, Hopkins, Hudspeth, McKim, McMeans, McMullin, Pearce, Smith, Stark, Stevenson, Ten Broeck, Thompson, Tucker, Turner, Wing and Wood.

On motion, the Sergeant-at-arms was dispatched for absent members.

Mr. Wohler moved to dispense with further proceedings under the call.

Not agreed to.

On motion of Mr. Fowler, further proceedings under the call were dispensed with.

On motion of Mr. Jones, at 12 o'clock at night the house adjourned until Monday next at 10 o'clock.

HOUSE OF ASSEMBLY.

MONDAY, May 3, 1852.

House met pursuant to adjournment.

The roll was called by the clerk and the following members were absent—Messrs. Coats, Coffroth, Crabb, Cutler, Ford, Gardiner, Gibson, Orrick and Thompson.

On motion, the reading of the Journal of Saturday was dipensed with, and the Journal approved.

The Speaker, pro tem., Mr. McMullin, announced the House ready to proceed to business.

Mr. Wall made the following report:

The Committee of Ways and Means, to whom was referred Senate bill, No. 83, for "an Act concerning Licenses," beg leave to report, that they have had the same under consideration, and have made sundry amendments thereto, and report the same back as amended, and recommend its passage.

Mr. Peachy made the following report:

The Judiciary Committee, to whom was referred "an Act to authorize the extension of Market Street Wharf in the City of San Francisco," have had the same under consideration, and recommend that the said bill shall pass.

The bill was read a first and second time, considered as engrossed, read a third time; and upon its final passage, Messrs. Wohler, Canney and Fowler demanded the ayes and nays.

Those who voted in the affirmative were—

Messrs. Blanchard,
Boggs,
Brush,
Caldwell,
Chauncey,
Coats,
Coffroth,
Colby,
Cook,
Crittenden,
Graham,
Hinchman,
Hopkins,
Ingersoll,
Jones,
Law,
McMeans,
Orrick,
Paxton,
Peachy,
Stark,
Stevenson,
Taliaferro,
Thompson,
Wohler,
Wood,
Yoiser,
Young,
Speaker—29

Those who voted in the negative were—

Messrs. Fowler, Kipp, Lyons, Pearce, Ten Broeck, Tucker, Turner—7.

So the bill passed.

Mr. Wood moved to re-consider the vote just taken.
Not agreed to.

Mr. Crittenden made the following report:

The undersigned, one of the members of the Committee on the Judiciary, to which was referred "an Act for the relief of Insolvent Debtors and Protection of Creditors," reports the bill back to the Assembly, and asks that the committee be discharged from its further consideration.

Mr. Colby made the following report:

Your Committee on Enrolled Bills, have examined and found correctly enrolled, "an Act concerning Jurors;"
"An Act to prevent Public Nuisances;"
"An Act to grant the right of way to the United States for Railroad purposes;"
"An Act to authorize Wm. Moody and Morgan Hart to build a wharf in the County of Solano;"
Also "an Act concerning passengers in the Ports of the State of California."

Mr. Smith made the following report:

The Committee on Claims, to whom was referred Senate bill 172, for the relief Benjamin Chapman, would recommend its passage. They have also had under consideration the claim of Cronin & Markley, and recommend its passage.

Mr. Boggs offered the following resolution, which was adopted:

Resolved, That the Secretary of State be directed to make out immediately after the adjournment of the present session of the Legislature, a complete list of the titles of all the Acts passed at the present session, and approved by the Governor; and that the Secretary of State cause the said list to be published in some Newspaper in the City of Sacramento.

Mr. Merritt offered the following resolution, which was adopted:

Resolved, That no private or local bills shall be taken up until all bills of a general nature have been acted upon.

Mr. Fowler offered the following resolution, which was adopted:

Resolved, The thanks of the Assembly be tendered to the Hon. Richard P. Hammond, for the very able, impartial and gentlemanly manner in which he has exercised the duties of Speaker during its present session.

Mr. Kipp offered a Concurrent Resolution, appointing Trustees to the Sacramento State Hospital, which was adopted.

Mr. Fowler offered as a substitute, the names of Messrs. John A. Read, B. F. Washington, Mr. Forman and Dr. Johnson Price.

Not agreed to.

Mr. Ingersoll made the following report:

Mr. Speaker:

The undersigned, Special Committee, to whom was referred the bill for the suppression of Gambling, have had the same under consideration, and beg leave to report as follows:—

That Gambling is an evil, ruinous in its effects, tending much to destroy the peace and harmony of Society, and entirely opposed to the welfare and growth of our county, no one doubts—that many have been ruined, all will admit. That the innocent and unsuspecting are drawn in by those who make gaming their business, who study all its parts and reduce it to a science, for the purpose of deceiving and swindling, we are forced to believe.

Citizens of California have as yet been able to stand all of this; because those who suffered in this way knew where to go to recuperate their lost fortunes, and, as yet, only kept the miner and laborer poor, if you except crimes and a long train of evils. But the time has come, when these effects are more extensively felt, even to the rending asunder the ties of families and friends, prostrating to a great extent the energies of our citizens, crippling enterprise and improvements, and diverting talent and money in a wrong course.

Families are beginning to migrate hither, and society is forming and none who respect their families, or care for the future good of their children, can look upon this vice as it has been practiced for the last two years or more with indifference.

This is the only State in this Union that gambling is licensed, and California is said to be a fast place, and so she is; but she has not kept pace in this respect with other improvements, though she has ran far ahead of other States in other things.

It is true, that to suppress this vice, would have a temporary effect on rents in towns and cities. But does it encourage commerce, manufactures or science; and in short, does it advance the growth and importance of our country? Does it not rather retard the growth and development of our State? We hold that this question is easily answered. Why should outside influences be brought to bear, to defeat this bill and encourage gambling? Merely because private interest is permitted to take the the place of public good;—merely because no interest is permitted to extend outside of an enchanting city, or inebriated saloons with all its rapturous strains to draw in and rivet the mind, or drown the senses of all who may chance to pass that way.

This splendid system of swindling, with all its influences, seems to be

disturbed by this question, hence the exertion which is made by outside influences, especially in this city. Sophistry, in the shape of argument, brought to bear directly on the minds of individuals to postpone this question, and would make us believe, that the time has not yet arrived to put this vice down, but we must endure it until the morals of our community makes it unpopular, and then we can step in with law. But in answer to this, we would say, that if we depend on morals to put down vice, that no act of the Legislature is necessary.

If morals alone are sufficient to restrain and put down vice, there is no necessity of passing laws against counterfeiting, horse-stealing, or incendiaries. No one would decide that legislation is not necessary for the suppression of those offences; yet these offences do not more impede the growth of our country, or the advancement of morals than does gambling.

The Legislature should sustain morality in all her acts, and give tone to society, and not leave what is usually termed the rabble to moralize the legislature.

All of which we beg leave respectfully to submit, and report the bill back without amendments, and recommend its passage.

T. J. INGERSOLL.

The bill with the amendments proposed,
On motion of Mr. Graham, laid upon the table.

Mr. Yeiser offered the following resolution, which was adopted:

Resolved, That the Clerk and Assistant Clerk be allowed ten days after the adjournment of the Legislature in arranging the Journal and other business of their department, and that they be allowed their per diem pay while so engaged.

Mr. Yeiser offered the following resolution, which was also adopted:

Resolved, That the Recording Clerk be allowed such time, after the adjournment of the Legislature, as may be necessary to complete the Recording of the Journal, provided said term shall not exceed one month. The work to be done under the direction of the Secretary of State, said clerk to be allowed his per diem pay while so engaged.

Mr. Gardiner offered the following resolution, which was adopted:

Resolved, That the Chief and Assistant Clerks, Enrolling, Engrossing, Committee, Recording, Reading and Copying Clerk, each, be allowed two dollars per diem in addition to the amount already allowed by resolution of this House.

Mr. McCoñaha moved to add the Pages.
Not agreed to.
Mr. Wohler moved to increase the pay of the porters two dollars per diem.
Not agreed to.

Mr. Orrick made the following Report from Enrolling Committee:

Mr. Speaker:

Your Committee on Enrolled Bills, have examined an "Act defining the duties of the Clerk of the Superior Court of the City of San Francisco;"

"An Act authorizing the Governor of the State of California to procure a block of California marble to be forwarded to the Washington Monument Society;"

"An Act to regulate the settlement of the Estates of Deceased Persons;"

"An Act to create a Board of Supervisors for the County of San Diego, and to define their duties;"

"An Act to fund the debt of the County of Calaveras and provide for the payment thereof; and find the same correctly enrolled;"

"An Act entitled an Act to provide for the disposal of the 500,000 acres of land granted to this State by Act of Congress;"

Also an Act to create a Board of Supervisors for the Counties of this State, and to define their duties and powers;"

"An Act to amend the twenty-fourth and twenty-seventh sections of "an Act dividing the State into Counties, and establishing the seats of justice therein;" also,

"An Act to amend the twenty-second section of "an Act to create a State Hospital in the City of Stockton;" also,

"An Act to authorize the Trustees of Stockton State Hospital to erect a building for the insane of the State and to provide for their support;" also,

"An Act to amend the one hundred and eighty-second section of "an Act concerning Corporations;" also,

"An Act to amend the eighteenth section of an Act entitled an Act dividing the State into Counties and establishing the seats of justice therein;" also,

"An Act amendatory of the twentieth section of an Act dividing the State into Counties and establishing the seats of justice therein;" also,

"Concurrent Resolution for the relief of Thomas L. Smith;" also,

"An Act for the relief of the Immigrants travelling overland to California;" also,

"An Act to amend an Act to provide a revenue for the State Marine Hospital at San Francisco;" also,

"An Act to amend an Act to provide for the establishment of a State Marine Hospital at San Francisco;" also,

"An Act to legalize the Acts of the Court of Sessions of Napa County;" also,

"An Act amendatory of an Act entitled an Act to create a State Hospital in the City of Sacramento;" also,

"An Act to fund the debt of the County of Yuba and provide for the payment thereof;" also,

"An Act for the relief of John Craycroft & Co.; Delmas, Garneset & Co.; Van Reed, Tolman & McDuffy;" also,

"An Act to repeal the third section of an Act concerning County Recorders, and to amend the fifteenth section of said Act."

Mr. Crittenden offered the following resolution, which was adopted:

Resolved, That no member shall be permitted to speak more than three minutes at one time, nor more than twice on any question before the Assembly.

Mr. Boggs offered the following resolution, which was not adopted:

Resolved, That the Governor be requested to cause the following Acts, passed at the present session, to be printed in some Newspaper in Sacramento City, and forward five copies to each County Clerk in this State, to wit: The "Act to provide for the sale of the 500,000 acres of land." The "Act for the establishment of a Board of Supervisors in the several Counties as therein mentioned; and the "Act for taking the Census of the Inhabitants of this State."

Mr. Wohler moved to re-consider the vote of yesterday, which indefinitely postponed a bill to provide for a map of the State of California.

Vote re-considered.

Mr. Canney moved to indefinitely postpone the bill.

Not agreed to.

Mr. Wohler moved to re-commit the bill to a Select Committee of one, with instructions to amend the bill.

Agreed to.

Mr. Wohler was appointed the committee.

The following message was received from the Governor:

I have this day approved "an Act entitled an Act to provide for the disposal of the 500,000 acres of land granted to this State by act of Congress.

JOHN BIGLER.

The following message was received from the Senate:

Mr. Speaker:

I am directed to inform the Assembly, that the Senate did, on the 30th April, pass bill for "an Act for the relief of L. Hasleton, N. A. Holley & Co., and Lawrence McMahon;"

Also that the Senate did, on the 1st instant, pass Senate bill for "an Act to amend the Act entitled an Act to regulate proceedings in Civil Cases in the Courts of Justice of this State," passed April 29, 1851; also

"An Act concerning the office of Port Warden and defining the duties thereof;"

"An Act to declare San Antonio Creek navigable;"

"An Act explanatory of the third section of an Act to incorporate the Town of Oakland, and to provide for the construction of wharves thereat;" also,

That they on the same day passed Assembly bill for "an Act to fund the county debt of San Francisco County," with amendments as therein shown; also,

Assembly bill for "an Act authorizing the Treasurer of State to issue bonds for the payment of the expenses of the Mariposa, second El Dorado, Utah, Los Angeles, Clear Lake, Klamath and Trinity, and Monterey Expeditions against the Indians," with amendments as therein shown.

A. C. BRADFORD,
Secretary of the Senate.

May 3d, 1852.

Senate bill, "an Act for the relief of L. Hasleton, N. A. Holley & Co., and Lawrence McMahon.

The House resolved itself into Committee of the Whole upon the above bill, Mr. McMullin in the chair; after spending a short time in its consideration,

On motion of Mr. Wohler, the committee rose, reported the bill back without amendment, and asked to be discharged from its further consideration.

The committee was discharged.

The bill was read a third time and passed.

Senate bill for an Act concerning the office of Port Warden and defining the duties thereof.

Read a first and second time, and referred to Committee on Commerce.

Senate bill, an Act to declare San Antonio Creek navigable.

Read a first, second and third time and passed.

Senate bill explanatory of the second section of an Act Incorporating the City of Oakland.

Read a first and second time.

Mr. Coffroth moved to amend by striking out thirty, and insert fifteen.

Mr. McMullin moved to strike out thirty, and insert ten feet, which motion was accepted by Mr. Coffroth; the motion of Mr. Coffroth as amended by Mr. McMullin was agreed to.

Mr. Fowler moved to lay the bill, as amended, on the table.

Not agreed to.

Mr. McMullin moved to indefinitely postpone the bill.

Agreed to.

Assembly bill to be entitled an Act authorizing the Treasurer of State to issue bonds for the payment of the expenses of the Mariposa, second El Dorado, Utah, Los Angeles, Clear Lake, Klamath, Trinity and Monterey Expeditions; amended in the Senate, concurred in by the House generally, except to the San Diego Expedition.

Mr. Coffroth moved to non-concur in the amendments made in the Senate to Assembly bill to fund the floating debt of San Francisco.

Agreed to.

And on his motion a Committee of Conference was appointed, Messrs. Coffroth, Wohler, Chauncey and Paxton were the committee.

Mr. Crabb offered a Concurrent Resolution, which was adopted, appointing Messrs. John A. Root, D. S. Terry and J. S. Freeborne, Trustees to the Stockton State Hospital for one year.

Mr. Chauncey made the following report:

The Committee on Engrossment have examined, and found correctly engrossed, an Act to authorize the extension of Market Street Wharf in the City of San Francisco;

Also Concurrent Resolution to elect Trustees of Sacramento State Hospital.

Mr. Wohler introduced a bill, an Act regulating Clerks fees in Criminal Cases. Read a first time.

Mr. Canney moved to reject the bill; upon which Messrs. Canney, McMeans and Wohler demanded the ayes and nays:

Those who voted in the affirmative were—

Messrs. Blanchard,	Messrs. Jones,
Canney,	Lyons,
Caldwell,	McMeans,
Chauncey,	McMullin,
Coats,	Merritt,
Coffroth,	Orrick,
Colby,	Paxton,
Cook,	Ridley,
Crabb,	Smith,
Dameron,	Ten Broeck,
Fowler,	Turner,
Gardiner,	Wing—25.
Graham,	

Those who voted in the negative were—

Messrs. Boggs,	Messrs. Peachy,
Brush,	Stevenson,
Crittenden,	Thompson,
Fleming,	Tucker,
Hinchman,	Wohler,
Ingersoll,	Young,
Kipp,	Speaker—14.

So the bill was rejected.

Mr. Crabb offered the following resolution, which was adopted.

Resolved, That the Sergeant-at-Arms is allowed the usual fees of office to be paid by the State.

Senate bill, No. 4, an Act to amend the Act entitled an Act to regulate proceedings in Civil Cases in the Courts of Justice of this State, passed April 25th, 1851.

Mr. Crittenden offered sundry amendments to the bill, which were adopted.

The bill was then read a third time and passed.

Senate bill an Act entitled an Act to provide for a Map of the State of California.

Read a third time and passed.

Mr. Law moved to re-consider the vote of yesterday, which passed the bill to create Flour Inspectors.

Mr. Ten Broeck moved to indefinitely postpone the motion for re-consideration.

Mr. Kipp demanded the previous question.

The Speaker then put the question, "Shall the main question be now put?"

The House decided in the affirmative.

The question of re-consideration was then put; upon which Messrs. Fowler, Wall and McMullin demanded the ayes and nays:

Those who voted in the affirmative were—

Messrs.	Blanchard,	Messrs.	Lyons,
	Boggs,		McKim,
	Canney,		Merritt,
	Chauncey,		Pearce,
	Coats,		Ridley,
	Colby,		Smith,
	Dameron,		Ten Broeck,
	Fleming,		Thompson,
	Gardiner,		Tucker,
	Graham,		Wing,
	Ingersoll,		Wohler,
	Kipp,		Yeiser,
	Law,		Young—26.

Those who voted in the negative were—

Messrs.	Caldwell,	Messrs.	McMeans,
	Coffroth,		McMullin,
	Cook,		Orrick,
	Crabb,		Paxton,
	Crittenden,		Peachy,
	Fowler,		Stevenson,
	Hinchman,		Turner,
	Hopkins,		Wall,
	Jones,		Wood,
	McConaha,		Speaker—20.

So the motion to re-consider was indefinitely postponed.

Mr. Dameron introduced a bill providing for the inspection of Pork, Beef and Lumber. Read a first time.

Mr. McMullin moved to reject the bill; upon which motion, Messrs. Canney, McKim and Law demanded the ayes and nays:

Those who voted in the affirmative were—

Messrs. Boggs,
Caldwell,
Colby,
Cook,
Crabb,
Crittenden,
Fowler,
Gardiner,
Haraz thy,
Hinchman,
Hopkins,
Ingersoll,
Jones,
Law,
McMullin,
Merritt,
Orrick,
Peachy,
Ridley,
Smith,
Stevenson,
Thompson,
Wall,
Wood,
Speaker—25.

Those who voted in the negative were—

Messrs. Blanchard,
Canney,
Coats,
Dameron,
Fleming,
Graham,
Kipp,
Lyons,
McConaha,
McKim,
McMeans,
Paxton,
Pearce,
Ten Broeck,
Wing,
Wohler,
Yeiser,
Young—18.

So the bill was rejected.

Mr. Gardiner introduced a bill supplemental to an Act entitled an Act dividing the State into Counties, and establishing the seats of justice therein.

Read a first and second time, considered as engrossed, read a third time and passed.

Mr. Gardiner introduced the following: also an Act to provide for the organization of Pah Utah County.

Read a first and second time, and

On motion of Mr. Fowler, laid upon the table.

Mr. Wall introduced a bill, an Act for the repeal of certain Acts.

Read a first and second time, and referred to Committee of Ways and Means, with instructions to report in half hour.

Mr. Crabb moved to re-consider the vote, which passed a Concurrent Resolution, appointing Trustees to the State Hospital, at Stockton, with a view to call the ayes and nays as required by the constitution.

Vote re-considered.

Messrs. Crabb, McMullin and Canney demanded the ayes and nays upon the passage of the resolution:

Those who voted in the affirmative were—

Messrs. Blanchard,
Boggs,
Brush,
Canney,
Caldwell,
Chauncey,
Coats,
Coffroth,
Colby,
Cook,
Crabb,
Crittenden,
Dameron,
Graham,
Harazthy,
Hinchman,
Lyons,
McMullin,
Merritt,
Orrick,
Paxton,
Peachy,
Pearce,
Ridley,
Smith,
Stark,
Ten Broeck,
Wall,
Wing,
Wood,
Yeiser,
Young—32.

Nays—none.

Mr. Wing introduced a bill, an Act to authorize the Governor to appoint an agent for the proper adjustment of claims against the General Government on account of moneys expended in the suppression of Indian hostilities in this State.

On motion of Mr. Crabb, the bill was rejected on second reading.

The following message was received from the Senate:

Mr. Speaker:

I am directed to inform the Assembly, that the Senate, this day, refused to concur in Assembly amendments to Senate bill for "an Act to provide for the construction of Telegraph Lines in the State of California;" and have appointed Messrs. Estill, Cook and Walton, a Committee of Conference on the disagreeing vote, and ask a similar committee on the part of the Assembly;

Also that the Senate, this day, indefinitely postponed Assembly bill for "an Act to repeal the Charter of the City of Sonoma:"

Also that the Senate, this day, refused to recede from their amendments to Assembly bill for "an Act to fund the county debt of San Francisco County;" and have appointed Messrs. Broderick, Van Buren, Estill and Soule, a Committee of Conference on the disagreeing votes of the two Houses;

Also that the Senate, this day, passed Senate bill for "an Act to authorize the Mayor and Common Council of the City of Sacramento to contract for supplying the city with Water," and respectfully ask the concurrence of the Assembly in the same;

Also that the Senate, this day, passed Assembly bill for "an Act to ratify and confirm an ordinance passed by the City of San Francisco, authorizing A. D. Merrifield to introduce water into said city."

A. C. BRADFORD,
Secretary of the Senate.

Messrs. Crittenden, Law, Merritt, Lyons and Wood were appointed, on the part of the Assembly, a Committee of Conference upon the disagreeing vote in reference to Telegraph bill.

On motion, Mr. Peachy was added to the Committee of Conference to fund the debt of San Francisco.

Senate bill, an Act to authorize the Mayor and Common Council of the City of Sacramento to contract for supplying the city with Water.

Read a first and second time.

An Act for the repeal of an Act appropriating money out of the general fund to defray the expenses of the Government of the State of California, amended, read a third time and passed.

On motion of Mr. Merritt, the House resolved itself into Committee of the Whole, Mr. Fowler in the chair, to consider a bill in reference to Foreign Miners' Tax; after spending some time in its consideration and making sundry amendments thereto,

On motion of Mr. Harazthy, the committee reported the bill back as amended, and asked to be discharged from its further consideration.

The committee was discharged.

First, second and fourth amendments made in committee, concurred in by the House.

Third, fifth, sixth and seventh made in committee.

Not concurred in.

Eighth amendment; upon its adoption Messrs. Thompson, Paxton and Merritt demanded the ayes and nays:

Those who voted in the affirmative were—

Messrs. Blanchard,	Messrs. Lyons,
Boggs,	McMeans,
Brush,	McMullin,
Chauncey,	Merritt,
Coats,	Orrick,
Colby,	Paxton,
Cook,	Peachy,
Crittenden,	Smith,
Dameron,	Stark,
Fleming,	Taliaferro,
Fowler,	Ten Broeck,
Gardiner,	Thompson,
Graham,	Tucker,
Hinchman,	Wing,
Hudspeth,	Wood,
Ingersoll,	Yeiser,
Jones,	Young,
Kipp,	Speaker—37.
Law,	

Those who voted in the negative were —

Messrs. Caldwell,	Messrs. Ridley,
Crabb,	Stevenson,
Haraxthy,	Wall,
McKim,	Wohler—8.

So the eighth amendment was agreed to.

Mr. Hammond moved to fill the blank with one month.

Agreed to.

Mr. Fleming offered the following amendment, which was not agreed to.

"Any foreigner who shall be entitled to, and shall receive, a mining license, under the provisions of this act, shall renew the same within ten days after the expiration of the term, or failing to do so, shall be liable upon conviction to pay a fine of ten dollars for each omission."

Mr. Crabb moved to amend by a new section to provide that the bill shall take effect from and after the first day of July.

Not agreed to.

Mr. Haraxthy moved to amend by providing that foreigners who have legally declared their intention of becoming citizens of the United States, should not be required to pay a tax; upon which Messrs. Haraxthy, Canney and Wohler demanded the ayes and nays:

Those who voted in the affirmative were—

Messrs. Coats,	Messrs. Ridley,
Cutler,	Turner,
Haraxthy,	Wohler—6.

Those who voted in the negative were—

Messrs. Blanchard,	Messrs. Law,
Boggs,	Lyons,
Brush,	McKim,
Canney,	McMeans,
Caldwell,	McMullin,
Chauncey,	Peachy,
Colby,	Smith,
Crabb,	Stark,
Crittenden,	Stevenson,
Dameron,	Taliaferro,
Fleming,	Ten Broeck,
Fowler,	Thompson,
Gardiner,	Wall,
Graham,	Wing,
Hinchman,	Yeiser,
Hudspeth,	Young,
Ingersoll,	Speaker—35.
Jones,	

The House refused to adopt the amendment.

Mr. Fowler moved to amend, by inserting, the bill to be of force and effect from and after the first day of June.

Agreed to.

The bill was then read a third time, and upon its final passage, Messrs. Wohler, Haraźthy and McKim demanded the ayes and nays:

Those who voted in the affirmative were—

Messrs. Blanchard,	Messrs. Kipp,
Boggs,	Law,
Brush,	Lyons,
Canney	McKim,
Caldwell,	McMeans,
Chauncey,	McMullin,
Coats,	Paxton,
Colby,	Ridley,
Cook,	Smith,
Crabb,	Stark,
Crittenden,	Stevenson,
Cutler,	Taliaferro,
Dameron,	Ten Broeck,
Fleming,	Thompson,
Fowler,	Tucker,
Gardiner,	Wall,
Hinchman,	Wing,
Hudspeth,	Wood,
Ingersoll,	Young,
Jones,	Speaker—40.

Those who voted in the negative were—

Messrs. Haraźthy,	Messrs. Turner,
Peachy,	Wohler—4.

So the bill passed.

Mr. Orrick made the following report:

Your Joint Committee on Enrolled Bills have examined, and found correctly enrolled, "an Act to declare San Antonio Creek navigable."

Also "an Act for the relief of L. Hasleton, N. A. Holley & Co., and Lawrence McMahon.

Mr. Colby made the following report from Committee on Enrolled Bills:

The Joint Committee on Enrollment have examined, and found correctly enrolled, an Act to ratify and confirm an ordinance passed by the City of San Francisco, on the 11th day of June, 1851, authorizing Azro D. Merrifield and his assigns to introduce water into the City of San Francisco

An Act for the relief of Insolvent Debtors.

An Act to authorize the Treasurer of State to make Special Deposits.

An Act appropriating moneys to meet the Contingent Expenses of Government.

An Act concerning the collection of certain taxes from vessels trading within the waters of the State of California, and in relation to suits therefor.

Senate bill, No. 118, for an Act amendatory of an Act entitled an Act concerning Corporations, passed April 22, 1850.

Senate bill, No. 177, an Act concerning the place of holding the Sessions of the Supreme Court.

Senate bill, No. 45, an Act for the relief of Insolvent Debtors and Protection of Creditors.

An Act amendatory of an Act entitled an Act authorizing the Treasurer of State to issue bonds for the payment of the expenses of the Mariposa, second El Dorado, Utah, Los Angeles, Clear Lake, Klamath, and Trinity Expeditions against the Indians, passed May 3d, 1852.

Also an Act entitled an Act to provide for a map of the State of California.

Mr. Chauncey made the following report:

The Committee on Engrossed Bills have examined, and found correctly engrossed, a bill entitled an Act supplemental to an Act dividing the State into Counties, and establishing the seats of justice therein.

Mr. Colby made the following report:

Your Committee on Enrolled Bills, have examined an Act for the inspection of Flour, and find it correctly enrolled.

Mr. Wall made the following report:

The Committee of Ways and Means, to whom was referred an Act for the repeal of an Act appropriating money out of the general fund to defray the expenses of the Government of the State of California, beg leave to report that they have had the same under consideration, and report it back without amendment, and recommend its passage.

The bill was read a third time and passed.

Mr. Wall introduced a bill to repeal an Act which required the Treasurer to retain certain monies.

Read a first and second time, considered engrossed, read a third time and passed.

Mr. Law made the following majority report from Committee of Conference upon the disagreeing vote upon the Telegraph Bill:

The Committee on Conference, to whom was referred the bill establishing Telegraph Lines, recommend

1st. Agree in House amendment, to strike out one mile, and insert half mile.

2d. Disagree to House amendment, which strikes out fifteen, and inserts eight.

3d. Strike out section six, as inserted by Assembly.

4th. Report following section as section No. 6.

Section No. 6: Nothing in this Act shall be so construed as to prevent the erection of a Telegraphic Line, between the Atlantic and Pacific.

Your committee recommend the concurrence in above report.

J. S. LAW,
R. N. WOOD,
W. H. LYONS,
J. M. ESTILL,
JOHN WALTON.
M. E. COOK.

Mr. Crittenden made the following minority report upon the same subject.

Mr. Speaker:

The undersigned, members of the Committee of Conference appointed by the Assembly, to confer with a corresponding committee on the part of the Senate, in relation to the disagreeing votes of the two Houses on the Telegraph bill, report:

That they recommend a concurrence in the report of the committee with this further amendment, viz:

In the first section strike out the words—"but lines shall not be constructed, nor offices established so as to do business directly or indirectly between the cities aforesaid, but side lines may establish offices in said cities for the transmission of communications to and from the main line."

N. P. CRITTENDEN.
SAM'L. A. MERRITT.

Mr. Boggs moved to lay the reports upon the table.

Not agreed to.

Mr. McConaha moved the adoption of the majority report; upon which Messrs. Boggs, Crittenden and Law demanded the ayes and nays:

Those who voted in the affirmative were—

Messrs. Brush,
Coats,
Colby,
Dameron,
Fleming,
Hopkins,
Hudspeth,
Kipp,
Law,
Lyons,
Orrick,
Paxton,
Ridley,
Smith,
Stark,
Taliaferro,
Ten Broeck,
Wing,
Wohler,
Wood,
Young—21.

Those who voted in the negative were—

Messrs. Blanchard,
Boggs,
Canney,
Caldwell,
Chauncey,
Crabb,
Crittenden,
Gardiner,
Haraz thy,
Ingersoll,
Jones,
McKim,
McMullin,
Peachy,
Stevenson,
Thompson,
Tucker,
Wall,
Speaker—19.

Majority report was adopted.

Mr. Law moved to re-consider the vote just taken.

Mr. Ten Broeck moved to indefinitely postpone the motion to re-consider; upon which motion, Messrs. Wall Blanchard and Canney demanded the ayes and nays:

Those who voted in the affirmative were—

Messrs. Brush,
Canney,
Chauncey,
Coats,
Colby,
Dameron,
Fleming,
Graham,
Haraz thy,
Hopkins,
Jones,
Kipp,
Law,
Lyons,
Orrick,
Paxton,
Ridley,
Smith,
Stark,
Stevenson,
Taliaferro,
Ten Broeck,
Thompson,
Tucker,
Wall,
Wing,
Wohler,
Wood,
Young—29.

Those who voted in the negative were—

Messrs. Blanchard,
Boggs,
Caldwell,
Crabb,
Crittenden,
Gardiner,
Hinchman,
Hudspeth,
Ingersoll,
McMullin,
Peachy,
Yeiser,
Speaker—13.

So the motion was indefinitely postponed.

Mr. Merritt made the following report:

The Committee on Claims, to whom was referred the petition of John H. Harper, praying to be remunerated for injuries received in the Squatter War of August 1850, beg leave to report the same back to the House, and recommend that the prayer of the petitioner be not granted.

Mr. Merritt made a further report:

The Committee on Claims, to whom was referred Senate bill, an Act for the relief of Nathan Coombs; your committee have had the same under consideration, and recommend its passage.

Bill read a third time and passed.

Mr. Smith made the following report:

The Committee on Claims, to whom was referred the claims of B. F. Ankeny and others, for services and supplies furnished in the first El Dorado Expedition, report the same back to the House, with a recommendation that the accompanying bill do pass.

Bill, on motion, laid upon the table.

Mr. Graham made the following report:

The Committee on State Prisons, to whom was referred an Act to provide for State Prison Inspectors, have examined the same, and find that by the bill providing for the erection of a State Prison, important duties are assigned them, and in the performance of which, considerable expense must necessarily be incurred; your committee therefore recommend the passage of the bill.

On motion of Mr. Fowler, the House resolved itself into Committee of the Whole, Mr. Fowler in the chair, to consider the bill to provide for pay to State Prison Inspectors; after spending a short time in its consideration,

On motion of Mr. Graham, the committee rose, reported the bill back without amendment, and asked to be discharged.

Committee was discharged.

The bill was then read a third time and passed.

Mr. McConaha made the following report:

The Committee on Commerce, to whom was referred Senate bill concerning the office of Port Wardens, and defining the duties thereof, have considered the same, and are fully of the opinion, that the present law respecting that grade of office is entirely sufficient, and that the contemplated law is wholly useless and unnecessary, we report back the same, and recommend that it be indefinitely postponed.

Mr. Wohler made the following report upon the same subject:

The undersigned, from the Committee on Commerce, to whom was referred Senate bill for an Act concerning the office of Port Wardens, and

defining the duties thereof, having had the same under consideration, report it to the House, and recommend its passage.

Mr. Lyons moved to adopt the minority report.
Not agreed to.
Mr. Lyons moved to lay the report of the majority on the table.
Agreed to.

Mr. Chauncey made the following report:

"The Committee on Engrossed Bills, report that they have examined and found correctly engrossed, the following bills:
An Act repealing an Act requiring the Treasurer to retain certain moneys, passed January 27, 1852;
Also an Act to repeal an Act appropriating money out of the general fund for the current expenses of the Government of State.

The following messages were received from the Governor:

EXECUTIVE DEPARTMENT,
Sacramento City, May 3, 1852.

To the Assembly of the
State of California:

I have this day approved the following acts, viz:
An act entitled "an Act to ratify and confirm an ordinance passed by the City of San Francisco on the 11th day of June, 1851, authorizing Azro D. Merrifield and his assigns, to introduce water into the City of San Francisco."
An Act entitled "an Act to amend the eighteenth section of an Act entitled an Act dividing the State into counties, and establishing the seats of justice therein," passed April 25th, 1851.

JOHN BIGLER.

EXECUTIVE DEPARTMENT,
Sacramento City, May 3, 1852.

To the Assembly of the
State of California:

I have this day approved the following Acts and Joint Resolutions, viz:
An Act entitled "an Act for the relief of John Craycroft & Co., Delmas, Garneset & Co., Van Reed, Tolman & McDuffy."
An Act entitled "an Act to legalize the acts of the Court of Sessions of Napa County."
An Act entitled "an Act to amend the one hundred and eighty-second section of an Act concerning Corporations," passed April 22d, 1850.

"Resolution for the relief of Thomas L. Smith."

An Act entitled "an Act to fund the debt of the County of Yuba, and provide for the payment thereof."

An Act entitled "an Act for the relief of Immigrants travelling overland to California."

An Act entitled "an Act amendatory of the twentieth section of an Act dividing the State into Counties, and establishing the seats of justice therein," passed April 25, 1851.

An Act entitled an Act to repeal the third section of an Act concerning County Recorders, passed March 26th, 1851, and to amend the 15th section of said Act."

JOHN BIGLER.

The following message was received from the Senate:

Mr. Speaker:

I am directed to inform the Assembly that the Senate this day refused to concur in Assembly Concurrent Resolution to elect Trustees of Sacramento State Hospital, and have appointed Messrs. Keene, Snyder and Soule a Committee of Conference on the part of the Senate.

Also, that the Senate this day refused to concur in Assembly amendments to Senate bill for an Act to amend the Act entitled an Act to regulate proceedings in civil cases in the Courts of Justice of this State, passed April 29, 1851.

Also, that the Senate this day concurred in Assembly amendments to Senate bill for an Act to provide for a Map of the State of California.

Also, that the Senate this day passed a substitute for Assembly bill for an Act to amend an Act concerning Corporations, passed April 22, 1850, which is herewith transmitted for the consideration of the Assembly.

A. C. BRADFORD,
Secretary of the Senate.

May 3, 1852.

Messrs. McMeans, Yeiser and McConaha were appointed on the part of the House upon the disagreeing vote upon the subject of the election of Trustees for Sacramento State Hospital.

The House insisted upon their amendments made to Senate bill for an Act to regulate proceedings in civil cases in the Courts of Justice of this State, and appointed Messrs. Crittender, Peachy and Crabb as a Committee of Conference.

The following message was received from the Senate:

Mr. Speaker:

I am directed to inform the Assembly that the Senate this day adopted the report of the Joint Committee of Conference on the disagreeing vote on

the bill for an Act to provide for the construction of Telegraph Lines in the State of California.

JAMES G. STEBBINS,
Assistant Secretary of the Senate.

Senate bill, an Act for the relief of insolvent debtors.
Read a third time and passed.
An Act to authorize the Treasurer of State to make special deposits.
Read a third time and passed.

Mr. Colby made the following report:

The Joint Committee on Enrollment have examined and found correctly enrolled an Act entitled an Act authorizing the Treasurer of the State to issue Bonds for the payment of the Mariposa, second El Dorado, Utah, Los Angeles, Clear Lake, Klamath, Trinity and Monterey Expeditions against the Indians.

The following message was received from the Senate:

Mr. Speaker:

I am directed to inform the Assembly that the Senate have concurred in the majority report of the Committee of Conference on the Salary Bill, and that they have passed Assembly bill for an Act concerning the salaries of officers and pay of members of the Legislature, as amended by said committee.

Also, that its Committee of Conference, on a bill concerning escheated estates, have been discharged, and a new committee appointed, consisting of Messrs. Ralston, Sprague and Cooke.

Also, that the Senate this day passed Senate bill for an Act appropriating moneys to pay the expenses of Government, as a substitute to Assembly bill of the same title, which is herewith transmitted.

A. C. BRADFORD,
Secretary of the Senate.

May 3, 1852.

Messrs. Crittenden, Merritt and Fowler were appointed on the part of the House as a Committee of Conference on the disagreeing vote upon the bill of escheated estates.

Senate bill to pay expenses of Government, as a substitute for Assembly bill rejected.

Messrs. Fowler, Wall and Wood were appointed a Committee of Conference upon the disagreeing vote.

A bill for an Act fixing the place to hold the Supreme Court.
Read a third time and passed.

A bill for an Act concerning the collection of Taxes from vessels trading in the waters of California.

Read a first and second time and referred to Judiciary Committee, with instructions to report in half an hour.

A bill amendatory to the General Corporation Laws, to allow Bishops to receive property donated for church purposes.

Read a third time and passed.

A bill, an Act as a substitute for Senate bill to incorporate Water Companies.

Read a first and second time, considered as engrossed, read a third time and passed.

Mr. Wood made the following report:

The Judiciary Committee, to whom was referred an Act to prevent certain officers from dealing in certain securities or evidences of debt; having considered the same, report it back to the House without amendment, and recommend its adoption.

Mr. Canney moved to indefinitely postpone the bill.

Not agreed to.

Mr. Wall offered an amendment, which was agreed to.

The bill was then read a third time and passed.

The report of the Committee of Conference upon the Salary Bill, on motion of Mr. Crabb, was adopted.

Mr. McMeans made the following report:

The Committee of Conference, to whom was referred the Senate Concurrent Resolution to elect Trustees of Sacramento Hospital, have met the Senate committee, and beg leave to report the following amendment:

Insert the following names in place of those in the resolution.

Report adopted.

Mr. Hammond introduced a bill to pay expenses of certain Indian expeditions in San Diego.

Read a first and second time, considered as engrossed, read a third time and passed.

Mr. Harazthy moved to re-consider a vote which passed a resolution in reference to Pah Utah.

Vote re-considered.

Mr. Graham moved to re-consider the vote which passed the resolution to third reading.

Not agreed to.

Upon the passage of the resolution, Messrs. Hinchman, Wood and Chauncey demanded the ayes and nays.

Those who voted in the affirmative were—

Messrs. Brush,	Messrs. McMeans,
Canney,	Paxton,
Coats,	Peachy,
Colby,	Ridley,

Messrs. Fleming,
Gardiner,
Haraz thy,
Ingersoll,
Kipp,
Law,
Lyons,
Smith,
Stevenson,
Taliaferro,
Ten Broeck,
Tucker,
Wing,
Wohler,
Young,
Speaker—22.

Those who voted in the negative were—

Messrs. Boggs,
Caldwell,
Chauncey,
Crabb,
Crittenden,
Graham,
Hinchman,
Hopkins,
Jones,
McConaha,
McKim,
McMullin,
Merritt,
Orrick,
Stark,
Wall,
Wood,
Yeiser—18.

So the resolution passed.

The following message was received from the Senate:

Mr. Speaker:

I am directed by the Senate to inform the Assembly that the Senate has concurred with the Assembly in their amendments to Senate bill entitled a bill for an Act to enumerate the inhabitants of the State of California, with amendments to said amendment, as therein shown.

A. C. BRADFORD,
Secretary of the Senate.

The House refused to concur in Senate amendment made to Assembly amendments, and appointed Messrs. Lyons, Blanchard and Fowler as a Committee of Conference.

Mr. Peachy made the following report:

The Judiciary Committee, to whom was referred an Act concerning the collection of certain taxes from vessels trading within the waters of the State of California, and in relation to suits therefor, have the honor to report that they have considered the same, and, with the accompanying amendments, recommend its passage.

Amendments concurred in, the bill read a third time and passed.

Senate bill, an Act supplementary to an Act to fund the debt of the State, passed April 29, 1851.

Two new sections added.

Read a third time.

On motion of Mr. McMullin, at 6 o'clock, P. M., the House took a recess until 8 o'clock.

At 8 o'clock, P. M., the House met pursuant to adjournment, and Mr. Gardiner called to the chair.

Senate bill, an Act concerning Licenses,

Read a third time and passed.

Senate bill, under consideration when the House adjourned, supplementary to an Act to fund the debt of the State, taken up and passed.

Mr. Smith made the following report:

The Committee on Claims, to whom was referred a bill for the relief of Napa County, report the same back without amendment, and recommend its passage.

Mr. Colby made the following report:

Your Committee on Enrolled Bills have examined an Act for the relief of Nathan Coombs, of the County of Napa.

An Act to provide for the construction of Telegraph Lines.

An Act to authorize the Mayor and Common Council of the city of Sacramento to contract for the supplying the city with water, and find the same correctly enrolled.

Mr. Hopkins made the following report:

The Committee on Engrossed Bills have examined and found correctly engrossed a Joint Resolution in regard to Pah Utah Territory.

On motion of Mr. Crabb, the House resolved itself into Committee of the Whole, Mr. McMeans in the chair, to consider a bill, an Act for the relief of Napa County. After spending a short time in its consideration,

On motion of Mr. Crabb, the committee rose, reported the bill back without amendment, and asked to be discharged.

The committee was discharged.

Mr. McMullin moved to indefinitely postpone the bill; upon which motion, Messrs. Stark, Graham and McConaha demanded the ayes and nays.

Those who voted in the affirmative were—

Messrs. Blanchard,	Messrs. Graham,
Boggs,	Haraz thy,
Canney,	Ingersoll,
Chauncey,	Jones,
Coats,	McConaha,
Colby,	McMullin,
Cook,	Stevenson,

Messrs. Crittenden, Fleming, Gardiner, Tucker, Yeiser, Young—20.

Those who voted in the negative were—

Messrs. Caldwell, Crabb, Hinchman, Hopkins, Kipp, Law, Lyons, McKim, McMeans, Paxton, Peachy, Ridley, Smith, Stark, Turner, Wall, Wing, Wohler, Wood, Speaker—20.

So the motion to postpone was lost by a tie vote.

Mr. McMullin moved to lay the bill on the table.
Agreed to.

Mr. Law offered the following:

Resolved, That the Speaker shall take up the business, now on the table, in regular order, or as he may deem proper.

Mr. Wood moved to strike out all in the resolution after the words "regular order."

Not agreed to.
The resolution was then adopted.

Mr. Crittenden made the following report:

The Committees of Conference on the bill for an Act concerning escheated estates, report—

That they have agreed that the Assembly shall pass the bill as it came from the Senate, with the following amendments:

Section 2. Twenty-seventh line of second page—after the word "thereof," insert "when the summons is served personally"; and add at the end of the section the words, "when the summons is not personally served, it shall be published once a month for not less than six months."

A. P. CRITTENDEN,
Committee of Assembly.
MARTIN E. COOKE,
Committee of Senate.

Report adopted and the amendments concurred in.

Senate bill, an Act further to define the duties of County Treasurers; on its third reading.

Indefinitely postponed.

Senate bill, an Act concerning the deposit of gold dust, money, or other valuables, and to prevent fraud therein; on its third reading,

Indefinitely postponed.

Report from Mr. Orrick:

The Joint Committee on Enrollment have examined and found correctly enrolled an Act in relation to actions wherein the State is a party.

And also a Concurrent Resolution to elect Trustees of the Stockton State Hospital.

Also, a bill supplemental to an Act entitled an Act dividing the State into counties and establishing the Seats of Justice therein.

Also, an Act for the relief of Frank Maynard.

Also, an Act concerning the salaries of officers and pay of the members of the Legislature.

An Act to provide for the incorporation of Water Companies.

Also, an Act amendatory of an Act concerning the Courts of Justice of this State and Judicial Officers, passed March 11, 1851.

Mr. Chauncey made the following report:

The Committee on Engrossment have examined and found correctly engrossed an Act to authorize the Treasurer of State to make special deposits.

Also, an Act amendatory of an Act entitled an Act to authorize the Treasurer of State to issue Bonds for the payment of the expenses of the Mariposa, second El Dorado, Utah, Los Angeles and Monterey Expeditions against the Indians, passed May 3, 1852.

An Act to establish a Water Line in the city of Benicia.

D. M. CHAUNCEY.

Mr. Gardiner introduced a bill, an Act concerning crimes and punishments.

Read a first and second time, considered as engrossed, read a third time passed.

Mr. Wing introduced a bill, an Act to change the name of Geo. Krantz.

Read a first and second time, considered as engrossed, read a third time and passed.

An Act to prohibit Lotteries and Raffles, on its third reading, indefinitely postponed.

Mr. Fowler made the following report:

The Joint Committee, to whom was referred the disagreeing vote of the two Houses in relation to amendments to an Act to be entitled an Act to enumerate the inhabitants of the State of California, beg leave to report—

That they agree to adopt the Assembly amendment to section fourth, which reads as follows:

"That the person so appointed to take the census shall receive sixteen dollars a day for each day actually employed in taking such enumeration."

And have agreed to the following amendment to the twelfth section:—Strike out all after the word "correct," in the fifth line, and insert the following: "Which, upon presentation to the State Comptroller, shall be audited by him; and he shall draw his warrant upon the Treasurer of State, to be paid out of any moneys in the general fund not otherwise appropriated."

An Act for the relief of J. J. Warner, on its third reading; on motion, laid upon the table.

An Act amendatory of 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.

Read a third time and lost.

Mr. Coats moved that a Committee of Conference be appointed to act with a similar committee of the Senate to consider the Compromise Resolutions.

Agreed to, and Messrs. Coats, Crabb and Crittenden were appointed.

Mr. McMullin moved to re-consider the vote upon the report of the Committee of Conference in relation to the appointment of Trustees to the Sacramento State Hospital, with a view to pass upon the matter by ayes and nays, as is required by the Constitution.

Vote re-considered.

Upon the adoption of the report of the Committee of Conference, Messrs. McMullin, Fowler and Kipp demanded the ayes and nays.

Those who voted in the affirmative were—

Messrs. Blanchard,	Messrs. Law,
Canney,	McConaha,
Caldwell,	McMullin,
Crabb,	Orrick,
Crittenden,	Stark,
Fleming,	Stevenson,
Fowler,	Ten Broeck,
Gardiner,	Wall,
Graham,	Wing,
Hinchman,	Wood,
Hopkins,	Yeiser,
Ingersoll,	Speaker—25.
Jones,	

Those who voted in the negative were—

Messrs. Boggs,	Messrs. Peachy,
Brush,	Ridley,
Colby,	Smith,
Haraźthy,	Thompson,
Kipp,	Tucker,
McKim,	Turner,
McMeans,	Wohler,
Paxton,	Young—16.

So the report was adopted.

On motion of Mr. Wood, the House resolved itself into Committee of the Whole, Mr. Gardiner in the chair, to consider a bill for the relief of Bailey, Corbet, and others. After spending some time in its consideration,

On motion of Mr. Fowler, the committee rose, reported the bill back without amendment, and asked to be discharged.

The committee was discharged.

The bill was then read a third time and passed.

Mr. Law moved to re-consider the vote which indefinitely postponed a bill to create the office of Pork, Beef and Lumber Inspection.

Mr. Ten Broeck moved to lay the motion to re-consider on the table; upon which, Messrs. Law, Canney and Lyons demanded the ayes and nays.

Those who voted in the affirmative were—

Messrs. Boggs,
Caldwell,
Chauncey,
Crabb,
Crittenden,
Fleming,
Hinchman,
Harazthy,
Hopkins,
Jones,
McKim,
McMeans,
McMullin,
Orrick,
Peachy,
Thompson,
Turner,
Wall,
Wood—19.

Those who voted in the negative were—

Messrs. Brush,
Canney,
Coats,
Colby,
Fowler,
Gardiner,
Graham,
Ingersoll,
Kipp,
Law,
Lyons,
McConaha,
Paxton,
Ridley,
Smith,
Stark,
Stevenson,
Ten Broeck,
Tucker,
Wing,
Wohler,
Yeiser,
Young—23.

The motion to lay on the table was lost.

Mr. Wall moved to indefinitely postpone the motion to re-consider; upon which motion, Messrs. Kipp, Law and Ten Broeck demanded the ayes and nays.

Those who voted in the affirmative were—

Messrs. Boggs,
Caldwell,
Chauncey,
Crabb,
Crittenden,
Graham,
Hinchman,
Hopkins,
Jones,
McKim,
McMullin,
Merritt,
Orrick,
Peachy,
Smith,
Stark,
Turner,
Wall,
Wood—19.

Those who voted in the negative were—

Messrs. Blanchard,
Brush,
Canney,
Coats,
Fleming,
Gardiner,
Gibson,
Harazthy,
Ingersoll,
Kipp,
Law,
Lyons,
McConaha,
McMeans,
Paxton,
Ridley,
Stevenson,
Ten Broeck,
Tucker,
Wing,
Wohler,
Yeiser,
Young,
Speaker—24.

The House refused to indefinitely postpone.

Mr. Canney moved the previous question.

The Speaker put the question, "Shall the main question be now put?" and the House decided in the affirmative.

The vote was then taken upon re-consideration, and the vote was reconsidered.

The bill was read a second time.

Mr. McMeans offered the following amendment: "Fish, oysters, clams, lobsters, and sausages."

Mr. Turner moved to lay the whole subject upon the table.

Not agreed to.

The question then came up upon the amendment offered by Mr. McMeans, and Messrs. Law, McKim and Canney demanded the ayes and nays.

Those who voted in the affirmative were—

Messrs. Boggs,
Caldwell,
Chauncey,
Crabb,
Crittenden,
Cutler,
Fowler,
Hinchman,
Hopkins,
Jones,
McConaha,
McKim,
McMeans,
McMullin,
Orrick,
Peachy,
Turner,
Wood—18.

Those who voted in the negative were—

Messrs. Blanchard,	Messrs. Paxton,
Brush,	Ridley,
Canney	Smith,
Coats,	Stark,
Colby,	Stevenson,
Fleming,	Ten Broeck,
Graham,	Tucker,
Harazthy,	Wing,
Ingersoll,	Wohler,
Kipp,	Yeiser,
Law,	Young,
Lyons,	Speaker—25.
Merritt,	

So the amendment was not agreed to.

Mr. Fowler offered the following amendment: "Drugs, medicines, paints, oil, and dye-stuffs; tripe, sour kraut, hoarhound candy and sardines."

Not agreed to.

Mr. Law moved that the bill be considered as engrossed, read a third time, and demanded the previous question.

The Speaker put the question, "Shall the main question be now put?" and the House decided in the affirmative.

The bill was then read a third time; and upon its final passage, Messrs. Wall, Wood and McMullin demanded the ayes and nays.

Those who voted in the affirmative were—

Messrs. Blanchard,	Messrs. Paxton,
Brush,	Ridley,
Colby,	Smith,
Gardiner,	Stevenson,
Graham,	Ten Broeck,
Harazthy,	Wing,
Kipp,	Wohler,
Law,	Yeiser,
Lyons,	Young,
McConaha,	Speaker—20.

Those who voted in the negative were—

Messrs. Boggs,	Messrs. Jones,
Canney,	McKim,
Caldwell,	McMeans,
Chauncey,	McMullin,
Coats,	Merritt,
Crabb,	Orrick,
Crittenden,	Peachy,

Messrs. Cutler,	Messrs. Stark,
Fleming,	Taliaferro,
Fowler,	Tucker,
Hinchman,	Turner,
Hopkins,	Wall,
Ingersoll,	Wood—26.

So the bill did not pass.
Mr. Gardiner moved a call of the House.
Call not sustained.

Mr. Graham made the following minority report:

The minority of the Committee on Claims, to whom was referred a bill for the relief of J. H. Harper, have examined the same, and find that Mr. Harper was called out by the Mayor in defence of the law, and was severely wounded in obeying the order so given, and therefore recommend the passage of the bill.

On motion, the bill was laid upon the table.
Mr. Crabb introduced a bill, an Act concerning Independent Order of Odd Fellows.
Read a first and second time.
Mr. Fowler moved to lay the bill on the table.
Not agreed to.
Mr. Fowler moved to amend by adding, "and all other fellows."
Not agreed to.
The bill was then considered as engrossed, read a third time and passed.

Mr. Canney offered the following:

Resolved, That the Sergeant-at-Arms be directed to prevent any member from leaving the House without leave.

Laid on the table.
On motion of Mr. Wood, the House resolved itself into Committee of the Whole, Mr. Fowler in the chair, to consider a bill for the relief of J. D. Hoppe. After spending some time in considering the same, and making amendments thereto,
On motion of Mr. Gardiner, the committee rose, reported the bill back as amended, and asked to be discharged.
The committee was discharged.
Mr. Wood moved to concur in the amendments made in committee; upon which motion, Messrs. Fowler, Cutler and Canney demanded the ayes and nays.

Those who voted in the affirmative were—

Messrs. Brush,	Messrs. McConaha,
Caldwell,	McMullin,
Crabb,	Peachy,

Messrs. Crittenden,
Dameron,
Fleming,
Gardiner,
Hinchman,
Hopkins,
Ingersoll,
Jones,
Kipp,
Ridley,
Stark,
Taliaferro,
Wall,
Wing,
Wohler,
Wood,
Young,
Speaker—24.

Those who voted in the negative were—

Messrs. Blanchard,
Boggs,
Canney,
Cutler,
Fowler,
Harazthy,
Lyons,
McKim,
Merritt,
Paxton,
Stevenson—11.

The House concurred in the amendments made in committee.

The bill was then considered as engrossed, read a third time and passed.

The following messages were received from the Governor:

EXECUTIVE DEPARTMENT,
Sacramento City, May 3, 1852.

To the Assembly of the
State of California:

I have this day approved the following bills, viz:

An Act entitled an Act to provide a revenue for the State Marine Hospital at San Francisco, passed March 26th, 1851.

An Act entitled an Act to amend an Act to provide for the establishment of a State Marine Hospital at San Francisco, approved April 30th, 1851.

An Act entitled an Act to amend the twenty-second section of an Act to create a State Hospital in the city of Stockton, passed April 30th, 1851.

An Act entitled an Act to authorize the Trustees of the Stockton State Hospital to erect a building for the Insane of the State, and provide for their support.

An Act entitled an Act to provide for the appointment of a Guager for the Port of San Francisco.

JOHN BIGLER.

EXECUTIVE DEPARTMENT,
Sacramento City, May 3, 1852.

To the Assembly of the
State of California:

I have this day approved an Act entitled an Act authorizing the Treas-

urer of the State to issue Bonds for the payment of the expenses of the Mariposa, second El Dorado, Utah, Los Angeles, Clear Lake, Klamath, Trinity and Monterey Expeditions against the Indians.

An Act entitled an Act amendatory of an Act entitled an Act concerning Courts of Justice of this State and Judicial Officers, passed March 11, 1851.

An Act entitled an Act in relation to actions wherein the State is a party.

An Act entitled an Act supplemental to an Act entitled an Act dividing the State into Counties and establishing the Seats of Justice therein.

An Act entitled an Act for the relief of Frank Maynard.

An Act entitled an Act to provide for the payment of State Prison Inspectors.

JOHN BIGLER.

The following messages were received from the Senate:

Mr. Speaker:

I am directed to inform the Assembly that the Senate refused, this day, to concur in Assembly amendments to Senate bill for an Act to provide for the protection of foreigners, and to define their liabilities and privileges; and have appointed, as a Committee of Conference on the disagreeing vote of the two Houses, Messrs. Broderick, Walton and Lind.

And that the Senate adopted the report of the Committee of Conference on the Concurrent Resolutions of the Assembly to appoint Trustees for the Sacramento State Hospital.

A. C. BRADFORD,
Secretary of the Senate.

May 3, 1852.

Mr. Speaker:

I am directed to inform the Assembly that the Senate this day passed Assembly bill for an Act concerning the Printing of the Reports of the Supreme Court of the State of California, with an amendment as therein noted.

And passed a Concurrent Resolution rescinding the resolution to adjourn on this day, and to adjourn on the fourth instant, at 12 o'clock, at noon.

A. C. BRADFORD,
Secretary of the Senate.

May 3, 1852.

On motion, Messrs. McMeans, McMullin and Brush were appointed a Committee of Conference upon the Miners' Tax Law.

Mr. McConaha moved to concur in the resolution of the Senate to rescind and adjourn on to-morrow, at 12 o'clock.

Mr. Wood offered the following as an amendment:

Provided, That no other business shall be transacted than receiving reports from Enrolling and Engrossing Committees, and Executive Messages, from and after 2 o'clock, A. M., to-morrow.

Not agreed to.
Mr. Fowler moved to strike out "12 o'clock."
Not agreed to.

Mr. Crabb offered the following as a substitute:

Resolved, That the Clerk be directed to inform the Senate that the Assembly will be ready, in one hour, to adjourn *sine die*.

Not agreed to.
The resolution from the Senate to rescind, was then adopted.

Mr. Boggs offered the following:

Resolved, That the thanks of this Assembly is due Col. B. McAlpin, principal Clerk of this House, for the very able, prompt and efficient manner in which he has discharged his official duties.

Mr. Merritt moved to amend by adding, "and other officers of the House."
Adopted.

Mr. Wing offered the following, which was adopted:

Resolved, That the additional sum of two dollars per diem be allowed the Porter of the House, A. A. Morse, for the time he has been employed.

A bill for an Act concerning the office of Port Warden, and defining the duties thereof, on its third reading, indefinitely postponed.
An Act to provide for the organization of Pah Utah County.
Read a first time and laid upon the table.
Mr. Chauncey made the following report:
The Committee on Engrossed Bills have examined and found correctly engrossed, a bill for an Act for the relief of Messrs. Bailey, Corbett, and others.
An Act concerning the Independent Order of Odd Fellows.
A bill for an Act to change the name of George Krantz.
Also, a bill for an Act to amend the seventy-first section of an Act concerning crimes and punishments, passed April 16th, 1850.
On motion of Mr. McKim, at 12 o'clock at night, the House adjourned until 9 o'clock, to-morrow.

HOUSE OF ASSEMBLY.

TUESDAY, May 4, 1852.

House met pursuant to adjournment.

The Roll was called by the Clerk and the following members were absent: Messrs. Canney, Coffroth, Colby, Cook, Crittenden, Cutler, Ford, Gibson, Graham, Hinchman, Kipp, Law, Lyons, Merritt, Orrick, Paxton, Peachy, Smith, Stark, Ten Broeck, Thompson, Turner and Mr. Speaker.

The House was called to order by Mr. McMullin.

On motion, the reading of the Journal was dispensed with.

Mr. Crabb made the following Report:

The Judiciary Committee, to whom was referred a bill to be entitled an Act to make the books of public officers open to inspection, have had the same under consideration, and being of the opinion that the object of the bill is already sufficiently provided for by existing laws, we consider it unnecessary, and therefore recommend its indefinite postponement.

Mr. Canney moved to indefinitely postpone the bill.

Not agreed to.

The bill was then read a third time and passed.

On motion of Mr. Graham, the House resolved itself into Committee of the Whole, Mr. Wood in the Chair, to consider a bill for the relief of Benjamin Chapman.

After spending some time in its consideration, on motion of Mr. Boggs the committee rose, reported the bill back without amendment, and asked to be discharged.

The committee was discharged.

The bill was then read a third time and passed.

Assembly bill, an Act to authorize the corporate authorities of San Francisco to make certain contracts.

Mr. Wohler moved to strike out plank roads and wholesome water.

Agreed to.

Mr. Peachy offered an amendment which was adopted.

Mr. Chauncey moved to indefinitely postpone the Bill.

Not agreed to.

The bill was then considered as engrossed, read a third time and passed.

Mr. Orrick made the following Report:

Your Committee on Enrolled Bills have examined and found correctly enrolled, an Act concerning the place of holding the sessions of the Supreme Court.

An Act concerning the collection of certain taxes from vessels trading

within the waters of the State of California and in relation to suits therefor.

An Act to establish a system of Common Schools.

An Act to prevent certain officers from dealing in certain securities or evidences of Debt.

An Act amendatory of an Act entitled, an Act concerning corporations, passed, April 22, 1850.

Also, an Act supplementary to an Act to fund the debt of the State, passed, April 29th, 1851.

An Act to amend an Act concerning lawful fences, and animals trespassing on premises lawfully enclosed.

Amended, considered as engrossed, read a third time and passed.

On motion of Mr. Wood, the House resolved itself into Committee of the Whole, Mr. McMullin in the Chair, to consider a bill for the relief of Cronin & Markley.

After spending a short time in its consideration and making amendments thereto, on motion of Mr. Wood the committee rose, reported the bill back as amended, and asked to be discharged.

The committee was discharged.

The amendments in Committee of the Whole concurred in.

The bill was then read a third time, and upon its passage Messrs. Merritt, Lyons and Fowler demanded the ayes and nays.

Those who voted in the affirmative were—

Messrs. Boggs,	Messrs. McMullin,
Caldwell,	Orrick,
Chauncey,	Peachy,
Crabb,	Pearce,
Crittenden,	Ridley,
Dameron,	Stark,
Graham,	Stevenson,
Hudspeth,	Thompson,
Ingersoll,	Wall,
Kipp,	Wing,
McConaha,	Wood,
McKim,	Young—24.

Those who voted in the negative were—

Messrs. Brush,	Messrs. Law,
Canney,	Lyons,
Coats,	Merritt,
Fleming,	Ten Broeck,
Fowler,	Wohler—11.
Jones,	

So the bill passed.

Mr. Kipp moved to go into Committee of the Whole, to consider a bill for the relief of B. F. Ankeny.

Not agreed to.

On motion of Mr. McConaha, the House resolved itself into Committee of the Whole, Mr. Fowler in the Chair, to consider a bill for the relief of Voorhies and Grant.

After spending a short time in its consideration, on motion of Mr. Tucker the committee rose, reported the bill back without amendment, and asked to be discharged.

The committee was discharged.

The bill was then considered as engrossed, read a third time and passed.

A bill for an Act for the permanent location of the Seat of Government of this State, on its third reading.

Indefinitely postponed.

Mr. Chauncey made the following Report:

The Committee on Engrossment have examined and found correctly engrossed, an Act entitled an Act to make the books of public offices open to the inspection of the people.

Also, a bill for an Act for the relief of J. D. Hoppe.

Mr. McMeans, from the Committee of Conference in reference to the Foreign Miners Tax, made the following report, which was concurred in.

1st amendment, section 2d, concur.

2d amendment, strike out two dollars and insert three dollars.

3d amendment, concur in.

4th amendment, concur in.

5th, 6th and 7th amendments, concur in.

8th amendment, non-concur.

9th and 10th amendments, concur in.

11th amendment, non-concur.

12th amendment, concur in.

The following messages were received from the Senate:

Mr. Speaker:

I am directed by Senate to inform the Assembly, that they have this day passed Assembly bill, an Act to regulate the terms of the District Court of the 10th Judicial District, and amended the same as therein shown.

A. C. BRADFORD,
Secretary of the Senate.

Mr. Speaker:

I am directed to inform the Assembly, that the Senate passed, 1st May, an Act to provide for the publication of the laws in the Spanish language.

A. C. BRADFORD,
Secretary of the Senate.

Mr. Speaker:

I am directed to inform the Assembly, that the Senate has this day passed Assembly bills—

An Act concerning the Independent Order of Odd Fellows.

An Act to authorize the Treasurer of State to make special deposits.

An Act to change the name of George Krantz.

A. C. BRADFORD,
Secretary of the Senate.

Mr. Speaker:

I am directed by the Senate to inform the Assembly, that the Senate has adopted the amendments reported by the Conference Committee, upon Senate bill, No. 48, entitled an Act to provide for the protection of foreigners, and to define their liabilities and privileges.

And also, that they have concurred in the report of Conference Committee on the disagreeing votes of the two Houses, upon the bill to enumerate the inhabitants of the State.

A. C. BRADFORD,
Secretary of the Senate.

Mr. Speaker:

I am directed to inform the Assembly, that the Senate, May 3d, passed Assembly bill for an Act defining the time of commencing civil actions in certain cases.

And adopted the report of the Committee of Conference in reference to the disagreeing vote on Senate bill for an Act to enumerate the inhabitants of the State of California.

A. C. BRADFORD,
Secretary of the Senate.

May 4, 1852.

Mr. Speaker:

I am instructed by the Senate to inform the Assembly, that the Senate have appointed Messrs. Walton, Lind and Keyser, as a Committee of Conference on the disagreeing vote of the two Houses on Assembly bill entitled, an Act appropriating moneys to meet the contingent expenses of Government.

Respectfully submitted.

A. C. BRADFORD,
Secretary of the Senate.

Mr. Tucker introduced a bill for an Act concerning State officers.

Read a first time.

Mr. Fowler moved to reject the bill. Upon which Messrs. Boggs, Graham and Hudspeth demanded the ayes and nays.

Those who voted in the affirmative were—

Messrs. Boggs,
Brush,
Caldwell,
Crabb,
Crittenden,
Fowler,
Gardiner,
Graham,
Hudspeth,
Ingersoll,
Law,
Lyons,
McMullin,
Paxton,
Peachy,
Stark,
Wood,
Yeiser,
Young—19.

Those who voted in the negative were—

Messrs. Blanchard,
Canney,
Chauncey,
Colby,
Dameron,
Fleming,
Hinchman,
Hopkins,
Jones,
Kipp,
McConaha,
McMeans,
Merritt,
Stevenson,
Taliaferro,
Tucker,
Wing—17.

So the bill was rejected.

Senate bill, an Act to provide for the publication of the Laws into the Spanish language.

Read a third time and on motion indefinitely postponed.

Mr. Graham moved to reconsider the vote which indefinitely postponed a bill to incorporate the city of Oakland.

Mr. Boggs moved to indefinitely postpone the motion to re-consider, upon which Messrs. Boggs, Crittenden and Lyons demanded the ayes and nays.

Those who voted in the affirmative were—

Messrs. Boggs,
Caldwell,
Chauncey,
Cook,
Crabb,
Crittenden,
Cutler,
Gardiner,
Hopkins,
Hudspeth,
Jones,
Lyons,
McKim,
McMullin,
Paxton,
Peachy,
Ridley,
Stevenson,
Taliaferro,
Wall,
Wood,
Yeiser,
Young—23.

Those who voted in the negative were—

Messrs. Blanchard,	Messrs. McMeans,
Brush,	Merritt,
Canney,	Pearce,
Coats,	Stark,
Colby,	Ten Broeck,
Fleming,	Tucker,
Ingersoll,	Wing,
Kipp,	Wohler—16.

The motion to re-consider was indefinitely postponed.

Mr. Coats made the following report:

The Committee of Conference, appointed on the disagreeing vote of the two Houses on the subject of the Compromise Resolutions, beg leave to report that they have agreed to adopt the Senate Resolutions.

Report received and concurred in.

Mr. Paxton made the following report:

Your Committee of Conference, to whom was referred the bill for funding the debt of the county of San Francisco, report the same back with one amendment, first section, and ask to be discharged from further consideration of the subject.

Report received and concurred in.

Mr. Chauncey made the following report:

The Committee on Engrossment have examined and found correctly engrossed,

An Act to authorize the Comptroller of State to issue his warrant upon the Treasurer of State in favor of Voorhies and Grant.

Also, an Act to authorize the Common Council of the city of San Francisco to make certain contracts.

All of which is respectfully submitted.

DAVID M. CHAUNCEY, Chairman.

Mr. Crittenden offered the following, which was adopted:

Resolved, That the Assembly will transact no other business than to receive and act upon messages from the Senate, and reports from Committees of Conference and on Engrossed and Enrolled Bills.

Mr. Fowler made the following report, which was adopted:

The Committee of Conference, upon the disagreeing vote of the two

Houses, on Assembly bill for an Act appropriating moneys to meet contingent expenses of Government, have considered the same and have agreed to Senate amendments to the bill.

Mr. Chauncey made the following report:

The Committee on Engrossment have examined and found correctly engrossed:

An Act to amend an Act concerning lawful fences and animals trespassing on premises lawfully enclosed.

Which is respectfully submitted.

DAVID M. CHAUNCEY, Chairman.

Mr. Peachy moved that the Clerk be directed to notify the Senate of the passage of the resolution to transact no business, except to complete business between the two Houses.

Agreed to.

Mr. McKim moved to re-consider the vote just taken, to notify the Senate. Upon which, Messrs. Crittenden, Boggs and Taliaferro demanded the ayes and nays.

Those who voted in the affirmative were—

Messrs. Boggs,	Messrs. McKim,
Canney,	McMeans,
Coats,	Paxton,
Dameron,	Pearce,
Fleming,	Smith,
Ingersoll,	Stevenson,
Kipp,	Wing,
Law,	Wohler,
Lyons,	Wood—18.

Those who voted in the negative were—

Messrs. Blanchard,	Messrs. Hudspeth,
Caldwell,	Jones,
Chauncey,	McMullin,
Colby,	Merritt,
Cook,	Peachy,
Crabb,	Ridley,
Crittenden,	Stark,
Fowler,	Taliaferro,
Gardiner,	Tucker,
Harazthy,	Wall,
Hinchman,	Young—23.
Hopkins,	

So the House refused to reconsider the vote.

Mr. Colby made the following report:

The Joint Committee on Enrollment have examined and found correctly enrolled—

An Act to be entitled, an Act concerning the printing of the Reports of the State of California.

An Act concerning Escheated Estates.

An Act for the relief of Cronin and Markley.

An Act to regulate the terms of the District Court of the Tenth Judicial District.

An Act defining the time of commencing civil actions in certain cases.

An Act to authorize the Treasurer of State to make special deposits.

An Act concerning the Independent Order of Odd Fellows.

An Act appropriating moneys to meet the contingent expenses of Government.

An Act to repeal an Act requiring the Treasurer to retain certain moneys.

An Act to provide for the protection of foreigners and to define their liabilities and privileges.

Also, an Act to fund the County Debt of San Francisco.

Mr. Boggs introduced a concurrent resolution to appoint a committee from each House to wait upon the Governor.

Agreed to.

And Messrs. Boggs, Fowler and Peachy were appointed on the part of the House.

EXECUTIVE DEPARTMENT,
Sacramento City, May 4, 1852.

To the Assembly of the
State of California:

I have this day approved an Act entitled, an Act concerning the salaries of officers and pay of the Members of the Legislature.

Some of the provisions of this bill are objectionable, but the late hour of the session at which it was presented to me, leaves me no alternative but to approve it, or to permit the Act passed March 5, 1850, to remain in existence. It will be in the power of the next Legislature to reduce the salaries allowed to the Executive and to other officers in this bill, which I believe are not justified either by the nature of their official duties, or by the condition of the public finances.

JOHN BIGLER.

EXECUTIVE DEPARTMENT,
Sacramento City, May 4, 1852.

To the Assembly of the
State of California;

I have this day approved an Act entitled, an Act to repeal an Act requiring the Treasurer to retain certain monies.

Also, an Act appropriating moneys to meet the contingent expenses of Government.

JOHN BIGLER.

The following Message was received from the Governor:

EXECUTIVE DEPARTMENT,
Sacramento City, May 4, 1852.

To the Assembly
of the State of California:

I have this day approved a bill entitled, an Act to regulate the terms of the District Court of the Tenth Judicial District.

Also, an Act entitled an Act to authorize the Treasurer of State to make special deposits.

Also, an Act entitled, an Act defining the time of commencing civil actions in certain cases.

JOHN BIGLER.

The following Message was received from the Governor:

EXECUTIVE DEPARTMENT,
Sacramento City, May 4, 1852.

To the Assembly
of the State of California:

I have this day approved an Act entitled an Act to change the name of George Krantz.

JOHN BIGLER.

On motion of Mr. Kipp, the papers and vouchers in reference to the claim of B. F. Ankeny were withdrawn.

Mr. McKim asked leave to withdraw a bill in reference to a special election in the County of Calaveras.

Leave granted.

The following message was received from the Governor:

EXECUTIVE DEPARTMENT,
Sacramento City, May 4, 1852.

To the Assembly
of the State of California:

I have this day approved a bill entitled, an Act to incorporate the town of Oakland, and to provide for the construction of wharves thereat.

This bill contains objectionable features to which I could not have yielded my approval; but there has been laid before me a statement in writing, signed by thirty-two members of the Legislature, representing that the

clause in this Act, "Providing for the licensing and restraining of horse racing, gaming houses, houses of ill-fame," &c., was overlooked in the haste of legislation—was not intended to license but to restrain those houses, and is an error which a subsequent Legislature can easily correct. And it is our desire that this error of ours shall not operate as an objection to the approval of the bill.

I have, therefore, yielded my approval to this act.

JOHN BIGLER.

Mr. Orrick made the following report:

Your Committee on Enrolled Bills have examined and found correctly enrolled the following bills:

An Act concerning Escheated Estates.

An Act for the relief of Benjamin Chapman.

Joint Resolution approving the Compromise Measures of the last Congress.

An Act concerning Licences.

Also, An Act for the relief of Insolvent Debtors, and the protection of Creditors; and finding some omissions, directed the Clerk to interline the omitted portions and append marginal notes, explanatory, which were signed by us.

B. ORRICK, Assembly.

P. A. ROACH, Senate.

The following Message was received from the Senate:

Mr. Speaker:

I am directed to inform the Assembly, that the Senate has completed the business before it, and is now ready to adjourn, *sine die.*

A. C. BRADFORD,
Secretary of the Senate.

May 4, 1852.

The following Message was received from the Senate:

Mr. Speaker:

I am directed to inform the Assembly, that the Senate this day passed Assembly bill for an Act to repeal an Act requiring the Treasurer to retain certain moneys, passed 27th January, 1852.

A. C. BRADFORD,
Secretary of the Senate.

May 4, 1852.

The following message was received from the Senate:

Mr. Speaker:

I am directed by the Senate to inform the Assembly, that the Senate have adopted Assembly resolution, appointing a committee to wait on the Governor, and inform him that the two Houses have no other business before them, and inquire whether His Excellency has any messages to transmit to either House, and have appointed on their part as such committee, Messrs. Van Buren, Cook and Broderick.

A. C. BRADFORD,
Secretary of the Senate.

The following Message was received from the Senate:

Mr. Speaker:

I am instructed by the Senate to inform the Assembly, that the Senate has passed a concurrent resolution continuing the present session of the Legislature during this day, the 4th of May, 1852, but no business shall be transacted after twelve o'clock, M., except the receipt of reports from Enrolling Committees, and messages from the Governor, and asking the concurrence of the Assembly.

A. C. BRADFORD,
Secretary of the Senate.

The following message was received from the Senate:

Mr. Speaker:

I am instructed by the Senate to inform the Assembly, that the Senate has concurred in the report of the Committee of Conference on the disagreeing vote of the two Houses on Assembly bill entitled, an Act appropriating moneys to meet the contingent expenses of Government.

Respectfully submitted.
A. C. BRADFORD,
Secretary of the Senate.

On motion, the House took a recess until three o'clock, P. M.

At three o'clock the House met pursuant to adjournment.

Mr. Colby, from the Committee on Enrolled Bills reported, that the Committee had discovered a mistake in the Enrolled Bill in reference to the Foreign Miners' Tax, and had corrected the same to make the bill as it passed the two Houses.

The report was received and adopted.

Mr. Peachy, from the Joint Committee appointed to wait upon the Governor reported, that the Committee had performed the duty assigned them,

and that the Governor informed them that he would, in a short time, communicate with the two Houses.

Mr. Orrick moved that the Clerk be directed to inform the Senate, that the Assembly had finished the business of the Session, and are now ready to adjourn, *sine die.*

Mr. Merritt moved, that a committee be appointed to wait upon the Governor, and inform him that the Assembly had finished the business before them.

Agreed to.

Messrs. Merritt and Blanchard were appointed said committee.

Mr. Merritt reported, that the committee had waited upon the Governor, and received for answer that he had no further communications to make.

Mr. Canney moved, that the House do now adjourn, *sine die.*

Agreed to.

When the Speaker addressed the House as follows:

GENTLEMEN OF THE ASSEMBLY:—

In terminating the duties of my position, and those official relations which have existed between us for the past four months, I may be permitted to rejoice with you that no personal feeling, save one of mutual kindness and respect, has left its impression upon our mind. Forbearance and a generous spirit of compromise and conciliation have invariably characterized our actions and intercourse, and we may hereafter justly and with pride remember that nothing has occurred in our personal bearing to impress us with other sentiments than those of kind regard towards each other. These relations, gentlemen, are for our own reflection, and may well be to us an appropriate source of congratulation. Of our official acts as public servants, it does not become me to speak upon an occasion like the present. They are to be judged by the people whom we have represented, and to that high tribunal alone, belongs the power to pass in review our official conduct, and to stamp upon it the impress of their approbation or disapproval. I feel proud in the confident belief, that when again returned to the midst of those to whom we are peculiarly responsible, we shall be able, with a high consciousness of truth, to claim that we have endeavored with honest purpose to perform those duties which were entrusted to our charge. "To err is human," and in legislating for a State whose interests are so various and conflicting as are those of California, and whose citizens have brought with them from the four quarters of the globe, the habits, prejudices and predilections which divide the world—those would be more than human who should succeed in framing laws to meet all cases, and which at the same time would operate with justice to all, and without oppression to any. So long as California remains as she now is, embracing within her territorial limits sections of country whose pursuits are so different, and whose interests are so diametrically opposite, her legislators need not hope to enact laws which shall meet her conflicting wants, and give satisfaction to all her people. This fact must impress itself the more upon the minds of each succeeding Legislature, and it becomes us, who can be but too well convinced of its truth, to bring the difficulty plainly and straightforwardly before the people. Let them know what have been our difficulties, let them know that those difficulties must

increase with time, and let us bring to their view the only means which can remedy the evil.

I have not intended, gentlemen, to make any apology for whatever want of success may be found, upon trial, to have attended our labors this winter. We shall be judged by a generous and reflecting people, and we may only ask in simple justice, that our acts shall be weighed in that balance in which each would wish to place his own under similar circumstances.

It was supposed when we first assembled at Vallejo, that a much shorter time would have terminated the duties of the session, and I doubt not such would have been the case, had not the many circumstances of inconvenience under which we first convened, interfered in the early progress of business, and had not the elements conspired in our present location to defeat the best intentions of our early adjournment.

In conclusion, gentlemen, as we are about to separate never again to meet under similar circumstances, I can but express to you my most cordial thanks for your many acts of considerate kindness towards me, whilst I have been the presiding officer of this Assembly. I shall ever hold in grateful recollection your generous forbearance towards my faults, and shall be more than satisfied with the opinion you have expressed, that I have endeavored to perform my duties with justice and impartiality, and with that respect for myself and for you which have gained me your confidence and regard.

I perform now the last act of that duty which has united us, and declare, in obedience to your will, the House adjourned *sine die*.

BLANTON McALPIN,
Clerk of the Assembly.

APPENDIX.

FIRST ANNUAL REPORT

OF THE

SUPERINTENDENT OF PUBLIC INSTRUCTION,

TO THE LEGISLATURE OF THE STATE OF CALIFORNIA.

OFFICE OF THE SUPERINTENDENT OF PUBLIC INSTRUCTION,
Vallejo, California, January 5, 1852.

To His Excellency JOHN MCDOUGAL,
Governor of the State of California,

Sir:—In compliance with an Act of the Legislature, approved May 1, 1851, I herewith transmit you my Annual Report.

JOHN G. MARVIN,
Supt. Public Instruction

Nearly three years have elapsed since the framers of our State Constitution wisely provided for the establishment of Common Schools in California; yet, up to this time no adequate provision has been made to carry out the intent and spirit of that instrument. If the Constitution is not a dead letter, if there are growing youths in the State, who will make better citizens, raised in ignorance with all its concomitant attendants, than if educated, and capacitated for performing the responsible duties and offices of enlightened and virtuous freemen, then should the subject of common schools receive that attention and consideration which its importance de-

mands. For want of the means of public instruction, the permanent settlement and consequent prosperity of our State is retarded; and those of our citizens who have families here, have cause of complaint, that some tangible and effective provisions have not been made by the State for the establishment and present encouragement of a system of common schools. The mass of our native citizens who have families, naturally look to common schools as the proper seminaries for educating, or at least commencing the education of their offspring; and those children of foreign parentage who are domiciled here—who have come to live with us and be of us—are entitled to that instruction which their parents cannot give them.

In a republic at least, "knowledge is the great leveler, it is the true democracy, it levels up, it does not level down."

I take it for granted that no one doubts the utility and present necessity of the speedy establishment of schools. The question rather is, What is the best mode of doing it, and how shall they be supported? We need, firstly, a thoroughly digested and carefully prepared School Law—one that provides for the present, and that shall be so prospective in its provisions, as to adapt itself to the future wants and resources of schools and the school fund. With such a law, schools can be organized, and partially or wholly sustained; without it, little or nothing can be done.—When such a law is enacted, it should be separately published, accompanied with all the necessary blank forms for the organizaton of schools and collection of appropriate statistics. Next to having a good law, is its early distribution among those to be affected by it. May we not hope that such a law will be prepared and enacted during the present session of the Legislature?

The School Law of last year is meagre in its provisions, and was passed at the heel of the session, without its merits or defects being maturely considered; and contemplates, in part, in its application, a School Fund already in existence. It is unsuited to the purposes for which it was designed, and quite inadequate to start a system of popular education.

It can scarcely be expected that the details of a suitable school law could be set forth in a report. My aim will be rather to speak of some of the prominent provisions necessary to be embodied in one.

I would respectfully suggest that some general provision be made for the support of Common Schools the ensuing year, and until the prospective School Fund to be derived from the sale of lands and from other sources, accrues and is available. There is scarcely a State in the Union except ours, that does not provide for the support of Schools, independent of the School Fund; and let it not be said of us that we are less mindful of our duties to the rising generation than the sister States. Public schools should be supported at least six months during the year in every town, where there is a sufficient number of scholars to form a school. No object commends itself more strongly for public support than the education of the children of a State. An appropriation the present year of $50,000 would probably be adequate to the support of schools six months,

in those portions where it would be advisable to organize districts, and as a condition to any town receiving its proportion of public money, I would require the inhabitants thereof to raise an amount equal to that which they are entitled to from the State. This would provide for the maintenance of public instruction for the present.

For next year, a small property tax, assessed and collected at the time and in the manner of collecting the public revenue, would be the most efficacious and perhaps least burdensome mode of obtaining the means for their support.

In New York, as well as in Massachusetts, the doctrine is fully established that the property of the State shall educate the children of the State, and that they shall be well educated. "If taxation is necessary to support schools, every man not on the pauper list should be taxed on the same principle that he would be to defend the nation against foreign invasion, or against rapine committed by a foreign foe; because, the general prevalence of ignorance, superstition and vice, will breed Goth and Vandal at home more fatal to the public well-being than any Goth and Vandal grown abroad. And, finally, he is taxed to support schools, because they are the most effective means of developing and training those powers and faculties in a child, by which, when he becomes a man, he may understand what his highest interests and his highest duties are; and may be in fact and not in name a free agent."

It possibly may be two years before any substantial aid can be derived from the sale of school lands and other sources: and shall this precious time of the children of California be permitted to pass, without some provisions being made for their education?

Among other provisions in a school law adapted to this State, should be that of a County Superintendent or Director of Schools. In all of those States where most attention has been bestowed upon the subject of schools, this officer is regarded as indispensable. From his acquaintance with the people of his county, and their wants as to schools, he would be prepared to assist in organizing them, and suggesting means for their improvement and support. Through him the State Superintendent would be aided in collecting school statistics, and through him circulars or books could more conveniently and certainly reach the several districts within his limits. To him, teachers and town committees should be required to report, and through him, school moneys might be distributed to the several districts entitled to it. To him might also be assigned the duty of examining the applicants for situations as teachers—and giving certificates to those whose qualifications were of a suitable character.

There should also be some provision made for District School Libraries. There is no more effective mode of disseminating useful knowledge, than through this medium. Series of suitable standard books, for this purpose, have been prepared and selected by some of the most eminent authors of the day, and could be furnished to each district at a small cost. In what more useful manner could a few hundred dollars of public

money be expended? In New York, about twelve thousand District School Libraries have been established.

The school law of last year required me "to examine and recommend a uniform series of school books to be used in the different schools in the State." Some few books of this character have been forwarded to this office for examination and comparison; but not enough to enable me to select those best adapted to schools here. I regard a uniformity of school books an important measure, and their selection should be made after a critical examination and comparison has been instituted between them. A diversity of books for scholars of the same class, gives the teacher infinite trouble, is discouraging to the learners, and the frequent change of them subjects the parents to unnecessary expense, and in California, difficulty in procuring them. A suitable school book for a pupil of equal advancement in one school, is equally good in all; and no valid reason can be advanced against uniformity. Within a few years past, great improvement has been made in the character of text books. The rivalry of authors and publishers, and the experience of instructors as to the best mode of presenting knowledge to the youthful mind, have all conspired to produce many excellent works. Yet there is empyricism in book making as well as in medicine; and itinerant book agents, not unfrequently by extravagant praises, palm upon the public, inferior or worthless compilations. One copy of each of the leading standard school books could be procured at a trifling expense, and should be added to the library of this office.

There can be no really good schools without commodious and suitably furnished rooms. A recent work, written upon School House Architecture, by Henry Barnard, Esq., contains the most approved plans for their construction and furniture. In several States, this work has been purchased at the public expense and gratuitously distributed to all the districts within their limits. "No book with which we are acquainted, contains an equal amount of information on the subject of school-house architecture, and no building should be erected without consulting it." The report made during the past year, of the Hon. E. M. Thurston, Secretary of the Board of Education in Maine, as well as that of the State Superintendent of Public Schools in New Jersey, also contain valuable plans and suggestions for school buildings and their furniture.

By correspondence during the past year with the Superintendents of Public Instruction and those exercising their functions in other States, there has been donated to this office a number of valuable books relating to the legislation and exposition of the school laws of the sister States.* These volumes will greatly aid in the preparation of appropriate school legislation for this State, and are invaluable. In order that we may be more fully in possession of what has been done and what is now doing for popular education elsewhere, I would suggest that a small appropriation be annually made, to procure the more recent and approved works written upon the subject; as well as the journals devoted to education.

* See Appendix (B.)

They would form a desirable and necessary library of reference for future legislators and my successors. A familiarity with what has been written upon popular education, is essential to be known, in order that we may avail ourselves of the experience of others in making reforms, and improving our own school system. Appropriations for such a purpose are not without precedent in other States; and its necessity here, I think, will commend itself to every reflecting mind. In the Appendix† will be found a catalogue of such books as appears to be necessary for the object.

The future revenue for educational purposes in the State, is chiefly to be derived from the sale of lands. By an Act of Congress, passed in 1841, chapter 16, sections 8 and 9, there was granted to each new State that should hereafter be admitted into the Union, 500,000 acres of land for purposes of internal improvement; and by article 9, section 2, of the Constitution of the State of California, the proceeds of this, together with those of all land that may hereafter be granted by the United States to this State for the support of schools, "shall be inviolably appropriated to the support of common schools throughout the State."

That portion of the Act of Congress pertinent to the subject, is as follows:—

Section 8. "And be it further enacted, That there shall be granted to each State specified in the first section of this act, 500,000 acres of land for purposes of internal improvement: *Provided*, that to each of the said States which has already received grants for said purposes, there is hereby granted no more than a quantity of land which shall, together with the amount such State has already received as aforesaid, make 500,000 acres; the selections in all of the said States, to be made within their limits respectively in such a manner as the Legislature thereof shall direct; and located in parcels conformably to sectional divisions and subdivisions, of not less than 320 acres in any one location, on any public land, except such as is or may be reserved from sale by any law of Congress or proclamation of the President of the United States; which said locations may be made at any time after the lands of the United States in said States respectively, shall have been surveyed according to existing laws. And there shall be, and hereby is granted to each new State that shall be hereafter admitted into the Union, upon such admission, so much land as, including such quantity as may have been granted to such State before its admission, and while under a territorial government, for purposes of internal improvement as aforesaid, as shall make 500,000 acres of land, to be selected and located as aforesaid.

Sec. 9. "And be it further enacted, That the lands herein granted to the States above named, shall not be disposed of at a price less than $1 25 per acre, until otherwise authorized by a law of the United States." &c.

The Constitution of California disposes of this grant as follows, and makes other provisions for education:

† See Appendix (D)

ARTICLE IX.

EDUCATION.

Section 1. The Legislature shall provide for the election, by the people, of a Superintendent of Public Instruction, who shall hold his office for three years, and whose duties shall be prescribed by law, and who shall receive such compensation as the Legislature may direct.

Sec. 2. 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 500,000 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 withoutl eaving 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.

Sec. 3. The Legislature shall provide for a system of Common Schools, by which a school shall be kept up and supported in each district, at least three months in every year; and any school district neglecting to keep and support such a school, may be deprived of its proportion of the interest of the public fund during such neglect.

Sec. 4. The Legislature shall take measures for the protection, improvement, or other disposition of such lands as have been, or may hereafter be reserved or granted by the United States, or any person or persons, to the State for the use of a University; and the funds accruing from the rents or sale of such lands, or from any other source for the purposes aforesaid, shall be and remain a permanent fund, the interest of which shall be applied to the support of said University, with such branches as the public convenience may demand, for the promotion of literature, the arts and sciences, as may be authorized by the terms of such grant. And it shall be the duty of the Legislature, as soon as may be, to provide effectual means for the improvement and permanent security of the funds of said University.

These lands have yet to be surveyed and selected before they are available. I am informed by Samuel D. King, Esq., the United States Surveyor for California, that three surveying parties are now and will be for the ensuing winter in the field, and that considerable progress has already been made in the surveys. It is probable that during the coming summer a portion of the 500,000 acres can be selected, and such portions disposed of as may be provided for by law. There is an obvious propriety in having the

selections made at an early day, in order that the best agricultural lands may be secured. If such a provision is made, as well as for the sale, it will afford purchasers the earliest opportunity of acquiring the fee simple to the Public Lands, and be the means of accelerating the permanent settlement of the State. The discretionary power of selection and sale might be left to a board of officers; one of whom, at least, should be the Surveyor General of the State. In his office would be kept maps and schedules of the lands selected for the inspection of those who might desire to purchase. Farming lands, judiciously chosen, would be worth from three to five dollars per acre; and should the law provide that State securities may be taken in payment for them, the School Fund would at once be securely invested. Why seek for other securities than those of the State? Under the Constitution, only the interest of the School Fund can be appropriated to the support of Common Schools: and that fund would be an easy creditor, and should have the benefit of the high rate of interest which the State pays. At the minimum price fixed by Congress at which these lands can be sold, the proceeds will amount to $625,000; and if fixed at three dollars per acre, which they would doubtless bring, the amount would be $1,500,000.

It will also be necessary to make some provision for pre-emption rights, as there are already settlers upon some lands most desirable for selection.

By an Act of Congress approved September 28, 1850, to enable the State of Arkansas, and other States. to reclaim the swamp lands within their limits, California acquired the right to a vast amount of land.* Under this Act, the Legislature, last session, granted to Jno. F. Booth and David Calloway six hundred and forty acres, situated on Merritt's Island, in the Sacramento river, for the purpose of reclamation and agricultural experiments† thereon. The Act provides that, within three years from the survey of this land by the United States Surveyor, the grantees shall pay into the School Fund the sum of one dollar and twenty-five cents per acre. This will eventually yield to the School Fund $800. In several of the States,—for instance, Ohio and Illinois,—it is provided that the nett proceeds of the sales of the swamp and overflowed lands, after defraying the expenses of draining, reclaiming, surveying, and selling them, shall become a part of the Common School Fund. What better disposition could be made of the proceeds of the sales of the Tule Lands than this?

The Tule Lands in California are exceedingly fertile, and could doubtless be reclaimed for one half of what they would sell for after their reclamation.

The Constitution provides, in addition to the sources already alluded to for the support of Common Schools, that "all estates of deceased persons," who may have died without leaving a will, or heir, shall escheat to the School Fund." As yet, there is no requisite legislation to carry out this provision; but it is to be hoped that, during the present session, a suitable

* See Appendix (D) † See Appendix (E)

law will be enacted. If the means, as they accrue, of supporting schools are neglected, no progress will ever be made in their durable establishment.

Another and by far the largest prospective source of revenue for the support of Common Schools, will be that arising from such a grant as Congress may make of School Lands in each township. Formerly, but one section in each township was donated for this purpose; but latterly, as for instance, in Minnesota and Oregon, the sixteenth and thirty-sixth sections have been set apart for the maintenance of Common Schools. The State of California, it is estimated contains 188,981 square miles, or 120,270,720 acres. This will make 5,250 townships. Deducting one-eighth for Spanish grants, tule lands and town plats, and we have 4,594 townships of public lands. Two sections, or 1,280 acres in every township, will give 5,880,320 acres of school lands—to which add the 500,000 acres already granted, and we shall have 6,380,320 acres. Providing these lands yield to the School Fund only one dollar and twenty-cents per acre, the minimum price usually fixed by Congress for them, then from this source we shall eventually have a School Fund amounting to 7,975,400 dollars. This would be truly a magnificent bequest, and one worthy of the El Dorado State.

Not only has Congress heretofore given the two sections in each township for educational purposes, but in Wisconsin, Minnesota and Oregon, seventy-two sections have been granted in each State for the establishing and endowing State Universities. Our Representatives in Congress will, doubtless, see that our claims, in these respects, are not less favored than those of our younger sister States, whenever a law is enacted relating to the public lands in California. In such an Act, it will be requisite to make some provision for the selection of sections elsewhere, than the sixteenth and thirty-sixth in the fractional townships, or wherever these sections include untillable or worthless land.

The Constitution also provides, that "such per cent. as may be granted by Congress on the sale of lands in this State," shall constitute a portion of the School Fund. In other new States, Congress has donated, for a school revenue, a portion of the nett proceeds arising from the sale of the public lands. In Illinois, three-fifths were required to be appropriated by the Legislature for the encouragemant of learning.

In a previous report, I proposed contributing to the School Fund such moneys as might be found due me for military services, in an expedition against the Indians of Mariposa County. Holding a civil office of responsibility and trust, I conceive that office to be entitled to my services; and in accordance with these views, and a previous pledge, I hereby donate to the School Fund of this State, one thousand four hundred and fifty-six dollars, being the amount found due me by the Board of Examiners of Military Claims. This sum is in the form of a Comptroller's Warrant, drawn in my favor, upon the War Loan Fund, and is in the hands of the Comptroller of the State.

From the foregoing indicated sources it will be observed, that the school

revenue of California is destined to be immense; and what we now need is suitable legislation to collect it together as it accrues, provide for its investment, and direct the revenue arising from it in proper channels. Obtaining that, we shall soon have commodious and well furnished school houses, free schools, public libraries, teacher's institutes, normal schools, and a State University, all well endowed, and supplied with the necessary appurtenances for the education of the young. Their establishment and support is a question upon which all parties may agree, and one in which all have a deep interest. It is not a question of to-day alone, but one for all time; and one upon which the prosperity and perpetuity of our democratic institutions depend. To carry out the provisions of such laws, wisely framed, will require the best energies and talents in the land. To secure these, such public officers must needs be suitably rewarded for their services. It cannot be expected, that men will faithfully toil for the public weal, unrequited. "Or, if such men can be found, is it not unworthy the State to save its money by speculating upon their patriotism and philanthropy?" However agreeable the reflection may be of having faithfully performed the duty, something more material and tangible is requisite. Money is no less the sinews of schools than it is of war; and be he instructor or soldier, rations and clothing are necessary for effective service.

The School Fund should be carefully husbanded; for it is a sacred trust about to be committed to our hands, and of which we should render a just account; since it is not ours alone, but belongs also to posterity.

In the Appendix* will be found such school statistics as I have been able to procure. They are imperfect, but as accurate and complete as the means for obtaining them would permit. They have been procured by circulars addressed to various parts of the State, by visiting some portions, in person, and from individuals residing in different sections.

To the Legislature of the State, the important subject of Common Schools has been intrusted, and may it receive that attention which it truly deserves.

All of which is respectfully submitted.

JOHN G. MARVIN,
Superintendent of Public Instruction.

VALLEJO, January 5, 1852.

* See Appendix, (F.)

APPENDIX A.

Books received in exchange or donated to the Library of the Superintendent of Public Instruction, during the year 1851.

HENRY, J.—Address upon Education and Common Schools. 1843.
WHITMAN, J.—Lecture on Home Preparation for Schools. 1846.
KINGSBURY, J.—Lecture of Failures in Teaching. 1848.
WRIGHT, A. D.—Elements of the English Language. 1851.
Common School Journal.

FLORIDA.

Laws establishing a Common School System, and to provide a School Fund. 1848–9.

ILLINOIS.

An Act to establish and maintain Common Schools. Approved February 12th, 1849.
Biennial Report of the Superintendent of Common Schools. 1851.

MAINE.

An Act to provide for the Education of Youth, and the fourth Annual Report of the Secretary of the Board of Education. 1850.
An Act to provide for the Education of Youth, and the fifth Annual Report, &c. 1851.

MASSACHUSETTS.

Tenth, Eleventh, Twelfth, Thirteenth and Fourteenth Annual Reports of the Secretaries of the Board of Education. 1848 to 1851.

MISSOURI.

Sixth Report of the Superintendent of Common Schools. 1851.
Acts relating to Common Schools, with Remarks and Forms. 1851.

NEW JERSEY.

Supplement to the Tax and School Laws of the State of New Jersey.—1851.
Laws relating to Public Schools, with instructions concerning the duties

of County, Town and District officers, and of the inhabitants of districts.—1847.

Annual Report of the State Superintendent of Public Schools. 1849. Do., 1850.

OHIO.

Annual Report of the Secretary of State, on the condition of Common Schools. 1849. Do., 1850.

PENNSYLVANIA.

The School Laws of—with explanatory instructions and forms, prepared by the Superintendent. 1849.

Seventeenth Annual Report of the Superintendent of Common Schools. 1850.

RHODE ISLAND.

Barnard, H.—Report on the condition and improvement of the Public Schools of Rhode Island. 1845.

Acts relating to the Public Schools, with remarks and forms. 1847. Do. 1851.

VIRGINIA.

Acts establishing the Literary Fund, and providing a system of Free Schools, and a system for the education of indigent children in Virginia, together with forms. 1850.

Second Auditor's Report on the state of the Literary Fund, for 1850, and proceedings in the different counties. (Two copies.)

WISCONSIN.

Third Annual Report of the Board of Regents of the University of Wisconsin. 1851.

Educational Documents.

I. Inauguration of the Chancellor of the University.

II. Report of the Board of Regents.

III. Report of the Superintendent of Public Instruction. 1850.

Laws relating to Common Schools, forms, &c., by the Superintendent of Public Instruction. 1849.

Report of the Board of Commissioners of the School and University lands. 1851.

APPENDIX B.

Books, pamphlets and journals relating to Schools, School Systems, and Education, necessary to be purchased for the library of the Superintendent of Public Instruction.

Barnard's School Architecture.
" Report on the Schools and School Systems of Connecticut.
" Hints and Methods for the use of Teachers.
" Tracts on Education.
Mann's Report on Education in Europe.
" Lecture on Education.
" Oration on Education in the United States.
" Letters on Religious Instruction in Common Schools.
The School and School-master.
The Teacher's Manual.
The Teacher Taught.
Hints and methods for the use of Teachers.
The District School as it was, by one who went to it.
Confessions of a School-master.
Report on Elementary Instruction.
The School Teacher's Manual.
Account of the Edinburgh Sessional School.
Channing on Self-Culture.
Sedgwick on Self-training, or Means and Ends.
Smith's History of Education.
A Digest of the Common School System of New York.
Lectures and Proceedings of the American Institute of Instruction, (16 vols.)
Transactions of the Western Literary Institute, (8 vols.)
The School-master's Friend.
Abbott's Teacher,
Theory of Teaching.
Cousin's Report on Public Instruction in Prussia.
Taylor's District School.
Edgworth's Practical Education.
Bache's Report on Education in Europe.
Martin's Education of Mothers.
Brigham's Education and Health.
School Teaching by an Experienced Teacher.
Mansfield, E. D.—American Education—its principles and elements.—1851.
Harrison M.—The Rise, Progress and Present Structure of the English Language. 1850.

EDUCATIONAL PERIODICALS.

The American Journal and Annals of Education, (9 vols.)
The School-master and advocate of Education.
The Monthly Journal of Education.
The Common School Assistant.
The Ohio Common School Director.
The Michigan Journal of Education.
The New York District School Journal.
The Connecticut Common School Journal.
The Teacher's Advocate.
The Common School Journal of the State of Pennsylvania.
Barnard H.—Normal School and other Institutes, Agencies and Means.

APPENDIX C.

AN ACT TO ENABLE THE STATE OF ARKANSAS AND OTHER STATES TO RECLAIM THE SWAMP LANDS WITHIN THEIR LIMITS.

Section 1. Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, that to enable the State of Arkansas to construct the necessary levees and drains to reclaim the swamp and overflowed lands therein, the whole of those swamp and overflowed lands, made unfit thereby for cultivation, which shall remain unsold at the passage of this Act, shall be and the same are hereby granted to the State.

Sec. 2. And be it further enacted, That it shall be the duty of the Secretary of the Interior, as soon as may be practicable after the passage of this Act, to make out an accurate list and plats of the lands described as aforesaid, and transmit the same to the Governor of the State of Arkansas: and at the request of said Governor cause a patent to be issued to the State therefor, and on that patent the fee simple to said lands shall vest in the State of Arkansas, subject to the disposal of the Legislature thereof. *Provided*, however, that the proceeds of said lands, whether from sale or by direct appropriation in kind, shall be applied exclusively, as far as necessary, to the purpose of reclaiming said lands, by means of the levees and drains aforesaid.

Sec. 3. And be it further enacted, That in making out a list and plats of the land aforesaid, all legal subdivisions, the greater part of which is "wet and unfit for cultivation," shall be included in said lists and plats; but when the greater part of a subdivision is not of that character, the whole of it shall be excluded therefrom.

Sec. 4. And be it further enacted, That the provisions of this Act be extended to, and their benefits be conferred upon each of the other States of the Union, in which such swamps and overflowed lands, known and designated as aforesaid, may be situated.

Approved Sept. 28, 1850

APPENDIX D.

AN ACT TO PROVIDE FOR RECLAIMING CERTAIN SWAMP OR TULE LANDS, AND FOR AGRICULTURAL EXPERIMENTS THEREON.

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

Sec. 1. For the purpose of enabling the parties hereinafter named to reclaim and render productive waste lands hereinafter described, by means of drains and levees, and to encourage the further improvement thereof, by cultivation and otherwise, the swamp or tule lands, on that certain Island, lying between and bounded by the Sacramento river and Merritt's slough, or any part thereof, are hereby conveyed and granted to John F. Booth and David Calloway, together with all the claim or interest which the State of California has or may have in and to said lands, by the Act of Congress, approved Sept. 28, 1850, and entitled "An Act to enable the State of Arkansas and other States to reclaim the swamp lands within their limits;" said lands, together with the right, title and interest of the said State of California in and to the same, are hereby confirmed in fee, to the said grantees and their assigns: *Provided*, that nothing in this Act shall prejudice the rights of actual settlers, heretofore acquired; and *provided*, the lands herein conveyed shall not exceed 640 acres; and that within three years from the survey thereof by the United States Surveyor, the said grantees, or their assigns, shall improve said lands by means of drains and levees as aforesaid, and shall pay into the State Treasury, for the benefit of the School Fund of said District, the sum of one dollar and a quarter per acre; and *provided*, further, that said grantees, or their assigns, shall bring said lands under cultivation, and make to the Legislature a full report of the productions, modes of culture, and agricultural capacities of said lands; otherwise this Act shall be void.

Approved May 1, 1851.

APPENDIX E.

SCHOOL STATISTICS.

BUTTE COUNTY—50 Children.

"In answer to your communication, I can only say there is not one school of any kind in the county. It being almost exclusively a mining county, the number of children between the ages of four and eighteen is comparatively small. From the means of judging, I should not think there were more than fifty."

W. T. SEXTON,
County Clerk.

CALAVERAS COUNTY—100 Children.

"I regret that in this county there is nothing on which to report. I do not know of a single school in it, although I believe efforts are being made in reference to a school organization."

JOHN Y. LIND.

COLUSI COUNTY—75 Children.

"There will probably be a school at Colusi the coming summer."

ISAAC DAVIS.

CONTRA COSTA COUNTY—400 Children.

"The District of Martinez and its neighborhood will number upwards of 100 children—nearly or quite 150—and most of them very much in want of education. There is but just the breath of life existing in the apology for a school in the town. I presume it will be defunct ere one month passes away. If it be in your power to procure a first rate teacher, you would confer a great favor upon the residents about this region of country."

OLIVER C. COFFIN, P. M.

"I have been credibly informed that many families in this county employ teachers in their families. School books in use are such as have been brought to the country by different families; and, as a matter of course, are of all sorts."

THOMAS A. BROWN.

EL DORADO COUNTY—100 Children.

No schools of any sort in the county.

"I would suggest that our laws should be changed in relation to gaming. California should keep step with civilization. All the schools in the world would effect but little here, while our State sanctions crime under the garb of law."

S. GORDON,
County Clerk.

KLAMATH COUNTY—50 Children.

No public or private schools yet established in the county.

LOS ANGELES COUNTY—250 Children.

MARIN COUNTY—60 Children.

At the Mission of San Raphael is an English school, numbering about 20 pupils.

MARIPOSA COUNTY—100 Children.

"No schools yet organized."

MENDOCINO COUNTY—70 Children.

There is a school on Russian river, numbering 20 pupils.

MONTEREY COUNTY—500 Children.

In the city of Monterey are two schools, each containing about 40 pupils. There is also a seminary for young ladies, under the superintendence of the Sisters of Charity, numbering about 35 scholars. These schools are supported by a charge of $500 per month for each scholar, where the parents are able to pay. At San Juan there was formerly a Spanish school; but there is none of any kind at present. At this place there are 179 children between the ages of 4 and 18; viz: 44 English or American, and 135 Native Californians.

"I have taken great pains to be as correct as possible in ascertaining the number of children here, and I think there may be a few more in this place than above mentioned. Morality and society are in a desperate condition. I have built a house half a mile from the mission, 20x32, and half way between the American settlers, which I offer to the inhabitants free of rent for a school house; but they appear to be careless and very indifferent about the education of their children.

Yours with respect,
EDWARD SMITH,
P. M. San Juan.

NAPA COUNTY—100 Children.

There are three schools in the county; one of which is at Napa City, containing about 25 scholars. The schools are supported by voluntary contributions and subscription money of pupils.

NEVADA COUNTY—250 Children.

There are four schools in the county, two of which are at Nevada City; another is at Grass Valley; and the fourth at Rough and Ready. The schools are sustained by contributions and money paid for tuition.

PLACER COUNTY—120 Children.

"This County is almost exclusively a mining region, and having but few families there has been but one school within its limits; and that will soon be closed, owing to the removal of the parents." There is a small school at Auburn, taught by a female, who receives twenty-four dollars per week for her services.

H. R. HAWKINS,
Deputy County Clerk.

SAN FRANCISCO COUNTY—1000 Children.

"We are pleased at being able to give a few of the first results of the present Common School system of the city—a system which, under competent direction, is accomplishing for the cause of Education here, all that was hoped. In making an appropriation of money, and passing the ordinance for the establishment of Free Common Schools, the City Council performed a most needed and laudable work—one of the proudest acts of their administration.

In May last, the Common Council, under authority of the Charter, authorized the raising of $35,000 as a School Fund for the present year; a considerable portion of which has already been collected. In September the same body passed the present school ordinance, and appointed Aldermen Ross, Atwill, Gen. John Wilson and Henry E. Lincoln, Esq., to form the Board of Education. These gentlemen chose Col. T. J. Nevins, A. M., superintendent, who has since been indefatigable in his efforts to render the system as immediately and effectually useful as possible. The Superintendent has already organized three flourishing schools, and will soon have the city properly districted, and sufficient schools opened to accommodate all children within its limits."

PUBLIC SCHOOLS.

District No. 1, (Happy Valley,) 163 Pupils.—Mr. Denman and Mrs. Hyde, Teachers. The school house has been found to be too small to accommodate all the children in the District, and the Board have procured

another building, near Rincon Point, where, within a fortnight, a school will be commenced by Mr. Weston.

District No. 2.—Dupont street, between Washington and Jackson, 150 Pupils. Mr. Jones and Mrs. Baldwin, Teachers. The school was organized on Monday last, and is filling up rapidly.

District No. 3.—Powell street, between Green and Union streets, 60 Pupils. Mr. Tracy, Teacher.. Public Schools will be opened at the Mission Dolores and Spring Valley, as soon as possible.

"The school houses now occupied are rented, and have been fitted up in a neat and convenient manner. It is to be hoped that ere long, the city will be able to erect permanent buildings, The Superintendent speaks in high terms of the abilities and labors of the teachers employed."—*Evening Picayune*, Dec. 25, 1851.

The foregoing are Free Common Schools, and are supported out of the City School Fund. In addition, there are the following private schools in San Francisco:

San Francisco Academy.—Rev. F. E. Prevaux, Instructor—Containing thirty-one scholars, each of whom pay ten dollars per month for tuition.

Episcopal Parish School of Grace Church.—Rev. Dr. Ver Mehr, Principal—Numbering forty scholars; girls only. Tuition per month, six dollars.

Wesleyan Chapel Select School.—Mr. Osborne, Instructor. The number of scholars is limited to thirty-three. Tuition per month, from seven to ten dollars.

Saint Patrick's School.—(Happy Valley.)—Father McGinnis, Principal. The number of pupils is about one hundred and fifty. Tuition mostly gratuitous.

Church of St. Francis School.—Father Langlois, Principal. The number of pupils, one hundred and fifty. Tuition mostly gratuitous.

At the Mission of Dolores, there is a private school, numbering about forty pupils.

Besides these, there are several other private schools in the city.

SAN JOAQUIN COUNTY—250 Children.

There are but two schools in the county and those are in Stockton.

"There are but two schools here at present. The one under my charge was opened by me about one year ago, and is now near the close of its fourth quarter.

The whole number of scholars who have attended within that time is, - - - - - - - - - - - 116
Average weekly attendance, - - - - - - - 31
Whole number of males, - - - - - - - - - 76
" " females, - - - - - - - - - 40

The other school has been open between two and three months. The teacher reports eight scholars in attendance without classing them. My school is free, or nearly so as we can well make it in the absence of a sufficient fund. All children are admitted whether they pay or not a small amount being subscribed by citizens towards defraying somewhat the expense of the school. The result of this arrangement has been to nearly double the previous number of scholars in the school, a large majority of whom are from the Western States. If the State is to make provision for schools, I would suggest that it might not be altogether improper to, in some way, consider those schools in the State which have been wholly or in part open to and patronized by the public; and that an appropriation, if made, should be retrospective as well as prospective. This would at best but poorly compensate those teachers for much of arduous duty in what is deemed a disagreeable profession; and that, too, where the public in particular has received the benefit of those services."

With much respect I remain, sir, yours,
W. P. HAZELTON.

SACRAMENTO COUNTY—400 Children.

There are no schools organized in the county, except two Primary and one Academy or High School, in the City of Sacramento.

"This city has never spent a cent for Elementary Instruction. There have been three attempts to get up a school, which have failed after two or three months trial. The school under my charge has been in almost constant session since June 10, 1850. This school will become "Sacramento Seminary, as soon as suitable buildings are provided. My sympathies are with the Common or Public Free School System. In their absence I started a private school. The children in the State are few, yet they need instruction. Let them have it free, at the earliest possible moment."

J. ROGERS.

SAN DIEGO COUNTY—126 Children.

SAN LUIS OBISPO COUNTY—200 Children.

PUEBLO, SAN LUIS OBISPO,
January 7, 1852.

JOHN G. MARVIN, Esq.

"SIR:—Yours of December 5, 1851, was duly received, with regard to schools in this County; there is not one at present. A school was kept

open last summer, at the expense of the County, by a Spanish teacher, but was so grossly neglected that it was abolished. A great part of the children in this County are of American fathers, but none speak the English language; which, of course their parents are most anxious to have them learn, hence the difficulty—that of getting a teacher who understands both English and Spanish—the situation not being sufficiently remunerative for a person having those acquirements. If a school could be established in this Pueblo, I am of opinion, that it would be sufficient for the absolute wants of the County; as in all other parts the population is so sparse, that but few could attend, on account of the distance from one farm to another. Whereas, in this place, children would be sentto board for the sake of attending school. I have acquainted some of the heads of the most respectable families with the purport of your letter, and probably you will hear from some more interested, and better able to inform you on this subject, than myself.

I remain yours truly,"

JAMES D. HUTTON,
Clerk San Luis Obispo County.

SANTA CRUZ COUNTY—200 Children.

In the town of Santa Cruz are two schools—one English, with forty, and one Spanish, with twenty-five scholars.

They are supported by the tuition money paid by the patrons.

SANTA CLARA COUNTY—300 Children.

In San Jose there are two Select or High Schools. One of them is a young ladies' Seminary, containing about ninety pupils. It is under the management of the Sisters of Charity. The other is the San Jose Academy. Through the exertion and liberality of the Hon. G. B. Tingley and several other residents of the city of San Jose, a subscription of $5,000 was raised, in September last, for the purchase of buildings, and endowing, to some extent, the above mentioned Academy. The Rev. E. Bannister is Principal, and his lady and Miss Winlack, are assistant teachers. The school numbers about sixty scholars, each of whom pay from eight to sixteen dollars per quarter for tuition.

At the Mission of San Jose is a Catholic School, numbering about twenty pupils.

In the village of Santa Clara, there are two Primary Schools, numbering about sixty-four scholars. "In addition, there have been two other schools taught in the township. The number of scholars will not vary far from thirty-five."

F. COOPER, P. M,

SANTA BARBARA COUNTY—100 Children.

"There is one school in the town of Santa Barbara, under the supervision of the City Council. There are two teachers who receive together

$70 per month from the city. Both teachers being Chilanians no English is taught—Geography, History, Writing and Arithemetic, being the only branches taught. As there is not one Spanish Grammar in the town, that branch is of course entirely neglected; nor do I know that any exertions have been made to get any books. There is a great deficiency here of school books of every description. The teachers, apparently, are excellent men, and understand their profession.

There is also a school in Santa Inez, under the direction of the Catholic church. English is here taught. There was formerly a school well attended in San Buenaventura, but it has been broken up."

S. BARNEY.

SHASTA COUNTY—50 Children.

No schools established.

SONOMA COUNTY—250 Children.

There are five schools in this county—one at Sonoma, one at Santa Rosa, one at Annally, one at Bodega, and another at Ranch San Miguel. The three former are English schools, and the latter is Spanish. They are supported by contributions and tuition money.

SUTTER COUNTY—75 Children.

SOLANO COUNTY—200 Children.

The following answers to the interrogatories proposed by you are respectfully submitted:

1. What number of children and youths are there within the limits of Benicia, between the ages of 4 and 18 years?

Answer—41.

2. How many schools have you?

Answer—1.

3. How is such school supported?

Answer—In part by money collected for tuition, but chiefly by the City Council.

4. What permanent provisions have you for the future support of schools?

Answer—Only the liberality of the people and authorities; unless certain lands in the rear of the town, ceded to the Council for educational purposes, but at present of very little value, should eventually prove available.

4. Is the school sectarian in character, or supported by the aid of any particular denomination?

Answer—It is not; being properly a city school.

Your obedient servant,

SYLVESTER WOODBRIDGE, Jr.

TRINITY COUNTY—125 Children.

At Uniontown there is a private school, numbering about fifty pupils. It is supported by the tuition money of the scholars.

TUOLUMNE COUNTY—150 Children.

No schools are yet organized, but one soon will be in Sonora. Private instruction is given in several families.

YOLO COUNTY—75 Children.

There are no schools at present in this County, but during the past summer there was one at Fremont.

YUBA COUNTY—150 Children.

"There is but one school in this city (Marysville,) and that is taught by myself and Mrs. Thatcher. The school was opened in December, with about 20 scholars. We now number nearly 30. The classics are taught, as well as the common and higher branches of English education, in this school. The friends of education in this part of the State are anxiously waiting for some action on the part of the Legislature in favor of Common Schools."

TYLER THATCHER.

"I do really hope and trust that the Legislature will be induced to do something for Public Schools. Mr. Thatcher's terms are six, eight and ten dollars per month."

JAMES CUSHING, P. M.

From these estimates it appears that there are about 6,000 children and youths in the State between the ages of four and eighteen years, the most of whom are growing to manhood and womanhood without education or the means of it. In some portions the population is sparse, and several years will elapse before there will be a sufficient number of children to form schools; while in others where there are a sufficient number, no attention whatever is paid to education. From data of a reliable character, there will be a large emigration of families the ensuing year, who design making our state their permanent home. It is to be hoped, therefore, that the State, as well as parents, will perceive the deep responsibility resting upon them, and speedily furnish the facilities for organizing and sustaining a system of Free Common Schools.

REPORT OF THE TRUSTEES

OF THE

STATE MARINE HOSPITAL.

To the Honorable the Senate and House of Representatives of the State of California:

The undersigned, Trustees of the State Marine Hospital, established by Act of the Legislature, April 30th, 1851, beg leave to submit to your honorable body the annexed documents, giving a detailed statement of the past transactions of the Institution and its present condition.

The time consumed in obtaining a suitable building, and preparing it for the reception of patients, prevented the Hospital from going into active operation prior to the 1st of July. Since which time, as will be seen by reference to annexed document, (A,) the number of patients entered has been seven hundred; of these, four hundred and fifty-three have been discharged cured, one hundred and thirty-three died, and one hundred and fourteen still remain: of the whole number, two hundred and forty were Americans, and four hundred and sixty foreigners; and of these, one hundred and twenty-nine were Irish, seventy-five from Great Britain, eighty-two from France, and forty from China. For further particulars, the undersigned respectfully refer to the statement annexed, which contains names of patients, their places of birth, date of entry, and discharge, and disease; as also tabular statement of pay patients, and other statistical information. Document B, also annexed, contains a full account of receipts and expenditures from May 22d to December 31, showing whole amount received from all sources, $39,532 25; and amount of expenditures, $38,093 41; with unaudited bills due for the month of December, $11,347 64.

Among the items of revenue will be found the sum of $10,000 received from the city of San Francisco, in accordance with an agreement made by the Trustees to take charge of the city sick for the annual sum of $30,000.

Taking into consideration the fixed expenses of the institution, such as

rent, medical attendance, &c., which would not be increased by the additional responsibility assumed, the sum fixed upon was, at the time of entering into this arrangement with the city, deemed by the Trustees sufficient; but it was understood by the Trustees, and the representatives of the city, that no loss should be sustained by the institution from the transaction, and the number of city patients having greatly exceeded that which was anticipated, a further sum has since been applied for by the Trustees, and granted by the city.

Many of those entered in document A, as city patients, are perhaps not strictly entitled to the care, either of city or State—having been landed sick from ships or steamers, paying no commutation, and being as yet without residence, but being destitute and without resource, humanity would forbid their exclusion so long as any means might exist of extending them protection and shelter. The number of patients properly belonging to the city is, however, large and increasing: in the opinion of the undersigned, a sum not less than $50,000 will be required from the city during the coming year to meet this expense.

At the foot of tabular statement of receipts (B) will be found an account current with the former Board of Health, showing amount due by them, and for which Section thirteen of the Act May 31, the present institution was made responsible, of $24,818 78, against which the Trustees have received from assets of the old Board only $2,300. The amount for which the Hospital is still liable on this account is $17,256 01, and as the resources of the institution offer no means of meeting this debt, the undersigned would respectfully but earnestly urge upon your honorable body the propriety of adopting some means to satisfy claims which have been so long due. It is not deemed necessary to enter more particularly into the analysis of the statement now submitted. The account itself is minute, and the undersigned believe will be found to contain full information upon every point relating to the financial condition of the institution. Document C shows a list of the number of persons employed in the institution, their rate of compensation, &c.

In respect to the number of assistants and domestics required in the Hospital, and the amount of their compensation, the Trustees have found it necessary to depend mainly upon the judgment of the resident physician, whose position best enables him to decide upon the amount and nature of the service required, and their several fitness for it; but as the institution, becoming more generally known, is attracting numerous applicants for employment, it is confidently anticipated that a material reduction in the expense of salaries, may shortly be effected.

The revenue of the institution from all sources has been found barely sufficient to meet its expenses, and as the number of those claiming its protection may naturally be expected to increase with the augmentation of our population, the undersigned greatly fear that unless further means be appropriated to its support, the institution will not pass through the coming year free from considerable embarrassment. It becomes therefore the duty

of the Trustees to suggest such means of retrenchment in the establishment as may in their opinion be adopted without lessening its efficiency.

The medical staff, now fixed by law at one resident and two visiting physicians, with salaries of $5000 each, should, in the opinion of the undersigned, be reduced to one resident and one assistant resident physician, with salaries not to exceed $4000 and $3000 per annum respectively, a saving to the institution would thus be made of $8000 per annum, and the undersigned confidently believe that the medical force thus reduced would be amply equal to all services required.

The undersigned would also strongly recommend that the power of appointing and of dismissing the medical officers of the institution be devolved upon the Trustees, as the term for which the undersigned were appointed is now nearly expired, it must be evident that no personal motives give rise to this suggestion, but if it be deemed injudicious to place this power in the hands of the Trustees, the undersigned would suggest that the power of removal exist in the Trustees, and that of appointment with the Governor of the State, subject to the approval of the Senate, if the Trustees be considered responsible for the proper management and conduct of the institution, their medium of action should not be an independent agent.

The rent paid for the present Hospital building, $14,000 per annum, is an onerous charge upon the resources of the institution, and one which the undersigned have no immediate prospect of being able to diminish, inasmuch, as buildings of sufficient proportions and in situations free from risk of fire, and not easily obtained.

The attention of your honorable body is urgently called to the necessity of making speedy and ample provisions for the erection of a permanent and suitable building. The amount saved in rent, would, in a few years be equal to the cost incurred, and a degree of comfort would be secured to the inmates of the Hospital, which cannot be attained by any arrangement of a building originally intended for a different purpose, occupied only from motives of temporary expediency.

If your honorable body deem it expedient to relinquish for this purpose to the trustees, the tax on auction sales, the amount received for gaming license, and the license of hawkers and pedlers, the undersigned would suggest the propriety of authorizing the trustees to make the collections, or to appoint an agent, at a moderate salary, for that purpose, if the Treasurer of the institution be not able to perform the service. The trustees believe that the amount of revenue from these sources may be considerably increased by direct collection, and the amount of commissions now paid would go to augment the resources of the Hospital. The undersigned respectfully recommend that the whole Act of May 1, 1851, providing a revenue for the support of the Hospital be reviewed and remodelled; few of its provisions are available, save those exacting the payment of commutation money. Section five is entirely inoperative, owing to absence, in the Act, of penalty for non-performance. Section four is only in part effective, as will be seen in communication from County Treasurer

herewith. Section six has afforded no revenue of consequence, and it has not been deemed expedient to urge strict compliance with its conditions, inasmuch, as by the erroneous wording of the Act, any contribution, however small, would entitle the contributor to the care of the Hospital for twelve months. It is also respectfully suggested, that there may be legal difficulty in enforcing the provision regarding charity boxes, inasmuch as a service is required to be performed without compensation.

It would also seem proper that some period of time should be fixed as a limit to the obligation of the trustees to provide for those who pay Hospital dues. As the Act now reads the obligation is perpetual.

By the misconstruction or evasion of the law, but little revenue has been derived from steamers or vessels plying regularly between southern ports of the Pacific and this. It might be well to invest the trustees with power to compound for a fixed sum per voyage, with ships or steamers, regularly engaged in this navigation.

There are in the institution about twenty paupers, who are now, and ever will be unable to provide for their own support, some of them may be laboring under chronic diseases, but they are for the most part sufferers from the explosion of one of the Stockton steamers. Provision should be made, by the State, for the support of these unfortunate men separate from the Hospital; and the trustees respectfully suggest the procuring, for that purpose, of a small piece of land at a short distance from the city, on which also might be kept the insane patients, who are at present insufficiently provided for, and whose melancholy condition calls for immediate attention.

Such are the suggestions which have occurred to the undersigned, who offer them with deference, and in the full conviction that no claim prompted by humanity will fail to receive ready attention from the honorable body whom they address.

We are very respectfully,
Your obedient servants,

S. R. HARRIS,
President.

J. B. BOND,
Chairman of Committee.

F. D. KOHLER,
BEVERLY C. SANDERS.
JOSEPH C. PALMER,
JOHN A. McGLYNN,
JAMES E. WAINWRIGHT.

REPORT

OF THE

COMMITTEE ON MINES

AND

MINING INTERESTS.

The Committee on Mines and Mining Interests, beg leave to submit, for the consideration of the House, the following report:

They have the honor to report back the accompanying resolutions, which have been referred to their investigation, and which were introduced by Mr. Ridley, of Mariposa, and respectfully recommend their passage. And, in connection with the subject, would further report:

It is evident to any observing and reflecting mind, that of all the different subjects upon which we have been called to legislate, not one is involved in so much doubt and difficulty as is that which relates immediately to the mineral wealth of our State; and which requiries, at our hands, if practicable, the formation of a system of policy calculated to promote the sure and speedy development of the mines themselves, and to provide for the just protection of those whose courage, industry and energy may induce them to undertake such labor.

The subject opens a new field for Legislative wisdom, and in its investigation we find the best settled rules of Political Economy to be at fault, and to avail us nothing.

Reward does not always follow labor—nor do results invariably repay for the necessary expenditure of an undertaking; we might almost say that cause, in this new land of novelty and wonder, has ceased to be followed by its accustomed and legitimate effect.

In a mineral country of almost unlimited extent and resources, presenting an infinite variety of surface and formation, and great inequality in richness, enticing together, in one heterogeneous mass, all the science, and energy, and enterprise of the American people to develop its wealth, and alluring within its borders the avarice, the impudence, and the dishonesty of all nations, to take advantage of and to profit by the wonderful development, it almost surpasses human ingenuity and intellect to devise a system of laws effective in their operations, and co-extensive with the rights and wants of the citizen.

Mining interests present themselves to our consideration in two different relations. *First*—In respect to the proper policy to be pursued by the Federal Government; and, *secondly*, as regards a just system of Legislation under the State authority—and we propose to consider these subjects in this order, and as briefly as may be. The Federal Government has thus far wisely left the Mines of California free to American citizens, subject to their own laws and regulations, devised under novel and unprecedented circumstances, and by those whose situation rendered them the best judges of what was necessary and right in the emergency.

We say such course has been wise, heretofore, on the part of the General Government, because the anomalous state of things here has been such as to render just legislation on the part of Congress absolutely impossible; experience, and accurate information to be derived from experience only, could have enabled the Federal Legislature to pass salutary and efficient laws to control our mining interests and population.

But the "masterly inactivity" to which we accord the best results in the past, will soon, in the future, cease to be that virtue which we have hitherto learned to honor.

"Keep up with the times!" A maxim sound in philosophy and one to which the American people in this age of human progress and improvement listen with more than ordinary attention. *We* should not be unmindful nor heedless of the lesson which it teaches; but as the times and circumstances about us have varied, let it be now our care to conform our policy to the change.

It may not be denied, that whilst the previous system of *free mines* has worked, in the main, advantageously, there have been many accompanying evils. Against these evils experience alone could protect us; and we have hitherto patiently borne with them, rather than by hasty legislation to fly to others we know not of.

Amongst these evils we class, pre-eminent, the concentration, within our State limits, of vast numbers of the Asiatic races, and of the inhabitants of the Pacific Islands, and of many others dissimilar from ourselves in customs, language and education.

The dissimilarity is, in all respects, so great that there can exist by possi-

bility on their part, no desire to become citizens of our country; nor in most cases would it be wise in us to promote such wish, should any exist.

They come amongst us, almost always with different purposes and different intentions from those which bring to us *here*, as on the Atlantic coast, the inhabitants of European countries.

For the latter, who come as freemen to seek a home, to find religious and political liberty, and to become citizens of a Government they have learned to know, to honor, and to love, we have ever the ready right hand of best fellowship.

But there are no reasons of justice or propriety which should induce us longer to permit the indiscriminate immigration of that class of foreigners to whom we have first referred. Most of them arrive here, not as freemen seeking liberty and the pursuit of happiness, but are brought as absolute slaves by their foreign masters and by foreign capitalists, and are held to labor under contracts, which our laws do not recognize, and whose penalties are revolting to our sympathies.

It is but now, after the lapse of several years, that these inhabitants of China and the East, have begun to know the fact, to them sufficiently astounding, that there is a country whose institutions will permit their free ingress and egress, and whose policy has hitherto permitted the whole world to gather, without money and without price, the richest treasures of her mines.

As this fact becomes the better known, and more extensively learned, we must expect a greater increase in this tide of population; and the time is not far distant when absolute prohibition of entry will be necessary for our own protection.

In the first place, then, we respectfully recommend that the attention of Congress shall be called to this subject, and that we forward to our own Representatives instructions to seek a remedy at the hands of the Federal Government by proper treaty provisions, or as their wisdom may suggest; determining here at home to exercise the right of our State sovereignty, and protect ourselves should necessity demand.

And believing, as your committee does, that it is both right and proper to protect American labor upon its own soil against the labor of imported and untaxed slaves, we would further recommend the passage of a law which shall prevent our mines from being overrun by the class above described.

The next evil or inconvenience which demands our attention and asks a speedy remedy, is the absence of all provisions, by the Federal Government, by which our citizens may acquire a title to the mineral lands which they have in possession.

Hitherto, a want of experience has prevented, and wisely too, all positive

legislation upon this subject; but we respectfully submit that the teachings of the last three years have so developed and ascertained the fact in reference thereto, that we may now look to Congress to commence such systems of legislative policy as will best promote the interests of the State and the general good.

Laws should be passed which would lead to permanent and vested rights in the mineral lands, and which would tend to identify the prosperity of the State with the interests of the miner himself.

To secure vested rights, would induce American citizens to emigrate with their families, would bring a class of hardy, honest, and permanent laborers into our mining regions; and instead of the nomadic and wandering population we now have, we should soon see our hills as well as valleys smiling in the possession of delightful homes and permanent settlers.

To effect this object is of paramount importance, as it must be apparent that our State is fast becoming a mere treasury, from which the world is supplied without cost, and without any corresponding advantage to California, and with no adequate return to the common country.

A year, or two years ago, this was not so strongly the case; for a large portion of the precious metals extracted from our mines was then invested in our beautiful valleys and flourishing cities—speculators being as much tempted to try their fortunes by the rapid increase of value of such property, as they had been to make the venture into the bowels of the earth, to gain the first possession of the gold itself.

Again: Two years ago, but little was known of the extent of the quartz veins, now fully ascertained to constitute the principal wealth of our mineral resources. As information is being collected in respect to these veins, and the closest attention being drawn to them, we are becoming more and more aware, every day, of the amount of capital which will be required to work them. As they now exist—parcelled out in small divisions to many persons—held simply by the right of possession, they are of no service to the claimants, and no advantage to the State.

In the large majority of cases, it has been found impossible to form a company, or raise the necessary means to work them successfully; and there are now thousands upon thousands of feet of quartz rock in our mountains, known to contain many millions of money, and yet valueless to the rightful possessor; because, unable themselves to furnish the necessary means to work their shares, they are also prevented from realizing any portion of their value, by sale or lease, as they can transfer no title sufficiently ascertained and assured to induce such investments of capital.

In legislating upon this subject, and for this purpose, the greatest care should be had, so to frame the law and the regulations, as will prevent and guard against an unwise and unjust interference with present possessory rights.

It is known that these quartz veins are now regulated by the rules which have been adopted in various sections of the mineral regions, and which allows to the discoverer —— of feet, and to others —— number of feet; these rules differing in different places, and the number of feet allowed varying with the circumstances of the peculiar locality.

We would respectfully suggest, also, upon this subject, that the law shall conform, as to the extent to be granted to each individual, to the rules and regulations recognized and established by the miners themselves in the particular locality.

The extent or size of claim which man should be allowed, should in all cases be exactly that which he is recognized to hold in possession by the local law established by the miners in the neighborhood.

Their rules are founded in equity and justice, and grants made by the General Government, as are recommended, would secure to the claimants that extent to which they are recognized to be in rightful possession.

This mode of regulating the extent of the donation is absolutely essential to the ends of justice, and is particularly advisable in view of the fact, now well ascertained, that the quartz rock varies, in its value and in the facilities of working it, in different regions; and as these considerations chiefly govern the miners in determining their possessory claims, we shall be sure to do that which is just and right, by adopting the rules which their experience has suggested.

We do not advocate the donation by the General Government of a title in fee, but for a term of years not less than twenty; permitting the original grantee to transfer or work his claim at pleasure, and continuing in the Federal Government, the title in reversion at the expiration of the term.

The State of California to be authorized to levy and collect such taxes upon the assessed value of this property, where held and possessed by individuals, as the Legislature may direct.

In respect to the placers, your committee would respectfully recommend, that the policy of free mines for the present be undisturbed. Let the rules and regulations established by the miners themselves, in their conventions and assemblies, be regarded as the law, and be enforced as such by the proper authorities. We doubt not that the time will come, when these mines, as the quartz veins, will require to be protected by title. Such necessity will exist, when a concentration of labor and capital shall become requisite for their successful development, and will be abundantly foreshadowed by the sagacity and experience of practical miners.

But, for the present, we are sufficiently convinced by our own knowledge as working men, and by the most careful investigation of the sub-

ject, that no change is necessary or desired in the regulation of placer diggings.

As regards that system of legislation to be pursued by the State authority, we beg respectfully to ask that we may be protected by the State from the encroachments of that class of foreigners to which we have before alluded; and that some law may be passed, which may prevent American citizens, and those of European descent whom they recognize and are willing to receive as brothers, from being crowded from the soil of their own or their adopted country, by this alarming inroad of hired serfs.

We recommend, too, that the State shall enact a law to provide for the collection of some slight tax from all persons, not American citizens, who may be permitted to enjoy the privilege of working in the mines; and this tax might well be graduated to fall more lightly upon those who have, in good faith, recorded their intention of becoming permanent citizens of the country.

The levying of this tax is imperiously demanded by the mining population, and the propriety of so doing is abundantly vindicated by every consideration of justice.

Nor will those who come amongst us from strange lands, if they deserve that protection which our laws extend to them, decline to contribute their support to the government whose protection they ask.

Let not the tax be onerous, and provide amply that, where a person has once paid his quota, he may not be imposed upon by a renewed demand for the same period: with such other guards and checks as your wisdom may suggest; and we feel convinced your law will work both well and wisely.

In conclusion, we may not leave this subject without adverting to a reproach which has more than once during this session of the Legislature, been sought to be cast upon the mining counties and the mining population. We have been charged, at various times, and from various quarters, with evading the payment of those taxes which were justly due from us to the State; and this assertion has been repeated here and elsewhere, until many who looked at first but lightly upon the charge, have almost come to believe it true. If all could understand, by knowing as we do, what has been heretofore the peculiar and unsettled condition of our mountain counties; how our people have been led about from place to place by varying causes; and how difficult has been the enforcement of any law from the very uncertainty of what the law was; and how many things, indeed, how everything, has contributed and conspired to produce the results we have witnessed, then might we expect those allowances to be made for us which our situation has deserved.

As each year, however, brings with it a more permanent and fixed population, and increases those facilities of intercourse and communication which ever knit more closely our own people, we shall find that all causes of distrust, and coldness, and jealousy will have disappeared.

And as time and experience shall make known our wants and enable us to frame a system of laws which will work with oppression to *none*, and advantageously to all, we shall see gradually gliding away that spirit of discontent which has threatened the best interests of California, and the Pacific, by engendering the desire for an unwise and too hasty division of our State territory.

Respectfully submitted,

JAMES K. GARDNER, *Chairman*,
AUSTIN WING,
P. CANNEY,
THOS. E. RIDLEY,
GEO. E. YOUNG,
J. N. TURNER,
JESSE BRUSH.

April 16th, 1852.

RESOLUTIONS ACCOMPANYING THE REPORT.

Be it Resolved, That, in the opinion of the Legislature, the mines should be left free to be worked by American citizens, and such as have declared their intention to become citizens. That the title to the mineral lands should remain the property of the whole Union, and that possessory rights, as they now exist under the laws and regulations of the different mining localities, should be recognized and sanctioned by the authority of Federal Legislation.

Resolved, That our Senators in Congress be instructed, and our Representatives requested, to urge the passage of a law which shall protect our citizens in the enjoyment and possession of such property as they have acquired or improved by the investment of capital or labor, under the rules of mining communities.

Resolved, that the importation by foreign capitalists, of immense numbers of Asiatic serfs, and Mexican and South American peons, is daily becoming more alarming; and, in the opinion of the Legislature, will, if not speedily checked, disturb the peace and prosperity of our mining regions; and, to the end that we may escape this calamity, we hereby request our Senators and Representatives, to urge upon Congress a just consideration of our mining interests, in the hope that their wisdom may provide such prompt remedy as the emergency demands.

Resolved, That the Executive of the State be requested to forward to our Senators and Representatives in Congress, a copy of the foregoing Resolutions and accompanying Report.